

## On Interpretation and Objectivity

### TWO OBJECTIONS

I have been engaged in a running discussion about Chapter 6, “How Law Is Like Literature,” since it was first published.<sup>1</sup> I shall use this essay to add some comments inspired by that discussion. One reader of the original essay, at least, thought that in spite of my many disclaimers, I was committed to a silly metaphysical theory of interpretation, according to which meanings are “just there” in the universe, literary genres are “self-announcing,” texts act as a “self-executing constraint” on any interpretation, and interpretation is therefore the discovery of brute, noninterpretive, and recalcitrant facts. Of course I never said any of these things, and denied them all, but I was supposed nevertheless to be committed to them by what I did say. For I did say, among other things, that interpreting was different from inventing, and that certain interpretations of an Agatha Christie mystery would be wrong because they would make a shambles of her novel. According to the argument I am now reporting, these propositions presuppose the silly “just there,” view I said I reject.

That, I believe, is a serious confusion worth taking some care to repair. It rests on a mistaken assumption about the *sense* of interpretive claims, that is, about what people mean when they endorse or reject a particular interpretation of a character or a play or a line of precedent cases at law. It assumes that people who make interpretive judgments think that the meanings they report are “just given” in the universe as a hard fact everyone can see and must acknowledge. But it is a question of semantics whether this is true—whether this is what people think when they make interpretive claims—and when we look twice we discover that it is not, for the following decisive reason. People who make these judgments do not believe any of this nonsense about brute facts (I doubt there is anything there to believe), and yet they continue to make and argue about their interpretive claims in a critical and judgmental way, supposing that some claims are better than others, that some are right and others wrong.

My essay was an attempt to improve on the mistaken “just there” theory of the sense of interpretive judgments. We can make sense of interpretive claims and arguments about literature only if we stop treating them as doomed attempts to report ontologically independent meanings scattered among the furniture of the universe. We should understand them, instead, as special and complex aesthetic claims about what makes a particular work of art a better work of art. Interpretive claims are interpretive, that is, and so dependent on aesthetic or political theory all the way down. But that means, as I took pains to emphasize, that the distinction between interpreting and inventing is itself the product of an interpretive judgment, because we have to rely on one kind of interpretive conviction or instinct—about which readings would destroy the artistic integrity of a text—in order to set aside as ineligible readings that, if they were eligible, would make the work very good indeed. We need that dimension of interpretive judgment in order to explain why, for example, we do not think (as most of us do not) that a meaning-of-death interpretation is a good interpretation of a Christie mystery, even though we do think the meaning of death is a noble theme.

So the complaint that my essay contemplates “just there” meanings is a comprehensive misunderstanding. My substitute account of the sense of interpretive judgments, however, might provoke two very different and much more important objections. The first is this: interpretation, on my account, really is no different from invention. The distinction between these two activities presupposes that in the case of interpretation a text exercises some *constraint* on the result. But on my account the text itself is the product of interpretive judgments. There can be no more constraint in that story than in Wittgenstein’s example of the man who doubted what he read in the newspaper and bought another copy to check it.

The second objection is even more fundamental. It insists that an interpretation, on my account, cannot really be true or false, good or bad, because I make the soundness of an interpretation turn on the question of which reading of a poem or novel or series of cases makes it best aesthetically or politically, and there can be no objective “fact of the matter” about a judgment of that sort, but only different “subjective” reactions. This objection presupposes an argument familiar to students of moral philosophy, which is sometimes called the argument from diversity. People disagree about aesthetic value, and so about which works of art are better than others. They disagree about justice and other political virtues, and so about which political decisions are better and which worse. These are not disagreements one side can win by some knockdown argument everyone must accept. So people continue to disagree, even when argument has been exhausted. In these circumstances, according to the second objection, no one can sensibly think that his own views about the best interpretation are “really” true. So my recommendations, about how chain novelists and

judges ought to make their decisions, advise them to act on beliefs that are absurd.

#### THEORY DEPENDENCE

Is the first objection right? It declares that if all parts of an interpretation are theory-dependent in the way I say they are, then there can be no difference between interpreting and inventing because the text can exercise only an illusory constraint over the result. I anticipated this objection in my argument that interpretive convictions can act as checks *on one another* in the way necessary to avoid this circularity and give bite to interpretive claims. I divided interpretive convictions into two groups—convictions about form and about substance—and suggested that in spite of the obvious interactions these two groups were nevertheless sufficiently disjoint to allow the former to constrain the latter in the way I used the chain novel example to suggest.

