

Fall 2016: GLIB and GPHIL 6697-A

Professors: Alice Crary and Martin Stone

**Interpretation: Legal, Literary
and Philosophical Aspects**

New School for Social Research

T 4-5:50pm

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Syllabus

Course Description

“Interpretation” is called for in a wide variety of everyday and specialized domains. Part of what attracts philosophical attention to the concept of “interpretation” are two implications which deployments of it usually seem to carry: first, that there is a clarifying response to a meaning that is already there (i.e., “interpretation” is not pure invention); second, that, nonetheless, some creativity or innovation may be involved (i.e., “that’s one interpretation”). How can both of these things be true? How can the clarification or preservation of a meaning that is already there also involve innovation? This puzzle is related to others which tend to inform contemporary debates about “interpretation”: Is there such a thing as an objectively correct interpretation? Can there really be a plurality of conflicting (but equally good) interpretations? Is every take on the meaning of a text an interpretation of it, or are some meanings available without interpretation? A further question concerns the unity of interpretation: Does “interpretation” describe a distinctive form of understanding and explanation which, as some have claimed, picks out and structures the domain we call the “humanities”? Or is “interpretation” rather a loose collection of different techniques for elucidation, which vary according to the type of thing being interpreted? Taking up these questions, we will examine the concept of interpretation as it functions in a few different domains – e.g., law, literature, self-understanding – before turning to the broader question of the unity of interpretation across the humanities. Readings will be from Wittgenstein, Kripke, Derrida, Gadamer, Iser, Sartre, Walter Benn Michaels, Charles Taylor, Ronald Dworkin, Joseph Raz, Antonin Scalia, Alexander Nehamas, Stanley Cavell, Cora Diamond, Richard Moran, among others.

Learning Outcomes

At the end of this course, you should be able to (1) Demonstrate a graduate-level mastery of some major contributions to discussions about interpretation in connection with philosophy, (2) law and (3) literature; (4) Demonstrate the ability to write a thoughtful, graduate-level seminar paper on theoretical issues that come up in reference to these discussions; (5) Demonstrate a verbal ability to assess and produce textually well-grounded criticisms of particular interpretations; and (6) Demonstrate the ability to, at a graduate level, whether orally or in writing, explain and defend your legal, literary or philosophical interpretations.

Required texts and other resources

You should purchase Walter Benn Michaels, *The Shape of the Signifier*. This text has been ordered for our course at Bluestockings (172 Allen Street) and is also widely available elsewhere.

All required and recommended course readings will be made available either in class or on our class Canvas site. If you are an *official* auditor in this class, you will have access to our course Canvas site. If you are an *unofficial* auditor, you will not have access to it. It should be possible to give unofficial auditors electronic access to course materials. If this is your situation, we can discuss arrangements after our first course meeting.

Course requirements

There are two requirements for enrolled students:

- (1) You will make a particular contribution to one seminar meeting by coming to class with, and presenting, 2-3 questions about the material for that session. Your remarks will be ungraded. But the occasion of preparing them will be an opportunity to confer with the instructors about your take on the course and, where relevant, to get advice about arriving at a topic for and composing a final seminar paper.
- (2) You must write one 15-18 page, double-spaced seminar paper, which will be due on our last day of class, Tuesday, December 6th. Your paper will be graded, and the grade you receive will be your grade for the course. Please feel strongly encouraged to submit a 1-2 paragraph abstract of your paper before you start writing. You can give your abstract to either of us, and we will give you feedback and guidance.

Contacting us

Our contact information is at the top of the first page of this syllabus. You can sign up for appointments with us through Starfish. If our regular times are impossible for you, we can make an arrangement to meet at a time that works better. You should feel free to email us about any course-related issue, no matter how small. We are on email regularly and will respond quickly to logistical as well as smaller substantive queries. We will ordinarily schedule appointments to discuss larger issues. This is the best way to reach us.

On fairness and the methods of this course

There is good evidence to suggest that implicit or unconscious bias is a serious issue in academic settings, and that it puts women and members of other underrepresented groups at a substantial disadvantage. One recommended strategy for combating implicit bias is to do anonymous assessment. This is not possible in a small seminar in which we will be in close conversation with you about your individual writing projects. Another recommended strategy for combating implicit bias is to attend carefully to how one interacts with students (e.g., what form of address is used, how often speaking time is granted and to whom, and how much time individual students spend speaking). Throughout the semester, we will monitor our own practice with an eye to being fair to all.

Grading disputes

If you believe that there is something amiss with the evaluation of an assignment of yours, we urge you to let us know. We are open to discussion and happy to re-read assignments. We are also happy to read drafts, if you have them ready at least a week before the end of term.

Course policies

This course will adhere to New School academic policies. These include the following:

1. Policy on attendance and lateness

- * Absences may justify some grade reduction and a total of four unexcused absences mandate a reduction of one letter grade for the course.
- * More than four absences mandate a failing grade for the course, unless there are extenuating circumstances, such as the following:
 - an extended illness requiring hospitalization or visit to a physician (with documentation)
 - a family emergency, e.g. serious illness (with written explanation)
 - observance of a religious holiday

The attendance and lateness policies are enforced as of the first day of classes for all registered students. If registered during the first week of the add/drop period, the student is responsible for any missed assignments and coursework.

