

Splitting Infinitives, Ending with Prepositions, and Beginning with *But*

By Wayne Schiess

I'll tackle three persistent writing myths that can get in the way of plain, clear, readable writing. The three myths:

- You must not split an infinitive.
- You must not end a sentence with a preposition.
- You must not begin a sentence with *but*.

There's no rule against splitting an infinitive.

In English, the infinitive is a verb form constructed with *to* plus the verb root, as in *to read*, *to write*, and *to edit*. The supposed rule against splitting an infinitive says you must not insert an adverb between *to* and the verb root, so these constructions break the rule: *to carefully read*, *to clearly write*, and *to thoroughly edit*.

The no-split "rule" began as a misguided effort by early English grammarians to make English like Latin, in which the infinitive is a single word, like *scribere* ("to write") and is therefore unsplitable. If you can't split infinitives in Latin, they declared, then you mustn't in English.

But English isn't Latin. *Manifestum est*. In English, we have greater flexibility in

placing adverbs to create desired tone and emphasis. So the "rule" is really a suggestion, and lots of experts say so:

"[T]here are times when splitting the infinitive is preferable to not splitting it." Larsen, *The Miss Grammar Guidebook* (Oregon State Bar, 1994), p 2.

"It is permissible to split an infinitive...." Magat, *The Lawyer's Editing Manual* (Carolina Academic Press, 2008), p 14.

"There is no 'rule' in English about split infinitives—just the common-sense suggestion that adverbs should be placed where they sound best." LeClercq, *Expert Legal Writing* (University of Texas Press, 1995), p 181.

"[T]he principle of allowing split infinitives is broadly accepted as both normal and useful." Butterfield, *Oxford A-Z of English Usage* (2d ed) (Oxford University Press, 2013), p 169.

"It's fine to split infinitives....[C]ertainly don't let anyone tell you it's forbidden." Fogarty, *Grammar Girl's Quick and Dirty Tips for Better Writing* (Holt Paperbacks, 2008), pp 55 and 57.

"Split infinitives... have long been an effective way to avoid awkward writing." Venolia, *Write Right! A Desktop Digest of Punctuation, Grammar, and Style* (4th ed) (Crown Publishing Group, 2001), p 188.

Yet after consulting a dozen sources in preparing to write this article, I will candidly report that the predominant advice is to avoid splitting infinitives *when you can*. This means to avoid splitting unless avoiding the split is awkward. In other words—and this is my opinion—this nonrule still has enough force that even experts who acknowledge that there is no such rule advise you to follow it when you can.

My advice? Trust your ear and split the infinitive whenever splitting sounds natural to you. Although legal writing can't always be modeled on speech, this is one area where you should probably write it the way you would say it.

For example, I gladly split the infinitive here: *He asked me to carefully read the statute*. And I would never write this strained split-infinitive work-around: *He asked me carefully to read the statute*. (It's ambiguous, too: what is careful, the asking or the reading?) But avoiding the split would be simple and wouldn't result in awkwardness or loss of emphasis: *He asked me to read the statute carefully*. That's a safe course if you think your reader might be a no-splitter.

One more thing. Some writers take the nonrule against splitting infinitives and apply it to all verb phrases, meaning that you must not insert an adverb between an auxiliary verb and the main verb. Applying such a rule would mean that verb phrases like *will execute*, *be convinced*, and *have*

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—Bryan Garner, legal-writing expert

demonstrated could not be split like this: *will faithfully execute, be easily convinced,* and *have publicly demonstrated*. Judging from my reading and research, those few who believe in the rule against splitting verb phrases tend to be journalists or to have a journalism background.

Don’t worry about splitting verb phrases. Besides the absence of a genuine rule, there’s the awkwardness of the work-arounds, as in this example I recently read: *In recent weeks, two officials publicly have demonstrated distrust of Howard*. I hope you’ll agree that the split version is more natural: *In recent weeks, two officials have publicly demonstrated distrust of Howard*.

Ultimately, the split infinitive “has become a matter of minor concern.”¹ It ought to stay that way. If you trust your ear, you’ll probably split more than not, and that’s fine. After all, there’s no rule against splitting an infinitive.

There’s no rule against ending with a preposition.

