A. What is interpretation?

(1) Re-formulating obscurity (*obscurum per obscurius*). Disintegration of the text. Re-wording (Jakobson).
(2) Discovering what is not said in what is said (the hermeneutic voice).
(3) Imposing the will of the interpreter on the text (‘the meaning’; Jerome: *iure victoris*).

B. Moulding the infinite malleability of the clay of *language*. Linguistic indeterminacy.
Meaning of meaning (Ogden & Richards). *Meaning* as an arc of potentiality. Words as tools (Wittgenstein).


**Special case**: treaty. A disagreement reduced to writing. Form of words. *Ad quidquid*. Life-history of a treaty. Discussing, proposing, convening, negotiating, drafting, adopting, ratifying, implementing, interpreting, applying (parties, third parties), interpreting the applications…

‘The context for the purpose of the interpretation of a treaty shall comprise…’ Vienna, Art. 31 (‘*le contexte comprend*’).
‘any enactment passed or to be passed shall have effect …’ EC’s Act 1972, sec. 2. Four words = Glorious Revolution 2.

C. The interdependent moments of interpretation. Catching hold of the moving text.

*Programmatic* = interpreting words in *making* the text – creative ambiguity; deception; error.

*Prevenient* = interpreting the text to exercise *influence* over its future interpretation (political, religious, academic, arguing, advising, preaching, teaching, selling). Mediation: author → audience.

*Pragmatic* = interpreting the text to *apply* it authoritatively – judiciary, priesthood, government, public opinion.


D. Deontology of interpretation. Restraining mere prejudice. Limiting the arc of meaning. Humpty Dumpty.

**Constraints** – ‘exact art’ (Steiner), general rationality, author-ity (*Verstehen*, Dilthey), author’s intention (useful fiction), inherited conglomerate (Murray), collective representation (Lévy-Bruhl), horizon (Husserl, Riceur), con-text (Derrida), thought-world (Whorf), language community (Habermas), language game (Wittgenstein), legal rationality, rules and conventions, professional status and ethos, unequal social power.

**Special case**: interpreting unwritten law (customary law, Customary International Law, Common Law, *stare decisis*, ‘jurisprudence’). *Untext*-law is provisionally conceived as *virtual or imperfect* (Vattel) text-law with a view to its interpretation *as such* (subject to the deontological constraints).

N.B. *Virtual or imperfect* law is not *law*; it is *heuristic* unless and until it becomes *law* within a legal system, and then (a) it becomes subject to interpretation *as law*, and (b) and it becomes liable to be included in the further making and interpreting of *untext*-law.