Taking Prepositions Seriously

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"My mind's made up; don't confuse me with a lot of facts."
—Groucho Marx

The contemporary assault on nouns and adjectives continues apace, leaving users of the language little time to survey the damage. When did apocalypse lose its specific character as a synonym for revelation and become a vogueish substitute for Armageddon? (Is Francis Ford Coppola to blame?) When did an internecine struggle cease to conjure up bloody battlefields with the dead of both sides littering the landscape and instead refer to nothing more violent than an intramural tenure controversy? And when did redolent lose its sense of smell?

The assault on nouns sometimes takes the form of verbing them. The use of the noun impact as a verb meaning affect, once the exclusive affectation of the bogus and the self-important, has spread to the entire population. As a consequence, a new test is now needed for identifying the bogus and the self-important. Noting those who use wellness instead of health is a test that commends itself.

In our justifiable eagerness to purge our language of a misnomer for the descendants of the first residents of this continent, we have confounded native with aboriginal so that, though I remain a native American, I am no longer a Native American.

Since it is an established fact that sloppy word-choice among the young leads inexorably to increases in drug abuse, out-of-wedlock births, and acne, I am, as indeed every person who cares about America's future ought to be, concerned.

It was therefore with inexpressible pleasure that I discovered two distinguished scholars rushing to the defense of language. Sensing perhaps how deeply the rot has penetrated, they have returned to fundamentals, circling their wagons not around nouns, adjectives, or verbs,¹ but around the lowly preposition. In a world where the delicate but necessary distinctions between susceptible to and susceptible of and between consists in and consists of have been all but annihi-

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¹ Notwithstanding the expressio unius principle, I do not intend to exclude adverbs from the field. The popular use of hopefully remains, for me, disputed territory.
lated, and oblivious to and enamored with have crowded out oblivious of and enamored of; this defense of the preposition is all to the good. Prepositions are weighty things. As a 1960s survivor, how can I forget the frisson of horror that chilled me whenever I heard the jingle assuring me that “Winston tastes good like a cigarette should”?2

The causus belli on this occasion is the preposition “in.” What preposition ought to precede “evidence” in the locution “admitted ___ evidence”: “in” or “into”? Peter Murray of Harvard insists on “in,”3 while Steven Lubet of Northwestern plumbs for “into.”4 Before exploring the issue as to which they disagree, however, I must point out that they implicitly agree on an issue that, to me, is of overriding importance: their very disagreement presupposes that there is a right answer.

That this shared stance should be controversial is cause for gloom. Sadly, some of today’s liveliest commentators on the subject of language have repudiated the whole notion of expert “authority” in deciding questions of usage, arguing that only prevailing practice is determinative: lingua populi, lingua Dei. But Professor Lubet, for example, cheerfully cites authority in support of his position: Moses.5 “When a Prophet speaks, is deconstruction necessary?” he asks, not without confidence.6 Unfortunately, the Prophet in question spoke in Hebrew, and King James’s translators7 were at work before the modern rules of preposition usage were established.8 Still, Professor Lubet is to be commended for his unapologetic declaration that on such issues as usage, authority must be found and consulted.

All right, then. If not Moses, who? Who are these authorities? Follett’s Modern American Usage, though it does not name them, at least limns their contours:

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2 The Winston-puffers mistook a preposition for a conjunction.
5 See Lubet, supra note 4, at 159 (citing Deuteronomy 29:11 (“That you should enter into covenant with the Lord your God and into his oath which the Lord your God makes with you this day.”)).
6 Lubet, supra note 4, at 159.
7 Professor Lubet fails to specify the particular version of Deuteronomy that he cites. Inasmuch as (1) the King James version is identical, as to the points in question, with the version Professor Lubet cites; (2) the King James version is an older version than the one Professor Lubet cites and therefore a likely source consulted by the translators on whom he relies; and (3) the assumption that Professor Lubet was relying on the King James version allows me to show off by quoting a speech by Queen Elizabeth the First, I shall go with King James:
   That thou shouldest enter into covenant with the Lord thy God and into his oath, which the Lord thy God maketh with thee this day.
8 In her last address to Parliament, Elizabeth I, the immediate predecessor of James I, said, “There will never Queen sit in my seat with more zeal to my country . . . .” The Lives of the Kings & Queens of England 211 (Antonia Fraser ed., 1995) (emphasis added).
A linguistic pattern is dead, not when there is a large amount of deviation from it... but when it has ceased to make a clear and uniform impression upon those who attend to words.  