The first objection might challenge my argument at wholesale or retail. It might deny the very possibility that different parts of a general theoretical structure could ever act as constraints of checks on one another. Or it might accept this possibility but deny its application to the case of literary or legal interpretation. If the challenge is wholesale, denying the possibility of internal theoretical constraint, it contradicts an important theme in contemporary philosophy of science. For it is a familiar thesis in that discipline that none of the beliefs we have, about the world and what is in it, is forced upon us by a theory-independent recalcitrant reality; that we have the beliefs we do only in consequence of having accepted some particular theoretical structure. According to one prominent version of this view, the entire body of our convictions about logic, mathematics, physics, and the rest confronts experience together, as one interdependent system, and there is no part of this system which could not, in principle, be revised and abandoned if we were willing and able to revise and adjust the rest. If we held very different beliefs about the theoretical parts of physics and the other sciences, we would, in consequence, divide the world into very different entities, and the facts we “encountered” about these different entities would be very different from the facts we now take to be unassailable.

Now suppose we accepted this general view of knowledge and drew from it the startling conclusion that discrete scientific hypotheses cannot be tested against facts at all, because once a theory has been adopted there are no wholly independent facts against which to test that theory. We would have misunderstood the philosophical thesis we meant to apply. For the point of that thesis is not to deny that facts constrain theories but to explain how they do. There is no paradox in the proposition that facts both depend on and constrain the theories that explain them. On the contrary, that prop-

osition is an essential part of the picture of knowledge just described, as a complex and interrelated set of beliefs confronting experience as a coherent whole.

So the first objection is more striking if we read it to challenge, not the overall possibility of theory-dependent knowledge, but its possibility in the case of literature and art. Facts check theories in science because the overall theoretical apparatus of science is complex enough to allow internal tensions, checks, and balances. This would be impossible if there were no functional distinctions within the system of scientific knowledge among various kinds and levels of belief. If we did not have special and discrete opinions about what counts as an observation, for example, we could not disprove established theories by fresh observations. The first objection should be read as complaining that our interpretive systems are in this way much less complex than our scientific systems, that the former lack the requisite internal structure to allow the internal constraint that is a feature of the latter.

It is, I think, an insight that the distinction between judgment and taste often turns on the complexity or simplicity of theoretical apparatus. It would be silly to claim that our preferences for chocolate over vanilla, for example, were judgments constrained by facts about the ice cream itself. The obvious "subjectivity" of this kind of taste is often taken as an opening wedge for general aesthetic and even moral skepticism. But it is easy enough to explain the ice cream case in a way that distinguishes rather than implicates more complex judgments. Ice cream opinions are not sufficiently interconnected with and dependent upon other beliefs and attitudes to allow a taste for chocolate, once formed, to conflict with anything else. So the question raised by the first objection, taken in the more interesting way, can be stated bluntly: are interpretive claims of the sort critics and lawyers make more like scientific claims, in this respect, or more like tastes in ice cream? Do they have or lack the necessary structure to permit a useful degree of internal constraint?

"How Law Is Like Literature" tried to show that they do have the necessary structure, and there is no point in repeating my arguments. I emphasized the difference between what I called convictions about integrity, pertinent to the dimensions of fit, and convictions about artistic merit, pertinent to the dimensions of value. I tried to show how each interpreter finds, in the interaction between these two sets of attitudes and beliefs, not only constraints and standards for interpretation but the essential circumstance of that activity, the grounds of his capacity to give discrete sense to interpretive judgments. It is true that these two departments of interpretive convictions are not wholly insulated from one another; my claim is rather that they are, for each person, sufficiently insulated to give friction and therefore sense to anyone's interpretive analysis. It is a further question how

far interpretive convictions of either sort are—or must be—shared within a community of people who talk and argue about interpretation among themselves. Some overlap is certainly necessary in order for one person even to understand another's judgment as interpretive; but it would be a mistake to think that the overlap must be even so complete as it is in ordinary science. For we know that it is not, among us, anywhere near so complete, and we seem to have succeeded in giving sense to both agreement and disagreement about interpretation. I do not mean this last remark to be facetious. In the end we can make no better answer, to the first objection, than to point to our own practices of interpretation. For we could have no reason to accept a test, for what is necessary to give interpretation sense, that our own practices would not pass, until of course we had some other reason to disown them.

