Introduction
Kent Greenawalt

in Legal Interpretation: Perspectives from Other Disciplines and Private Texts

This introductory chapter sets out the purpose of the book, which is to identify the questions that any approach to textual interpretation must answer (explicitly or implicitly), and to show how the considerations that bear on desirable interpretation shift as one moves from one kind of legal interpretation to another. It then discusses basic issues about textual interpretation in law, nontextual interpretation, and the scope of the term “interpretation”.

Legal Interpretation
Kent Greenawalt

This book focuses on textual interpretation of the law. All law needs to be interpreted, and there are many ways to do it. The book covers the dominant methods of legal interpretation, explaining their underlying structure and efficacy. But there are other issues involved. Which perspective should we prioritize—the writer or the reader? Should interpretation be abstract or contextual? Should it have a specific aim or a general objective? To answer these tough questions, the book explores how interpretive strategies from other disciplines—the philosophy of language, literary and musical interpretation, religious interpretation, and general interpretive theory—can augment and enrich our methods of legal interpretation.
Narrativity: Theory and Practice
Philip J. M. Sturgess

Defining narrativity as the enabling force of narrative, this is a full-length exploration of the concept in fiction. It develops the notion of a ‘logic of narrativity’, and by this means contributes a new critical strategy to the field of narrative theory. The book also takes issue with a number of critical approaches which have in recent years acquired near-orthodox status in the matter of textual interpretation. Most prominent among these approaches are deconstruction and a particular form of Marxist criticism. The author's own theoretical claims are substantiated by readings of major 20th-century novels by Conrad, Joyce, Flann O'Brien, and Arthur Koestler, and the book concludes with an analysis of an earlier narrative, Maria Edgeworth's Castle Rackrent, which illustrates the wider premises of the theory and its applications.

Religious Interpretation
Kent Greenawalt

This chapter examines how religious texts are interpreted. It begins by briefly exploring two related topics that are also relevant for ordinary law: Firstly, what counts as authoritative or canonical texts to be interpreted? Secondly, who can render authoritative or reliable interpretations? The chapter argues that as social conditions and attitudes evolve, interpretations of norms inevitably do and should change. Only with such change can religious traditions flourish over time. But even this insight does not help much in resolving crucial questions about interpreting secular law. The reason is that, although everyone agrees that secular law, as a whole, must change, that does not establish that judges, as contrasted with legislators and constitutional enactors, should be self-conscious organs for statutory and constitutional evolution.
Conclusion and a Comparison
Kent Greenawalt

in Legal Interpretation: Perspectives from Other Disciplines and Private Texts
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Publisher: Oxford University Press DOI: 10.1093/acprof:oso/9780199756131.003.0011

The previous chapters looked at the basic components of legal interpretation. These explored how other disciplines might bear on legal texts; what constitutes desirable performance and the meaning of informal instructions; and the various aspects of interpreting texts (and oral communications) created by private individuals but enforceable in law. This concluding chapter offers a few general observations about how these efforts relate to what will follow in subsequent volumes, and compares its conclusions with those of an outstanding Israeli judge and jurist, Aharon Barak, who has offered a general, comprehensive theory for the interpretation of legal texts.

Textual Interpretation As Collective Action
Jonathan Boyarin
in The Ethnography of Reading
Published in print: 1993 Published Online: May 2012
Publisher: University of California Press DOI: 10.1525/california/9780520079557.003.0009

This chapter argues that modernism provides just one permutation of the ideology of the “writer-who-writes-alone,” one which puts the spin of romantically alienated genius on a far older story. Nonetheless, it agrees with Linda Brodkey that the image of the solitary scribbler is an ideological synecdoche which truncates our understanding of writing by overprivileging the moment of isolation and also suppresses the social aspects of writing. The chapter considers some consequences of construing textual interpretation as a fundamentally solitary practice, all of which involve the suppression of the collective nature of reading.

