



The Dictionary and the Man

BRYAN A. GARNER, ED.

BLACK'S LAW DICTIONARY (8TH ED.)

THOMSON WEST 2004

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BRYAN GARNER IS A man with a mission. In again updating and revising the “standard US law dictionary,”¹ Garner seeks not only to accurately define a comprehensive list of legal terms, but, more fundamentally, to elevate legal scholarship.² It’s an ambitious undertaking (and one whose premise might be questioned by many scholars). But, if there is anyone suited for such pursuits, in both intellect and temperament, it’s Bryan Garner.

Most of us think of dictionaries as handy reference tools, to be consulted when all else fails. In 1910, a reviewer of *Black’s* second edition was clearly in desperate straits when the book arrived to his rescue: “[w]e were

so grateful for the assistance rendered by this work in a moment of exigency when it arrived that we are not disposed to view it other than favorably.”³ And, as practical tools, to students and scholars alike, legal dictionaries are well-used. But Garner’s dictionaries (and, in due time, they may well be called such – as opposed to *Black’s*), while satisfying the demands of the definition-hungry in times of famine, aspire to greater goals. The eighth edition of *Black’s*, continuing the mission begun in the seventh, seeks to educate, inform, analyze, and describe from a higher perspective. Garner’s definitions are current and succinct, yet are placed in an historical perspective and in a context of usage that is

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- 1 Robert Balay, *Guide to Reference Books*, 11th ed. (Chicago: American Library Association, 1996), 1116.
- 2 “[The eighth edition] continues the effort begun with the seventh edition: ... to raise the level of scholarship through serious research and careful reassessment.” Bryan Garner, ed., *Black’s Law Dictionary*, 8th ed. (St. Paul, MN: Thomson West, 2004), ix.
- 3 Review of *A Law Dictionary; Containing the Terms and Phrases of American and English Jurisprudence*, by Henry Campbell Black, 2d ed., 5 *Illinois Law Review* 582 (1910–1911).

sensible and, in many cases, enlightening. If, as it has been suggested, dictionaries “reveal a truth,”⁴ the eighth edition of *Black’s* strives to reveal a higher truth, one that has solid (and cited) foundations in centuries of American and English jurisprudence.

Black’s is the last standing comprehensive American legal dictionary;⁵ accordingly, there may be little need for a review of *Black’s* eighth edition. After all, if a current, comprehensive legal dictionary is required, one has no choice but to turn to *Black’s*. But, because we think the eighth edition makes significant contributions to lexicography and distinguishes itself from its predecessors, review it we will.

What’s most important in assessing the value of the eighth edition, both as a reference tool and as a work of scholarship, is how well the dictionary fulfills its purposes. Garner has set lofty purposes indeed. The eighth edition fulfills those purposes well; its distinctiveness as a law dictionary – the personality, if you will, of the work itself and

of its editor – is, in part, what enables it to so effectively accomplish (or nearly accomplish) those goals.

1. “The business of the lexicographer is ... to do what cannot be done ...”⁶

It’s well to distinguish between the purpose of a dictionary and the intent behind the individual definitions that make up the dictionary. And, while the dictionary itself, as well as the definitions of which it consists, should be both comprehensive and convenient (the “two canons of lexicography”⁷), the line between “completeness and madness”⁸ is a very hard one to draw.

To define is to set limits.⁹ While other endeavors encourage creativity in word use, the law does not. While e. e. cummings (a format which would be recognized by none of the *Bluebook*, the *Maroonbook*, the *Greenbook*, or *ALWD*¹⁰) might write of the “pale club of the

