Text as Tool: Why We Read the Law

Richard K. Greenstein
I. Introduction

A.

Suppose I fill a balloon with helium and release it. This helium balloon has a diameter. Indeed, it has to have a diameter and would not be a helium balloon without one.

But what is its diameter?

As the balloon ascends and the helium expands, the diameter continuously changes. Yet while the balloon can thus have an infinite number of diameters, it cannot have just any diameter. The diameter is limited at the short end by the degree to which the helium can be compressed within the balloon and at the long end by the elasticity of the balloon's surface. The balloon rises; the diameter grows larger; but at some point the balloon will burst.

Now here is a question that, unfortunately, will be recognized as philosophical: Have I just described one helium balloon with a changing diameter, or is the balloon a different balloon at every moment that its diameter changes?

I say "unfortunately" because this is the kind of question that gives philosophy a bad name.

B.

The perennial debate over the significance of authorial intent in the interpretation of legal texts has taken a new and interesting turn. A decade ago, two English professors, Steven Knapp and Walter Benn Michaels, originated an account of textual meaning that holds, not that appeal to authorial intent is the preferable way, among various ways, of interpreting

* Professor of Law, Temple University. I wish to thank Jane Baron and David Skeel for their invaluable comments on an earlier version of this Article. Temple University School of Law provided financial support.
texts, but that it is the only way of interpreting texts. Indeed, interpretation can be nothing more or less than the determination of authorial intent because "the meaning of a text is simply identical to the author's intended meaning."2

This account has recently found its way into the legal literature, partly through the efforts of Knapp and Michaels, themselves,3 and also through the essays of Paul Campos.4 The implication of Knapp and Michaels’s arguments for legal interpretation can be simply stated: The meaning of an appellate decision, a statute, or a constitutional provision is necessarily the meaning intended by the authors — the judge, the legislators, or the framers, respectively.5

1. See generally Steven Knapp & Walter B. Michaels, Against Theory, 8 CRITICAL INQUIRY 723 (1982).
2. Id. at 724. Although the term "text", as used in this Article, will usually refer to writing, occasional examples will be drawn from speech. In general, the considerations discussed in this Article as applicable to the interpretation of written texts will apply equally to interpretation of other linguistic forms, such as, speech or sign language.
5. There is, of course, an important question of just who is the true author of, say, a statute: the legislators? the drafters? those who voted affirmatively? Because this issue is tangential to the matter I wish to address in this Article, I will use the terms "judge," "legislators," and "framers" throughout the text to signify whoever are the true authors of the legal texts being discussed.

I will also ignore two other related issues. The first is whether one can sensibly talk about the authorial intention of a collective body (i.e., the Supreme Court, the legislators, the framers). The second is whether the very notion of subjective intention is coherent. Throughout this Article, I will assume that subjective intentions are real and that one can therefore sensibly ask what they are in a given situation. Clearly, if subjective intentions do not exist, then the Knapp-Michaels thesis collapses. For an enlightening discussion of this question, see generally Jane B. Baron, Intention, Interpretation, and Stories, 42 DUKE L.J. 630 (1992).
Now, intentionalism is nothing new in law. There is a long history of legal scholars from Joseph Story to Raoul Berger who insist, for example, that the meaning of a constitutional text is just the meaning intended by the framers and that "[t]o 'interpret' [a particular provision] in diametrical opposition to that intention is to rewrite the Constitution." Moreover, Hans Baade has recently identified intentionalism as the dominant, albeit controversial, judicial approach to statutory interpretation.

The issues for debate within this tradition are conceptual (e.g., what it means for a group of individuals — framers, for instance — to have authorial intentions), empirical (e.g., whose intentions the text in question represents), and methodological (e.g., how best to identify what the author's actual intentions were). But the tradition is unified by the basic intentionalist principle: Textual meaning is identical to the author's intended meaning.


10. It can be difficult to determine whether the debate is over theories of meaning or over methodological concerns within a particular theory of meaning. For example, textualism — especially in its recent revival through the opinions and scholarly writings of Justice Antonin Scalia — focuses interpretive activity on determining the "literal" or "ordinary" meaning of the text. See Deborah A. Geier, Commentary: Textualism and Tax Cases, 66 Temp. L. Rev 445, 447-48 (1993). But, on the one hand, textualism can be presented as a theory of textual meaning that competes with intentionalism. See, Leslie F Goldstein, In Defense of the Text 2-3 (1991). Or, on the other hand, textualism can be presented as a theory within intentionalism about the best method for determining the author's intent. See Cipollone v. Liggett Group, Inc., 112 S. Ct. 2608, 2633 (1992) (Scalia, J., concurring in judgment in part and dissenting in part).

11. On this point, Campos is incorrect in suggesting that the claims of Knapp and Michaels's intentionalism are fundamentally different on a theoretical level from "the arguments of traditional intentionalists." See Campos, That Obscure Object of Desire, supra note 4, at 1082; see also Campos, Against Constitutional Theory, supra note 4, at 284 (stating that "any reading of a text simply consists of a search for authorial intention"). What
Knapp, Michaels, and Campos take pains to point out that this principle does not resolve the conceptual, empirical, and methodological debates. To say, for instance, that the meaning of a statute is the meaning intended by the legislators does not tell us whether the best way of identifying that meaning is to focus on the plain meaning of the text, to analyze carefully the official legislative reports, or to read the personal diaries and letters of the legislators. The basic point is that, if one is truly trying to interpret the statute, then one is necessarily trying to determine the meaning intended by the legislators, however one does that.

What makes the writings of Knapp and Michaels particularly important is that they provide arguments from another discipline — literary theory — to support a principle that has been heretofore largely dogmatically assumed by some legal theorists. Ironically, these arguments do much to expose precisely what is problematic about that assumption. Knapp and Michaels's intentionalism is a terribly unsatisfactory account of the meaning of legal texts; indeed, it is a terribly unsatisfactory account of the meaning of texts generally.

The problem with intentionalism is not that interpreting a text to conform with the author's intent is necessarily inappropriate. Often this interpretation will seem the most sensible interpretation. Rather, the problem is the insistence that a text can have only one meaning and that that meaning is the author's meaning. This insistence seems radically at odds with our everyday experience with texts. Truly, intentionalism may be a case of people forgetting as academics what they knew as ordinary readers and users of texts: The variability of a text's meaning is a necessary feature of texts, just as the variability of diameter is a necessary feature of helium balloons.

