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LINGERING READINGS: GARDEN-PATH REANALYSIS AND THE REVISION OF STATUTORY MEANING

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Abstract:

The cognitive phenomenon of garden-path processing offers a useful lens to understand legal interpretation. Garden-path sentences demonstrate that readers may construct an initially plausible interpretation hold onto pieces of that interpretation even when they are given information that requires reanalysis. The paper explores if legal readers may encounter similar path-dependence when faced with structurally ambiguous statutory language, drawing on psycholinguistic studies of persistent misinterpretations. It contends that interpretive doctrines may be institutional devices for managing reanalysis, not just for choosing among competing interpretations. Through Indian statutory and arbitration cases, the paper illustrates how displaced readings may persist within subsequent interpretation and doctrinal development, while identifying the need for empirical testing.

Keywords: Garden-Path Processing; Legal Interpretation; Statutory Interpretation; Psycholinguistics; Reanalysis; Linguistic Ambiguity.

I. Introduction

The sentence “The horse raced past the barn fell” can be read easily until you get to the last word.¹ There is no way for that word to attach itself to the structure the reader has already built, and the sentence has to be reanalysed: it was the horse, raced past the barn by someone, that fell. Readers recover from such “garden-path” sentences, but experimental work on what follows the recovery shows something less obvious. The experimental work shows that readers can reanalyse a garden-path sentence correctly, and yet retain effects of the initial interpretation in subsequent comprehension judgments.² In ordinary language comprehension, revision does not guarantee erasure.

¹ Thomas G Bever, 'The Cognitive Basis for Linguistic Structures' in John R Hayes (ed), *Cognition and the Development of Language* (Wiley 1970).

² Carol A Christianson, Kiel Hollingworth, John F Halliwell and Fernanda Ferreira, 'Thematic Roles Assigned along the Garden Path Linger' (2001) 42 *Cognitive Psychology* 368.

Legal interpretation contains a structurally similar movement. A court reads a statutory provision and forms a plausible initial reading. Further material then arrives, surrounding provisions, definitions, precedent, purpose, or a larger bench; and the reading is revised, sometimes emphatically. The doctrines governing that movement, including whole-text interpretation, the last-antecedent and series-qualifier rules, precedent and prospective overruling, are conventionally justified as methods for determining what the text means.

The surrounding territory has been mapped. Law-and-language scholarship has examined ambiguity, ordinary meaning and judicial recourse to linguistics.³ Garden-path theory has been applied to a statutory case in Craig Hoffman's commentary on *United States v X-Citement Video*.⁴ Empirical work has shown that judges often reason intuitively⁵ and that legal text is unusually difficult to process, even for experts.⁶ Interpretive rules have been studied as possible devices for overriding intuition.⁷ The article identifies a connection not developed in the literature located for this study: between psycholinguistic evidence of persistent effects of discarded interpretations and the institutional doctrines through which courts revise statutory readings.

The argument is deliberately cautious. It does not claim that judges experience garden-path effects as experimental participants do; no direct evidence of that exists, and this paper says so. It advances two connected propositions. First, the persistence of initial readings gives reason to treat as an empirical question something theories of interpretation tend to assume: that a revised reading replaces the first. Second, doctrines governing the revision of statutory readings can be analytically understood as institutional regulators of revision: a proposed redescription, not a claim about their historical origins. The method is doctrinal, informed by sentence-processing research, and is tested against two decisions of the Supreme Court of India: *Mohd Shabir v State of Maharashtra*⁸ and the line from *Bhatia International v Bulk Trading SA*⁹ to

³ Lawrence M Solan, *The Language of Judges* (University of Chicago Press 1993); Peter M Tiersma, *Legal Language* (University of Chicago Press 1999).

⁴ Craig Hoffman, 'When Worldviews Collide: Linguistic Theory Meets Legal Semantics in *United States v X-Citement Video, Inc*' (1995) 73 *Washington University Law Quarterly* 1215.

⁵ Chris Guthrie, Jeffrey J Rachlinski and Andrew J Wistrich, 'Inside the Judicial Mind' (2001) 86 *Cornell Law Review* 777.

