

Interpretive Concepts

1. Semantic Sting
 - a. Unless lawyers and judges share factual criteria about the grounds of law, there can be no significant thought or debate about what the law is.
 - b. Dworkin believes that lawyers and judges do use the same criteria in interpreting the law.
2. Courtesy
 - a. Dworkin says that the interpretation process causes the mechanical institution of the courtesy law to cease. Now, people impose meaning and it is no longer a cut and dry law which can be distinctively obeyed and disobeyed with complete certainty.
 - b. If courtesy is made a requirement, it loses credibility and soon the courtesy will “lapse back into the static and mechanical state in which it began.”
 - c. Dworkin describes this as a large change: from simply mechanical, to being subject to interpretation and back again to mechanical. Dworkin however focuses his attention on the smaller changes, which lead up to a large change-specifically changes in interpretation.
 - d. Dworkin feels that the changing definition of courtesy throughout time is validated by itself. The accepted definition of courtesy is determined by however it is being interpreted at a given time.
3. La Strada
 - a. Although Fillini’s intentions were not to refer to the legend of Philomel, after hearing the story he agrees that it captures the feeling he had in mind-and accepts the interpretation as not only valid, but almost as his own.
 - b. I believe Dworkin would agree that this compares to, in the legal system, when a law may not have deliberately exposed a certain idea, though once exposed the idea would definitely agree with the underlying law. This is not meant to disguise the original written law. The intention of a law is exposed to interpretation, and the interpreter plays a vital role in determining what the law should be and how it should be utilized.
4. Skepticism
 - a. Hamlet
 1. An argument is made that the play is “best understood as a play exploring obliquity, doubling, and delay...”
 2. The internal skeptic would assume that there is only one valid interpretation of the play and all others are illegitimate.
 3. The external skeptic would disagree because they assume that no one can have any certainty of their interpretations so that there can be no validity to anyone’s opinion.
 4. According to Dworkin it is the role of the skeptic to “find deep error in their interpretive attitude.”