

Reading Law The Interpretation Of Legal Texts

Interpretation and Legal Theory
Law and Legal Interpretation
Interpretation, Law and the Construction of Meaning
Interpretation, Law and the Construction of Meaning
Interpretation of Law in the Global World: From Particularism to a Universal Approach
The Nature of Legal Interpretation
interpretations of legal history
Purposive Interpretation in Law
Advanced Introduction to Legal Positivism
Word Meaning and Legal Interpretation
Cardinal Rules of Legal Interpretation
Bennion on Statutory Interpretation
Legal Interpretation: Perspectives from Other Disciplines and Private Texts
Reading Law
Ordinary Meaning
Properties of Law
Legal Interpretation and Scientific Knowledge
Between Text, Meaning and Legal Languages
Statutory and Common Law Interpretation
BENNION ON STATUTORY INTERPRETATION 7TH Andrei Marmor Fernando Atria Lemaitre Anne Wagner Joanna Jemielniak Brian G. Slocum Roscoe Pound Aharon Barak Kaarlo Tuori Christopher Mark Hutton Edward Beal Diggory Bailey Kent Greenawalt Antonin Scalia Brian G. Slocum Kaarlo Tuori David Duarte Jan Engberg Kent Greenawalt
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this is a revised and extensively rewritten edition of one of the most influential monographs on legal philosophy published in recent years writing in the introduction to the first edition the author characterized anglophone philosophers as being divided and often wavering between two main philosophical objectives the moral evaluation of law and legal institutions and an account of its actual nature questions of methodology have therefore tended to be sidelined but were bound to surface sooner or later as they have in the later work of ronald dworkin the main purpose of this book is to provide a critical assessment of dworkin s methodological turn away from analytical jurisprudence towards a theory of interpretation and the issues it gives rise to the author argues that the importance of dworkin s interpretative turn is not that it provides a substitute for semantic theories of law a dubious concept but that it provides a new conception of jurisprudence aiming to present itself as a comprehensive rival to the conventionalism manifest in legal positivism furthermore once the interpretative turn is regarded as an overall challenge to conventionalism it is easier to see why it does not confine itself to a critique of method law as interpretation calls into question the main tenets of its positivist rival in substance as well as method the book re examines conventionalism in the light of this interpretative challenge

this title was first published in 2003 leading contemporary essays on interpretation are assembled in this volume which offsets them against a small number of classical works from earlier periods it has long been recognized that textual sources constitutions statutes precedents commentaries are central to developed systems of law and that interpretation of such texts is one highly important element in adjudication legal practice and legal scholarship scholars have also contended that the totality of legal activity is interpretive in a wider sense and debates about objectivity have raged the reasons for this development are here critically scrutinized

legal semiotics emphasizes the contingency and fluidity of legal concepts and stresses the existence of overlapping competing and coexisting legal discourses in response to new problems changing power structures changing societal norms and new faces of injustice established doctrines are reconsidered reformulated and partly replaced by competing doctrines and hypotheses given the relative indeterminacy of law it is no surprise that the problem of interpretation has always

been one of the focal points of attention for legal semiotics who has the power to define words and concepts who can successfully assume the power to speak on behalf of the legal community which methods are used to justify the power to define this book discusses the questions mentioned above from three related perspectives legal theory part i judicial reasoning part ii application of law in politics and diplomatic practice part iii

the study of legal semiotics emphasizes the contingency and fluidity of legal concepts and stresses the existence of overlapping competing and coexisting legal discourses new problems changing power structures and societal norms and new faces of injustice all these force reconsideration reformulation and even replacement of established doctrines this book focuses on the application of law in a wide variety of contexts including international politics and diplomatic practice

capturing the change universalising tendencies in legal interpretation joanna jemielniak and przemys aw mik aszewicz international and supranational integration on the european continent as well as the harmonisation of the rules of international trade and the accompanying development and global popularity of the resolution of commercial disputes through arbitration constantly exerts a considerable influence on modern legal systems the sources of each of these phenomena are different and their action is dissimilar each can be described as reaching either from the top to the bottom through the direct involvement of interested states and consequently affecting their internal legal systems international and supranational integration harmonisation of trade regulations through public international law instruments or bottom up as a result of activity by private parties leading to the achievement of uniform practices and standards arbitration lex mercatoria nonetheless they both enrich national legal cultures and contribute to transgressing the limits of national local particularisms in creating interpreting and applying the law the aim of this book is to demonstrate how these processes have influenced the interpretation of law how they have shaped the methods and techniques of the interpretation and with what consequences for the outcomes of the interpretative procedures in assessing the extent of this influence due regard must be paid to the fact that the interpretation of law is not in principle directly determined by the provisions of law itself

language shapes and reflects how we think about the world it engages and intrigues us our everyday use of language is quite effortless we are all experts on our native tongues despite this issues of language and meaning have long flummoxed the judges on whom we depend for the interpretation of our most fundamental legal texts should a judge feel confident in defining common words in the texts without the aid of a linguist how is the meaning communicated by the text determined should the communicative meaning of texts be decisive or at least influential to fully engage and probe these questions of interpretation this volume draws upon a variety of experts from several fields who collectively examine the interpretation of legal texts in the nature of legal interpretation the contributors argue that the meaning of language is crucial to the interpretation of legal texts such as statutes constitutions and contracts accordingly expert analysis of language from linguists philosophers and legal scholars should influence how courts interpret legal texts offering insightful new interdisciplinary perspectives on originalism and legal interpretation these essays put forth a significant and provocative discussion of how best to characterize the nature of language in legal texts

