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VEHICLES OF MEANING: UNCONVENTIONAL SEMANTICS AND UNBEARABLE INTERPRETATIONS

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It strikes me as uncharitable to quibble with the accomplishments of this colloquy of linguists and lawyers, a gathering that was obviously healthy, valuable, and mutually enlightening. Nevertheless, since quibbling is a joint occupational disease of linguists and lawyers, I will forge ahead with an almost clear conscience.

I shall begin with an anti-quibble. Contrary to the shared sense of the meeting,¹ I do not see any major problems for a truth-conditional theory of meaning stemming from the points under discussion. I find truth-conditional semantics both a stronger and weaker resource than do my colleagues. The basic idea is (relatively) uncontroversial: To know the meaning of a sentence is to know the conditions under which it would be true. “Hardcore Montagovians” would be the first to insist that the meaning of an individual expression within this framework must in many cases be regarded as a function from a given context to the proposition expressed in that context or to the argument placed within that proposition. You don’t know what is *said* in a randomly chosen utterance—let’s take *I’m two miles from your house now*—unless you know who said it, to whom, when, and where.²

Before fixing the relevant aspects of the context (including reference, tense, and other deictic elements), it is impossible to determine what is said and thus whether what is said is true. Thus pragmatics (if identified with contextual variables) must inform truth-conditional semantics. In the revisions of Gricean pragmatics proposed by practitioners of relevance theory,³ it is even clearer that propositional content is radically underdetermined by linguistic meaning. It’s not a question of “discarding” truth-conditional approaches to semantics but of understanding how the

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1. *Law and Linguistics Conference*, 73 WASH. U. L.Q. 785, 834 (1995).

2. For a particularly incisive conception of how context and propositional content interact in the determination of sentence meaning and truth, see Robert C. Stalnaker, *Assertion*, 9 SYNTAX & SEMANTICS: PRAGMATICS 315 (Peter Cole ed., 1978).

3. See, e.g., DAN SPERBER, *RELEVANCE: COMMUNICATION AND COGNITION* (1986).

context informs the content (*i.e.*, what is said).

The notion of what is said can also be viewed from another direction, as contrasted with what is meant. The contrast between the said and the meant, and thus between the said and the *implicated* (*i.e.*, the meant-but-unsaid), dates back to the rhetoricians of the fourth century, but it was Grice's contribution to offer an explicit characterization of both conventional implicature, in which a non-truth-conditional aspect of meaning constitutes part of the lexical meaning of a given expression, and conversational implicature, in which the meaning of what is said is enriched or altered by applying general principles governing rational interchange. The issue of where to draw the line between semantics and pragmatics is thus complicated on both sides: There are truth-conditionally relevant aspects of meaning that cannot be fully represented in lexical semantics (*e.g.*, the reference of shifters like *I*, *you*, *now* in a given utterance), but there are also aspects of lexical semantics that are not truth-conditionally relevant (*e.g.*, the effort conveyed by *I managed to solve it*; the surprise conveyed by *Even Hercules couldn't lift it*; and the power asymmetry or formality conveyed by the use of *vous* rather than *tu* in French).

In brief, the death of truth-conditional approaches to meaning has been grossly exaggerated, perhaps because of a failure to recognize the direction such approaches can take in the light of our current understanding of the interplay of context and content.

I now move on to try my hand at the noble pursuit of ambulance-chasing. The question is whether the city ordinance in (1)

(1) All vehicles are prohibited from Lincoln Park.

will be construed so as to exempt ambulances and, if so, whether they are exempted by virtue of the function of *all* or *vehicle* as 'regulatory variables' in the interpretation of the ordinance.

A promising direction to begin the inspection of this question, it seems to me, is to inspect the behavior of hedges⁴ and in particular, the ordinary speaker's willingness to subscribe to the characterization in (2) for the envisaged state of affairs:

(2) Technically, an ambulance is (counts as) a vehicle.

But the real issue here does not concern the clear (if technical) membership

4. See, *e.g.*, JOHN R. TAYLOR, LINGUISTIC CATEGORIZATION: PROTOTYPES IN LINGUISTIC THEORY (1989); George Lakoff, *Hedges: A Study in Meaning Criteria and the Logic of Fuzzy Concepts*, 8 CHICAGO LINGUISTIC SOC'Y 183 (Paul M. Peranteau et al. eds., 1972).

of ambulances within the category of vehicles, so much as the question of what counts here as the true vehicle of meaning. Note in passing that it is not just universals like *all* and *every* that force the issue; the same problem arises if the ordinance is expressed with a negative quantifier, as in (3):

(3) No vehicles are permitted in Lincoln Park.

