

Ex Ante

THE ABBREVIATOR

SIMON WINCHESTER'S *The Meaning of Everything* (Oxford 2003), a book in which he tells the story of the creation of the Oxford English Dictionary, takes its subject seriously – most of the time. When, more than halfway through the book, Winchester finally reaches the moment when the OED's great editor, James Murray, is relishing the publication of the first installment of the first volume of the OED, he takes a detour:

Yet for all these vexing aspects of his work, the triumph of the first part of the Dictionary was plain to see. It was abundantly clear, even from this one small part, that what would eventually be published was the catalogue of a truly vast emporium of words. Here were the wonderful and the ordinary, cheek by jowl – *acatalectic* and *adhesion*, *agnate* and *allumine*, *animal*, *answer*, and *ant*. And by *ant* Murray did not only define the 'social insect of the *Hymenopterous* order' – he included the prefix *ant-* as a contraction of *anti-*, and used in words like *antacid*, and the suffix *-ant*, attached to form words like *tenant*, *valiant*, *claimant* and *pleasant*.

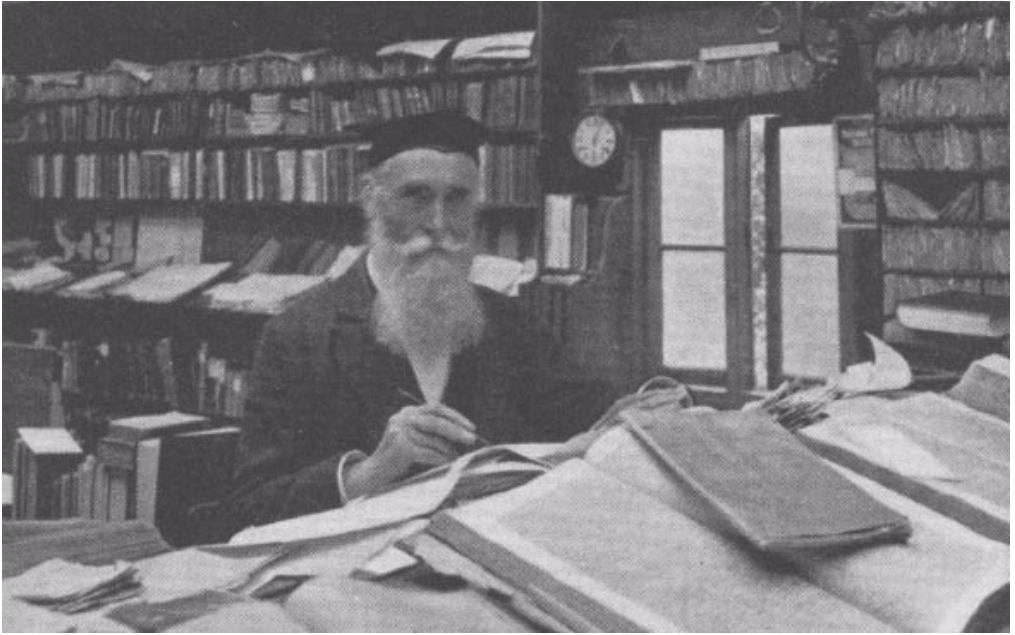
True, there were critics aplenty, and as soon as the work was published letters started trickling in to the Scriptorium, triumphantly listing earlier quotations than those used, or alleging (usually erroneously) that words had been missed out. Murray, a prickly man at the best of times, was extremely sensitive to any criticism. But his confidence in his

work was clearly burgeoning – and it allowed him (or so a few fans of Murray like to think) the luxury of inserting within the scores of pages and definitions and quotations in that first fascicle one of the very few witticisms that is known to exist in the complete work.

When pressed, lexicographers involved in the making of the book remark that such humour as is to be found in the OED was placed there 'only inadvertently', and so there almost probably was never any humorous intention on Murray's part – none, for instance, as there plainly was in the writing of the single-volume *Chambers' Twentieth Century Dictionary* of 1901, which had droll entries such as that for *éclair*: 'a cake, long in shape but short in duration'.

Nonetheless, in this first fascicle of the Philological Society's work we find what some might regard as a classically Oxford sense of amusement when we encounter the following, buried in the second sense of the very rare noun *abbreviator*: "An officer of the court of Rome, appointed ... to draw up the Pope's briefs ..."

toryes uiate. ind to ntelli- lay sit e was	abbreviations. 1855. HACKERAY <i>verucomes</i> (1072) IV. 35. Smiffle, it must be explained, is a fond abbreviation for Smithfield. 1876 FREEMAN <i>Norm. Cong.</i> I. App. 547 The latter form is clearly a mere abbreviation.
erms.	Abbreviator (äbr'viätai), also 7 -er. [a. L. <i>abbreviātor</i> , n. of agent f. <i>abbreviā-re</i> to shorten; cf. Fr. <i>abréviateur</i> .]
arith- terms,	1. One who abbreviates, abridges, or shortens. 1615 HELKIAH CROOKE <i>Body of Man</i> 206 Oribasius, the great abreviator of antiquity. 1779 GIBSON <i>Misc. Wks.</i> (1814) IV. 505 The opinion which attributes the last-mentioned passage to the abbreviator, rather than to the original historian. 1860 ADLER <i>Prov. Poet.</i> xiii. 286 Outlines in which the arid hand of the abbreviator does not become apparent.
Obs. Rome LYNES desir- ndrie. o cut	2. <i>spec.</i> 'An officer in the court of Rome, appointed as assistant to the vice-chancellor for drawing up the pope's briefs, and reducing petitions, when granted, into proper form for being converted into bulls.' Chambers 1751.
h and Mel. abbre- ROWNE	1532 <i>Addr. from Convoc.</i> in STRYVE <i>Mem. Ref.</i> v. 481 The writers, abbreviators, and registers of the letters, minutes, and bulls. 1611 COTGR., <i>Abbreuiateur</i> , An abbreuiator; a



OED Editor James Murray in his Scriptorium.

Would James Murray have inserted that definition, heavily freighted with its double entendre, deliberately, and out of a sense of fun? Probably not: briefs meaning underwear did not come into use until 1933 – in all likelihood its inclusion truly was inadvertent, reflecting only the splendid innocence of the utterly aloof. And yet I like to wonder. There are more than a few photographs of Murray wearing a decidedly impish grin behind his beard, and I like to imagine that, from time to time, this increasingly confident man allowed himself the pleasure of teasing his otherwise rather stern and exacting readership, just a little.

Pope Leo XIII, who was among other things a student of canon and civil law and a sponsor of Catholic University in Washington, D.C., ruled in Rome when the first fascicle of the OED appeared in January 1884.



UNUNPUBLISHED

PROPOSED Federal Rule of Appellate Procedure 32.1 (“Citation of Judicial Dispositions”) reads as follows:

(a) Citation Permitted. No prohibition or restriction may be imposed upon the citation of judicial opinions, orders, judgments, or other written dispositions that have been designated as “unpublished,” “not for publication,” “non-precedential,” “not precedent,” or the like, unless that prohibition or restriction is generally imposed upon the citation of all judicial opinions, orders, judgments, or other written dispositions.

(b) Copies Required. A party who cites a judicial opinion, order, judgment, or other written disposition that is not available in a publicly accessible electronic database must file and serve a copy of that opinion, order, judgment, or other written disposition with the brief or other paper in which it is cited.

The purpose of the proposed rule is to kill off the practice in some federal appellate courts of forbidding citation of unpublished opinions