### OBJECTIVITY

My interest in the question of objectivity raised by the second objection I described is entirely negative. I see no point in trying to find some general argument that moral or political or legal or aesthetic or interpretive judgments *are* objective. Those who ask for an argument of that sort want something different from the kind of arguments I and they would make for particular examples or instances of such judgments. But I do not see how there could be any such different arguments. I have no arguments for the objectivity of moral judgments except moral arguments, no arguments for the objectivity of interpretive judgments except interpretive arguments, and so forth.

I believe, for example, that slavery is unjust in the circumstances of the modern world. I think I have arguments for this view, though I know that if these arguments were challenged I would in the end have to rest on convictions for which I had no further direct argument. I say "I think" I have arguments not because I am worried about the philosophical standing of the arguments I have but because I know that others have taken a contrary view, that I might not be able to convince them, and that they might, in fact, be able to convince me if I gave them a decent opportunity to do so. But now suppose someone, having heard my arguments, asks me whether I have any different arguments for the further view that slavery is objectively or really unjust. I know that I do not because, so far as I can tell, it is not a further claim at all but just the same claim put in a slightly more emphatic form.

Of course someone might stipulate a sense for the word "objectively" that would make the "further" proposition really different. He might say that the further question, about whether slavery is objectively unjust, asks whether everyone agrees that it is, for example, or would agree under fa-

avorable conditions for reflection. In that case I would say that I do not believe slavery is objectively unjust. But this would in no way affect or qualify my original judgment, that slavery is unjust. I never thought everyone did or would agree.

So I have no interest in trying to compose a general defense of the objectivity of my interpretive or legal or moral opinions. In fact, I think that the whole issue of objectivity, which so dominates contemporary theory in these areas, is a kind of fake. We should stick to our knitting. We should account to ourselves for our own convictions as best we can, standing ready to abandon those that do not survive reflective inspection. We should make such arguments to others, who do not share our opinions, as we can make in good faith and break off arguing when no further argument is appropriate. I do not mean that this is all we can do because we are creatures with limited access to true reality or with necessarily parochial viewpoints. I mean that we can give no sense to the idea that there is anything else we could do in deciding whether our judgments are “really” true. If some argument should persuade me that my views about slavery are not really true, then it should also persuade me to abandon my views about slavery. And if no argument could persuade me that slavery is not unjust, no argument could persuade me that it is not “really” unjust.

But I am not allowed to turn my back on the problem of objectivity in the way I would like, and Fish’s essay shows why not. People like Fish say there is something radically wrong with what I and others think about law and morality and literature. Our arguments assume, they say, that judgments in these enterprises can be objectively right and wrong, but in fact they cannot be. Since I take the view I do about what the claim of objectivity in these disciplines can mean, I am tempted to reply by arguing in favor of the judgments they say cannot be objective. I want to meet the claim that moral judgments cannot be objective by repeating my arguments why slavery is unjust, for example. But they do not mean their arguments to be taken in this spirit. A moral philosopher who denies that slavery can be really or objectively unjust does not wish to be understood as holding the same position as a fascist who argues that there is nothing wrong with slavery. He insists that his arguments are not moral arguments at all but philosophical arguments of a very different character to which I must respond in a very different way.

I cannot do this, however, until I understand the difference between the proposition that slavery is unjust, which the fascist denies, and the proposition that slavery is really or objectively unjust, which the skeptical philosopher denies. The philosopher says: the latter proposition is different because it claims that the injustice of slavery is part of the furniture of the universe, that it is really “out there” in some way. We are back in the land of the incomprehensible metaphors. I do think that slavery is unjust, that

this is not "just my opinion," that everyone ought to think so, that everyone has a reason to oppose slavery, and so forth. Is this what it means to think that the injustice of slavery is part of the furniture of the universe? If so, then I do think this, but then I cannot see the difference between the proposition that slavery is unjust and the proposition that the injustice of slavery is part of the furniture of the universe. The proposition about furniture, interpreted in this way, has become a moral proposition about what I and others should believe and do, and I do not see how there can be any argument against that moral proposition which is not a moral argument. What other kind of argument could possibly persuade me to abandon these claims about what others should think and do?

