

**Q.** Are the verbs *presume* and *assume* synonyms? If not, which would I use in the question, “Am I correct to (presume/assume) that you live in New York?”

**A.** In the context you selected, either *presume* or *assume* would be correct. Both are defined as “take for granted without proof.” However, each verb can be used in some contexts in which the other would not be acceptable. *Presume* also means, “to undertake” in the context, “He presumes to speak for his wife.” In legal contexts, *presume* carries the sense of “to take for granted in the absence of proof to the contrary.”

*Presume* can also mean, especially in the negative, “to act with impertinent boldness,” in a sentence like, “Do not presume to speak for everyone present.” The noun form, *presumption*, can also carry that inference: “It was a presumption on his part to act for the rest of us.”

On the other hand, *assume*, which is a synonym of *presume* in the sense of “to accept as true, without proof,” can also mean, “to undertake,” as in the following context: “to assume an obligation.” It also means “to take on duties,” as in the phrase, “to assume office.” But *assume* might have the sense of “to feign or pretend,” as in “He assumed a humility he did not feel.”

The meaning of *assume* also differs from *presume* in a statement like “The militants assumed control,” in which *assume* means, “to appropriate or seize.” And it can mean “to take upon oneself,” as in “She assumed the debts of her spouse.”

However, both legal and lay dictionaries list the two words as synonyms, and courts regard them as such. The following excerpts are from court opinions:

- To “presume” is defined by Webster as “to assume” to be true, or entitled to belief without examination or proof. *Ferrari v. Interurban St. Ry. Co.*, 103 N.Y.S. 134, 136, 118 App. Div. 155.
- The word “presume” is defined as meaning “to venture, go, or act by

an assumption ...,” *Pearce v. State*, 132 S.W. 986, 987 Ark. 5.

- [T]he word “presume” means “to assume beforehand ...,” *Com. v. Lavery*, 73 N.E. 884, 188 Mass. 13.

The reader who submitted this question believed that the verb *presume* implied more definiteness and that *assume* implied that future information might change the language; but even though that distinction might be helpful, it does not exist.

#### From the Mailbag

In the October “Language for Lawyers” column, in response to a reader’s question, I wrote that “personification,” the endowing of human characteristics to nonhuman objects, “has enriched the English language since ancient times and is acceptable as figurative speech.”

A faithful reader, Attorney Laurel H. Rabin, took exception to that comment about personification. She wrote that the government agency for which she works counsels writers to “avoid personifying non-human entities and attributing emotion to them. ... [For example,] programs do not *need*, they *lack*.” Rabin argued that avoiding personification in ordinary text keeps language precise and asked, “Why personify an agency in a sentence if it isn’t appropriate?”

Her point is well-taken. If personification is inappropriate or interferes with precision, it should certainly be omitted. As Rabin noted, her remarks applied only to personification in “ordinary text.” She would probably agree that, when personification is precise and appropriate, it can clarify legal writing and make it memorable. The following lines, which I chose at random from the writing of lawyers and nonlawyers on legal subjects, illustrate the power of personification in making a point:

- “The courts are institutional cripples, stumbling along in the pattern of an outworn tradition, compiling a record of incredible inefficiency.” (John Lindsay, Address to the Bar of the City of New York, Feb. 21, 1970.)
- “Democracy is no harlot to be picked up in the street by a man with a tommy gun.” (Winston Churchill, *The Wisdom of Winston Churchill*, 1956.)
- “Law must be stable, and yet it cannot stand still.” (Roscoe Pound, *Introduction to the Philosophy of Law*, 1922.)
- “Law is the backbone which keeps man erect.” (S.C. Yuter, *Bulletin of Atomic Scientists*, October 1969.)

#### Potpourri

A reader sent a clipping about the Chevy Nova Award, given several years ago in honor of the General Motors fiasco in marketing the GM Nova model in Central and South America, where “no va” means “it won’t go.” Some of the other competing entries are listed below.

- Clairol introduced the “Mist Stick,” a curling iron, in Germany, then discovered that, in German, “mist” is slang for “manure.”
- Colgate introduced a toothpaste in France called “Cue,” which turned out to be the name of a notorious French porno magazine.
- Pepsi Cola’s marketing slogan, “Come alive with the Pepsi generation,” translates in Chinese into “Pepsi brings your ancestors back from the grave.” **TFL**

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