

## LANGUAGE, MEANING-MAKING, AND LEGAL INTERPRETATION: LITERARY AND LEGAL PARALLELS

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### 1.1 Abstract

*The intersection of literature and law offers a captivating arena where language, interpretation, and meaning converge. This paper explores the symbiotic relationship between language and interpretation in both domains, demonstrating how proficiency in one enriches understanding in the other. In literature, language constructs narratives, evokes emotions, and reflects cultural nuances, fostering critical thinking and analytical skills. Similarly, in law, precise language is crucial for drafting statutes and legal documents, with interpretation being essential for their effective application. The paper examines various aspects within the law and literature movement, including depictions of law and legal professionals in literary works and the interpretation of legal texts using literary analysis techniques. It delves into the nuances of meaning-making in both literature and legal contexts, exploring semantic, contextual, and intended meanings. Parallels between literary and legal interpretation are highlighted, emphasizing shared challenges like ambiguity and subjectivity, alongside distinct methodologies, practical implications for legal practice and literary analysis are discussed, illustrating how insights from one discipline can inform the other. For example, lawyers can use literary analysis techniques to enhance persuasion in legal arguments, while literary scholars can gain new perspectives on justice and morality through an understanding of legal theory. Overall, the paper reveals the dynamic interplay between language, meaning-making, and interpretation in literature and law, offering a comprehensive examination of their interconnectedness. By bridging the gap between these disciplines, it provides valuable insights into how language shapes narratives, constructs legal frameworks, and influences societal norms in intricate ways.*

**Keywords-** ambiguity, critical thinking, cultural nuances, interdisciplinary, interpretation, language, legal practice, legal texts, literary analysis, literature, meaning-making, subjectivity, symbiotic relationship.

### 1.2 Introduction

*“Shelley said that poets are the unacknowledged legislators of the world. Sounds more like the secret police to me.” –*  
W.H. Auden

Literature and Law are two areas in which the dynamic field of language, meaning-making, and text interpretation intersects. Language plays a crucial role in literature and law, as authors use it to craft narratives that evoke emotions, explore themes, and provide insights

into human experiences on other hand legal professionals use language to establish rules, regulations, and societal norms, requiring a deep understanding of language's nuances. They interpret and extract meaning from carefully chosen words to create legal frameworks.<sup>316</sup>

This paper aims to explore the symbiotic relationship between language, meaning-

<sup>316</sup> Michael Pantazakos, “The Form of Ambiguity: Law, Literature, and the Meaning of Meaning.” *Cardozo Studies in Law and Literature*, vol. 10, no. 2, 1998, pp. 199–250.

making, and legal interpretation, highlighting the bridge the gap between language and other disciplines by analyzing its role in meaning construction and interpretation. Literature uses language to convey complex ideas, evoke emotions, and paint vivid landscapes. It also provides cultural insight, encouraging readers to engage with diverse perspectives. The study of language in literature encourages critical thinking and analytical skills, allowing readers to dissect texts and uncover layers of meaning. In law, language is used for precision and legal drafting, ensuring that statutes, contracts, and legal documents accurately capture legislative intent and convey desired consequences.<sup>317</sup> Legal interpretation involves deciphering the meaning of legal texts to apply them to real-world situations. Clarity in legal language is essential for upholding legal certainty, so it is important to study both in one frame that reveals us the link between law and the literature.

This project explores the relationship between language, meaning-making, and interpretation in literary and legal contexts. It aims to reveal the symbiotic relationship between these disciplines, demonstrating how mastery of one can enrich the other, to go beyond the traditional boundaries.

### 1.3 Language in Literature and Law

The role of language in literature is vital as it helps create plots, shape expressions, and evoke emotions. Writers carefully choose vocabulary, sentence structure, and stylistic devices to convey ideas with depth and nuances. Additionally, narrative techniques like point of view, foreshadowing, and symbolism influence the tone, atmosphere, and themes of literary works. The reflection of culture can also be seen in the storylines, making literature a mirror of cultural nuances in a specific time and place.