For significant lateness, the instructor may consider the tardiness as an absence for the day. Students failing a course due to attendance should consult with an academic advisor to discuss options.

2. Policy on academic honesty and integrity. For details, you should consult <http://www.newschool.edu/policies>. Of particular importance is the policy on plagiarism. Plagiarism is the unacknowledged use of someone else's work as one's own in all forms of academic endeavor (such as essays, theses, examinations, research data, creative projects, etc.), intentional or unintentional. Plagiarized material may be derived from a variety of sources, such as books, journals, internet postings, student or faculty papers, etc. This includes the purchase or “outsourcing” of written assignments for a course. A detailed definition of plagiarism in research and writing can be found in the fourth edition of the MLA Handbook for Writers of Research Papers, pages 26-29. For further information on plagiarism, you should consult the Learning Center’s website: <http://www.newschool.edu/learning-center/virtual-handout-drawer/>

Academic resources for students

Important resources include the *Learning Center* (66 W. 12th Street, 6th Floor) and the office for *Student Disability Services*. In keeping with the university’s policy of providing equal access for students with disabilities, any student with a disability who needs academic accommodations is welcome to meet with us privately. All conversations will be kept confidential. Students requesting any accommodations will also need to contact Student Disability Service (SDS). SDS will conduct an intake and, if appropriate, the Director will provide an academic accommodation notification letter for you to bring to us. At that point, we will review the letter with you and discuss these accommodations in relation to this course. Student Disability Services is located at 80 Fifth Avenue, 3rd Floor. The phone number is (212) 229-5626. Students and faculty are expected to review the Student Disability Services webpage. The webpage can be found at <http://www.newschool.edu/student-disability-services> and the office is available to answer any questions or concerns.

Comment on course readings

The list of readings (below) is relatively heavy. As we proceed, we will make recommendations about where to focus attention. *We will identify an easily manageable reading or set of readings before every class*

meeting. The syllabus will then direct anyone interested in exploring a particular topic more deeply to additional resources. You should feel free to contact us with any questions about the course requirements or materials.

Tentative Schedule of Seminar Meetings and Assignments

WEEK 1 (Tues, Aug 30) : INTRODUCTION TO COURSE THEMES

Reading: None required.

Recommended: Martin Stone, “Interpretation: Everyday and Philosophical” in Conant and Kern, eds, *Varieties of Skepticism. Essays after Kant, Wittgenstein and Cavell.*

WEEK 2 (Tues, Sept 6): PRIVATE LAW AS A FRAMEWORK FOR LEGAL INTERPRETATION; INTERPRETATION AS SPECIFICATION; INDETERMINACY AND THE POLITICAL

Reading:

Ernest Weinrib, *The Idea of Private Law*, Chapter 1 (and if possible Chapters 2 and 8)
Fountainbleau Hotel v. 45
Pearson v. Post

Recommended:

Ronald Coase, “The Problem of Social Cost”
 Kant, *Metaphysics of Morals* (Handout in seminar)
Escola v. Coca-Cola Bottling Co (discussed by Weinrib in Chapter 2)
Palsgraf v. Long Island RR.
 Martin Stone, “The Significance of Doing and Suffering” in G. Postema, ed., *Philosophy and Tort Law.*
 Martin Stone, “Legal Positivism as an Idea About Morality”

WEEK 3 (Tues, Sept 13): THE SCOPE OF INTERPRETATION; IS INTERPRETATION UBIQUITOUS?

Reading:

Ludwig Wittgenstein, *Philosophical Investigations*, Part i, §§ 86-87, 138–202.
 Jacques Derrida, “Signature, Event, Context” in *Limited Inc.*

Recommended:

Saul Kripke, *Wittgenstein on Rules and Private Language*, 1983, Chapter 1.
 John McDowell, “Meaning and Intentionality in Wittgenstein’s Later Philosophy”, in McDowell, *Mind, Value, and Reality*, 1988 pp. 263-78.
 Cora Diamond, “Rules: Looking in the Right Place”

WEEK 4 (Tues, Sept 20): MORE ON THE UBIQUITY OF INTERPRETATION

Reading:

Martin Stone, "Wittgenstein on Deconstruction," in Alice Crary and Rupert Read (eds.), *The New Wittgenstein*, 2000.

Recommended:

Martin Stone, "Focusing the Law: What Legal Interpretation is Not" in *Law and Interpretation: Essays in Legal Philosophy*, ed. Andrei Marmor, 1995.

WEEK 5 (Tues, Sept 27): INTERPRETATION IN GENERAL: JOSEPH RAZReading:

Joseph Raz, "Why Interpret?" in *Between Authority and Interpretation*. Oxford. 2010.
Joseph Raz, "Interpretation Without Retrieval", in *Between Authority and Interpretation*.

