

# A Letter from Professor Leff to a Prospective Publisher

*The following letter to a prospective publisher of the Dictionary was among Professor Leff's papers.*

22 November 1976

Dear [Prospective Publisher]:

Thanks for sending me the Gifis dictionary.<sup>[1]</sup> It is not what I had in mind, except insofar as his book, like the one I propose, limits the super-annuated latin to an absolute minimum.

What I do have in mind is considerably more ambitious, perhaps too much so as a matter of fact. What I conceive is a "dictionary" in which one cannot only look up the "meaning" of a word or phrase, but in addition, in many cases, get a commentary on it, albeit the author's personalized one.

Let me give you an example. Look at Gifis' entry under "Seal" (p. 187).<sup>[2]</sup> My own inclination would be to keep only the bare essentials of his definition and then add something like this:

Seals thus exemplify one of the strongest impulses of legal ordering, to signal formally to people at critical moments that they are about to leave the world of social interaction for the world of compulsion, bureaucracy and impersonality. It is a way of saying "this counts," "this is for keeps," "we're not kidding around any more" and similar things. Seals are not the only mechanism of that kind; the archaic language and ceremony of a marriage, the creamy paper and multiple witnesses of a will, even the formal "One dollar in hand paid" recited in a real-estate man's option form has something of the same intent, as does the writing requirement of the STATUTE OF FRAUDS. With seals, of course, the modern problem has been that as the form

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1. ED. NOTE: S. GIFIS, LAW DICTIONARY (1975).

2. ED. NOTE:

SEAL at common law, an impression on wax, wafer, or other tenacious substance capable of being impressed. See 30 S.W. 132, 133. "The purpose of a 'seal' is to attest in a formal manner to the execution of an instrument." 42 So. 959, 960. "Among the forms of 'seal' that are in use in most of the states are wax, a gummed wafer, an impression in the paper itself, the word 'seal,' the letters 'L.S.' (signifying 'lacus sigilli'), [and] a pen scrawl." Corbin Contracts 3241 (one-volume ed., 1952).

A seal of a corporation is sometimes called a common seal. See 65 A. 526, 527.

S. GIFIS, *supra* note 1, at 187.

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of the seal has been attenuated (down to a preprinted “seal”), its cautionary effect has been vitiated apace. Hence there is a modern trend to render seals powerless to confer legal rights which would not otherwise be conveyed.

Now, I have just written that off the top of my head. I would hope the real products would be better. I only want to show something about the *genre* I have in mind, one in which the concepts involved are talked about as well as “defined.”

In addition, my own inclination would be to include a number of important words from other social sciences, words like “externality,” “Pareto optimal,” “standard deviation,” “perceptual inquiry” etc. These words do function in law, but more important they function most frequently at the level at which I would be discussing them—the intelligent cocktail party level. I would hope not to get them “wrong” (from the point of view of the professional user), but I would also hope to show what they mean in law discourse, which is usually quite different from their “accurate” use in their own lexical setting.

In brief, I would like to produce a book that could not just be consulted but, to some extent, *read*.

A user might actually want to look through it before needing it. But if he waited for need, he would then find—often but not always—more than tautology or translation.

O.K. Given what would be involved, it’s clear that I may not be able to do such a thing, and I’m presently not sure that I even want to try. Done right it would sell (enormously, if we could reach the practitioner market) but it is not an easy job, and it’s certainly not the kind of book any sane person could just sit down and “write.” Let’s leave it this way. You let me know if you’re interested, and then I’ll try to figure out if, and on what terms, I might be.

Yours,

Arthur Allen Leff  
Professor of Law