

# A singular use of **THEY**

The Commonwealth Attorney-General's Department, as part of its Corporations Law Simplification Program, set up a Simplification Task Force to examine various drafting issues. In September 1995 this task force produced a paper entitled *A singular use of **THEY***. It was freely distributed by the Department, without charge, but has now become a rarity.

It is reproduced here for the interest of our members, at the suggestion of Elizabeth Murphy and by kind permission of the Attorney-General's Department. If you ever worry about apparent inconsistency in using **they**, **them** or **their** after a singular antecedent (such as, *Has someone lost their pen?*), let AG's convincing arguments reassure you.

## About this series

The central objective of the Simplification Program is a law that is capable of being understood by its users. This paper is one in a series which explores some of the recommendations the Task Force has made to remove complication that arises in language and layout through current drafting practices. The aim is always clarity and a document in language that is familiar and easy to read.

## The issue

In the First and draft Second Corporate Law Simplification Bills, **they** has been used to refer to an indefinite noun, rather than the traditional legal **he** or the cumbersome **he or she**. Proposed new subsection 242(5) in Schedule 6 of the First Bill, for instance, reads:

*A person is entitled to have an alternative address included in notices under subsections (1), (2) and (8) if:*

*(a) their name, but not their residential address, is on an electoral roll ...*

This paper sets out the reasons for this decision.

## What the dictionaries say

The 3 great unabridged dictionaries of the English language are the Oxford English Dictionary (Clarendon Press: 1989), Webster's Third New International Dictionary (Merriam Webster: 1986), and the Dictionary of the English Language (Random House: 1987). Here are extracts from their entries for **they**, **them**, **themselves** and **their**.

### Oxford

**they** 2. Often used in reference to a singular noun made universal by every, any, no, etc., or applicable to one of either sex (= 'he or she').

1526 Pilgr. Perf....1759 CHESTERF. Lett. rv. ccclv. 170 If a person is born of a .. gloomy temper .. they cannot help it

**their 3.** Often used in relation to a singular sb. or pronoun denoting a person, after each, every, either, neither, no one, every one, etc. Also so used instead of 'his or her', when the gender is inclusive or uncertain ... (Not favoured by grammarians.)

13 . . Cursor M. 389 (Cott.) Bath ware made sun and mon, Aither wit ther ouen light.

## Webster's Third

**they 1b:** he or she: used with an indefinite singular antecedent < everyone tries to make the person they love just like themselves - H.D. Skidmore >

< the liability for damages lies against whoever is knowingly involved in such sale whether or not they receive any part of the consideration - U.S. Code >

**themselves 3:** HIMSELF, HERSELF - used with a singular antecedent that is indefinite or that does not specify gender < nobody can call themselves oppressed - Leonard Wibberley >

## Random House

**they 3:** (used with an indefinite singular antecedent in place of the definite masculine he or the definite feminine she): Whoever is of voting age whether they are interested in politics or not, should vote.

- Usage. Long before the use of generic HE was condemned as sexist, the pronouns, **THEY**, and **THEM** were used in educated speech and in all but the most formal writing to refer to indefinite pronouns and to singular nouns of general personal reference probably because such nouns are often not felt to be exclusively singular. Such use is not a recent development, nor is it a mark of ignorance.

## It isn't new

The entries from the Oxford English Dictionary forcibly demonstrate that the use of **they** to refer to a singular noun is not an innovation of recent decades or even of this century. The first citation in the Dictionary's files is from the 14th century so that we know that the practice had been adopted in writing at least by then. There may have been much earlier examples which have been lost and the practice may well have been established in speech before it found its way into writing.

In adopting **they** with singular reference we are simply following a long established convention of the English language.

Furthermore, as our illustrations from literature on this page demonstrate, the usage has enjoyed continued strong support down the centuries. Even those who are universally regarded as among the finest composers of our language can be found using **they** with singular antecedents and as far back as 1926, H W Fowler, of *Modern English Usage* fame, declared that *as anybody can see for themselves* was the 'popular solution' (pp 391-392).

Equally significant, the editors of the *Oxford English Dictionary* prepared the entries for the letter **t** between 1909 and 1915. In other words, lexicographers have been recognising this use of **they** as normal standard practice - despite what some grammarians say - all this century.

