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In an ideal world, the laws of Congress--known as federal statutes--would always be clearly worded and easily understood by the judges tasked with interpreting them. But many laws feature ambiguous or even contradictory wording. How, then, should judges divine their meaning? Should they stick only to the text? To what degree, if any, should they consult aids beyond the statutes themselves? Are the purposes of lawmakers in writing law relevant? Some judges, such as Supreme Court Justice Antonin Scalia, believe courts should look to the language of the statute and virtually nothing else. Chief Judge Robert A. Katzmann of the U.S. Court of Appeals for the Second Circuit respectfully disagrees. In Judging Statutes, Katzmann, who is a trained political scientist as well as a judge, argues that our constitutional system charges Congress with enacting laws; therefore, how Congress makes its purposes known through both the laws themselves and reliable accompanying materials should be respected. He looks at how the American government works, including how laws come to be and how various agencies construe legislation. He then explains the judicial process of interpreting and applying these laws through the demonstration of two interpretative approaches, purposivism (focusing on the purpose of a law) and textualism (focusing solely on the text of the written law). Katzmann draws from his experience to show how this process plays out in the real world, and concludes with some suggestions to promote understanding between the courts and Congress. When courts interpret the laws of Congress, they should be mindful of how Congress actually functions, how lawmakers signal the meaning of statutes, and what those legislators expect of courts construing their laws. The legislative record behind a law is in truth part of its foundation, and therefore merits consideration. 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. We are all familiar with the image of the immensely clever judge who discerns the best rule of common law for the case at hand. According to U.S. Supreme Court Justice Antonin Scalia, a judge like this can maneuver through earlier cases to achieve the desired aim—"distinguishing one prior case on his left, straight-arming another one on his right, high-stepping away from another precedent about to tackle him from the rear, until (bravo!) he reaches the goal—good law." But is this common-law mindset, which is appropriate in its place, suitable also in statutory and constitutional interpretation? In a witty and trenchant essay, Justice Scalia answers this question with a resounding negative. In exploring the neglected art of statutory interpretation, Scalia urges that judges resist the temptation to use legislative intention and legislative history. In his view, it is incompatible with democratic government to allow the meaning of a statute to be determined by what the judges think the lawgivers meant rather than by what the legislature actually promulgated. Eschewing the judicial lawmaking that is the essence of common law, judges should interpret statutes and regulations by focusing on the text itself. Scalia then extends this principle to constitutional law. He proposes that we abandon the notion of an everchanging Constitution and pay attention to the Constitution's original meaning. Although not subscribing to the “strict constructionism” that would prevent applying the Constitution to modern circumstances, Scalia emphatically rejects the idea that judges can properly “smuggle” in new rights or deny old rights by using the Due Process Clause, for instance. In fact, such judicial discretion might lead to the destruction of the Bill of Rights if a majority of the judges ever wished to reach that most undesirable of goals. This essay is followed by four commentaries by Professors Gordon Wood, Laurence Tribe, Mary Ann Glendon, and Ronald Dworkin, who engage Justice Scalia’s ideas about judicial interpretation from varying standpoints. In the spirit of debate, Justice Scalia responds to these critics. Featuring a new foreword that discusses Scalia’s impact, jurisprudence, and legacy, this witty and trenchant exchange illuminates the brilliance of one of the most influential legal minds of our time. The main purpose of this book is to offer a logical analysis of legal propositions, especially of constitutional propositions. This analysis shows the relationship between truth-conditions of legal propositions and the problem of indeterminacy. Where the law is indeterminate, legal propositions lack truth-values. The background of this approach is the philosophical debate between realism and antirealism. The book deals with the notions of legal norms and legal systems and provides an analysis of the notion of legal indeterminacy and its relation to gaps, contradictions and the vagueness of legal concepts. It shows also that the simple model of a legal system is not sufficient to account for the complexity of legal propositions referring to legal systems of some degree of maturity. Several notions from legal dynamics are presented in order to bring to light the importance of concepts like applicability or hierarchy for the determination of the truth-value of a legal proposition. Thus the primacy of constitution becomes a central idea in the theoretical reconstruction of most contemporary legal systems; a conceptual explanation of this idea is presented and some conclusions from that explanation are drawn. Finally, a particular conception of constitutional interpretation is proposed. Special attention is paid to the relationship between interpretation and legal indeterminacy and, more specifically, to the problem of the discretion enjoyed by the organs entrusted with applying the constitution and also to the several theses that have been discussed controversially in the context of constitutional interpretation, such as the relevance of the intentions for the interpretation of the constitution and for the justification of judicial review. Legal norms may forbid, require, or authorize a particular form of behavior. The law of contracts, for example, informs people how to enter into agreements that will bind both sides, and from this we establish legal requirements on how they should behave. In public law, legal standards provide authority to legislators and executive officials to set standards for citizens, and also give judges the authority to decide disputes by applying and interpreting governing standards. 