

BIBLIOGRAPHY

The following materials were distributed to the conferees prior to the Law and Linguistics Conference in order to give all of the scholars some background in the respective disciplines of law and linguistics. Some of the works formed the basis of the discussion at the Conference, while some merely provided helpful orientation.

A. *Legal Reasoning in General*

Ronald M. Dworkin, *Hard Cases*, 88 HARV. L. REV. 1057 (1975) (Dworkin, successor to H.L.A. Hart's chair in jurisprudence at Oxford, argues that the "right answer" to the meaning of a legal text is not limited either by the ordinary meaning of the words or the intention of the author).

Philip P. Frickey, *The Revival of Theory in Statutory Interpretation*, 77 MINN. L. REV. 241 (1992) (very readable intellectual and political history of legal approaches to interpreting statutes).

Lon L. Fuller, *Positivism and Fidelity to Law—A Reply to Professor Hart*, 71 HARV. L. REV. 630 (1958) (equally influential reply to Hart's article).

H.L.A. Hart, *Positivism and the Separation of Law and Morals*, 71 HARV. L. REV. 593 (1958) (very influential theory of legal meaning from the 1950s from a leading figure in jurisprudence).

Michael S. Moore, *The Semantics of Judging*, 54 S. CAL. L. REV. 151 (1981) (very thorough follow-up to Hart and Fuller).

Frederick Schauer, *Formalism*, 97 YALE L.J. 509 (1988) (defense of certain aspects of formalism giving greater weight to textual meaning than most other current legal philosophers).

Cass R. Sunstein, *On Analogical Reasoning*, 106 HARV. L. REV. 741 (1993) (discusses what seems typical of "thinking like a lawyer").

B. Constitutional Interpretation

Robert W. Bennett, *Objectivity in Constitutional Law*, 132 U. PA. L. REV. 445 (1984) (focuses on the then-current argument by conservatives that the intent of the Framers should control).

C. Statutory Interpretation

WILLIAM N. ESKRIDGE, JR. & PHILIP P. FRICKEY, *CASES AND MATERIALS ON LEGISLATION: STATUTES AND THE CREATION OF PUBLIC POLICY* 513-41, 634-708 (2d ed. 1995) (brief historical summary of approaches to statutory interpretation including the "process approach" advocated by Hart and Sacks and the famous critique of canons by Legal Realist Karl Llewellyn).

William N. Eskridge, Jr. & Philip Frickey, *Statutory Interpretation as Practical Reason*, 42 STAN. L. REV. 321 (1990).

Cass R. Sunstein, *Interpreting Statutes in the Regulatory State*, 103 HARV. L. REV. 405 (1989).

D. Linguistics in Relation to Law

Clark D. Cunningham et al., *Plain Meaning and Hard Cases*, 103 YALE L.J. 1561 (1994) (review of Lawrence Solan's *The Language of Judges* arguing that judicial decision-making in cases centering on disputed language could be usefully informed by consultation with linguists).

Judith N. Levi, *Language as Evidence: The Linguist as Expert Witness in North American Courts*, 1 FORENSIC LINGUISTICS 1 (1994) (overview of central subfields of linguistics and how they have been applied through expert testimony in past litigation).

Lawrence M. Solan, *Does the Legal System Need Experts in English Syntax?*, in *THE LANGUAGE SCIENTIST AS EXPERT IN THE LEGAL SETTING* 107 (R. Rieber & W. Stewart eds., 1990) (critique of judicial decision-making which recommends the use of linguistic experts).

E. Lexical Semantics (Word Meaning) and Dictionaries

Jerrold M. Sadock, *The Position of Vagueness among Insecurities of Language*, 7 QUADERNI DI SEMANTICA 267 (1986) (comparison of various sources of linguistic imprecision, including vagueness, ambiguity and polysemy, generality, and non-literal uses of language).

JOHN R. TAYLOR, LINGUISTIC CATEGORIZATION: PROTOTYPES IN LINGUISTIC THEORY 99-141 (1989) (introduction to some ways of understanding the complexities of word meaning).

F. Compositional Semantics

EMMON BACH, INFORMAL LECTURES ON FORMAL SEMANTICS 1-14 (1989) (introduction to the question of "What is meaning?" and the study of meaning via a formal approach called model-theoretic semantics).

GENNARO CHIERCHIA & SALLY MCCONNELL-GINET, MEANING AND GRAMMAR: AN INTRODUCTION TO SEMANTICS 1-45 (1990) (introduction to basic terms and concepts in the study of semantics, especially compositional semantics and the place of semantics in grammars of human languages).

BARBARA PARTEE ET AL., MATHEMATICAL METHODS IN LINGUISTICS 403-14 (1990) (overview of the interpretation of "opaque contexts," such as that introduced by the use of words like *knowingly* and *willingly* and verbs denoting mental states like *know*, *believe*, and *think*).

G. Pragmatics

GEORGIA M. GREEN, PRAGMATICS AND NATURAL LANGUAGE UNDERSTANDING 2-16, 37-63, 95-112 (1989) (overview of the linguistic subfield of pragmatics and its importance to the study of meaning).

Peter M. Tiersma, *The Language of Perjury: Literal Truth, Ambiguity, and the False Statement Requirement*, 63 S. CAL. L. REV. 373 (1990) (introduction to the use of Gricean analysis in the context of legal cases and issues concerning perjury—and thus the question of "What is truth?").

