



## THEM!

I've covered a number of contentious grammar, punctuation, and usage controversies in this column over the years. The Clarity Comma. The proper number of spaces after a period. *Pled vs. pleaded*. Legal-writing-presentation attendees reliably express adamant views about these topics. I receive emails and Facebook posts from readers and former students whenever someone publishes a study supporting the two-spacers (or the one-spacers) or a court decision turns on the use or absence of the Clarity Comma.<sup>1</sup>

**They is now a singular, gender-neutral pronoun. Accept it and move on.**

Well, get ready for another polarizing issue.

*They* is now a singular, gender-neutral pronoun. Maybe we should accept it and move on with our lives.

Unfortunately, the English language evolved without a gender-neutral third-person singular pronoun. For years, people used the masculine pronoun *he* as the default, much as they often used *man* to designate an individual of unspecified gender. Neither usage remains acceptable, for good reason. But this linguistic void leaves us fumbling with cumbersome constructions like *he or she*, *his or her*, and *him or her*, or the literally unspeakable *s/*

*he*—none of which include people who do not identify as either male or female. Sometimes we can avoid the issue by making the noun plural or revising the sentence to obviate the need for the pronoun at all, but all too often this revision results in contorted syntax.

I'll confess that I sometimes use *she* as the generic pronoun—you may have noticed it in this column—especially when I'm referring to those in traditionally male-dominated professions like engineering, medicine, and law. But that usage is neither inclusive nor gender-neutral, so it falls significantly short of ideal.

Why not just adopt the singular *they*? In reality, nearly all of us already use *they* as the third-person singular pronoun in casual—and even formal—speech without giving it a moment's thought. Many of us even use it in writing, often to avoid the awkwardness of *he or she* (or *s/he*). In fact, for centuries people have used *they* and *them* to describe an individual whose identity, and thus gender, is unknown or irrelevant. Chaucer did it in *The Canterbury Tales*. Emily Dickinson did it in personal correspondence. Shakespeare did it in his plays and poetry.

Over the past few years, the singular *they* has gained traction. The *Washington Post* adopted the singular *they* as the gender-neutral, third-person singular pronoun in its style guide in 2015. In his column announcing the change, *Post* copy editor and renowned language expert Bill Walsh noted that the newspaper had used the singular *they* inadvertently now and then for years, without complaint. The linguists of the American Dialect Society named the singular *they* Word of the Year in 2016. And, just a year ago, the 2017 *AP Stylebook* adopted a style change, permitting the use of the singular *they* in limited circumstances. In doing so, however, the *Stylebook* acknowledges possible clarity

pitfalls: "Be sure that the phrasing does not imply more than one person," it cautions.

Research suggests that the *Stylebook's* fears may be unfounded. Studies of cognitive efficiency have concluded that the use of the singular *they* does not reduce reader fluency.<sup>2</sup> And, really, why would it? We use the singular *they* in conversation all the time.

I've long hoped that the language would evolve to include a unique third-person, gender-neutral, singular pronoun. I'm partial to *xe*; we should have more words that start with the letter *x*. But that idea has failed to gain traction, while, at the same time, our real-world usage overwhelmingly favors the singular *they*.

Lawyers and judges are notoriously late adopters, especially when it comes to linguistic change. Really, it's not our fault. We're trained to follow precedent, to do things the way they've always been done. Moreover, we don't want our audience to think that our use of the singular *they* indicates a carelessness about noun/pronoun agreement or ignorance of grammar rules in general. But, much like the common law, the English language evolves. We no longer use *thou* as a second-person singular pronoun. We can work with the singular *they*.

Remember, though, that *it* remains the appropriate singular pronoun for many non-human<sup>3</sup> entities. This rule includes collective nouns that arise frequently in legal writing, like jury, court, and corporation.

And, of course, if an individual communicates a desire to be addressed and described using a particular set of pronouns, respect that wish. If you're concerned about confusion, you can always drop a footnote explaining the reasons behind your pronoun usage to your audience.

### endnotes

1. Although they still call it the Oxford or serial comma. Weird.
2. Interestingly, using a gendered pronoun inconsistent with the stereotypic gender of the antecedent—like *she* for *truck driver*—does hamper reader fluency.
3. I'd add the modifier non-animal (and especially non-canine) here, but grammar sticklers will disagree.



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