Bible Translation **Open Access**

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Do We Translate the Original Author's Intended Meaning?

DOI 10.1515/opth-2016-0051
Received March 14, 2016; accepted April 25, 2016

Abstract: Translation of the Bible or any other text unavoidably involves a determination about its meaning. There have been different views of meaning from ancient times up to the present, and a particularly Enlightenment and Modernist view is that the meaning of a text amounts to whatever the original author of the text intended it to be. This article analyzes the authorial-intent view of meaning in comparison with other models of literary and legal interpretation. Texts are anchors to interpretation but are subject to individualized interpretations. It is texts that are translated, not intentions. The challenge to the translator is to negotiate the meaning of a text and try to choose the most salient and appropriate interpretation as a basis for bringing the text to a new audience through translation.

Keywords: interpretation, textual meaning, authorial intent, philosophical hermeneutics, originalism

Introduction to the Problem

Among the deeper, philosophical questions surrounding language and translation, what could be deeper than the concept of meaning? One either translates the meaning of a text or one is not translating. Not all translations are equally good, of course, and translators may disagree on the meanings they are supposed to translate. Where does one locate the meaning to translate? The topic at hand is the relationship between translation and hermeneutics, the study of how we attribute meaning to a text.[1]

A common view among Bible translators is that the meaning to be translated is the original author's intended meaning. This paper examines that concept to see if it is the only correct way—and whether it is the best way—of looking at meaning in relation to translation. The author-oriented emphasis on textual meaning is examined in light of various ways of understanding the nature of textual meaning, past and present. This analysis also considers views on textual meaning outside of the world of biblical interpretation and Bible translation, including literary and legal interpretation.

Translation is an important but complex issue, and different scholars with great minds differ in how they see it. It is not the aim of this essay to be progressive or provocative. This analysis insists on being very common-sensible and transparent, focusing on observable behavior and on social and interpersonal factors in translation. Translation has sociological, psychological, linguistic, historical, theological, literary, and other facets. This approach to translation focuses on the whole person, and people's observable interaction with each other, and commonly-accepted concepts about people, such as that they are able to communicate and understand; they are able to acquire and use language, and even sometimes more than one language,

1 This paper was originally presented on October 17, 2009, at the Bible Translation 2009 conference at the Graduate Institute of Applied Linguistics in Dallas, Texas. The author thanks two reviewers of this paper for pointing out parts that needed clarification or elimination, and the help of Lynn Frank in editing and rewording it. Any remaining problems are my own.

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and they are able to attribute meaning to language and form impressions about equivalences between languages in terms of how things are communicated.

A conclusion of this analysis is that it is misguided to think that translation is—or should be—about translating the original author's *intended* meaning. The original author's intended meaning is indeed a factor in translation; nevertheless, it is not quite right to say that translation is about translating an original author's intended meaning. The body of this article explains this thesis and presents alternative ways of thinking about the meaning of a text. While translation is inevitably and unavoidably based on an interpretation of the meaning of a text, the meaning of a text to be translated is not located in a single place, and the grounding and anchor of translation should be the text itself, and not in the thoughts or intentions of the author of the text. The starting point is a common-sense analysis of linguistic meaning.

Where is Meaning Located?

Do words have meaning? Do texts have meaning? The common perception is that they do. If one wants to know what a word means, one looks it up in a dictionary. However, those of us who have worked on producing dictionaries know that they are just summaries of how words are used among members of a language community. The real authority on meanings is not a reference book, but the speakers of the language and their habits of interaction.

A more sophisticated view on linguistic meaning is that meanings are *only* in people's heads. Words and other components of language are only media. Language is a conventional system of signs that is learned and shared by a community for the purpose of communication. Human language deserves a more complete analysis than that, but for our purposes here, having to do with textual meaning and how it relates to translation, it is enough to simply say that linguistic communication takes place through the medium of texts that involve words used in grammatical constructions. The term "text" has a broad meaning here, as a unit of communication, which could be either spoken or written, or signed. But in the writings on hermeneutics that are surveyed in this paper, the focus has been on written texts, and particularly published literary works or legal documents.

If meanings are all really only in people's heads, then are they just in the head of the person who initiated a text, i.e., the speaker or author, or are they in the audience's head as well? Meanings that are communicated through language would have to be in the heads of both speaker and hearer, author and audience, or else communication would not be taking place. Besides the original author of a text and the original audience, is there anyone else to take into consideration? It is possible for someone to overhear a conversation who was not the addressee and get at least a partial understanding of what was being said. It is possible for someone to get meaning out of a text that was written generations earlier, and even to translate it. Meanings are in the heads of speaker/authors and hearer/readers and everyone else who encounters the text who shares the same linguistic code. Meanings are distributed among many people, but they truly are only in people and not in the code itself. The arbitrary but conventional code is just a way of communicating and otherwise stimulating meaning among people.

In what sense does the meaning reside in the text after all? While language as a system of signs is arbitrary, it is conventional as well. It is shared, community property. Communication is possible when people share a code. Even if words do not really "contain" meanings, people attribute meanings to words and texts, in effect endowing them with meaning. Because communities treat words and linguistic constructions as though they had meanings, they can use this linguistic code to interact. It is even possible for someone who is removed from the original speaker-hearer situation to intercept a message and get meaning from it. How much a person could understand about a text that was not intended for that person would depend on various factors, including how explicit the author was in communicating his or her thoughts, and to what extent the original communication was couched in a situational context that the extended interpreter does not understand.

The point is that meanings are in people's heads, and when a text is involved, the meaning attributed to that text is in the heads of as many people who encounter that text who share the same linguistic code. But

because language is community property and people share a conventional system of signs, there is a sense in which meanings can revolve around a text.

The following is a survey of thought over time on the location of textual meaning. In this survey, it will be demonstrated that the modern concept of the author as the controller of the meaning of a text is not universal, but is situated in a certain worldview.