this book presents a comprehensive theory of legal interpretation which allows all legal texts to be approached in a similar manne while remaining sensitive to their important differences

the advanced introduction to legal positivism provides an accessible overview of legal positivism structured in accordance with the main theses of theoretical and methodological positivism the normativity the social the separation and the descriptive thesis

this book introduces ideas about word meaning in the context of law it analyzes cases from common law jurisdictions that concern the meaning definition and legal status of individual words labels and categories the focus is on the question of how law assigns authority over word meaning in different circumstances and in different domains of law

bennion bailey and norbury on statutory interpretation is the leading work on statutory interpretation it provides a clear and comprehensive guide to understanding interpreting and applying legislation regularly used by practitioners and academics and frequently cited in judgments throughout the common law world it is a trusted and authoritative

resource the eighth edition first supplement includes a comprehensive account of recent developments including enhanced coverage of eu related law in light of brexit there is new content on devolved legislation which has been contributed by subject specialists the remaining material has also been restructured and rewritten in places building on the work begun in the previous edition to improve accessibility and enhance the content there has also been scottish and welsh updates incorporated into this supplement key features comprehensive and up to date account of statutory interpretation logical structure and overviews enable readers to find information quickly each section begins with a succinct summary of legal principles which is followed by more detailed commentary and analysis extensive examples bring to life the principles discussed in the text

in legal interpretation kent greenawalt focuses on the complex and multi faceted topic of textual interpretation of the law all law needs to be interpreted and there are many ways to do it but what sorts of questions must one seek to answer in interpreting law and what approach should one take in each case whose interpretations should be prioritized why would one be drawn to one strategy over another and should legal interpretation seek to satisfy specific aims or general objectives in order to provide the answers to these questions greenawalt explores the ways in which interpretive strategies from other disciplines the philosophy of language literary and musical interpretation religious interpretation and general interpretive theory can augment and enrich methods of legal interpretation over the course of the book he suggests how such forms of interpretation are analogous to legal interpretation and points to those cases in which interpretation must rest on the distinctive aspects of legal theory such as is the case with private documents furthermore greenawalts meditation suggests that interpretive strategies from other disciplines can shed light on the essential nature of legal interpretation and provide roads by which to account for dissonance between various methods of interpretation legal interpretation is a thought provoking reflection on the ways that insights from a range of intellectual traditions can deepen our understanding of law particularly with regard to constitutional law

in this groundbreaking book scalia and garner systematically explain all the most important principles of constitutional statutory and contractual interpretation in an engaging and informative style with

hundreds of illustrations from actual cases is a burrito a sandwich is a corporation entitled to personal privacy if you trade a gun for drugs are you using a gun in a drug transaction the authors grapple with these and dozens of equally curious questions while explaining the most principled lucid and reliable techniques for deriving meaning from authoritative texts meanwhile the book takes up some of the most controversial issues in modern jurisprudence what exactly is textualism why is strict construction a bad thing what is the true doctrine of originalism and which is more important the spirit of the law or the letter the authors write with a well argued point of view that is definitive yet nuanced straightforward yet sophisticated

a legal scholar offers a bold new framework for legal interpretation with this deep thoughtful and useful examination of legal meaning william eskridge yale university consider a criminal sentencing provision that calls for enhanced punishment if a defendant uses a firearm during a drug crime has a defendant violated the provision if he trades a gun for drugs did he use the gun in the intended sense this sort of question is at the heart of legal interpretation legal interpretation typically follows the doctrine of ordinary meaning which is to say that words in legal texts should be interpreted in light of accepted standards of communication yet often courts fail to properly consider context refer to unsuitable dictionary definitions or otherwise misconceive how the ordinary meaning of words should be determined in this book brian slocum argues for a new method of interpretation by asking glaring yet largely ignored questions what makes one particular meaning the ordinary one and how exactly do courts conceptualize the elements of ordinary meaning ordinary meaning provides a much needed reassessment of how the components of ordinary meaning should properly be identified and developed in our modern legal system

the book relates the normativity of law to law's internal sociality and shows the multi layered nature of legal normativity

this book discusses the question of whether legal interpretation is a scientific activity the law's dependency on language at least for the usual communication purposes not only makes legal interpretation the main task performed by those whose work involves the law but also an unavoidable step in the process of resolving a legal case this task of decoding the words and sentences used by normative authorities while

enacting norms carried out in compliance with the principles and rules of the natural language adopted is prone to all of the difficulties stemming from the uncertainty intrinsic to all linguistic conventions in this context seeking to determine whether legal interpretation can be scientific or in other words can comply with the requirements for scientific knowledge becomes a central question in fact the coherent application of the law depends on a knowledge regarding the meaning of normative sentences that can be classified at least as being structured systematically organized and tendentially objective accordingly this book focuses on analyzing precisely these problems its respective contributions offer a range of revealing perspectives on both the problems and their ramifications

this collection on legal interpretation in a broad sense presents state of the art linguistic approaches that are applied for studying interpretation and meaning generation in various legal settings it covers different aspects of the concepts like judicial dissent court argumentation investigating sociological meaning or comparing legal meaning in comparative law scholars can turn to the volume for methods and findings to ground their own inquiries and students will find guides to topics and methods in the field of law meaning generation and language

kent greenwalt s second volume on aspects of legal interpretation analyzes statutory and common law interpretation suggesting that multiple factors are important for each and that the relation between them influences both the book argues against any simple textualism claiming that even reader understanding of statutes depends partly on perceived intent in respect to common law interpretation use of reasoning by analogy is defended and any simple dichotomy of holding and dictum is resisted

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