

The STAMPS: Explanation of Stamped Comments Used in Marking
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Passive Voice, Antecedent, Lack of Agreement, Comma Splice, Sentence Fragment, Possessive, Italics, Wrong Word, Contraction, Reference, Meaning or Relevance, Explain

These comments, listed in the order in which they are explained below, are commonly used in marking students' papers. Write to avoid getting any of these comments stamped on your papers.

1. PASSIVE VOICE

In English, a sentence may be written in the active voice or in the passive voice, no matter what the tense of the verb. Tense refers to the time expressed in the verb, such as present (is), past (was), and future (will). Voice refers to whether the sentence focuses on the agent whose action the verb expresses or the object of the action.

Example: Demonstrations against the war were participated in by many students.

Comment: This sentence is in the passive voice. The students, who are the actors, are relegated to the end of the sentence, and the verb does not directly express what the students were doing.

Example: Many students demonstrated against the war.

Comment: This sentence is in the active voice. The students are the subject of the sentence, and the verb directly expresses what they were doing.

The passive voice is cumbersome but grammatically correct, and there may be situations in which you would choose to use it.

Passive Voice Example: The patient's leg was amputated in XYZ Hospital on 12 January.

Comment: This sentence avoids mentioning who or what was responsible for the amputation. If you are the lawyer for the doctor in charge of the medical team, and the team amputated the wrong leg, you might use the passive voice to describe what happened, to shift attention away from your client's role in the mishap.

Active Voice Example: The medical team at XYZ Hospital amputated the patient's healthy leg on 12 January.

Comment: This sentence, in the active voice, identifies the agents responsible for the mishap. If you are the lawyer for the patient, this is a better choice for describing what happened.

Lawyers often have to identify who has or had the responsibility for something, and if you get into the habit of using the active voice, you will identify agency when you need to.

Passive Voice Example: The door must be locked when the meeting is over.

Active Voice Example: The person who signed out the key must lock the door when the meeting is over.

Comment: Only the second example identifies who will be in trouble if no one locks the door.

When you write, think about who has to do what. For example, think about the difference in impact of the following two possible sentences in a legal memo dealing with a dispute over ownership of a chattel.

Passive Voice Example: It must be established that John gave the car to Fred to establish that Fred owns the car.

Active Voice Example: We must establish that John gave the car to Fred to establish that Fred owns the car.

Comment: The second example keeps the focus on who has responsibilities, and prompts the writer to address how "we" can carry out "our" responsibility.

2. ANTECEDENT, LACK OF AGREEMENT

An antecedent is a word, phrase or clause referred to by a pronoun or relative adverb. Pronouns must refer back to an identifiable antecedent.

Example: XYZ Corporation, where I work, donates .01 per cent of its annual profits to Women for World Peace.

Comment: in this context, "where" is a relative adverb referring to the XYZ Corporation, and "its" is a possessive pronoun referring to the XYZ Corporation.

In using pronouns or relative adverbs, where there is any possibility of ambiguity, repeat the antecedent rather than substituting a pronoun.

Incorrect Example: The current exhibit at the art gallery features paintings purchased for the gallery by donors. They were all framed by gallery staff.

Comment: The writer of this sentence intended "they" to refer to the paintings, but the word order suggests that "they" refers to the donors, who may have donated the paintings because the gallery staff framed them, not the paintings.

A pronoun must agree in number and gender with its antecedent. A singular noun must be replaced by a singular pronoun, and a plural noun by a plural pronoun.

Example: The Prime Minister delivered her ultimatum today. Cabinet will deliver its response on Friday. The Cabinet Ministers from Atlantic Canada are likely to disagree with their colleagues.

Comment: "Prime Minister", a singular noun, is the antecedent for the singular possessive pronoun "her". "Cabinet", a collectivity, is a singular noun, and is the antecedent for the singular possessive pronoun "its". "Cabinet Ministers" is the antecedent for the plural possessive pronoun "their". (Note the use of upper case initial letters to refer to a specific person who holds a named office, and the use of lower case initial letters to refer to the office, or to anyone who might hold the office from time to time.)

Students in their writing must choose pronouns that agree both in number and gender with the antecedent, while complying with the University requirement for gender-neutral or gender-inclusive language.

