

On the Old Saw, “Every reading of a text is an interpretation”: Some Remarks^{*}

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And one has to say this in many cases where the question arises “Is this an appropriate description or not?” The answer is: “Yes, it is appropriate, but only for this narrowly circumscribed region, not for the whole of what you were claiming to describe.”

(Philosophical Investigations, §3)

I. Fish and Wittgenstein

In literary theory, discussion of Wittgenstein and Stanley Fish often occur in the same breath, and it is often said that Fish is “Wittgensteinian” in his views. I think this statement is a good indication of Wittgenstein’s “unavailability” (to borrow a term of Stanley Cavell’s)¹ in some regions of literary theory. Fish is preoccupied with a question concerning the basis of our entitlement, in various domains of discourse, to notions of correctness and objectivity in judgment. Literary criticism and the law supply his main examples. In virtue of what, he asks, is one reading of

a literary text or one application of a legal rule correct, and not another? Fish's answer – “the authority of interpretive communities” – bears an obvious resemblance to a thesis Wittgenstein is supposed to put forward in Kripke's much-disputed reading of him. For Fish, as for Kripke's Wittgenstein, “interpretation” appears as a general condition of the possibility of anything meaning anything.

At least two things, I think, ought to be getting in the way of Wittgenstein's reception in literary theory in these terms. First, and most directly, the doctrine of ubiquitous interpretation conflicts outright with Wittgenstein's own discussion of “following a rule.” One upshot of that discussion might be put like this: If interpretation is to be possible at all, then the meaning of some texts must be available without interpretation; if everything must be interpreted, then nothing can be. Second, such a reception of Wittgenstein leaves out Wittgenstein's sense of the peculiarity, from what might be called our everyday or ordinary perspective, of the general question Fish is asking; and that, I think, is to leave out Wittgenstein entirely.

In this essay, I want to focus mainly on the second of these two issues – on the nature of the question Fish brings to literary theory.² I want to ask: What has this question to do with literary theory? And – assuming this can be explained – would

literary-theoretical inquiry change directions if Wittgenstein's thought became available here?

Presumably, most critics haven't considered Fish's question at all. They express views about what this or that work means, but rarely about what its meaning does consist in, or about how it is so much as *possible* for someone to get the meaning right. Notice how general the question is. It is not: What makes this or that reading of *Hamlet* (or this or that application of the Negligence Rule) correct? Critics and lawyers do have answers to these questions, answers which refer to features of *Hamlet*, or to the purpose of the rules, or the case to which they are applied.

Fish's question is of a different order: How are correct attributions of meaning possible just *as such*? Whatever answer this question is looking for, it must apply as well to any meaning-involving items which the critic or lawyer is apt to cite in his answer. Indeed, any instance of linguistic meaning falls within the ambit of the question. "What makes the sign-post point in the direction of the arrow and not in the opposite one?" (Cf. *PI* §§85, 454).

I imagine that a reader of Wittgenstein will want to ask: Is this a real question, admitting of fruitful and substantially correct answers? Is there such a thing as a general explanation of the possibility of a text's meaning one thing rather than another?

Thought does not strike us as mysterious while we are thinking, but only when we say, as it were retrospectively: “How was that possible?” How was it possible for thought to deal with the very object *itself*?

(*PI* §428)

I take it that if such expressions of Wittgenstein’s interest in the origins of philosophy’s “how possible” questions mean anything, it is that Wittgenstein does not take the mere existence of such questions to express self-standing problems which give philosophy its subject matter, and which the philosopher is therefore naturally obliged to address. To the contrary, Wittgenstein often suggests that our real need is to discover what happens in our thinking to make the relevant phenomena – e.g., “thought about the object itself” – seem *impossible*, and hence to make philosophical investigation seem urgent and compelling. His treatment of the normativity of meaning – “how is ‘accord with a rule’ possible” – follows this pattern. The sense of impossibility here comes out in the thought that there is always a gap between a rule and its application in particular circumstances. If someone simply accepted the question as it stands, they would feel compelled – as Fish does – to find some item (a universal, a mental act, an interpretation, etc.) which bridges this gap. One of Wittgenstein’s aims, I assume, is to bring his readers to see that the doubt which defines this putative gap is not

fully natural or intelligible by our ordinary lights; and, alternatively, that where doubt *is* fully natural, it ceases to be generalizable, and so presents nothing of philosophical interest.³ Hence Wittgenstein imagines an end to this particular dialectic which consists not in any gap-filling measure, but in a reminder of the everyday perspective from which doubt makes perfect sense *on occasion*, but no quite general gap appears that needs to be filled:

So I can say, the sign-post does after all leave no room for doubt. Or rather: it sometimes leaves room for doubt and sometimes not. And now this is no longer a philosophical proposition, but an empirical one.

(*PI* §85)

Is Wittgenstein purporting, as is sometimes said, to bring philosophy to an end? This seems inaccurate, at least without serious qualification. Wittgenstein does depict the investigation of particular philosophical problems as ending *non-philosophically*, in a return to the everyday. This is part of his originality: “What we do is to bring words back from their metaphysical to their everyday use” (*PI* §116, original emphasis). But precisely because no “philosophical proposition” comes into such returns or endings, Wittgenstein cannot imagine (as, say, Kant could) how *philosophy* could end. That is, philosophy, as Wittgenstein conceives it, can make no warrant that it is terminable, that philosophical problems won’t

reappear and trouble us out of our everydayness again tomorrow.⁴ (“The real discovery is the one ... that gives philosophy peace ... Instead, we now demonstrate a method, by examples; and the series of examples can be broken off.” (*PI* §133))

In contrast to this, if Fish has any interest in questions about how philosophy begins and ends, he has kept it a secret. For all one can tell, the question “how is it possible for a text to mean one thing rather than another” is, for him, no more peculiar than, say, “why does it rain so much in the pacific north-west?” He simply takes it for granted that the question admits of substantial answers, some of which are right and others wrong. He takes it for granted that a philosophical investigation of meaning must end in a philosophical proposition.

Of course, this puts Fish in a lot of academic company. His remoteness from Wittgenstein, in this respect, would in fact be unremarkable were it not for a different strand of his work, which invites the comparison in the first place. For Fish is also well known for making statements about “theory” like this: “Theory’s project—the attempt to get above practice and lay bare the grounds of its possibility—is an impossible one.”⁵ The declaration that it is “impossible” to “get above practice” is of course a different gesture than any to be found in Wittgenstein. I imagine a Wittgensteinian response would be: “What does

‘impossible’ mean here – is no one smart enough?” Or perhaps: “Insofar as the expression ‘getting above practice’ has a *sense*, it is indeed possible to get above practice.” But I want to focus on something else here. How is the general account sought by Fish to be described if not as an attempt to give “grounds of the possibility” of our concourse with texts and their meaning? Isn’t that just what is on offer when a question like “What makes it the case that *this* action is what the order requires?” meets with an answer like “some community-informed interpretation,” as opposed to the sort of answers which actually figure in our practices: answers which attend to features of the text in question or to the situation in which it was uttered (he said *diet* Coke; he was ordering a drink, not discussing a famous English jurist)? If the “interpretive community” answer is a good one, isn’t that getting above practice?