The Interpretive Stases
Martin Camper
in Arguing over Texts: The Rhetoric of Interpretation
Published in print: 2017 Published Online: November 2017
Publisher: Oxford University Press DOI: 10.1093/oso/9780190677121.003.0001
Chapter 1 introduces the interpretive stases as a neglected rhetorical method that could be productively employed by scholars to analyze debates over the meaning of texts in virtually any sphere. The chapter begins with a debate over one of the leaked 2009 “climategate” emails, which seriously damaged the credibility of climatologists, to illustrate the far-reaching consequences of interpretive arguments. A brief sketch is provided of the interpretive stases’ history, from their origins in ancient Greco-Roman legal theory to when they were dropped from rhetorical manuals in the seventeenth century. The chapter explores the relationship between rhetoric and hermeneutics—philosophical, literary, legal, and religious—and argues that no school of hermeneutics offers a general method for analyzing the argumentative push and pull involved in the interpretation of any text. The final part of the chapter outlines the six interpretive stases and discusses how they frame textual interpretation in terms of argument and persuasion.

Arguing over Texts
Martin Camper

Arguing over Texts presents a rhetorical method for analyzing how people disagree over the meaning of texts and how they attempt to reconcile those disagreements through argument. The book recovers and adapts a classification of recurring types of disagreement over textual meaning, invented by ancient Greek and Roman teachers of rhetoric: the interpretive stases. Drawing on the rhetorical works of Aristotle, Cicero, Quintilian, and Hermogenes, the book devotes a chapter to each of the six interpretive stases, which classify issues concerning ambiguous words and phrases, definitions of terms, clashes between the text’s letter and its spirit, internal contradictions, applications of the text to novel cases, and the authority of the interpreter or the text itself. From the dispute over Phillis Wheatley’s allegedly self-racist poetry to the controversy over whether some of Abraham Lincoln’s letters provide evidence he was gay, the book offers examples from religion, politics, history, literary criticism, and law to illustrate that the interpretive stases can be employed to analyze debates over texts in virtually any sphere. In addition to its classical rhetorical foundation, the book draws on research from modern rhetorical theory and language science to elucidate the rhetorical, linguistic, and cognitive grounds for the argumentative construction of textual meaning. The method
presented in this book thus advances scholars’ ability to examine the rhetorical dynamics of textual interpretation, to trace the evolution of textual meaning, and to explore how communities ground their beliefs and behaviors in texts.

Jewish Studies and Analytic Philosophy of Judaism
Tzvi Novick, Samuel Lebens, Dani Rabinowitz, and Aaron Segal

in Jewish Philosophy in an Analytic Age
Published in print: 2019 Published Online: August 2019
Item type: chapter

To what extent are the methodological assumptions of contemporary Jewish studies in conflict with the project of this book? Tzvi Novick begins a discussion with the editors in order to bring the contours of this issue sharply into focus.

Rights of the Pryvat Spyrit: From Dissent to Interpretation
Geoffrey Galt Harpham

in What Do You Think, Mr. Ramirez?: The American Revolution in Education
Published in print: 2017 Published Online: May 2018
Item type: chapter

American political culture places extraordinary emphasis on the concept of opinion, the judgments that people make on a wide range of issues affecting not only their personal lives but also the society as a whole. In the American tradition, textual interpretation has a peculiar salience stemming from the Protestant practice of individual Bible-reading and the fact of having a written Constitution. The prominence in the American system of education of the humanities, which are centered around textual interpretation, reflects this tradition.

Definitions, Ordinary Meaning, and Respect for the Legislature
in The Language of Statutes: Laws and Their Interpretation
Published in print: 2010 Published Online: March 2013
Item type: chapter
This chapter considers important statutory interpretation cases as instances of grappling with borderline instances of word meaning. It discusses the differences between the textual and contextual interpretation of statutes and explains that the principal goal of the statutory interpreter is to be loyal to the legislator. This chapter also highlights the fact that most judges and scholars agree that some combination of extrinsic evidence, consequentialist reasoning and substantive values should be considered when the language of the statute does not yield a clear answer. It also expresses support for the use of legislative history in statutory interpretation.