Example: A cabinet minister should take her or his direction on policy from the prime minister.

Comment: This sentence would read more smoothly, with no change in meaning, as follows: Cabinet ministers should take their direction on policy from the prime minister.

By putting the subject of the sentence in the plural, the writer can use the plural possessive pronoun and avoid the awkwardness of her or his.

Some people use the plural pronoun to refer to both plural and singular antecedents in order to avoid the his/her construction.

Incorrect Example: A cabinet minister should take their direction on policy from the prime minister.

Comment: The University language policy recognizes this tactic as an acceptable expedient. You should try to avoid it in your writing, to avoid the risk of your reader assuming that your use of the plural pronoun with a singular noun is simply an error.

3. LACK OF AGREEMENT

In English, verbs may have different forms indicating singular and plural, and indicating whether the subject of the sentence is first person (I/we), second person (you/you), or third person (she, he, it, John, Jane/they, John & Jane). The verb must agree in number and person with the subject of the sentence. The main verb form in the following examples have been underlined.

Example: The President of the Law Students' Society was at a press conference this morning to explain the report. Students who disagreed with the report were there to express their concerns.

Comment: These sentences are in the simple past tense, and the verbs agree in number and person with the subject of the sentence--the third person singular form for the President, and the third person plural form for the students.

Most of you can write sentences of this sort correctly even if you do not have the technical language to explain what you are doing. You may make mistakes with more complex sentences if you think the subject is a group of words that comes between the subject and the verb.

Example: One of the joys of the first day of school is opening new books for the first time.

Comment: The subject here is "one", not "joys", and so the verb is in the singular.

Use a singular form of the verb after anybody, anyone, anything, each, everybody, everyone, everything, nobody, no one, nothing, somebody, someone, something.

Use either a singular OR a plural verb with all, any, either, neither, none, most, some. In choosing which to use, focus on the meaning.

Example: Each of the clients was satisfied with his or her living will. (focus on each individual client and his or her satisfaction)

Example: Either of the employees is willing to serve this client. (one at a time)

Example: None of the employees are willing to serve this client. (all of the employees collectively refused to serve the client)

Example: Although Jack and Jill were both present when the box was opened, neither of them was the finder of the box. (focus on role of each individual, not two together)

Comment: Note that the form of the verb changes as the subject changes.

4. COMMA SPLICE

A comma is not strong enough to join two independent clauses, i.e., two clauses that could each be a complete sentence. Instead,

- 1) make the clauses into two separate sentences, or
- 2) join them with a semi-colon or a colon, or
- 3) join them with a co-ordinating conjunction such as "and", "but", "nor", "or", "so", or "yet" that establishes the nature of the connection between the two.

Examples:

1. Property is a great course. The readings are interesting.
2. Property is a great course; the readings are interesting.
3. Property is a difficult course but the readings are interesting.

Sometimes, depending on the length of your sentence, you may want a comma along with the conjunction.

Example: Property is a great course, and the readings are interesting.

If you use an adverb rather than a conjunction to link two independent clauses, you need a semi-colon; a comma is not strong enough.

Example: Property is a great course; unfortunately, I am behind in my reading.

5. SENTENCE FRAGMENT

A sentence is a word or group of words making a grammatically complete statement, question, request, command or exclamation. Although it is possible to have complete sentences that are composed of a single word (Stop! Why? Never!), most sentences contain, as their basic components, both subject and verb.

Example: We will resist.

Comment: The subject is "we"; the verb, which is in the future tense, is "will resist".

Of course, it is possible to add to the basic components of the sentence, to convey more information.

Example: We will resist the Free Trade Area of the Americas because it limits the ability of sovereign states to legislate for workplace safety.

Comment: In this sentence, the Free Trade Area of the Americas is the direct object of the verb, "to resist". What follows the word "because" (it limits the ability of sovereign states to legislate for workplace safety) could stand by itself as a sentence, or it could be joined to the first part of this sentence in any of the ways discussed in Part 3 above. The writer of this sentence has used the subordinating conjunction "because" to join these two clauses, in order to express the particular relationship between them, and thus what follows the "because" is a subordinate or dependent clause. By itself, a dependent clause is not a grammatically complete statement and cannot be separated from the principal clause.

