

## Ex Ante

The bronze statue of John Marshall, of Virginia, first Chief Justice of the United States, was unveiled with fitting ceremonies in the Capitol grounds yesterday.

Marshall was the third, fourth, or fifth Chief Justice, depending on how one reads the history of the Court. He was not the first.

Any word about the march performed by the Marine band on the western terraces of Capitol Hill on May 10, 1884, would be most appreciated. If you have any information or ideas along these lines, please drop us a line at [editors@greenbag.org](mailto:editors@greenbag.org).

● *Perpetuated in Bronze*, WASH. POST, May 11, 1881; Morrison R. Waite, *Address at the Unveiling of the Statue of John Marshall at the U.S. Capitol*, 2006 GREEN BAG ALM. 193.

## AMBIGUITY CLARIFIED

William D. Popkin's new *Dictionary of Statutory Interpretation* is filled with usefully extended treatments of important and interesting legal terms. Surely his most ambitious, and quixotic, effort is the definition and treatment of ambiguity:

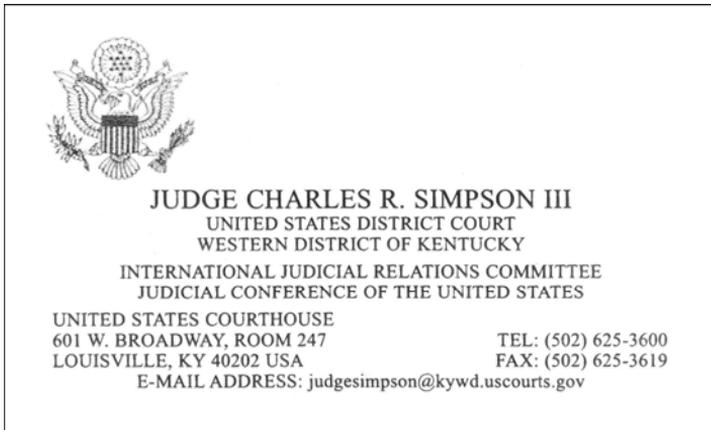
1. *Definition*. "Ambiguity" is ambiguous:
  - (1) It can refer to semantic ambiguity, when there are two divergent meanings based on different contextual settings, such as – a monarch can be a butterfly or a ruler, depending on whether the context is botany or government; a tomato can be a fruit or vegetable, depending on whether the context is botany or colloquial/business (*Nix v. Hedden*, 149 U.S. 304 (1893) (tomato is a vegetable in colloquial and business usage)). See Entry: Ch. 1 – Semantic ambiguity.
  - (2) It can refer to syntactic ambiguity, as when a dependent clause can have one or multiple references (for example, A, B, or C which etc.). See Entry: Ch. 1 – Syntactic ambiguity.
  - (3) It can be a catch-all phrase, referring to any uncertainty in statutory meaning.
2. *Relevance for statutory interpretation*. Confusion over the meaning of "ambiguity" is important only because different sources of uncertainty are likely to be resolved in different

## *Ex Ante*

ways. For example, most semantic ambiguity – in the sense of divergent meanings based on different contexts – is readily resolved by the surrounding text of a legal document; language users are not even aware that there is an ambiguity in the first place. Thus, we know that “bank deposits” almost certainly does not refer to something found near a river bank as long as the statute deals with financial institutions rather than the environment.

3. *Contemporary issues.* The third catch-all definition (referring to any uncertainty in meaning) is unfortunate because it blurs many different sources of textual uncertainty – such as semantic and syntactic ambiguity, vagueness, open-ended texts, and generality. The better catch-all phrase is linguistic “uncertainty.” See Entry: Ch. 1 – Uncertainty about meaning.

- WILLIAM D. POPKIN, A DICTIONARY OF STATUTORY INTERPRETATION 11 (Carolina 2007).



## INTERNATIONAL CALLING CARD — THE ANSWER

**P**ictured above is the answer to the question we asked on page 154 of the Winter issue. Look for more about the International Judicial Relations Committee in future issues.