Along the same lines, Fish says that he aspires to a “severe [*theoretical*] minimalism,” and that “this parsimony of ambition distinguishes [*his*] from almost any other argument in theory.”⁶ But “so much for parsimony,” I feel inclined to say, when Fish nominates “interpretation” as a general condition of the possibility of a text’s determinately meaning one thing rather than another. Such “interpretivism” (as I shall call it) looks like nothing less than metaphysics in the classic sense: an attempt to lay bare the conditions of intelligibility of the world as a whole, of everything. The “implications [*of the ubiquitous need for*

interpretation] are almost boundless” – Fish says – “for they extend to the very underpinnings of the universe.”⁷ Are we really supposed to regard this as a bit of hard-won pragmatism, fashioned to combat other suspiciously metaphysical pictures of meaning? Pragmatic sensitivity to everyday settings in which the term “interpretation” finds employment would have located cases in which there is some real uncertainty to be resolved, against a background of cases in which things are clear and there is no call for interpretation. That is, brought back to its ordinary use (cf. *PI* §116), “interpretation” appears as a species of explanation. It is called for when explanations or elucidations are called for, e.g., in the face of real doubt, not the mere notional *possibility* of doubt.⁸ In Fish’s argument, by contrast, “interpretation” begins to look like another name for – an occupant of the same explanatory place as – divinity: it is the terminus of all other explanations of meaning, the condition on which they depend.⁹ (It is not wrong to explain or justify one’s action by saying “the fact is he was ordering a beverage” – so long, apparently, as one is prepared to attach the rider that this is so only by way of some interpretation). Rather than “parsimony,” this looks like “theory’s project” more or less as Fish describes it: the attempt to get above practice and exhibit its grounds of possibility.

It were as if Fish could imagine no other way to embody his pragmatic instincts than another *theory*; or as if he saw no difference between (call it) (1) the

“interpretive practice” theory of how determinate meaning is possible, and (2) the reminder – which one finds in Wittgenstein – that, from the point of view of practice, the doubts which inspire such a theory do not arise.

I’m inclined to think there is a conflict between two strands in Fish’s work. One strand demands a general account of meaning – an answer to the “how possible” question – and it discounts any answer which itself relies on the sorts of explanations of meaning which actually appear in our everyday practices. The theoretically ambitious nature of this strand is seen in the fact that any such familiar explanations of meaning (e.g., “because he was ordering a beverage,” “because the purpose of the statute is to promote quiet”) only re-provoke the general question: what makes the attribution of *that* intention to him, or *that* purpose to the text, correct? To me this redoubling of the question means: What the question seeks is an explanation of the possibility of determinate meaning from *outside* our everyday concourse with meanings, one that is not dependent on the kinds of explanations we give, or the kinds of uptake we rely on, in our actual meaning-involving activities. What is demanded is the ground of our practice, its condition of possibility.

The other strand in Fish’s work says that any such general ground-giving is “impossible,” a fruitless attempt to look at ourselves “from sideways-on” or to

get beneath the bedrock of practice.¹⁰ But this strand appears to be cut short. For from the *straight-on* perspective – to continue the metaphor – “an interpretation” sometimes appears to be needed in carrying out an order – when there is some doubt about what is meant – and sometimes not.

II. Critical pluralism and the exemplarity of literature

If today Wittgenstein’s remarks concerning meaning and understanding appear in anthologies of literary theory, part of the explanation, I assume, is that literary theorists have come to take a question like Fish’s as relevant to their subject. I have already indicated that I don’t find the reason for this to be exactly transparent. Is it an answer to point to the centrality of such a question in Derrida’s development of the notion of “deconstruction”? Without more, that only postpones the question: Why is Derrida’s criticism of (what he finds to be) a metaphysical or platonistic notion of meaning in Husserl supposed to be relevant to literary theory? The weight of certain historical-institutional facts – the friendly reception of “deconstruction” in literature departments – can perhaps make it hard to see room for a question here: “The study of literature is the study of the meaning of literary texts; so what could be more to the point than an investigation of the concept of meaning”? But if anyone is tempted to take this short way with the question, they might recall that psychology, cooking, politics, economics, and

so on, also traffic in “meanings,” without thereby making the question of how meaning is possible especially urgent or central to theoretical investigation in these fields.

The answer, in the case of literary theory, I think, lies in a certain conception of the “literary” as in some way exemplary of our concourse with meaning, or our dealings with “texts” (or “discourse,” “*écriture*,” “representation,” “signs,” etc.) in general.¹¹ (The presence of these terms in literary theory is often a sign that the relevant conception is at hand.)

I suspect that this conception may even be the predominant one today. One reason for this is that, historically, the alternative has seemed to be a view of literature as having its own unique “literary language,” distinct from the language of criticism – a view expressed, for example, in William Wimsatt’s proposal that a poem is a “verbal icon,” or in Wolfgang Iser’s contrast between “literary language” and “everyday pragmatic language,” the former opening up a “multiplicity of possible meanings.”¹² The general approach here is identified by Monroe Beardsley as a “language concept of literature”: “the problem is to discover the marks by which literary discourses are distinguished from nonliterary discourses.”¹³ Beardsley himself is persuaded that “a case can be made for regarding the possession of an above-normal proportion of implicit meaning as a

sufficient condition of being a literary discourse,” though he thinks that “imitating” a series of speech acts using sentences which themselves lack illocutionary force may also be a mark of the literary. Both of these – semantic richness and lack of illocutionary force – “are forms of verbal play that set a discourse notably apart from pragmatic functions.”¹⁴ Such semantic or ontological contrasts between literary and ordinary discourse have come into critical disfavor, of course.

But do these New Critical views and the view of literature as generic “text” exhaust the alternatives? That seems doubtful. I suspect, rather, that both views share a common feature, which blinds them to another main alternative. I might put it like this: Both expect to be able to identify the object of literary study without having to take account first of the kind of interest we take in literature, what literature means to us, and why we value it. It is as if these theories wanted to explain our responses to literary works (our ways of talking about them, engaging with them, valuing them, etc.) on the basis of materials which would be there anyway, independently of those responses, engagements and valuing. “Textuality,” “lack of illocutionary force,” “implicit meaning,” etc., seem made-to-order in light of such a requirement. What goes missing is the possibility that the specialness of literature might consist in nothing more – but also nothing less – than the special sort of interest we take in texts we call literary.¹⁵ Or perhaps one might say: in the use we make of them. (Wittgenstein: “But if we had to name

anything which is the life of the sign we should have to say that it was its *use*.”¹⁶ I take this to mean: “We should have to say that it was *our* life (our concourse) with signs” – not something that appears independently of this as its ground or explanation.)

To pursue this, I want to turn now to a commonplace about literature. The commonplace is just that literature has something to do with a practice of critical interpretation, or that there is some important connection between the notions of “literature” and “interpretation.” (This commonplace is apparently one of the things that “language views” like Beardsley’s is trying to explain.) The connection between literature and interpretation is exhibited in such banal statements as, say, that what literary critics do is to interpret works of literature, or that the critic’s engagement with the meaning of a literary text is necessarily an interpretive one.

Someone might be tempted to think that these statements are mere platitudes, amounting to nothing more than the trivial reminder that if there are to be literary texts there must also be readers of them, or that the existence of literary meaning requires a reader who construes that meaning. But against this, consider the possible case of a cooking school. The faculty of the school train the students by writing recipes which the students carry out. The students prepare a dish according to the recipe and present the product to the teachers. It might be said

that there would be no recipes or culinary meanings without readers of them who use them in cooking, but it would be odd, I assume, to say that what the cooking students do is essentially to interpret the recipes, or that every act of preparing a dish is an interpretation. Naturally, there may be special cases in which the recipe is ambiguous or otherwise defective, and then the students may need to make an interpretation. But if the teachers are good ones and write good recipes, this will not generally be the case. One wants to say: when cooking recipes function as they should, they allow their users to cook without recourse to interpretation. Unlike a work of literature, it would be a criticism of the latest *Better Homes and Gardens Cookbook* to say that it required its readers to engage in extensive *interpretatio*; it would be a reason not to buy it.