But the philosopher will insist that I am missing the point. When it comes to moral opinions, he will say, he has the same ones I do. He also thinks that slavery is unjust. He disagrees with me not *within* morality but *about* morality. How is this possible? How can he believe that slavery is unjust and also believe that no propositions of political morality can be really or objectively true? For some decades one explanation was very popular. Skeptical philosophers said that what seem to be moral beliefs are not really beliefs at all but only emotional reactions. So when a philosopher says, off duty, that slavery is unjust, he is only reporting or expressing his own subjective reaction to slavery, and there is no inconsistency when he confirms, back on duty, that no moral propositions can be true. But this explanation will not work because the convictions philosophers try to explain away in this fashion do not function, on their own mental stage, as emotional reactions. They entertain arguments, take up or abandon different positions in response to arguments, see and respect logical and other connections among these positions, and otherwise behave in a style appropriate to belief rather than mere subjective reaction. So the redescription of their moral beliefs as emotional reactions is just bad reporting. The fact is: they think that slavery is unjust.

Now consider a more contemporary explanation of how it is possible to think this and yet be a skeptic. Suppose we distinguish between truth within a special game or enterprise and real or objective truth outside it. Taking fiction as a model, we might say that within the enterprise of a certain story someone killed Roger Ackroyd. But in the real world, outside that enterprise, Roger Ackroyd never existed, so that it cannot be true that anyone killed him. We might want to conceive the social practices of morality, art, law, and interpretation in some such way. Within the enterprise we make arguments and have beliefs of a certain sort—that slavery is unjust, for example, or that Christie novels display a certain view of evil. But when we stand outside the enterprise we know that no such proposition can be really or objectively true.

This strategy is appealing because, as I just said, skeptics not only have

moral or interpretive opinions but also treat these as beliefs, and this new picture explains how and why. When people make interpretive or moral or legal judgments, it says, they are playing a certain game of make-believe, asking themselves which interpretation would be better if any really could be better, or what would be morally right if anything really could be morally right, and so forth. There is no reason why skeptical philosophers themselves should not "play the game," even though they know it is really, objectively speaking, all nonsense.

But now we are back at the beginning, and my initial problem, that I do not see what difference could be made by the word "objectively," remains. For this explanation supposes that we can distinguish between the game and the real world, that we can distinguish between the claim that slavery is unjust, offered as a move in some collective enterprise in which such judgments are made and debated, and the claim that slavery is really or objectively unjust in the actual world; or that we can distinguish between the claim that Christie novels are about evil, offered as a move in a different kind of enterprise, and the claim that they are really about evil, offered as a claim about how things really are. It supposes that we can distinguish these as two different kinds of claims the way we distinguish claims about Roger Ackroyd as a character in a novel from claims about Roger Ackroyd as a historical character. And this is exactly what we cannot do, because the words "objectively" and "really" cannot change the sense of moral or interpretive judgments. If moral or aesthetic or interpretive judgments have the sense and force they do just because they figure in a collective human enterprise, then such judgments cannot have a "real" sense and a "real" truth value which transcend that enterprise and somehow take hold of the "real" world.

I have yet been given no reason to think that any skeptical argument about morality can be other than a moral argument, or skeptical argument about law other than a legal argument, or skeptical argument about interpretation other than an interpretive argument. I think that the problem of objectivity, as it is usually posed, is a fake because the distinction that might give it meaning, the distinction between substantive arguments within and skeptical arguments about social practices, is itself a fake. I must now take some care, however, to guard against misunderstandings of what I have said. Someone might say that my position is the deepest possible form of skepticism about morality, art, and interpretation because I am actually saying that moral or aesthetic or interpretive judgments cannot possibly describe an independent objective reality. But that is not what I said. I said that the question of what "independence" and "reality" are, for any practice, is a question within that practice, so that whether moral judgments can be objective is itself a moral question, and whether there is objectivity in interpretation is itself a question of interpretation. This threatens to make skepticism not inevitable but impossible.



## SKEPTICISM

It threatens to make skepticism impossible because it seems to deny that someone can criticize morality, for example, without himself taking up the moral point of view. Skepticism, on this account, would be self-defeating, for if the skeptic must make moral arguments in order to challenge morality, he must concede the sense and validity of arguments whose sense and validity he wants to deny. But this, too, is an overstatement because it ignores what I tried to stress throughout my original essay, which is the complexity of the moral and interpretive practices skeptics want to challenge. My arguments about objectivity leave even very general skepticism possible as a position *within* the enterprise it challenges.

