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Textual Interpretation

PHIL 101

Self, World, & God

Lecture Eighteen

& Nineteen

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A Mysterious Sign

PRIVATE MEMBERS ONLY

- **Faculty Club**
- **What does it mean?**

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Evidence for Reading of a Text

- e₁. The “text” is on a sign.**
- e₂. The sign is on a door.**
- e₃. The door is to the Johns Hopkins University Club.**
- e₄. The “text” reads “PRIVATE MEMBERS ONLY.”**

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Possible Explanations

- t₀. Only those persons who belong to this club may enter it.**
- t₁. Only those who are secretly and not publicly members of this club may enter it.**
- t₂. Only the genitalia of members may enter.**
- t₃. You may bring in your own genitalia.**
- t₄. Only genitalia may enter.**
- t₅. The sign was intentionally designed with double meaning by witty intellectuals.**

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The Constitution

- **History**
- **Written document**
- **Interpretive theories**
 - **Plain meaning**
 - **Originalism**
 - **Concrete intentions**
 - **Abstract intentions**
 - **Non-originalism**

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Contingent Realities

- **Arguments of pure principle**
- **Preaching to the choir**
- **Arguments from contingent realities**
 - **Concede that in a more perfect world X would be permitted**
 - **But in this world contingent realities prohibit it**
 - **Professor/student affairs**

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D **Due Process Clause**

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D **Eighth Amendment**

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I **Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.**

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Equal Protection Clause

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

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Abstract Intention Regarding Capital Punishment

- Constitution permits
- Only if there is Due Process of law
- Only if it is not cruel and unusual
- Only if it does not deny Equal Protection of the law
- The death penalty must be imposed fairly, and with reasonable consistency, or not at all.

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Brief Recent History of Capital Punishment

- **Constitutional precedent**
- **Trends in the 20th Century**
- **McGautha v. California, 402 U.S. 183 (1971)**
- **Furman v. Georgia, 408 U.S. 238 (1972)**
- **Gregg v. Georgia, 428 U.S. 153 (1976)**
- **Callins v. Collins, 510 U.S. --- (1994)**

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Arbitrary Administration

- **Procedural cruelty**
- **Lightning analogy**
- **Class grades thought experiment**
- **Isn't this true of all punishment?**
- **Is there a higher responsibility for justice and fairness when the stakes are higher?**
- **Aren't they all guilty, so where's the injustice?**

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WHY IT'S STILL ARBITRARY

- **Presupposition in Furman - It's the jury**
- **Post-Furman corrections**
- **Better define aggravated murder**
- **Two stage trials**
- **Where the real power lies**
- **O. J. Simpson trial**
- **Lynne Abraham**
- **Robert Colville**
- **Justice Blackmun's conversion**

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