My example here is admittedly somewhat fanciful, but what it suggests is clear enough: the statement that the critical response to a work of literature is an interpretive one is not trivial, and does not follow merely from the fact that literary texts demand to be read. I think that the notion of interpretation which appears in this statement has the following features:

1. Interpretations are explanations of the meaning of a text – they are attempts to clarify or elucidate something that is not fully transparent in them.

2. There can be different, equally good, but incompatible interpretations of a text.

3. Interpretation has an active or creative aspect: it does not merely tease out a meaning that is already there, but shows us something new – and not just in the sense of a meaning that was previously undiscovered, but rather one that the text has only in virtue of the interpretation in question. Meaning, one might also say, is sometimes constructed by acts of reading or interpretation.¹⁷

If this is right, then a clearer understanding of the commonplace concerning literature and interpretation will need to address a number of outstanding questions. How can an interpretation be both an explanation of what a text means and innovative at the same time? We think of explanations as inert – they do not change their objects, but bring to light what is already there. So it would seem that if an interpretation is innovative, it cannot be explanatory, and *vice versa*. Another difficulty is how to give content to the notion that two interpretations are “incompatible.” Are a Marxist and Psychoanalytic interpretation of a literary text incompatible, if they do not present any contradiction? Or do they just pertain to different aspects of the text, or take a different sort of interest in it? Still another

set of questions concerns the scope of the present concept of interpretation. Is seems doubtful that it is proprietary to literary criticism. “Performing interpretations” – e.g., Branagh’s interpretation of *Henry V* – would also seem to lend themselves to interpretive pluralism. But does this concept of interpretation actually embrace, as some writers have suggested, what are loosely called the humanities, including the interpretation of law, social structures, history and so on?

These questions cannot be addressed here. I shall assume that interpretive pluralism is indeed an integral part of our engagement with literature, and that, as such, it must enter into an account of what literature is. The question I want to pursue is just whether it is plausible to think that literature’s evident openness to interpretation makes it an exemplary instance of discourse in general. Here the two strands I have distinguished in Fish’s work point in different directions. On one conception – which Fish seems to favor – the connection between literature and interpretation is something derivable from, or expressive of a more general requirement of interpretation which conditions the availability of textual meaning *tout court*. On the other conception, the interpretability of literature is just a fact about literature or literary practice, as it has come to pass; it reflects the kind of interest we take in literary texts, and (therefore) the most general sort of intention with which literature is written. On this conception, someone encountering the

thought quoted in the title of this essay might do well to borrow the form of one of Wittgenstein's remarks and answer: "You seem to be thinking of literary texts, but there are others. You can make your statement correct by expressly restricting it to those texts." (Cf. *PI* §3).

The first of these conceptions emerges in deconstructive literary theory. Literature – it is said – is not any sort of special case; rather, "other discourses can be seen as cases of a generalized literature, or archi-literature."¹⁸ Paul de Man's work proceeds from a conviction of this sort. "What is meant" de Man asks, "when we assert that the study of literary texts is necessarily dependent on an act of reading"?¹⁹ "Reading" is a heavy-weather word for de Man: "Prior to any generalization about literature, literary texts have to be read."²⁰ – Naturally they do, you might say: the only alternatives to reading any written text would be having someone else read it to you or learning about it by hearsay. But it is clear that common usage is not what is wanted for de Man's purposes. – That "reading" is unavoidable in the engagement with literature, de Man says, "implies ... two things ... that literature is not a transparent message ... and, more problematically, it implies that the grammatical decoding of a text leaves a residue of indetermination that has to be, but cannot be, resolved by grammatical means, however extensively conceived."²¹ Literary meaning – I take this in part to say – is available only by way of application of the pluralistic notion of interpretation I

sketched above (p.____). Starting from his early essays, de Man connects the necessity of reading in this sense with the distinctiveness of literature.²² But, indeed, not just its distinctiveness, but its exemplarity as well: “Although it would perhaps be somewhat ... remote from common usage, I would not hesitate to equate the rhetorical, figural potentiality of language with literature itself.”²³ In the background here is of course the New Critical thesis that literary language is exceptionally figural. De Man opposes this thesis by generalizing and incorporating it: Figurality – hence “literariness” as the New Critics understood it – is a “potentiality” of all language. So literature is “privileged” – as de Man sometimes says – to make especially perspicuous or explicit the conditions of any use of language.²⁴ The relation between generalized literature (literature as the figural potentiality of language) and specialized literature (“literature” in common usage) appears to be the relation between a general concept and a type of case which provides the central, focal or paradigmatic realization of it, and thereby exhibits the concept most perspicuously.

But why “equate” literature with anything? Why would anyone want to? De Man’s motivation, one might suspect, is the wish to be able to ground a view of the “literariness” of literature in some general property of language, something which – though literature is privileged to bring it to light – could, in principle, be identified even if literature were not yet in view. The same structure of “equation”

can be found in Beardsley's "language conception"; only the relevant linguistic property is different. (Since the deconstructive view precisely inverts the "language conception," it is not surprising that they should bear this similarity.) In de Man's case, the relevant linguistic property, it appears, is just that any sign carrying meaning must always be interpreted, in a sense of the word implying creativity or productivity. De Man says as much in an approving gloss on Pierce, which is meant to explain the idea of the "rhetorical" or "figural" in terms of a contrast between "reading" and "unproblematic meaning":

[Pierce] insists ... on the necessary presence of a third element, called the interpretant, within any relationship that the sign entertains with its object. The sign is to be interpreted if we are to understand the idea it is to convey ... The interpretation of the sign is not, for Pierce, a meaning but another sign; it is a reading, not a decodage, and this reading has, in its turn, to be interpreted into another sign, and so on *ad infinitum*. Pierce calls this process by means of which "one sign gives birth to another" pure rhetoric, as distinguished from pure grammar, which postulates the possibility of unproblematic ... meaning.²⁵

The path from the premise that "the sign is to be interpreted if we are to understand the idea it is to convey" to the exemplarity of literature seems almost a straight shot. To say that some interpretation is required if we are to grasp the

meaning of a sign is to say that it is always possible for the sign to mean different things. So if it is in literature where this potential plurality becomes transparent, it is the privilege of literature to reveal the condition of linguistic discourse in general: “Whenever this autonomous potential of language can be revealed by analysis, we are dealing with literariness and, in fact, with literature as the place where this negative knowledge about the reliability of linguistic utterance is made available.”²⁶

III. Must plain cases be “read” too?

Clearly, a self-styled pragmatist like Fish will have little patience for such deconstructive formulas as that all special discourses are cases of generalized “literature.” Yet Fish’s message too is that our everyday discourses are blind to the interpretive conditions of their possibility. So there is little here to challenge the deconstructive view. “Literature” would seem to be exemplary among the discourses, insofar as it recognizes its own dependence on interpretation. But what shall we do, on this view, with the *Better Homes and Gardens Cookbook*? Clearly, anyone who accepts the deconstructive conception will need to re-describe things in ways which reveal our everyday, practical view of it to be theoretically naive. Despite his talk about the unsurpassability of “practice,” that is just what Fish encourages us to do.