Incorrect Example: We will resist the Free Trade Area of the Americas. Because it limits the ability of sovereign states to legislate for workplace safety.

Comment: The use of the period and the upper case "B" to separate the subordinate clause from the principal clause makes the subordinate clause into a sentence fragment.

Subordinating conjunctions express a particular relationship between the principal clause and the subordinate clause; be sure to choose the one that conveys your meaning. Consider how a different subordinating conjunction affects the meaning in the two examples that follow.

Examples: We will resist the Free Trade Area of the Americas because it limits the ability of sovereign states to legislate for workplace safety.

We will resist the Free Trade Area of the Americas if it limits the ability of sovereign states to legislate for workplace safety.

Comment: The list of subordinating conjunctions in common use includes after, although, as, as if, as though, because, before, even if, for how, if, in order that, provided that, since, than, that, though, till, unless, until, when, whenever, where, whereas, whether, while, why. They are not interchangeable in meaning.

6. POSSESSIVE

In English, we generally add an apostrophe (') followed by an "s" to make the possessive form of a singular noun. Although "the dish of the child" is grammatically correct, readers expect "the child's dish". We generally use the same technique for proper as for common nouns, as in "Charles's dish".

To make a noun both plural and possessive, create the plural form first, then add the apostrophe, as in "the children's dish". If the plural form ends in an "s", drop the second "s" that would ordinarily follow the apostrophe, as in "the dogs' dishes". Do not use the apostrophe to make a plural that is not also possessive.

Possessive adjectives and possessive pronouns (my/mine, your/yours, his, hers, its, our/ours, their/theirs) do not contain an apostrophe.

Example: It's so cold in here that the dog has hidden its paws under its head.

Comment: "Its" is the third person neutral form of the possessive adjective. Both the head and the paws are the dog's. "It's" is not a possessive, but a contraction of "it is". Do not use contractions in formal prose.

Form the possessive with indefinite pronouns in the same way as with singular nouns, that is, by adding an apostrophe and an "s", as in one's book, somebody else's misfortune, everyone's responsibility.

7. ITALICS

In formal prose, use italics (*italics*) for titles of works of art, titles of books, names of newspapers, names of ships, titles of statutes, and the style of cause of cases. If your manuscript is not in typescript, or if you cannot produce italics on your typewriter or printer, use underlining to indicate italics.

Use italics as well for words or abbreviations in foreign languages, unless common use of the foreign word or abbreviation has made it part of everyday English. The choice whether to italicize a word or abbreviation from a foreign language may depend on audience. Words that have been anglicized among legal writers might require italics in writing intended for a general audience. If you are not confident in making a judgment on

the matter based on use of the word in your reading, consult a good contemporary dictionary or style guide.

8. WRONG WORD

The thesaurus function available with some word-processing programmes can lead writers into error. Check suggested synonyms in a dictionary, and, if necessary, a good usage guide, to ensure that:

1. word you choose is the appropriate part of speech (e.g., verbs cannot substitute for nouns);
2. meaning of word fits context (many words have multiple meanings, and a word that is a synonym for one meaning may not be for other meanings);
3. word is appropriate to the style requirements of the context (some words that are acceptable in speech or in informal writing are too colloquial for formal writing);
4. word is used correctly (e.g., with the correct preposition, as in "Doctors attend to patients' needs while attending at patients' bedsides.").

In legal writing, readers expect that writers will use different words to express different nuances of meaning. It is better to use the same word over again than to risk creating ambiguity by using different words to express the same meaning. Elegant variation is not a virtue in legal writing.

9. CONTRACTION

Avoid using contractions in formal prose. Write do not, can not, would not, and so on.

10. REFERENCE

You must acknowledge your reliance on the work of others, using footnotes, endnotes, or references in brackets in the text. The reference must include a reference to the specific page or pages where you found what you summarize, paraphrase or quote. When relying on a source that is quoted or extracted or reprinted in another source, you must identify both the original source and the source on which you rely. Failure to provide complete references is plagiarism.

Whether you quote, paraphrase, or summarize, you must provide a reference to the source, unless you are stating the most ordinary facts that your reader is likely to know anyway (e.g. George W. Bush is the President of the United States of America.) or making a claim that is based on nothing but your own opinion (e.g. George W. Bush is the worst president that the United States has ever had.). Statements of opinion unsupported by evidence, of course, are of little value in analytical writing.