⁶ Eric Martínez, Francisco Mollica and Edward Gibson, 'Poor Writing, Not Specialized Concepts, Drives Processing Difficulty in Legal Language' (2022) 224 *Cognition* 105070.

⁷ Anne van Aaken, 'The Cognitive Psychology of Rules of Interpretation in International Law' (2021) 115 *AJIL Unbound* 258.

⁸ *Mohd Shabir v State of Maharashtra* (1979) 1 SCC 568.

⁹ *Bhatia International v Bulk Trading SA* (2002) 4 SCC 105.

Bharat Aluminium Co v Kaiser Aluminium Technical Services Inc.¹⁰

II. From Garden-Path Processing to Lingerings

Human sentence comprehension is incremental. Readers do not wait for a sentence to end; they assign structure and a provisional interpretation word by word. Because the partial input at any moment is compatible with more than one analysis, commitment precedes disambiguation, and occasionally the commitment is contradicted. The canonical demonstration is the sentence above, where "raced" is first taken as the main verb and must be reanalysed as part of a reduced relative clause once "fell" arrives. The disruption is measurable: reading slows, or comprehension fails, and this is the garden-path effect.¹¹

On the classical account, the initial parse follows principles of structural economy, with disambiguating information forcing revision.¹² That serial, syntax-first architecture is not the only live theory. Constraint-based and expectation-based accounts hold that lexical frequency, plausibility and context constrain interpretation from the outset, so that "first parse, then context" oversimplifies normal comprehension.¹³ This paper takes no side in that dispute, because nothing in its argument depends on the outcome. Whichever architecture prevails, three things survive: comprehension involves an initial interpretation; later information can conflict with it; and the reader revises.

What matters here is what revision achieves. A substantial experimental literature shows that reanalysis is frequently incomplete. In the experiments of Christianson and colleagues, participants read sentences such as "While Anna dressed the baby played in the crib." The final words force reanalysis; it was the baby, not Anna, who played, yet participants who correctly answered that the baby played also frequently asserted that Anna had dressed the baby: a claim licensed only by the abandoned analysis.¹⁴ The initial misinterpretation persisted after the sentence had been processed to its end. Later work has confirmed that such lingering misinterpretations arise from the continued availability of competing syntactic

¹⁰ Bharat Aluminium Co v Kaiser Aluminium Technical Services Inc (2012) 9 SCC 552.

¹¹ Bever (n 1); Lyn Frazier and Keith Rayner, 'Making and Correcting Errors during Sentence Comprehension' (1982) 14 Cognitive Psychology 178.

¹² Lyn Frazier and Janet Dean Fodor, 'The Horse Raced Past the Barn Fell: Meaning and Structure in Sentence Parsing' (1978) 6 Cognition 291.

¹³ Maryellen C MacDonald, Neal J Pearlmutter and Mark S Seidenberg, 'The Lexical Nature of Syntactic Ambiguity Resolution' (1994) 94 Psychological Review 648; Roger Levy, 'Expectation-Based Syntactic Comprehension' (2008) 106 Cognition 1126.

¹⁴ Christianson and others (n 2).

representations.¹⁵ Related work on "good-enough" processing shows that readers routinely settle for representations that are internally inconsistent, and that discarded analyses leave traces in later memory and paraphrase.¹⁶ Legal drafting can contain structures, including centre-embedded clauses and long-distance dependencies, that are independently associated with increased processing difficulty.¹⁷

Three clarifications confine the finding. First, it is established for experimental participants, overwhelmingly lay readers, reading isolated sentences under laboratory conditions, over timescales measured in milliseconds and seconds. Second, it establishes a possibility of persistence, not its inevitability; revision is sometimes complete. Third, the mechanism is disputed: residual activation of competing representations, imperfect memory updating, or the economy of good-enough comprehension. The proposition this paper relies on is deliberately minimal, and holds under every parsing architecture on offer: human language comprehension can involve an initial interpretation that is subsequently revised, and revision may not completely eliminate the influence of the initial interpretation. Everything beyond that proposition, when applied to law, is inference, and is identified as such in what follows.

