

NOTES ON THE STYLE OF THE LAW

Punctuation and consistency

by

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≈ *q&a* ≈ *consistency* ≈ *punctuation* ≈ *abbreviations*
≈ *citations* ≈ *open punctuation* ≈



RECENTLY, I had the pleasure of correspondence from a reader who had a question of great importance and intelligence (a reflection of the erudite readership which this publication is most fortunate to have). I answered at some length, and as this answer is on a matter of great public importance to legal writing, below is an edited version of my views on the topic.

QUÆRITUR I have seen you advise that one should use full points in abbreviations punctuation only when a word is cut off midway (so for ‘Capt.’ but not ‘Mr’). However, I have also seen you use ‘para’ without a full point, despite it being short for ‘paragraph’. Although this has the advantage of not having ‘para.’ co-exist with ‘paras’, isn’t it a problem that there is an inconsistency in how the ‘rule’ for punctuation is applied?

RESPONDETUR Thanks so much for your e-mail on a very important point of style. You highlight an issue that has given me much consternation, and a crucial one for editors and writers. I hope you will forgive me therefore if I answer at some length with my thoughts on the matter (and I would be very interested to hear yours in turn).

The first point is to remember that the purpose of consistency is to aid in a pleasing and useful style for conveying the text, not the other way around. Dr Isaac Asimov was fond of quoting, when editors annoyed him about consistency, Ralph Waldo Emerson’s *dictum* that ‘a foolish consistency is the hobgoblin of little minds.’¹ The good doctor used it often enough that he would sometimes just cry ‘Emerson’ to any needling editor or collaborator caught up on consistency.² The reason consistency is good is that inconsistent rules (like the classic *Hart’s* insistence that my friend Moses should have the possessive Moses’s but the prophet Moses is Moses’) annoy readers and distract them from the smooth presentation of the text. The key word,

¹ Found in his essay ‘Self Reliance.’

² See the introduction to *Asimov’s Mysteries*

then, in the Emerson quotation is: ‘foolish’. We should use consistency as a tool to help our texts make sense, but not be so besotted with it that we foolishly venerate it for its own sake.

The genesis (as far as I can tell) of the move to ‘open punctuation’ can be traced to the rules for composers at Penguin under Tschichold in the post-war period.³ These rules sought to ensure the harmony of the flow of the text by avoiding the *staccato* interruption caused by repeated full points by removing full points where not necessary to the reader. Bringhurst helpfully compares this to regulating the use of *contrapunto* in music.

So we come to the matter of the use of full points in only some elisions, which is indeed somewhat unsatisfactory. The commonly stated rule that only words cut off midway receive full points is, as you suggest, not consistently applied. In my opinion, this is because this commonly stated rule is a helpful simplification of the actual rule I see and use in practice: ‘add full points where there is a risk of ambiguity’.

‘A risk of ambiguity’ must be construed very generously here. It is unlikely any literate reader would actually think ‘Hon’ was meant to be the Hungarian word for homeland rather than an abbreviation of ‘Honourable’. Rather, I mean subconscious ambiguity, by which someone scanning rapidly through a page (as one might do with a judgment or *Hansard*) is able to rely on heuristics created by reliable construction and presentation of English works. The half-second to process that something is an abbreviation is a half-second of reader time wasted.

This brings us to the matter of what OSCOLA calls ‘gadgets’: abbreviations which have a defined and recognised place as shorthand and for which the longhand is never written out. By omitting full points from these, we can reduce ambiguity. For example, Cap is a gadget for ‘chapter’, but because we never write out ‘*Capitulo*’, no full point is needed. Cap followed by a number in a citation is an unambiguous utility. On the other hand, Cap. as shorthand for Captain is a word cut off midway and occurs within sentences where the special rules of citations do not apply. Similarly, because para is confined to appositives or citations (*eg*, ‘at para 12’) the special heuristics for citations displace the ordinary rules. Thus, no full point is needed after ‘Ch’ in citations because in the world of citations, words are not cut off but rather there is a definite system of 1:1 correspondence with a fixed list of courts, etc. Equally, in biblical citations, Rev doesn’t need a full point because it is unambiguously the book of Revelation and outside normal sentence rules.⁴ Thus, anything occurring within defined pockets of text where a rapidly moving reader understands normal heuristics are disapplied does not require full points because no ambiguity occurs in this specialised zone.⁵

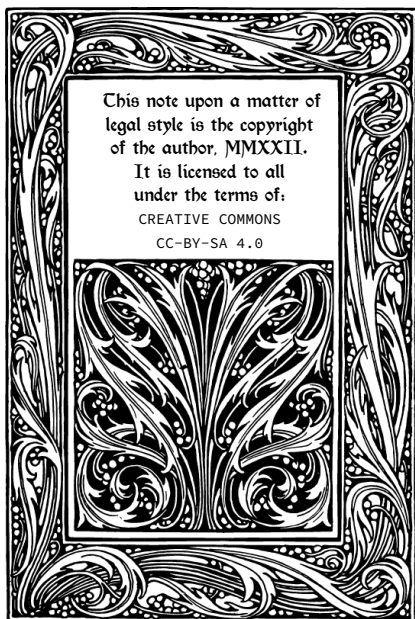
I could say more on this if you like, but I hope this at least gives a general outline on why I think it is entirely defensible to have a separate system for gadgets in citations, etc.

³ A copy of these rules, typeset by me, is available at this link.

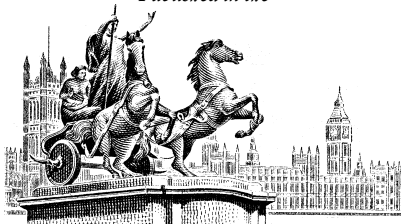
⁴ See also: month abbreviations

⁵ This is why it is important to have commas around appositives like ‘at para 12’ to delineate the escape to citation-land, and why footnotes in general improve ambiguity





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