

PRESPECTIVES**Text and Context: Or, What is the Role of
'Interpretation' in the Case Method?****Shiva Kumar Srinivasan**

What is the model of interpretation that is presupposed in the case method? While the term 'interpretation' is not used as often in case analysis as in literary analysis, it is not possible to discuss a case without an implicit model of interpretation. The 'words on the page' don't speak for themselves, but must be understood in the context of an interpretation. The term 'interpretation', as students of the humanities know, will vary from one school of thought to another. Since texts generate a number of interpretations, it is important to know how to *situate an interpretation*. Analogously, when we discuss a case as a prelude to making a decision, we are doing something akin to interpretation. The problem, however, is that we often forget that we are engaged in the process of interpretation. We wind up thinking that we are merely analysing the case in the form of a discussion. The assumption here is that there is nothing inherently theoretical about a discussion as opposed to an interpretation. But, in practice, it is difficult to differentiate between a 'discussion' and an 'interpretation', since the former presupposes the latter, and all conversations are forms of 'rule-governed activity'. The rules that govern conversations and discussions are studied in an area of linguistics called pragmatics. An interesting discovery in pragmatics is that all use of language - even those that seem completely spontaneous - follows interesting patterns that can be studied and formalised as theories in pragmatics and discourse analysis. So if conversations and discussions are rule-governed activity, (that is, they are highly structured 'events', although they may seem 'natural'), then the implications of these discoveries about the basic forms of language will help us to think through what happens during a case discussion.

Case Analysis as a Literary Genre

The impression that a case instructor often has at the end of a case discussion, especially if he is teaching a case for the first time, is that the students could have chosen to allocate their time and attention in a number of different ways. It takes time for the novice instructor to recover from the discussion because he was simply not able to anticipate what sort of novel interpretations might be thrown up by the class. But if a particular case is taught repeatedly, then familiar patterns begin to appear. Some of these patterns are anticipated in the teaching notes; some are not. In either case, the patterns of interpretation encompass a set of possibilities ranging from 'anything' to something 'specific'. It is at this point that the implicit patterns emerge in the case discussions both within and between sections where the case is being discussed. The case instructor then begins to understand like the linguist that a case discussion is a rule-governed activity. It can be 'formalised', like linguists do, by studying transcripts of conversations and discussions. The logical structure of a case discussion will also take on forms that are studied by theorists of pragmatics interested in the rules of conversational implicature. So, while a case analysis may not follow all the maxims of conversational implicature that are formalised by the theorists working in this area, it will follow them sufficiently enough to demarcate discrete patterns and regularities. So once

a case has been made for using pragmatics or discourse analysis to study the structure of case discussions like conversations, we can go on to ask what sort of literary genres, if any, are relevant in these discussions. Although a mapping of the structure of a case discussion in the context of pragmatics and discourse analysis will have to wait for another occasion, it is at least possible to establish *prima facie* that a case discussion is not the chaotic thing that it appears to be initially, but a 'rule-governed activity' in the strong sense that is attached to this term in pragmatics and discourse analysis.

Questions of Genre

Although case instructors may not have a formal acquaintance with these areas in linguistics, they do ask themselves questions about the discursive structure of the case method that is similar to the work of linguists. Here, by way of illustration, are a few such questions: What is a case? What are its generic markers? What are the different types of cases? What are the generic differences, if any, between cases in different areas? What are the different parts of a case? What is a case discussion? How should a case be interpreted? What is the time frame in which a case should be situated? What are its boundary conditions? What is a casebook? In what sequence should cases be taught? These then are the types of questions that are studied by theorists in areas such as pragmatics and discourse analysis who are interested in the problem of 'genre'. The term 'genre' is understood to be philosophically problematic because genres evolve over a period of time. In literary analysis, for instance, differentiating rigorously between 'prose' and 'poetry' is much more difficult than may seem initially, since both form and content (the sub-units of genre) affect each other to a point where the definition of any given genre is bound to change rather than stay put in a neat generic typology of literary forms. This is the problem with the definition of a case, and the questions given above, as well. Cases, in a sense, are not static entities, since they can be taught forever. Dashman & Co, for instance, has been around for as long as we care to remember; it is both the 'simplest' case and the 'most difficult' case to teach. This is because a case can be understood as a prose text, a poem, or even as a play. The notion of a play is what is encapsulated in the notion of a role-play that is used to harness the 'performative' dimension of a case. The uses of role-play in teaching decision-making by forcing the case discussant or role player to think through the logic of the argument is a well-demonstrated technique in management development programmes.

