By E. Scott Fruehwald

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When I started teaching legal writing 20 years ago, I read many rules in the conventional usage and writing texts on how students should write. While most of these rules made sense, some of them seemed wrong, based on my intuition. What these rules had in common was that they were based on authority; writers had always adopted these conventions. As I continued teaching, I dropped those rules that didn’t make sense and relied more on my intuition and how good legal writers actually wrote.

Now, cognitive scientist Steven Pinker has adopted a new approach to grammar and usage, based on linguistics, how the brain works, and common sense, rather than authority. In The Sense of Style: The Thinking Person’s Guide to Writing in the 21st Century!, Professor Pinker defines style as “the effective use of words to engage the human mind.”1 Because style involves the human mind, “the sciences of the mind can illuminate how language works at its best.”2 To do this, one must be an avid reader and reverse-engineer good writing.

Based on his reverse-engineering, Pinker advocates using the classical style, which directs “the gaze of the reader to something in the world she can see for herself.”3 More specifically, The guiding metaphor of classic style is seeing the world. The writer can see something that the reader has not yet noticed, and he orients the reader’s gaze so that she can see it for herself. The purpose of writing is presentation, and its motive is disinterested truth. It succeeds when it aligns language with truth, the proof of success being clarity and simplicity.4

Under the classical style, “the writer and reader are equals,”5 and writing is a conversation with the reader. Using the classical style helps a writer avoid writing that is bloated, self-conscious, and academic. The classical style differs from other styles—such as the practical style, the plain style, and the postmodern style—in the relationship of the writer to the reader and in what the writer is attempting to achieve. In the practical style of traditional style texts, the writer assumes a role like a supervisor or a teacher, and the reader is the employee or the student, with the writer’s purpose being to fulfill the reader’s need. It may employ a fixed template, such as a five-paragraph essay, and it is generally brief. In the plain style, everything is in the open, and the reader doesn’t need help in seeing things. Finally, in the postmodern style, “the writer’s chief,

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2 Id. at 7.
3 Id. at 48.
4 Id. at 28-29.
5 Id. at 29.
if unstated, concern is to escape being convicted of philosophical naïveté about his own enterprise.”

In the rest of the book, Pinker shows how to achieve the classical style in order to communicate better with readers. The first difficulty in achieving clarity is the “curse of knowledge”—the failure to realize what the reader does not know. As Pinker declares, “The better you know something, the less you remember about how hard it was to learn it.” The writer can avoid this curse by imagining being the reader and being aware of specific pitfalls, such as the use of specialized terminology, the failure to explain technical terms, and the overuse of abstraction. Pinker suggests that a writer show his or her draft to others or that the writer set the draft aside for a while and self-correct it later.

A writer can use syntax to organize a web of thoughts into comprehensible prose. Pinker proposes using tree diagrams “to bring the units of language into consciousness.” Diagrams can help the writer put related concepts together and place concepts within larger concepts in order to lessen the cognitive load on the reader. They also help the writer put concepts in the most comprehensible order, which is generally right-branching. Omitting needless words can also help lessen the cognitive load, and reading his or her writing aloud can help the writer avoid confusing syntax. Writers should also avoid garden paths—temporary slowdowns that delay the reader for a fraction of a second. Garden paths can be overcome by employing proper punctuation, using words that signal syntactic structure, employing structural parallelism, and pulling unrelated phrases apart.

Even if prose follows the advice of the preceding chapters, it can still be incoherent because the writer has not shown the connections between sentences and between larger units (arcs of coherence). Pinker writes, “A coherent text is a designed object: an ordered tree of sections within sections, crisscrossed by arcs that track topics, points, actors, and themes, and held together by connectors that tie one proposition to the next.” The first technique in creating arcs of coherence is to make the topic and point clear to the readers to help them keep track of the ideas and the relationship between ideas. The writer also shows the logical connections between propositions through resemblance (similarity, contrast, elaboration, etc.), contiguity in time and place, and cause or effect. Connectives (such as similarly, in contrast, however, etc.) help the reader see these relations. Finally, the writer must make certain that the verbiage and the content of his or her argument are going in the same direction (thematic consistency).

In the final chapter, Pinker produces a style manual for the 21st century. He discusses the rules of grammar, diction, and punctuation through reasoning rather than convention. For example, he attacks the traditional rules against ending a sentence with a preposition and using split infinitives. He also reexamines the use of who and whom, that and which, and masculine and feminine pronouns. Pinker concludes this chapter by stating, “[i]n considering questions of usage, a writer must critically evaluate claims of correctness, discount the dubious ones, and make choices which inevitably trade off conflicting values.”

While I agree with how Pinker has reoriented writing to a foundation predicated on how the brain processes information, I do not agree with all of his applications of that foundation. For example, Pinker strongly criticizes “metadiscourse,” such as introductory thesis paragraphs, and signposting (headings and phrases like “the first topic is” or “the previous section analyzed”) that goes with it. Pinker asserts, “It’s not as necessary in writing, where a reader can back track and look up what she’s missed. And it can be intrusive in classical style, which stimulates a conversation.” He adds, “The problem with thoughtless signposting is that the reader has to put more work into understanding

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6 Id. at 30.
7 Id. at 61.
8 Id. at 78.
9 Id. at 186.
10 Id. at 300.
11 Id. at 38-39.
the signposts than she saves in seeing what they point to . . . It's better if the route is clearly enough laid out that every turn is obvious when you get to it. Good writing takes advantage of a reader's expectations of where to go next.\textsuperscript{12}

Pinker's aversion to metadiscourse goes against how the brain learns.\textsuperscript{13} Long-term memory needs repetition to retain information, and thesis paragraphs, conclusions, and signposts provide some of those repetitions. Similarly, humans need clear structure (schemas in long-term memory) to be able to properly retrieve information when it is needed, and metadiscourse and signposts help provide that structure. Finally, having metadiscourse and signposts shifts the cognitive load from understanding the organization to understanding and remembering the content. While I agree that poorly written metadiscourse should be avoided, metadiscourse is necessary for clear communication.

Pinker has presented his ideas in well-written, clear prose. He helps the reader understand his ideas by analyzing examples of good and poor writing in detail (reverse-engineering). His writing, however, would be easier to follow if he used signposts to better demarcate sections and subsections.

In \textit{The Sense of Style}, Professor Pinker has reoriented how we look at writing. No longer are writers slaves of convention; they can base their style on how well they can communicate to their readers. Under his approach, writers understand why they are doing something, rather than just applying rules. While one can disagree with some of the details of his book, Pinker has reoriented the foundation of style. I think writing will be better for it.

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\textsuperscript{12} Id. at 39.

\textsuperscript{13} For a detailed discussion on how the brain learns, see Duane Shell et. al, \textit{The Unified Learning Model: How Motivational, Cognitive, and Neurobiological Sciences Inform Best Teaching Practices} (2010).