| *Language for* **Lawyers** |

Q: I've just read the sidebar column in the June 14 *New York Times,* in which journalist Adam Liptak reported that Supreme Court justices rely heavily on dictionaries to determine the meaning of words in cases they decide. What do you think about that practice?

A: I was surprised too, to learn that during the last two decades, the justices have relied on dictionaries more heavily than ever before. A *Marquette Law Review* study found that the Supreme Court had used dictionaries to define 295 words or phrases in 225 opinions during the 10 years since October 2000, while courts during the 1960s relied on dictionary definitions of only 23 terms in 16 opinions. Justices Oliver Wendell Holmes Jr., Benjamin N. Cardozo, and Louis D. Brandeis had distinguished careers without once citing dictionaries.

Reliance on dictionaries is misplaced if you want to learn what words mean. Dictionaries are often the last to record that the current meaning of a word has changed. As I've previously noted, the word *problem* scarcely exists in current legal and lay usage. Now what were once called "problems" have been given a new label, the euphemism "issues."

Unfortunately, only the word *problems* has disappeared, not the occurrence. The press, the government, and industry—along with many ordinary people—optimistically hope that avoiding the word *problems* will correct the problems themselves. But euphemism causes pejoration. Just as "bad money" drives out "good money," giving a bad fact a good name taints the good name, which then carries an unpleasant connotation so that it can no longer be used to describe something favorable.

In addition, to describe a problem as an issue makes the word *issue* ambiguous. An issue used to be a crucial question whose answer will decide a case. Now it can also mean a "problem." But check a dictionary, and you will probably see *issue* only with its legal definition.

Another inherent feature of English adds to the difficulty of relying on a dictionary for the meaning of a word:

A word can convey multiple meanings, even opposite meanings. For example, the word *cite* has at least three meanings: It can mean "commend," as in the statement "After being cited for courageous action in battle, he was awarded a medal." It can mean "pointed out as typical," as in "She was cited as a 'stay-at-home wife.'" Or it can mean "summoned before a court of law," as in "Although cited for a traffic violation, he did not receive a ticket."

The word *may* can mean "permission" or "possibility." See, for example, the statement, "Along with their uniforms, students may wear shirts containing brand names." That sentence contains an ambiguous "may." Are students given *permission* to wear shirts containing brand names, or is it *possible* that the students choose to do so?

The over-used verb *address* has become a vogue word, ambiguous because it has four possible senses: It can mean "direct," as in "She addressed her question to the committee chairman." It may mean, "attempting to find a solution to," as in "The committee is addressing the matter of unemployment." It can mean "call attention to," as in "We should address the problem of underemployment, as well as that of unemployment." And it may mean "consider the relationship between two things," as in "We should address the liaison that exists between the two departments."

Another overused, vogue word is *pursue.* Traditionally *pursue* meant "follow, with the intent to overtake." Now, however, it is used in several vogue and vague contexts. In "the physician, pursuing anonymity, refused to respond," it means "seeking." In "the student is pursuing law school," it means "hoping for admission to." In "the late-night crowd, pursuing bar-hopping," it means "enjoying." All of these senses contain the vague idea of "attempting."

The verb *affect* also conveys the vague sense of change, but it is almost useless because of its many possibilities : It can mean "improve," "worsen," "ameliorate," and "retard." The trouble with terms that become vogue (or "fad words") is that when words can mean so many things, they become useless.

A prime word to indicate that process is the word *thing*, which came into being during the Old English period (before 1100 A.D.) with one narrow and specific meaning. A *thing* was an assembly of men, formed to carry out legal actions. In Iceland today it still retains that meaning. But in a dictionary of the English language, the definitions of *thing* cover an entire page, not one of them its original meaning. A thing can be an entity, an object (real or abstract), an idea, a quality, or a perception. A thing can be something or nothing; it can mean anything or everything. So, except to indicate the uselessness of dictionary definitions, it has little use.

The word *attitude* used to be noncommittal. An individual could have a good or a bad attitude, a benevolent or a malign attitude, a happy or a sad attitude. But it has become pejorated so that now it cannot be used except to describe a bad attitude. "She arrived with an attitude" has only an unfavorable connotation.

One of my favorite anecdotes has little to do with attitudes, but much to do with meaning. My grandson, then five-years-old and recently enrolled in kindergarten, lived near Boston, and then-President Kennedy was vacationing on Cape Cod. In a car with his mother at the wheel, my grandson suddenly called out excitedly, "Look Mommy, I see the President!" Craning her neck to no avail, his mother repeatedly asked, "Where is he?" Exasperated, my grandson, finally shouted, "It's not a 'he,' it's a 'she.' She's the president of my school!" **TFL**

Gertrude Block, lecturer emerita at the University of Florida College of Law, can be reached at block@law.ufl.edu or by snail-mail: Gertrude Block, Lecturer Emerita, Emerson Hall, University of Florida, Gainesville, FL 32611.