Boundary Conditions in Case Analysis

The arguments advanced above pertain to the context of interpretation, but it is also necessary to discuss the textual dimension of interpretation. What, in other words, is the default model of interpretation that is used in case discussions? A simple rule of thumb is to start with boundary conditions. Case analyses proceed through rigorous boundary conditions not only in terms of what sort of additional data, if any, is admissible, but also in terms of the loci that are invoked in the discussion. The time frame is also closed in terms of the data that is being studied. So, for instance, decisions have to be articulated in the context of the assignment question, which, in turn, is calibrated with a particular period in mind to reduce the levels of 'over-determination' built into the case. The default modalities of case analysis used in business schools resemble most closely a school of literary

interpretation called the 'new criticism'. Most of the other schools of interpretation in use in the literary academy in America and elsewhere use the default modalities built into the new criticism as their point of departure in order to allow a greater degree of contextuality than the new criticism will allow. But, nonetheless, all students of literary interpretations will have to work their way through this interpretative framework. To put matters in a nutshell: the new criticism is based on the greater importance of the text rather than the context. This is the default modality of interpretation. The theoretical differences, if any, between the new criticism and other models of literary interpretation are related to the changing relationship between text and context in the practice of literary criticism.

Analogies in Case Analysis

The presuppositions built into the model of case discussion and case interpretation in the case method then are also related to the model of the new criticism, where not only the text is more important than the context, but strict boundary conditions and time frames make it possible to focus on the case at hand. Case analysis, in other words, is built upon a vertical model of in-depth reading, especially in the context of business studies. Although there is a horizontal element here as well, that is of less importance since case instructors know that the quest for background information about a firm is often used as a psychological defence by students to not analyse a case, and merely proffer information in the place of analysis, when it is their turn to speak. So while case instructors do not necessarily discourage students from invoking analogies from other cases that have been discussed in the course, they do not encourage the habit of multiplying texts and/or contexts in the interest of the focus that is necessary to recommend a decision. There is greater room for invoking analogies in the law school system, since a case discussion in a legal conflict has to not only understand the problem of context in the act of interpretation, but also invoke case law to establish equity. This is because the law recognises the role of intangibles such as intentionality, insanity, extenuating circumstances, self-defence, etc., both in the law of torts and in the criminal justice system.

Remedies in torts, for instance, are linked to the court's assessment of the extent of damages; which, by definition, are context specific. Therefore, a case discussion in a law school cannot work with the new criticism model of interpretation that is focused only on the text with a minimal, if any, invocation of context. That is also why the innovations in literary theory and criticism are quickly incorporated into the modalities of interpretation that are permissible in case analyses in the law school system. The existence of a thriving 'law-and-literature' movement in American law schools is a testament to this set of debates and exchanges between the domains of law and literature in the American academy. To summarise: the case method in the law school system has repeatedly tried to break out of the model of interpretation that is synonymous with the new criticism despite the fact that the new criticism continues to be valuable as a point of departure. The generic markers attached to the new criticism, however, remain relevant in the business school system, since the task of teaching decision-making in management is not the same as that in the law. This theoretical discussion, however, is an interesting opportunity to understand where the new criticism is coming from, and why it has had more success in the business school system than in the law school system in the United States and elsewhere.

