What is passive voice?

- “Voice” means the way an action verb relates to its subject (the person or thing doing the action in the verb).
In **active voice**, the subject of the sentence does the action in the verb.

- The **batter** hit the **ball**.
- In **passive voice**, the subject is acted upon by the verb.
- The **ball** was hit by the **batter**. (the real subject of the verb, the batter, comes after the verb)
- The **ball** was hit. (“truncated” passive voice, which leaves it to the reader to figure out who hit the ball)
Voice is not the same as “tense.”

- “Tense” refers to time—when did the action happen?
- Passive voice can occur in any tense.
- The subpoena **was delivered**.
- The subpoena **is delivered**.
- The subpoena **will be delivered**.
Why should you favor the active voice?

- It is usually more concise.
- It was intended by Congress that the statute be interpreted broadly by the courts. (14 words)
- Congress intended that the courts interpret the statute broadly. (9 words)
It is easier to understand. The reader doesn’t have to wait until the end of the sentence to understand “who did what to whom.”

In “truncated” passive voice, the reader has to decide who’s doing the action in the verb since the writer doesn’t say.

The plaintiff’s rights were violated. (violated by whom?)

Mr. Jones violated the plaintiff’s rights.
Should you ever use passive voice?

- As a general rule, prefer the active voice. But there are several circumstances in which it makes sense to use passive voice.
When the action is more important than the actor.

A new surgery was performed at Mayo Clinic yesterday. (passive)

Compare: Dr. Samuel Jones, renowned heart surgeon, performed a new surgery at Mayo Clinic yesterday. (active)
- When the writer doesn’t know who the actor is (or it isn’t important for the reader to know).
- The governor was told this morning that three prisoners had escaped from the city jail.
In persuasive writing, when the writer wants to distance the actor from an unfavorable action. Who might prefer the passive version of the following?

- The well was polluted. (passive)
- ABC Company polluted the well. (active)
To be tactful.

The motion for summary judgment should be granted.
How do you spot passive voice?

- Look for some form of the verb “to be” (such as **is, are, was, were, has been**), usually in front of another verb.

- A copy of the manual **was transmitted** by the computer. (passive)

- The computer transmitted a copy of the manual. (active)
You may also see the preposition “by” when you are in passive voice.

A decision was reached by the jury. (passive)

The jury reached a decision. (active)
But remember that “truncated” passive voice does not require use of the preposition “by.”

A decision was reached.  (Who reached a decision?)
Grammar check will help you spot some passive voice. Check your settings to see whether there is a box for “passive voice” or a setting for “formal” v. “standard” English.
How do you fix passive voice?

- Place the subject doing the action in the verb **before** the verb instead of after it.
Examples

- The company fired Mr. Jones in retaliation for his wife filing a discrimination claim. (active)

- Not: Mr. Jones was fired by the company in retaliation for his wife filing a discrimination claim. (passive—who fired him?)

- Not: Mr. Jones was fired in retaliation for his wife filing a discrimination claim. (passive—who fired him?)
The **company** took reasonable precautions to protect the information.  (active)

Not:  Reasonable precautions **were** taken **by the company** to protect the information.  (passive)

Not:  Reasonable precautions **were** taken **to** protect the information.  (passive-who took the precautions?)
The admissibility of post-hypnotic testimony was questioned by the Fourth Circuit in the Forbush case.

The Fourth Circuit questioned the admissibility of post-hypnotic testimony in the Forbush case.
The prosecutor has petitioned for certiorari, but the petition will probably be denied by the Supreme Court.

The prosecutor has petitioned for certiorari, but the Supreme Court will probably deny the petition.
If certiorari had been granted by the Supreme Court in one of the earlier cases, we would not now face a split among the circuits.

If the Supreme Court had granted certiorari in one of the earlier cases, we would not now face a split among the circuits.
The split among the circuits has existed for nearly a decade.
The liberal approach, which the Ninth Circuit pioneered eight years ago, has been rejected in the Second and Fifth Circuits.

The Second and Fifth Circuits have rejected the liberal approached, which the Ninth Circuit pioneered eight years ago.
- The conservative approach suggests that in Forbush the testimony should not have been admitted by the trial court.
- The conservative approach suggests that in Forbush the trial court should not have admitted the testimony.
Other resources

- Anne Enquist & Laurel Currie Oates, Just Writing (3d ed. 2009).