

Some Notes About Art's Dictionary

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When Art was too ill to continue work, some of his colleagues proposed parceling out entries by specialty and finishing the dictionary as a joint undertaking. I am grateful to them for considering it, and enormously grateful to Boris Bittker, who thought hard about finishing the dictionary by himself.¹ But Art was firm that they must not consider doing it—that it was very much harder than any of them dreamed.

And, indeed, Art found it hard. When he was told that he had a rapidly fatal cancer, he indulged himself in two ways: He handed over the 214 exams he had to grade to colleagues, and he instantly, finally, and without adding a single entry, dropped the dictionary.

Part of the difficulty was the pace Art set himself. At the beginning, he was exhilarated by the sheer craft of it: He came home excited the day he defined “abactor” and realized that what Black’s defined as “a stealer and driver away of cattle or beasts by herds or in great numbers at once” was simply a cattle rustler. But that year he completed what he estimated to be only one percent of the total. He wrote to the publisher that at the current rate of production, he would be finished by the year 2075. Speeding up, pushing himself to a pace that might get the work completed in seven to ten years, he had to do the equivalent of one-and-a-half to two pages of Black’s a day, approximately forty entries. The pace got to him.

Art would turn over in his grave sooner than have anyone create of him a myth of someone who could sit down and easily write a dictionary. He was writing one. By himself. But it was hard. And I don’t think he was entirely certain that he would finish.

Why did Art undertake the dictionary? Partly because he hoped the royalties would help send our sons through college. Partly because, as he quipped, when he finished he would know all of law—one micron deep. Partly he saw the dictionary as a chance to write mini-essays on things about which he had something, but not a whole journal-article’s-worth, to say.

But there was, I think, something else. I think he felt that in the not too far distant past there were some reasonably clear notions of what constituted a good law review article and some fairly straightforward things one

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1. I am also enormously grateful to this board of editors of the *Yale Law Journal* for their imaginative decision to publish the dictionary fragment as it exists.

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might do to write one. I think he felt, especially in looking at the difficulties of young colleagues trying to publish, that this is no longer true, that there is no longer a reasonably obvious set of questions that will lead one, with hard work and intelligence, to produce a good piece of scholarly work. The dictionary was in part a response to that—it was a major project that he could work on over a long period of time, confident that the work needed doing. Mainly, though, the dictionary was something that Art could do wonderfully.

The dictionary would have been splendid. The work that followed would have been even more splendid. Art was reluctant to write the articles, like the Unger review² and the Duke piece,³ that said what he knew about fundamental issues. He feared that saying what he had to say was presumptuous unless disciplined by an enormous amount of sheer scholarship. I believe that had he completed the dictionary, Art would have felt that he had paid his scholarly dues, and had finally earned the right to be wise. It is “late Leff,” the pieces that would have come after the dictionary, that Art’s death most robbed us of—that, and Art himself.

2. Leff, *Memorandum* (Book Review), 29 STAN. L. REV. 879 (1977) (reviewing R. UNGER, *KNOWLEDGE AND POLITICS* (1975)).

3. Leff, *Unspeakable Ethics, Unnatural Law*, 1979 DUKE L.J. 1229.