

The Meanings of Meaning

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Synopsis

The present paper is divided in to five parts. The First part is introductory, pointing towards the all pervading need of meaning of different things in life. Second part focuses on the eternal nature of the quest for meaning. The Third part has a bird's eye view of the theories presented by various schools of jurisprudence to help us know which shade of meaning has to be preferred in comparison to others. The Fourth part relates to certain principles evolved in the West for understanding the true meaning of the words used in statute ; and shows how they correspond to a few formulae of mimamsa developed by Jamini to understand the meaning of the words used by Vedas, the source of Dharma. Fifth part comprises of conclusion and a sundry suggestions.

Part I: Meaning and We

Meaning makes a thing what it is. If a thing means nothing to us it is as good as no-thing. The most natural first question when we confront something-an object, a thought or a thing-is: "What does it mean?" If a thing had no meaning it would rather not have been there at all, so most of us think. The meaning is what we want to always have, in objects, in thoughts, in things; and this lies at the root of all discussions, studies and researches that we so dearly engage ourselves with. Yet it is the meaning that appears to be always eluding us.

Various theories of meaning are attempts by the scholars and others to present their way of looking at the true meaning of a word or sentence or a text. On the other hand, these scholars developed certain formulae to help one understand the utility or futility of applying certain ways

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in the administration of justice. Such formulae were devised in the field of Dharma by the mimamsakas who called them nyayas; and in modern law by the jurists who termed it maxims. Nyayas or the maxims are the tools that help us arrest the meaning of a word etc.

Meaning connotes, to a great extent, correspondence. The words we use have to correspond to something which is not the word itself or a permutation of the letters it contains. Meaning of a word transcends the individuality of letters it is formed by. Bereft of meaning a word would remain what it is, namely a word or a mere assemblage of alphabets. However, added by the wings of meanings it soars into heavens. The infinity of meanings attached to a word transforms it into the Almighty: *Shabda Brahma* (The Word God). Even prior to this, it is the meaning and meaning alone that makes an alphabet the Brahma: *Akshar Brahma* (God, the Imperishable)².

For the common man, it is the collective impression which the alphabets of a word create in unison that is taken somewhere near its meaning even as the fight for the real or the superior or the best meaning goes on among the extraordinary minds.

Sometimes, a word may not apparently have the halo of meaning, but the same may lie in the eyes of a mimamsak who discovers or, at times, even invents the meaning; making a hitherto fore desolate word as radiant as ever. At other times, a word may appear to be pregnant with meanings but on a closer scrutiny, by the interpreter, it turns out to be wholly devoid of the same, and is banished from the company of other words for being, say, out of context or redundant or absurd.

Also, the meaning of a word is very often determined by other words. A word is known by the company it keeps (*noscitur a sociis*). Needless to say such a company of other words also changes, sometimes if not always, the ordinary meaning of the word.

If we were to speak only one-word sentences, it would not take us too far. Therefore, a sentence has to have a meaning of its own. And so should anything and everything in this universe; because universe is made up of things. This is why a philosopher so emphatically

² In Sanskrit Language. an alphabet is called *akshar* meaning imperishable, a synonym to God.

declares that the world does or does not have a meaning at all, depending on whether his approach is materialistic or otherwise.

The lawmaker makes a judicious selection of words so that there is the least ambiguity and the purpose of law is made abundantly clear. The chances of a word having more than one meaning in a given set of situations give much more discretion to the judge. In such cases the fate of the accused is decided not so much by either the nature of the acts committed or the words of the statute concerned as by the judge's preference of one meaning over the other which he assigns to certain words of the statutory provision at hand. Such possibilities, it can be argued, may make a right a wrong or vice versa; and may well neigh defeat the purpose of justice.

The view, that such a situation may be more than just a hypothetical one, is lent credence by linguistic philosophers like HLA Hart who convinces us that "a word possesses not a proper meaning, but an inner core of agreed applications surrounded by a fringe of unsettled applications."³ And, to say the least, it is these unsettled applications which may make the chances of getting justice bright or bleak; depending on which way the wind of judicial reasoning has blown.

Part II: The Quest for Meaning

Vedas contain all the knowledge of the past, present and future. Since the words of Vedas remain the same, it would mean that there is a variety of meaning which may be discovered by the enlightened ones according to the changing coordinates of space and time. According to mimamsakas, Vedas are authorless; they have appeared for the good of humanity, and that even the God can not be treated as their author. The Quran, like Vedas, is regarded by believers as timeless; and is thought to be sufficient to guide them for all times to come. Every a'yat (verse) of Quran is believed to have seventy layers of meaning; each one of such layers having seventy sub-layers of meaning within it.

