



University of Houston Law Center
LEGAL WRITING CENTER

Writing is Thinking

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Writing Tip of the Week
Active and Passive Voice

The term “voice” applies to the relationship of the subject to the action expressed in the verb. Active voice positions the doer of the action as the subject of the sentence. Passive voice either eliminates the doer of the action or weakly positions the doer of the action as the object of the sentence. Although both active and passive voice are grammatically correct, your sentences will be more powerful if you choose active voice.

- 1) Active voice is more concise and efficient than passive voice:

Active	The marshal left the summons. (5 words)
Passive	The summons was left by the marshal. (7 words)

- 2) Active voice uses a more vigorous verb.

Active	The plaintiffs filed a complaint in the Superior Court of Chavez, County, New Mexico. (emphasis on subject performing the action)
Passive	A complaint was filed by the plaintiffs in the Superior Court of Chavez County, New Mexico. (The auxiliary verb “was” and the preposition “by” dilute the energy of “filed.”)

Active	The legislative history supports our conclusion.
Passive	Our conclusion is supported by the legislative history.

TIPS FOR IDENTIFYING PASSIVE VOICE:

- 1) You should circle the preposition “by” in your sentences. Then determine whether the doer of the action is in the subject or object position.

Active	The defendant (doer of the action of “erased” and subject of the sentence) erased a portion of the tape.
Passive	A portion of the tape was erased by the defendant. (The doer of the action of “erased” is buried at the end of the sentence in a prepositional phrase.)

- 2) You can recognize passive-voice expressions because the verb phrase will always include a form of *be*, such as *am*, *is*, *was*, *were*, *are*, or *been*. The presence of a *be*-verb, however, does not necessarily mean that the sentence is in passive voice.

Active	In the Forbush case, the Fourth Circuit questioned the admissibility of post-hypnotic testimony.
Passive	The admissibility of post-hypnotic testimony was questioned by the Fourth Circuit in the Forbush case.