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- 4 “One historian of lexicographers explains that for both Dr. Johnson and Noah Webster ‘their role was not simply to select a word list, define it, and make it available to the reading public; in addition they took on the priestly task of revealing a truth, in this case a linguistic one, to those who, like lay parishioners, were less than perfectly versed in its subtleties.’” Ellen P. Aprill, “The Law of the Word: Dictionary Shopping in the Supreme Court,” 30 *Arizona State Law Journal* 275, 284 (1998), quoting Jonathon Green, *Chasing the Sun: Dictionary Makers and the Dictionaries They Made* 16 (New York: Henry Holt, 1996).
 - 5 Two other recognized law dictionaries, *Bouvier’s* and *Ballentine’s*, have not been updated in decades, with *Bouvier’s* being last revised in 1934 and *Ballentine’s* in 1969. William Edward Baldwin, ed., *Bouvier’s Law Dictionary*, century ed. (Cleveland: Banks-Baldwin Law Publishing Co., 1934). William Anderson, ed., *Ballentine’s Law Dictionary*, 3d ed. (Rochester, NY: Lawyers Co-operative Publishing Co., 1969).
 - 6 Aprill, “The Law of the Word: Dictionary Shopping in the Supreme Court,” 30 *Arizona State Law Journal* 275, 296, quoting Lawrence Solan, “When Judges Use the Dictionary,” 68 *American Speech* 50, 53 (1993).
 - 7 “The first canon of lexicography relates to substance: A dictionary must be comprehensive; the second, to form: A dictionary must be convenient.” Review of *Black’s Law Dictionary*, by Henry Campbell Black, 5 *Harvard Law Review* 155 (1891–1892).
 - 8 “One of the problems of an unabridged is where completeness ends and madness begins.” Dwight Macdonald, “The String Untuned,” review of *Webster’s New International Dictionary (Unabridged)*, 3d ed., *The New Yorker*, March 10, 1962, 145.
 - 9 *Ibid.*, 152.
 - 10 Respectively, *The Bluebook: A Uniform System of Citation*, 18th ed. (Cambridge, MA: The Harvard Law Review Association, 2005); *The University of Chicago Manual of Legal Citation* (Rochester, NY: Lawyers Co-operative Publishing Co., 1989); *Texas Rules of Form*, 10th ed. (Austin, TX: Texas Law Review Association, 2003); Association of Legal Writing Directors and Darby Dickerson, *ALWD Citation Manual: A Professional System of Citation*, 2d ed. (New York: Aspen Publishers, 2003).

wind”¹¹ and Ben Okri of “a smile of riddles,”¹² we don’t encourage radically new word use in the law. Consider the meaning invested in the word “mother” by Saddam Hussein when he spoke of the “mother of all battles.”¹³ While it might be appropriate for a general language dictionary to reflect this meaning of the word (and the 11th edition of *Webster’s Collegiate* does¹⁴), there’s no corresponding need for that sense in a legal dictionary. It’s irrelevant. The legal definition of mother has certainly evolved,¹⁵ but that evolution has been supported (and authorized) by the judiciary, legal scholars, and practicing attorneys.

The prescriptivist/descriptivist debate¹⁶ loses some relevance in the context of a law dictionary. Law invests words with legitimacy and authority; it’s the obligation of the law dictionary to reflect those meanings and evidence the authority supporting them. What distinguishes a law dictionary from a mere “word book” (as the *New York Times* once dismissed *Webster’s* third edition¹⁷) is its marshalling of examples of word usage in legal contexts, its sense-making of those usages, and its reliance on authority to justify its determination of what is appropriate, and what is not.

While many definitions in the eighth edition are enhanced by West key number

references, and cross-references to *Corpus Juris Secundum*, and others by quotations from recognized authorities, some definitions are not supported by evidence. For the most part, these unattributable definitions are for terms whose basic meaning is similar in legal and non-legal contexts (e.g., mitigate, income, incognito), but there are other definitions for which the lack of authority is more problematic (where did the error-of-judgment rule develop, and, in what scenarios can someone be said to exercise due influence?).

And, what of legal slang? The eighth edition includes any number of examples of law-related slang absent from prior editions. For these new entries, some information about the derivation of the terms would have been useful. Who knew that a smurf was, in fact, “a person who participates in a money-laundering operation by making transactions of less than \$100,000”?¹⁸ While Garner notes that the term has its origins in the short blue cartoon character, he doesn’t give any sources for his definition or any reason why that short blue cartoon character would somehow be related to money-laundering.

But these are minor quibbles. More interesting are those words that resist concise definition. In his 1933 review of *Black’s*

11 e. e. cummings, “I have found what you are like.”