Clearly those who feel that Vedas and Quran need by amended with the changing times should better amend their idea, enrich their brains and try to fathom the intellectual and spiritual depths of the words used by these holy scriptures; and come out with the pearls of meaning that

³ See, RWM Dias: *Jurisprudence, Fifth Edition, First Indian Reprint 1994; p.352.*

are best suited to the times we are living in. The same assertion may hold good for the Bible (which, literally means, book) or other holy books guiding and inspiring the lives of believers of their respective faiths.

Here, the faith itself is the result of realisation of meaning by the believer; because the moment a believer fails to see meaning in the words of these holy texts, his belief is shaken. Then he is either disheartened or is determined to look out for meaning somewhere else.

The quest for meaning is eternal. Meaning of Vedas in karmakand leads to knowledge of performing rituals whereas that of the jnankand leads to the knowledge of Brahma. Also, this has blessed the mankind with two branches of philosophy, Mimamsa and Vedanta. In the process of knowing the true meaning of Brahma, the Vedas say, 'neti-neti'(this is no end); which is merely a way of admitting that there is no exhaustive list of meanings that may be attached to the Brahma.

Sometimes, the clash of several possible meanings leads to another meaning: *lāãñ lāãñ •ã¾ã!ãñ !ã!ã°ããñ£ã: vade vade jayate tatvabodhah.* The entire human life, it may be said, is but a journey in the quest of meaning: the meaning of the self. Utterances like, *ãÖã °ãÆÚããããÔ½ã 'aham brahmasmi'* or *!ã!ãá !ã½ãããÔã 'tattvamasi'* are indicative of a state of mind where the seeker of knowledge feels that he has known the meaning of the self.

As has been said at the outset, the quest for newer and newer meanings, whether for words or the texts in a discipline, leads to novel horizons of knowledge. In this process, man searches for meaning where none existed earlier, and newer ones where some existed already. This he does in all walks of life in a hope that meaning of elements (or, aspects) of life may possibly lead to the meaning of life itself. Thus looked at, all endeavours whether scientific, cultural, literary, religious, artistic or otherwise, appear to be but various 'indicators' of man's incessant quest for meaning.

While there may be doubts on whether a word can or cannot have a universal meaning, there is hardly any doubt about the universal nature of man's quest for knowing the meaning of a word. Meaning has always been an obsession with the thinkers in all ages; whether it is the meaning of the self or the life or the things or a combination thereof.

Part III: Meandering Ways of Meaning in Law

Philosophy, as a term, may have several adjectives like, say, religious, cultural, social and, of course, legal. Philosophy, in the sense of study of knowledge, proves to be mother of all theories; and as such there may be found several theories of meaning in philosophy both Indian as well as Western. Here a very humble attempt is being made to have a bird's eye view of the theories of meaning as applied in jurisprudence. In other words, only a few principles of interpretation will be hinted at.

3.1 Meaning and Law

Law is an agency to regulate human conduct. Left unregulated, all our efforts might become fruitless and, hence, meaningless. Law, then, may be viewed as something which helps man make his life meaningful as well for himself as for others. This, in turn, underlines the necessity of knowledge of meaning of the terms law uses.

Roughly, it can be said the moral law governs the internal, and statute law the external, conduct of man. Here it may be submitted that the law in the sense of dharma was and still is capable of regulating external as also internal world of man by virtue of its appeal to some superhuman authority; but the law in the sense of statute law seldom goes beyond regulating the external conduct of man. However, in either case, it is of utmost significance to know what the words of law mean.

The letters of law are the carriers of the spirit thereof. Whether 'A' has done what the law has ordained him to; or abstained from doing what the law has not entitled him to; or, equivalently, whether 'A' has or has not been within his rights in doing what he did or what he did not are questions the answers where to may be had by giving a thought to the meaning of words the law has used to describe such situations. Stretching this argument a little further it may be said that the answers to the above or the like questions that figure in a legal battle decide the course of justice.

Thus, whether by the lawyer's reasoning or by his own mental make up or by any external factor, if a judge has preferred to attach to the letters of law meanings which do not represent the core of such words, it may have the effect of sending the innocent behind bars or

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letting culprits go scot-free. The failure of judge, to choose the correct meaning of the words used in law, is most likely, in essence, to result in to miscarriage of justice.

3.2 Meaning in Western Legal Philosophy

Every discipline of study has a language of its own in so far as it treats certain words in a certain manner while leaving other words within their grammatical frames. In due course of time, every discipline develops, so to say, its own vocabulary. Viewed thus, same word may have different meanings in different disciplines. Law is no exception. For example, the words like house, bar, bench, sentence, award et al are used in law in a sense which is very remote to their literal meaning. This happens because law has a language of its own.