Suppose we ask: Why don't plain or unproblematic cases get in Fish's way? Why don't they lead deconstructive critics like De Man or Culler to abandon the view that it is illuminating to see everything as "literature" in some generalized sense of the term? I know some people are inclined to think that deconstruction must come to wreck once it is remembered that, after all, one can order "steak poivre" at a restaurant and get – of all things! – steak poivre. Of course this is but another version of kicking Dr. Johnson's stone. What is missing here, and what needs to be considered, if "deconstruction" is to be met at the right level of depth, is just the point that separates Wittgenstein and Fish: *viz.*, the unquestioningness with which Fish accepts the idea of a philosophical perspective on meaning, an "account" of its possibility. Once this idea is in place as a norm of explanation, the response to all the "steak poivre" examples in the world is easy: The deconstructive thesis is not about whether the phenomenon of plain meaning exists – only a madman would try to deny that – but about the "conditions of possibility" of such phenomena.²⁷ What is contested is not that there *are* plain meanings, but only a certain conception – alleged to be naive or metaphysically suspect or both – of how they are possible. (Provisionally, we might say that on the suspect conception, plain meaning is apt to be regarded "as inherently plain, plain in and of itself,"²⁸ or as invulnerable to misunderstanding.)

But *must* you, if you are to get free of a metaphysically suspect notion of plain meaning, substitute an alternative account of how such a thing is possible? Couldn't you just drop the suspect conception (and drop the bit about "plain in and of itself" and invulnerability) and go on describing plain meanings in an everyday sort of way? For the deconstructivist, the answer is apparently "no." Derrida is perhaps the most explicit about this – about the necessity of a philosophical "account." The mark of the suspect conception, for Derrida, is just that the structural or "essential" possibility of misunderstanding (mistake, error, deviance, accident) is left *unaccounted* for:

We must account for the essential possibility of deviant cases ... The essential and irreducible *possibility* of *mis*-understanding ... must be taken into account in the description of those values said to be positive ...
 [This] possibility cannot be treated as it were a simple accident.²⁹

This says, in effect, that either you give the required sort of account, or you are still unwittingly ensnared in the suspiciously metaphysical one – the possibility of an everyday conception of meaning which is neither of these simply doesn't appear here. Given these options, the deconstructive critic will thus feel compelled to say something like this: "Plain cases only *seem* to require no interpretation, because people are in agreement about how things are to be taken and no doubts

arise. Nonetheless, doubts are always possible. It is always possible for someone to engage a point of view that calls naturally for a different construction. If this doesn't occur, that only shows the power of interpretive assumptions held in common: it is an 'effect' of interpretation." Such a philosophical use of the "interpretation" (i.e., as a condition of the possibility of any meaning) is precisely in the service of giving an account of the possibility of meaning which exhibits misunderstandings and deviance as "essential possibilities."

Fish's criticism of H. L. A. Hart's *The Concept of Law* provides a good illustration of this pattern. Central to that work – and in particular to Hart's answer to a figure he calls "the rule skeptic" – is a distinction between adjudicatively easy and hard cases: i.e., cases where a legal rule is apparently clear and no interpretation is needed, and cases where judges must exercise "some discretion," as Hart puts it, in order to apply the law. This is grist for Fish's interpretivist mill:

While there will always be paradigmatically plain case—Hart is absolutely right to put them at the center of the adjudicative process—far from providing a stay against the force of interpretation, they will be precisely the result of interpretations force; for they will have been written and rewritten by interpretive efforts.³⁰

Adding some context: Hart's general endeavor is to clarify the concept of law by distinguishing the way legal systems can make a course of conduct obligatory from the way this can occur through mere coercive threats, on the one hand, or through moral reasoning, on the other. The central notion needed for this, according to Hart, is that of a social rule. Hart's "rule-skeptic" – a figure drawn from some of the American legal realists – finds such a conceptual project to be flawed. His objection is that rules speak only in general terms and thus determine what is to be done in the particular case only by way of some interpretation. It is always possible to apply a rule in different ways, the skeptic reasons, so considerations of morality or policy (if not simply the judge's own ungrounded will) must always be operating at the point of the law's application. Hart has a number of responses to this, but one of them is just to point out that the need for applicative judgment which subsumes particulars under general categories is not a special feature of legal rules: it is a feature of concept-use in general, and so pertains to any sort of linguistic communication. Insofar as communication is possible at all, Hart suggests, people must share a general capacity to recognize particular objects, acts and circumstances as instances of general classifications – there must, in other words, be plain cases, where there is agreement in judgments, as opposed to cases which call for a choice of some kind.³¹ The burden of Fish's remark, however, is to suggest that this distinction lacks the substance Hart is inclined to credit it with. Hart is mistaken, according to Fish, to suppose that the apparent compellingness

of judgment in plain cases stands opposed to, or to the side of, the “interpretive” work which is felt to be required in other, more problematic cases.³² Rather, we should see here a distinction within interpretive activity itself: the phenomenon of the plain case testifies to the success of hegemony of a particular interpretation, not the absence or superfluousness of interpretation as such. Thus, just as ordinary discourse, for the deconstructivist, is a special case of “literature,” so, here, plain meanings appear as special cases of “interpretation.”³³

But it is worth asking: Why does Fish think this should matter to Hart? Wouldn't it serve Hart's purpose just as well if it were granted that there is a distinction between plain and hard cases under a rule, *however* the notion of a plain case is to be conceived? On Fish's reading, Hart ends up peddling a suspect conception of plain cases – the plain case as “inherently plain, plain in and of itself.”³⁴ But it is hard to see the necessity of this reading. Why suppose that Hart has – or needs – *any* account of how plain cases are possible, or of what makes them plain? I'm inclined to think that Fish's discovery of such an account in Hart tells us more about Fish than Hart: it expresses a blindness to the possibility of a perspective on meaning from which a philosophical explanation of our agreements in judgment simply wasn't felt to be needed. Thus, Hart's complicity with the suspect conception of plain cases seems really to be an inference, for Fish, from two bases: first, the fact that Hart speaks of plain cases (without *any* “account” of them),

and, second, the thought that everyone must – willy nilly – have such an account, if not the interpretivist account, then the suspect one. The assumption here is that all talk of plain meanings is implicitly embroiled in one or another philosophical view.³⁵

IV. The Illusion of Possibility

I indicated earlier that Wittgenstein sees an illusion of possibility here. Consider the following statements:

1. $2+2=4$. That is a fact.
 2. $2+2=4$. That is a “fact,” given our shared interpretive framework.
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1. The law does not recognize marriage between a person and a goat. That is a fact.
 2. The law does not recognize marriage between a person and a goat. That is a “fact,” given our shared interpretive framework.

Someone suspicious of the notion of “fact” in (1) of each pair might be tempted by some things Wittgenstein says to embrace (2) instead. But (2) implies that we can make sense of a counter-factual possibility: If our interpretive assumptions

were different, then $2+2$ might equal 5, or it might be false that the law does not recognize human-goat marriages. When we start to explore these things, however, we find that we can't make sense of them as genuine possibilities. We find that we can't coherently imagine what it would be not to have the "interpretive assumptions" we have.³⁶ So, in a movement characteristic of Wittgenstein's thought, we return to (1) as the better option, albeit perhaps without the haunting sense that there must be something metaphysically "queer" about it.³⁷ We remove the quotation marks from "fact." The illusion of possibility here is the illusion that we could view our "interpretive framework" as just one among others. Once we realize that this is an illusion, we realize that the very notion of an "interpretive framework" is an illusion too. For if that notion means anything, it should be possible to make sense of our having a different framework.

Now the intuition that even the plainest meaning is always a determination within a space of possibilities seems essential to sustaining a sense of the accuracy of the interpretivist thesis. It may even seem that the requirement of interpretation has just the same weight as the intuition that a doubt or disagreement about a text's meaning is "always possible." And the same intuition is bound to come into play, I take it, in any explanation of what it is to conceive plain meanings as "inherently plain." If we ask, "Well, isn't it a plain fact that he ordered a diet Coke" (in a situation where, to all appearances, he ordered a diet Coke), the interpretivist will

answer that there is a suspect philosophical conception of what this means, according to which the notion of “a fact” is absolutely hard in a way that would preclude the *possibility* of doubt and disagreement.

