Language for Lawyers

by Gertrude Block

Question: *Could you please comment on the following language containing a double-possessive? This practice bothers me because it is redundant and inelegant. It is also common. I have seen the double-possessive at the highest editorial levels; it recently appeared in a headline in the* Washington Post. *An example is: "Mary is a friend of Joan's."*

Answer: Gettysburg attorney Donald Marritz is right: The redundancy occurs because that sentence contains two possessives, one of which is unnecessary. The word *of* denotes possession, the *apostrophe's* adds a second possessive signal, and the result is redundance and inelegance. Why not just say "Mary is a friend of Joan" or "Mary is Joan's friend"?

You could. But English contains many redundancies, some acceptable, some not. Consider "He is a friend of mine," which includes both the possessive *of* and a possessive pronoun (the possessive pronouns are *mine, yours, his, hers,* and *theirs*). To most of us, that seems acceptable. In fact, the construction has been standard English for so long that it is idiomatic and does not seem "inelegant," although it is just as redundant as "Mary is a friend of Joan's."

A third usage is just as common, "Mary is friends with Joan." But it is usually considered to be both inelegant and incorrect. Although its construction creates a possessive meaning without a possessive indicator, all native-English speakers understand it, although it may puzzle foreigners. The ungrammatical construction, in which the singular proper noun *Mary* is referred to as a plural appositive *(friends*) is widespread and may soon become an idiom.

Another still-incorrect usage attaches the adverb *there* to a singular verb that (correctly) should be plural. ("There's many reasons for ..." should be "There are many reasons for.") Correct usage requires that the number of the verb that follows the adverb *there* depends on the number of the following noun. Thus, "There are several reasons ...", but "There is a reason ...." But wide and constant usage will ultimately decide correctness, as it always does.

Question: Could you please discuss other redundancies like "old adage" and "decapitated head?"

Answer: There are a lot of these; in fact, you may be using some yourself without realizing it. For example, most of us use the phrase "shrugged his shoulders," which is redundant, because the word *shrug* by itself means "raise shoulders"? How about "ad hoc task force," which is redundant because the Latin *ad hoc*, alone, means "for this purpose"? Both of these are so well accepted, however, that they are probably now idiomatic.

You recognize the redundancy of *final outcome, old adage, demented mind, excised out*, but would you criticize the language, "a favorable prognosis of *coming events,*" which you often see in the news. But you no dought object to this comment, by a court reporter :"a wife's rights are as paramount as her husband's." How about, "both parties agreed," which you hear on news reports? Or "consensus of opinion," which seems ubiquitous? (Speaking of "ubiquitous," I've seen the phrase *ubiquitous everywhere*. If you have an opinion on this subject, send it to me.

Potpourri

A Pennsylvania lawyer has expressed his concern that the word *allude* may soon expand and become synonymous with . He fears that the verb *allude,* which used to mean "refer to directly" "has recently widened, so that it now means: "refer to indirectly." In Maryland where he practices, lawyers and even judges are "constantly stating in open court" that they "alluded" to something that they had only "referred" to. The correspondent adds that "allusions," often found in creative writing, have also begun to appear in legal writing, where they have no place.

Another correspondent worries about the verb *outline.* He points out that to outline an argument has traditionally meant "to summarize or highlight its main features." Yet lawyers and judges are now using it to refer to a "thorough and detailed" procedure. The reader is correct. But the widening and narrowing of English words is common and traditional, so he will have to hope that the new usage is confusing and will disappear on its own. ⊙

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