## Literary examples

*Now leaden slumber with life's strength doth fight,  
And every one to rest themselves betake* William Shakespeare

*So likewise shall my heavenly Father do also unto you, if ye from your hearts forgive not everyone  
his brother their trespasses* The Bible (King James Version)

*God send everyone their heart's desire* William Shakespeare

*Little did I think ... to make a ... complaint against a person very dear to you, but don't let them be  
so proud ... not to care how they affront everybody else* Samuel Richardson

*Everybody fell a laughing, as how could they help it* Henry Fielding

*A person can't help their birth* William Thackeray

*But how can you talk with a person if they always say the same thing* Lewis Carroll

*Some people say that if you are very fond of a person you always think them handsome* Henry Jones

*I know when I like a person directly I see them* Virginia Woolf

*Everyone was absorbed in their own business* Andrew Motion

*'There's a bus waiting outside the terminal to take everybody to their hotels,'* said Linda David Lodge

*Nobody would ever marry if they thought it over* George Bernard Shaw

*You just ask anybody for Gordon Skerrett and they'll point him out to you.* Scott Fitzgerald

*Nobody stopped to stare, everyone has themselves to think about* Susan Hill

*His own family were occupied, each with their particular guests* Evelyn Waugh

## How popular is THEY?

Up to the 1960s at least English teachers conducted campaigns against the use of **they** in such contexts as: *Everyone has their off days.*

In 1974 Robert Eagleson conducted a series of usage tests in Sydney to see how much support remained for **he** in a universal or indefinite context and how effective the efforts of teachers had been ('Anyone for his' in Working Papers in Language and Linguistics (1976) 4: 31-45). One area investigated was the use of pronouns in the environment of question tags, for example:

*Somebody showed her the way, didn't ... ?*

In tests in which 95 informants had to write their answers, 87% favoured **they**. In 2 items in the test, of the 190 potential occurrences, 168 were **they**, 7 were **he or she**, 1 was **one**, and 1 was an aberrant **we**. Very much to the point, most of the answers with **he, she, or one** were produced by graduate teachers or lecturers of English. Even so, there was regular support for **he** only among 20% of the English teachers: 80% of the teachers never used **he or she**.

These findings have been confirmed by a recent survey conducted by the Dictionary Research Centre at Macquarie University (Australian Style (December 1994) 3: 1: 13-14). Again, the use of **they** with everyone and anyone was strongly preferred overall, and with the under 25 age group reached 98%. However, older participants, especially those in the 65+ group, were less supportive, perhaps still feeling the chastisements of school lessons. The results are unmistakable, however: there is a widespread acceptance of **they**.

Both studies concentrated on single sentences, for instance, *A doctor has a responsibility of care to ... patients*. Higher scores in favour of **they** might well have been obtained if participants had been confronted with several consecutive sentences, such as:

*If a person was asked to define a zebra, he or she could do this quite efficiently without calling up a whole 'zoo' or 'safari' frame. But if he or she overheard someone talking about a zebra seen in London earlier in the day, then he or she could go deeper into his or her memory, and call up a zoo frame, which would allow him or her to fit the narrative into a predicted set-up.*

We may be prepared to accept a sole use of **he or she** but in a string of sentences it becomes far too cumbersome and **they** is by far the happier solution. (**They** was actually used by the author of these sentences, Jean Aitchison, Professor of Language and Communication, Oxford University.)

That we are not exaggerating the continued - and increasing - use of **they** is evidenced by the range of examples in these pages. They all come from written - not speech - texts and from a wide variety of sources.

## **A miscellany**

### **Literary critic**

*It is therefore the first duty of any teacher of literature to give their pupils a chance of enjoying it.* - The Times

### **Political commentator**

*... further amendments which will outlaw discrimination against a person because of the identity of their husband or wife.* - The Australian

### **Education commentator**

*A mission statement that is sufficiently bland to encompass everyone's conception of their role.*  
Daedalus

## **University**

*This certificate lists the four courses for which the student was registered, showing both grade assessments of their work over the year and grades for their examination performance. - University of London*

*If somebody earns \$40 000 a year we would expect them to pay for their course. - a Vice-Chancellor*

## **Linguist**

*To turn to badness, someone bad commits anti-social actions, is aware that their actions are anti-social and could control their behaviour if they wished. - Words in the Mind*

## **Critic**

*The poem exists if everyone who finds it finds themselves in it. - The Listener*

## **Financial - legal**

### **Prospectus**

*If a licensed financial adviser in Australia or a registered broker in New Zealand introduces you to the trust we can pay them commission. We pay them an initial commission rate of 1% for deposits of less than \$150,000 ...*

*You can negotiate the initial commission with your financial adviser who may rebate all or part of their commission to you.*

### **Financial Planning brochure**

*For example, to set up a protective trust for a child who may not be able to look after their own affairs.*

### **Bank Technical Bulletin**

*Currently the concessional component of an ETP can be made up of the following:*

*... payments made to an employee as a consequence of physical or mental incapacity that renders them unable to fulfil their particular employment.*

### **Bank Guarantee and Indemnity**

*Each guarantor is liable for all the obligations under this guarantee and indemnity both separately on their own and jointly with any one or more other persons named as "Guarantor".*

## Proxy form

*I want the person I've named below to be my proxy ...*

*Surname of the member who will vote for me*

*Their initials Their membership number*

## Notice

*Intel will exchange the current version of the processor for an updated version for any owner who requests it, free of charge anytime during the life of their computer.*

## Advertisement

*We are looking for a young man or woman in their mid-twenties to join our Salary Administration Department.*

## It has happened before

In earlier centuries English had a regular system of pronouns which distinguished between singular and plural:

Person	Singular	Plural
First	I	we
Second	thou	ye (you)
Third	he, she, it	they

Gradually through the late Middle Ages you came to supplant thou and by the end of the 17th century held virtual sway as the pronoun for the second person. It has continued now as the sole form for the singular and the plural for 3 centuries.