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. Moreover, circumstance regularly throws up hurdles. For instance, what should a judge do if the text of a statute does not fit the intention of the legislators, or if someone has obviously and mistakenly omitted a necessary item from a will or contract? Different judges react in different ways. Acknowledging that courts will never agree upon a uniform approach to applying norms and interpreting the law, Greenawalt's aim is to provide a capacious, user-friendly model for approaching hard cases sensibly in both public and private law. Just as importantly, the book serves as a pithy guide to the major forms of legal interpretation for nonlawyers. Ultimately, Realms of Legal Interpretation represents a pithy distillation of Greenawalt's many works on the theories that anchor legal interpretation in America's legal system. The interpretation of declarations of intent and contracts is a very difficult task, especially with regard to crossborder partners. Read the informative proceedings of the international conference in Katowice as to the topics: - Interpretation of foreign law by German courts - Theories of interpretation in private law - Interpretation of contracts under the German BGB and under the CFR - Interpretation of the juridical acts - a comparative perspective - The "common" interpretation of national law - Iuris cogentis and iuris dispositivi rules / provisions in contract and corporate law - Relevance of circumstances in which the contract was concluded - Is there "the one true interpretation of a law"? - Is the wording of the law a limitation for its interpretation? "In Realms of Legal Interpretation, Kent Greenawalt focuses on how courts decide what is legally forbidden or authorized, and how context shapes their decisions. 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A history of the discretion accorded U.S. judges in interpreting legislation (from the Revolution to the present), culminating in the author's own theory of the proper scope of judicial discretion. The interpretation of legal texts is of a different order from most other legal topics. It is essentially a question of judgement, but that judgement cannot be exercised arbitrarily. It must be exercised in accordance with the rule of law. Words take their meaning from their context, and the nature of the process of interpretation means that it is not susceptible of detailed rules. But there are principles of interpretation. The ability to state principles at a higher level of generality enables them to guide the interpreter in the right direction whilst acknowledging the ultimately judgemental nature of the exercise. It is the aim of this book to explain those principles and to provide examples of their application in practice. The principles are not a series of self-contained precepts that can be applied independently of each other. They need to be understood as a whole, which is why this book is relatively brief. It is intended to supplement the longer practitioner texts. Modern Statutory Interpretation is an original, clear, coherent and research-based account of contemporary Australian statutory interpretation. It provides a comprehensive coverage of statutory interpretation law, legislative drafting, the parliamentary process, the modern history of interpretation, sources of doubt, and interpretation techniques. "This book discusses the legal and political system; how it is formed, run, and the ethics involved." (PsycINFO Database Record (c) 2009 APA, all rights reserved). 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 waver[ing] 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. ""Interpreting Law" is an accessible introduction to statutory and constitutional interpretation by the nation's leading legislation scholar. This concise treatise not only identifies the primary "canons" or precepts that guide interpretation, but demonstrates how they operate and interact, as a matter of both practice and evolving aspiration. Unlike earlier academic treatises, which rummage through a potpourri of often arcane Supreme Court decisions, Professor Eskridge's new book focuses on a statute prohibiting "vehicles" in Lafayette Park, across the street from the White House. Each chapter engages the law student and the experienced practitioner to consider the application of the statute and its statutory and institutional context to a wide and often delightful array of situations. As the preface by Justice John Paul Stevens suggests, the reader will emerge from this book with a deeply enriched understanding of-and excitement about-legal interpretation." 