

Q. Please write a column about the correct use of the pronouns *whoever* and *whomever*.

A. My thanks to Pennsylvania attorney George Nofer for this suggesting this subject, which should interest many attorneys. The rules governing the pronouns *whoever* and *whomever* are the same as the rules governing the relative pronouns *who* and *whom*, so I'll discuss those rules. But after discussing the traditional rules, I must add that the rules are "honored more in the breach than the observance."

The rules governing *who* and *whom* (and *whoever* and *whomever*) did not exist until the Age of Reason, which began at the end of the 17th century and took hold in the 18th century. Until then even the best authors were unconcerned about whether to use the subjective case *who* or the objective case *whom* in their writing. Among them, Shakespeare, Marlowe, Goldsmith, Thackeray, and the authors of the King James Bible made little attempt at consistency.

But during the late 17th and the 18th century, the "school masters" came to believe that the "barbarisms and corruption" of even the best authors must be eliminated to improve and "fix" English so that it would not change. Led by Bishop Robert Lowth, these influential non-linguists accepted the burden, using Latin as a grammatical model and mathematics as a formula.

For example, the relative pronoun *who* must always be in the subjective case (compare the Latin nominative case), and *whom* must be in the objective case (compare the Latin accusative case). And when the relative pronoun was the object of a preposition, it must also be in the objective (Latin-accusative case). No deviation from this rule would be permitted.

To decide whether to use *who*, the simple test would be whether the personal pronoun *he* would be correct. If so, the choice would be *who*. If the test indicated that *him* or *her* would be correct, the proper choice would be *whom*. (The earnest revisionists could not foresee future youthful comments like, "Me and her went to the mall yesterday.")

All of the following statements would be considered correct:

- John is the person who notified me. (He notified me.)
- John was called by the person to whom I spoke. (He was called; I spoke to him.)
- I cannot say who it was that called to tell me. (He called to tell me.)
- John is the man with whom I talked about my trip. (I talked with him.)
- Whoever leaves last should close the door. (He who leaves last ...)

However, the earnest revisionists were unaware that usage prevails over "rules." And despite their effort—and the best efforts of middle-class schoolteachers who attempted to teach (though failed to obey) the 18th century grammar books—these "rules" have been largely ignored. The uneducated were unaware the rules existed; the upper classes ignored them, and even the middle classes, who could state the rules, failed to remember to use them.

An anecdote sent to me by reader Richard Bales, author of a biography of writer Kenneth Roberts, epitomizes the result. Kenneth Roberts greatly admired Benedict Arnold, and on the dust jacket of Mr. Bales' book about Roberts this sentence appeared (written by the book's editor): "Roberts had his passion ... , Benedict Arnold, *who* (my emphasis) Roberts believed to be the most famously wronged man in American history."

If that statement seems correct to you, it did not seem correct to Mr. Bales' mother. As soon as she saw the sentence, she wrote to the editor that *who* should be changed to *whom*—arguing her point so forcefully that the editor made the change, thus making the sentence incorrect! (The operative rule stated in 18th century grammar was that the case of the relative pronoun *who/whom* is decided by its function in its own clause: Roberts believed that *he*—Arnold—was the most famously wronged man in American history (*he* thus *who*.)

So, observe the *who/whom* (*whoever/whomever*) rule if you have taken the trouble to learn it and either approve of it or want to show that you recall it. I try to observe it, partly because I enjoy the mental challenge of using it and partly because if I do not observe it, I will receive chastising e-mails. The fact is, however, that the rule is moribund. And very few English-speakers will mourn its passing.

From the Mailbag

Sacramento, Calif., reader James Kirby writes that among his favorite "Windbaggian" expressions are "It having been determined that," which he argues could be shortened to "because" or "since," and "Further affiant sayeth not," which, he points out, is conveyed by the period at the end of the previous sentence.

This second (archaic) phrase, which was originally, "Further affiant sayeth naught," still appears in many documents. Some time ago it was presented to a group of lawyers, none of whom could define it. Even the few who thought they knew what it meant got it wrong. (It means, "The person who made this affidavit has nothing more to say about it," or, inelegantly, "That's all, folks!")

A second statement, also archaic—but common in legal forms—that the unfortunate lawyers were asked to explain was, "Know all men by these presents." The lawyers who thought they understood this statement believed that the word "presents" meant "gifts." Wrong. Instead, "presents" is probably an abbreviation of the word "presentment" (a formal statement laid before a court or person in authority about a matter to be legally dealt with). Thus the statement merely means that "all those men who are in attendance should be aware by this document that the matter at hand is to be dealt with legally." **TFL**

Gertrude Block, lecturer emerita at the University of Florida College of Law, can be reached at block@law.ufl.edu or by snail-mail: Gertrude Block, Lecturer Emerita, Emerson Hall, University of Florida, Gainesville, FL 32611.