Theories of Interpretation

Traditional Jewish Hermeneutics

As "the people of the book," Jews were and are concerned with scripture as text, and with its meaning. The assumption was, of course, that whether the scriptures were narratives or psalms or wisdom or prophecies, they have relevance to the contemporary context. The question would naturally arise, What do the scriptures say to us *today*? And this "today" spans hundreds and thousands of years.

The traditional Jewish mode of understanding the meaning of scripture text was that it is the message of God that speaks to all generations. There was not a preoccupation in traditional Jewish hermeneutics with the original author and audience. Scriptures had to be interpreted in each generation and context for the meaning to be complete. God is an active participant, and interpretation is the method by which someone seeks to understand what God is saying to their situation through the scriptures.[2]

Midrash is the term for the accepted interpretive method used by the Jews. To us with our modern hermeneutic approach, it would seem as though midrash can involve improperly taking things out of context, or reading meaning into a text. To the Jews, in biblical times and since then, midrash was a method of interpreting, reasoning and arguing that was both acceptable and compelling. Midrashic argumentation can be observed in the writings or reported speech of Matthew, Jesus and Paul. For example, when Jesus quoted Exodus 3:6, "*I am* the God of Abraham, the God of Isaac, and the God of Jacob" to prove that life continues after death (Matthew 22:31–32; Luke 20:37–38), his audience of Jewish leaders accepted the validity of his argument ("Good answer, Teacher!"). They did not dare to ask him any more questions (Luke 20:39–40).

Similarly, Paul uses what might seem today like a strange reading of Psalm 68:18 to support his argument in Ephesians 4:8 that God gives (spiritual) gifts. Or consider how in Galatians 3:16 Paul makes a point by distinguishing between singular "seed" and plural "seed(s)" using Genesis 12:7 as a proof text in a way that would not be obvious on the basis of a normal reading of the Hebrew. These are examples of midrashic reasoning and argumentation.[3]

The gospel writer Matthew (2:18) called the slaughter of the innocents at the time of Christ's birth a fulfillment of the prophecy of Jeremiah: "A voice is heard in Ramah, mourning and great weeping, Rachel weeping for her children and refusing to be comforted, because they are no more" (Jeremiah 31:15 NIV).[4] Jeremiah's prophecy apparently had a different referent at the time it was originally given, yet in a sense it can be taken as a prophecy about Christ. This is in agreement with the acceptable method of reasoning used by the Jews at that time. It is interesting to note what Edersheim has to say about the reasonableness of Matthew's use of Jeremiah 31:15, "To an inspired writer, nay, to a true Jewish reader of the Old Testament,

2 See Vanhoozer, *Meaning in This Text*, 115.

3 See Arichea and Nida, *Handbook on Galatians*, which says in reference to Galatians 3:16, "The real exegetical problem in this verse is in Paul's use of 'descendant' and 'descendants' (literally, 'seed' and 'seeds'). Although he was certainly aware that the Hebrew and Greek forms of the word 'seed' are singular in form but collective in meaning, yet he goes on to distinguish between the singular and the plural in order to prove his point, namely, that the promises of God were given to Abraham and one descendant, not many; and that one descendant is Christ. Some scholars have found rabbinical parallels to Paul's exegetical method in this verse, and other interpreters have used ingenious ways to justify Paul's reasoning here. Fortunately, the translator does not have to hold to a particular position regarding these verses in order to translate them accurately."

4 Scripture quotations are taken from the *New International Version*, copyright 2011–2016, Biblica.

the question in regard to any prophecy could not be: What did *the prophet*—but, What did the *prophecy*—mean?" (1883:215). In other words, authorial intent was not the governing factor in scripture interpretation (not "What does the prophet mean?"), but rather the text itself ("What does the prophecy itself mean?"), including how these words might apply to a new situation.

Authorial Intent

Eventually in Western thought an enduring conception arose regarding the meaning of a text as being controlled by the author of the text. That is, whatever the author intended a text to mean is what it properly means. The words "author" and "authority" are related, etymologically-speaking, from the Latin *augere* "to cause to grow, to increase." The idea is that the author, as the one who created a text, is its owner. The author has authority over his or her text, and an interpretation of a text that the author would not have anticipated would be seen as inappropriate.

The emphasis on authorial intent as the governing factor in textual interpretation is associated with the Age of Reason, Enlightenment and into the Modern era (as opposed to the Postmodern era), with their emphasis on the mind, the power of pure reason, consciousness and the evolution toward objective truth. To understand a text is to work toward understanding the mind of the author, and the author's reasoning. Around the turn of the nineteenth century, Friedrich Schleiermacher made this operating principle explicit in his 1813 essay "On the Different Ways of Translation."[5] To understand a text is to understand what the author was thinking when he created it. The focus turns from the text itself to the author. The idea that a text could mean different things to different people was not considered, because the person who issued the text was the one who could say what it meant, by right of creation. The original meaning of a text, as it left the mouth or the pen of the originator, before even the original audience tried to make sense of it, was seen as the true meaning. It would not matter whether the text is an imperfect expression of the author's thoughts, or whether the original audience might have misunderstood the author's thoughts and intentions, the author had the right to say what his or her text meant, and a text was seen as a pointer to whatever the author wanted to express. If a reader gets something out of a text other than what the author meant to express, then to that extent the reader has misunderstood the text. This is the Modern view of textual interpretation.[6]

