

Eats, Shoots and Leaves

***Eats, Shoots & Leaves: The Zero Tolerance Approach to Punctuation* is an excellent book by Lynne Truss which reminds us about the importance of clear writing and accurate punctuation.**

In recent years, everywhere we turn there are articles, guides and courses reminding us how important communication skills are for the legal profession. People have made careers out of teaching us the importance of communicating clearly to clients, colleagues, management and courts. Part of this skill is writing in plain English with clear sentence structure and accurate punctuation.

Lynne Truss's book provides some examples about why commas are important for the legal profession.

"Although it is not true that the legal profession has historically eschewed commas altogether, one begins to realise there is a sensible reason for its traditional wariness. It is sometimes said, for instance, that Sir Roger Casement (1864-1916), the Irish would-be insurrectionist, was actually "hanged on a comma", which you have to admit sounds like a bit of very rough justice, though jolly intriguing. How do you get hanged on a comma, exactly? Doesn't the rope keep slipping off? Well, having landed in Ireland in 1916 from a German submarine, Casement was arrested and charged under the Treason Act of 1315, where-upon his defence counsel opted to argue a point of punctuation - which is the last refuge of the scoundrel, of course; but never mind, you can't blame the chap, it must have seemed worth a go. His point was that the Treason Act was not only written in Norman French but was unpunctuated, and was thus open to interpretation. The contested words in question, translated literally, were:

If a man be adherent to the king's enemies in his realm giving to them aid and comform in the realm or elsewhere...

Casement's defence argued that, since Casement had not adherent to the king's enemies "in the realm" (indeed, on the contrary, had scrupulously conducted all his treasonous plotting abroad), he was

not guilty. Now, I guarantee you can look at this set of words for hours at a stretch without seeing any virtue in this pathetic contention. Casement was clearly condemned by the phrase "or elsewhere", regardless of how you punctuate it. However, two judges duly traipsed off to the Public Record Office to examine the original statute and discovered under a microscope a faint but helpful *virgule* after the second "realm" which apparently (don't ask) cleared up the whole thing. Mr Justice Darling ruled that "giving aid and comfort to the King's enemies" were words of apposition:

They are words to explain what is meant by being adherent to, and we think that if a man be adherent to the king's enemies elsewhere, he is equally adherent to the king's enemies, and if he is adherent to the kind's enemies, then he commits the treason which the statues of Edward III defines.

How this story ever got the sensational name "hanged on a comma", however, in an interesting matter. "Tried to get off on a comma" is a more accurate representation of the truth.

A similar comma dispute still rages today, in a case with less explosive overtones. On his deathbed in April 1991, Graham Greene corrected and signed a typed document which restricts access to his papers at Georgetown University. Or does it? The document, before correction, stated:

I, Graham Greene, grant permission to Norman Sherry, my authorised biographer, excluding any other to quote from my copyright material published or unpublished.

Being a chap who had corrected proofs all his life, Greene automatically added a comma after "excluding any other" and died the next day without explaining what he intended by it. And a great ambiguity

was thereby created. Are all other researchers excluded from quoting the material? Or only other biographers? The librarian at Georgetown interprets the document to mean that nobody besides Norman Sherry can consult the material at all. Meanwhile others, including Greene's son, argue that the comma was carefully inserted by Greene only to indicate that Sherry was the sole biographer. It is worth pointing out here, by the way, that legal English, with its hifalutin efforts to cover everything, nearly always ends up leaving itself semantically wide open like this, and that if Greene had been allowed to write either "Let Norman Sherry see the stuff and no one else" or, "Don't let other biographers quote from it, but otherwise all are welcome", none of this ridiculous palaver would have transpired."

Eats, Shoots and Leaves: The Zero Tolerance Approach to Punctuation by Lynne Truss is published by Profile Books (December 2003) \$29.95. British Book Awards 2004 - Book of the Year.

From the back page

A panda walks into a cafe. He orders a sandwich, eats it, then draws a gun and fires two shots in the air.

"Why?" asks the confused waiter, as the panda makes towards the exit. The panda produces a badly punctuated wildlife manual and tosses it over his shoulder.

"I'm a panda," he says, at the door. "Look it up."

The waiter turns to the relevant entry and, sure enough, finds an explanation.

"Panda. Large black-and-white bear-like mammal, native to China. Eats, shoots and leaves."

So, punctuation really does matter, even if it is only occasionally a matter of life and death.

This is a zero tolerance guide.