

Reading Law The Interpretation Of Legal Texts

Statutory and Common Law Interpretation Cardinal Rules of Legal Interpretation Law, Interpretation and Reality Purposive Interpretation in Law Reading Law Modern Legal Interpretation Law and Legal Interpretation Realms of Legal Interpretation An Introduction to African Legal Philosophy On Contemporary Chinese Legal System Ordinary Meaning A Dictionary of Statutory Interpretation A Preliminary Treatise on Evidence at the Common Law The Art of Trial Process LEGISLATING STATUTORY INTERPRETATION Interpretation, Law and the Construction of Meaning Harvard Law Review The American and English Encyclopedia of Law Legislation and Statutory Interpretation Principles of the Law of Real Property Kent Greenawalt Edward Beal P.J. Nerhot Aharon Barak Antonin Scalia Marko Novak Fernando Atria Lemaitre Kent Greenawalt John Murungi Xiaobo Dong Brian G. Slocum William D. Popkin James Bradley Thayer Kai Yang CHRISTOPHER. HUNT Anne Wagner John Houston Merrill William N. Eskridge (Jr.) Joshua Williams

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kent greenawalt'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

patricknerhot since the two operations overlap each other so much speaking about fact and interpretation in legal science separately would undoubtedly be highly artificial to speak about fact in law already brings in the operation we call interpretation equally to speak about interpretation is to deal with the method of identifying reality and therefore in large part to enter the area of the question of fact by way of example bernard jackson's text which we have placed in section 11 of the first part of this volume could no doubt just as we have found a horse in section i this work is aimed at analyzing this interpretation of the operation of identifying fact on the one hand and identifying the meaning of a text on the other all philosophies of law recognize themselves in the analysis they propose for this interpretation and we too shall seek in this volume to furnish a few elements of use for this analysis we wish however to make it clear that our endeavour is addressed not only to legal philosophers the nature of the interpretive act in legal science is a matter of interest to the legal practitioner too he will find in these pages we believe elements that will serve him in reflection on his daily work

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

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

legalism or legal formalism usually depicts judges as resolving cases by allegedly merely applying pre existing legal rules they do not seem to legislate exercise discretion balance or pursue policies and they definitely do not look outside of conventional legal texts for guidance in deciding new cases for them the law is an autonomous domain of knowledge and technique what they follow are the maxims of clarity determinacy and coherence of law this perception of law and adjudication is sometimes designated as an orthodox lawyering however at least in certain cases it is very difficult to say that legalism is not an inappropriate theory or a method of legal interpretation different theories have attested that legal interpretation is much more than just legalism which appears to be far too naïve in the framework of modern legal interpretation the following questions can be raised is it possible to integrate legalism in a coherent theory of legal interpretation is legalism as a distinctive theory of legal interpretation still a feasible theory of interpretation how can such a formalist approach withstand a critique from dworkinian moral interpretivism or accusations of being a myth masking political preferences from legal realists these and many other issues about legal interpretation are discussed in this book by prominent legal philosophers and legal theorists

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

in realms of legal interpretation kent greenawalt focuses on how courts decide what is legally forbidden or authorized and how context shapes their decisions the problem he argues is that we do not and never have agreed exist on all the details of the standards united states judges should employ like everyone else judges have different ideas of what constitutes good common sense

a book on legal philosophy necessarily focuses attention on law in addition to this focus an introduction to an african legal philosophy focuses attention on philosophy the link between law and philosophy is brought into relief which is done through an african context an attempt is made to spell out what is african about legal philosophy without being cut off of african legal philosophy from non african legal philosophy the book draws attention to the view that a basic component of african legal philosophy consists of an investigation of what it is to be

an african and because an african is a human being among other human beings the investigation is about what it is to be a human being ubuntuism is an african derived word that captures this mode of being human moreover because human beings are cultural beings african cultural context guides the investigation inescapably it is claimed that every legal philosophy is embedded in a culture african legal philosophy is not an exception it is deeply rooted in african culture a culture that is today shaped in part by a european colonialist culture one feature that will strike one as one reads the book is that the book approaches african legal philosophy as a means of decolonization of african culture african legal philosophy can accomplish this intelligently and effectively if it is itself decolonized in doing this it contrasts sharply with mainstream western legal philosophy

this book delivers a comprehensive insightful and updated analytic description of contemporary chinese legal system from a macro perspective it presents both theoretically and empirically the evolution of chinese law describing its distinctive features comparing it with other experiences across the world and exploring the influence of economic social cultural and technological factors thereon from a micro perspective based on the latest laws and regulations so promulgated and relevant research this book briefly summarizes the basic theories and knowledge of existing law in the prc including the constitution civil law criminal law administrative law procedural law intellectual property law economic law etc with this book not only law students lawyers and those who have a background in chinese law but also general readers can catch a penetrating glimpse into the fast changing chinese legal system

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 slovicum 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

statutory interpretation has become the most commonly required skill of the modern lawyer a dictionary of statutory interpretation provides a ready reference to the important terms and ideas that arise in connection with determining the meaning of legislation chapter 1 includes over 100 entries including the following ambiguity the absurdity canon linguistic and substantive canons legislative intent legislative purpose legislative history textualism legal realism law and economics each entry includes a definition an explanation of the relevance of the term and ideas for statutory interpretation some history about its use and a concise discussion of contemporary issues the author expresses his point of view in the discussion of these issues which is generally skeptical about textualism but presents all sides of the debate a reference section allows for further research on each subject chapter 2 includes over 35 famous quotations dealing with the interpretation of statutes along with historical and critical commentary the entries include learned hand holmes calabresi posner easterbrook pound blackstone etc the book will be useful for lawyers judges law professors and law students who want an entry into the contemporary debate about how to interpret

legislation along with an insight into what is at stake in those debates filled with usefully extended treatments of important and interesting legal terms the green bag this book will be a useful tool for readers or libraries needing a good single volume guide to statutory interpretation summing up highly recommended choice librarians and researchers should consider a dictionary of statutory interpretation an essential reference work for a very affordable price it will likely become a go to resource when quick but in depth analysis of a statutory interpretation question is sought legal information alert volume 26 issue 9 alert publications inc chicago il alertpub com

this book focuses on the reality of china s modern judiciary systematically demonstrating and discussing the judicial philosophy and judicial ethics as applied by chinese courts and judges in order to illustrate the methods of jurisprudence and sociology of law in the context of china s judicial practice and practicability of applicable laws it also addresses judicial methodology and chinese judges trial methods based on comparative study and aiming at global judicial reform the book provides valuable guidance and insights for readers pursuing a detailed understanding of modern chinese judiciary chinese judges and chinese rule of law the book is intended to primarily serve the need of legal professionals around the world in particular those who are interested in china s judicial system

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

suitable for students or practitioners this authoritative overview of the legislative process and statutory interpretation moves smoothly and understandably between the theoretical and the practical you ll find in depth discussion of such topics as theories of legislation and representation electoral and legislative structures extrinsic sources for statutory interpretation and substantive canons of statutory interpretation reap the benefits of the authors experience opinions and insight and gain a working knowledge of the area

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