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0521415462 - Interpretation and Meaning in the Renaissance: The Case of Law

Ian Maclean

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It is a commonplace of modern scholarship that there was no general theory of language available to Renaissance thinkers, and that studies of grammar confined themselves for the most part to the investigation of formal features of language. However, no community can operate without some shared assumptions about meaning and its transmission; and it is manifest from the plethora of works of interpretation at this time – commentaries, translations, paraphrases, editions, epitomes – that the practice of conveying significance was thriving, and giving rise to heated debates about correct interpretation in theology, law, medicine, philosophy and humanistic studies.

This book investigates theories of interpretation and meaning in Renaissance jurisprudence. How do they relate to the institutions of the law, especially pedagogical institutions? What characterizes the most commonly adopted theories of the legal profession? In what form were they published? How do they relate to the principles of interpretation found in the trivium of grammar, dilaectics and rhetoric? In what ways, if any, do they mark a departure from medieval approaches? How do they relate to modern canons of interpretation? And how do they relate to similar issues in modern semantics and the philosophy of language, such as speech act theory or the ‘logic of the supplement’? An answer to these questions is sought through an investigation of Renaissance problems concerning the authority of interpreters, the questions of signification, definition, verbal propriety and verbal extension, the problem of cavillation, the alternative interpretative strategies of *ratio legis* and *mens legislatoris*, the performative functions of language, and custom and equity as means of interpretation. The theoretical issues raised are examined in the exemplary case of defamation.

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IDEAS IN CONTEXT

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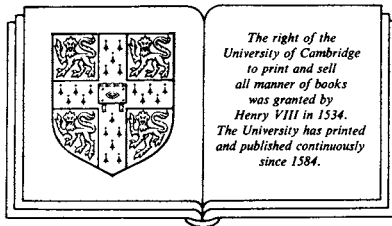
Frontmatter

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Frontmatter

[More information](#)

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Spéron-Spéroni [1500–88] explique très bien comment un auteur qui s'énonce très clairement pour lui-même est quelquefois obscur pour son lecteur: 'c'est', dit-il, 'que l'auteur va de la pensée à l'expression, et que le lecteur va de l'expression à la pensée.'

Chamfort, *Maximes et pensées* (1795), no. 462

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Ian Maclean

Frontmatter

[More information](#)

---

*For Isobel*

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0521415462 - Interpretation and Meaning in the Renaissance: The Case of Law

Ian Maclean

Frontmatter

[More information](#)*Contents*

<i>List of illustrations</i>	<i>page</i> xi
<i>Acknowledgements</i>	xii
<i>Notes on the presentation of the text</i>	xiii
Introduction	I
1 Contexts	12
The study of Roman law in the Middle Ages and Renaissance	13
Law and its status in the universities	19
Legal texts: genres, production, presentation, distribution	30
Justinian's prohibition of commentary and its interpretation	50
The defence of legal pedagogy	59
2 Interpretation and the arts course	67
Grammar	70
Logic and dialectics	72
Topics and rhetoric	75
Interpretation in theology and medicine	82
The development of legal pedagogy	83
3 Theories of interpretation and meaning	87
The self-evident text	89
Authority and interpretation	91
Signification, reference, evidence and its interpretation	95
The method	103
Definition, etymology, division	104
Modes of interpretation: declarative, extensive, restrictive	114
Words and things: propriety, ambiguity, usage	125



Cambridge University Press

0521415462 - Interpretation and Meaning in the Renaissance: The Case of Law

Ian Maclean

Frontmatter

[More information](#)

x

*Contents*

	Cavillation: interpretation in bad faith	135
	Legal fictions	138
	Literal, subjective and objective meaning: <i>verba, mens</i> <i>legislatoris</i> and <i>ratio legis</i>	142
	Illocutionary and perlocutionary force: performatives	158
	Nonlinguistic interpretation: custom and equity	171
4	Parallels and examples	179
	Suarez	179
	England	181
	Semantics and the law of slander	186
	Conclusion	203
	<i>Bibliography of primary sources</i>	215
	<i>Index of citations from the Corpus Juris Civilis</i>	226
	<i>Index of names</i>	229
	<i>Index of terms</i>	236

Cambridge University Press

0521415462 - Interpretation and Meaning in the Renaissance: The Case of Law

Ian Maclean

Frontmatter

[More information](#)*Illustrations*

(pages 41–8)

- Fig. 1 *Digestum novum cum commentariis*, Lyon, 1569, fol., p. 627  
 Figs. 2–3 Johann Thomas Frey, *Partitiones iuris utriusque*, Basle, 1571, fol., ff. 4<sup>v</sup>–5<sup>r</sup>  
 Fig. 4 Andrea Alciato, *De verborum significatione*, Frankfurt, 1582, 8vo, pp. 204–5  
 Fig. 5 Henricus Bocerus, *Commentarius . . . de famosis libellis*, Tübingen, 1611, 8vo, pp. 46–7  
 Fig. 6 Alciato, *De verborum significatione*, Lyon, 1530, fol. p. 102  
 Fig. 7 Alciato, *De verborum significatione*, Lyon, 1530, fol., title-page  
 Fig. 8 Alessandro Turamini, *De legibus*, Venice, 1606, 4to, pp. 170–1

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0521415462 - Interpretation and Meaning in the Renaissance: The Case of Law

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Frontmatter

[More information](#)

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Frontmatter

[More information](#)*Notes on the presentation of the text*

For the Corpus Juris Civilis, I have chosen to quote the text of the Krüger/Mommsen edition; where significant divergences occur, these are indicated. Modern editions of Cicero and other classical authors have also been used, as there are no significant divergences. In Latin quotation, accents have been removed, and i and j, u and v standardized wherever appropriate; the style of author's name (vernacular or Latin) follows the practice of the catalogues of major libraries. References to the Corpus Juris Civilis follow the usual convention (Digest 1.1.2 = D 1.1.2, Codex 1.1. = C 1.1; Institutes 1.1 = I 1.1. etc.).