Recommended:

Joseph Raz, "Interpretation: Pluralism and Innovation", in *Between Authority and Interpretation*.
Joseph Raz, *Tanner Lectures: The Practice of Value*, 2005, Part III, plus commentary by Robert Pippin.

WEEK 6 (Tues, Oct 4): INTENTION VS. TEXT IN INTERPRETATIONReading:

Joseph Raz, "Intention in Interpretation" in *Between Authority and Interpretation*.
Church of the Holy Trinity v. United States
Riggs v. Palmer

Recommended:

Antonin Scalia, *Tanner Lecture: A Matter of Interpretation*, Amy Gutman, ed., 1998.
Smith v. United States
A Case Sequence in Ohio: *Filmore vs. Metropolitan Life*, *Deem v. Millikan*, *Riggs v. Palmer*,
Wadsworth v. Siek, *Sbrader v. Equitable Life*.

WEEK 7 (Class time and location TBA): CONTINUING THE QUESTION OF INTENTIONReading:

Steven Knapp and Walter Benn Michaels, "Against Theory" in *Against Theory*, 1985.
Stanley Cavell, "A Matter of Meaning It" Section III, pp. 225 - 237, in *Must We Mean What We Say?*

Recommended:

Wimsatt and Beardsley, "The Intentional Fallacy," 1954.
Steven Knapp and Walter Benn Michaels, "Not a Matter of Interpretation," 42 *San Diego L.*

Rev. 651 (2005).
 Michael Tomasello, *Origins of Human Communication*, excerpts.
 Paul Grice, "Meaning," in *Studies in the Ways of Words*

WEEK 8 (Tues, Oct 18): INTERPRETATION, SELF-CONSCIOUSNESS AND OBJECTIVE SPIRIT

Reading:

Charles Taylor, "Self-Interpreting Animals" in *Human Agency and Language*, 1985.
 Charles Taylor, "Interpretation and the Sciences of Man" in *Philosophy and the Human Sciences*, 1985.

Recommended:

Richard Moran, *Authority and Enstrangement: An Essay on Self-Knowledge*, Ch. 2. ("Making up Your Mind: Self-Interpretation and Self-Constitution")
 Vincent Descombes, "Is There an Objective Spirit?" in Tilly and Weinstock (eds.), *Philosophy in an Age of Pluralism*, 1994.

WEEK 9 (Tues, Oct 25): THE SHAPE OF THE SIGNIFIER I

Reading:

Walter Benn Michaels, *The Shape of the Signifier*, chapters TBA.

Recommended:

Michael Fried, "Art and Objecthood", in *Art and Objecthood*, 2004.

WEEK 10 (Tues, Nov 1): THE SHAPE OF THE SIGNIFIER II

Reading:

Walter Benn Michaels, *The Shape of the Signifier*, chapters TBA.

Recommended:

Joseph Raz, "Multiculturalism: A Liberal Perspective"
 Michael Fried, "Shape as Form: Frank Stella's Irregular Polygons," *Artforum* 5:3 (1966): 18-27. Reprinted in *Art and Objecthood*, 2004.

WEEK 11 (Tues, Nov 8): INTERPRETATION IN GENERAL: RONALD DWORKIN

Reading:

Dworkin, Law as Interpretation (1982) in *Critical Inquiry*.
 Stanley Fish, Working on the chain gang: interpretation in law and literature
 Dworkin, "My reply to Stanley Fish (And Walter Benn Michaels): Please don't talk about objectivity anymore"
 Stanley Fish, "Wrong Again"

Recommended:

Ronald Dworkin. "Is There Really No Right Answer in Hard Cases?" in *A Matter of Principle*. 1985.

WEEK 12 (Tues, Nov 15): MORE THEMES FROM DWORKINReading:

Ronald Dworkin, "Interpretation in General" in *Justice for Hedgehogs*

Ronald Dworkin, "Conceptual Interpretation" in *Justice for Hedgehogs*

Recommended:

Dworkin, *Law's Empire*, chs 1 and 2 (especially 2 on "interpretation"; ch. 1 is set up to this.)

Ronald Dworkin, "Objectivity and Truth: You'd Better Believe It", *Philosophy and Public Affairs*, Vol. 25, No. 2 (Spring 1996), pp. 87-139.

WEEK 13 (Tues, Nov 22): TRUTH AND METHODReading:

Gadamer, *Truth and Method*, Part II, selections TBA.

Recommended:

Charles Taylor, "Understanding and Ethnocentricity", *Philosophy and the Human Sciences*, 1985

G. H. Von Wright, "Humanism and Humanities", *The Tree of Knowledge and Other Essays*.

WEEK 14 (Tues, Nov 23): INTERPRETATION IN PSYCHOANALYSISReading (tentative):

Jonathan Lear, "Jumping from the Couch" in *Open Minded*

David Finkelstein, "Authority and Consciousness," in *Expression and the Inner*

Recommended:

Freud, *The Interpretation of Dreams*, excerpt TBA

WEEK 15 (Tues, Dec 6): CONCLUSIONS

Course reception and concluding discussion