That’s according to the Texas Law Review *Manual on Usage & Style*.²

Is that authoritative? After all, the MoUS is written by students. Yet the legal-writing expert Bryan Garner agrees in *The Redbook*: the rule against ending a sentence with a preposition is “a superstition that just won’t die.”³ Strunk & White say so too, in *The Elements of Style*: “Not only is the preposition acceptable at the end, sometimes it is more effective in that spot than anywhere else.”⁴ Yes, that’s the fourth edition from 2000, but the quoted language is unchanged from the first edition in 1959.⁵

Canvass the style manuals and writing references and websites—the answer is nearly

universal. End a sentence with a preposition if you need to. Prepositions are perfectly good words to end sentences with. If you think there’s a rule against ending with a preposition, you don’t know what you’re talking about.

So what’s the deal?

First, a preliminary matter. This article is about writing, not speech, but ending with a preposition is fine in speech, right? That’s something I hope we can agree on. In particular, we often end with prepositions when asking questions: *Who are you talking about? Where did he disappear to? What did you step on?* Most of us would never speak these stiff, overformal versions: *About whom are you talking? To where did he disappear? On what did you step?*

Back to writing. Despite the experts (the MoUS, Garner, Strunk & White) the supposed rule against ending prepositions still causes lawyers to write sentences like these: *Attached are three local rules of which you should be aware. A hammer, not an ax, was the weapon with which he struck the victim. The deponent could not recall in which folder she saved the file*. These sentences are grammatically correct and have no ending prepositions, but to me they’re stilted and unnatural. They don’t flow.

Perhaps we continue to write these stilted sentences because we know that other lawyers believe the supposed rule, and we don’t want to risk annoying those readers or, worse, seeming semiliterate. And so the cycle spins on. We know it’s okay to end with a preposition, but we also know that some of our readers don’t know it’s okay, so we avoid doing it, perpetuating the no-ending-preposition practice.

What should we do? Rather than treat ending prepositions as wrong or right, a

better approach is to think of them as a matter of formality and emphasis.

Ending with a preposition isn’t wrong. It’s a little less formal. That realization alone leads to some easy decisions. Appellate brief? That’s a formal document for an audience whose grammar preferences you probably don’t know well. Try to avoid ending with prepositions. Memo to a supervisor? A moderately formal document for an audience whose preferences you might know. Unless the audience objects, an occasional ending preposition is acceptable. Work e-mail to a colleague? An informal document to a well-known audience. Ending with prepositions is fine.

Ending with a preposition is also a matter of emphasis. You always have options, so you can always avoid ending with a preposition, but knowing when to do it requires experience and what we often call “a good ear.” For example, suppose you want to convey this idea: *Silver Partners refused to join any venture that Hooper was part of*. That sentence strikes me as succinct and forceful. But you have other options that don’t end with a preposition. *Silver Partners refused to join any venture if Hooper was part of it*. Or this: *If Hooper was part of the venture, Silver Partners refused to join*. But don’t choose this option: *Silver Partners refused to join any venture of which Hooper was part*.

Yes, it’s often possible to avoid ending with a preposition, and avoiding has little risk. But I offer these two points: (1) Don’t write stilted ending-preposition work-arounds like that last example (*of which Hooper was part*); they sound unnatural and affected. (2) If the preposition-ending sentence creates just the tone and emphasis you want, write it that way. After all, there is no rule against ending a sentence with preposition.

There’s no rule against beginning a sentence with *but*.

Sure, it’s a wise admonition from elementary and middle-school English teachers that novice writers avoid beginning a series of sentences with *but*. *In July we went to Disneyland. But it rained that day, so they closed it. But my mom said we could*

go again later. But by August, we didn't have time. But I really wanted to go. That's far different, though, from postulating a rule against *but* as a sentence-starter. For a discussion and debunking of one (mythical) grade-school teacher's insistence on any such "rule," I recommend Mark Cooney's article *To Mrs. Finklebean: The Truth About Conjunctions as Sentence-Starters*.⁶ Professor Cooney's article is especially persuasive.

By high school, many English teachers embrace the beginning *but*. My son's ninth-grade English teacher included "beginning with a conjunction" in a list of writing techniques, offering this example, *But how could this be?*, and requiring students to create their own examples.

What? Teaching kids it's okay to begin a sentence with *but*? No wonder writing skills are in decline and college students (not to mention law students) don't write well. But wait. I applaud this high-school teacher, and he's in line with the general view of many writing authorities:

"Normally, the very best guiding words are monosyllabic conjunctions: *and*, *but*, *nor*, *or*, *so*, and *yet*. Professional writers routinely put them at the head of a sentence, and so should you." Scalia & Garner, *Making Your Case: The Art of Persuading Judges* (Thomson/West, 2008), p 111.