In the field of law, the use of language is crucial in drafting statutes, contracts, and legal

documents to ensure precision and clarity. Ambiguities or vagueness can lead to legal disputes, so understanding legislative intent requires examining context, historical background, and linguistic nuances. Legal texts serve as instruments of governance with specific purposes, and effective communication is essential for lawyers to articulate arguments, present evidence, and engage in persuasive discourse.<sup>318</sup> Language shapes legal narratives, influences judges and juries, and ultimately determines the outcomes of legal proceedings.<sup>319</sup>

Legal discourse frequently incorporates narrative elements that resemble those found in literature. Lawyers skillfully construct persuasive narratives that rely on precedents, legal principles, and factual details. Both literature and law possess the ability to elicit emotional reactions, with literature utilizing language to establish empathetic connections with characters and situations, while law employs language to convey the human aspects of legal matters. Analyzing the role of language in creative expression within literature and its precise function in law uncovers a intricate interplay between artistry and pragmatism, highlighting its adaptability in both domains.<sup>320</sup>

There are two complementary perspectives within the law and literature movement-

Law in literature in this perspective examines how law and lawyers are portrayed in stories and books, helping us understand how different cultures view the law at different times, also it involves looking at how lawyers use language and style in legal texts.

Law as literature in this perspective interprets legal texts using the techniques of literary critics, maintaining that the meaning of legal texts can be discovered only through interpretation, scholars such as White and

<sup>317</sup> Levinson, Sanford. "Some (Brief) Reflections about Law and Literature." *Cardozo Studies in Law and Literature*, vol. 10, no. 2, 1998, pp. 121–23.

<sup>318</sup> Heath, Stephen. "Language, Literature, Materialism." *SubStance*, vol. 6/7, no. 17, 1977, pp. 67

<sup>319</sup> Britt, Theron. "Literature's Law." *College Literature*, vol. 25, no. 1, 1998, pp. 244–45.

<sup>320</sup> Toplitt Sheldon C. "Teaching the Three L's: Law, Language, and Literature." *Docket Call*, vol. 17, no. 3, 1982, pp. 17–23.

Ronald Dworkin apply law as literature because they believe that the meaning of legal texts, like any other genre of literature, can be discovered only through interpretation.

#### 1.4 Meaning-Making in Literature and Legal Meaning.

Literature uses metaphor and symbolism as effective means of expressing meaning, allowing readers to explore deeper levels of interpretation beyond the literal. Through intertextuality, authors are able to create a complex web of interconnected meanings by employing these literary devices. They can interact with other books, different cultures, and historical settings thanks to this technique, which enriches the reading experience by creating a complex web of connections and references.<sup>321</sup>

*Literary include, William Shakespeare's Hamlet, the famous line "To be or not to be, that is the question," is open to interpretation. Does it represent a contemplation of suicide or a broader pondering of life's challenges?*<sup>322</sup>

Legal meaning is a fundamental aspect often overlooked in debates surrounding legal interpretation. While proponents of interpretive theories like textualism and originalism argue that legal meaning is grounded in prelegal linguistic facts, the intricacies of how language functions contribute significantly to its determination. In both law reviews and judicial opinions, discussions on various theories of legal interpretation, such as textualism, legislative intentionalism, and purposivism, are abundant.

For example, *Harper Lee's novel To Kill a Mockingbird. Analyzing the racist climate of the 1930s American South is crucial to understanding the characters' motivations and the novel's social commentary.*

Within constitutional law, originalism proponents assert its superiority over forms of living constitutionalism. However, beneath the surface of interpretation lies the concept of meaning, which serves as a central objective for both statutory and constitutional interpretation. Yet, what constitutes meaning itself remains a contentious question: do prosaists, originalists, and living constitutionalists share a unified understanding of legal meaning, or do they fundamentally disagree on its nature? This discrepancy underscores the complexity inherent in legal interpretation and highlights the necessity of addressing foundational concepts like legal meaning.<sup>323</sup>

