

Faculty Publications

---

2012

## A Comment on Commas

Erik M. Jensen

Case Western University School of Law, [emj@case.edu](mailto:emj@case.edu)

Follow this and additional works at: [https://scholarlycommons.law.case.edu/faculty\\_publications](https://scholarlycommons.law.case.edu/faculty_publications)

 Part of the [Other Law Commons](#)

---

### Repository Citation

Jensen, Erik M., "A Comment on Commas" (2012). *Faculty Publications*. 73.  
[https://scholarlycommons.law.case.edu/faculty\\_publications/73](https://scholarlycommons.law.case.edu/faculty_publications/73)

This Article is brought to you for free and open access by Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Faculty Publications by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

# A COMMENT ON COMMAS

Erik M. Jensen<sup>†</sup>

I've heard editors complain about authors who resist changes in punctuation. "He quibbles about every comma" is a typical editor's lament, as if editors should be given free rein when it comes to punctuation marks.

Not every punctuation matter is worth a fight, of course, but some are. Question marks and periods, for example, have important effects. Agreed? Agreed. (Flip the punctuation after the last two words, and you'd read them in a much different way.)

Even the lowly comma deserves respect. A misplaced or missing comma can turn a sentence upside down, and, when that happens, the fault sometimes lies with editors.

That point was illustrated by a recent mistake in the *New York Times Book Review*. Reviewing Thomas Powers's *The Killing of Crazy Horse*, Evan Thomas had written that the book is about "the life and death of Crazy Horse, the most fearsome of the Sioux warriors. Less well-known than Sitting Bull, the Sioux spiritual leader, Crazy Horse was quiet but formidable."<sup>1</sup> The point of this passage was clear: Crazy Horse was the warrior, Sitting Bull the spiritual type.

But in what the *Times* calls a "subheading" (a bold-faced, large-type excerpt intended to entice readers into reading the whole piece<sup>2</sup> — example below), the editors changed a couple of things: "Less well known than Sitting Bull, the Sioux spiritual leader

## EVEN THE LOWLY COMMA DESERVES RESPECT.

Crazy Horse was quiet but formidable." That sentence was taken word for word from the text of the review, but the hyphen in "well-known" and the comma after "leader" were deleted — inadvertently, I assume, in both cases.

Compare the two sentences, the first written by Thomas and the second as "edited":

### TEXT

Less well-known than  
Sitting Bull, the Sioux  
spiritual leader, Crazy  
Horse was quiet but  
formidable.

### SUBHEADING

Less well known than  
Sitting Bull, the Sioux  
spiritual leader Crazy  
Horse was quiet but  
formidable.

<sup>†</sup> David L. Brennan Professor of Law, Case Western Reserve University.

<sup>1</sup> Evan Thomas, Book Review, *N.Y. Times*, Nov. 14, 2010, at BR20.

<sup>2</sup> These highlighted passages are also sometimes called "pull-quotes" or "call-outs."

Did the changes matter? The disappearance of the hyphen had no apparent effect. We can argue about whether the hyphen was desirable, but, with or without it, I would interpret the sentence in the same way.

The comma was something else. It had been enlisted for an essential purpose, to make clear that “Sioux spiritual leader” referred to Sitting Bull. (Accentuate the appositive!) When the comma went missing in action, however, Crazy Horse was transformed from warrior to spiritual leader — historically wrong and the opposite of what reviewer Thomas had written. (I’m reasonably sure that poor Mr. Thomas didn’t see the subheading before it appeared in print.)

Shortly after I had read the garbled subheading and choked on my Sunday morning coffee, I sent an e-mail to the editors of the *Book Review*, and I suspect other nerds did so as well.<sup>3</sup> The editors published a “correction” two weeks later: “A subheading . . . described the Sioux warrior Crazy Horse incorrectly. He was not ‘the Sioux spiritual leader.’ (As noted in the review, that was Sitting Bull.)”<sup>4</sup>

Yes, the substance of the subheading was wrong, and that needed correcting. But the editors didn’t explain the mistake. The subheading was wrong because, and only because, of the dropped comma. That comma had given the sentence its proper meaning; taking it out turned sense into nonsense.<sup>5</sup>

Get your commas right, and good things can happen. Get them wrong, and you can wind up with a result completely different from what you intended. Commas rule, at least occasionally — hm-m-m, how that would be for a subheading? — and don’t

### COMMAS RULE, AT LEAST OCCASIONALLY.

let anyone (an editor if you’re an author or an author if you’re an editor) convince you otherwise.

