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Robert M. Cover

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# Arthur's Words

Robert M. Cover†

When Arthur Leff died, it was only the more acute pain of personal grief that dimmed for me the immense institutional and intellectual loss that we all had suffered. We were not to have the books and articles which would have followed upon *Law and Unspeakable Ethics*,<sup>1</sup> *Unnatural Law*.<sup>2</sup> Any one who has known the acute, biting, yet gentle spirit of mockery that pervaded Arthur's later work can appreciate what we have been denied. We knew, however, that the major project that Arthur had begun at the time of his illness was a law dictionary. Many of us had been treated at one time or another to a recitation of some finely crafted definition that Arthur was preparing. Yet, at the time of his death no one except Susan Leff had glimpsed more than a handful of the many hundreds of entries that Arthur had finished.

Even from the small samples we had tasted it was clear that the Leff dictionary would have set a very different standard of erudition, scope, and style from that prevailing among law dictionaries now in use. The publication in this issue of the *Journal* of the sections which Arthur had finished at his death is, thus, a scholarly event of some significance. It is something of a challenge, as well. For we can now see what a great dictionary would have looked like.

It is, of course, true that a part of a dictionary is of limited reference use. Arthur would have been amused, I think, at publication of A, B, and C. He, better than anyone, knew the scarred seamlessness of language. But he also could appreciate almost every conceivable genre of amusement and instruction. And it is for us to decide that what follows, in more-or-less dictionary form, does, indeed, teach us and amuse.

Arthur intended, when he began the dictionary, to write several hundred mini-essays, and to include these among the thousands of other entries. The essays might be on any word that caught his fancy, though many were to be on words that had become important in law or legal scholarship over the past two or three decades. There are many such short essays included here. Some, like "bureaucracy," "black-box theory," and "behaviorism," entail a characteristic reaching out to cannibalize other fields for the work of law. "Law itself," he wrote, "at least when seen as

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† Chancellor Kent Professor of Law and Legal History, Yale University.

1. 87 *YALE L.J.* 989 (1978).

2. 1979 *DUKE L.J.* 1229 (1979).

Arthur Allen Leff

prescriptive command, is itself based upon black-box theories of behavior.”

Not all the short essays reach to other disciplines nor are they predominantly novelties in a legal dictionary. Some, like “bill of exchange,” are superbly transparent windows upon the simple and homey needs that generated complex and technical institutions. A story is often better than a formal definition. In “bill of exchange” we get such a story.

There are cautions. But, characteristically, Arthur had expressed them as bemused, almost tentative explorations. Under “boilerplate” we find some thoughts on the ethics of the craft of lawyering and the part the word processor might play.

It was Arthur Leff’s gift to understand how law fit with life. That understanding required a lot of knowledge of the law and a lot of insight and experience of life. These fragments are alive with the spirit that had to see the human use-in-life of law things and thus, of law words. Whether in an essay or an entry, whether in “brain death” or “brevia testatum,” Arthur sought the life-things that made sense of the law words. Sought, and most often found them.

I am grateful, again, to have his words.