Campos seems to identify as traditional intentionalism — a kind of normative theory that regards reliance on authorial intent as one (the preferable one) among various competing interpretive approaches — seems rather to have been the creation of intentionalism's opponents. See, e.g., Michael J. Perry, The Authority of Text, Tradition, and Reason: A Theory of Constitutional "Interpretation", 58 S. CAL. L. REV 551, 556 (1985); Larry Simon, The Authority of the Constitution and Its Meaning: A Preface to a Theory of Constitutional Interpretation, 58 S. CAL. L. REV 603, 608, 622 (1985). Legal theorists who actually espouse intentionalism tend to agree with Knapp, Michaels, and Campos that the meaning of, say, a constitutional text is "simply identical" to the meaning intended by its authors. See, e.g., Berger, supra note 7, at 407; Graglia, supra note 8, at 1023-24.

The purpose of this Article is to articulate this ordinary knowledge in theoretical form. In Part II, I summarize the Knapp-Michaels argument and give examples that cast doubt on its attractiveness as an explanation of our common experience with texts. In Part III, I offer a different account of what determines the meaning of texts generally — an account in which the author's intent appears as just one of the many meanings that a specific text might have. In Part IV, I apply this account to the particular problem of interpreting legal texts.

II. The Knapp-Michaels Account of Intentionalism

Knapp and Michaels's argument for intentionalism rests on three premises. The first premise is a denial that a text is distinct from its meaning. This proposition seems true. What could a text apart from its meaning possibly be? The only obvious candidate is the mere marks on the page. But surely, as Knapp and Michaels suggest, our recognition of a set of marks as a text — our finding them comprehensible in any manner whatsoever — presupposes that we have already "read" these marks as having meaning.

Having thus argued that a text is inseparable from its meaning, Knapp and Michaels next argue that meaning is intentional. We can assign any meaning to marks on a page. We can determine this meaning by drawing on tradition, as in ordinary language, or by reference to specialized conventions, as in legal terms-of-art, or by choosing purposely unfamiliar meanings, as in a code. Thus, the following marks — "Give me liberty or give me death!" — can as marks have an infinite number of meanings. They could mean a ringing endorsement of freedom, or they could mean "Eat tofu!" They could be a recipe for gefilte fish, or they could be a lyric poem

14. See id. at 725-30 (discussing assignment of particular intention to words in order to arrive at meaning).
15. See id. at 725-30 (discussing meaning and intention).
16. Children understand the assignability of meaning in, for example, their spontaneous creation of nonsense words, the sense of which is understood through explicit or tacit agreement. Along similar lines, my five-year-old daughter one day responded to a question I asked, which called for a yes-or-no answer, with the following: "If I say 'yes,' it means 'no,' and if I say 'no,' it means 'yes'". My daughter fully understood that she could assign arbitrary meanings to (in this case) sounds and that as long as she and I understood what those meanings were, communication was possible.
or a telephone number in some not yet invented language. The marks can mean anything, and thus they mean nothing simply as marks. What makes these marks a text — what makes them meaningful — is a decision that assigns to them a particular meaning.

To these two premises — that a text is inseparable from its meaning and that the meaning of a text is an intended meaning — Knapp and Michaels add a third: Textual identity requires that the meaning of a given text be unchanging.17 This proposition lies at the very heart of Knapp and Michaels's argument. For when we add it to the first two premises, then the intentionalist principle — that the meaning of a text is nothing other than the meaning intended by the author — readily follows. The point is summarized by Michaels:

[A]bsent the bare text, what principle of identity authorizes us to say that a text that means one thing is the same text as a text that means something else? If the meaning of the Constitution is no longer its original meaning, then in what sense is the Constitution still the original text? One might perhaps argue that the texts are the same in that they consist of the same set of marks on paper. Indeed, in imagining what it would be like to interpret a text while disregarding its original meaning, [Professor Michael J.] Perry seems precisely to envision us attaching new meanings to the same set of marks that the Framers attached the old meanings to. Such a procedure is, of course, perfectly possible. Something like it happens every time somebody uses a word differently from somebody else — two different meanings get attached to the same sounds in the air or the same marks on paper. But, of course, we don't call this "interpretation"; we call it "speaking" or "writing."

In other words, the only relation between the Constitution that means what its authors intended it to mean and the Constitution that means what it means to us is that they look a lot alike. The "nonoriginalist" interpreter isn't interpreting an old text, but either writing a new one or imagining that someone else has written it. To interpret a text is only to give an account of what it means. If texts in themselves have no meaning — if marks on paper are not intrinsically meaningful — then an account of what a text means will be an account of the meaning attached to those marks by some agent. And if we are trying to figure out the meaning attached by someone else then what we are doing is reading, whereas if we attach the meaning ourselves, then what we are doing is

Thus, to read the Constitution at all is to read it as the expression of the intentions of its authors.\(^\text{18}\) Knapp and Michaels can surely invoke lots of examples that seem to illustrate this account of textual meaning. Consider the following variation on a scenario posed by Michaels.\(^\text{19}\) Suppose that a shopping list tells the shopper, who is not the author of the list, to buy "fruit, but not vegetables." Suppose that the author did not intend the term "fruit" to include tomatoes, but the shopper, unaware of the author’s intent, decides to buy tomatoes because they are botanically classified as a fruit. My guess is that most people would say that the shopper was incorrect in interpreting the shopping list to include tomatoes. We are likely to say that the shopper made a mistake (albeit, perhaps, an understandable one); although the term "fruit" can have a meaning that includes tomatoes, that meaning is not the meaning that it had in this context, on this list. In short, we would take the meaning of "fruit" on this shopping list to be limited to an unchangeable meaning—the particular meaning intended by the list’s author.\(^\text{20}\)

Similarly, if I stay put at an intersection after my driving instructor yells "Go!" when the traffic light turns green,\(^\text{21}\) it will do me no good to argue that "Go!" could mean "Stop!" That is, of course, true,\(^\text{22}\) but in this particular context, "Stop!" actually meant "Stop!", and the unchangeable meaning of that "text" seems to have been fixed by its author’s intent.

In other situations, however, it is less clear that a text can have only one meaning. Suppose that upon reading Michaels’s response to Professor Perry’s essay on interpretation\(^\text{23}\) my friend comments, "I think he did a good job parrying the thrust of that article." However, after I rant about what a lame pun that is, my friend replies honestly that I am right but that the pun was completely unintended. What should I make of this? A pun depends upon a text having a double meaning, but my friend did not intend a double


\(^{19}\) See id. at 678-79.

