

Language for Lawyers

by Gertrude Block



Question: *In high school grammar, I was taught that you lay something down, but you lie down. Does anyone else but me still use the phrase lie down to mean recline? Is that rule no longer in effect, or was my English teacher wrong?*

Answer: Your English teacher was correct, and so are you. What has happened is that the rule you learned has disappeared because almost nobody obeyed it, and only a few people have noticed its disappearance. People often notice when new words appear, but hardly anybody notices when they disappear. (Consider, for example, coinages like Stephen Colbert’s “truthify” and the politically inspired phrase “girlie-men.”)

This happens with grammatical rules also. People ignored the rule governing the phrase *lie down*, probably because it set up a distinction between verbs that require an object and verbs that do not. Those who thought about it at all apparently deemed the distinction unimportant. But if you believe it is important, you should retain it. As poet John Ciardi said, “Those who care [about language change] have a duty to resist. Changes that occur against ... resistance are tested changes. Our language is better for them—and for the resistance.”

For example, readers send me e-mails insisting that the verb *loan* is ungrammatical: the correct verb is *lend*. But the large majority of Americans decided that such a distinction was unimportant, so they dropped it. Another word you have probably not heard recently is the adjective *credulous*. I regret that loss because it has eliminated a nice distinction between *credible* (“believable”) and *credulous* (“believing too readily” —thus, “gullible”). But a great majority of the public apparently disagrees.

Another word I miss, but most English speakers find dispensable, is *disinterested*. The loss of *disinterested* probably occurred because English speakers thought *disinterested* was a synonym of *uninterested*. (If so, why retain both?) But *disinterested* does not mean *uninterested*. *Disinterested* means “unbiased or objective”; the word *uninterested* means “without interest.” The word *uninterested* is especially useful in legal matters, but now it is seldom seen.

Another modifier that was once an antonym of *eager* has now become its synonym. Are you *anxious* to go for a swim on a hot day? If so, you have adopted the more recent meaning of *eager*, as a synonym of *anxious*. For to be “anxious” used to mean “worried” that something unpleasant would occur. The word *eager* applied only if you looked forward with pleasure to a coming event.

Sometimes a change in meaning starts when a well-known individual reaches for one word but blurts out another. If enough people copy his error, the wrong word survives, wiping out the traditional word. This seems to be occurring with the substitution of *enormity* for *enormousness*. To describe behavior as excessively wicked or outrageous, only the noun *enormity* used to be appropriate.

The other noun, *enormousness*, described only “enormous in size or significance,” like “The enormousness of the elephant was awesome.” But when *enormity* became substituted for *enormousness*, with the meaning of size or significance, the noun *enormousness* was largely forgotten. Even our current President has approved of *enormity* as meaning “extremely large,” so the convenient distinction between the two words has been lost.

In the case of the words *averse* and *adverse*, the selection of the wrong word is easy to make. And *averse* is losing out. The words are lookalikes, both meaning “opposing.” But they are not synonyms. *Averse* is more potent, indicating strong disinclination or opposition. *Aversion*, the noun form of *averse*, is even stronger, indicating extreme distaste, as in, “He has an aversion to spinach.” *Adverse* can have a milder sense than *averse*. Besides “opposing,” *adverse* can mean “contrary to the speaker’s interests or well-being.” Its softer sense also belongs in contexts like “adverse weather conditions.”

But sometimes choosing the wrong word causes only a good laugh. A law student trying to sell a piece of furniture said it was “a genuine Chip and Dale chair,” and another wrote in a final examination, “There’s not a soup can of evidence.” Finally, a lawyer, intending to compliment a friend, described him as a “self-defecating” individual. (He got just a couple letters wrong—he meant “self-deprecating.”)

From the Mailbag

The column in the July/August **Lawyer** inspired Peter LaVigne to e-mail the following note about count and noncount nouns, which were discussed in that issue: “If we don’t stop overfishing, soon there will be not only less fish but fewer fishes in the sea,” and “When I eventually retire from my partnership, I look forward to paying less tax and fewer taxes.” ☺