BOOK REVIEW ...

Eats, Shoots & Leaves: The Zero Tolerance Approach to Punctuation

BY LYNNE TRUSS
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REVIEWED BY JAMES SPETA

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It seems appropriate to begin with a confession: Lynne Truss had me on page 4. After declaring that routine, public misuse had made it "tough being a stickler for punctuation," (p. 2) she allowed that she was also "well aware there is little profit in asking for sympathy for sticklers. We are not the easiest people to feel sorry for. We refuse to patronise any shop with checkouts for 'eight items or less' (because it should be 'fewer'). … " (p. 4) Although my own grocery-buying habits have never (consciously) changed, I have apparently referred to the matter of "less or fewer" frequently enough that it has worn thin with my own children, ages 7 and 9.

Eats, Shoots & Leaves is an entertaining read because Lynne Truss corrals a large number of common punctuation errors and allows her British-intoned invective wide range. After providing several examples, she says, dearly: "The confusion of the possessive 'its' (no apostrophe) with the contractive 'it's' (with apostrophe) is an unequivocal sign of illiteracy and sets off a simple Pavlovian 'kill' response in the average stickler." (p. 43) Or the following, on commas: "As with other paired bracketing devices (such as parentheses, dashes and quotation marks), there is actual mental cruelty involved, incidentally, in opening up a pair of commas and then neglecting to deliver the closing one. … In dramatic terms, it's like putting a gun on the mantelpiece in Act I and then having the heroine drown herself quietly offstage in the bath during the interval. It's just not cricket." (p. 91) Readers who have on their shelves *Fowler's Modern English Usage* (second edition) and who enjoy that edition's simultaneous displays of opinion and of rigor are Truss' most natural audience.

What is the place of *Eats, Shoots & Leaves* in the law school world? There is hardly need of another writing manual, and Truss is not writing for lawyers. I have nevertheless recommended *Eats, Shoots & Leaves* to students in my third-year seminar, for I think the book fills an important niche alongside some combination of Bryan Garner; Helene Shapo, et al.; Laurel Currie Oates, et al.; William Strunk and E.B. White; and other favorites. *Eats, Shoots & Leaves* is a good refresher for students (and, boy, do they need it). And the tone is exactly that which I think appropriate (sometimes) to take with students. Do they not realize that writing effectively is the lawyer's principal tool of persuasion? Do they not know that judges, not to mention professors, react to grammar, punctuation, and related errors harshly? Apparently not.

More than that, however, I think that *Eats, Shoots & Leaves* usefully bridges a gap in the available manuals, each of which is principally directed either to technical usage matters or to matters of style. The *Chicago Manual of Style* covers all of the punctuation rules that Truss addresses and more, though decidedly with less style. On the other side, Garner or Shapo provides all of the writing style advice that a law student or lawyer needs to discipline a memorandum or brief.

The important connection *Eats, Shoots & Leaves* makes between these works is between punctuation as a technical exercise and punctuation as a stylistic device. As Truss explains, sticklers often battle amongst themselves over proper punctuation (especially over the appropriate number of commas). Truss relates some of the disputes between humorist James Thurber and his New Yorker editor Harold Ross over comma placement. "Thurber was once asked by a correspondent: 'Why did you have a comma in the sentence, "After dinner, the men went into the living room"?' And his answer was probably one of the loveliest things ever said about punctuation. 'This particular comma,' Thurber explained, 'was Ross's way of giving the men time to push back their chairs and stand up.'" (p. 70)

This anecdote reveals "the mixed origins of modern punctuation, and its consequent mingling of two quite distinct functions: 1. To illuminate the grammar of a sentence; 2. To point up—rather in the manner of musical notation—such literary qualities as rhythm, direction, pitch, tone and flow." (p. 70)

Consider the following possible starts to a brief.

- "Plaintiff's reliance on the consumer expectations test is misplaced. Here, the good was complex and intended for sophisticated users, and only the risk/utility test applies."
- "Plaintiff relies on the consumer expectations test, but this case concerns a complex good, intended for sophisticated users, and only the risk/utility test applies."
- "Plaintiff relies on the consumer expectations test. This case, however, concerns a complex good, intended for sophisticated users, and only the risk/utility test applies."
- "Plaintiff relies on the consumer expectations test; this case, however, concerns a complex good, intended for sophisticated users, and only the risk/utility test applies."

All of the standard legal writing manuals would wave the reader off of the first construction in favor of the other three. The manuals also suggest that the third construction is better than the second. In my experience, the last construction is the best. In the third, the full stop after the statement of the plaintiff's position accords the plaintiff too much dignity; it allows the reader, while stopping, to agree. The second solves this problem through a compound sentence, which moves the reader to the conclusion. But I believe that the last option is more forceful and therefore better than the second. The semicolon immediately signals that the plaintiff's premise is wrong. As Truss says, "Expectation is what these stops are about; expectation and elastic energy. Like internal springs, they propel you forward in a sentence towards more information. …" (p. 114) The compound sentence (example two) does not hammer in the same way the semicolon allows: the semicolon lifts the reader up, and what immediately follows lands with more force (emphasizing that the plaintiff does not understand *this* case). This is but an illustration of what we (in my former appellate practice) called "writing downhill": attempting to inexorably draw the reader down into agreement. Using punctuation to create pacing, it also avoids tired and ultimately ineffective adjectives (nonsensical!), adverbs (clearly!), and vague generalizations (misplaced!). All manuals warn against these, but maintaining the forcefulness of advocacy without them is trickier. Truss provides tools, and instructions, that help enhance writing's force.

Truss also usefully differentiates two of the most overused punctuation devices in brief writing: parentheses and dashes. Legal writers are too fond, as many have noted, of the asides and qualifications that these bracketing devices allow. But, occasionally, such is necessary, and then one must distinguish between the two. I found Truss' cut enlightening (following supporting examples, which I will omit). She says that parentheses "half-remove the intruding aside, half-suppress it; while the dashes warmly welcome it in, with open arms." (p. 160) Again, the punctuation conveys the quality of emphasis, with parentheses indicating an aside or a confidence, or perhaps a snide remark, while dashes increase the offset matter to a level equal to or greater than the main sentence.

At bottom, *Eats, Shoots & Leaves* will entertain those who care about writing. If you can get away with assigning it, it has the potential not only to instruct but to develop writers as well.

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