III. The Legal Reader: From Linguistic Meaning to Statutory Interpretation

Law-and-language scholarship has long insisted that ambiguity is central to legal interpretation rather than an occasional embarrassment. Solan describes "pernicious ambiguity": readers may each regard a text as clear while assigning it different meanings, and the legal system handles the resulting disagreement badly.¹⁸ Farnsworth and colleagues have shown empirically that a judicial finding of ambiguity is itself unstable, judges may mean by it personal uncertainty, disagreement among ordinary readers, or something else.¹⁹ Tobia's experimental work challenges dictionary-based accounts of ordinary meaning, suggesting that the "ordinary reader" is not a stable reference class.²⁰ Separately, psycholinguistic work has shown that legal

¹⁵ Stephen M Slattery, Patrick Sturt, Kiel Christianson, Masaya Yoshida and Fernanda Ferreira, 'Lingering Misinterpretations of Garden Path Sentences Arise from Competing Syntactic Representations' (2013) 69(2) *Journal of Memory and Language* 104–120.

¹⁶ Fernanda Ferreira, Vicky Ferraro and Karl G D Bailey, 'Good-Enough Representations in Language Comprehension' (2002) 11 *Current Directions in Psychological Science* 11.

¹⁷ Edward Gibson, 'Linguistic Complexity: Locality of Syntactic Dependencies' (1998) 68 *Cognition* 1; Martínez, Mollica and Gibson (n 6).

¹⁸ Lawrence M Solan, 'Pernicious Ambiguity in Contracts and Statutes' (2004) 79 *Chicago-Kent Law Review* 859.

¹⁹ Ward Farnsworth, Dustin Guzik and Anup Malani, 'Ambiguity About Ambiguity: An Empirical Study into Legal Interpretation' (2010) 2 *Journal of Legal Analysis* 257.

²⁰ Kevin Tobia, 'Testing Ordinary Meaning' (2020) 134 *Harvard Law Review* 726.

drafting is harder to process than plain equivalents even for legally trained readers, with centre-embedding impairing recall most.²¹ Even lawyers prefer simplified contracts, comprehending and recalling them better than legalese.²²

Within this field, Hoffman's commentary on *X-Citement Video* is the closest antecedent to the present argument and requires explicit treatment. The question there was the scope of "knowingly" in a child-pornography statute; the Court read the scienter requirement as extending to every element, against the reading it itself acknowledged to be more natural grammatically.²³ Hoffman used garden-path theory to describe the dispute: the linguists' amicus reading corresponded, he argued, to the syntactically simplest structure, and the majority's treatment of that initial parse could be described in garden-path terms.²⁴ His analysis is case-specific; he expressly disclaimed a grand theory of statutory interpretation, and its subject is the linguistic structure of the statute and the differing worldviews of linguists and lawyers, not the reader's cognition. It offers no account of reanalysis, of the persistence of an initial reading, or of the doctrines that govern revising one. This paper begins where Hoffman's analysis stops: it takes the garden-path structure he identified as its starting point and asks what follows for institutional revision.

The premise bridging the literatures is a bounded claim about the legal reader: the interpreter of a statute is not a disembodied decoder applying a method, but a human reader operating through the ordinary cognitive processes of comprehension. This is not a new insight. It is implicit in the realist tradition²⁵ and explicit in empirical work on judicial cognition, which finds that judges decide intuitively and sometimes override intuition with deliberation.²⁶

Any such claim must, however, immediately register how much legal interpretation is not ordinary comprehension. It is deliberate and slow, where parsing is fast and automatic. It is adversarial: competing readings are supplied, tested and refined by parties. It is reason-giving: a revised reading must be justified in articulated reasons that are themselves reviewable. It is precedent-bound and frequently collective. These differences are not incidental qualifications. They constitute the institutional environment within which any cognitive residue would have to operate, and on the argument developed in Part V, the environment that contains doctrines capable of disciplining it.

²¹ Martínez, Mollica and Gibson (n 6).

²² Eric Martínez, Francisco Mollica and Edward Gibson, 'Even Lawyers Do Not Like Legalese' (2023) 120 PNAS e2302672120.

²³ *United States v X-Citement Video, Inc* 513 US 64 (1994).