If we are inclined to damn the ordinance in (1) or (3) in the face of our desire to wish godspeed to the ambulance speeding through Lincoln Park conveying a gravely injured patient to the hospital, we are much less likely to be equally generous to an off-duty ambulance conveying the driver and her date to a tryst behind the shrubbery. It is not the feature [\pm *ambulance*] that is relevant here, but whether the potential violation is excused by an implicit qualifier to (1), *viz.*

(4) All *unauthorized* vehicles are prohibited from Lincoln Park.

with the understanding that the context (of law or of common sense) will determine how the implicit material is to be interpreted. Crucially, whether or not an exemption obtains is not a fact about an ambulance *qua* ambulance, nor is it a fact about the range of the universal quantifier. Rather it hinges on the reasons and circumstances under which the implicit qualification is triggered and the ordinance is overridden.

Similar issues thus arise for other marginal case: Is (1) violated by a police car in hot pursuit of a jogger? Is it violated by a parent who walks a child's kiddie car through the park from one end to the other?

Moving from the ridiculous to the sublime, analogous questions arise in the interpretation of an even more discussed ordinance:

(5) "Thou shalt not kill."⁵

Does the sixth commandment *really* entail that the addressee (presumably every potential adherent of the Judeo-Christian tradition) must avoid any circumstance in which he or she causes somebody or something to come to be no longer alive? Even if that something is a mosquito? Does it apply to killing prompted by self-defense or in wartime? Or is only *murder* ruled out? If we look at the Framers' intention, against the background of the Pentateuch or the Old Testament in general, many exceptions are evidently warranted! Not that this would help, since then we are back to implicit qualification: *Thou shalt not kill unless thou art permitted to do so.*

We cannot expect any of these questions to receive easy answers, any

5. *Exodus* 20:13.

more than we can settle the status of manifestoes like those in (6) or (7) if we check our politics at the door.

(6) Abortion is murder.

(7) Capital punishment is murder.

This may be partly a matter of semantics, but it is not “only semantics.” It certainly involves pragmatics as well, if we can agree that rescue ambulances are exempt from the ordinance in (1) and the squashing of a killer bee from that in (5). We may well invoke the legal rule “Don’t make nonsense out of your statute,”⁶ but we should also recognize an application of the philosophers’ informal Principle of Charity and its recent formalizations, from Grice’s Cooperative Principle⁷ and his exploitation-driven mechanism for conversational implicature to the Stalnaker-Lewis doctrine of accommodation.⁸

Lawyers and linguists share an interest in the role of pragmatics—charity or accommodation—in overriding the otherwise reasonable (semantic) edict that words are not to be given a meaning they will not bear. In the appropriate circumstances, our standards of just what meanings are unbearable tend to be relaxed; my own interest here tends to gravitate to the interpretation of runaway multiple negations. Jerry Sadock brings up a case that hinged on the presence of “one too many negatives” (a striking syntactic construction in its own right, and I have one too).⁹

I wrote a paper a few years ago¹⁰ in which I explored the grounds motivating the use of “logical double negations,” i.e., multiple negatives like the *not unX* construction in which the two negatives tend to cancel or annul rather than reinforcing each other (as in the negative concord phenomenon familiar from Romance languages or non-standard English). Along the way, I noted that corresponding to the ancient dictum governing these double negations, *Duplex negatio affirmat*, we might adopt a lemma to the effect that *Triplex negatio confundit*. Given the well-documented processing difficulty attendant to negative expressions, speakers simply lose

6. See *Law and Linguistics Conference*, *supra* note 1, at 907 (comments of Michael Moore).

7. H. Paul Grice, *Logic and Conversation*, 3 SYNTAX & SEMANTICS: SPEECH ACTS 45 (Peter Cole & Jerry L. Morgan eds., 1975).

8. See Robert Stalnaker, *Pragmatic Presuppositions*, in SEMANTICS & PHILOSOPHY 197-214 (Milton K. Munitz & Peter K. Unger eds., 1974); David K. Lewis, *Scorekeeping in a Language Game*, 8 J. PHIL. LOGIC 339 (1979).

