

Q. I am researching the meaning of the statutory phrase, “mental or physical incapacity or incompetence.” My instinct tells me that the adjectives “mental” and “physical” modify both “incapacity” and “incompetence,” not just “incapacity.” I am unable to find any authorities that deal with this question. Your help would be appreciated.

A. Your “instinct” fails because the disjunctive *or* separates the two nouns (*incapacity* and *incompetence*). The meaning of the statement, therefore, is that “either mental *or* physical incapacity *or else* incompetence suffices” (for the result to occur). The word *incompetence* is sufficient by itself; it is stated unequivocally. My thanks to correspondent Attorney Joel Miller for his interesting question.

Q. What do you call the expression “I would” when a person who is being interviewed inserts it before a verb while answering a question? For example, in answer to a question the speaker responds, “I would guess that ...” or I would think that”

A. I don’t know that there is a name for that expression, but the insertion is used to qualify a comment about the subject under discussion. Probably a better name for it would be “hedging.” The questioner has probably hit a sensitive topic that the speaker would prefer neither to affirm nor to deny, but he cannot remain silent. He is also unsure about which side the majority of his listeners support. So he responds “on tiptoes,” ready to execute a U-turn if his answer gets him in trouble.

Other cautious comments may indicate a “sitting-on-the-fence” attitude toward a subject. The double negative *not unhappy with* or *not unaware of*, or any other *not-un* expression indicates an unwillingness to respond categorically. Again, the speaker is trying to avoid offending anyone and to provide a safe retreat if he does.

The reader who sent this question submitted as an illustration the response that a politician made to an interviewer who asked a speaker to compare the current recession to the Depression of the 1930s. The speaker relied on the

politically safe answer: “This recession is not unlike the great Depression of the 1930s.” (Well, is it or isn’t it? We can’t tell for sure from the answer.)

In his “Politics and the English Language,” George Orwell suggested the typical answer of a hypothetical politician responding to a question he wishes he hadn’t been asked: “To my mind, it is a not-unjustifiable assumption.” The single benefit of that answer is that it says nothing. Orwell satirized the *not-un* construction in his classic sentence: “A not-unblack dog chased a small rabbit across a not-ungreen field.”

Both the *I would* construction and the *not-un* constructions say more about the speaker’s attitude toward a subject than about the subject itself. So do words like “frankly,” “to be honest,” and “truthfully.” Recently, another reader criticized these phrases, calling them “throwaway phrases.” He complained that these and similar phrases have proliferated in recent years, and he wondered why.

Coincidentally, on television that day, Patrick Buchanan (of “The McLaughlin Group” and other news programs) commented, “We can’t win the war in Afghanistan. ... And, frankly, we have no exit plan either.” There may be at least two reasons to insert this language into one’s remarks: As the speaker, you want to emphasize the point you are about to make, and you need a moment to formulate your thoughts.

But does the insertion accomplish that purpose? Probably not. The reader added his own feeling about *frankly*, and the like: “I tell my family: if you say ‘frankly’ about these comments, what am I to think about the reliability of the rest of your speech?”

From the Mailbag

Correspondent Karl Hormann writes that he was fortunate to have had female relatives who corrected his grammar.

His grandmother, he says, would have objected to the statement in the July column that, although only humans are referred to by the personal pronoun *who*, if people are talking about a family pet, they would probably refer to the pet as *who*, not *that*. Mr. Hormann seems to disagree. He wrote, “I wonder what my grandmother would have said if I had said something like, ‘Your dog *who* caught the fox. ...’”

I agree that the quoted construction sounds odd, for it isn’t idiomatic English. Consider, however, a statement like, “Our dog Cuddles, *who* thinks she is a member of the family, loves to ride in a car.” Many pet owners would select *who*, not *that* as their preference in that sentence. You can notice the difference between *that* or *who* in the two statements below:

A dog *that* is unleashed is running around in our yard.
My dog Flopsy, *who* is unleashed, is running around in our yard.

The two sentences also indicate the difference between restrictive and non-restrictive relative clauses—a subject for another column.

But grandmothers are known to be always right, and this is no exception. In your grandmother’s time, the grammatical rule was stated categorically: “Refer to a person as *who* and refer to everything else as *that* or *which*.” That rule was so often breached, however, that it has eroded, so that today it is grammatically correct to refer to persons as *that* “when a class, species, or type is meant.” (See William A. Sabin, *Gregg Reference Manual*, 8th edition, p. 236.)

Thus, a statement like, “People *that* walk on the grass of private homes are subject to the law of trespass,” is considered correct today, but was not during your grandmother’s time. But many older readers have sent e-mails deploring the change in the rule. **TFL**

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