Lawyers, judges, and legal scholars are well-acquainted with the ongoing discourse surrounding the interpretation of legal provisions. They often contend with the complexities of defining the meaning of statutory or constitutional language, attributing significance to various factors. These factors may encompass the literal or semantic meaning, contextual meaning shaped by shared presuppositions, real conceptual meaning, intended meaning, reasonable meaning, or previously interpreted meaning. Selecting appropriate vocabulary to delineate these nuances becomes crucial in navigating discussions about legal meaning. Therefore, in the identification of potential referents for assertions regarding the meaning of prescriptive statements, whether in legal discourse or ordinary conversation, it is imperative to utilize terminology that is linguistically and intuitively conducive. This approach allows for a more comprehensive understanding of the intricacies inherent in legal interpretation and meaning, emphasizing personal discernment over strict adherence to the terminology of any particular philosopher or school of thought. In doing so, I order the terminology that I find most linguistically and intuitively helpful, rather than attempting to

<sup>321</sup> Fallon, Richard H. "The Meaning of Legal 'Meaning' and Its Implications for Theories of Legal Interpretation." *The University of Chicago Law Review*, vol. 82, no. 3, 2015, pp.308

<sup>322</sup> FLANAGAN, BRIAN. "Revisiting the Contribution of Literal Meaning to Legal Meaning." *Oxford Journal of Legal Studies*, vol. 30, no. 2, 2010, pp. 255–71.

<sup>323</sup> Winger, Michael. "Meaning and Law." *Journal of Biblical Literature*, vol. 117,1998, pp. 105.

track the terminology of any specific philosopher.<sup>324</sup>

Meaning, in the legal realm, operates through various types, each with its own implications and interpretations. Firstly, semantic or literal meaning refers to the straightforward interpretation of language based on dictionary definitions, grammatical rules, and general propositions. This form of meaning is often considered foundational in legal discourse, with many assuming that a provision's semantic or literal meaning directly correlates to its legal meaning. For instance, when the Constitution mandates the president to be "thirty-five Years," it is widely accepted that this means thirty-five years. Textualists further argue that other considerations should not override a provision's plain or literal meaning.<sup>325</sup>

Secondly, contextual meaning delves into the significance of words, phrases, and sentences within specific contexts. Pragmatics, which involves understanding utterances within particular situations, also plays a role in contextual meaning. Real conceptual meaning introduces another layer, suggesting that legal provisions may need to be applied in ways that go beyond the original understanding of those who enacted them. For example, while the Equal Protection Clause of the Fourteenth Amendment might not have been initially understood to prohibit gender-based discrimination, some argue that legal meaning can evolve based on moral truths or realities.

Intended meaning, on the other hand, focuses on discerning the legislative intent behind statutory language. It posits that the goals and purposes sought by the legislature should dictate the interpretation of statutes. Reasonable meaning, as proposed by legal theorists like Henry Hart and Albert Sacks, suggests viewing statutes as products of

reasonable legislators pursuing reasonable goals through reasonable interpretations.

Lastly, interpreted meaning comes into play in the application of stare decisis, where legal precedent guides current interpretations. Despite its entrenched status, some originalists argue against its application in constitutional cases, contending that it lacks proper foundation. Despite being a minority view, this highlights the ongoing debate surrounding the interpretation of legal meaning and its implications in jurisprudence.<sup>326</sup>

For example-

*"In Smith v United States, 508 US 223 (1993), Justice Scalia argued that a criminal defendant who had attempted to trade a gun for drugs did not come with- in the "ordinary" meaning of the words. To use an instrumentality ordinarily means to use it for its intended purpose.<sup>327</sup>*

*When someone asks, "Do you use a cane? he is not inquiring whether you have your grandfather's silver-handled walking stick on display in the hall; he wants to know whether you walk with a cane. Similarly, to speak of "using a firearm" is to speak of using it for its distinctive purpose, i.e., as a weapon. To be sure, "one can use a firearm in a number of ways" . . . including as an article of exchange, just as one can "use" a cane as a hall decoration - but that is not the ordinary meaning of "using" the one or the other."<sup>328</sup>*

#### 1.4 Legal Interpretation

Legal interpretation encompasses the multifaceted process of deriving normative meaning from legal formulations, reflecting the inherent interpretive nature of legal language. As law inherently hinges upon interpretation, lawyers employ various techniques of statutory construction when faced with ambiguity or vagueness in statutes or constitutional

<sup>324</sup> Miller, Bruce E. "Meaning in Literature." *Journal of Aesthetic Education*, vol. 29, no. 2, 1995, pp. 33–47.