Today, at a time when Relativism, Postmodern thought and Deconstruction threaten the idea of seeking objective truth, E.D. Hirsch in writings such as his *The Aims of Interpretation* (1976) has been a modern champion of authorial intent. Horrified by the idea that meaning could be indeterminate, and choosing his words carefully, Hirsch defends the idea that a text has only one meaning, and that is the meaning that the author of the text intended it to have. However, it is an unavoidable fact that different people might *think* a text means different things. Hirsch tries to solve the problem by definition. He distinguishes the *meaning* of a text, which is controlled by the author, from the *significance* of a text to its readers. So meaning is equated with authorial intent. The significance of a text to a reader can go beyond—or even be at odds with—the author's intended meaning, and so it is not the same thing as the text's meaning. Hirsch's solution would seem to be a form of manipulation. That is, it is a matter of definition that preserves the notion of the author-intended meaning as being *the* meaning of a text, with other meanings attributed to the text being labeled as something other than "meaning." This neat approach could be satisfying to anyone who is inclined toward the authorial-intent view of textual meaning, but it is unconvincing to anyone who sees a text as potentially having different meanings, depending on the individual. But for Hirsch, his use of definitions to narrow down *the meaning* of a text to whatever the author meant when creating the text satisfies his

5 Schleiermacher, "Ueber die verschiedenen Methoden des Uebersezens," later published in *Das Problem des Übersetzens*.

6 Arguing at least temporarily from this point of view, Vanhoozer, *Meaning in This Text*, explains, "The goal of interpretation is to recover the original meaning of the text.... The original meaning alone is the authentic meaning, the author's actual, authoritative meaning" (46). "Precisely because they have authors, texts don't mean just anything. The author's will acts as a control on interpretation. Thanks to an author's willing *this* rather than *that*, we can say that there is a definite meaning in texts prior to reading and interpretation" (47). He adds (66), "The Cartesian subject, the *cogito*, begat the autonomous author, one who speaks clearly in his or her own voice. Meaning is stable because the author is a stable subject."

conviction that a text has a definite meaning and cannot mean all kinds of things; that there are valid interpretations, and invalid ones.[7]

New Criticism, the Intentional Fallacy, the Death of the Author

Interestingly, it was the goal of further objectivizing textual meaning that led to the abandonment of objective approaches and the embrace of subjective, relativistic approaches. An academic approach to literary criticism arose in the middle of the twentieth century called the New Criticism. The idea was to try to come to grips with a text as a self-contained, structural unit, and not in terms of the personal factors surrounding the text, such as what someone intended the text to mean, or how different people might interpret it. (Keep in mind a poem as being an example of the kind of text being considered.) A distinction was made between a text, on the one hand, and the biography surrounding that text, on the other. Even the cultural context of the text was not considered when analyzing a text. A text meant what it said, and the meaning is not to be found outside the text. The meaning of a text is to be found within the text itself.

Out of this New Criticism school of thought, William Wimsatt and Monroe Beardsley (1946) proposed that it was an "intentional fallacy" to think that a text means just what the author intended it to mean. A comparison was made between creating a literary piece and giving birth. Once a new thing has been produced, it is appropriate to look at the new thing (baby or poem) as a thing in itself, and not as an extension of whoever produced it. Considerations of what the author might have been thinking when composing the poem or story were speculative and irrelevant. Even if an author wanted to clarify the intended meaning of a literary object that this same author had produced, it is too late. The text stands on its own. Wimsatt and Beardsley had equal disregard for various reactions that the text might produce in a reader, and wrote about an "affective fallacy" as well, distinguishing between what a text is and what effect it has. A text has a certain structure and says what it says. You don't look outside the text to find out what it means. This was a Structuralist approach to literary analysis.

Roland Barthes came out of and contributed to this Structuralist approach to literature, with its interest in seeing texts as systems of signs. In his classic essay "The Death of the Author" (1967), Barthes suggests that the notion of the author is a fiction—a modern invention—and suggests in its place the term "scriptor." Out of his contempt for *bourgeoisie* and his affinity toward Marxism—itself a Structuralist system—Barthes saw an author's (or "scriptor's") attempt to control the meaning of a text he created as being illegitimately coercive. An author's intended meaning of a text is no more authoritative than the meaning or use that anyone else might make of it. A text is an instance of language, and meaning in language is not limited to one person. Why should an "author" be able to limit meaning? To suggest that the creator of a text had any control over it, to Barthes, was capitalistic. Rather, he saw a text as part of a system, and the creator of the text was also part of that system. In fact, Barthes did not see an author/scriptor as being a creator, but rather saw the text and the scriptor as being created simultaneously. A scriptor is just someone who rearranges the elements of language, as they are constantly being rearranged.

While Barthes's de-emphasis of the author of a text agreed with the New Criticism, by pushing Structuralism to its limits, Barthes led into Poststructuralism. That is, not everything one needs to know about a text is found within the text itself. A text is part of a larger socio-cultural-historical-political-economic system that the New Critics declined to recognize. While the author of a text is irrelevant or nonexistent to Barthes, in his view the users of the text were not. While Barthes attempted to debunk the notion that "author" and "authority" should be related, he did not think that the meaning of a text was limited.

7 Vanhoozer, *Meaning in This Text*, 47, notes (emphasis added), "E.D. Hirsch Jr., an outspoken advocate of the authority of the author, argues that without the author as an anchor of meaning, there would be no adequate principle for judging the validity of an interpretation.... For Hirsch, the author's intention is the only practical norm, the sole criterion for genuine consensus, *the sole guarantor of the objectivity of meaning*. Strictly speaking, a sequence of words means nothing in particular until somebody means something by them. It is the author who determines verbal meaning."

Reader Response

The New Criticism school of thought had a limited lifespan, and further developments in literary theory ignored the proposal that one's reaction to a literary work should be irrelevant. The emphasis came to be on the variety of responses that a text can stimulate. This Reader Response school of thought contrasted with preceding schools of thought that emphasized either the author's intentions or the literary work as something autonomous. The meaning of a text came to be seen as multivalent, with as many different meanings as there are responses to it. The focus is now on the audience of a text, and not its origin. The reader of a text completes its meaning.