\(^{20}\) We might admonish the author to be clearer in the future, but that is a different point.

\(^{21}\) For a discussion of this kind of example, see Knapp & Michaels, Against Theory 2, supra note 17, 54-56, and Michaels, Response to Perry and Simon, supra note 18, at 674.

\(^{22}\) Suppose, for example, that my instructor, frustrated by my seeming inattentiveness to past traffic signals, ironically says "Go!" the next time that an approaching light turns red.

\(^{23}\) See generally Michaels, Response to Perry and Simon, supra note 18; Perry, supra note 11.
meaning in his use of the term "parrying." Is an unintentional pun an oxymoron? Presumably, Knapp and Michaels would say yes. If a text can only have a particular meaning — the meaning intended by its author — then an unintended pun is no pun at all. But I heard it as a pun. Knapp and Michaels would say that I was mistaken. The question I want to simply raise at this point is: Would it be more enlightening to say that I was mistaken, that no pun was uttered, or to say that the sentence uttered by my friend could be interpreted as a pun even though it was not so intended by, and thus did not originally have that meaning for, him?

Here is another example. Suppose that Congress enacted legislation making the importation of foreign "fruit" a criminal offense. In addition, suppose that I have been indicted for importing foreign tomatoes and that my defense — that it never occurred to me that tomatoes were fruit — gets a sympathetic hearing in a federal district court, notwithstanding conclusive evidence that Congress intended to include the importation of tomatoes in the ban. How should we explain the judge's dismissal of the indictment? Knapp and Michaels would say that the meaning of "fruit" in the statute includes tomatoes, but that the separate question remains whether a judge should enforce the statute when ordinary people would not likely recognize the obscure usage of the term.

Now, there is nothing especially offensive about this description. But why is it preferable to the more traditional account — namely, that the statute is ambiguous, that this text thus can be interpreted in different ways, and that considerations of fairness (not the mandate of textual identity) counsel choosing the text's "plain meaning" over its intended meaning in the context of a criminal prosecution?

Similarly interesting problems of textual ambiguity abound in Knapp and Michaels’s own territory — literary criticism. Suppose that I read a poem that quickly becomes one of my favorites both for its musicality and for what seem to me its particularly haunting and complex metaphors. When I get the chance to discuss all this with the poet, however, she seems puzzled and explains her own understanding of her poem, which is much simpler and, in my view, more pedestrian. Must I now give up what strikes me as a

24. See Knapp & Michaels, A Reply to Richard Rorty, supra note 13, at 470 (discussing hearing noise as utterance "Fire!"); Knapp & Michaels, Against Theory, supra note 1, at 733-35 (discussing hearing "random noise" as name "Marion").

25. Freudian analysis trades heavily on the phenomenon of unintended meaning by attributing to utterances a meaning determined by the unconscious that may be at odds with the conscious intention of the speaker. I thank David Skeel for this observation.

26. See Michaels, Response to Perry and Simon, supra note 18, at 680.
substantially more appealing interpretation of the poem? Knapp and Michaels would say that I can retain my interpretation, but that I should be clear about what I am doing: An interpretation that is at odds with the poet's intended meaning is not really an interpretation of her poem at all; rather, I am creating a new poem (one that looks just like hers) with a different meaning — *my* intended meaning. According to Michaels: "[I]f we are trying to figure out the meaning attached by someone else then what we are doing is reading, whereas if we attach the meaning ourselves, then what we are doing is writing." According to Michaels: "[I]f we are trying to figure out the meaning attached by someone else then what we are doing is reading, whereas if we attach the meaning ourselves, then what we are doing is writing."27

I recognize that the role of authorial intent in literary interpretation has been at least as hotly debated over the years as the role of original intent in constitutional interpretation. But the reason to be skeptical of Knapp and Michaels's distinction between reading (interpreting) someone else's poem and writing a new one becomes clear when we move to the example of William Blake's reissue in 1794 of his 1789 poems, *Songs of Innocence*.29 What was remarkable about this reissue was that Blake took the occasion to repudiate his original interpretation of the poems and offer a new, significantly different understanding.30 But Knapp and Michaels describe this event differently 31 Because the meaning of the 1789 poems "is simply" the meaning intended by the author at their creation, Blake's "new" interpretation is either a misreading of his poems or a creation of a set of new, fundamentally different poems, which happen to look a lot like the earlier ones.32 Because there is no particular reason to think that Blake would have misread his own poems, Knapp and Michaels emphasize the second possibility — the 1794 text is different from the 1789 text; they are different poems.33

With all due respect, this explanation is a rather goofy account of what Blake did in 1794, and I find it hard to believe that Knapp and Michaels themselves take it seriously. I can scarcely imagine either of them criticizing a student who has presented the 1789 interpretation while reading from the

27 See Knapp & Michaels, *A Reply to Our Critics*, supra note 12, at 797-98 (stating that "we can't interpret a text without interpreting it as what we believe its author meant. [W]e can misinterpret what the author meant.").
32. See id. at 797
33. See id.
1794 text. Nor can I imagine either of them making the point more pedantically — perhaps telling the student that for the sake of efficiency she may continue to read the 1794 text, but that she should keep in mind that she is actually interpreting the 1789 poems, which just happen to look like the ones that she is holding in her hand.

Of course, these examples do not constitute arguments to refute the notion that the meaning of a text is fixed from the moment of its creation. Rather, I have employed them to try to raise the question of why we should believe that this is the case when in our ordinary experience it seems more useful to describe at least some texts as having multiple, inconsistent meanings (e.g., the pun and the "fruit" statute) or a meaning that changes over time (e.g., Blake’s poems).

Knapp and Michaels present us with an exceedingly unattractive choice: Either we must believe that text and meaning are inseparable, in which case we must believe that "textual identity" requires a fixed, unchanging meaning, or we must believe that a text is simply the marks on the page, in which case the text can be assigned any meaning at all. But to think that this is the choice is like thinking that either we must believe that a helium balloon and its diameter are inseparable and that "balloon identity" therefore requires a fixed, unchanging diameter or we must believe that balloon and diameter are distinct, in which case a balloon can have any diameter at all.

Experience, of course, suggests an alternative possibility. The diameter is an inseparable feature of a balloon, and the diameter can constantly change, and the diameter can only change within certain limits. If a balloon can have a limited but variable diameter without impairing the integrity or identity of the balloon, why should we not also believe that a text can have a limited but variable identity without its impairing the integrity or identity of the text?