<sup>325</sup> Fallon, Richard H. "The Meaning of Legal 'Meaning' and Its Implications for Theories of Legal Interpretation." *The University of Chicago Law Review*, vol. 82, no. 3, 2015, pp. 123–308.

<sup>326</sup> Horowitz, Amir. "Legal Interpretation, Morality, and Semantic Fetishism." *American Philosophical Quarterly*, vol. 37, no. 4, 2000, pp. 335–57.

<sup>327</sup> 508 US 223 (1993).

<sup>328</sup> White, James Boyd. "Law as Language: Reading Law and Reading Literature." *Texas Law Review*, vol. 60, no. 3, March 1982, pp. 415-446.

provisions. This dynamic process involves judges in shaping legal principles and establishing precedents, thereby contributing to the evolution of legal norms. Consequently, legal interpretation serves as a fundamental aspect of the legal system, guiding the application and development of laws in response to societal complexities and evolving values.<sup>329</sup>

Legal interpretation is a fundamental rational activity within the legal realm, serving to imbue legal texts with meaning and normative significance. This intellectual endeavor revolves around discerning the normative message inherent in a text, whether it be a statute, document, or legal provision. While some may restrict interpretation to instances of ambiguity within the text, others, like Dworkin, view law itself as an interpretive process, wherein legal practice is intricately intertwined with interpretation. Through this process, contradictions between different texts are reconciled, thereby giving coherence and meaning to the legal system as a whole. Interpretation, therefore, is a rational process aimed at understanding the normative implications of a text, wherein the semantic meaning serves as the foundation from which the proper legal meaning is derived. Guided by principles of interpretation, legal interpreters navigate the myriad semantic possibilities to extract the text's legal meaning, thus ensuring fidelity to the law while maintaining the integrity of legal texts.<sup>330</sup>

For example, *The Second Amendment to the US Constitution guarantees "the right to bear arms." Interpreting this amendment requires considering the historical context in which it was written, the types of firearms available at the time, and how the right to bear arms applies in the modern world.*<sup>331</sup>

<sup>329</sup> Dworkin, Ronald. "Law as Interpretation." *Critical Inquiry*, vol. 9, no. 1, 1982, pp. 179–200.

<sup>330</sup> Wróblewski Jerzy. "Legal Language and Legal Interpretation." *Law and Philosophy*, vol. 4, no. 2, 1985, pp. 239–55.

<sup>331</sup> Brink, David O. "Legal Theory, Legal Interpretation, and Judicial Review." *Philosophy & Public Affairs*, vol. 17, no. 2, 1988, pp. 105–48.

Legal interpretation operates as a means of uncovering the essence of the law itself, delving into legal materials to ascertain the obligations, powers, rights, and privileges conferred within the legal framework. When first-order legal standards fail to provide a resolution, judges may resort to legally correct pathways, such as rules of closure or requirements dictating the creation of new law to resolve the case. This process is intricately tied to overarching theories of law, such as Scott Soames' Deferentialism, which advocates for interpreting statutory or constitutional provisions in line with their asserted content, unless conflicting with the chief publicly stated purpose of the law. Soames emphasizes understanding the lawmaker's intentions behind the text, emphasizing linguistic contents alongside other potential determinants of legal content. Thus, legal interpretation entails navigating through linguistic multiplicity and other determinants to unearth the true essence of the law and fulfill its objectives.