Consider the analogy of a writer of a literary work compared to a composer of a symphony, with the reader compared to a performer. The reading of a text brings out its potential, like the performing of a symphony. But each "performance" of a text might be different, depending on the interpreter. In contrast with the New Criticism, which emphasized that the meaning of a text is objective and consistent and totally within the text itself, the Reader Response approach said that the meaning of a text is totally subjective and outside the text, in the minds of the readers, and since there would be various readers, the meaning would be variable.

Deconstruction

Jacques Derrida's approach of Deconstruction attempted to call into question and unravel all of the oppositions on which our understanding of texts is based. Structuralism is based on a system of oppositions used to analyze. In his 1967 *De la Grammatologie* [*Of Grammatology*], Derrida challenged the distinctions between author and text and reader and context, between mind and body, between science and literature; he challenged any distinction that could be made in order to show that nothing is on a solid foundation. His conclusion was that everything is a text, and nothing stands outside the text. Everything is part of a system of irreducible complexity and there are no firm foundations to use as a starting point. Any analysis only raises more questions. Every text has multiple, contradictory interpretations.

While Modernism emphasized authorial intent, and New Criticism said that the meaning of a text is solely within the text and not in either the author or reader, and Reader Response said that the reader completes the meaning of a text in the reading, Deconstruction seems to say that the meaning is nowhere and everywhere at the same time. The meaning, if anywhere, is in the overall system of which the author and the text are a part, and on which nobody can get a good grasp because we are all part of that system. There is no point in trying to determine "the" meaning of a text. Meaning is a matter of negotiation.

Philosophical Hermeneutics

Hans-Georg Gadamer's most notable work, *Truth and Method* (1975), developed the concept of philosophical hermeneutics. Gadamer took issue with the classical idea, associated with Schleiermacher, that understanding a text involves recovering the author's intended meaning, and at the same time took issue with the idea that texts can be analyzed objectively, without reference to the author or interpreter. He used the metaphor that the reading of a text is a fusion of horizons. Gadamer said that a text has its own horizon, or vantage point and all that can be seen from that vantage point, and a reader brings his own horizon to the text. Meaning is the result of the reader's horizon being altered or widened by exposure to the horizon of the text. Interpretation, or getting meaning out of a text, involves having one's own view impacted through the reading of that text. This, in turn, involves understanding how one's own tradition relates to the tradition in which the text was produced. The author of a text does not control its meaning. Meaning is only potential in a text until the text is interpreted, and the interaction between author and reader brings the potential meaning into reality. Different interpretations are possible and even inevitable, because different readers bring different horizons of their own to the text. A horizon is the point beyond which a person cannot see, but interaction with a text allows a person to extend his or her horizon.

Paul Ricoeur is closely associated with Gadamer and continues to develop the concept of meaning as a fusion of horizons. Once an author has created a text, the reader interacts with that text, and the author's thoughts or intentions become irrelevant.[8] Another metaphor Ricoeur uses is that a text is like a musical score that only provides for the potential for music—or meaning—until it is performed—or read.[9] You can either analyze a text (like analyzing a musical composition), or you can try to absorb what the text has to say (like performing a musical piece). A reading of a text is a performance of it, and not all performances will be the same. A musical conductor cannot interact with the composer except through the interpretation of the music that the composer composed. Similarly, a reader cannot interact with an author except through an interpretation of the text, or texts, that the author created. What the interpreter brings to the text will determine what meaning can be gotten out of it. A text has a "surplus" of meaning, and in new contexts it can be interpreted to mean things that are not limited by what the author intended. It is the reader of a text that determines its meaning. The intention of the original author is *behind* the text, but the meaning of a text is *in front of* it, and "interpretation actualizes the meaning of the text for the present reader."[10]

While Gadamer and Ricoeur, like Derrida and others, say that the original author's intended meaning is inaccessible and irrelevant to the interpretation of texts, they differ from Derrida in terms of seeing any possibility that there is anything "out there" beyond the text. Derrida emphasizes that nothing is really knowable outside a system that we are all trapped in, where signs only point to other signs. Ricoeur acts as though there really is an objective reality, but we as humans with limited perspectives can only access that reality indirectly. God is outside our human limitations. A text is something separate from the reader, and the text and the reader each have their own horizons, and a reader can extend and modify his or her horizon by interacting with the text.

Summary

The purpose of this survey has been to show that the emphasis on the author's intended meaning as being the unifying element of hermeneutics is not the oldest nor the most recent way of looking at meaning, but rather is associated with a particular Western modern, or Modernist, worldview, in comparison with pre-Modern and Postmodern and non-Western worldviews. A reason for focusing on authorial intent in the Modern worldview has to do with the elevation of the human mind as being the thing we can be most sure of and rely upon—thus Descartes' rationalist argument for the existence of God based on "I think, therefore I am" as a starting point. Another rationale for focusing on the meaning that an author intended for his or her text has to do with the Modernist drive toward objectivity, including objective meaning, and the concern that if a text does not have a meaning that is unified by whatever the author intended it to mean, then its meaning is subjective and indeterminate. However, both the traditional Hebrew approach to textual meaning and the Postmodern approach accept the fact that meanings are not objective and not fixed, and that the unifying element of hermeneutics is not the author's intention, but rather the text itself, as it is interpreted in various contexts.

An implication of this overview is that the hermeneutic approach that emphasizes authorial intent cannot be taken for granted unless it can be defended. There are two main defenses for the emphasis on authorial intent. One argument is that it is just so obviously the truth that the author "owns" the meaning of a text that it is ridiculous to think otherwise—an attitude that goes along with Modernism. The other argument is that the loss of authorial intent as being the unifying factor and the objective meaning of a text leads to chaos. However, if meaning is something that is inherently subjective, then a search for objective meaning is inappropriate. If it can be valid to have different perspectives on the same subject or object, then the Modernist emphasis on finding the single correct meaning of a text is inappropriate.

8 Vanhoozer, *Meaning in This Text*, 108: "As interpreters, Ricoeur believes, we do not meet a mind *behind* the text; rather we encounter a possible way of looking at things, a possible world, *in front of* the text.... The fusion of horizons is a matter of decoding the sense of the text and of unfolding its referent."