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 dev- opment and global popularity of the resolution of commercial disputes through arbitration, constantly exerts a considerable in uence 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 s- tems (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 (ar- tration, 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 in uenced 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 in uence, 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. 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. It contains 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. Brian G. Slocum's Ordinary Meaning offers an extended legal-linguistic analysis of the eponymous interpretive doctrine. A centuries-old consensus exists among courts and legal scholars that words in legal texts should be interpreted in light of accepted standards of communication. Therefore the questions of what makes some meaning the ordinary one, and how the determinants of ordinary meaning are identified and conceptualized, are of crucial importance to the interpretation of legal texts. Arguing against reliance on acontextual dictionary definitions, Ordinary Meaning rigorously explores the contributions that specific context

makes to meaning, along with linguistic phenomena such as indexicals and quantifiers. Slocum provides a theory and a robust general framework for how the determinants of ordinary meaning should be identified and developed. Bennion 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 material in the new edition has been extensively restructured, and in places rewritten, to improve accessibility and enhance the content. The edition has been produced by a new editorial team, with Professor David Feldman QC (Hon) FBA, Rouse Ball Professor of English Law, as consultant editor.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 legal proposition, which is followed by more detailed commentary and analysis*extensive examples illustrate the application of principles discussed in the text This book presents a comprehensive theory of legal interpretation, by a leading judge and legal theorist. Currently, legal philosophers and jurists apply different theories of interpretation to constitutions, statutes, rules, wills, and contracts. Aharon Barak argues that an alternative approach--purposive interpretation--allows jurists and scholars to approach all legal texts in a similar manner while remaining sensitive to the important differences. Moreover, regardless of whether purposive interpretation amounts to a unifying theory, it would still be superior to other methods of interpretation in tackling each kind of text separately. Barak explains purposive interpretation as follows: All legal interpretation must start by establishing a range of semantic meanings for a given text, from which the legal meaning is then drawn. In purposive interpretation, the text's "purpose" is the criterion for establishing which of the semantic meanings yields the legal meaning. Establishing the ultimate purpose--and thus the legal meaning--depends on the relationship between the subjective and objective purposes; that is, between the original intent of the text's author and the intent of a reasonable author and of the legal system at the time of interpretation. This is easy to establish when the subjective and objective purposes coincide. But when they don't, the relative weight given to each purpose depends on the nature of the text. For example, subjective purpose is given substantial weight in interpreting a will; objective purpose, in interpreting a constitution. Barak develops this theory with masterful scholarship and close attention to its practical application. Throughout, he contrasts his approach with that of textualists and neotextualists such as Antonin Scalia, pragmatists such as Richard Posner, and legal philosophers such as Ronald Dworkin. This book represents a profoundly important contribution to legal scholarship and a major alternative to interpretive approaches advanced by other leading figures in the judicial world. Many countries use and apply the common law. The common law world largely operates through statutes enacted by a country's democratic legislature. These statutes are drafted and interpreted according to a uniform system of rules, presumptions, principles and canons evolved over centuries by common law judges. In this book, Francis Bennion distills forty years of his prolific writings on statute law and statutory interpretation to provide valuable guidance on statutory interpretation applicable to all common law jurisdictions. 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. Statutes comprise the vast proportion of New Zealand law. Drafting, interpreting, and applying them, however, can pose significant challenges. Among the reasons for this are the indeterminacy of language and the difficulty or providing clear rules to resolve every conceivable situation. This volume of essays explores: the process by which statutes are made in New Zealand; approaches to rule-making; the causes of interpretation problems; making exceptions to statutory provisions; Parliamentary sovereignty and its interaction with statutory interpretation; and the influence of human rights on the interpretation process. 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. 