9. See *Law and Linguistics Conference*, *supra* note 1, at 936-37 (comments of Jerry Sadock).

10. Laurence R. Horn, *Duplex Negatio Affirmat . . . : The Economy of Double Negation*, 27 CHICAGO LINGUISTIC SOC’Y 80 (Lise M. Dobrin et al. eds., 1991).

track of how many negatives they are juggling in a given statement, as in the frequently encountered warning, “*Don’t be surprised if it doesn’t rain.*” Perpetrators range from J. Austen and C. Dickens to K. Rogers: “There’s *nothing I don’t ever wish I didn’t say,*” Reggie Miller said “If it comes out of my mouth, it was meant to be said.”¹¹

*No detail was too small to overlook.*¹²

*Nothing is too small or too mean to be disregarded by our scientific economy.*¹³

*No one is too poor not to own an automobile.*¹⁴

I *can’t* remember when you weren’t there,
When I *didn’t* care
For *anyone but* you . . .¹⁵

I have but one comfort in thinking of the poor, and that is, that we get somehow adjusted to the condition in which we grow up, and we do not *miss* the *absence* of what we have *never* enjoyed.¹⁶

I would *not* be *surprised* if his doctoral dissertation committee is *not* composed of members from several departments within a university.¹⁷

It *never* occurred to me to *doubt* that your work . . . would *not* advance our common object in the highest degree.¹⁸

There was *no* character created by him into which life and reality were *not* thrown with such vividness, that the thing written did *not* seem to his readers the thing actually done.¹⁹

11. Timothy Smith, *Miller is A Man Who Stands by His Taunts*, N.Y. TIMES, May 9, 1995, at B11.

12. *Words of One Syllable*, NEW YORKER, Dec. 14, 1981, at 212.

13. R.H. PATTERSON, ECONOMY OF CAPITAL, in WILLIAM B. HODGSON, ERRORS IN THE USE OF ENGLISH 219 (1885).

14. Vincent Canby, “*El Norte*”: *A Fine Movie Fueled by Injustice*, N.Y. TIMES, Jan. 22, 1984, at 17 (characterizing the naive belief of two young Guatemalan immigrants about the riches of America).

15. Opening lines of Kenny Rogers’ popular song, *Through the Years* (Liberty Records 1982).

16. JAMES A. FROUDE, THE NEMESIS OF FAITH 8 (1849), cited in HODGSON, *supra* note 13, at 218.

17. Letter of recommendation for applicant to Yale Graduate School (on file with the author).

18. OTTO JESPERSEN, NEGATION IN ENGLISH AND OTHER LANGUAGES, in SELECTED WRITINGS 75 (1962) (emphasis added).

19. JOHN FORSTER, 2 LIFE OF CHARLES DICKENS 181 (1873), cited in HODGSON, *supra* note 13, at 219.

Indeed, as Hodgson observed a century ago, “Piled-up negatives prove easy stumbling-blocks.”²⁰ But these stumbling-blocks have been known to imbalance the scales of justice as well as ensnaring literary lions. Bryant cites an Alabama state court case from 1912 in which Aletha Allen, an 80-year-old deaf woman, was killed by a train after having been warned not to go onto the track, prompting her estate to sue the Central of Georgia Railway Company.²¹ The original verdict was for the defendant, the jury finding the late Ms. Allen guilty of contributory negligence, but a new trial was granted because of an errant *Triplex Negatio*:

The charge to the jury had been that *unless* the jurors believed from the evidence that the engineer *did not* discover the peril of the woman in time to *avoid* injury, they must decide in favor of the defendant. The higher court held that *unless* meant “if not,” the use of the double negative having the effect of making the charge predicate the defendant’s right to an acquaintance based upon the fact that its engineer did see the dangerous position of Aletha Allen in time to prevent the injury. The jury overlooked the grammatical inaccuracy, as the court did, and interpreted the charge as a correct proposition of the law. Thus the court ordered that the original verdict be adhered to.

The decision was based on the interpretation of the intent. The court did not intend to use a double negative; the jury not realizing that a double negative was used, gave their verdict accordingly.²²

Thus the principle that *Triplex Negatio Confundit* is enshrined in the halls of justice, at least in Alabama, and semantic content is once again overruled by pragmatic intent.

Finally, a word or two on minding one’s Q’s and R’s, as an elucidation of Jerry Sadock’s remarks.²³ Following Grice, I take the maxim of Quality as supervenient in the sense that other maxims come into operation only on the assumption that Quality—or what Lewis has termed a convention of

20. HODGSON, *supra* note 13, at 219.

21. MARGARET M. BRYANT, ENGLISH IN THE LAW COURTS 264 (1930) (citing Central of Georgia Ry. Co. v. Finch, 59 So. 619 (Ala. 1912)).

22. *Id.* *Unless* remains a problem, even when no legal precedents are involved, as demonstrated by the head of the now St. Louis Rams football team in his complaint about the (un)fairness of his fellow owners: “John Shaw, the Rams’ president, was unhappy over the developments. ‘We expect all teams to be treated the same,’ Shaw said. ‘Unless we find out that teams are not treated equally, then we’ll take action.’” (Timothy Smith, *Fate of Raiders’ Move Now Rests With League*, N.Y. TIMES, July 22, 1995, at 29.)