²⁴ Hoffman (n 4).

²⁵ Jerome Frank, 'Are Judges Human?' (1931) 80 University of Pennsylvania Law Review 17.

²⁶ Guthrie, Rachlinski and Wistrich (n 5).

IV. The Legal Significance of Reanalysis

Consider a sequence familiar from any account of statutory interpretation: a court encounters a provision; a reading forms, plausible on the provision read alone; further textual, contextual or doctrinal information is brought to bear; that information conflicts with the initial reading; the court reanalyses; a revised interpretation issues. Call the legal phenomenon at the end of the sequence interpretive revision.

Theories of interpretation have comparatively little to say about the sequence itself. They are addressed to justification: they specify what makes a reading legally correct, its fidelity to the enacted text, to legislative purpose, or to the interpreter's constructive enterprise.²⁷ On the standard picture, revision is replacement. Once the court adopts the new reading, the initial reading exits the legal universe, surviving at most as history.

The psycholinguistic finding set out in Part II suggests, no more, that for human readers, replacement is not guaranteed even within a single sentence. That suggestion grounds two distinct questions for law, which should not be conflated.

The first is behavioural: do the interpreters themselves retain traces of an initial reading after revision? As applied to judges, this is empirically open. No study has measured judicial online processing of statutes, and this paper does not claim the finding transfers. It may not: adjudication is slow, collective and adversarial, and the "initial reading" a judge encounters may be a lower court's or an advocate's framing rather than the judge's own first parse. The psycholinguistic findings concerning initial interpretation and incomplete reanalysis raise the possibility that legal interpreters may likewise be influenced by initial readings, but direct empirical evidence concerning judges' processing of statutory language is presently lacking, and the paper proceeds on that footing.

The second is institutional: does the legal system need machinery to manage revision even if individual interpreters are unaffected? Here the position is stronger, because the machinery demonstrably exists. Legal systems do not treat interpretive revision as simple substitution. They regulate when a first reading may be revisited, by whom (a court of higher or coordinate authority, or a larger bench), in what form (reasoned, reviewable opinions), with what temporal reach (retrospective or prospective operation), and with what fallback (legislative amendment). The elaborateness of this machinery is itself instructive: it suggests that the legal system already treats revision as consequential and in need of discipline, a functional observation independent

²⁷ H L A Hart, 'Positivism and the Separation of Law and Morals' (1958) 71 Harvard Law Review 593; Ronald Dworkin, *Law's Empire* (Harvard University Press 1986); William N Eskridge Jr and Philip P Frickey, 'The Supreme Court, 1989 Term — Foreword: Law as Equilibrium' (1990) 42 Stanford Law Review 321.

of; but illuminated by, the cognitive possibility.

Four phenomena must be distinguished before any analogy is drawn. Linguistic reanalysis is the structural revision a reader performs within sentence comprehension, observed experimentally. Judicial reconsideration is a court revisiting its own prior reading. Doctrinal reversal is a later or larger bench displacing an earlier construction. Statutory reinterpretation is any later construction of the same text. These are not equivalent, and nothing in this paper depends on their equivalence. The psycholinguistic literature contributes a lens, not a mechanism. The framework therefore concerns not whether a court is entitled to revise an interpretation, but whether the institutional process of revision should be understood as potentially path-dependent: whether the reading ultimately adopted may bear traces of the reading that preceded it.

V. Doctrine as an Institutional Regulator of Revision

What follows is a redescription, not a history. Nothing here claims that any doctrine was adopted because of, or in awareness of, psycholinguistic phenomena. The claim is that selected doctrines perform functions, at different stages of the revisional sequence, that become newly visible once initial readings are understood as potentially persistent.

The nearest existing analysis must first be acknowledged. Van Aaken argues that rules of treaty interpretation, such as those codified in Articles 31 and 32 of the Vienna Convention, are best understood as devices intended to help interpreters override intuition, while remaining themselves susceptible to biases and heuristics.²⁸ Her object is the psychology of deliberate legal reasoning: intuition, heuristics, motivated reasoning. This paper's object is different and narrower: the initial linguistic interpretation of a text, its reanalysis, and the institutional management of revision. Van Aaken asks whether interpretive rules debias; this paper asks what rules do to the sequence of readings itself.