Got that? "Those who attend to words." And where do we find such luminaries? As Martin Luther said, "Here I stand."  

Language serves two functions. First, it conveys thoughts from one mind to another. As to this function, while correctness of usage may be helpful, it is not always necessary. Were I to use a double negative, my readers would understand me, but they would form impressions about my background and education different from those I would hope to convey. This brings us to language's second function: to convey information about the writer's social class. There. I've said it.  

Alan Jay Lerner, although he was writing about pronunciation rather than usage, put the matter memorably in his lyrics to My Fair Lady:  

An Englishman's way of speaking absolutely classifies him;  
The moment he talks, he makes some other Englishman despise him.  

Language's role as a signal of social class is no better illustrated than by the now-moribund distinction between the verbs shall and will. In 19th Century England, proper idiomatic use of these auxiliary verbs was considered the hallmark of proper education (Oxford or Cambridge) or birth (Mayfair or Belgrave Square). Oscar Wilde, who—"as an Irishman," he said—never could get the hang of the shall/will distinction, felt the need to ask a friend to check the proofs of The Picture of Dorian Gray as to this point of usage, lest some solemnism bespeak déclassé origins. On the other hand, Wilde's contemporary W.S. Gilbert, a thoroughgoing snob, seemed to go out of his way to parade his sensitivity to the nuances of the shall/will distinction:  

BUNTHORNE: But I will show the world that I can be as mild as he.  
If they want insipidity, they shall have it. I'll meet this fellow on his own ground and beat him on it.  

LADY JANE: You shall. And I will help you.  

BUNTHORNE: You will?  

You see my point. If correct usage were to be determined by prevailing practice rather than by authorities like me, how could I demonstrate that I'm smarter and classier than you are?  

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10 Actually, he said "Hier stehe ich."  
12 See, e.g., Act I of W.S. Gilbert, The Sorcerer (1877):  
Aline: Ah, the working man is the true intelligence after all  
Alexis: He is a noble creature when he is quite sober.  
13 W.S. Gilbert, Patience, Act II (1881) (emphasis, I need hardly say, added).
Now that we are on firm moral and epistemological ground, we can proceed to the question at hand. The correct phrase is “in evidence,” not “into evidence.” While analogies are admittedly fragile tools with which to examine usage questions, I think satisfaction, token, and consideration may provide useful analogs. I pay you money in (not into) satisfaction of my debt. I give you a gold necklace in token of my affection. I hand you a peppercorn in consideration of your promise. From these examples, it is apparent that in is preferable to into when the preposition is used to indicate the function of the noun preceding the preposition: that is, the function that the actor expects that noun to fulfill. When I pay you money in satisfaction of a debt, I expect that the money will function as a release of my liability. Similarly, I expect that the necklace will function as proof of my affection, and that the peppercorn will function as a guarantee of the enforceability of our agreement. These analogies suggest that “in evidence” is to be preferred to “into evidence,” since an attorney’s statement that she wants to put an exhibit in evidence is a statement that she wants the exhibit to function as evidence.

Professor Lubet observes that some journalists, perhaps to avoid the in/into dilemma, sometimes fall back on as: “as evidence.”¹⁴ This observation confirms the pertinence of my analogies, inasmuch as the in could idiomatically and logically be replaced by as in each of the three examples I offered: as satisfaction, as a token, as consideration.

I offer this argument-by-analogy only for the invincibly skeptical among you for whom the weight of my authority fails to suffice. But by relying on these analogies, I do not mean to suggest that the matter is to be decided by logic. Consider two all-but-interchangeable verbs: “put” and “place.” I may put an apple in a basket, or I may put an apple into a basket. But should I choose “place” instead of “put,” I limit my choice of prepositions to “in.” Why this distinction? One can adduce subtle differences between “put” and “place”—the former is of Germanic origin while the latter is of Romance origin; the act of placing faintly suggests more deliberation than the act of putting—but the fact remains that logic fails as a tool for explaining the idiom. “Put the apple into the basket” is correct and “Place the apple into the basket” is incorrect because “Put the apple into the basket” is correct and “Place the apple into the basket” is incorrect.

**Conclusion**

“In evidence” rather than “into evidence” is correct because that’s what I say and that’s what I’ve always said. I am somewhat discomfitted, however, by Professor Lubet’s observation that Justice

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¹⁴ Lubet, supra note 4, at 158.
White used "into" when writing for the majority and "in" when dissenting.\textsuperscript{15} Perhaps these are deeper waters than even I suspect.

\textsuperscript{15} Lubet, \textit{supra} note 4, at 159.