12 Ben Okri, *The Famished Road* (London: Jonathan Cape, 1991), 263.

13 “[T]he battle in which you are locked today is the mother of all battles.” Saddam Hussein quoted in *The New York Times*, January 7, 1992, sec. A, p. 10.

14 “mother ... 5 : something that is an extreme or ultimate example of its kind esp. in terms of scale ...” *Merriam-Webster’s Collegiate Dictionary*, 11th ed. (Springfield, MA: Merriam-Webster, Inc., 2004), 810.

15 The first edition of *Black’s* defined “mother” as “a woman who has borne a child.” Henry Campbell Black, *A Dictionary of Law* (St. Paul, MN: West Publishing Co., 1891), 791. By the eighth edition, “mother” was defined as a “woman who has given birth to, provided the egg for, or legally adopted a child.” Garner, ed., *Black’s Law Dictionary*, 8th ed., 1035.

16 The prescriptivist – descriptivist perspectives on dictionary-making are discussed in Macdonald, “The String Untuned,” review of *Webster’s New International Dictionary (Unabridged)*, 3d ed., *The New Yorker*, March 10, 1962.

17 Noted in Samuel A. Thumma @ Jeffrey L. Kirchmeier, “The Lexicon Has Become a Fortress: The United States Supreme Court’s Use of Dictionaries,” 47 *Buffalo Law Review* 227, 296 (1999).

18 Garner, ed., *Black’s Law Dictionary*, 8th ed., 1423.

third edition, Alexander Hamilton Frey be-
moaned the efforts of legal lexicographers to
“arrive at a concise crystallized definition [of
words] ... such as title, property, ... which
defy definition because they are employed
in legal terminology in a variety of senses for
a variety of purposes.”¹⁹ Frey longed for “an
honest law dictionary ... in which the editor
does not hesitate to discuss where definition
is fatuous.”²⁰

Definitions create categories; concepts ei-
ther fall within those categories (and so are
included in the senses of a word) or do not.
Those categories, in turn, set forth a number
of necessary and sufficient conditions for
inclusion in them. The ‘easy’ members of a
category clearly satisfy those conditions; the
outliers, occurring at the ‘fuzzy’ edges of the
category, cause more problems.²¹ A robin is
obviously a good example of a bird, a pen-
guin less so.²² Garner defines property first
as “the right to possess, use and enjoy a de-
terminate thing (either a tract of land or a
chattel); the right of ownership,” and, second,
as “any external thing over which the rights
of possession, use and enjoyment are ex-
ercised.”²³ So, for a concept or thing to fall
within the second definition of property, it
must be a thing and it must be subject to
ownership by an individual who is entitled
to use it. Definitions of 48 related terms
that incorporate the word property (e.g., lost

property, intellectual property, mislaid prop-
erty, real property, wasting property) and that
evidence the evolution of the concept, follow
Garner’s succinct definitions of the word.
Multi-volume treatises have been written on
property; because we understand Garner’s
definition does not mean that we can fathom
all of its implications. But the definition of
property, and the definitions of related terms
that follow, enable us to ‘see’ property in a le-
gal context and to witness the development
of related concepts that have grown out of
the idea of property itself.

The student will find comfort in under-
standing that property is a right, that libel
must be expressed in a fixed medium, and
that the Sherman Act pertains to antitrust.
The layperson will welcome the concise ex-
planation of a wraparound mortgage or even
of a denial of service attack. The practitioner
venturing outside his area of expertise may
turn to the definition of debtor’s examina-
tion to find citations to sections of the Bank-
ruptcy Code and to federal rules of bank-
ruptcy procedure. The scholar, in addition to
noting the 48 terms related to property, will
appreciate citations to cases that establish
the Shively presumption, the comparativist
to the description of mahr.²⁴ And, the his-
torian will revel in definitions of deodand,
the Mad Parliament, livery in chivalry, and
parapherna.²⁵ If words are the weapons of a

19 Alexander Hamilton Frey, review of *Black’s Law Dictionary*, 3d ed., by Henry Campbell Black, 82 *University of Pennsylvania Law Review* 886 (1933–1934).

20 *Ibid.*, 887.