Note: Editorial carelessness of the sort described here happens only in publications other than those produced by the *Green Bag*. In these pages, warriors stay warriors, and spiritual leaders retain their spirit. George Patton wasn’t a saint, and Mother Teresa didn’t command the Third Army.

\* \* \*

<sup>3</sup> For another example of grammatical nerdiness, see Erik M. Jensen, Justice Scalia Nodded, 13 *Green Bag* 2d 378 (2010).

<sup>4</sup> Corrections, N.Y. Times, Nov. 28, 2010, at BR6.

<sup>5</sup> The *Times*’s error wasn’t entirely a bad thing. One of my colleagues, Jonathan Gordon, who teaches legal writing and other nerdy subjects, was genuinely excited by the mistake’s pedagogical potential.

☆ EXEMPLARY LEGAL WRITING 2011 ☆  
• MISCELLANY •

Case 1:09-cr-00507-KMW Document 117 Filed 11/18/10 Page 1 of 2

MEMO ENDORSED

LAW OFFICES  
BENNETT M. EPSTEIN  
100 LAFAYETTE STREET  
NEW YORK, N.Y. 10013  
12121 684-1230

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/18/10
---------------------------------------------------------------------------------

TELECOPIER (212) 671-6507

via fax (212) 805-7900

November 17, 2010

Hon. Kimba M. Wood  
United States District Judge  
Southern District of New York  
U.S. Courthouse  
500 Pearl Street  
New York, NY 10007

Re: United States v. Lacey, et al.  
09 Cr. 507 (KMW)

Dear Judge Wood:

I represent Mark Barnett in the above matter, which is scheduled for trial beginning November 29<sup>th</sup>.

Please consider this letter as an application *in limine* for a brief recess in the middle of the trial on the grounds known (perhaps not now, but hereafter) as a "writ of possible *simcha*".

The facts are as follows: My beautiful daughter, Eva, married and with a doctorate no less, and her husband, Ira Greenberg (we like him, too) live in Philadelphia and are expecting their first child on December 3<sup>rd</sup>, *ifu ifu ifu*<sup>1</sup>. They do not know whether it will be a boy or a girl, although from the oval shape of Eva's tummy, many of the friends and family are betting male (which I think is a mere *bubbameiseh*<sup>2</sup> but secretly hope is true).

Should the child be a girl, not much will happen in the way of public celebration. Some may even be disappointed, but will do their best to conceal this by saying, "as long as it's a

<sup>1</sup> Yiddish (and Hebrew) for "celebration of a happy event".

<sup>2</sup> Another Yiddishism, found in other cultures as well, that requires we spit to ward off the "evil eye" when discussing an upcoming *simcha*.

<sup>3</sup> As you may have already guessed, Yiddish for "old wife's tale". A "mere *bubbameiseh*" is somewhat less reliable.

healthy baby". My wife will run to Philly immediately, but I will probably be able wait until the next weekend. There will be happiness, though muted, and this application will be mooted as well.

However, should the baby be a boy, then *hoo hah!*<sup>4</sup> Hordes of friends and family will arrive from around the globe and descend on Philadelphia for the joyous celebration mandated by the *halacha*<sup>5</sup> to take place during daylight hours on the eighth day, known as the *bris*<sup>6</sup>. The eighth day after December 3rd could be right in the middle of the trial. My presence at the *bris* is not strictly commanded, although my absence will never be forgotten by those that matter.

So please consider this an application for maybe, *tsu tsu tsu*, a day off during the trial, if the foregoing occurs on a weekday. I will let the Court (and the rest of the world) know as soon as I do, and promise to bring pictures.

Very truly yours,



Bennett M. Epstein

cc. All counsel

*Mr. Epstein will be permitted to attend the bris, in the joyous event that a son is born. But the Court would like to balance the scales. If a daughter is born, there will be a public celebration in Court, with readings from poetry celebrating girls and women.*

11-18-10

SO ORDERED, N.Y., N.Y.

*Kimba M. Wood*  
KIMBA M. WOOD  
U.S.D.J.

<sup>4</sup> Yiddish for "a big fuss".

<sup>5</sup> Jewish law (citation omitted).

<sup>6</sup> [Hebrew for "covenant", for the Covenant of Abraham, i.e. ritual circumcision, joyous to everyone except, apparently, the baby.