9 Ricoeur, *Interpretation Theory*, 75.

10 Ibid., 92.

Most of the hermeneutic debate over the ages has focused on a literary text, such as a poem, where the author's intentions really are inaccessible, other than by exegeting the text itself. But why does a poem have to have a singular meaning, which is the meaning that the author intended it to have? This is a philosophical debate. In biblical hermeneutics, again the original author's intentions are not available to us today, other than through what he wrote. But more is at stake, in that the scriptures are taken as authoritative, and so the authority/authorship of the text is a matter of concern.

In continuing to try to sort out how to translate scripture meaningfully on the basis of whether the meaning resides in the author's intent or elsewhere, we will turn our attention to the field of law, where, as in biblical studies, the question of how a text came to be has a bearing on important, practical outcomes.

Biblical Interpretation Compared with Legal Interpretation

The questions that have been raised about where to find the meaning of a text in connection with biblical exegesis and Bible translation have a special connection with Constitutional law and what is known in legal circles as statutory construction. Our special interest here is in the translation of scriptures, but in order to translate something like the scriptures, one has to have some understanding—even if incomplete—as to what the text means. For this to be anything more than an academic exercise, there has to be something at stake. Scripture translation and Constitutional law have in common the fact that theological and legal implications provide a motivation for finding the truest meaning and significance of the texts in question. Though Constitutional law does not necessarily have any connection with translation, scripture translation and Constitutional law have in common that fact that the starting point for further action—whether translation and then scripture use, in the case of Bible translation, or legal judgments and action in the case of Constitutional law—is the determination of the meaning of the text in question. Some interesting parallels will be drawn between scripture translation and legal interpretation, with the conclusion in both cases that the grounding for either scripture translation or a legal judgment is in the words of the text, and not in the heads of any single participant associated with that text, including the intentions of the original author.

As in literary and philosophical hermeneutics, so also in legal interpretation there are several identifiable schools of thought as to where the meaning of the text resides. Even within a singular hermeneutic school, there are various canons that a judge may have to sort through to help interpret the law in cases of ambiguity. The following is a survey of the different schools of thought in legal hermeneutics, paying attention to the reasoning behind them and its applicability to biblical hermeneutics and its applicability to Bible translation. A technical distinction that is relevant to the practice of law is made between statutes, on the one hand, and the Constitution, the highest rule of law in the United States, on the other. The use of the Constitution and the statutes in legal judgments is called construction. The first rule of statutory construction is to go by the plain meaning of the text.

Statutory Construction

Legal interpretation, as practiced particularly by the judiciary, involves statutes that are subject to interpretation, and a judge's responsibility is to apply the law in a way that is considered to be faithful to the spirit and/or the letter of the law. There are standard rules for statutory construction, which is a technical term for the interpretation that a judge must make of legal statutes in order to make a ruling. The most basic rule of statutory construction is that the plain sense of the words of the legal text is paramount. To the extent that the meaning of the statute is clear, then no further deliberation is necessary. As the U.S. Supreme Court stated in one of its rulings, "Courts must presume that a legislature says in a statute what it means and means in a statute what it says there."[11]

11 Connecticut Nat'l Bank v. Germain, 112 S. Ct. 1146, 1149 (1992).

However, human language can be imprecise, and laws often have relevance to situations that go beyond the language of the statutes themselves, and there is inevitably some room for interpretation. In instances of any ambiguity, the rules of statutory construction must be used. The rules of statutory construction have less to do with legal philosophy and legislative intent, and more to do with disambiguating unclear language. Where the plain sense of the statute is not clear, a judge may have to sort through the different rules of statutory construction in order to be able to make a judgment.

In traditional Talmudic hermeneutics, there are various rules for interpreting the scriptures, including *Kal va-Chomer* (Simple and complex), *Gezerah Shavah* (Similar laws, similar verdicts), *Binyan ab mi-katuv echad* (A standard from a passage of scripture), *Binyan ab mi-shene ketubim* (A standard from two passages of scripture), *Kelal u-perat* (General and particular), *Perat u-kelal* (Particular and general), *Ka-yotze bo mi-makom acher* (Like that in another place), and *Davar ha-lamed me-inyano* (Something proved by the context). Similarly, in American statutory construction (interpretation), there are some standard rules for interpretation, which after "plain meaning" include *Ejusdem generis* (Of the same kind or nature), *Expressio unius est exclusio alterius* (The explicit mention of one thing implicitly excludes other things of the same class that are not mentioned), *In pari materia* (Upon the same subject), *Noscitur a sociis* (It is known by its associates), *Reddendo singula singulis* (Referring each to each) and *Specialibus non derogant* (The general does not detract from the specific). In addition to these rules of statutory construction are considerations of legal precedent and legislative intent.

Competing Philosophies in Legal Interpretation

Beyond the standard rules of statutory construction, there are competing philosophies as to where the meaning of a legal document such as the U.S. Constitution can be found. This is related to the issue of legislative intent. The term *Strict Constructionism* dates back to the early nineteenth century and refers to a very conservative view of the Constitution, such that it is not interpreted to say anything other than what it clearly says. Advocates for Strict Constructionism sought to keep the powers of the government limited, and objected to the federal government taking on more power and responsibility than what is clearly spelled out in the Constitution. The legal question, from this perspective, is what does the law clearly say, without inferences. Strict Constructionism implies judicial restraint and the avoidance of making inferences from the Constitution, or any other law. In more recent decades, the term has been used more loosely to refer to any conservative view among Supreme Court Justices, or candidates for that position, including some who reject that label.

