The Power of Words

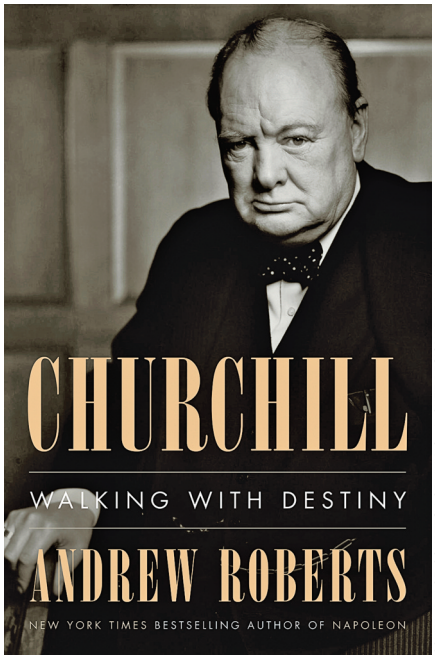
Best practices in communication for lawyers, courtesy of Winston Churchill.

BY TALMAGE BOSTON

Among the most important tools in a successful lawyer's toolkit is the capacity to communicate effectively, both verbally and in writing. Whether the person receiving one's communication is a judge, juror, client, or opposing counsel, for a message to have the desired impact, it had better be direct, clear, trustworthy, and engaging. No one touched these four bases and scored better than Winston Churchill.

Although not a lawyer, Churchill used his communication skills to effect the most positive impact on world history in the modern era. Exactly how he did what he did with his word power is worthy of emulation by those in the legal profession.

Though there have been many biographies of Churchill, the *New York Times* and *Wall Street Journal* reviewers late last year agreed that the best of them all came out in November 2018, written by award-winning British historian Andrew Roberts and titled *Churchill: Walking With Destiny*. Roberts' book is relied upon in this essay for the accounts of Britain's most esteemed prime minister.



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Mastering the Theory of Rhetoric

Churchill established himself as a communication prodigy at 23, as demonstrated in his unpublished article, "The Scaffolding of Rhetoric." Roberts believes it "showed that Churchill had already mastered the *theory* of public speaking, if not yet the practice." Over the next 67 years of his life, he mastered the practice.

His "scaffolding" of rhetoric had five parts and should hang on every lawyer's wall:

1. **Choose words with precision:** Churchill believed that an "exact appreciation of words" should ensure that the communicator will engage in "the continued employment of the best possible word," which he believed should mainly be "short words of common usage" to maximize clarity.
2. **Craft rhythmic sentences:** Although words chosen for presentations should be short, "sentences need not be, provided they have an internal rhythm." Desirable sentences are "long, rolling, and sonorous" and phrases should "produce a cadence which resembles blank verse rather than prose."
3. **Build arguments that gain momentum:** Power in one's persuasion "comes with the steady accumulation of argument, bringing forward a *series* of facts that all point in a common direction."
4. **Use analogies to make a point:** When a speaker succeeds in aligning two disparate subjects, it allows him or her to "translate an established truth into simple language."
5. **Extravagance can sometimes elevate:** On occasion, to maximize the potency of one's words, "wild extravagance of language" should be used because it "represents the aroused feelings of both the speaker and his audience," and has the power to "become the watchwords of parties and the creeds of nationalities."

Once Churchill erected this theoretical "scaffolding" of effective communication in his early 20s, he built out the rest of his lifelong body-of-work masterpiece—as the remainder of Roberts' biography demonstrates—with his future speeches, writings, and statements made in conversation.

Using precise short words. When complimented by a fellow wordsmith on the high percentage of one-syllable words in a speech he gave in Manchester on January 27, 1940, Churchill responded, "Short words are best and old words when short are best of all." As an example of this short old word preference, in his wartime speeches, he used the shorter and older word "foe" instead of "enemy."

Following this precept, a few months after becoming England's prime minister, in a speech delivered during the London Blitz in the fall of 1940, he urged the British people "to look back hundreds of years to similar moments of national peril," and Roberts noted that in that speech, he "found it helpful [as he reviewed Britain's history] to use deliberately archaic language," such as his saying, "Pray explain" instead of "Please explain."

Crafting rhythmic sentences. Churchill created "rolling and sonorous" sentences, with phrases that "produce[d] a cadence resembling blank verse rather than prose," by utilizing the rhetorical device known as anaphora—using the same words in rapid succession. He did this most memorably in his speech to the House of Commons on June 4, 1940, when in his climax, he ratcheted up his countrymen's resolve to deal with the Nazi reign of terror:

> We shall go on to the end.
> We shall fight in France,
> we shall fight on the seas and oceans,
> we shall fight with growing confidence and growing strength in the air.

We shall defend our island, whatever the cost may be.
We shall fight on the beaches,
we shall fight on the landing grounds,
we shall fight in the fields and in the streets,
we shall fight in the hills,
we shall never surrender.