Accordingly, when one talks of meaning in law, one is tumbled over several schools of jurisprudence which convince him in their own way as to what law means. Standing with naturalists, one discovers the meaning of law as a dictate of reason. Subsequently, one is led by analysts to believe that law means a command; by the jurists of historical school that law is an indicator of consciousness or spirit of the people; by sociologists that law means, a purpose, a utility, solidarity, or reality; by Marxists that law can only mean an instrument of domination; and by others that law is a product of heredity, or that law is an instrument to maintain racial purity. To those who would feel that these are definitions of law, it may be well said that definition is one medium through which we try to express the meaning of a word whose meaning is not expressible in one word.⁴

On the other hand, when we come to know what the statute law means, we have more than one principles of interpretation of statutes. Here we try to construe the meaning of words or sentences statutes use, and therefore principles of interpretation are also termed as principles of construction. Thus we have literal rule, mischief rule, harmonious construction rule, golden rule, etc.

⁴ According to the dictionary, the word 'definition', inter alia, means: A precise statement of the nature, properties, scope, or essential qualities of a thing; an explanation of a concept etc.; **a statement or formal explanation of the meaning of a word or phrase; the action of defining the nature of a thing or the meaning of a word.** On the other hand, the thesaurus explains the word 'definition' as: **meaning, statement of meaning,** description, explanation, exposition, expounding, interpretation, elucidation, clarification, etc.

On another plane we have the meaning of several words which mean more in law than what they would do elsewhere. This gives rise to theories (of meaning) with respect to right, duty, possession, personality, etc. These we call legal concepts.

Also, as has been noted at the outset, there are maxims which encapsulate the deductions made by the jurists to help us derive the meaning of a word, or a sentence or a part of sentence as it has been used in law. Maxims of equity, natural justice, interpretation, et al prove to be of immense help in construing the meaning.

3.3 Meaning in Indian Legal Philosophy

Dharma, under Indian philosophy, was one of the four cardinal values of life i.e. dharma, artha, kama and moksha. Some thought the presence of the fourth value, namely, moksha was superfluous and clubbing the first three together called it trivarga. Dharma was thought to be all pervading as it was the only thing that held everything together. Vidhi meant the rules of rituals and, accordingly, it was dharma of human beings to perform those rituals as per the Vidhi enshrined in Vedas.

Jamini's was the first pioneering effort in the direction of understanding the true meaning of the words used in the first part of the Vedas i.e. Karma Kand. His formulae (sutras) not only provided the tools of interpretation (mimamsa) but also ignited the minds of several mimamsakas of succeeding generations who made an effort to elaborate the succinct sutras in to simpler forms. This was called Karma Mimamsa or Poorva Mimamsa. Accordingly, the science of interpretation developed for the latter part of Vedas i.e. Jnana Kand was termed as Jnana Mimamsa or Uttar Mimamsa (or Vedanta). Then, there are formulae called nyayas or maxims which are meant to facilitate the construction of meaning of words used in law:

“This is one of the devices by which an experience secured from a conclusion reached in a particular case can be used to explain a similar situation in brief and telling manner. A nyaya may be used either for interpretation of the provisions or to explain the situation in a given case forcefully.”⁵

⁵ Justice Rama Jois: Legal and Constitutional History of India, P.469.

While some nyayas or maxims may be found particularly significant for the purpose of legal interpretation, others may enrich the domain of general experience. There is a good deal of similarity in the principles of interpretation, as well as maxims, developed by the scholars in the East and West. The following section attempts to show this with the help of some such principles and maxims.

Part IV: East Means West (common tools of interpretation)

Great men think alike. Therefore it is less startling to find that there is the presence of more than just a few occasional similarities as regards the rules of interpretation as well as maxims of law developed by the jurists in the East and the West. This means that for such rules and formulae there is absolutely no need to qualify with East or West; because, we can say, these both are one and the same: the East is the West or, to put it differently, 'East' means 'West'.

To begin with, let us see how a mimamsak would interpret a provision of Vidhi in olden times. The procedure was known as **adhikarana** (that is, a complete theme). Explaining this method, Kumarila says: "The text under consideration, the doubt concerning it, the first side, the other side or answer, and the conclusion, all these constitute adhikarana."⁶

On his part, Sabara has suggested that the subject-matter requiring interpretation, the doubt arisen during such interpretation, the prima facie argument (*poorva paksha*), and the answer (*siddhanta*) are the essential components of adhikarana.⁷

This method of adhikarana resembles to a great extent with **Mischief Rule** of interpretation. This rule presumes that the intention of the legislature is to suppress the mischief and further the remedy. Here, the four points that have to be examined are: the law before the coming in to existence of the present statute, the mischief which remained un-remedied, the ways in which the present statute provides remedy, and the reasons that it gives for such a remedy. This rule was laid down in 1584 by Lord Coke and others in famous *Heydon's Case* in order to interpret a statute vis-à-vis common law.