For Example –

*"In the case of Brown v. Board of Education (1954), the law is Fourteenth Amendment to the US Constitution guarantees "equal protection of the law" to all citizens.*

*The Situation arises is that Prior to 1954, racial segregation in public schools was legal in many states. Segregated schools often provided unequal resources and facilities for Black students compared to white schools.*

*The Interpretation is SC had to decide if "separate" could ever be truly "equal" in education. On the surface of the wording, segregated schools might seem to comply with the law. the Court considered the intent of the Fourteenth Amendment - to dismantle racial discrimination."*

### 1.3 Literary Interpretation

"Interpretation is the process of making meaning from a text", Literary interpretation is a rich and complex process that involves summarizing the plot, examining the

components, and analyzing deeper meanings using various critical methods. It delves into the author's choices in crafting the narrative, exploring elements such as plot, imagery, setting, and characterization. Analysis is where interpretation truly shines, as it grapples with the text's deeper significance and considers how different perspectives shape understanding. This dynamic process acknowledges the multiplicity of interpretations available and underscores the ongoing exploration of literature's rich layers of meaning.<sup>332</sup>

The process of literary interpretation involves an investigative approach known as the process of inquiry, where readers pose questions about the text and meticulously explore the evidence embedded within it to formulate their interpretations.<sup>333</sup> It transcends mere summarization, delving into the layers of meaning hidden beneath the surface of the story. By analyzing elements such as characters, plot choices, setting, figurative language, and historical context, interpreters unearth the deeper nuances of the narrative. Moreover, embracing multiple perspectives is integral to literary interpretation, recognizing that there's often no singular "correct" interpretation.<sup>334</sup> Instead, readers bring their unique experiences and backgrounds to the text, fostering diverse and valid understandings.<sup>335</sup> This process demands strong critical thinking skills, as interpreters must rigorously analyze evidence, draw connections, and substantiate their interpretations with textual references, thus illuminating the multifaceted tapestry of meaning woven within the literary work.

Literary theory serves as the essential toolbox for dissecting and comprehending literature on a profound level. It encompasses a systematic

study of literature itself, offering methods to delve into its nature and unveil layers of meaning that transcend the surface. With diverse approaches, ranging from formalism to feminism, theory equips readers with frameworks to analyze characters, plot, symbolism, and more, enhancing understanding and fueling dynamic discussions. By contextualizing literature within social, historical, and cultural frameworks, theory enriches appreciation and fosters sharper analysis, ultimately leading to more engaging and insightful discussions about the complexities of literary works. For instance, formalism focuses on the internal structure and form of the text, while Marxism analyzes literature through the lens of social class and power struggles. Additionally, feminist theory examines gender roles and representation within the text, and psychoanalysis explores the psychological motivations of characters and the author. These diverse perspectives offer valuable insights into the multifaceted nature of literature, allowing readers to appreciate its richness beyond a mere understanding of the plot.<sup>336</sup>

For Example,

*"The Hunger Games" series can be interpreted through a Marxist lens, highlighting class struggle and exploitation. The Capitol represents the ruling class, while the districts symbolize the oppressed working class. The Hunger Games serve as a tool for the Capitol to maintain control by distracting and pacifying the masses. Protagonist Katniss Everdeen embodies the potential for resistance. However, the story's lack of explicit advocacy for revolution and focus on individual heroism are notable criticisms. Nonetheless, a Marxist analysis offers insights into power dynamics and the possibility of resistance within a stratified society.*

<sup>332</sup> George, Andrew J. "LITERARY INTERPRETATION" *The Journal of Education*, vol. 38, no. 23 (948), 1893, pp. 382–382.

<sup>333</sup> Ibid

<sup>334</sup> McDonald, Christie V. "Literary History: Interpretation inside Out?" *New Literary History*, vol. 12, no. 2, 1981, pp. 381–90.

<sup>335</sup> Holland, Norman N. "Literary Interpretation and Three Phases of Psychoanalysis." *Critical Inquiry*, vol. 3, no. 2, 1976, pp. 221–33.

<sup>336</sup> Kain, Richard M. "The Limits of Literary Interpretation." *The Journal of Aesthetics and Art Criticism*, vol. 17, no. 2, 1958, pp. 214–18.

