What's Another Word for "Synonym"?

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"A trustee is held to something stricter than the morals of the market place. Not honesty alone, but the punctilio of an honor the most sensitive, is then the standard of behavior. As to this there has developed a tradition that is unbending and inveterate."

-Benjamin Cardozo

Inside
New Principal and Income Act
Ethical Pitfalls for Fiduciaries
Changes in Trusts and Estates Laws
Text of Birnbaum Commission Report
Rules on Physician Testimony
Inelegant Variation

Inelegant variation is the technique by which a writer uses different terms to identify one person, place, thing, or idea. The stylistic error is that synonyms and variants confuse. The tone error is that those who use synonyms and variations are affected. Years ago the word *elegant* was pejorative. Today the pejorative is *inelegant*. Most writers on legal writing—jargon mongers all—call the error by its original name, “elegant variation.”

Use different words to mean different things. Do not use different words for the same thing. Some believe that variety in word choice gives depth to writing, that, to quote Ralph Waldo Emerson, “consistency is the hobgoblin of little minds.” Not only are they wrong, but they are not right.

Some high-school teachers tell students to reach for thesauruses to find different words to say the same thing. Editors have devoted their careers to explaining why these teachers are wrong. Repeating the same word for the same thing strengthens and clarifies. Repetition is boring only to novices. An example of inelegant variation, with the variations italicized: “I met with plaintiff’s attorney about the postponement he requested. The lawyer [attorney] for the litigant who brought the action [plaintiff] asked for [re-quested] an adjournment [postponement].” Confusing and affected, no?

Consistency

Be consistent in tone: Do not be formal in one place but informal in another. Be consistent in point of view: Do not use your point of view in one place and the reader’s in another. Be consistent in reference: Do not write “this advocate” in one place, “this writer” in another, “I” in a third. Be consistent in voice: Do not write “this Court finds” in one place but “it is found” in another.

Repetition

Repeating key nouns, verbs, articles, and prepositions adds power and aids comprehension. Repetition makes writing powerful, clear, and consistent. Repetition cures inelegant variation.

Notice the repetition of the preposition to in the Pledge of Allegiance: “I pledge allegiance to the flag of the United States of America and to the republic for which it stands . . . .” From Anatole France: “The law in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread.”

From The Bard: “I come to bury Caesar, not to praise him.”

This is how Justice Robert Jackson repeated the preposition by: “I should concur in this result more readily if the Court could reach it by analysis of the statute instead of by psychoanalysis of Congress.”

Repeating the article: “The law clerk and the confidential secretary are appointed.” Without the repetition, the law clerk and confidential secretary is one person.

Repeating the same word adds rhetorical power to writing and speaking. President George W. Bush on September 11, 2001: “These acts shattered steel, but they cannot dent the steel of American resolve.”

We celebrate the Reverend Dr. Martin Luther King Jr., not only because of what he stood for and what he said, but also because of his artful use of rhetorical repetition—with parallelism—to say it: “[S]lay that I was a drum major for justice. Say that I was a drum major for peace. I was a drum major for righteousness. And all of the shallow things will not matter.”

Some devices of rhetorical repetition:

Anadiplosis. Repeating the last word of one clause at the start of the next: “His life was just; just will be his reward.”

Anaphora. Repeating the same word or words at the start of successive clauses. Justice Black: “Freedom to publish means freedom for all and not for some. Freedom to publish is guaranteed by the Constitution, but freedom to combine to keep others from publishing is not.”

Antanaclasis. Repeating a word that has different meanings. Fuller: “It is the justice’s clerk that makes the justice.”

Antimetabole. Repeating words in successive clauses in reverse order. “She worked to live. She did not live to work.”

Chiasmus. Repeating words in inverted order. Judge Cardozo: “Jurisdiction exists that rights may be maintained. Rights are not maintained that jurisdiction may exist.”


Continued on page 61
Epistrophe. Repeating the same word at the end of successive clauses. Francis Bacon, 1597: “Reading maketh a full man, conference a ready man, and writing an exact man.”

Zeugma. Using a verb with two subjects, modifiers, or objects, or an adjective with two nouns, one appropriate or both appropriate in different ways. Groucho Marx: “Time flies like an arrow. Fruit flies like a banana.”

In lengthy lists, or for poetic value, repeat because, that, and similar words. Then make your lists parallel. Example: “The court finds that defendant is guilty, that defendant is a menace to society, and that defendant is entitled to no mercy.” Example: “The court announced that oral argument will last for an hour, and no rebuttal time will be granted.” Becomes: “The court announced that oral argument will last for an hour and that no rebuttal time will be granted.” Example: “Lawyers write because they have something magical to express and because they are paid to write.”

Ultaquistic Subterfuge

Do not repeat words that have different meanings. Doing so is called ultaquistic subterfuge:

“Some litigators who practice in Civil Court are quite uncivil.”

“The court will not consider whether the promise was given without consideration.”

“Counsel appealed to the Appellate Division to decide the appeal.”

Similarly, do not repeat words that have contrary meanings. As Cardozo explained, “When things are called by the same name, it is easy for the mind to slide into an assumption that the verbal identity is accompanied in all its sequences by identity of meaning.”

For example, no matter how unconstitutional it might be, a statute that protects invalids is not an “invalid statute.” Miscues will also arise if you write, as the Fifth Circuit did, about “prophylactics against a wrongful discharge.” Other confusing words and pairs:

Sanction. “The Legislature sanctions the penal sanction.” Avoid sanction, which means “to permit,” “to forbid,” or “to punish.”

Oversight. “Although the partner had oversight over his associate, the brief was filed late because of an oversight.” Avoid oversight, which means “intentional supervision” or “unintentional error.”

May and might. “The law students may study hard.” “Might expresses greater doubt than may. Be careful when you use may, which means “are permitted to” or “is possible that they will.” Distinguish may from might.

Table. “The bar association tabled the motion.” Avoid table as a verb. In America, it means “to adjourn for possible consideration later.” But many Americans use table in the British sense: to bring forward for immediate consideration.

On the other hand, word play can be effective. Lenny Bruce: “The halls of justice. That’s the only place you see the justice. In the halls.” Arthur Garfield Hays: “When there’s a rift in the lute, the business of the lawyer is to widen the rift and gather the loot.” Calvin Coolidge: “The business of America is business.” Chief Judge Kaye: “The Third Branch just cannot leave it to the Fourth Estate to fill the knowledge vacuum about the justice system.” More legal wisdom handed down through the ages:

“The truth lies somewhere in the witness’s lies.”

“The judge seemed bored on calendar day. All she did was go through the motions.”

“The law student studied defamation in her torts class. The professor wanted to add insult to injury.”

“While drafting a contract to buy a racehorse, the lawyer added a rider.”

“Notaries seal their documents to make a good impression.”

If being sanctioned for oversights is something you might want to table, accept that unnecessary variety is not the spice of life. Instead of finding another word for synonym, ask yourself, What is the opposite of antonym?

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