In the next Part, I offer an account of just why we should think that variable meaning is a feature of texts. I draw not on the helium balloon for my analogy, but on the screwdriver — more generally, on tools. Actually, my argument, strictly speaking, is not based on an analogy. I argue that the proposition that a single text can have different meanings is a corollary of the proposition that a single tool can have different uses. This is true because texts are tools.

---

34. E.g., Knapp & Michaels, Against Theory 2, supra note 17, at 58.
III. Text as Tool

A.

Consider the screwdriver. I suppose that some person or group of people invented the screwdriver. And I suppose that it was invented with some particular purpose in mind. For this discussion, let us assume that the screwdriver was invented for the sole purpose of inserting and removing slotted screws.

I have spent this day inserting and removing slotted screws with my screwdriver, and now I am ready to apply a coat of polyurethane to the table that I am building. But wait! How do I remove the lid from the polyurethane can? I know: I will pry the lid off with my screwdriver. But wait! Am I really using the screwdriver? After all, prying off lids was not the inventor's intended use in creating that tool. Perhaps I am using a tool that just looks a lot like a screwdriver, but really is a different tool — one with the intended purpose (my intended purpose) of prying off lids.

Let me make this point differently. I will say, instead, that when I use the tool to pry off the lid, I am not using it as a screwdriver, but as some other kind of tool. It is important, however, to be clear about just what is being said now. I am distinguishing between normal and abnormal uses of the tool; I am noting my use of a screwdriver for a purpose for which screwdrivers are not ordinarily used. We might all agree that I am not using the tool as a screwdriver, but we might make virtually the same point by saying, "It is really convenient that you can use a screwdriver for things beside inserting and removing slotted screws."

Of course, a screwdriver can be used for things other than inserting and removing slotted screws. I can use a screwdriver as an attention-getter by pounding on the wall with it if I find myself locked in the bathroom. Or I can use a screwdriver as a weapon if I am attacked while walking through a park. Or I can use a screwdriver as an aesthetic object by incorporating it in my sculpture, "Still Life with Screwdriver."

Thinking of a screwdriver as having uses other than that use intended by its inventor does not require us to imagine that the screwdriver is distinct from its uses. On the contrary, the screwdriver is in some crucial way defined by its uses. We might, as noted above, want to distinguish between normal and abnormal uses of a screwdriver. But this distinction is clearly a matter of convention, not of original intent. If enough people regularly use a screwdriver to pry off lids, in time this use will come to be seen as one of the things for which a screwdriver is employed.
That the set of uses of a screwdriver is a feature of the tool, rather than something distinct from the tool, can be seen in the fact that we cannot use the screwdriver for just any purpose. Characteristics of the tool will limit its use. If I wish to use my screwdriver to get a closer look at the moons of Jupiter, I am in for serious disappointment. In a very real sense, this latter kind of limitation on use is a function of the inventor's intent. The use that the inventor had in mind determined the design of the tool, and this design, in turn, limits the potential uses of the tool. Yet, within the range permitted by the inventor's intended design, all sorts of unintended uses might be discovered.\textsuperscript{35}

Moreover, context will limit use. If I am pleasantly working on building a table in my basement, I will not at that time be able to use the screwdriver to fend off a mugger in the park. And while I could use the screwdriver to bang violently on the table that I am building in order to attract attention to myself, such a use in that context might seem quite irrational.

The notion that the integrity of a tool is not impaired by putting it to uses not intended by the inventor is clearly seen in the case of a therapeutic drug. For instance, the synthetic drug minoxidil was created to control high blood pressure.\textsuperscript{36} Taken orally for this purpose, minoxidil has had from the outset for some users the disagreeable side effect of causing fine body hair to grow, thicken, and darken. At a point subsequent to its invention, someone realized that minoxidil might be applied topically to stimulate the regrowth of hair on bald individuals and to slow the balding process. This new use is now seen as a normal use of minoxidil.\textsuperscript{37}

We do not choose to say that the drug minoxidil that is used to control blood pressure is different from the drug minoxidil that is used to promote hair growth. Instead, in both instances we use the same generic name — minoxidil — to denote the same drug with different uses.\textsuperscript{38} In other words,

\textsuperscript{35} Moreover, the dialectical relationship between design and use is such that as uses change, what we recognize as essential elements of the design of the tool might change. Thus, if prying open lids comes to be seen as a normal use for screwdrivers, the design of the tool might change subtly to facilitate that use — without destroying our perception of the tool as a screwdriver.

\textsuperscript{36} I thank Dr. Richard Baron for this example.

\textsuperscript{37} In fact, because of the undesirable side effects of minoxidil tablets, the use of minoxidil as a topical cream to promote hair growth has become the more popular use of the drug.

\textsuperscript{38} For marketing purposes, however, the generic drug minoxidil is given different trade names corresponding to its different uses: Loniten (to treat hypertension) and Rogaine (to
the identity and integrity of the drug are not impaired by the fact that the
drug has multiple uses or by the fact that the drug has been put to a new use
since its creation. Nor do we infer that minoxidil can be put to just any use
we want simply because it has different uses. The idea that a single drug can
have limited but variable uses seems as plausible as the idea that a screw-
driver, or any tool, can have limited but variable uses.

B.

We use texts. We read texts for many reasons, such as entertainment,
information, or aesthetic experience. The way that we use texts to achieve
a particular purpose is to interpret the text — that is, to determine the text’s
meaning. Just as any tool must be manipulated to be used, a text must be
interpreted to be used. A screwdriver will not jump up and do things for its
user; so it is that "no text reads itself." This idea suggests an alternative to
Knapp and Michaels’s notion that the meaning of a text is determined by the
author’s intentions, namely, that the meaning of the text — the correct
interpretation of the text — is determined by the use to which the text is
put. Consequently, if a particular text can be employed for various uses,
then the text may be susceptible to various "correct" interpretations.

If a text is a kind of tool, then the question of how to interpret a text is
a particular version of the general question of how to handle a tool.
Accordingly, the answer to the question of interpretive method is determined
by the use to which the text is put. The proper technique for handling a
screwdriver will vary depending on whether I wish to insert a slotted screw
or pry open a lid. Similarly, the proper method for interpreting a poem will
depend on whether I am reading the poem to gain insight into the biography

promote hair growth).