### 1.5 Parallels between Literary and Legal Interpretation.

The parallels between literary and legal interpretation reveal how both disciplines rely on careful analysis and critical thinking to uncover meaning within texts. While literary interpretation delves into the layers of significance within literature, legal interpretation involves parsing through statutes and precedents to discern their implications. Both practices require attention to detail, understanding of context, and an ability to navigate complex language.<sup>337</sup>

Despite their distinct purposes, literary and legal interpretation share surprising similarities. Both fields heavily rely on close textual analysis, with legal scholars dissecting statutes and court opinions and literary critics pouring over poems and novels, emphasizing attention to detail, word choice, and structure. Moreover, while there are schools of thought that prioritize strict textual analysis, both disciplines acknowledge the importance of context, whether it's considering the history and purpose of a law in legal interpretation or exploring the author's background and social climate in literary criticism. Ambiguity is another common challenge faced by interpreters in both realms, as language in legal and literary texts often contains unclear phrases, hidden meanings, and potential contradictions, requiring various methods to decipher. Furthermore, the debate on originality is ongoing in both spheres, with some advocating for fidelity to the author's intent while others believe texts take on a life of their own, open to diverse interpretations. Ultimately, both legal and literary interpretations wield tangible impact and influence, with judges' rulings shaping societal norms and literary criticism shaping readers' understanding and the legacy of a work.<sup>338</sup>

In addition to the shared parallels between literary and legal interpretation, there are

notable distinctions to consider. Legal interpretations are tailored primarily for legal professionals and those bound by the law, whereas literary interpretations cater to a broader audience, including scholars, students, and casual readers.<sup>339</sup> Furthermore, while legal interpretation typically emphasizes objectivity, aiming for a single, definitive meaning, literary criticism embraces subjectivity, recognizing the diversity of perspectives and interpretations that enrich the understanding of a work. These differences highlight the nuanced approaches each field takes in their respective analyses.

Both fields undergo a process of evolving canonization, wherein fundamental texts or cases are subject to periodic reassessment in response to shifting societal norms. Comparable to the mutable nature of literary canons, legal interpretations are revisited to accommodate emergent social realities, as exemplified by the reevaluation of landmark Supreme Court cases in light of evolving cultural values. Furthermore, while both disciplines demand methodological rigor, there exists an inherent allowance for interpretative creativity. Legal scholars and literary critics alike may introduce innovative arguments or perspectives, thereby challenging traditional readings and fostering scholarly discourse. Ethical considerations similarly underpin both practices; legal interpretations must adhere to principles of impartiality and justice, while literary criticism confronts ethical dilemmas regarding representation and the potential impacts of interpretation. Finally, both fields leverage the narrative power of storytelling: legal opinions often utilize narrative techniques to construct persuasive arguments, mirroring the use of storytelling within literature to convey thematic significance and evoke reader engagement. These supplemental dimensions underscore the intricate interplay between the domains of law and literature, elucidating the

<sup>337</sup> Nathan, Daniel O. "Skepticism and Legal Interpretation." *Erkenntnis* (1975-), vol. 33, no. 2, 1990, pp. 165–89.

<sup>338</sup> Stock, Brian. "Toward Interpretive Pluralism: Literary History and the History of Reading." *New Literary History*, vol. 39, no. 3, 2008, pp. 389–413

<sup>339</sup> Baude, William, and Stephen E. Sachs. "THE LAW OF INTERPRETATION." *Harvard Law Review*, vol. 130, no. 4, 2017, pp. 1079–147.

multifaceted nature of interpretation across disciplines.

For example, the both coincide –<sup>340</sup>

*Literary* – A feminist critique of Jane Austen's *Pride and Prejudice*. This approach draws on feminist literary theory to analyze the portrayal of women and societal expectations in the novel.

