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Editing, vehicles in the park, and the virtue of clarity

BY PATRICK BARRY

I like to replace a humdrum word with one that has more precision or color. I like to strengthen the transition between one sentence and another. I like to rephrase a drab sentence to give it a more pleasing rhythm or a more graceful musical line. With every small refinement I feel that I'm coming nearer to where I would like to arrive, and when I finally get there I know it was the rewriting, not the writing, that won the game.

—William Zinsser¹

What is the optimal amount of advocacy?

My law students and I face that question all the time. We face it when we're drafting motions. We face it when we're proposing changes to contracts. We even face it when putting together key emails, text messages, and social-media posts.

In all these situations and many more, we don't want to oversell our arguments and ideas — but we don't want to undersell them either. Instead, we hope to hit that perfect sweet spot known as "persuasion."

We don't always succeed, but one thing that has significantly increased our effectiveness is the amount of time we spend on an important skill: editing.

EDITING VS. PROOFREADING

When I say "editing," I don't mean "proofreading." Many people think editing and proofreading are identical skills. Not me. Proofreading, in my view, involves catching typos and fixing formatting. It cultivates a host of admirable qualities — patience,

thoroughness, attention to detail — but it doesn't require a whole lot of imagination.

Editing, on the other hand, is a fundamentally creative act. Good editors don't just see the sentence that was written. They see the sentence that *might* have been written. They know how to spot words that shouldn't be included and summon up ones that haven't yet appeared. Their value comes not just from preventing mistakes but from discovering new ways to improve a piece's style, structure, and overall impact.

It's important to learn how to add this kind of value. Whatever your cause or client base, poor editing skills can painfully limit the help you're able to provide, not to mention the heights to which you can take your own career. It's tough to produce high-quality work if you don't know your way around a sentence.

And given how collaborative many organizations and movements have become, you certainly want to know your way around other people's sentences too. Lawyers who improve the projects they're asked to review are extremely valuable commodities.

Imagine, for example, that you heard someone described this way: "Whenever I give them a draft, it always comes back better." Wouldn't you want to work with that person? Wouldn't you want to give them your own drafts?

Of all the reasons for someone's getting passed over for a project or promotion, I doubt that any has ever been "We can't work with them. Their edits are too good."

¹"Plain Language," edited by Joseph Kimble, has been a regular feature of the *Michigan Bar Journal* for 37 years. To contribute an article, contact Prof. Kimble at WMU-Cooley Law School, 300 S. Capitol Ave., Lansing, MI 48933, or at kimblej@cooley.edu. For an index of past columns, visit www.michbar.org/plainlanguage.

VEHICLES (AND LONG SENTENCES) IN THE PARK

To test your own editing skills, consider the sentence below. It was written by a law student whose assignment may bring back memories (if you're a lawyer) of when you first learned how to interpret statutes, particularly if your professor was a fan of the legal philosopher H.L.A. Hart. The student was asked to decide whether a park's ban on "vehicles" extends to bicycles. (Hart first posed this "Vehicles in the Park" hypothetical in the *Harvard Law Review* back in 1958.²) Here's a sample of what the student wrote:

Given the fact that the statute allows the presence of bicycles so long as they are being more well controlled by pushing them rather than riding them, it seems the intent of the rule is not that no vehicles at all should be allowed but that the environment of the park should be one where there are no fast-moving vehicles in areas where pedestrians may be enjoying a leisurely stroll.

Suppose the student asked you for some feedback on this sentence. What changes would you recommend?

I'll offer my own suggestions in a moment. But first I want to point out that better proofreading won't be enough to fix the sentence's many problems. The sentence doesn't contain any misspelled words. Nor does it have any grammatical gaffes. And the only bits of punctuation (the comma after *them*, the hyphen in *fast-moving*, and the period after *stroll*) aren't problematic. If we really want to improve the sentence — if we want to turn it into something we'd feel comfortable putting in front of a judge or client — we'll need to move beyond proofreading and instead do some serious editing.

THE VIRTUE OF CLARITY

A good place to start would be to urge the student to become better friends with the most underused punctuation mark in formal writing, especially among highly educated people: the period. Inserting a period in the right place would transform the student's 70-word behemoth of a sentence into a much more digestible set of two sentences.

Making this edit would also push the student toward "the virtue of clarity," a term I borrow from an observation that the Australian writer Clive James once made about his literary hero, the American critic and novelist Edmund Wilson. According to James, Wilson achieved the virtue of clarity by doing something as simple as it is rare. When writing, he tried to say just one thing at a time.³

Lawyers often have the opposite tendency. We try to say everything at once. That's acceptable for a first draft or even a second, third, or fourth draft. At those stages, we're still figuring out the connections among our ideas and arguments. Letting our minds roam a bit can be creatively useful. A rambling sentence or two might very

well lead to a helpful discovery, as proponents of "freewriting," such as Peter Elbow of the University of Massachusetts, often attest.⁴

But the calculation switches when it's time for the final draft, the one you plan to send out into the world and impose on your target audience's brain. With that draft, it's important to slow down, revise carefully, and deliver your thoughts in a package that is easy for people to process. Had the "Vehicles in the Park" student done that, we might have seen the following transformation:

Original Version: "Given the fact that the statute allows the presence of bicycles so long as they are being more well controlled by pushing them rather than riding them, it seems the intent of the rule is not that no vehicles at all should be allowed but that the environment of the park should be one where there are no fast-moving vehicles in areas where pedestrians may be enjoying a leisurely stroll." (1 sentence: 70 words.)

Edited Version: "The rule's intent is not to ban all vehicles, because bikes are allowed if pushed. The rule's intent is to ensure a park environment free of fast-moving vehicles." (2 sentences: 28 words.)

Plenty of other ways to revise the student's sentence exist. When it comes to editing, there is rarely a single right answer. You can take a particular set of words in a seemingly infinite number of directions.

That's why I began by saying that editing is a fundamentally creative act. Editors add. Editors delete. Editors separate, combine, and rearrange. The best ones never consider a piece of writing to be unimprovable.



Patrick Barry is clinical assistant professor of law and director of digital academic initiatives at the University of Michigan Law School. He is the author of several books and creator of multiple educational programs for online platforms like Coursera, and his teaching and research focus on creating a new vocabulary to talk about advocacy.

ENDNOTES

1. Zinsser, *On Writing Well* (New York: HarperCollins, 2006), p 87.
2. Hart, *Positivism and the Separation of Law and Morals*, 71 Harv L Rev 593, 606–15 (1958).
3. As quoted in Yagoda, *The Sound on the Page: Great Writers Talk about Style and Voice in Writing* (New York: Harper, 2005), pp 199–200.
4. For more information about freewriting, see Peter Elbow: The Democratization of Writing, <<http://peterelbow.com/>> [<https://perma.cc/K2F8-TJAE>] and Grunwald, *Freewriting*, Global Studies and Languages, MIT <<https://writingprocess.mit.edu/process/step-1-generate-ideas/instructions/freewriting>> [<https://perma.cc/6AFL-K4Y4>]. Both websites were accessed December 16, 2022.