40. See supra text accompanying note 1.
41. The account of a text’s meaning that I am presenting in this Article has its roots in
classic pragmatism. While the early pragmatists were not especially concerned with texts,
they did develop rich theories of signs that connected meaning to purpose. In his 1905 paper,
What Pragmatism Is, Charles Sanders Peirce described how as a young man
he framed the theory that a conception, that is, the rational purport of a word or
other expression, lies exclusively in its conceivable bearing upon the conduct of
life. Now quite the most striking feature of the new theory was its
recognition of an inseparable connection between rational cognition and rational

John P. Murphy, Pragmatism: From Peirce to Davidson 40 (1990) (quoting Charles
Sanders Peirce).
of its author — in which case I might want to use techniques that would uncover the author's specific intent — or reading the poem to have an aesthetic experience — in which case I might read the language for its maximum subtlety and richness of allusion.

The idea of text as a tool allows us to see why the examples invoked by Knapp and Michaels appear to tie textual meaning to authorial intent. When I go shopping with a list prepared by someone else, it seems obvious that the correct interpretation of the list is the meaning intended by its author because the only apparent purpose for my using the list is to obtain the groceries that the list's author wants. In light of what we assume to be my purpose for using the list, the meaning of the text is, of course, the author's meaning.

Similarly, if my driving instructor yells "Stop!" it seems obvious that the correct interpretation of that utterance is the meaning intended by the speaker because the only apparent purpose for my interpreting the utterance in that context is to identify what my instructor wants me to do. In light of what we assume to be my purpose, the meaning of the word is, again, the speaker's meaning.

What consideration of these examples suggests is that it is, in fact, the interpreter's purpose for interpreting the text, not the author's purpose for creating the text, that determines the text's meaning. If the interpreter's purpose requires identification of the author's intention, then that intention may well be the text's meaning. If the interpreter's purpose is indifferent to the author's intention, however — for example, when interpreting a poem for aesthetic purposes — then the author's intention will be, at most, suggestive, but not determinative.

As in the case of tools generally, the fact that the interpreter — the user — of the text determines the purpose to which the text is put, and thus the text's meaning, does not mean that the interpreter can as a practical matter put the text to just any use and, correspondingly, give the text just any meaning. Some uses are impossible. Thus, the text I was given as a shopping list cannot be used as a city telephone directory. Some uses are

---

42. See supra notes 19-20 and accompanying text (discussing shopping list example).

43. See supra notes 21-22 and accompanying text (discussing driving instructor example).

44. Of course, the first reader of any text is its author. Thus, at the time of the text's creation, the author's purpose and the reader's purpose are the same.

45. For a discussion of the limitations on textual interpretation, see infra notes 69-73 and accompanying text.
possible, but are excluded as a practical matter by the context. Hence, while standing in the supermarket and trying to choose groceries, I could read the shopping list as a poem, but it would seem inappropriate to do so.\textsuperscript{46}

C.

The foregoing discussion requires some clarification of the relationship between interpretive approaches and interpretive purposes — means and ends, if you will. When I said above that the reader's purpose "determines the text's meaning,"\textsuperscript{47} I did not intend to suggest that a given purpose generates a uniquely appropriate interpretive approach and a uniquely appropriate meaning or that a purpose somehow logically contains the approach appropriate to achieving it.

An interpretive approach and the meaning that flows from the approach are the means by which the purpose for interpreting the text is served. As with any tool, the "appropriate" technique for handling it is a matter of experimentation, of trial and error.\textsuperscript{48} To label a particular way of manipulating a tool "appropriate" is to judge that the particular technique is suitable to the purpose for which the tool is being used.

This judgment takes place continuously, and our conclusions are hence subject to ongoing revision. Before I use a screwdriver to remove a slotted screw, I judge — based on experience or instruction — how I should manipulate the screwdriver to achieve that end. As I proceed, I monitor how things are going. If my technique is working well — if it is effectively serving my end — then I am using the tool appropriately; if the results leave something to be desired, I will experiment with other techniques until I find

\textsuperscript{46} Sometimes, the context does not so clearly dictate choice. Consider Jane Baron's example of discovering the following text, signed and dated:

\begin{verbatim}
I give all
to George
not Paul.
\end{verbatim}

Baron, \textit{supra} note 5, at 657 We could read this text as a will, a whimsical recording of a plan for a will provision, a "poem, a meaningless scribble, [or] a notation of graffiti seen in a public restroom." \textit{Id}. The less information we have about this text, the less reason we might have for preferring one interpretation over another.

\textsuperscript{47} See \textit{supra} text accompanying note 44.

\textsuperscript{48} The relationship between experience and experimentation, on the one hand, and belief, knowledge, truth, and meaning, on the other, was a focal concern of classic pragmatism. Particularly relevant to the discussion in the text is the work of John Dewey \textit{See generally} \textsc{John Dewey, Logic: The Theory of Inquiry} (1938).
the best approach (or settle for what seems best under the circumstances, which include my own abilities). 49

Similarly, a particular interpretation of a text is "appropriate" if it seems adequate to serve the purposes for which the text is being read. As noted above, if I am given a text and told to go buy groceries, the appropriate way to read the text is as a shopping list, not as a lyric poem. But I am simply stating a judgment that reading it as a shopping list is the approach that is most likely to get the job done.

My initial judgment could be wrong. Because interpretive judgments — like all judgments about the handling of tools — are judgments about the means appropriate to some end, these judgments are subject to correction based on experience. The day that I begin to suspect that I can shop more effectively by reading the paper in my hand as blank verse is the day that I will start reading it as such. Right now I suspect, based on my experience, that that day will never come. That hypothesis is provisional, however — it will ultimately be tested against my future shopping experiences.

So far, this discussion assumes a fairly rigid distinction between interpretive purposes, ends, and interpretive approaches, means. A moment's reflection, however, reveals something quite different.

My screwdriver technique can be understood as a means to the end of inserting slotted screws. But my purpose here — inserting slotted screws — was not chosen randomly. This purpose serves a further end: building a table. That purpose serves an even further end: supplying an attractive platform for a lamp next to my living room sofa. And so forth.

Each of our ends can be seen from a different angle to be a means to other ends. A human life comprises a complex web of interrelated ends. 50 One's actions at every moment can be understood to reflect explicit or implicit judgments about what means will best serve that complex of short- and long-term goals. I constantly revise and correct my conduct as I revise and correct my judgments about what will best serve my ends. But I also revise and correct my choice of ends themselves as I revise and correct my

49. The idea that the "correct" or "appropriate" use of a tool is subject to ongoing testing and correction in light of experience is related to the Jamesean notion of the corrigibility of truth in light of ongoing experience. See William James, PRAGMATISM 31 (1981).