The four doctrines examined below operate at different stages of interpretive revision, and should not be understood as performing an identical function: whole-text interpretation disciplines premature local commitment; the attachment canons structure the choice between competing readings; precedent constrains institutional displacement of established readings; and prospective overruling regulates the temporal legal consequences of revision once made.

- (i) **Whole-text interpretation.** The conventional function is familiar: a provision is read in light of the entire statute, and a reading that fits the provision but frustrates the whole

²⁸ van Aaken (n 7).

is disfavoured.²⁹ Its interaction with revision is temporal. A locally plausible reading is formed on a fragment; the whole-act canon instructs the interpreter not to finalise it until the fragment has been checked against the corpus. On the proposed redescription, it is a standing institutional rule against premature interpretive commitment. Its limitation is equally instructive: the canon disciplines the timing of commitment but says nothing about residue from commitment already made. It presupposes that the interpreter can survey the whole neutrally, and the persistence findings give reason to doubt that a survey conducted after an initial reading has formed is fully path-independent.

- (ii) **Last-antecedent and series-qualifier rules.** These canons govern which of several possible attachments a limiting qualifier receives, the nearest antecedent, or the entire series. They are, in linguistic terms, attachment defaults: rules allocating structural ambiguity of exactly the kind psycholinguists study.³⁰ On the redescription, they structure the choice between competing readings by fixing in advance which analysis the institution treats as preferred, reducing the occasions on which revision is required at all. The limitation: whether canons in fact have this effect on legal readers is untested; the characterisation is functional and is marked as such.
- (iii) **Precedent.** Stare decisis is conventionally justified by stability, equality and reliance. Its interaction with revision is double. It constrains revision: a court cannot displace an established reading without identifiable justification, and in India without the increment of a larger bench. But it also entrenches earlier readings. Precedent converts an earlier construction into an institutionally privileged starting point for later courts. If initial readings are individually sticky; a cognitive possibility not an established fact, then precedent could be understood as amplifying that stickiness by design, making the first construction the default against which all later argument proceeds. That is a defence of precedent, not a criticism; it locates the cognitive question inside the doctrine rather than outside it.
- (iv) **Prospective overruling.** When a court revises a reading but applies the revision only prospectively, it does something with no counterpart in sentence comprehension: it arranges for the displaced reading and the revised reading to govern simultaneously, over different transactions. Prospective overruling is the legal system's explicit acknowledgement that revision is not replacement. The institution does not merely

²⁹ Antonin Scalia and Bryan A Garner, *Reading Law: The Interpretation of Legal Texts* (West 2012).

³⁰ Solan (n 3) (on series modifiers and the rule of the last antecedent).

swap readings; it schedules them. This is the closest structural analogue, at the level of system design, to the psycholinguistic idea of partial revision, though the analogy runs at the level of institutional architecture, not cognitive mechanism.

The textualist objection must be met here, because it is the strongest. A serious textualist does not claim that the reader's first impression is the law. The legally relevant meaning is the considered reading of the whole text, and canons such as the whole-act rule exist precisely to discipline premature readings.³¹ On that view, garden-path effects are noise the method is built to filter. This paper does not regard textualism as refuted. The cognitive point may be read as explaining why such canons are needed. The residual question is narrow but genuine: if deliberate reanalysis can leave residue, then the "considered reading" is not guaranteed to be independent of the path by which the interpreter arrived at it. Which reading counts as ordinary meaning, if first and considered readings diverge systematically, is a question that can be asked without taking sides on textualism as a method.³²

VI. Indian Case Studies

The case studies test the framework's application, not its truth. Neither case demonstrates judicial garden-pathing, and neither is presented as doing so. Shabir illustrates the structural or linguistic component of the framework; the Bhatia–BALCO sequence illustrates institutional interpretive revision.