21 “Words are fuzzy at the margins. ... [T]he conditions for membership in a word category are not always readily accessible by intuition.” Note, “Looking It Up: Dictionaries and Statutory Interpretation,” 107 *Harvard Law Review* 1437, 1451 (1993–1994), quoting Solan, *supra*, note 6.

22 For a general discussion of basic level categories and prototypical category members, see George Lakoff, *Women, Fire, and Dangerous Things: What Categories Reveal about the Mind* (Chicago: The University of Chicago Press, 1987). On page 56, Lakoff refers to the ‘bird’ category.

23 Garner, ed., *Black’s Law Dictionary*, 8th ed., 1252.

24 Shively presumption: “[t]he doctrine that any prestatehood grant of public property does not include tidelands unless the grant specifically indicates otherwise”; mahr: “Islamic law. A gift of money or property that must be made by a man to the woman he marries.” *Ibid.*, 971, 1411, 1412.

25 Deodand: “[s]omething (such as an animal) that has done wrong and must therefore be forfeited to the

lawyer,²⁶ the eighth edition provides reliable and abundant ammunition.

2. "Words come into being,
do service, and pass away,
as really as bodies ..."²⁷

If words have a useful life, then so do dictionaries. *Black's* began in 1891; its full title reminds us of a proud parent, christening his first-born – "A Dictionary of Law Containing Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern including the Principal Terms of International, Constitutional, and Commercial Law; with a Collection of Legal Maxims and Numerous Select Titles from the Civil Law and Other Foreign Systems."²⁸ The full title of the second edition (repeated, with only slight variations, in the third) attests to youthful exuberance – as new and exciting features are recalled, they burst forth –

A Law Dictionary: Containing Definitions of the terms and phrases of American and English jurisprudence, ancient and modern. And including the principal terms of international, constitutional, ecclesiastical, and commercial law, and medical jurisprudence, with a collection of legal maxims, numerous select titles from the roman, modern civil, scotch, French, Spanish and Mexican law, and other foreign systems, and a table of abbreviations.²⁹

By its fourth edition, the work had achieved a certain maturity; the titles to the fourth, fifth, and sixth editions no longer include the litany of contents, but there is still the need to describe what the work is – "Black's Law Dictionary: Definitions of the terms and phrases of American and English jurisprudence, ancient and modern."³⁰ By the seventh edition, any description on the title page has become superfluous; having established itself and being in its prime, the dictionary, in its seventh and eighth editions, is simply "Black's Law Dictionary."³¹

In style and content, the eighth edition reflects its past and the present. Words and phrases, however seldom used, that have contributed to an understanding of current jurisprudence continue to be included in the dictionary, often with an explanation of their import (e.g., disentailing deed, praesumitur pro negante, steganography). New words and terms have been added – some terms we would expect, given our times and new developments in the law – denial of service attack, same-sex marriage, cyberpiracy, and veggie-libel law. But the eighth edition also includes, for the first time, terms like ethnic cleansing and zero-tolerance policy, phrases that are familiar to us in more than one context, but whose sense in a legal context is much harder to articulate.

Since the first edition of *Black's*, its editors have been conscious of the encroachment of vocabulary from other fields into the disci-

Crown"; Mad Parliament: "[i]n 1258, an assembly of 24 barons summoned to Oxford by Henry III that ultimately carried out certain reforms to settle differences between the king and the barons"; livery in chivalry: "[t]he delivery of possession of real property from a guardian to a ward in chivalry when the ward reached majority"; parapherna: "[p]roperty of a wife not part of her dowry ... a married woman's personal property." *Ibid.*, 467, 953, 969, 1143.

26 "Words are a lawyer's best weapons and when properly used add to effectiveness and profits." Dan Henke, review of *Black's Law Dictionary*, 5th ed., 65 *American Bar Association Journal* 1378, 1379 (1979).