Note that of the 75 words in this electrifying charge to his people, 64 contain one syllable.

Building arguments that gain momentum. In his famous "Iron Curtain" speech at Westminster College in Fulton, Missouri, on March 5, 1946, Churchill caused the countries who had been victorious in World War II less than a year before to rethink their perception of their former ally, the Soviet Union. Presenting a series of facts about the Soviets' postwar actions, describing what they had done country by country, he proved that Joseph Stalin's aggressive imperialistic ambitions were clearly aimed at spreading communism throughout Eastern Europe and the Far East. Thus, just as Churchill had been the first leader to warn England of Adolf Hitler's evil threat beginning in 1930, he gave the same early warning to the world with his Westminster speech about the looming crisis Stalin was engineering.

Using word picture analogies. The capacity to examine a complicated subject and simplify its essence by invoking an apt analogy and doing so on a frequent basis using new (i.e., non-clichéd) comparisons is a mark of genius. As a picture can be worth a thousand words, so can an analogy. An example of Churchill's showcasing his command of this communication skill came a month after the United States entered World War II, when someone in January 1942 suggested that he continue to use cautious language in dealing with the U.S. as he had done before America's entry. He rejected the advice by replying, "Oh, that is the way we talked to her while we were wooing her; now that she is in the harem, we talk to her quite differently!"

Occasionally swinging for the fences with extravagant words. Sometimes, when seeking an extra kick with his words, Churchill went all out. An example of this came in May 1939, while he was in the House of Commons, as then-Prime Minister Neville Chamberlain and Viscount Halifax failed to check Hitler and Benito Mussolini's aggression in Eastern Europe. In his speech, Churchill decided to ramp up his description of the threat, thereby becoming a forceful prophet of doom if Britain continued to turn away from confronting the Nazis: "To submit to their encroachments would be *to condemn a large portion of Mankind to their rule*; to resist them, either in peace or in war, will be *dangerous, painful, and hard.* There is no use at this stage in concealing these blunt facts from anyone. No one should go forward in this business without realizing plainly what the cost may be, and what the issues are at stake."

How to take the scaffolding's five parts and make the final message as precise, appealing, and persuasive as possible? For Churchill, there were no shortcuts. The desired result came only after he had relentlessly edited multiple drafts, and for his speeches, rehearsed them repeatedly. With each pass-through, he improved his word choice and delivery. On a day before Churchill was scheduled to give a major speech, a journalist visited his home and reported, "All day he could be heard booming away in his bedroom, rehearsing his facts and his flourishes to the accompaniment of resounding knocks on the furniture." Roberts reveals in his book that Churchill's practicing for a major speech was so intense that he typically continued through the night and into the next morning.

Churchill's theory and practice of rhetoric provide an exemplary approach for maximizing a lawyer's word power. Getting the most mileage from it requires a commitment to extensive editing and rehearsal that does not stop until the attorney knows he or she has made his or her work product as perfect as can be.

Churchill: Walking With Destiny author Andrew Roberts

Judges, juries, and clients definitely prefer to process the messages they get from attorneys quickly, and their rapid retention comes only from receiving statements that have polished clarity. What's communicated is more likely to be persuasive (and not just merely understood) if the speaker/writer integrates into his or her remarks as many of the five components in Churchill's scaffolding as can reasonably be incorporated, always keeping in mind the context in which the statements are made.

The Need for Steadfast Honesty

Churchill's eloquence, clarity, and power of persuasion made their mark in history only because those who read or heard his dazzling words knew they could take the accuracy of his content to the bank. Roberts explains that Churchill learned from his dad, a leader in the House of Commons, the importance of a statesman's delivering an honest message: "His father's motto, 'Trust the people,' had convinced him that they could hear the worst, so long as it was not put in a demoralizing way." The biographer explains why Churchill's honesty paid dividends: "His huge political capital in later years rested on the public perception that he told unpopular truths as he saw them … The public trusted him in 1940 not because they believed he had always been right … but because they knew he had always fought bravely for what he believed in."

As World War II raged on, in line with the prime minister's stated absolute commitment to speak the truth, British diplomat Harold Nicolson wrote of Churchill in his diary, "I must say that he does not try to cheer us up with vain promises;" and his private secretary Leslie Rowan wrote, "Churchill hated above most things civil servants' polite but insincere remarks designed to please."

In describing Britain's being on the ropes early in the war, Churchill knew there was an upside to telling the truth about where things stood that went well beyond the importance of maintaining credibility. Speaking with candor inspired his people to do what it took to get off the ropes. Roberts explains: "[H]e wanted Britons to continue to believe they were under imminent threat as a spur to unity and productivity."

Learning from Churchill, lawyers should be mindful that ultimate esteem comes only to those who earn a reputation for unwavering honesty. Using the words chosen by Roberts as

well as Churchill's colleagues, attorneys going about their business must always have the integrity to acknowledge "unpopular truths," make no "vain promises," and never speak "insincere remarks designed to please." Honest lawyers build reserves in their professional capital account over time when those in their network know that regardless of what is said in good and bad situations, they can always be trusted.