It isn't a surprise, therefore, to see that the invocation of “possibility” – or its cousin, the “absence of necessity” – is ubiquitous in Fish's work: it is carried by such terms in his prose, as “always possible,” “not inescapably,” “not immune to,” “never invulnerable to,” “always open to,” “always subject to,” “never unchallengeable”:

As yet two plus two equals four has not become such a flash point of disagreement, but it could ... Until two plus two equals four crosses someone's ambition, it is a fact agreed on by all parties, but this doesn't mean that there are truths above ideology but that there are (at least by current convention) truths below ideology.³⁸

While the distinction between core and penumbra [*of a legal rule*] can always be made at a particular moment, at another moment the *interpretive* conditions within which the distinction is perspicuous can be challenged and dislodged.³⁹

What ought to strike us here, I think, is how anemic the relevant notion of “possibility” must be.⁴⁰ “*Could* be challenged” and “*can* be dislodged” had better not mean that anyone now challenges or doubts in these cases, or even that we could make intelligible to ourselves what it would be for someone to challenge or doubt (Cf. *PI* §84). Unless this just means that it is intelligible to suppose we might meet someone who we found we couldn’t talk to at all. (Of course, that is not what is wanted here: if we can’t talk to someone, there is no basis for supposing that they are challenging or doubting anything we believe). But if this is right, it might be asked: In what sense is a doubt (as Fish and Derrida say) ‘always possible’? In what sense is it an ‘essential possibility’? Should we accept this? Turning the question around slightly, we might also ask: From what notional perspective does it appear that there is always room for an intelligible challenge? God’s? It must be a perspective that is somehow able to survey “all the possibilities” and to locate our own way of seeing things among them.

These questions are meant to elicit a sense of the intimacy between Fish’s interpretivism and the sort of “foundationalism” which Fish thinks he is combating. Both involve the fantasy of a theoretical perspective from which we could locate our “own perspective” as merely one among some indefinite range of alternatives. Interpretivism, one might say, is the negative image of foundationalism. And a general moral here is that one does not get rid of

philosophical foundations by merely denying that there are any. That is merely a way of preserving the structure of the question which foundational views take themselves to be answering.

V. Literary Interest

Let me now state some of the implications of the preceding discussion in summary form.

1. *Interpretation – everyday and philosophical.* A reader of Wittgenstein will want to bring the word “interpretation” back from its philosophical to its everyday use.⁴¹ Given the nearly intractable history of the word – its institutionalization in theology and law, its appropriation in rhetoric, its investment by philosophy (in, say, the line from Dilthey to Gadamer), and its use in such varied contexts as psychoanalysis, history, art, and personal relationships – this is bound to be difficult. For it is no doubt the various associations which “interpretation” carries with it from these different contexts – and our failure to command a “perspicuous view” of them (cf. *PI* §122) – which partly accounts for our philosophical attraction to such sayings as “every reading of a text is an interpretation” or “there are no facts, only interpretations” – i.e., for our sense that these words say something significant but too deep for everyday inspection.

“Bringing ‘interpretation’ back ...” need not mean restricting “the term ‘interpretation’ to the substitution of one expression ... for another,” as Wittgenstein at one point proposes (*PI* §201); performing interpretations, for example, do not involve linguistic substitution.⁴² I suspect it would mean, however, locating the general idea of interpretation as a species of explanation. Interpretations are called for where explanations are called-for: *viz.*, to clear up or avert some misunderstanding or doubt, or to elucidate a meaning which is not fully apparent. This points to two asymmetries between the philosophical and the everyday use of the term. (1) In the philosophical use, interpretation is ubiquitous, so the need for interpretation no longer contrasts with cases of plain meaning, but with a suspect conception of plain meaning as “inherently plain” or “plain in itself.” And when called upon to explain these expressions, the philosopher is apt to say that, on this suspect conception, plain meanings are not only unchallenged or undoubted, but somehow immune to the possibility of doubt or challenge. But (2) interpretation in the everyday sense was directed at actual doubt, not the mere notional possibility of doubt.

2. *The basis of critical pluralism.* Having located interpretation as a species of explanation, we shall not be able to ground the “literariness” of literature in some general linguistic property which makes interpretation a condition of any

understanding. At the same time, the commonplace concerning critical pluralism should seem freshly puzzling. Why should it be that there are many good, but incompatible, interpretations of a literary text, in contrast to other texts (e.g., cooking recipes, legal statutes) or to natural phenomena (about which we are apt to say, there cannot be true, but incompatible, explanations)? How can an interpretation be both explanatory and innovative at the same time? As it appears in literary practice, “interpretation” seems to challenge this traditional distinction⁴³ – that is part of what makes it interesting. But there is no cause to suppose, because the explanation/innovation distinction may not always get a clear grip in the context of literature (and of course not just there), that the distinction lacks the substance we are apt to credit it with in our dealings with texts quite generally.

Critical pluralism, to put this another way, need not stand or fall with the deconstructive conception of it. There is some tendency today to think that to reject literary “deconstruction” must be to incur a commitment to some form of monism, at least as a regulative ideal: the critic is to think of himself as pursuing an ideal interpretation, something determined, it is usually said, by what it’s author – conceived either historically or as an explanatory construct – intended.⁴⁴ But quite apart from the usual deconstructive objections (i.e., intention, like any semantic notion, is itself subject to interpretive construction), there is a difficulty for any

"intention-based" monism about literature. An author might understand one of his characters in some specific way. But, described more generally, his intention might also be to create a work of *literature*, hence a work subject to whatever norms of reading and understanding literature is subject to. It begs the question to say that those norms cannot be pluralistic ones.⁴⁵

The unattractiveness of the view that there is an ontologically or semantically special "literary language" is of course one source of the deconstructive conception of critical pluralism. But the theses that pluralism is a consequence of "literary language," and that it is a consequence of the general "unreliability" of language (which comes to self-consciousness in literature) are not the only options. In fact, both views appear to share a wish to ground aspects of our engagement with literature from outside the domain of the literary. Another possibility is that the openness of literature to interpretation reflects something about the distinctive kind of interest we take in the texts that are called "literary," about the kind of value they have for us, and, generally speaking, about the role they play in our lives. Literary interest would of course enter into the sort of communicative intention with which literature is written, so even literary "intentionalism" should be hospitable to critical pluralism. It seems implausible to suppose that a literary author's intention must, in principle, be just like the intention involved in sending someone shopping to buy apples – only somehow much more difficult to grasp!⁴⁶

3. *Types of reading, types of texts.* On the account that emerges here, the old saw “every reading of a text is an interpretation” expresses a norm of literary practice (as we have it) – or perhaps better, a norm for the description of literary phenomena. This would be so in the way that, say, “The judge must always interpret the law,” expresses a norm of adjudication. It is worth noticing that these two familiar statements about interpretation in fact say very different things. In the literary case, what is meant is that the critic’s job is partly a creative one: she endeavors to reveal something new in the text, or at least to show us something that was not already apparent. Whereas in the legal case, the thought is that the judge must *not* create the law; his role, in contrast to the legislator, is merely to retrieve or specify the meaning of the law in the present case. So conceived, the necessity of literary interpretation would informatively contrast with our dealings with texts like cooking recipes or legal statutes. Three asymmetries seem immediately apparent and important:

A. The non-applicative aspect of literature. The point or value of recipes or legal statutes is to guide action or to be followed in particular cases. Not every interpretation of a legal rule involves an application of it, but there would be no point in interpreting legal rules apart from the endeavor to follow the law in particular cases. This means that the need to “interpret” is going to be merely

occasional or remedial. It arises in relation to indeterminacy concerning how the text is to be followed – i.e., what Hart calls “hard cases.” In contrast, it seems partly constitutive of our very notion of a “literary text” that there is no such thing as following it or applying it in a particular case. This is not to say that one *couldn't* endeavor to follow a text that was considered “literature,” or that one *couldn't* read a cooking recipe “as literature.” The distinction here is not an ontological one between types of texts, or their semantic properties, but between different uses, forms of interest, and values.