27 William C. Anderson, "Law Dictionaries," 28 *American Law Review* 531, 532 (1894).

28 Henry Campbell Black, *A Dictionary of Law* (St. Paul, MN: West Publishing, 1891).

29 Henry Campbell Black, *A Law Dictionary*, 2d ed. (St. Paul, MN: West Publishing, 1910).

30 Henry Campbell Black, *Black's Law Dictionary*, 4th ed. (St. Paul, MN: West Publishing, 1951).

31 Bryan Garner, ed., *Black's Law Dictionary*, 7th ed. (St. Paul, MN: West Group, 1999); Garner, ed., *Black's*

pline of law. The second edition specifically included “terms of medical jurisprudence.” By the fifth edition, the focus had shifted from science to finance; its preface warned that the “ever expanding importance of financial terminology ... necessitated inclusion of numerous new tax and accounting terms.”³² By the eighth edition, no special mention of words from other fields is expected – the reader should assume that any and all terms having special meanings in a legal context will be included.

In style, the eighth edition, echoing and improving the seventh, is concise and reflective of modern usage. In the seventh edition, preemption replaced pre-emption, and the word’s definition was expanded to include not only its constitutional sense, but also commercial and real property senses. For the constitutional sense, the definition was simplified. From, in the fifth edition, “doctrine adopted by the U.S. Supreme Court holding that certain matters are of such a national, as opposed to local, character that federal laws pre-empt or take precedence over state laws”³³ to, in the seventh and eighth editions, “the principle (derived from the Supremacy Clause) that a federal law can supersede or supplant any inconsistent state law or regulation,”³⁴ the revised definition both identifies the source of the principle, and clarifies its import.

3. “Dictionaries are forced to carry far more weight than they were or could be designed to bear ...”³⁵

What do the Hong Kong Polytechnic University, the Fargo Public Library, the Canada Customs and Revenue Agency, the United States Institute of Peace, the Xerox Corporation, the US Army Corps of Engineers, and the Arnold & Porter law firm all have in common? They are among the thousands of institutions around the world that include in their library collections a copy of *Black’s Law Dictionary*. If asked to assess the relevance of *Black’s* and the extent to which it has fulfilled its purposes, one response might be – *res ipsa loquitur* (in its Latin, not legal, sense, as defined by *Black’s*).³⁶ The dictionary’s ubiquity is evidenced by its presence in libraries and institutions of all different ilks and locations. The dictionary has been in existence for more than 110 years, is in its eighth edition, and has been translated into (of all languages) Urdu.³⁷ As a current and comprehensive dictionary of American legal terms, and as a standard reference work, *Black’s* is simply unrivaled.

Early editions of *Black’s* (perhaps as a testament to its novelty, if nothing else) were reviewed in major law journals.³⁸ Although reviews of the seventh and eighth editions have

Law Dictionary, 8th ed.

32 Black, *Black’s Law Dictionary*, 5th ed., III.

33 *Ibid.*, 1060.

34 Garner, ed., *Black’s Law Dictionary*, 7th ed., 1197; Garner, ed., *Black’s Law Dictionary*, 8th ed., 1216.

35 “Looking It Up: Dictionaries and Statutory Interpretation,” 107 *Harvard Law Review* 1437, 1449.

36 “*res ipsa loquitur*: ... [Latin ‘the thing speaks for itself’].” Garner, ed., *Black’s Law Dictionary*, 8th ed., 1336.

37 *Qanuni, Angrezi-Urdu Iughat: Blaiks la’ dikshanari se makhbuz* (Islamabad: Muqtadirah-yi Qaumi Zaban, 2002).

38 Reviews of the first edition: Review of *Black’s Law Dictionary*, by Henry Campbell Black, 5 *Harvard Law Review* 155 (1891–1892); Review of *A Dictionary of Law, Containing Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern*, by Henry Campbell Black, 1 *Michigan Law Journal* 38 (1892); Review of *A Dictionary of Law*, by Henry Campbell Black, 1 *Cornell Law Journal* 105 (1894); Review of *A Dictionary of Law*, by Henry Campbell Black, 1 *Yale Law Journal* 88 (1891–1892).

appeared in some law journals,³⁹ the premier publications of legal scholarship have not included reviews of recent editions of *Black's*.⁴⁰ This may speak more to the acceptance of *Black's* than anything else.