⁶ See, Rama Jois J, op. cit. pp.436-7, quoting the Kumarila as it has appeared in Tagore Law Lecture 1905 p. 62.

⁷ Ibid. Quoting from English translation of Sabar Bhasya Vols. I, II, III by Sri Ganganatha Jha.

Here, it is almost unmistakably clear that whether it is a mimamsak or a western jurist, the four pillars of the construction remain the same. That is to say, the previous law (**poorva paksha**), the present law (the **vishaya** or subject-matter), the **doubt/ mischief** which has to be clarified/ remedied, and the ways in which the doubt has been cleared along with reasons therefor (**siddhanta**).

Now it would be in the fitness of things to consider a few rules laid down by Jamini and closely examine how they resemble to some of the most popular ways of interpretation developed by the Western jurists.

4.1 The Rule of Literal Interpretation

Ordinarily, to a word in a statute should be attached its natural and ordinary meaning unless, of course, doing so is likely to make the sentence devoid of meaning. This is known as the **rule of literal interpretation**. Sometimes, the definition clause of a statute refers certain words and declares that unless expressed otherwise these words shall have such and such meaning. In such a situation the literal meaning of a word given in the definition clause is the same as it has been given there. To interpret a statute is to deduce the intention of the legislature from the language it has used; and this can be done best by reading the words in their natural meaning due regard being had of the grammar of the language.

It is also natural to read the sentence as it is and to read the words in the order in which they occur there. If, on the other hand, a word has over the years acquired a technical meaning, the same should be regarded its natural meaning when it has occurred in a technical legislation; otherwise such a word would be assumed to have been used in its ordinary meaning. Bayley J said:

“It is very desirable in all cases to adhere to the words of an Act of Parliament, giving to them that sense which is their natural import in the order in which they are placed.”⁸

While reading a statute, every word of it has to be given a meaning, and therefore an interpretation that renders some words of a portion of a statute meaningless should not be

⁸ See, *R v. Ramsgate (Inhabitants)* (1827) 6 B & C. 712 at p.715 Maxwell, p. 28 f. n. 2.

countenanced. Also, in an effort to gather the intention of the legislature or the purpose of legislation, it becomes often necessary to read the words of a statute in their proper context. Maxwell suggests that this can be done either in the context of external aspects or in statutory aspects.⁹ A construction which would leave without effect any part of the language of a statute will normally be rejected.¹⁰ Maxwell thinks it reasonable to presume that 'the same meaning is implied by the use of the same expression in every part of the Act'.¹¹ However, he also admits that at times 'the same word may be used in different senses in the same statute and even in the same section'.¹²

Here one is reminded of Jamini's sarthakya Principle or the principle of meaningfulness by which he meant that 'commendatory words used in a Vidhi have a meaning and purpose, as they make explicit what is implicit in the rule and therefore can not be ignored'.¹³

Another principle by Jamini which is of significance here is the arthaikatva principle which requires for consistency, if not identity, of meanings of a word should it occur more than once in the same legal text.

4.2 The Golden Rule of Interpretation

As has been mentioned earlier, the intention of the legislature or the purpose of the legislation has to be gathered from the language of the statute itself. If the literal interpretation leads to some absurdity, the words of the statute may be assigned meanings slightly different from their ordinary ones in order to achieve the intention of legislature. In the words of Parke B:

"It is very useful rule, in the construction of a statute, to adhere to the ordinary meaning of the words used, and to the grammatical construction, unless that is at variance with the intention of the legislature, to be collected from the statute itself, or leads to any manifest

⁹ See, pp.46-75, op. cit. External aspects include historical setting, Parliamentary history, government publications (for example, the reports of commissions of committees that preceded the enactment of the statute; and other documents), international conventions, dictionaries and text-books, and judicial, commercial and administrative practices. The statutory aspects demand that an Act be regarded as a whole, and be interpreted with reference to former or later statutes if need be.

¹⁰ Ibid. p.36.

¹¹ Maxwell, op. cit. p. 278.

¹² Ibid. p.279.

