



University of Houston Law Center

## LEGAL WRITING CENTER

*Writing is Thinking*

September 13, 2016

### Writing Tip of the Week Pronoun Reference

A pronoun is a word that is used in place of a noun. The most common kinds are **personal pronouns** (I, you, he, she, it, we, they); **indefinite pronouns** (anyone, anybody, anything, someone, somebody, something, everyone, everybody, everything); and **relative pronouns** (who/whom, which, that). Usually a pronoun substitutes for a specific noun, known as its **antecedent**. Although most function as substitutes, some can function as adjectives modifying nouns. Legal writers tend to have two kinds of problems with pronouns: **(1)** they use plural pronouns to refer back to singular antecedents; and **(2)** they use pronouns that have unclear or ambiguous antecedents.

**(1)** Singular antecedents require singular pronouns; plural antecedents require plural pronouns.

**Grammatical** William McDonald (antecedent) may claim that his (pronoun) constitutional rights were violated.

**Grammatical** William McDonald and Grace Yessler (antecedents) may claim that their (pronoun) constitutional rights were violated.

**Ungrammatical** If a person (antecedent) has legal capacity to marry, they (pronoun) may enter into marriage.

**Revision** If a person (antecedent) has legal capacity to marry, she (pronoun) may enter into marriage.

**(2a)** Each pronoun should clearly refer back to its antecedent.

**Vague Referent** Officer Robert O'Malley, who arrested Howard Davis, said that he was drunk at the time.

**Revision** Officer Robert O'Malley, who arrested Howard Davis, said that Davis was drunk at the time.

**Revision** According to the arresting officer, Robert O'Malley, Howard Davis was drunk at the time of the arrest.

**(2b)** The small, unimportant-looking pronoun "**it**" along with its companions "**this**" and "**which**," should refer to closely adjacent antecedent nouns. If their antecedents are too far away, if they refer to some nebulous concept not actually mentioned in the sentence, or if they have no antecedent at all, "**it**," "**this**," and "**which**" become **vague referents**. Vague referents cause confusion in all kinds of writing, but they are dangerous in legal writing, where precision is so important.

**Vague Referent** Because defendants were playing a practical joke on the plaintiff, **it** shows intent on their part.

What shows intent? That is, to what does the referent "**it**" refer? The writer is aware that one of the elements of battery is "intent" and wants to say that defendants' playing a practical joke indicates their intention to carry out the battery. In his sentence structure, however, the noun phrase that "**it**" refers to is "practical joke," and practical jokes cannot possess intent.

**Revision** Defendants' playing a practical joke on the plaintiff showed their intent.