50. Underlying this point — and, indeed, the whole line of argument developed in this section — is the pragmatist doctrine that "distinctively human conduct can be interpreted and understood only in terms of purpose." John Dewey, THE QUEST FOR CERTAINTY 246 (Capricorn Books 1960) (1929); cf. Lon L. Fuller, Human Purpose and Natural Law, 3 NAT. L.F 68 (1938) (making similar point from natural law perspective).
judgments about what ends will best fit with all of my other ends, or as I
decide to change the overall direction of my life in which the current
complex of goals points me.

Thus, we choose our ends as we choose our means — based on our
ongoing experiences — because a choice of ends is a choice of means. I
choose to read the text in my hand as a shopping list because I believe that
such a reading will best serve my purpose of buying groceries. This purpose
itself reflects a choice, one that serves as a means to further ends — giving
a party later in the day, or pleasing the person who gave me the text and sent
me to the store. I could make a different choice. I could decide that what
makes the most sense in my life then and there is to contemplate poetry. The
text in my hand might then take on new meaning for me.

IV Why We Read the Law

A.

The text of the statute prohibiting the importation of foreign fruit\textsuperscript{51} is a
tool. But a tool for what? Why do we read a statute? Several answers are
possible.

We might believe that the wishes of democratically elected officials
should be carried out and that statutory texts express these wishes. In that
case, we read the "fruit" statute to identify the wishes, and the meaning of
the text is the legislators' intention.\textsuperscript{52} Let us suppose that the best interpreta-
tion that would achieve this purpose determines that the statutory text bans
tomatoes.

Alternatively, we might believe that law imposes order on society by
communicating rules and the sanctions that will be imposed on violators. In
that case, we read the "fruit" statute in order to know what the rules are, and
the meaning of the text is the meaning that would ordinarily be communi-
cated to members of the public by the language employed.\textsuperscript{53} Let us suppose

\textsuperscript{51} See supra text accompanying note 26.

\textsuperscript{52} It should be noted here that the meaning of the text from this perspective is not
necessarily the meaning intended by the authors. The authors may well be legislative aides,
but their views would not be determinative because the aides are not the democratically elected
officials whose intentions count. Instead, our interpretive task in reading the statute is to
determine what the legislators meant when they transformed the authors' work into a law —
in Campos's terms, when they "reauthored" the law. Campos, \textit{Against Constitutional Theory},
supra note 4, at 284; see also infra note 63 and accompanying text.

\textsuperscript{53} This concept is the real significance of the "plain meaning rule." The idea that a
statute has a plain meaning is not, properly speaking, a belief that the meaning of a text can
that the best interpretation that would achieve this purpose determines that the statutory text does not ban tomatoes.

The debate over whether a statute should be interpreted in accordance with the intent of the legislators or in accordance with its plain meaning is, at its core, a debate over how a statutory text should be used. Asking whether a statute is for communicating the intentions of democratically elected officials or for announcing rules with clarity is like asking whether a screwdriver is for inserting slotted screws or for prying open lids. The answer in both cases is that either purpose is open to the user, who must, therefore, choose.

An individual judge will choose her purpose the way that we all choose our ends. Within a richly textured context that includes the current complex of her short- and long-term goals, her experiences and the beliefs generated by these experiences, and the present situation in which she finds herself confronting the text, the judge will choose that interpretive goal that seems to offer the best fit.

In the case of the screwdriver, the choice might be relatively straightforward: I need to use the screwdriver to build a table for my living room lamp. The context that guides the interpretation of statutes is, however, likely to be rich and nuanced. It will include the immediate situation — here, the prosecution of a tomato importer. This dimension of context might press for the second of the two uses identified above.

The context will also include the political beliefs of the judge. One who believes that legislation reflects the will of the elected representatives of the people will be inclined to place interpretive emphasis on the intent of those representatives. In addition, the context might include a history of interpretation of the statute. Accordingly, a third purpose that the interpreter might wish to achieve is the kind of justice that comes from the consistent use of coercive power. This purpose would press in favor of interpreting the statute as it had been interpreted in the past.54

Thus, one result of the richness of context is that the interpreter might want to achieve multiple purposes. A judge might want to interpret a statute

---

54. This concept is the practical significance of stare decisis.
in order to effectuate the intent of the legislators, to enforce clearly communicated rules, and to bring about justice. Sometimes all these purposes can be fulfilled, just as it might be possible to use a screwdriver to achieve the immediate goals of both inserting slotted screws and prying open the lid of a can. It might be the case, however, that in order to pry open the lid, I will deform the screwdriver so that I will not be able to use the tool subsequently to insert screws. Then I must choose among competing, desired purposes. Or to achieve both purposes, I may have to obtain a new screwdriver.

Similarly, it might not be possible to interpret a statute in a way that will achieve multiple purposes. The fruit statute may present such a problem. In this case, the interpreter (say, the trial judge) will have to decide among competing, desired purposes. Thus, interpretation requires not only an identification of purpose, but also a ranking of purposes. In the end, if the simultaneous attainment of various purposes is desired, it may be necessary to amend the statute or to enact new legislation.\footnote{55}

\textbf{B.}

These considerations, which I have been discussing in the context of a statute, apply equally to the interpretation of other legal texts — e.g., judicial opinions, administrative regulations, and constitutional provisions. In all of these instances, the interpretation — and thus the meaning — of the text in question will depend on the interpreter's purpose in reading the text.\footnote{56}

A particular trial judge might read an appellate court opinion in order to conform his ruling to the desires of judges superior to him in the judicial

\footnote{55. The potential difficulty of using a statute to achieve multiple objectives illustrates that, while the interpreter determines the purpose for reading the statute, the interpreter cannot choose just any purpose or combination of purposes. \textit{See infra} notes 69-73 and accompanying text (discussing limitations on textual interpretation).

56. Every interpretation of a text implies one or more purposes. It should be observed, however, that the interpreter may not have consciously identified a purpose for reading the particular text. When I read a letter from my friend, I will interpret it to determine her intent because my purpose in reading a letter from her is to share her thoughts. Even if I do not consciously think about that purpose, it will guide my interpretation. I will thus read the letter differently than I would if I were using it as the source of a new espionage code.