But the relevance of dictionaries in general, and of *Black's* in particular, to modern jurisprudence is best illustrated by the attention given to those works by American courts, most notably the US Supreme Court. Samuel Thumma and Jeffrey Kirchmeier, in an exhaustive study of the use of dictionaries by the Court,⁴¹ note that the Supreme Court first explicitly authorized reliance on a dictionary in 1920: "We deem it clear, beyond question – that the court was justified in taking judicial notice of facts that appeared so abundantly from standard works accessible in every considerable library."⁴²

If the standard for a dictionary's authority is its presence in 'considerable' libraries, then

Black's surely passes the test. And, the Supreme Court has agreed, citing all editions of *Black's* over 130 times, for definitions of terms as diverse as in, shall, cold blood, stare decisis, avoid, attorney, right, willful, necessary, tidelands, color, and moral turpitude.⁴³ Although the Court's increased reliance on dictionaries has been criticized (as has the tendency of individual members to select among definitions those which best suit particular purposes), the fact that dictionaries play an ever more important role in modern jurisprudence can't be ignored.

4. "In about equal measure, I'm a lawyer, lexicographer, an author, a grammarian, and a teacher"⁴⁴

So, *Black's* eighth edition fulfills its purpose; it improves upon and enhances the work of Garner's predecessors; and its relevance to

Reviews of the second edition: Review of *A Law Dictionary*, 2d ed., by Henry Campbell Black, 20 *Yale Law Journal* 423 (1910–1911); Review of *Black's Law Dictionary*, 2d. ed., by Henry Campbell Black, 59 *University of Pennsylvania Law Review* 355 (1910–1911); Review of *A Law Dictionary – Containing Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern*, 2d ed., by Henry Campbell Black, 9 *Michigan Law Review* 455 (1910–1911); Review of *A Law Dictionary: Containing the Terms and Phrases of American and English Jurisprudence, Ancient and Modern*, 2d ed., 9 *Illinois Law Review* 582 (1910–1911); Review of *Black's Law Dictionary*, 2d ed., by Henry Campbell Black, 23 *Green Bag* 197 (1911). Reviews of the third edition: Review of *Black's Law Dictionary*, 3d ed., by Henry Campbell Black, 22 *Georgetown Law Journal* 657 (1933–1934); Review of *Black's Law Dictionary*, 3d ed., by Henry Campbell Black, 82 *University of Pennsylvania Law Review* 886 (1933–1934); Review of *Black's Law Dictionary*, 3d ed., by Henry Campbell Black, 20 *Virginia Law Review* 493 (1933–1934); Review of *Black's Law Dictionary*, 3d ed., by Henry Campbell Black, 47 *Harvard Law Review* 170 (1933–1934).

39 See, for example, Richard Sloane, review of *Black's Law Dictionary*, 5th ed., 11 *Toledo Law Review* 322 (1980); Henke, 65 *American Bar Association Journal* 1378 (1979); Paul Hellyer, review of *Black's Law Dictionary*, 8th ed., edited by Bryan Garner, 97 *Law Library Journal* 158 (2005).

40 General purpose dictionaries have not been widely reviewed in the past few decades. But, with the 250th anniversary of the first publication of Samuel Johnson's *Dictionary of the English Language* occurring on April 15, 2005, a flurry of articles and books relating to Johnson's dictionary have appeared. Some of the most entertaining (and informative) of those articles are Henry Hitchings, "The Word According to Dr. Johnson," *Financial Times*, April 2/3, 2005, W4; Sarah Burton, Review of "Dr. Johnson's Dictionary: The Extraordinary Story of the Book that Defined the World," *The Spectator*, April 9, 2005, 37; and Verlyn Klinkenborg, "Johnson's Dictionary," *The New York Times*, April 17, 2005, sec. 4, p. 13.

41 Samuel A. Thumma and Jeffrey L. Kirchmeier, "The Lexicon Has Become a Fortress: The United States Supreme Court's Use of Dictionaries," 47 *Buffalo Law Review* 227 (1999).

42 *Werk v. Parker*, 249 U.S. 130 (1919).