¹³ See, Rama Jois J, op. cit. p.448.

absurdity or repugnancy, in which case the language may be varied or modified, so as to avoid such inconvenience, but no further.”¹⁴

This is referred to as the **golden rule of interpretation**. It means that out of two possible interpretations of a statute, the one leading to absurdity or repugnancy has to be ignored and the other preferred. Related to this is a situation where words of a statute permit two interpretations both capable of achieving the purpose of the statute; but while the one achieves it in a larger sense, the other does it in a narrower sense. The judges, in such situations, are likely to go for that construction which helps achieve the purpose of the statute in a broader sense. This is called *beneficial interpretation*. It has been rightly said that beneficial construction is a tendency rather than a rule.¹⁵ In case of two mutually conflicting provisions of a statute, the latter should be preferred to the former since, according to Maxwell, by expressing the latter view the Parliament has, in effect, rejected the former view.

Some principles of interpretation given by Jamini arrest one's attention here. The general tendency should be to harmonise the meaning of different parts of law in question. Jamini calls it the *samanjasya* principle. If out of the two conflicting provisions, one is the exception to the other, there would be no difficulty interpreting the whole provision of law. However, if one part reflects the principal (*pradhana*) idea of the law in point and the other only a narrower (*guna*) one, the latter should be discarded and the former preferred. This is the *gunapradhana* principle by Jamini. In another situation, it may so happen that one provision is so diametrically opposite to the other in its intent that harmonising both of these becomes an impossible task. According to Jamini, the interpreter in such a situation should be at liberty to accept anyone and reject the other. This is the principle of *vikalpa* propounded by Jamini.

It is amply evident from the above that the samanjasya principle does exactly what is done through the principle of golden rule in modern jurisprudence. The gunapradhana and vikalpa principles present solutions to two exceptional situations which the interpreter is most likely to confront on his way to achieve a golden or harmonious interpretation of a statutory provision. The only variance is to be seen in the case of two mutually conflicting provisions of

¹⁴ Becke v. Smith (1836) 2 M & W 191, at p. 195; quoted by Maxwell, op. cit. p. 43.

¹⁵ See, Maxwell, op. cit. p.92.

law where, according to Jamini's principle of vikalpa, anyone may be accepted while Maxwell, as has been mentioned above, argues for the later provision.

4.3 Nyayas v. Maxims

A very famous nyaya is anishiddham anumatam, that is, that which is not objected to is taken as agreed to or, in other words, silence is tantamount to consent. One can easily recollect that it correlates to one of the general defences used in the law of torts whereby one who has earlier consented to (or, accordingly, not objected to) something can not later claim compensation for damages suffered by such thing. The maxim governing this principle is: volenti non fit injuria.

Let us consider another nyaya: kaaryati sa karotyeva meaning that he who causes an act to be done by another does it himself. It reflects nothing but another principle of civil law which states that if somebody gets something done for himself with the help of another person, he is held liable for the consequences in the same way in which he would have been if he himself had done it. This nyaya, therefore, finds its match in the maxim qui facit per alium, facit per se i.e. he who acts through another acts himself.

There is another nyaya called sundopsund nyaya which derives its name after two monsters who fought against each other for a heavenly damsel (Tilottama) and died in the process. It is interesting to note that the maxim allegans contraria non est audiendus conveys the same meaning when it declares that 'one making contrary allegations should not be heard'.

Apart from this, there is gobaleevardnyaya. According to this nyaya, when two words of the same category are used in a text wherein one is general and other specific, the latter should qualify the former. This is akin to the maxim ejusdem generis. In the words of Justice Rama Jois:

“This nyaya is somewhat similar to the modern rule of construction indicated by the rule *ejusdem generis* which requires that a general word which follows a specific word of the same category takes the restricted meaning of the preceding specific word.”¹⁶

For *gobaleevardnyaya* as also for the maxim *ejusdem generis*, the only requirement is there must exist a genre or category to which both the words belong. The *gobaleevardnyaya* is also termed as the ‘cattle and bull’ maxim. The exception to this maxim is found in *ghatpat nyaya* which means that just by virtue of coming together two words can not be understood as one qualifying the other. For example, *ghat* (pot) and *pat* (portrait) can not mean the same even if they come together-*ghatpat*. Hence, the name *ghatpatnyaya*.

Part V: This Means That.....

There is more than a mere coincidence between the rules developed by the jurists in the East and West, whether it be a rule of interpretation or judicial maxims. Owing to different paradigms, there is the pre-eminence of Vedas at one place and the Sovereign at the other. But both, in their own way strive to ensure the welfare of humanity at large. This is why so much agreement is there in the ways developed for arresting the true meaning of the provisions of law. And, this is why, at least in this area, we can say: *Oh, East is East and West is West; But here the two shall meet.*”

¹⁶ Justice Rama Jois, op. cit. p.473.