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Alphabet Soup: More Confusing Word Pairs

Tenielle Fordyce-Ruff

I'm writing this over my Spring Break. By the time you read this, the weather will be lovely, but today it's classically blustery. I decided to make soup before sitting down at my computer. Filled with a lovely, warm homemade concoction, I realized that I didn't have a topic ready to pour out of my head.

So as sometimes happens when I have a bit of writer's block, my mind began to wander. I remembered lunches of alphabet soup on blustery spring days long before I hit law school (or high school for that matter). And then it hit me—I should write about all the odd ball confusing word pairs that didn't fit with my letter-themed past columns!

Accord/Accordance

Accord is a verb that means agreement. *Accordance* is a noun that conveys conformity.¹

The parties were in accord after their successful mediation.

The complaint was drafted in accordance with I.R.C.P. 9(b).

Beneficence/Benevolence

Beneficence denotes the quality of being disposed or capable of doing good. *Benevolence* denotes the act of doing a good deed.

The beneficence of the students involved with the Street Law clinic spoke to their character.

The clients thanked them for their benevolence.

Can/Could

In many circumstances, the verb *could* conveys the past tense of the verb *can*. But these two verbs can



also vary in sense: *Can* expresses a certainty, while *could* expresses uncertainty or a conditional statement.

The clinic students can appear in court under certain conditions.

The clinic students could only represent low-income clients.

Discreet/Discrete

Discreet means careful or circumspect in speech, especially to avoid offending or to gain an advantage.

Discrete means individually separate and distinct.

We made discreet inquiries.

The interrogatories covered several discrete areas.

To remember the difference in spelling, remember that the letters E in discrete are separate, like its meaning.

Forego/Forgo

Forego means to go before; *forgo* means to do without.

The foregoing word pair has caused many spelling mishaps.

Use the tips in this article to forgo errors.

To remember the difference, remember that *forgo* does without the E.

Gibe/Jibe

As a noun *gibe* means a taunt or insulting remark. As a verb it means to jeer or to make insulting remarks. A nautical term, currently *jibe* also means to fit or agree, but it has the sense of negation.

Some critics launch gibes at attorneys. The gibes don't, however, jibe with reality.

Illegible/Unreadable

Sometimes used interchangeably, the adjectives *illegible* and *unreadable* reference writings that cannot be read. But the conventional use of this two terms can convey two distinct meanings: *Illegible* text might be rendered unreadable due to poor handwriting or deterioration. In contrast, an *unreadable* writing might be legible, but so poorly composed as to be dull or incomprehensible.

Most of the notes my husband scribbles to me are illegible.

Some of the writing my students turn in the first few weeks of 1L is unreadable.

Notable/Noteworthy

Notable means readily noticed or worthy of attention. *Noteworthy* means interesting, significant, or unusual.

She had many notable clients, but none of their cases were noteworthy.

On/Upon

Both prepositions literally mean supported by a surface. *Upon* is more formal and abstract, however. *Upon* should be avoided unless you're expressing a condition.

He served process on his client's former employer.

Upon completion of the job, the employee was entitled to compensation, but the employer refused to pay him.

Peak/Peek/Pique

Ahh, homophones. *Peak* means an apex (and you can remember this one because the A looks like a mountain peak). *Peek* means to sneak a look at something (think of the "ee" as two eyes glancing). *Pique* means to annoy or arouse (a feeling many people experience when having to spell words with a French origin).

Principle/Principal

Principle is a natural, moral, or legal rule. *Principal* is a person of high authority or a loan amount requiring repayment.

The principle of free speech permeates our society.

She diligently paid extra principal each month.

(*Mea culpa*—this is a set I've mixed up before! In fact, this is one set of homophones that almost always gets me.)

Purposely/Purposefully

To do something with intention is to do it *purposely* (think on purpose). To do something *purposefully* is to have a certain outcome or goal in mind. So when my two-year old nephew hits me, it's *purposely*. But because he doesn't mean to injure me, it's not *purposefully*.

Tortious/Tortuous/Torturous

This is for my 1L students who bemoan that spell check won't catch their usage mistakes with this set.

Tortious relates to torts. *Tortuous* is something full of twists and turns or excessively lengthy and complex. *Torturous* involves torture or at least severe discomfort.

She filed a complaint for tortious interference with a contract.

Her tortuous brief was so full of jargon it was torturous.

To remember the difference, liken the "uou" in tortuous to twists and turns — the "u" is more curvy than the "i" in tortious! And of course, torturous has the same root as torture in it.

Toward/Towards

These directional words have the same meaning: in the direction of. The shorter *toward* is preferred in American English. This preference also holds true for other directional pairs (upward, downward, forward, backward, and afterward).

She was moving toward finishing the article.

Wrong/Wrongful

Wrong means immoral, unlawful, or incorrect. *Wrongful* means unsanctioned, unjust, or unfair.

It is wrong to use wrong and wrongful interchangeably.

Conclusion

Now that this is done, I'm going to bundle up and head out for a walk before making dinner. I've looked a few recipes that have *piqued* my interest and I *could* use something a little more filling than soup. (And yes, I used those words *purposely*!)

Source

- *The Chicago Manual of Style* § 5.220 (16th ed.).

Endnotes

1. Technically, accordance is a nominalization. For more on nominalizations, see my article, *Cutting the Clutter: Spring Cleaning for Writing* in the April 2013 edition of *The Advocate*.

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