(i) *Mohd Shabir v State of Maharashtra* concerned section 27 of the Drugs and Cosmetics Act 1940 before its 1982 amendment. The provision penalised whoever "himself or by any other person on his behalf manufactures for sale, sells, stocks or exhibits for sale or distributes" certain drugs.³³ The question was whether "for sale" travelled to "stocks": could a person be penalised for stocking drugs without any purpose of sale? The Court held that he could not. Its reasoning turned on punctuation: each earlier clause was set off by commas, but none followed "stocks or exhibits for sale", which was therefore read as one indivisible phrase, stocking for sale, not mere stocking. Parliament subsequently amended the provision, removing the particular structural ambiguity on which Shabir turned.³⁴

On the framework, the case demonstrates a sequence internal to the linguistic component: structural ambiguity in statutory drafting; judicial selection among competing attachments; and

³¹ Scalia and Garner (n 29).

³² Tobia (n 20); Solan (n 18).

³³ Drugs and Cosmetics Act 1940, s 27, as it stood before the 1982 amendment; *Mohd Shabir* (n 8).

³⁴ Drugs and Cosmetics (Amendment) Act 1982 (Act 68 of 1982).

subsequent legislative clarification that removed the ambiguity at source. It is not evidence of lingering misinterpretation, judicial garden-pathing or cognitive persistence; the Court adopted one reading directly, without revising an earlier reading of its own. Its value for this paper is to confirm that the attachment problems psycholinguists study arise in Indian penal statutes, and to display one part of the institutional repertoire for managing them: legislative amendment that eliminates the ambiguity rather than adjudicating around it.

(ii) The sequence from Bhatia International to BALCO is the stronger study, because it exhibits interpretive revision in the doctrinal sense. Section 2(2) of the Arbitration and Conciliation Act 1996 provides: "This Part shall apply where the place of arbitration is in India." In Bhatia International, the Court held that the omission of "only" from that provision, read with section 2(4), permitted Part I of the Act to apply even to arbitrations seated outside India, unless excluded by agreement.³⁵ The reading was textual in method: an inference from a word's absence and from neighbouring subsections.

A decade later, in BALCO, a Constitution Bench reversed the position. Reading sections 2(2) and 20 together, the Bench held that it could not agree that limiting Part I to Indian-seated arbitrations conflicted with sections 2(4) and 2(5), and that the contrary reading did violence to the principle of territoriality.³⁶ The Court applied its revised reading prospectively: Part I would govern only arbitration agreements executed after 6 September 2012. The legislature then intervened again, the 2015 amendments adding a proviso to section 2(2) under which specified provisions of Part I apply to arbitrations seated outside India, subject to contrary agreement.³⁷

Mapped onto the framework of Part V, the sequence is a nearly complete specimen of the institutional component. An initial reading was formed from a fragment of the text: the absence of "only". Later contextual material and other sections, structural principle, and a larger bench, conflicted with it. Revision was carried out by the institution with maximum procedural authority. And the revision was not simple replacement: prospective overruling scheduled the old and new readings over different transactions, and legislative amendment selectively restored part of what the revision had displaced. Every device identified in Part V as operating on the revisional sequence, the whole-text check, the larger bench, prospectivity, amendment appears in the sequence.

What the sequence does not show must be stated plainly. Bhatia's initial reading was itself the

³⁵ Bhatia International (n 9); Arbitration and Conciliation Act 1996, ss 2(2) and 2(4).

³⁶ BALCO (n 10); Arbitration and Conciliation Act 1996, ss 2(2) and 20.

³⁷ Arbitration and Conciliation (Amendment) Act 2015, Act No 3 of 2016, amending s 2(2).

product of deliberate, reasoned adjudication, not an online first parse. The reversal was argued in purposive and policy terms; territoriality, comity, the expectations of parties to foreign arbitrations, not as syntactic reanalysis. Nothing in the record bears on whether any judge's initial reading lingered after BALCO. The case illustrates the phenomenon of institutional interpretive revision to which the cognitive framework is applied; it does not demonstrate the cognitive mechanism. That candour is the price of the framework's usefulness.

VII. Limits, Counterarguments and Empirical Testability

A hostile reading of this paper raises at least six objections, each deserving an answer more candid than clever.