References acknowledge your intellectual debts, and enable your reader to check your claims and to follow up on points of interest or contention. In legal writing, references have a further purpose. Law is hierarchical. Arguments carry weight not only because they are logical, coherent, comprehensive, cogent and so on, but because they come from authoritative sources. You document your sources in part to demonstrate the weight of your arguments, by indicating whether the source is a text or a judicial decision, and if a judicial decision, from what level of court. Thus, in your writing and in your references,

provide the extra information that will let your reader assess the relative authority of your source. For example, rather than referring to the "court" or "the judge", identify the judge and court by their proper names, e.g. "Justice Wilson of the Supreme Court of Canada, writing for the majority, decided . . ."

If you quote something that your source has quoted, you should provide the reader with the information on the speaker and the source. For example, if you are quoting from the decision of the Supreme Court of Canada in *Morgentaler v. R.*, but you found the quotation in a secondary source rather than by reading the case, your reference should make that clear, by including the following information (with the order of items and punctuation to match whatever citation style you are using): Justice Wilson, *Morgentaler v. R.*, quoted in [title] of source, with bibliographic information on source and page reference to source. If in the text of your paper, you introduced the quotation by saying something like: As Justice Wilson said in *Morgentaler*, , then you would not need to repeat Justice Wilson, *Morgentaler v. R.*, in the note, but you would begin the reference with "Quoted in . . .". And if the only source that you consulted directly was not the case itself, but the secondary source, then you would list only the secondary source in your bibliography.

11. MEANING or RELEVANCE

These two labels identify problems in presenting ideas clearly. Often, the problems arise when students offer quotations, Latin maxims or obscure words or phrases as a substitute for an explanation or an argument, or as a way to decorate a paper, or to make it seem more "legal". Aim for a plain prose style. Imagine that you are writing for readers with high school education, little imagination and less commitment to doing what they see as your job -- making your meaning apparent to them. If Justices of the Supreme Court of Canada write in the most obtuse style imaginable, people will have to try and sort out what they mean. You do not occupy the same place in the legal hierarchy, nor can you escape the responsibility of expressing yourself clearly simply by offering some one else's words in place of your own.

Generally, you should use your own words to develop your narrative or your argument. Use quotations only when some one's exact words matter to your narrative or your argument, when you have found a particularly striking or apt way to express an idea, or when you want to invoke an authority to bolster your argument. If you are quoting for that third purpose, make sure the quotation will make sense to your reader and is relevant to the argument you are making. Introduce the quotation by identifying the speaker and the context, and integrate it smoothly into the text. Do not use a quotation that contains words that you cannot define.

12. EXPLAIN

Seldom in analytical writing, particularly in law school, is a conclusion sufficient on its own. Usually, you must provide an analysis of how a legal principle, applied to the facts of your case, led to the conclusion (facts + law = legal meaning of facts or legal consequences of facts or predicted outcome for parties). "Legal analysis," Professor David Bell has said, "is no more but no less than the careful management of the dialogue

between the law and the facts." You have to take the legal principles expressed in the texts, legislation and cases, and use those principles to argue in support of a particular legal meaning of the facts. Providing summaries of the facts and outcomes in a series of cases, or quoting or paraphrasing passages from authorities such as texts or cases, is not sufficient to explain your conclusion. You have to show the reader how this information matters to your conclusion, by showing how it helps resolve the questions posed by the given facts.

Thus "Explain" may mean:

1. what question are you answering here?
2. why does that question matter?
3. what law and what facts are relevant in answering the question?
4. how do law and fact fit together?
5. how do you justify your conclusion?

Usually, students err not by failing to cite the authority on which they rely for their proposition of law, but by failing to explain how that legal proposition leads to the stated conclusion on the stated facts. Don't just cite a case -- EXPLAIN why the case is relevant -- how it applies or if it is distinguishable. Use the word because. It reminds you to explain every conclusion. A claim such as "John is the finder and John gets to keep the box." should be two separate sentences, each with a because clause added, as in "John is the finder because he dug the box out of the sand and took possession of it. He gets to keep the box because the law protects the possession rights of finders in the absence of better claims."