

FROM THE LEGAL WRITING CLINIC
WRITING TIP OF THE WEEK

PASSIVE VOICE IN PERSUASIVE WRITING



When you write in active voice, the subject of your sentence does the acting. In contrast, in passive voice, the subject or actor is “passive”--acted upon by someone or something else.

- The court granted the motion. (active voice--subject before action verb)
- The motion was granted by the court. (passive voice--subject after action verb)
- The motion was granted. (passive voice--subject missing)

Because passive voice is harder to understand and usually takes more words, you should generally use the active voice. However, you may sometimes choose to use passive voice, particularly in persuasive writing.

Use passive voice in persuasive writing when you want to de-emphasize the actor or even conceal the actor’s identity. For instance, if your client committed a crime, you might use passive voice to describe what happened. On the other hand, if your client is the victim, use active voice and active verbs to link the defendant to the crime.

- The Defendant slashed Mr. Roberts five times with a knife. (prosecution--active voice)
- Mr. Roberts was stabbed. (defense--passive voice)

You may also use passive voice when you do not know who the actor is, when the actor’s identity is not important, or when you want to emphasize the action instead of the actor.

- The governor was told that three prisoners escaped from the state prison. (it is not important who told the governor or we do not know)
- An experimental cancer surgery was performed yesterday for the first time. (the new surgery is more important than who performed it)

For more information, see Anne Enquist & Laurel Currie Oates, Just Writing 72-73 (3d ed. 2009) and Laurel Currie Oates & Anne Enquist, The Legal Writing Handbook 274, 359-60 (5th ed. 2010).