I have already pointed out one kind of skeptical argument about interpretive judgments. Someone might try to show that interpretive judgments are too unstructured and disconnected to be checked by other judgments in the way the enterprise of interpretation supposes such judgments to be checked—too unstructured to count as beliefs even within that enterprise. This form of skepticism does require taking up some minimal position, which might nevertheless be controversial among interpreters, about the point and value of interpretation. It seems to rest, in fact, on exactly the view I urged in my essay—that plausible interpretations must be connected to normative aesthetic or political theories that are themselves plausible. It uses that very general assumption about the point of interpretation to argue for the impossibility of successful interpretations, and that should be sufficiently skeptical for anyone. (It also assumes a false psychology of interpretation, and that is why it fails.) This kind of skepticism, however, while very general, is nevertheless internal in the sense I am now assuming. No one who accepts this argument could then add that, in his personal opinion, a Christie novel is really an exploration of the nature of evil.

There are many other, and more plausible, possibilities for skepticism within interpretation. An interpreter might accept some theory about the point or value of art according to which certain interpretive questions (or even all of them) simply have no answer, because no answer to these questions could make any difference to the value of a work of art. Someone might well think, for example, that the old question whether Hamlet and Ophelia were lovers has no answer because neither answer would intersect any criterion of value in drama. The play could not be read better one way rather than the other. Almost any theory of art would have that consequence for some issues—whether Hamlet slept on his side, for example. But some would have it for most of the questions that exercise critics, and these theories would furnish very skeptical accounts of interpretation.

We can even imagine a skeptical argument rising from the issues that seem important to Fish and his skeptical colleagues. They dwell on the fact that two interpreters will often disagree about the correct characterization

of a work of fiction because characterizations are so theory-dependent. That is apparently what they mean to argue in those unfortunate metaphors about meanings not being "just there." If someone thinks that the point of interpretation is to secure a large measure of interpersonal agreement, he will notice that interpretation as presently practiced offers no such prospect, and he will draw the appropriate global and skeptical conclusions. But his arguments will then depend on the plausibility of that view of the point of the enterprise.

These different forms of skepticism about interpretation are all internal to that enterprise. They adopt some controversial view about the point or nature of interpretation, as do positive theories, but they adopt a view that has skeptical consequences. We can easily construct parallel examples of internal skepticism about the value of art and about political morality. No problem of consistency arises for this sort of skepticism because we are no longer dealing with the myth of two standpoints, an internal standpoint from which an interpreter has his own answer to interpretive questions, and an external standpoint from which he acknowledges that such questions can have no answers. No one who says there is no answer to the question about Hamlet and Ophelia, because neither answer makes the play better or worse than the other, will go on to say that in his personal opinion they were lovers.

If we abandon that myth, we threaten not the impossibility of skepticism but the impossibility of what we might call, in contrast to the kinds of skepticism we have recognized, external skepticism. The external skeptic supposes he can check all interpretive judgments against some external reality whose content is not to be determined by arguments of the sort made familiar by the practice but which is to be apprehended in some other way. He supposes that he can step wholly outside the enterprise, give some different sense to interpretive judgments from the sense they have within it, test these judgments so conceived in some way different from confronting the arguments deployed for and against them in the ordinary practice of interpretation, and find them all false or senseless when measured against this supposedly more objective standard. If we reject external skepticism of this sort, then we shall say, to Fish and other would-be skeptics, that the only way they can make good their extravagant claim—that any text allows any interpretation whatsoever—is to make a genuine argument to that effect, by setting out some appealing normative theory of artistic integrity that has that consequence. If Fish wishes us to entertain such an argument, he must begin by assuring us of his own good faith. If he really does hold such a theory himself, he must abandon, as inconsistent, his own favorite interpretations of texts, including, for example, his interpretation of *Paradise Lost*, not to mention *Peril at End House*.

Of course if he did make such an argument he might end by convincing

us. We cannot say for certain, in advance, that he would not. The only kind of skepticism that is ruled out by my earlier observations is skepticism brought to an enterprise from the outside, skepticism which engages no arguments of the sort the enterprise requires, skepticism which is simply tacked on at the end of our various interpretive and political convictions, leaving them all somehow unruffled and in place. This kind of skepticism can make no difference to our own efforts to understand and improve interpretation, art, and law. What do we lose in giving it up?