A theory of jurisprudence that contrasts with Strict Constructionism has come to be called the *Living Constitution*. The idea here is that the Constitution cannot be limited to only the exact words of the text, or the situations envisioned at the time it was ratified. Rather, the Constitution should be seen as something living and dynamic, and adaptable to new situations. It must be allowed to grow and evolve, and the meaning of the Constitution cannot be limited to whatever it might have meant at the time it was drafted and ratified. A rationale for the Living Constitution theory of legal interpretation is that the framers of the Constitution obviously meant to make it a living document, open-ended, not fixed or limited, and deliberately imprecise in such a way that it could endure indefinitely without being outdated. If they had wanted to, they could have stipulated how the Constitution was to be interpreted. As Justice Oliver Wendell Holmes, Jr., ruled in an early twentieth century Supreme Court decision, "The provisions of the Constitution are not mathematical formulas having their essence in their form. They are organic, living institutions, transplanted from English soil. Their significance is vital, not formal."[12]

Virtually all Constitutional scholars agree that the U.S. Constitution must be interpreted and applied to new situations. The concern among some, however, is that a Living Constitution theory promotes judicial activism and allows judges to read meanings into the law that do not appropriately fit. The concern is that judges can make the Constitution say whatever they think it should say, thus placing themselves as a higher authority than the lawmakers. In effect, then, the nation would be ruled by opinion rather than law.

12 In Gompers v. United States, 233 U. S. 604 (1914).

The term *Originalism* came to be used in the late twentieth century to denote a theory of legal interpretation that disagreed with the notion of the Constitution as being a living document. Referring to U.S. Supreme Court Justice Antonin Scalia, *Forbes* columnist Peter Robinson observes,

> Against the theory of 'the living Constitution,' Scalia advances the theory of 'originalism.' Although it has now become associated with him, the Justice insists originalism proved the dominant interpretive theory in American courts throughout most of our history. Simply put, originalism holds that the Constitution means what it meant when it was ratified. No more, no less. The document doesn't morph. It stays put.[13]

Originalism is not exactly the same thing as Strict Constructionism, and it obviously conflicts with the Living Constitution view. But there are at least two sub-types of Originalism, to be explained below. The main idea of Originalism is that the meaning of the Constitution was established generally at the time of its framing and ratification and is not subject to change. However, there is still room for disagreement as to whether the meaning is in the intentions of the original authors or in the wording of the text itself. Originalism can be compatible with Textualism, which will also be explained below.

Original Intent is one of the subtypes of Originalism. The idea of Original Intent is that the meaning of a legal document such as the Constitution is equated with whatever the framers were thinking when they worded it, and what their intentions were in creating their document. This is basically the same as the Authorial Intent position, discussed above in connection with literary interpretation. According to the principle of Original Intent, in making a legal ruling a judge should try to determine what the framers, or original authors, intended the Constitution to mean, and accept that as the authoritative meaning. Anything beyond what the framers might have intended is irrelevant. It would be inappropriate to think of the Constitution as having an open-ended meaning that can shift over time. The way for the Constitution to "grow" would be for it to be amended. Thus, the significance of the Constitution and other laws is determined by lawmakers, and the job of a judge is simply to determine what the lawmakers consciously wanted to accomplish when they fashioned the law.

This philosophy is reflected in the words of present U.S. Supreme Court Justice Clarence Thomas,

> Let me put it this way; there are really only two ways to interpret the Constitution—try to discern as best we can what the framers intended or make it up. No matter how ingenious, imaginative or artfully put, unless interpretive methodologies are tied to the original intent of the framers, they have no more basis in the Constitution than the latest football scores. To be sure, even the most conscientious effort to adhere to the original intent of the framers of our Constitution is flawed, as all methodologies and human institutions are; but at least originalism has the advantage of being legitimate and, I might add, impartial.[14]

A way of determining Original Intent would be to study other writings of the framers of the Constitution, such as the *Federalist Papers*.

There is a subtle but significant difference between Original Intent and *Original Meaning*. The problem with Original Intent is the word "intent." The idea of Original Meaning is that it does not matter what the framers of the Constitution were *thinking* or *intending* when they wrote it; what matters is what they actually wrote. Original Meaning refers to a specific variety of Originalism whereby the focus is not on whatever was in the heads of the framers of the Constitution at the time they wrote it, but rather on what normal meaning the words of the text would have had at the time it was ratified. Here, text creation is not seen just as a psychological act, but more of a social, public, communicative act—and in the case of the Constitution, of course, a legal act.

The idea of Original Meaning is that a legal text has a conventional meaning that is shared among a group of people, including the group of legislators involved in its drafting, and those who were involved in ratifying the document. The meaning is not located in one particular person, especially since legal documents are typically composed as a group project, and each member of the team might not have the same intentions, but they would have to agree on the wording. And then the wording of the text would not become law until it has been understood and voted on by others. The wording has to be precise in order to be acceptable by a group

13 See www.forbes.com/2009/03/12/constitution-originalism-supreme-court-opinions-columnists-justice-scalia.html.

14 In a lecture to the Manhattan Institute in 2008, reported in the *Wall Street Journal*. See www.wsj.com/articles/SB122445985683948619.

of people. According to the philosophy of Original Meaning, in interpreting the Constitution, the appropriate meaning to attribute to it would be whatever could be determined to be the common understanding of that legal language at the time of its framing and ratification. Thus Original Meaning contrasts with both Original Intent, because the emphasis is on common understanding rather than private thoughts of a single individual, and with the Living Constitution, because judgments today based on legal texts should be made in light of the original meanings surrounding those texts.

