

AN EXAMINATION OF LEXICOGRAPHICAL SENSITIVITY

Here is a handwritten peek into Bryan Garner's thinking about building a dictionary entry, made easy by the readability of his hand.

Bryan A. Garner

8133 Inwood Road
Dallas, Texas 75209
bgarner@lawprose.org

2 April 2021

Dear Steve,

Good seeing you Tuesday. In reference to our discussion of the ordering of senses within a dictionary, my newly drafted entry on examination provides a good example. It's impossible to stick purely to one method (eldest to newest, most common to least common, etc.). I try to be broadly chronological but to clump allied senses together. In the attachment, sense 4 clearly grows out of sense 1 but comes four centuries later. If I tried to be purely chronological, it would seem as if the senses were jumping all over the place thematically. And so I combine semantic intuition and denotative relation with chronology in a way that might be described as lexicographically ~~instinctive~~ ^{intuitive}. When people ask for the principle on which senses are ordered, if they're hoping for a bright-line rule they're seeking a will-o'-the-wisp — an ignis fatuus, as you'd doubtless call it.

Don't ask what possessed me this morning to rewrite the Black's definition of examination. Perhaps it was to distract me from yesterday's loss in the Facebook case.

Rarely will you find a term in Black's having 14 discrete senses. I do think it's as good an entry as you'll find in any unabridged dictionary. Better even. Compare this entry to the one in Webster's 11th Collegiate Dictionary, which gives a paltry three. Of course, it's a generalist's abridgment.

It's possible, of course, to say that 4 and 5 are subsenses of 1; ^{and} that 6, 7, 8, and 9 are subsenses of 5. If that's true, there are only 8 discrete senses, not 14. But that's not the organizing principle that underlies Black's, which tends to count specialized senses — within legal specialties — as separate senses.

Anyway, thanks for prompting all this reasoning about the ordering of definitions.

Your friend,


Ex Ante

examination. (14c) **1.** An inquiry carried out by eliciting testimony through questioning, esp. as part of a legal process; specif., the interrogation of a witness under oath or affirmation <examination in chief>. See DIRECT EXAMINATION; CROSS-EXAMINATION. **2.** The transcript of a law-related interrogation when reduced to writing <a 61-page examination produced by the court reporter>. **3.** *Hist.* The act or an instance of interrogating someone who is being tortured <he withstood a long examination on the rack>. **4.** *Bankruptcy.* The questioning of a debtor, esp. at the first meeting of creditors, concerning such matters as debts and assets <the receiver's examination of the debtor>. • In English law, this *bankruptcy-* or *insolvency-specific* sense dates from the early 1700s. **5.** More generally, the act or process of carefully inspecting something or someone for some purpose, such as an assessment of condition, characteristics, traits, flaws, shortcomings, etc.; SCRUTINY <examination of the locks on both safes>. • Included within this definition is the use of the word in many bicameral legislatures to denote the scrutiny of a bill before it is engrossed and enrolled to ensure that it is error-free and complies with applicable rules and regulations. [[Subentries for **mental examination, physical examination, postmortem examination & psychiatric examination.**] **6.** A judicial hearing; esp., a preliminary hearing to determine whether there is sufficient evidence to proceed with a trial; PRELIMINARY HEARING <after the examination, the charges were dropped>. **7.** *Patents.* An inquiry made at the U.S. Patent and Trademark Office, upon application for a patent, into the alleged invention's novelty and utility, and whether it interferes with any other pending application or in-force patent. • In English law dating back to the early 1800s, *examination* bore the allied sense of an "investigation of an application for a patent with regard to the originality of the invention, and its declared or perceived benefit" (OED). [[subentry for **preliminary examination.**] **8.** *Banking.* The government's fact-finding mechanism for determining the soundness of a bank's or other lending institution's finances and management <the FSLIC's examination of the savings-and-loan association>. **9.** *Insurance.* A periodic investigation by an insurance commission or insurance board into the affairs and soundness of an insurance company licensed within a given jurisdiction <the insurance board's routine examinations of insurers>. **10.** More broadly, inquiry into a subject, study involving critical analysis <close examination of historical changes>. **11.** The process of testing someone's knowledge, power, or skill <the examination of baccalaureate candidates>. **12.** A test of qualifications, progress, competence, or fitness, usu. by means of posing questions to be answered or assigning practical tasks to be performed <bar examination>. **13.** The statements made by someone being tested

Ex Ante

<the professor read the examinations closely>. **14.** The act or process of subjecting the body, or a body part, to a diagnostic test such as visual inspection, auscultation, palpation, or percussion <heart examination>. • Although this definition fits medical exams, it also fits the kinds of tests used in autopsies.—Often shortened (esp. in senses 12–14) to *exam.*—**examine**, vb.

scrutiny (skroot-i-nee), *n.* (15c) **1.** A formal counting of votes in an election, before an assembly, in an ecclesiastical conclave, etc. **2.** An authoritative examination of ballots cast in an election for purposes of correcting an earlier vote count. **3.** The act or process of investigating in minute detail; a close examination. See EXAMINATION & STRICT SCRUTINY. **4.** The act or process of looking at something critically and closely; a searching stare.—**scrutinize**, vb.

GB