Models of Argument
Richard F. Nance
in Speaking for Buddhas: Scriptural Commentary in Indian Buddhism
Published in print: 2011 Published Online: November 2015
Item type: chapter
Publisher: Columbia University Press DOI: 10.7312/columbia/9780231152303.003.0003

This chapter explores the accounts of two influential Buddhist thinkers of the late eighth century: Śāntarakṣita and Kamalaśīla. Both of these thinkers theorized that the conceptual tools provided by Buddhist epistemological discourse can help in answering interpretive questions, such as what, and how, an individual can know from words. The chapter looks at Śāntarakṣita's and Kamalaśīla's understanding of Buddhist epistemological theory and how they used it to inform the work of textual interpretation, the implications of this relationship epistemology and interpretive practice, and the impact of this narrative on the normative assumptions that historically shaped commentarial practice among Indian Buddhists. The chapter concludes that the capacity to understand another's words is not simply a matter of inferential acumen; it is informed by other resources—philosophical, practical, dialogical, meditative, and hermeneutic.

The Literary Artwork between Word and Concept
Gerhard Richter
in Thinking with Adorno: The Uncoercive Gaze
Published in print: 2019 Published Online: January 2020
Item type: chapter
Publisher: Fordham University Press DOI: 10.5422/fordham/9780823284030.003.0006
This chapter investigates another set of problems with which the uncoercive gaze must contend when it fastens upon a work: the relationship of speculative thought to the work of art and the ways in which the chasm between literal and figurative speech bears upon that relationship. One of the themes that a reading of Kafka’s The Trial should emphasize is the way in which a literary text both calls for philosophical interpretation and resists such interpretation at the same time. One problem that arises out of this constellation concerns the question of the relationship between the literal and the figurative nature of a text’s rhetorical operations. If Kafka’s novel, by causing the relation between the literal and the figural to enter a space of indeterminacy, enacts a situation in which, as Adorno characterizes it, “a sickness means everything [eine Krankheit alles Bedeuten],” no reading of Kafka—at least no reading informed by the sensibilities of the uncoercive gaze—can afford to ignore the precise conceptual terms of this sickness. Finally, to cast Adorno’s reflections on Kafka into sharper relief, the chapter also considers them in relation to Giorgio Agamben’s recent interpretation of The Trial as Kafka’s commentary on the imbrication of law and slander.

Found in Translation: Aristotle’s Nicomachean Ethics 3. 5, 1113b7–8, and its Reception

Susanne Bobzien

in Oxford Studies in Ancient Philosophy, Volume 45

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Item type: chapter

This chapter is an exercise in the study of philosophical reception, and also serves as an introduction to the reception of the Nicomachean Ethics from its beginnings to the present day. Rather than researching the reception of an author, book, chapter, section, or paragraph, the focus is on one sentence: Aristotle’s Nicomachean Ethics III.5 1113b7-8. This sentence has markedly shaped scholarly and general opinion alike with regard to Aristotle’s theory of free will. In addition, it has taken on a curious life of its own. Part one of the chapter examines the text itself. Part two explores its reception from antiquity to the present day, including present-day popular culture, later ancient, Byzantine, Arabic, Latin Medieval, Renaissance, Victorian, and contemporary scholarship. There are some surprises on the way.
Chapter 1 introduces book, speaking to its comparative and international institutional characteristics. It justifies reliance upon EU law by analogy, as well as the extensive textual focus upon the two regional treaties. It suggests that by looking at the texts of the Revised Treaty of Chaguaramas and the Revised Treaty of Basseterre we may understand both the limitations and potentials of CARICOM and the OECS. Chapter 1 also sketches out the structure and contents of the book.

Is the Doctrine of Arthavāda Compatible with the Idea of Śruti?
Nalini Bhushan, Jay L. Garfield, and Daniel Raveh (eds)

In this chapter, Daya Krishna raises questions about the valorized status of sacred texts in the Indian tradition by documenting several serious hermeneutical disputes that occurred between the different schools regarding textual interpretations. In particular, Krishna explores the question of whether the doctrine of arthavāda is compatible with the idea of śruti. He provocatively expands the notion of an authoritative text beyond its typically religious borders and argues that one needs to make space for a “secular” śruti alongside its “sacred” counterpart. With both accorded the status of “śruti,” Krishna proceeds to demonstrate that in the end it is not the textual source from which knowledge emerges that gives it its authority, but rather the attitudes of those readers who interpret and in this sense coauthor the texts.