*Legal* – *Roe v. Wade*, the landmark Supreme Court case that legalized abortion nationwide. This decision established a legal precedent that informed subsequent court cases on abortion rights.<sup>341</sup>

### 1.6 Challenges and Critiques

Interpretation serves as the crucial link between diverse languages, cultures, and ideas in human communication.<sup>342</sup> However, this seemingly simple process is fraught with profound complexities and ongoing debates. We have to examine the interpreter's role, the impact of cultural and historical contexts, and the elusive pursuit of objective interpretation.

The role of an interpreter is a multifaceted one, raising the question of whether they act as neutral conduits or individuals who shape the meaning they convey. With their own experiences and biases, interpreters inevitably bring a subjective lens to their work, particularly evident when navigating cultural nuances, humor, or figurative language. The debate ensues: should interpretation strictly adhere to the original text, focusing on word-for-word accuracy? Or is there room for interpreters to exercise judgment, adapting the message to suit the target audience and context? This quandary lacks a straightforward resolution. While strict fidelity may maintain the original form, it risks obscuring or misrepresenting the meaning in the new setting. Conversely, excessive adaptation can lead to distortion of the original intent. Hence, interpreters often aim

for a delicate balance, seeking to capture the essence of the source material while ensuring clarity and effectiveness in communication within the target language and situation.

The challenge of interpreting the authority of the author or lawmaker lies in the ambiguity of their intent and the evolving nature of understanding over time. Should interpretation prioritize the original intent or adapt to contemporary contexts? This complex debate, central in law and literature, pits strict originalism against a living document approach. Interpreters must navigate these nuances, considering the text's purpose, potential consequences of interpretation, and historical context.

Interpreting cultural and historical context poses challenges as meanings can be lost over time. The debate centers on the balance between the historical context and present-day understanding. While historical context is crucial for grasping original intent, it must be balanced with relevance to contemporary audiences as language evolves. Interpreters navigate this balance to ensure interpretations remain meaningful across time and cultures. Thus, interpreters must strike a delicate balance between understanding historical context and ensuring interpretations resonate with modern sensibilities.

The possibility of achieving an objective interpretation faces significant challenges due to the inherent ambiguity and subjectivity of language. Words' meanings shift with context, and even seemingly straightforward statements can be interpreted diversely. Additionally, figurative language, sarcasm, and humor rely heavily on shared cultural references, further complicating interpretation. Moreover, the structure and style of a text influence how it is understood; academic essays differ in interpretation from social media posts or works of fiction. The debate revolves around whether a single, "correct" interpretation is attainable, or if interpretation is always a negotiation. This complex discourse lacks clear-cut answers.

<sup>340</sup> Trinch, Shonna. "Risky Subjects: Narrative, Literary Testimony and Legal Testimony." *Dialectical Anthropology*, vol. 34, no. 2, 2010, pp. 179–204.

<sup>341</sup> 410 U.S. 113 (1973)

<sup>342</sup> Kress, Ken. "Legal Indeterminacy." *California Law Review*, vol. 77, no. 2, 1989, pp. 283–337.



Language's ambiguity and human subjectivity make a universally accepted interpretation elusive. Readers' backgrounds, experiences, and expectations shape their understanding of a text, and interpreters inevitably bring their biases and experiences, affecting their interpretation. While well-supported interpretations considering historical context, authorial intent, and linguistic features hold more weight, interpretation remains subjective. Debates and disagreements persist, especially when grappling with complex texts or nuanced contexts.

### 1.7 Implications for Legal Practice and Literary Analysis

Understanding the parallels between legal and literary interpretation offers practical applications for both fields. By applying literary analysis techniques in legal practice and drawing insights from legal theory for literary analysis, interdisciplinary approaches enrich our understanding of language and interpretation. This understanding equips lawyers with valuable insights.<sup>343</sup>

Lawyers can enhance persuasion by using literary analysis techniques. Understanding narrative structure enables them to employ literary devices like foreshadowing, captivating judges and juries, influencing decisions akin to captivating readers of a well-written novel.