According to the principle of Original Meaning in connection with the U.S. Constitution, the intent of the lawmakers is difficult or impossible to determine, and is probably also not singular. It was the ratifiers who turned the draft Constitution into law, and so their understanding of what the document meant was even more significant than the private thoughts and intentions of those who crafted it. It may also be difficult to know for sure what the ratifiers understood by the document, but what one can do is try to determine how the wording of the document might have been generally understood at that time in the history of the United States and its form of language. In his book *The Tempting of America* (1990), Constitutional Scholar Robert Bork used the term Original Understanding to label the same philosophy, explaining, "Law is a public act. Secret reservations or intentions count for nothing. All that counts is how the words used in the Constitution would have been understood at the time."[15]

Closely related to Original Meaning in Constitutional law is *Textualism*. The idea of Textualism is that a legal document such as the Constitution has an ordinary meaning, apart from what it meant to the author(s), or to a new audience, and especially apart from anyone's intentions. One should pay attention to the text itself, rather than any individual associated with the text. As Oliver Wendell Holmes, Jr., described this position before he became a U.S. Supreme Court Justice, "We do not inquire what the legislature meant; we ask only what the statutes mean."[16]

However, meanings of words and expressions do change over time, so it is possible to be a Textualist and an Originalist both. That is, the proper meaning of a legal document such as the Constitution would be whatever could be determined to be its ordinary meaning at the time of its ratification. The original meaning takes precedence over contemporary meanings. This is not the same as the *intended* meaning however. As present U.S. Supreme Court Justice Antonin Scalia contends, "It is the law that governs, not the intent of the lawgiver."[17]

Scalia is a prominent spokesman for a Textualist and Originalist approach to Constitutional law, that being the topic of a number of lectures and his 1997 book *A Matter of Interpretation: Federal Courts and the Law*. He would argue for looking at the wording and meaning of the legal document itself, in light of the conventions of language at the time it was made into law. He explains,[18]

> The theory of originalism treats a constitution like a statute, and gives it the meaning that its words were understood to bear at the time they were promulgated. You will sometimes hear it described as the theory of original intent. You will never hear me refer to original intent, because as I say I am first of all a textualist, and secondly an originalist. If you are a textualist, you don't care about the intent, and I don't care if the framers of the Constitution had some secret meaning in mind when they adopted its words. I take the words as they were promulgated to the people of the United States, and what is the fairly understood meaning of those words.

Constitutional Law and Bible Translation Compared

There are a number of parallels between the practices of Constitutional law and Bible translation. In contrast with literary interpretation, law practice and Bible translation both involve a text that has to be interpreted because it must be acted upon. In the case of Constitutional law, judgments must be made that have a legal effect upon how people live. The study of the scriptures should also affect people's lives, but

15 Bork, *Tempting*, 144.

16 Oliver Wendell Holmes, Jr., *Harvard Law Review* 12:417 (1899).

17 Scalia, 1997 Tanner Lecture.

18 In a speech at the Catholic University of America titled "A Theory of Constitution Interpretation," given October 18, 1996.

especially in translation in particular, the work cannot be done without a determination being made about the meaning of the text. Both disciplines force the responsible party to decide where the meaning of the text resides, in order to be able to act on it.

The U.S. Constitution and the Judeo-Christian scriptures each have multiple authors. The Constitution was ratified by a body of legislators to become the law of the land. This implies that in this process, what the text was understood to mean is of equal or greater weight than what it was *intended* to mean, since it was the ratifiers who made it into law. The Constitution is treated as the highest authority in our government as to what is acceptable behavior, and as a guide as how to treat unacceptable behavior. Similarly, the Bible was judged to be authoritative and was canonized by early church fathers and councils, so what those individuals and councils understood the writings to be saying is of great significance. In human terms, one would say that these individuals passed on certain writings to us as scripture, and did not pass on other ancient writings, because of their determination of the content of those writings. For the most part, the scriptures have been disseminated in the form of translation, as Christianity has been called a translated religion.[19]

The Human Condition

An inescapable fact about humanity is that people have a limited perspective. Our knowledge about the truth is subjective and indirect, and even good people are capable of being wrong or seeing things differently. That is not to say that there is no absolute truth, but only that our understanding of it is limited.

An inescapable fact about translation is that it depends on interpretation. To translate an original text, one has to know what the original means. Translating without knowing the meaning is transliteration. A translator must be able to make sense of the source text and re-express the same concepts and ideas in the forms of another language. Even if the translator has mastered both the source language and the language being translated into, the translator will admit two main problems. One is that no translator probably would claim to understand the full depth of meaning of the source text. Secondly, it is absolutely impossible to express the full depth of meaning of a complex text in one language in the forms of another language. So translation is about judgments, priorities, intelligent choices, focusing on what the translator determines to be the most central, important, basic and sure meanings to try to express in another language.

Translation depends on meaning, and meaning is personal. Words and other linguistic forms are media used for the purpose of communication, and meaning takes place in the individual when that person interacts with the text. Yet at the same time, language is corporate and conventional. That fact makes it possible for communication to take place. The Bible itself is shared property.

There are disagreements on where to locate the meaning of the scriptures and how to translate it. Is the truest meaning of the scriptures in the heads and in the intentions of the original authors? If so, that might support the Authorial Intent school of thought. Or were the original authors perhaps not in control of the meanings of the texts that are associated with them? Note what the Apostle Peter wrote in his second letter (2 Peter 1:20–21 NIV), "Above all, you must understand that no prophecy of Scripture came about by the prophet's own interpretation of things. For prophecy never had its origin in the human will, but prophets, though human, spoke from God as they were carried along by the Holy Spirit."

In human terms, apostles and prophets were the authors of the writings that have been canonized as Holy Scripture. Whenever the phrase "original author's intended meaning" is used in connection with Bible translation, the "original author" being referred to is Moses or Isaiah or John or Paul, and so forth. It is possible, and even likely, that the human authors did not fully understand themselves the full significance of what they were led to say. As Peter wrote in his First Letter,

19 See, for example, Sanneh, *Whose Religion*, 97: "Christianity is a translated religion.... Without translation there would be no Christianity or Christians. Translation is the church's birthmark as well as its missionary benchmark: the church would be unrecognizable or unsustainable without it." See also Walls, "Translation Principle," 28: "Bible translation as a process is thus both a reflection of the central act on which the Christian faith depends and a concretization of the commission which Christ gave his disciples. Perhaps no other specific activity more clearly represents the mission of the Church."