First, timescale. Garden-path costs are measured in milliseconds; adjudication takes months or years, with briefing, argument, clerks and benches. Worse, the "initial reading" a judge encounters may not be the judge's own, but a lower court's or an advocate's framing. Second, reasons. Judicial revision is justified by articulated reasons, which institutions require, record and review. Nothing in psycholinguistics shows that reason-giving fails to discipline residue; the persistence findings concern unreflective comprehension at sentence level. Third, expertise. Lawyers are trained readers whose structural expectations differ from lay participants'; transferring lay findings to them is an inference, and the available evidence on legal expertise concerns motivated reasoning and comprehension, not parsing.³⁸ Fourth, ambiguity type. Hard statutory cases usually involve ambiguity the text never resolves, or vagueness; resolution comes from purpose, consequence and precedent. The nearer psycholinguistic analogue is ambiguity resolution generally, not garden-pathing specifically, which is why this paper's claim about Shabir is narrower than its claim about the Bhatia–BALCO sequence. Fifth, renaming. "Initial reading, conflict, revision" may be ordinary statutory construction wearing psycholinguistic vocabulary; unless the framework predicts something, construction doctrine does not, it adds nothing. Sixth, evidence. No study shows that judicial first readings of statutes persist in the relevant manner.³⁹

The paper's answer is not that the analogy is proven. It is that the framework is deliberately modest: it proposes a redescription and generates hypotheses rather than a causal account of judicial interpretation. It does make at least one prediction that ordinary ambiguity doctrine

³⁸ Dan M Kahan, David Hoffman, Danieli Evans, Neal Devins, Eugene Lucci and Katherine Cheng, "'Ideology' or 'Situation Sense'? An Experimental Investigation of Motivated Reasoning and Professional Judgment" (2016) 164 University of Pennsylvania Law Review 349; see also Guthrie, Rachlinski and Wistrich (n 5).

³⁹ Christianson and others (n 2); cf Martínez, Mollica and Gibson (n 6).

does not: if initial readings exert residual influence, revisions should exhibit asymmetries, traces of the displaced reading in reasoning, remedial choices or transitional doctrine, rather than clean replacement. That prediction is, in principle, observable in case law.

It is also testable under controlled conditions. A proposed design would recruit three groups: lay readers, law students and practising lawyers, and present controlled statutory sentences containing attachment ambiguities modelled on last-antecedent and series-qualifier patterns. Measures would include self-paced reading times at the disambiguating regions, comprehension accuracy, and post-reading paraphrase and recognition tests adapted from the Christianson paradigm to statutory materials, together with delayed recognition measures designed to detect persistence after an interval. The critical question is whether participants who ultimately produce the correct interpretation nevertheless show measurable traces of the abandoned interpretation. Comparing the three groups would address the expertise objection directly: if legal training attenuates or eliminates initial-parse preferences or persistence effects, the framework would reduce to a vocabulary, and the paper would have been shown to add nothing. That is the risk, and it is stated here as such. The experiment is a proposal; it has not been conducted.

VIII. Conclusion

The argument of this paper can be stated without its interdisciplinary apparatus. Psycholinguistics has demonstrated, at the level of the individual reader, that revising an initial linguistic interpretation does not necessarily eliminate its influence. Statutory interpretation, at the institutional level, is a practice in which courts form, hold, revise and displace readings of the same text, sometimes over decades. This paper has proposed that the two phenomena can be connected: that the doctrines governing the second, whole-text reading, attachment canons, precedent, prospective overruling, can be studied not only as methods for determining meaning but as mechanisms that operate at distinct stages of interpretive revision.

The proposal is a redescription, offered without historical claim, and it has been tested here only against two Indian case studies, one of which fits the syntactic core of the framework and the other its institutional periphery. The paper does not claim that judges garden-path; the evidence for that does not exist. Nor does it refute textualism, whose considered-reading reply remains available, and whose whole-text canon is arguably explained by the very cognitive facts assembled here.

What survives is a question with a known method of answering. Whether the first reading of a statute persists, in the minds of its interpreters, after the institution has revised it, that is an

empirical question. This paper's contribution is to formulate that question, connect it to existing psycholinguistic evidence, and identify a way in which it can be empirically tested.