On the other hand, the more clearly one understands one's purpose in reading a text, the more effectively one can choose and employ the appropriate interpretive techniques. Some of the muddled discussions in judicial opinions of the meaning of a precedent or a statute or a particular constitutional provision may result from the judge not being especially clear about his purposes for reading the legal text in question.
hierarchy For this judge, the meaning of the opinion as precedent will be the meaning intended by its authors. A different trial judge might read the same opinion in order to determine what meaning will best fit with other cases to form an organic unity For this judge, the intended meaning of the precedent's authors might be largely a matter of indifference. For other judges, the purpose of precedent might be different; indeed, for many, the purpose might be manifold.

It is in the realm of constitutional exegesis that the interpretive debates have tended to attract particular attention from lawyers, judges, legal scholars, and ordinary citizens — no doubt because something of enormous importance always seems to hang in the balance. The hearings concerning the nomination of Judge Robert Bork to the United States Supreme Court were remarkable not least of all because a large national audience seemed fascinated with often arcane discussions about constitutional interpretation.

These debates\(^57\) take as the central question: How should we interpret the Constitution? In the terms that I have been discussing, this question translates into: Why does one read the Constitution? What is the purpose in doing so? Any plausible answer that can be given to that question will generate a corresponding interpretive approach.

Campos, however, following Knapp and Michaels, has argued that the dominant approaches to constitutional interpretation do not yield interpretation at all. Campos characterizes a text as a "speech act," whose meaning is, by definition, that of the speaker.\(^58\) Hence, interpretation of a constitutional text is the identification of the author's — the framers' — intended meaning. What has generally passed in our history for constitutional interpretation, however, involves either ignoring or misrepresenting the framers' intent or forthrightly substituting the reader's intent in its place in order to achieve results inconsistent with what Campos holds to be the actual meaning of the constitutional text.\(^59\)

In Campos's view, we have come to treat the Constitution not as a text, but as a "sacred, or canonical, writing."\(^60\) Such a writing

no longer functions primarily as a speech act, but as a cultural artifact which mimics a text and provides occasions for misreading and reauth-

\(^{57}\) See, e.g., Interpretation Symposium, 58 S. CAL. L. REV 1, 551-725 (1985) (articles on constitutional interpretation). For a useful, partial typology of interpretive approaches to the Constitution, see Campos, Against Constitutional Theory, supra note 4, at 289-98.

\(^{58}\) See Campos, Against Constitutional Theory, supra note 4, at 283-84, 303.

\(^{59}\) See id. at 289-98.

\(^{60}\) Id. at 303.
orring. Sacred and canonical writings are, by their nature, required to perform work within a culture that is beyond the capacities of a mere text, and although they begin their lives as texts — as speech acts — they inevitably become detextualized as they gain sacred or canonical status.61

Unlike texts, argues Campos, "writing" — i.e., the marks on the page — has no inherent meaning.62 Thus, when we choose to treat a text as a writing, we can attribute to it whatever meaning we want. In giving the writing the reader's meaning, a reader either misreads the text — if the reader takes this meaning to be the actual meaning of the text — or "reauthors" the text — if the reader is indifferent or opposed to the author's meaning.

Campos understands sacred and canonical writings to serve a special function for a culture. The reading of these writings is undertaken not in order to determine their meaning — hence, they are not treated as texts — but as an occasion for articulating or revisiting what the members of the culture take to be essential truths, fundamental beliefs, and deepest values.64 Thus, as a sacred or canonical writing, the Constitution has been read not as a text, says Campos, but — particularly with respect to its more general clauses — as an expression of whatever we take at the present to be our most basic political principles.

What Campos fails to see is that the particular treatment accorded the Constitution turns not on treating it as a writing instead of a text, but on treating it as a particular kind of text. It is, after all, "a constitution we are expounding."65

For some (perhaps many) readers, the Constitution is a sacred or canonical text. For these readers, the point of reading the Constitution is, indeed, to articulate the nation's most basic political principles. But identifying this point as a popular use of the Constitution does not mean, as

61. Id.
62. See id. at 284 (noting that critical distinction exists between "writing" and "reauthoring").
63. In this view, examples of "reauthoring" a text include the critic who preferred his own reading of a poem to the poet's, see supra text accompanying note 27, Blake's reinterpretation of his earlier poems, see supra text accompanying note 30, and the reauthoring of the exact text of Cervantes's Don Quixote by the title character in Jorge Luis Borges's story Pierre Menard, Author of the Quixote, see Campos, Against Constitutional Theory, supra note 4, at 280-82 (discussing Borges's story).
64. See Campos, Against Constitutional Theory, supra note 4, at 306.
65. See id. at 307-08.
Campos seems to believe, that the Constitution is vulnerable to whatever meaning the reader chooses to impose on it. That would be the case if the Constitution were treated merely as a writing — as marks on the page that can be given any meaning. But we cannot give the Constitution just any meaning. Reading it as a constitutional text is different from reading it as a lyric poem or as an encoded recipe for gefilte fish. As a sacred or canonical text, the Constitution will not express just any political principle, no matter how fundamental we take it to be.

What accounts for these limitations on the interpretation of the Constitution? I have suggested at various points in the discussion some of the different limits on the use of tools, generally, and texts, including legal texts, specifically A more systematic account might be in order here.

The practical constraints on how a tool can be used can be typed (somewhat artificially, but, I think, usefully) as material, contextual, conventional, and normative. The uses of a screwdriver are materially constrained; no matter how much I want to get a clearer look at Jupiter's moons, the screwdriver will not help me because of its design and construction. Contextual constraints have to do with the situation in which the user finds herself. If I am at my workbench building a table, the opportunity to use the screwdriver as a weapon will not likely present itself. Conventions for using the screwdriver act as limits on the user's imagination; the tool might have myriad potential uses that will not be apparent to us because of how we have been taught to use it and how we have observed others using it. Finally, there are normative constraints. Among the different uses of the screwdriver that are apparent to the user, some may seem undesirable or even altogether inappropriate for instrumental and even ethical reasons. For example, I might decide not to use the screwdriver to pry open a can because of the potential for damaging the tool, or I might decide not to use it as a weapon because I think that it is wrong to use physical aggression against others.

As a tool, the interpretation of the constitutional text is subject to analogous types of limitations. As the screwdriver will not serve the purpose of astronomical observation, so the constitutional text will not serve as a city

67 See Campos, Against Constitutional Theory, supra note 4, at 307-08.
68. Suppose that many people believe that among our highest priorities as a nation is providing every citizen with a guaranteed annual income. It does not follow that we would be able to read the Incompatibility Clause or the Copyright Clause or the Due Process Clause to mandate a guaranteed annual income.
69. See, e.g., supra notes 35, 46, 55.
telephone directory. In each case, the tool lacks features needed to serve the proposed use. With respect to the text, the problem is not that it is impossible to read it as an encoded telephone directory. Rather, the problem is that the interpretive conventions needed to do so do not currently exist, and the excruciating effort needed to make the text, as written, communicate the relevant information would almost certainly undermine the utility of the project.