B. The indeterminacy-revealing aspect of literary interpretation. From this contrast, it follows that the notion of “indeterminacy” has a different sense, and plays a different role, in the two cases. In the legal case, it may be said that a text is “determinate” just if it functions as a guide to correct action in normal circumstances. Contrariwise, it might be generally “indeterminate” if it is a poor guide, or “indeterminate” with respect to a particular (e.g., an unusual or unforeseen) case. As lawyers know, interpretation helps to resolve indeterminacy – that is its point. Clearly, where the notion of “following” finds no application, “indeterminacy” cannot be identified in this way. What does it mean to say – as de Man does⁴⁷ – that a literary text, or a work of art, is “indeterminate”? Apart from such cases as editorial uncertainty about what marks belong on the page, it is hardly clear what contrast this draws. Perhaps it merely expresses the thought

that different interpretations of the text are possible, or that there are different interpretations of the text. But then the relation between indeterminacy and interpretation is different in the literary case than in the law. In the legal case, interpretation resolves indeterminacy; in the literary case, it exposes or expresses it. In the legal case, indeterminacy is an occasional reason for engaging in interpretation; in the literary case, the text as such is a standing reason for interpreting, and without interpretation, indeterminacy would not be present at all. In the legal case, there are interpretive authorities in a special sense: their judgments are treated as determining what the law requires even when one disagrees with those judgments on the merits; but no one purports to be a literary “authority” in this sense – no one claims that her reading of, say, *Paradise Lost*, determines what it means, even apart from what may be said for or against that reading.

C. The value of indeterminacy. These asymmetries correspond to different values which indeterminacy and interpretation have in the two cases. Generally speaking, indeterminacy in a cooking recipe is of negative value; interpretation is to be avoided, if possible. The same is true in a range of legal contexts, though indeterminacy may also sometimes have instrumental value, as, say, when it is deliberately used to confer a larger decision-making authority on a subordinate agency which will then apply a relatively open-ended standard (e.g., “reasonably

safe”) in particular cases. Also, as lawyers know, it may not be possible to codify notions of justice in ways that provide a decision procedure for every particular case, without the mediation of judgments about what is important in the circumstances giving rise to the case.⁴⁸ But the “indeterminacy” which is the correlate of critical pluralism in literature is not – *pace* de Man – any sort of defect or failure. To the contrary, that literature lends itself to multiple and divergent readings is apparently one of the things we celebrate and value about it. And the reason for interpreting a work of literature is not, of course, finally to establish “the meaning” so as to obviate the need for any further reading or interpretation. (Contrast a court’s interpretation of a contract in a case where the parties dispute about what it requires.)

A brief comment on this last point. Deconstructive critics often speak as if, in the face of multiple interpretations, understanding has broken down. Hence, given their view of “textuality” as the source of pluralism, they speak of the inevitability of “misreading” and “misunderstanding.”⁴⁹ Here is De Man, after a characteristically virtuostic reading of the different meanings in the title of Keats’ “The Fall of Hyperion”:

Faced with the ineluctable necessity to come to a decision, no grammatical or logical analysis can help us out. Just as Keats had to break

off his narrative, the reader has to break off his understanding at the very moment when he is most directly engaged and summoned by the text.⁵⁰

But whence “the ineluctable necessity to come to a decision”? Are we trying to decipher a shopping list before the store closes at 5:00 p.m.? Shelley might have said that “poets are the unacknowledged legislators of the world,” but must we be so literal-minded as to suppose that literary criticism is therefore a form of judicial review? Why, indeed, shouldn’t a critic read in a way which preserves the indeterminacy of a text, just as De Man has done here? In the law, that would be objectionable, for our idea – which rests on a number of considerations – is that a court should reach a non-arbitrary decision for one of the parties. If De Man extends the idea of literary “reading” in questionable ways to non-literary discourses, it would seem he also applies the legal-hermeneutical model where it does not belong. Supposing that we are convinced by De Man’s gloss on Keats’ poem, why should we not conclude – given that it is a *poem* – that he (and now we) understand the text rather well?

A similar question emerges in relation to Stanley Corngold’s account of the variety of readings of Kafka’s *Metamorphosis*:

The negativity of the vermin has to be seen as rooted ... in the literary enterprise itself ... The creature ... is ... language itself (*parole*) – a word broken loose from the context of language (*langage*), fallen into a void of meaning which it cannot signify, near others who cannot understand it.”⁵¹

There is a paradox here, as Alexander Nehamas has seen. If Corngold is right that Kafka has created an allegory of the literary enterprise (as the inevitability of misunderstanding), then the literary enterprise here succeeds, for Corngold has understood the story very well. Hence what Corngold says must be wrong. On the other hand, if Corngold’s reading is wrong, then literary communication has failed, so Corngold is right after all! Nehamas takes such a paradox to cast doubt on the coherence of critical pluralism. I’m inclined to think that it shows merely that the deconstructive theorist – by treating literary interest indifferently, as if it were just that interest involved in any “communication” – has inaccurately described literary pluralism’s significance. Leave out the thought that where there are multiple readings, understanding has broken down, and the paradox vanishes.

4. *Reasons for Interpreting*. I have been suggesting that differences between kinds of texts (legal, literary, etc.) can be expressed partly in terms of different norms, or different necessities, of reading. Suitably restricted to literary texts, the old saw, “Every reading of a text is an interpretation” is, in Wittgenstein’s sense, a

grammatical remark – it “tells us what kind of object” a literary text is: cf. PI §§373, 371. The existence of such domain-specific necessities should hardly surprise us. For it must be remembered that we interpret for a reason; interpretation is not something that happens, as it were by a kind of chemical reaction, when readers and texts (or objects which bear meaning) come into proximity. And the reasons why we are interested in interpreting, e.g., history, literature, neurotic behavior, everyday intentional actions, cooking recipes, and the common law are – needless to say – both overlapping and different. Why should these differences not be reflected in differences in the nature and role of interpretation?

Given what I have called the “pragmatic” strand in his work, it is not surprising that Fish can be found agreeing with this up to a point. For example, respecting the difference between law and literature he says:

One might contrast the law, where interpretive practice is such that it demands a single reading (verdict), with the practice of literary criticism, where the pressure is for multiple readings (so much so that a text for which only one reading seemed available would be in danger of losing the designation “literary”).

The situation is exactly the reverse in literary studies [*as in law*], at least in the context of a modernist aesthetic where the rule is that a critic must learn to read in a way that *multiplies* crises, and must never give a remedy in the sense of a single and unequivocal answer to the question, “What does this poem or novel or play mean?”⁵²

One might quibble about the accuracy of the contrast drawn here: what the law requires, it might be said, isn't so much unanimity of reading as authoritative judgment; the law is often happy to brook divergent interpretations of its central concepts;⁵³ and *heteroglossia*, as Fish himself suggests, is perhaps only the mark of one school of literary aesthetics. Still, Fish's more general point is well taken: what kind of text something is (law, literature, etc.) is internally related to the norms of description and explanation which apply to it. But Fish never allows this sound point to raise doubts about his general interpretivism. For him, the differences that appear here are to be described, not as differences between cases where interpretation is ubiquitous and cases where it is merely occasional and remedial, but as differences in “interpretive practice.”⁵⁴ This is the theoretical strand in his work. It implies that we are always dealing, in the end, with generic textual stuff under one or another interpretive construction. And if one accepts this bit of philosophy, one is bound to feel that the literary case is really

exemplary, for it is in literature that the putative “interpretive” conditions of discourse seem to be most explicit and self-conscious.