New Criticism in Business Schools

The new criticism came into prominence in the post-war era when there was a huge increase in college enrollments in U.S. campuses. This increase was linked to a specific piece of legislation that was passed by the U.S. Congress to re-settle soldiers and officers of the armed forces who were returning home from Europe at the end of the war. Congress made the financial provisions necessary through the GI Bill to educate those soldiers who wished to re-settle into civilian life, or who were going to be discharged anyway. A large number of these soldiers-turned-students flooded into undergraduate programmes including those in English studies, or had to do a component of literature as a part of their 4-year degrees in the arts and the sciences. The new criticism which focused on the 'words on the page', as opposed to invoking complex models of historical philology, became quite popular with both students and instructors, since the main pedagogical goal was to make culture available to those who were going to college for the first time. Why was this a challenge to educators? A focus on the text rather than on the context meant that these students could be quickly taught to read and interpret texts. Reading or interpretation, then, in this model of education, becomes synonymous with the process of 'learning' and socialisation. The term 'reading', which, in the first instance, is linked to the problem of basic 'literacy', was necessary but not sufficient. So while these American students were literate, i.e. they could read in the literal sense of the term, they did not necessarily have the family backgrounds and/or the cultural literacy needed to 'read' in the sense of being able to 'interpret' the Anglo-American literary canon, which had until then been the preserve of the literary élite.

New Criticism and Cultural Literacy

What the methodology of the new criticism made possible then was a quick breakthrough for those from humble backgrounds into the mainstream of American high culture. The task of education was to inculcate both basic 'numeracy' and basic 'literacy', but with the value addition that comes from understanding the process of interpretation. The task of a college degree then in the aftermath of the GI Bill was to make it possible for members of the working classes and the lower-middle classes to move from a functional notion of literacy to a middle-class notion of cultural literacy by mastering the skill sets of literary interpretation. Acquainting students with the literary canon then was a way of ensuring that they entered either higher education in graduate schools in the arts and sciences and/or the graduate schools of professional education as a first step towards greater socio-cultural and socio-economic mobility. In this educational framework, which was funded generously by the GI Bill, the onus was not merely on increasing employability but on mobility as well. The new criticism, by redefining the process of 'reading' from a technical model of literacy to a socio-cultural model of 'interpretation', made the rise of these hitherto dis-enfranchised classes almost inevitable. The educational foundations of America's economic resurgence after World War II, then, were laid by the GI Bill. The new criticism was the literary methodology that was to play a major role in this transformation of American society. The method of interpretation followed the simple formula: *Text rather than context*.

The Brandeis Brief

This formulation was however changed to make way for a greater sense of context in literary studies when the socio-cultural changes envisaged in the GI Bill actually came to pass. But, nonetheless, this default programme continues to be of use. There was a time when law schools were as enamored of the text orientation (as opposed to the context orientation) in America. In fact, one of the great achievements of Justice Louis D. Brandeis, as a young attorney in Boston (much before he became a Justice of the U.S. Supreme Court), was to help re-configure the relationship between 'text' and 'context' in American law. Brandeis was the one who pioneered the idea that sociological data could be included in briefs submitted before the Supreme Court, and that judicial decision-making at the highest levels must attend to both form and content, although it is not easy to say, once and for all, what the proportional share of these two categories must be in any given interpretation. It was the 'Brandeis-brief', which was invented much before the world wars, then, that went on to serve as a formal precedent for the invocation of sociological context by Thurgood Marshall and his legal associates before the U. S. Supreme Court in *Brown v. Board of Education*, and the cases that followed in its wake, which outlawed racial segregation in American schools.

Conclusion

The structural relationship, then, between form and content that literary scholars have worried about since Aristotle's *Poetics* is something that is relevant not only to the demands of literary study but to the modalities of the case method as used in business schools and law schools as well. The burden of this perspective essay is not to emulate what happens in American law schools, but to compare methodological differences within the context of the case method, and understand the underlying rationale for these differences through the varied fortunes of a fortuitous pedagogical innovation in literary theory, called the 'new criticism'.

Author's Profile

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