> Concerning this salvation, the prophets, who spoke of the grace that was to come to you, searched intently and with the greatest care, trying to find out the time and circumstances to which the Spirit of Christ in them was pointing when he predicted the sufferings of the Messiah and the glories that would follow. It was revealed to them that they were not serving themselves but you, when they spoke of the things that have now been told you by those who have preached the gospel to you by the Holy Spirit sent from heaven. Even angels long to look into these things. (1 Peter 1:10–12 NIV)

Peter describes the prophets as looking for the meaning of their own prophecies. If the term "original authors" refers to prophets and apostles, their writings have significance that goes beyond what they themselves understood. In the translation of the scriptures, the important thing is not necessarily what the human authors might have *intended* or were thinking. What matters to us today is what they *wrote*. In fact, what these human authors *meant* is irretrievable to us today except through what they *wrote*, studied in light of any information available about the context in which it was written.

How Shall We Then Translate?

Determining the meaning of a text is essential for translating it. Recognizing that meaning is not all located in one place, the question is where to look for it. Can the translator try to determine the original author's intended meaning and call that the true meaning of a text? In the case of living authors, that idea might at least be feasible, where one could dialogue with the author to find out what he or she meant. But in the case of distant authors, to the extent that a distinction can be made between an author's thoughts and intentions, on the one hand, and the author's expression, on the other, the translator only has access to the latter. We have to assume that the author's intentions and thoughts were coterminous with what he expressed. We have the text, and that is what we translate. It would be inappropriate to translate thoughts and intentions, even if we had access to them apart from their expression.

It is texts that are the object of translation. Yet a judgment must be made about the meaning of a text in order to be able to translate it. Where does the meaning reside? In the text itself? A text is only a medium of communication, and strictly speaking, meanings are only in people's heads—God included, if it is allowable to be so anthropomorphic. But in another sense, a text is full of meaning, in that a text is a manifestation of human language, and language is a shared social system of conventional uses and structures. Texts have meanings to the social group that shares the language in which the text is written.

The meaning of a text—and especially of a text of any complexity—is not univalent. A text can have meanings on different levels, in that the meaning of a sentence is more than the sum of the words that make it up, and the meaning of a text is more than the sum of the sentences that make it up, yet each of the parts has meaning, as well as the whole. Since it is absolutely impossible for the total meaning of a complex text to be translated simultaneously, the translator has to decide which meanings are most important to focus on, e.g., on concordance and word-level meanings, or on higher-level thematic meanings.

Another way in which meaning is not univalent is that different people can attribute different meanings to a text, from their different perspectives. The text can remain consistent, while people disagree on what it means. They may or may not be able to reconcile their different views of the text through dialogue. Since meanings are ultimately only in people's heads, a text could potentially have as many meanings as there are people interpreting it. It is unlikely that there will be so many significantly different interpretations among honest interpreters, but the point is that there is some room for disagreement.

Not all translations are alike, because different translators focus on different meanings in the text to translate, such as, for example, word-level meanings as opposed to propositional meanings, and because they have different interpretations of the text being translated. Added to this is the fact that language allows for some variation in how the same idea can be expressed. A translator has decisions to make about the meaning, and about which meanings to focus on, and about how to express meanings through vocabulary, syntax and discourse.

If meaning is subjective, and yet translation unavoidably involves making a determination about the meaning of the text, then where and how is the meaning to be found? It is proposed here that the anchor for translation is the text to be translated. That is the constant. Translation changes the text into a different

form, but at the same time, in some important sense, the text remains the same after being translated. Supposedly the meaning of the translation is the same as the meaning of the original text, now couched in different form. This sameness, which is hard to pin down scientifically, is what qualifies the translation as a different instance of the same text.

Two quotes from the preceding survey of hermeneutical stances stand out for their similarity. Edersheim pointed out that in traditional Jewish hermeneutics, as used by biblical writers such as Matthew and Paul, "To an inspired writer, nay, to a true Jewish reader of the Old Testament, the question in regard to any prophecy could not be: What did *the prophet*—but, What did the *prophecy*—mean?"[20] The focus was on the text and not on the intentions of the originator of the text. And writing close to the same time, Holmes wrote in connection with the practice of law, "We do not inquire what the legislature meant; we ask only what the statutes mean."[21] These statements agree with the Textualist approach advanced by Scalia, to the effect that what someone was privately thinking is not as significant for law—or, arguably, for Bible translation—as what that person actually expressed through language in writing, and what was accepted as an authoritative document.

Since a number of different meanings could be attributed to a text, the translator's job is to sort through those interpretations to make a decision on the meaning to translate. A starting point might be to try to figure what the text likely meant its original context, according to information available to us today about that context and about the normal uses of words, grammatical constructions, and figures of speech at the time the text was written.

But as Ricoeur points out, the writing of a spoken text unmoors it from the original speaker-hearer context and there is a "disjunction of the verbal meaning of the text from the mental intention of the author,"[22] making a written text somewhat different in kind from a spoken text. The writing of a text and its removal from its original context results in what Ricoeur calls a surplus of meaning, and "we have to guess the meaning of a text because the author's intention is beyond reach."[23] Following Ricouer, a written text takes on a new life of its own.

In the case of translation, the translator has to consider not just what the text meant in its original context, but also its potential for meaning in a new context. The translator must make a determination about the meaning of the text and its potential meaning, and determine how to convey meaning to a new audience in light of their needs. This is an awesome responsibility. It depends on interpretation, but it goes beyond interpretation in that the translator must decide, among potential meanings and interpretations, which ones to try to communicate to a new audience through translation.

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20 Edersheim, *Life and Times*, 215.
21 *Harvard Law Review* 12:417 (1899).
22 Ricoeur, *Interpretation Theory*, 75.
23 Ibid.

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