5. How is the concept of interpretation that appears in connection with literature like or unlike that which appears in law, psychoanalysis, history, everyday action, or artistic performance? This too emerges as a *question* once we abandon the deconstructive conception of critical pluralism. Rather than assuming there is a unified idea of “interpretation” here, we shall want, in Wittgenstein’s words, to look and see.

* Thanks to Richard Moran for a conversation about this paper, and to Won Kyung Chang for valuable research assistance.

¹ See Stanley Cavell, “The Availability of Wittgenstein’s Later Philosophy,” *Must We Mean What We Say*, 2nd ed., Cambridge: Cambridge University Press, 2002, 1–43.

² A discussion of the first issue, i.e., Wittgenstein’s discussion of rule-following and certain “deconstructive” misunderstandings of it, can be found in my “Wittgenstein on Deconstruction,” Alice Crary and Rupert Read (eds), *The New Wittgenstein*, London: Routledge, 2000, 83–117, as well as my “Theory, Practice and Ubiquitous Interpretation: The Basics,” Gary Olson (ed.), *Postmodernism*

and Sophistry: Stanley Fish and The Critical Enterprise, SUNY Press, forthcoming.

³ On what it means for an expression to be “not fully natural,” see Stanley Cavell, *The Claim of Reason: Wittgenstein, Skepticism, Morality and Tragedy*, Oxford: Oxford University Press, 1979, ch. VIII.

⁴ One might say: If philosophy comes to an end for Wittgenstein, it does so everyday – for here and now – until next time. Cavell is instructive on this point. See e.g., “Declining Decline: Wittgenstein as a Philosopher of Culture,” *This New Yet Unapproachable America*, Albuquerque: Living Batch Press, 1989, 29–76, pp. 73–4.

⁵ Stanley Fish, “Change,” *Doing What Comes Naturally: Change, Rhetoric, and the Practice of Theory in Literary and Legal Studies*, Durham: Duke University Press, 1989, p. 156.

⁶ Stanley Fish, “Theory Minimalism,” *San Diego Law Review* 37, 2000, 761–76, p. 775.

⁷ Fish, “Introduction: Going Down the Anti-Formalist Road,” *Doing What Comes Naturally*, op. cit., p. 4.

⁸ This is true even of “performing interpretations” – e.g., Gould’s interpretation of the *Goldberg Variations*. This doesn’t at first look like an “explanation”; but

here too our notion is that interpretation reveals something in the work which would otherwise not be fully perspicuous.

⁹ Of course, Fish is not alone today in wishing to make the term “interpretation” bear such philosophical weight. One finds a similar inclination in Jacques Derrida. See, e.g., Derrida, “Force of Law: The ‘Mystical Foundation of Authority,’” D. Cornell, M. Rosenfeld and D. Carlson (eds) *Deconstruction and the Possibility of Justice*, New York: Routledge, 1992, 3–67, p. 23; Derrida, *Limited Inc*, trans. S. Weber, Evanston: Northwestern University Press, 1988, p. 148; Derrida, “*Differance*,” *Speech and Phenomena and Other Essays on Husserl’s Theory of Signs*, trans. D. Allison, Evanston: Northwestern University Press, 1973, p. 149. Unlike Fish, however, Derrida is prepared to consider it a problem that in passages like these he appears to be putting “interpretation” in place of other traditional metaphysical names for “grounds of possibility.”

¹⁰ Fish, “Theory Minimalism,” op. cit., p. 772; see also Fish, *The Trouble with Principle*, Cambridge: Harvard University Press, 1999, pp. 305–6.

¹¹ Cf. Derrida, *Positions*, trans. Alan Bass, Chicago: University of Chicago Press, 1981, p. 11: “If we had the time, we could ... ask ourselves too, why the irreducibility of writing and, let us say, the subversion of logocentrism are announced better than elsewhere, today, in a certain sector and certain determined form of ‘literary’ practice.”

¹² W. K. Wimsatt, *The Verbal Icon: Studies in the Meaning of Poetry*, Lexington: University of Kentucky Press, 1954, pp. 21–39; Wolfgang Iser, *The Act of Reading: A Theory of Aesthetic Response*, Baltimore: Johns Hopkins University Press, 1978, pp. 24, 184.

¹³ Monroe Beardsley, “The Concept of Literature,” *Literary Theory and Structure: Essays in Honor of William K. Wimsatt*, Frank Brady, John Palmer and Martin Price (eds), New Haven: Yale University Press, 1973, 23–39, p. 24.

¹⁴ Beardsley, “The Concept of Literature,” *op. cit.*, pp. 30, 37, 38.

¹⁵ Steven Knapp seems to me on the right general track when, against “claims for the cognitive and/or semantic uniqueness of literary language,” he proposes “to call ‘literary’ any linguistically embodied representation that tends to attract a certain kind of interest to itself.” *Literary Interest: The Limits of Anti-Formalism*, Cambridge: Harvard University Press, 1993, pp. 2–3.

¹⁶ Ludwig Wittgenstein, *The Blue and Brown Books: Preliminary Studies for the Philosophical Investigations*, 2nd ed., New York: Harper and Row, 1960, p. 4.

¹⁷ I’m indebted to Joseph Raz’s discussion of a concept of interpretation along these lines (and his discussion of the tension between the explanatory and innovative aspects of interpretation) in a paper presented at the Analytic Legal Philosophy Conference in Oxford, 2003.

¹⁸ Jonathan Culler, *On Deconstruction: Theory and Criticism after Structuralism*, Ithaca, NY: Cornell University Press, 1982, p.181. See also Derek Attridge, “Introduction: Derrida and the Questioning of Literature,” Jacques Derrida, *Acts of Literature*, New York: Routledge, 1992, p. 16: “[T]he re-mark is a permanent possibility in all texts, all signs, but literature has the capacity to stage its operations with unusual forcefulness and to produce unusual pleasure in doing so ... That which marks out the specific literary text is also a property of the general text.”

¹⁹ Paul de Man, “The Resistance to Theory,” *The Resistance to Theory*, Minneapolis, University of Minnesota Press, 1986, 3–20, p. 15.

²⁰ Paul de Man, “The Rhetoric of Blindness: Jacques Derrida’s Reading of Rousseau,” *Blindness and Insight: Essays in the Rhetoric of Contemporary Criticism*, 2nd ed., Minneapolis: University of Minnesota Press, 1983, 102–41, p. 107.

²¹ de Man, “Resistance to Theory,” op. cit., p. 15.

²² “[T]he specificity of literary language resides in the possibility of misreading and misinterpretation.” de Man, “Literature and Language: A Commentary,” *Blindness and Insight*. 2nd ed., Minneapolis: University of Minnesota Press, 1983, 277–90, p. 280.

²³ Paul de Man, “Semiology and Rhetoric,” *Allegories of Reading: Figural Language in Rousseau, Nietzsche, Rilke, and Proust*, New Haven: Yale University Press, 1979, 3–19, p. 10.

²⁴ See de Man, “Semiology and Rhetoric,” op. cit., pp. 19, 17; see also “Criticism and Crises,” *Blindness and Insight*, op. cit., 3–19, p. 17.

²⁵ de Man, “Semiology and Rhetoric,” op. cit., pp. 8f.