23. *Law and Linguistics Conference, supra* note 1, at 951.

truthfulness—is satisfied.²⁴ Setting Quality aside, I have argued that the other maxims can be regimented into two basic functional principles.²⁵ The *Q* Principle (evoking Quantity) is a lower-bounded hearer-based guarantee of the sufficiency of informative content (“Say as much as you can, modulo quality and *R*”); it collects the first Quantity maxim (“Make your contribution as informative as is required . . .”), along with the first two submaxims of Manner (“Avoid obscurity” and “Avoid ambiguity”). The *R* Principle (evoking Relation) is an upper-bounded speaker-based correlate of the Principle of Least Effort, dictating minimization of form (“Say no more than you must, modulo *Q*”); it collects the second Quantity maxim (“Make your contribution no more informative than is required”) along with Relation and the second two Manner submaxims (“Be orderly” and “Avoid unnecessary [sic] prolixity”). *Q*-based implicature is typically negative in the sense that its calculation refers crucially to what the speaker could have said but didn’t: H infers from S’s failure to use a more informative and/or briefer form that S was not in a position to do so. Its *locus classicus* is scalar implicature: I infer from your saying that some of your friends are felons that (for all you know) not all of them are. *R*-based implicature typically involves social rather than purely linguistic motivation and is best exemplified by indirect speech acts and in particular euphemism: S counts on H’s recognizing a stronger meaning S must have intended (without expressing that meaning directly) by virtue of H’s knowledge of the social conventions leading S to avoid expressing that stronger meaning more explicitly.

The two principles are in constant potential conflict: If I tell you that I broke a finger yesterday, you will *R*-infer that it was one of *my* fingers I broke, unless the common ground entails or accommodates the proposition that I’m an enforcer for the mob, in which case you will *Q*-infer that it *wasn’t* one of mine. The two opposed principles also determine a variety of patterns influencing lexical choice and lexical change.

Relevant to our purposes here, both *Q*- and *R*- based implicature play major roles in the way laws are interpreted and enforced, a point made by Jeff Kaplan in an unpublished but instructive paper on the topic.²⁶ Let me

24. DAVID K. LEWIS, *CONVENTION: A PHILOSOPHICAL STUDY* (1969).

25. See Laurence R. Horn, *Toward a New Taxonomy for Pragmatic Reference*, in *MEANING, FORM, AND USE IN CONTEXT* (Deborah Schiffrin ed., 1984); LAURENCE R. HORN, *A NATURAL HISTORY OF NEGATION* (1989); Horn, *supra* note 10.

26. Jeffrey Kaplan, *Out-of-Court Speech vs. Legislation: Does Quantity Apply* (1992) (unpublished paper presented at the annual meeting of the Linguistic Society of America).

here point to two kinds of interpretations that illustrate the point. *Q*-based reasoning from what was *not* said is often explicitly recognized in statutory interpretation:

In an amendment to the Public Health Service Act, Congress in 1981 said that clinics receiving Federal funds for contraceptive services should, “to the extent practical,” encourage family participation in their activities. If Congress had wanted to require parental notification, Judge Edwards said, it could have used more explicit language.²⁷

In some cases, this style of reasoning is implicitly recognized by a clause that suspends it in a particular context:

The enumeration in the Constitution of certain rights shall not be construed so as to deny or disparage others retained by the people.²⁸

But *R*-based reasoning plays its role as well. If, as noted, a statute criminalizing “the detestable act against nature” can be held to apply constitutionally against sodomy (itself a term with a tangled legal and moral history) and not, say, against the felling of a tree, we are in the realm of *R*. The framers of the law were not imprecise because they did not know which detestable act against nature they wanted to penalize, but because they would prefer to avoid direct mention and counted on the enforcers of the law to pick out the appropriate culprits.

Once again, it is only the *unauthorized* acts against nature that fall within the scope of the ordinance. In expanding the domain of the scienter requirement or in restricting the domain of an ordinance applying to driving vehicles or to engaging in more private activities, the standard interpretation of statutory law will inevitably force upon some words meanings they will not bear, while excluding from others meanings they bear. To be a law-abiding citizen in this world, it helps to be a mind-reader.

27. Robert Pear, *Administration Presses Court on Teen-Age Contraceptive Rule*, N.Y. TIMES, May 10, 1983, at A21 (discussing a restraining order barring enforcement of a Utah state law requiring parental notification for sale of contraceptives to minors).

28. U.S. CONST. amend. IX.