43 Thumma and Kirchmeier, "The Lexicon Has Become a Fortress," 47 *Buffalo Law Review*, 251–260.

44 Bryan Garner, quoted in Dorothy F. Easley, "Editor's Column: Bryan Garner Counsels Appellate Lawyers and Judges on Effective Legal Writing," XIII *The Record: Journal of the Appellate Practice Section* 20, 21 (Florida Bar, 2005).

students, the lay public, practitioners, the judiciary, and, to a lesser extent, scholars, can be demonstrated. But, other than all that, what's so special about it? What makes it merit attention apart from its very practical usefulness? The answer lies less in the content of the dictionary, and more in its style and in the approach undertaken by its editor.

In reviewing Garner's tome on American usage, David Foster Wallace argued that it's no longer enough for a lexicographer to satisfy the two canons of comprehensiveness and completeness. Additionally, the lexicographer must be "credible." And, Wallace found Garner to be eminently credible, characterizing him as an authority "not in an autocratic sense, but in a technocratic sense."⁴⁵ The preface to the eighth edition evidences Garner's approach to his undertaking – his goal is to "marshal legal terms to the fullest extent possible and to define them accurately."⁴⁶ It's the approach of a military man – one committed to a well-conceived plan and who rigorously implements that plan in an orderly, if not fastidious, manner. After all, the eighth edition appears a mere five years following the seventh edition. In that five years, some 17,000 terms have been added; that's 3400 words each year, 65 words per week, 13 words each day (with only weekends off). Garner has the zeal of a missionary coupled with the discipline of a conqueror, and it is this combination of devotion, single-mindedness, and rigor that distinguishes the dictionary.

Garner's confidence in his mastery of the subject and his approach to dictionary-building reminds us of Henry Black. Black was not hesitant to create a definition out of whole cloth; there are entries in his original work for "which the definition had to be

written entirely de novo."⁴⁷ Garner is more constrained – one suspects that he is loathe to define a word without sources (although those sources are often not mentioned). His confidence in his ability to identify reliable, succinct, and persuasive authorities for his definitions enables him to fairly radically overhaul both the content and the format of a work now in its eighth edition. Garner knows that his reader will recognize and accept the authority of Blackstone and Charles Alan Wright; Garner also acknowledges that Glanville Williams and Rollin Perkins (sources credited for definitions in criminal law and jurisprudence) are much less well known. But Garner has no hesitation citing those latter authorities; in his estimation, "their work deserves more widespread attention."⁴⁸

Legend has it that even in law school at the University of Texas, Garner kept his definition note cards close at hand, routinely noting word use and authority. Those entries, meticulously supplemented over the years, formed the basis for Garner's approach to his editorship of *Black's* – a judgmental hand applied to exhaustive research and thorough analysis. Garner is credible because of the logic of his approach, his thoroughness, and his absolute faith in both his mission and its product. The content of a dictionary should withstand criticisms of subjectivity; Garner's eighth edition does because of its reliance on authority. But, the style of a dictionary need not be bland or indistinct; recognition of the stamp of its editor makes a dictionary more interesting, and, if that stamp of individuality is emphatic in its authority, the dictionary is all the more useful and relevant not simply as a mere 'word book,' but as a well-

45 Wallace, *Harper's Magazine*, April 2001, 39–58

46 Garner, ed., *Black's Law Dictionary*, 8th ed., ix.

47 Black, *A Dictionary of Law* iv (1891).

48 Garner, ed., *Black's Law Dictionary*, 7th ed., x.

The Dictionary and the Man

considered, scholarly, and contemporary reflection of our language.

We suspect that the character of the eighth edition reflects the personality of its editor. What is distinctive and unique about that character (and personality) enables the eighth edition to fulfill its purposes so effectively. The dictionary is strong, consistent,

and emphatic; it backs up its claims with ample authority, and it discourages dissent. Language may, indeed, express the distinctive quality of a people;⁴⁹ a good dictionary necessarily reflects the distinctive qualities of its editor. And, we can be thankful that Bryan Garner's character is reflected in the eighth edition. *GB*

49 "Language expresses the special, distinctive quality of a people, and a people, like an individual, is to a large extent defined by its past – its traditions – whether it is conscious of this or not." Macdonald, *The New Yorker*, March 10, 1962, 159.