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Confusing Word Pairs: Part II

Tenielle Fordyce-Ruff

Way back in the January 2012 edition of *The Advocate* I introduced you to my inner grammar noodle by discussing confusing word pairs. Several readers gave me suggestions for pairs that had confused them, and since then I've fielded more than a few questions from both students and readers about the difference between certain words.

I recently realized that I had enough material to have a Confusing Word Pairs: Part II. Here are more confusing word pairs explained and some tips to help you use the correct word when writing or editing.

Imply/Infer

These words particularly trip up new legal writers. *Imply* and *infer* are both verbs, but they carry different meanings and should not be used as synonyms for each other.



Imply means to suggest, indicate, or express indirectly.

The expert used jargon to imply her superior knowledge.

Infer means to deduce, conclude, or gather.

The jury may infer the defendant's guilt if it hears of his prior convictions.

Here's a quick tip for telling *imply* and *infer* apart: Use a nominalization (implication/inference) to determine what action the actor in the sentence took. Only one nominalization will make sense in context.

The expert suggested her superior knowledge by implication.



The jury determined his guilt based on an inference from the admission of his prior convictions.

Then/Than

The confusion in this pair comes from the single letter difference and similarity in sound when spoken. In writing, however, an incorrect usage will stand out to the reader.

Then is an adverb. It is used to discuss time.

Prices were lower then. (at that time)

The protests stopped briefly, then started again. (immediately, or soon after)

We ate, then started the deposition again. (next in order of time)

At first the suspect seemed angry, then contrite. (at the same time)

Then can also refer to next in order of place.

Standing beside Charlie is my uncle, then my cousin, then my brother.

Than, a conjunction, is used to construct a comparison. It is used to introduce the second member of a comparison.

Juries are more representative institutions than the judiciary.

It is also used to introduce a choice or explain a rejected choice.

I'd rather write than appear in court.

Now that you understand the difference, be sure to carefully proof your writing.

Principal/Principle

This can be an especially confusing pair in writing because the pronunciation of principal and principle is exactly the same.

Principal is almost always an adjective meaning main or chief.¹

The principal question before the jury is the credibility of the witness.

Principle is virtually always a noun meaning a rule, truth, or doctrine.

The bill preserves two important principles.

How to remember this distinction? Here's a handy trick: *Principal* with an "a" is an adjective (with an "a"). Use it when describing something or someone.

Disinterested/Uninterested

The difference in this pair is eroding in general usage, but not in legal writing.

Disinterested means neutral or unbiased. A *disinterested* person has no financial or legal interest in the outcome of a case.

As a matter of principle we insist that judges be disinterested.

Uninterested means bored. An *uninterested* person has no intellectual interest in the people or controversy. *We, however, do not want judges to be uninterested.*

If/Whether

This is another pair whose differences are disappearing, especially in speech. But legal writing should be precise and correct.²

If is a conjunction used to introduce a conditional clause. Use *if* when you need to let the reader know that something must happen prior to an action.

If you have a complaint, please write to the director.

Whether is a conjunction indicating a choice between alternatives.

The only remaining issue is whether the publication was defamatory.

In addition to mistakenly using *if* to introduce a choice, writers sometimes use the redundant *whether or not* construction.

Affect/Effect

This is a tricky pair. Both *affect* and *effect* can be nouns and verbs.³ No wonder many writers are confused. Good news though: The majority of the time you will use *affect* as a verb and *effect* as a noun.

Generally, *affect* is a verb that means to influence, impress, or sway. *He attempted to affect the jury through his emotional testimony.*

Affect is also less commonly used to mean to pretend or feign.

The witness affected shock when confronted.

The least common usage of *affect* is as a noun meaning emotion.

His expression lacked affect.

Generally, *effect* is a noun meaning result.⁴

The witness' displays of emotion had no effect on the jury.

But legal writers will still sometimes want to use *effect* as a verb meaning to bring about or produce.

He hoped to effect change through his lobbying efforts.

Awhile/A While

Awhile is an adverb meaning for a short period of time. It can be used only when modifying a verb.

The witness waited awhile before answering the prosecutor's questions.

A *while* is an article and a noun and is used as a prepositional phrase.

It takes quite a while to become a better writer.

To remember which to use: *awhile* is one word, just like *adverb*. So if you're modifying a verb use one word: *awhile*.

Sometime/Some Time

The difference between these two is subtle. *Sometime* means at an indefinite or unspecified time.

The break-in occurred sometime last night.

Some time means quite a while. *The new associates will take some time getting used to the pace of practice.*

The difference is best understood by contrast:

Kate quit sometime later. (We don't know exactly when Kate quit.)

Kate quit some time later. (Kate waited a while to quit)

Conclusion

I hope these explanations will help you in your future writing. If

you have a suggestion for a confusing word pair send it my way. I'd love to do a Confusing Word Pairs: Part III!

Sources

- Anne Enquist & Laurel Currie Oats, *Just Writing: Grammar, Punctuation and Style for the Legal Writer*, 307-13 (3d ed. Aspen 2009).
- Bryan A. Garner, *The Redbook: A Manual on Legal Style*, § 12.3 (2d ed. West 2006).
- Bryan A. Garner, *Garner's Modern American Usage* (3d ed. Oxford 2009).

Endnotes

1. *Principal* is also a noun when referring to funds: principal and interest. It can also serve as a noun when referring to a main person — an elliptical form of principal official.
2. *Mea Culpa*: This pair has long plagued me and after one of my early columns an alert reader pointed out that I had used *if* when *whether* was correct. Nothing like having an error in your publication to help cement the difference in your mind!
3. For a refresher on parts of speech, see Back to the Basics II: Parts of Speech in the August 2013 edition of *The Advocate*.
4. *Effect* as a noun can also mean goods. *She left her personal effects to her niece.*

About the Author

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