There are also contextual constraints on the interpretation of the constitutional text. If a high school civics class is studying the First Amendment, for example, the pressure might be strong to use the text as a statement of fundamental political values, as currently conceived. That is, a discussion of the Amendment might well focus on the role of "free speech" in contemporary society, rather than on its meaning to citizens in late eighteenth century America. If, on the other hand, the Amendment is being applied by a federal district judge in a particular case, the pressure might be strong to use the text as an expression of the wishes of superior judges in the judicial hierarchy. In each case, different ways of interpreting the text might seem more or less appropriate.

The conventional constraints follow from two hundred years of interpretive practice. This practice of constitutional interpretation has shaped our understanding of what a constitutional text can be — that is, what purposes a constitutional text can serve. There are undoubtedly many potential

---

70. The emphasis on the function of context in interpretation is a central feature of contemporary hermeneutics. Indeed, the pragmatist argument presented in this Article, with its focus on use, shares characteristics with hermeneutics and its focus on application. See generally HANS-GEORG GADAMER, TRUTH AND METHOD (Joel Weinsheimer & Donald G. Marshall trans., 2d ed. 1989) (5th ed. 1986). For a collection of essays specifically relating hermeneutics to the interpretation of legal texts, see generally LEGAL HERMENEUTICS, supra note 3. Not surprisingly, Knapp, Michaels, and Campos have written significant critiques of contemporary hermeneutics from an intentionalist point of view. See generally Campos, That Obscure Object of Desire, supra note 4; Knapp & Michaels, Against Theory 2, supra note 17.

71. Compare the example of the shopping list/poem, supra text accompanying note 46.

It should be noted that many different contexts will require seeing the Constitution as a public document, and this requirement, in turn, would subject this text to different limitations from a document serving an essentially private function, for example, a letter from a friend. First of all, we would treat the Constitution as a text written in English, rather than in an unknown language with an exact physical, but not semantic, resemblance to English. The Constitution would serve its function as a public document poorly if it were treated otherwise. Similarly, a public function would limit the meaning of the text to meanings that conform to the general conventions of English usage. That is, we would strive for meanings that would seem plausible to ordinary speakers and readers of the language.
uses of the Constitution that are not apparent to us because of the conventions that have grown up around that practice. Of course, this situation does not mean that new purposes cannot be thought of by imaginative users of the Constitution, but only that their discovery is more or less difficult.

To say that practice has identified certain purposes through convention is not to say that tradition has forged a consensus on the interpretation of the Constitution. Debate occurs on at least two levels. On one level is the debate over how the Constitution should be read to best address a particular task at hand. On another level is the debate over what the task at hand should be. For example, is our first priority maximizing autonomy, stabilizing government, or protecting minorities? These debates — both instrumental and ethical — are normative debates, and they impose an additional set of constraints upon our interpretive practices.

Accordingly, our most important debates about constitutional interpretation are, at their core, normative debates about the Constitution's best use. Should we read the text to define our most basic current political principles — should we read it as a sacred or canonical text? Or should we read the text to identify certain historically foundational political principles — should we try to determine how it was generally understood as a plan for government in late eighteenth century America? Or should we read the text as the repository of the wisdom of great men who authored it — should we read it as an expression of the meaning intended by the framers? The answers to these various interpretive questions flow in large part from our answers to the normative questions about what problems the Constitution ought to address and what readings of the constitutional text will best address those problems.

In sum, the interpretive question that arises whenever we encounter a legal text is not whether to treat it as a text or a writing, but a much more practical question: Why do we care about the text? What problem are we trying to solve? What is the point of reading the text? The meanings of a legal text, especially a rich text like the Constitution are limited but

---

72. Cf., e.g., Campos, Against Constitutional Theory, supra note 4, at 289-98; Interpretation Symposium, supra note 57, at 551-725 (containing articles on constitutional interpretation).

73. A text is "rich" if we perceive it as having multiple uses and, consequently, multiple interpretations. If we perceive the different meanings, but fail to see the specific use to which each meaning corresponds, the coincidence of multiple meanings can make the text appear ambiguous. But a text is no more ambiguous because it has multiple meanings — corresponding to its different uses — than a screwdriver is ambiguous because it can be handled in
variable. Within these limits, our necessarily contextualized decisions about how to use a legal text will determine its meaning.

V Conclusion

In a recent critique of contemporary hermeneutics, Knapp and Michaels end with the observation that the advantage of intentionalism "is not that it is more useful but that it is true."\textsuperscript{74} There is some irony here because Knapp and Michaels have elsewhere described their understanding of interpretation as "pragmatist."\textsuperscript{75}

The alternative understanding that I have suggested — to view texts as tools that can be used in a variety of ways — strikes me as a helpful way of comprehending why we value texts. And when we do view texts in this way, we can readily see that a text seems rich precisely because it can be used in a variety of ways. Moreover, we can appreciate why a poem seems different from a friend's letter or the Constitution: We use the texts for different purposes.

Viewed in this way, the meaning of a text flows not from the author's intent — although a text may, depending on the how the text is used, take its meaning from that intent — but from one's reasons for reading the text. Accordingly, debates over the proper interpretation of, say, the Constitution are, at their core, debates over why we read the Constitution.

My claim, then, is that my view of interpretation is useful. My view explains our encounters with texts better than the intentionalism of Knapp, Michaels, and Campos does, and it better enables us to clarify what is at stake in our disagreements over the interpretation of a text.

My view of interpretation also yields a truly pragmatist understanding of textual meaning. Practical limits exist on the purposes for which a given text can be used, and within those limits the meaning of the text is that which best serves the reader's purposes. The true meaning and the useful meaning are one and the same.

different ways — corresponding to its different uses. In each case, the tool is versatile.  
\textsuperscript{74} Knapp & Michaels, Intention, Identity, and the Constitution, supra note 3, at 197  
\textsuperscript{75} Knapp, Practice, Purpose, and Interpretive Controversy, supra note 3, at 323; see Knapp & Michaels, A Reply to Richard Rorty, supra note 13, at 472 ("[N]o one can ever be more or less pragmatist than we are.").