Literary analysis techniques assist lawyers in uncovering hidden meanings and subtext within dense legal documents. By employing close reading strategies, lawyers can meticulously examine phrasing, structure, and order of ideas, revealing hidden clauses or unintended consequences. Understanding parallels between law and literature enhances lawyers' abilities to interpret and navigate legal texts effectively.<sup>344</sup>

Insights from legal theory offer valuable tools for enhancing literary analysis. By examining theories of justice, one can apply the framework of legal systems to scrutinize how fairness and equity are portrayed within literary narratives. Additionally, understanding legal reasoning provides a deeper understanding of characters' decision-making processes and the ethical implications of their actions within literary works. By drawing parallels between legal theory and literature, scholars gain nuanced perspectives on themes of justice, morality, and ethics, enriching the analysis of literary texts.

An interdisciplinary approach merging legal and literary studies offers profound insights into language and interpretation. Both fields grapple with linguistic nuances, requiring careful analysis of words and phrases. Legal scholars scrutinize statutes and contracts much like literary critics dissect poems and novels, enhancing practitioners' awareness of language's power and interpretive challenges. Moreover, the study of interpretation, or hermeneutics, bridges law and literature, exploring methods for deciphering texts. This dual examination equips lawyers with enhanced tools for analyzing legal documents and provides literary scholars with fresh perspectives on meaning construction in literature.<sup>345</sup>

For example, *Shakespeare and the Law*, Shakespeare's portrayal of oppression and resistance in "The Merchant of Venice." This critical reading merges humanist and narrative law theory, shedding light on the unequal impact of law on different groups. Lawyers gain insight into structural injustices and may sympathize with Shylock, questioning the notion of true justice.

Applying literary techniques in legal practice involves utilizing tools from literary analysis to enhance a lawyer's approach to cases. By treating legal documents as complex

<sup>343</sup> Baude, William, and Stephen E. Sachs. "THE LAW OF INTERPRETATION." *Harvard Law Review*, vol. 130, no. 4, 2017, pp. 1079–147.

<sup>344</sup> Hughes, Peter. "Restructuring Literary History: Implications for the Eighteenth Century." *New Literary History*, vol. 8, no. 2, 1977, pp. 257–77

<sup>345</sup> BODE, KATHERINE. "Abstraction, Singularity, Textuality: The Equivalence of 'Close' and 'Distant' Reading." *A World of Fiction: Digital Collections and the Future of Literary History*, University of Michigan Press, 2018, pp. 17–36.

narratives, lawyers can uncover deeper meanings and potential hidden aspects beyond the literal words. Techniques like close reading enable lawyers to scrutinize specific wording, sentence structure, and the order of ideas within contracts or statutes, revealing ambiguities and implications that might otherwise go unnoticed. Moreover, character analysis aids in understanding the motivations, backgrounds, and relationships of the parties involved in legal disputes, helping lawyers develop more tailored strategies. By employing these techniques, lawyers can construct stronger arguments that resonate with judges and juries, as well as identify loopholes and ambiguities that could benefit their clients' cases.

### 1.8 Conclusion

In conclusion, historical legal codes governing literature and theater provide insights into social control, cultural values, and the evolution of free expression. These codes, enforced by rulers and elites, reveal what authorities deemed threatening or subversive, reflecting prevailing societal norms and moral standards. Restrictions on content, such as blasphemy or sexual themes, mirror religious dominance and societal anxieties. Additionally, tracing the evolution of these codes unveils shifting attitudes towards censorship and the development of free speech.<sup>346</sup> Contextualizing these regulations within their historical backdrop offers valuable insights into the political climate and social tensions of different eras. Despite serving as constraints, these restrictions have often spurred creativity, prompting playwrights and authors to innovate within or circumvent these limitations. Consequently, the study of historical legal codes illuminates the intricate interplay between power dynamics, cultural values, artistic expression, and societal change throughout history, shaping the trajectory of literature and theater.

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<sup>346</sup> Roe, Emery M. "Applied Narrative Analysis: The Tangency of Literary Criticism, Social Science and Policy Analysis." *New Literary History*, vol. 23, no. 3, 1992, pp. 555–81.