"Make your writing more enjoyable to read by dropping deadweight openers—*however*, *additionally*, *consequently*, *accordingly*.... [Use] lighter touches—*thus*, *so*, *but*, *also*—[to] replace the heavy beginnings we so often see." Guberman, *Lighten Up* <<http://www.legalwritingpro.com/articles/B19-lighten-up.php>> (accessed May 19, 2015).

[*B*] *ut* is a perfectly proper word to open a sentence...." *The Chicago Manual of Style* (16th ed) (University of Chicago Press, 2010), § 5.206, p 258.

You might also want to read Bryan Garner's *On Beginning Sentences with But*.⁷ Or search the Internet, where a Google search for "beginning with but" turns up many reputable authorities recommending the practice.

As with many other writing "rules," the truth is that beginning with *but* isn't about

wrong or right; it's about tone, emphasis, and style. So don't uncritically apply this nonrule. Think about your writing goals and options and decide how you want to use the language.

Let's start with tone. Although we should be comfortable beginning with *but* in e-mail messages, print correspondence, and inter-office memos, some lawyers avoid the practice in formal documents like motions, briefs, and judicial opinions. Yet the technique has been used in formal legal documents for centuries. Here are some examples.

From a judicial opinion in 2013:

- "But this case has nothing to do with federalism." *Arlington v FCC*, 133 S Ct 1863, 1873 (2013).

From a judicial opinion in 1901:

- "But this is not sufficient." *Colburn v Grant*, 181 US 601, 607 (1901).

From a judicial opinion in 1793:

- "But this redress goes only half way...." *Chisholm v Georgia*, 2 US 419, 422 (1793).

And from the U.S. Constitution:

- "But in all such Cases the Votes of both Houses shall be determined by yeas and nays...." US Const, art I, § 7.

That's enough. If you want more, consult Prof. Cooney's letter to Mrs. Finklebean, in which he cited a dozen Supreme Court justices and dozens of other old and distinguished writers and texts—all beginning sentences with conjunctions (like *but*).

If we accept that beginning with *but* is appropriate for formal legal documents, then it becomes a tool we can use to manage emphasis. Using the example from *Arlington v FCC*, note the differing emphases in these three versions:

- But this case has nothing to do with federalism. (succinctly emphasizes the contrast)
- However, this case has nothing to do with federalism. (contrasts but moves slowly, perhaps creakingly)
- This case, however, has nothing to do with federalism. (moves slowly and emphasizes *This case*)

You can do more than use the technique for emphasis. Once you're comfortable beginning with *but*, you can use it to create crisp, readable transitions that quickly orient the reader to a change of direction. For the same reason, *yet* is a great word to begin with too.

From a judicial opinion in 1968:

- "Yet we see no possible rational basis." *Glon v Am Guarantee & Liab Ins Co*, 391 US 73, 75 (1968).

Yes, you can begin with *however* or *in contrast* or *on the contrary*. They're acceptable. But now we know that beginning with *but* is fine for formal legal documents, gives us a tool for managing emphasis, and makes a great connector. Make it your preferred choice. After all, there's no rule against beginning a sentence with *but*. ■



Wayne Schiess teaches legal writing at the University of Texas School of Law and directs the school's Beck Center for Legal Research, Writing, and Appellate Advocacy. He is the author of *Writing for the Legal Audience and Preparing Plain Legal Documents for Nonlawyers* and was the drafting consultant for the *Texas Pattern Jury Charges Plain-Language Project*. Find him and his blog, *LEGIBLE*, at <http://legalwriting.net>.

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ENDNOTES

1. MacArthur, *Oxford Concise Companion to the English Language* (Oxford University Press, 2005), p 575.
2. Texas Law Review, *Manual on Usage & Style* (12th ed) (University of Texas, 2011).
3. Garner, *The Redbook: A Manual on Legal Style* (3rd ed) (Thomson/West, 2013), p 173.
4. Strunk & White, *The Elements of Style* (4th ed) (Allyn & Bacon, 2000), pp 77–78.
5. See Strunk & White, *The Elements of Style* (Macmillan & Co, 1959), p 64.
6. Cooney, *To Mrs. Finklebean: The Truth About Conjunctions as Sentence-Starters*, 89 Mich BJ 60 (August 2010).
7. Garner, *On Beginning Sentences with But*, 3 Scribes J Legal Writing 87 (1992).