²⁶ de Man, “Resistance to Theory,” op. cit., pp. 10, 17; see also “Criticism and Crises,” op. cit., p. 17: literature “is the only form of expression free from the fallacy of unmediated expression”; it begins “on the far side of [*the*] knowledge” that “sign and meaning can never coincide.”

²⁷ As Fish puts it, “The question is not whether there are in fact plain cases—there surely are—but, rather, of what is their plainness a condition and a property?” “Force,” *Doing What Comes Naturally*, op. cit., 503–24, p. 513; see also p. 101.

²⁸ Fish, “Force,” op. cit., p. 513.

²⁹ Jacques Derrida, *Limited Inc*, trans. S. Weber, Evanston: Northwestern University Press, 1988, pp. 126, 147, 133; see also pp. 47, 48, 57, 118, 127, 157.

³⁰ Fish, “Force,” op. cit., p. 513.

³¹ H. L. A. Hart, *The Concept of Law*, 2nd ed., Oxford: Oxford University Press, 1994, pp.124–6. The point echoes Wittgenstein, *PI* §242. Hart’s appeal to

standard instances classifying terms has sometimes been taken as a part of a particular normative theory of adjudication, a theory of how judges *should* decide cases. This seems to me to be a misunderstanding which arises from a failure to keep in view the argumentative context of his remarks – namely, the skeptical challenge described in the present paragraph. The general point here about Fish, however, does not depend on resolving this point about Hart.

³² Cf. Fish, “Working on the Chain Gang: Interpretation in Law and Literature,” *Doing What Comes Naturally*, op. cit., p. 101. To be clear: what is “compelling” in the sort of cases Hart has in mind is *applicative* judgment – judgment about what the rule requires. Such legally plain cases may nonetheless be adjudicatively hard ones because what the rule requires is felt to undesirable.

³³ For a version of this claim specifically in the context of literature, see J. Hillis Miller, “The Critic as Host,” Harold Bloom (ed), *Deconstruction and Criticism*, New York: Seabury Press, 1979, 217–53, p. 226.

³⁴ Fish “Force” op. cit., p. 513.

³⁵ In fact, a careful reading of *The Concept of Law* should have given Fish pause, for it shows Hart at one point to be flirting – though not exactly endorsing – just the sort of interpretivist view Fish would correct him with: “The plain case,” Hart writes, “where the general terms *seem* to need no interpretation and where the recognition of instances *seems* unproblematic or ‘automatic’, are only the familiar

ones ... where there is general agreement in judgments as to the applicability of the classifying terms.” *Concept of Law*, op. cit., p. 126 (my emphasis). However, I suspect that if Hart had thought about it, he would have followed this by saying: “and what *seems* to be true here really *is* true—no interpretation is required” – the reason being that much of Hart’s book is an attempt to give voice to the straight-on view of things, the viewpoint of the engaged participant which Hart calls “the internal perspective.”

³⁶ We find, as Jonathan Lear puts it, that “the possibility of there being persons who are minded in any way at all is the possibility of their being minded as we are.” “Transcendental Anthropology,” *Open Minded: Working Out the Logic of the Soul*, Cambridge: Harvard University Press, 1998, 247–81, p. 250. The present paragraph follows Lear.

³⁷ Cf. Wittgenstein, *PI* §§195, 197.

³⁸ Fish, *The Trouble With Principle*, op. cit., p. 271.

³⁹ Fish, “Force,” op. cit, p. 512.

⁴⁰ See also Fish, “Don’t Know Much About the Middle Ages: Posner on Law and Literature,” *Doing What Comes Naturally*, op. cit., 294–311, p. 296: “In the example of ‘Can you pass the salt?’ it is *always possible* that someone at a dinner table may hear the question as one about his abilities ...” (my emphasis). This is evidently meant to illustrate the familiar thesis that the meaning of a sentence is

sensitive to the context of its utterance. But, for Fish, “there is ... no context so perspicuous that its interpretive cues can be read off by anyone no matter what his position; no context that precludes interpretation because it wears its meaning on its face.” “With the Compliments of the Author: Reflections on Austin and Derrida,” *Doing What Comes Naturally*, op. cit., 37–67, p. 51. So Fish’s point must be that it is “always possible” to hear “Can you pass the salt” as a question about someone’s abilities *no matter what came (or didn’t come) before or after*. Clearly, if the context was one in which the dinner conversation had ranged over, say, the progress of a particular guest in recovering from surgery, then the observation that “Can you pass the salt” is open to different readings would illustrate only that an utterance can be, in its context, ambiguous – not (as Fish thinks) that there is a quite general space of interpretive possibility surrounding any utterance.

⁴¹ Cf. *PI* §116. If it seems contentious here to speak of an “everyday use” of “interpretation” which isn’t philosophical, one might also say: its use in contexts where a question about the very *possibility* of meaning is not in play. Or, if it seems contentious to think that there are everyday contexts which escape the “play” of this question, one might even just say: contexts in which people are going about other business, and have other purposes, than that of giving an answer to such a question.

⁴² That proposal needs to be understood in its specific argumentative context. I attempt this in my “Wittgenstein on Deconstruction,” op. cit.

⁴³ I owe a debt to Joseph Raz here. See note 17.

⁴⁴ See e.g., Alexander Nehamas, “The Postulated Author: Critical Monism as a Regulative Ideal,” *Critical Inquiry* 8 (1981), pp. 133–49.

⁴⁵ Ronald Dworkin (who favors interpretive monism on other grounds) has advanced a similar point in the context of both literature and law. See “How Law is Like Literature,” *A Matter of Principle*, Cambridge: Harvard University Press, 1985, 146–66, esp. pp. 157–8.

⁴⁶ Someone might object: “The interest we take in a literary work must surely attach to features of that work. Further, an author’s general intention makes for a work of literature only if that intention succeeds. But then it ought to be possible to say what it is for literary intention to succeed, or for a work to be capable of attracting literary interest, independently of that fact that it does attract such interest.” The premise here may be granted: a work attracts literary interest in virtue of some properties it has. It doesn’t follow, however, that the relationship between such properties and our literary interest must be transparent to us, so that it would be possible to identify what makes something “literature” independently of our experience of the work being what it is. As an analogy, consider that while some remarks are “funny” (and some aren’t) it would be

natural to be suspicious of the thought that we might come to understand which are the funny ones on the basis of independent-standing properties which might then enter into an explanation of why we have the responses we do. No one, in other words, expects to be able to “equate” funniness with anything (cf. de Man at note 23 above). Literariness is like funniness in this respect. But one important difference, I suspect, is that while comedy engages, but does not in general seek to challenge, our sense of the funny, literature, at least in certain periods, also aims to inform and alter the interest we take in it. This should be remembered when considering specifications of literary interest like Knapp’s, note 15 above.

⁴⁷ See note 21 above.

⁴⁸ The idea of “reasonable care” in tort law is an example of this.

⁴⁹ “The specificity of literary language resides in the possibility of misreading and misinterpretation.” de Man, “Literature and Language: A Commentary,” op. cit., p. 280; see also Miller, “The Critic as Host,” op. cit., p. 226.

⁵⁰ de Man, “Resistance to Theory,” op. cit., pp. 16f.

⁵¹ Stanley Corngold, *The Commentator’s Despair: The Interpretation of Kafka’s Metamorphosis*; quoted in Nehamas, op. cit., p. 134.

⁵² Fish, “With the Compliments of the Author: Reflections on Austin and Derrida,” op. cit., p. 54, “Fish v. Fiss,” *Doing What Comes Naturally*, op. cit. 120–40, p. 137.

⁵³ As happens, for example, when some say that negligence liability aims to further economic efficiency, while others say that it expresses a distinct idea of justice.

⁵⁴ Fish, "With the Compliments of the Author," *op. cit.*, p. 54.