It is critical to remember this episode in the linguistic history of English. It illustrates that the language can - and does - change without a collapse in successful communication.

Again, English speakers have demonstrated by their usage that they are not disturbed by using the one pronoun in both a singular and a plural sense. Indeed, some speakers who boast a knowledge of grammar - including those who now oppose a singular use of **they** - soundly condemn other members of the community who want to introduce a distinctive plural form **yous** to escape the potential ambiguity! If **they** as a singular is wrong, ungrammatical or whatever, so also is **you** as a singular on this score.

## ... and in legislation

The Task Force cannot claim to be innovators in taking this decision on they. It has occurred as a singular before in legislation as this example from section 9 of the Nurses (Amendment) Act 1985 (Victoria) establishes:

- (10) The Council may charge the fee (if any) prescribed by the Governor in Council for -
- (b) the provision of a copy of any roll or a part of a copy of any roll to a person for their own use.

## It is happening elsewhere

Canadian legislative drafters are also using they in a singular sense and have been doing so at least since 1990. Here is an example from the Tobacco Tax Act (Revised Statutes of Ontario, 1990, chapter T.10):

*"consumer" means any person who ... purchases or receives delivery of tobacco ... for their own use or consumption . . .*

Another Act which illustrates this practice is the *Building Code Act 1992*, section 25(1).

*(We are indebted to the UK journal Clarity (October 1994) 31: 27-31 for this information.)*

## Does it work?

If we would listen to ourselves and reread our writings, we would realise that **they** serves us most successfully without causing any confusion. All of us say: *If anyone calls, tell them I'll be back at 4 o'clock* and write: *No-one in their right mind would do that.*

We use **they** so often without qualm or disquiet. Indeed, it comes out so naturally that we are scarcely aware of our practice. And we are never misunderstood or misinterpreted.

In the same way the wording for proposed new subsection 242(5) in Schedule 6 of the First Bill is clear:

A person is entitled to have an alternative address ... if:

- (a) their name, but not their residential address, is on an electoral roll ...

The only noun group to which **their** can refer is a person. The noun is clearly singular because of both the indefinite article **a** and the form of the noun **person**. Therefore **their** must also be singular. It is the context that is crucial.

## An area for caution

There are some situations in which the use of they could lead to ambiguity, for example:

Where an applicant notifies the other residents, ..... must lodge a section 12 notice within 14 days.

To insert **they** in the blank here would not work if we want it to refer unequivocally to **an applicant**. Readers could quite legitimately and most probably would - interpret **they** in this sentence as referring to the **other residents**.

## The answer

Two observations are in order. First, the number of times sentences with this potential ambiguity actually arise in legislation and legal documents is relatively rare. We should not allow exceptions to frustrate us from using a valuable device and force us into a cumbersome one.

Rather than using **they**, we should reconstruct the original sentence to remove the potential ambiguity or, for this rare occasion, use another device, such as repeating applicant or resident.

Secondly, to offer this solution is not to resort to a ruse in order to avoid a difficulty for our proposal. If we were to allow the possibility of ambiguity to dominate, then we would have to eliminate many valuable resources from the language. Even the singular pronouns would have to be abandoned for they too can be ambiguous. For example:

The matron told the nurse that she was ill.

To whom does **she** refer to: the matron or the nurse? Nor will replacing **she** with a noun help here:

The matron told the nurse that the matron was ill.

The second **matron** would be interpreted as referring to a different person and not the first matron. A similar interpretation would follow if we substitute **nurse**. To resolve this problem, we have to reframe the sentence.

Examples like this do not mean that we should abolish third person singular pronouns just because they fail us and produce ambiguity in these situations. The instances are too small for this drastic remedy. What these examples confirm instead is the principle that writers are always responsible for what they write and cannot follow rules of language mindlessly.

Just because the rules of grammar say that we may substitute pronouns for nouns does not mean that we should always do so. So it is with **they**. Writers may - and should - use it in the contexts we recommend because it produces a smoother, less cumbersome text but writers need to exercise care with it as with every other item of language to avoid any ambiguity or trace of confusion.

Used judiciously, **they** as a singular is effective. Because it is the established practice of the community, it enables us to offer legislation in a language form that is familiar and obviously congenial to the community, yet clear in meaning.

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