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Ordinary meaning, change and the Law

Social and cultural systems that rely on canonized texts to express social norms clearly face a dilemma in relation to language change. Once the text is formulated or enacted it enters historical time, including being implicated in language drift and more dramatic forms of language transformation. In the case of religious texts, this process sometimes led to translations being canonized and updated to take account of linguistic change (e.g. in Protestantism). In the case of Islam, the Qu'ran is canonical only in the original classical Arabic. In the latter system, learned commentaries naturally take on a greater role than in the former, where the text can lay claim to a greater degree of transparency. One way to understand the fate of a statute in the common law system is that it develops a series of 'commentaries' in the form of case law. This paper looks for parallels and differences between secular law and sacred texts, focusing in particular on how law deals with changes in the meanings of 'ordinary', non-technical terms. It looks at these issues by examining the court's use of dictionaries, the textualism debate in the United States and analyzing particular cases where these issues become salient.

KEYWORDS: ordinary meaning; canonical texts; language change; dictionaries; textualism