Make the Content Connect With the Audience

Finally, in attempting to apply Churchill's art of communication to lawyers, most know the adage about the three most important rules for public speaking: Make it interesting. Make it interesting. And make it interesting.

Churchill adhered to this rule by sprinkling humor, alliteration, Scripture, Shakespeare, poetry, and lessons from history throughout his spoken and written content. This frequently amazing exhibition of wordplay became the bells and whistles that empowered him to hold the attention of his audience. Roberts notes that Churchill knew that "in the Victorian era of long political speeches, he needed to *entertain* if he was to instruct, persuade and inspire."

Regarding humor, he knew what worked. People respond favorably to a speaker's self-deprecation and his "pricking an antagonist's pomposity." As an example of his self-deprecation, after World War II, Churchill received many honorary degrees from colleges all over the world. At the ceremony where he received one from the University of Miami, he delighted the crowd by saying: "I am surprised that in my later life I should have become so experienced in taking degrees, when as a schoolboy, I was so bad at passing examinations."

As for pricking pomposity, Roberts mentions the conversation between President Harry S. Truman and Churchill that occurred shortly before the 1946 "Iron Curtain" speech in Fulton, Missouri. Truman remarked, "Clement Attlee [who succeeded Churchill as the United Kingdom's prime minister in 1945] came to see me the other day. He struck me as a very modest man." Churchill retorted, "He has much to be modest about."

Alliteration gave Churchill's word pictures a dash of extra color. In a speech on July 14, 1941, in the aftermath of the London Blitz, he made clear his contempt for the despised Nazis with this final rat-a-tat-tat: "We will have no truce or parley with you or the *grisly gang who work with your wicked will*."

Knowing most Brits of his era were churchgoers, Churchill knew that integrating the Bible into his remarks strengthened his message. In an article he wrote in 1938, as he recognized the rising threat of Hitler and how defeating the Nazis might require the collective effort of a "United States of Europe," Churchill pulled from his memory a passage from II Kings, Chapter 4 to drive home his point that England's entering into an alliance with allies to defeat the Germans would not nullify its independent position in the world:

> We are with Europe, but not of it. We are linked, but not compromised. We are interested and associated, but not absorbed. And should European statesmen address us in the words which were used of old, 'Wouldst thou be spoken for to the king, or the captain of the host?' we should reply, with the Shunammite woman: 'I dwell among my own people.'

He could quote not only the Bible but also the Apocrypha. As he prepared his people for the German charge across Europe, Churchill gave this famous warning in a radio broadcast that paraphrased I Maccabees 3:58-60:

> Today is Trinity Sunday. Centuries ago, words were written to be a call and a spur to the faithful servants of Truth and Justice: 'Arm yourselves, and be ye men of valour, and be in readiness for the conflict; for it is better for us to perish in battle than to look upon the outrage of our nation and our altar. As the Will of God is in Heaven, even so let it be.'

Churchill's scholarship and brilliance sprang from his photographic and phonographic memory—he remembered everything he read or heard. By the end of adolescence, he had memorized many of Shakespeare's soliloquies and scenes from his plays, as well as a wide spectrum of others' poetry. Throughout Roberts' book are accounts of Churchill elevating his speeches and conversations with lines from Lord Byron, Alfred Lord Tennyson, and Henry Wadsworth Longfellow, as well as Shakespeare.

In addition to using humor, alliteration, Scripture, and poetry to enhance his communications, as an accomplished historian (he won the Nobel Prize in Literature in 1953), Churchill knew how to use England's past as a way to inspire his people in the present. During the London Blitz, in a September 1940 radio broadcast, he raised the Brits' spirits as they prepared to confront the dire circumstances likely to arise in the coming weeks by reminding them of their forefathers' heroics:

> It ranks with the days when the Spanish Armada was approaching the Channel, and Drake was finishing his game of bowls; or when Nelson stood between us and Napoleon's Grand Army at Boulogne. We have read all about this in the history books; but what is happening now is on a far greater scale and of far more consequence to the life and future of the world and its Civilization than these brave old days of the past. Every man and woman will therefore prepare himself to do his duty, whatever it may be, with special pride and care.

There are probably no lawyers with Churchill's capacity to deliver humorous punchlines with Groucho Marx-like precision, create memorable phrases with alliterative word sequence, or bring into their text inspiring words from Scripture, Shakespeare, poetry, and history, and inject all of them into just the right place with just the right tone while still flowing in the discourse of the topic at hand. Nonetheless, while Churchill stands alone at the top of the mountain as the world's greatest communicator of the last hundred years, the lawyer who aspires to enhance his or her word power should do everything he or she can to follow in Sir Winston's footsteps and get as close as possible to the peak. **TBJ**

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