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 book questions traditional methods of legal interpretation and challenges the position that objective interpretation of law is possible. Legal interpretation, the author avers, is unavoidably subjective. Benson suggests that ?plain meaning,? ?purpose,? ?intent,? ?structure,? ?strict construction,? ?precedent,? and other legal mysticisms are merely pieces manipulated in a game. Those interested in legal process, legal writing, constitutional law, statutory interpretation, and jurisprudence will find his arguments provocative and engaging. Whether one is a lawyer, judge, journalist, or informed citizen, this look at the on-going battle about whether judges and lawyers ?find the law? or ?make the law? will be a stimulating read. Interest in interpretation has emerged in recent years as one of the main intellectual paradigms of legal scholarship. This collection of new essays in law and interpretation provides the reader with an overview of this important topic, written by some of the most distinguished scholars in the field. The book begins with interpretation as a general method of legal theorizing, and thus provides critical assessment of the recent interpretative turn in jurisprudence. Further chapters include essays on the nature of interpretation, its objectivity, the possible determinacy of legal standards, and their nature. Concluding with a series of articles on the role of legislative intent in the interpretation of statutes, this work offers new and refreshing insights into this old controversy. At least since plato and Aristotle, thinkers have pondered the relationship between philosophical arguments and the "sophistical" arguments offered by the Sophists -- who were the first professional lawyers. Judges wield substantial political power, and the justifications they offer for their decisions are a vital means by which citizens can assess the legitimacy of how that power is exercised. However, to evaluate judicial justifications requires close attention to the method of reasoning behind decisions. This new collection illuminates and explains the political and moral importance in justifying the exercise of judicial power. This book critically assesses Dworkin's methodological turn away from analytical jurisprudence towards a theory of interpretation. 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. 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. In legal interpretation, where does meaning come from? Law is made from language, yet law, unlike other language-related disciplines, has not so far experienced its "pragmatic turn" towards inference and the construction of meaning. This book investigates to what extent a pragmatically based view of l linguistic and legal interpretation can lead to new theoretical views for law and, in addition, to practical consequences in legal decision-making. With its traditional emphasis on the letter of the law and the immutable stability of a text as legal foundation, law has been slow to take the pragmatic perspective: namely, the language-user 's experience and activity in making meaning. More accustomed to literal than to pragmatic notions of meaning, that is, in the text rather than constructed by speakers and hearers … the disciplines of law may be culturally resistant to the pragmatic turn. By bringing together the different but complementary perspectives of pragmaticians and lawyers, this book addresses the issue of to what extent legal meaning can be productively analysed as deriving from resources beyond the text, … beyond the letter of the law. This collection re-visits the feasibility of the notion of literal meaning for legal interpretation and, at the same time, the feasibility of pragmatic meaning for law. Can explications of pragmatic meaning support court actions in the same way concepts of literal meaning have traditionally supported statutory interpretations and court judgements? What are the consequences of a user-based view of language for the law, in both its practices of interpretation and its definition of itself as a field? Readers will find in this collection means of approaching such questions, and promising routes for inquiry into the genre- and field-specific characteristics of inference in law. In many respects, the problem of literal vs. pragmatic… meaning confined to the text vs. reaching beyond it … will appear to parallel the dichotomy in law between textualism and intentionalism. There are indeed illuminating connections between the pair of linguistic terms and the more publicly controversial legal ones. But the parallel is not exact, and the linguistic dichotomy is in any case anterior to the legal one. Even as linguistic-pragmatic investigation may serve legal domains, the legal questions themselves point back to central conditions of all linguistic meaning. The relevance of interpretation to the academic study and professional practice of international law is self-evident. As new insights on the practice and process of interpretation abound in other disciplines, international law and international lawyers have largely remained wedded to a rule-based approach, focusing almost exclusively on the Vienna Convention on the Law of Treaties. Such an approach neglects interpretation as a distinct and admittedly broader field of theoretical inquiry. Interpretation in International Law brings together established and emerging international legal scholars to interrogate interpretation as a central concept in international law. The edited collection is creatively structured around the metaphor of the game, which captures and illuminates all the constituent elements of an act of interpretation. The object of the game of interpretation is to persuade one's audience that your own interpretation of the law is the correct one. The rules of play are known and complied with by the players, even though which cards to play is left to the skills and strategies of the individual players. There is also a meta-discourse about the game of interpretation 'playing the game of game-playing' which involves reflection about the nature of the game, its underlying stakes, and who gets to decide by what rules one should play. Through a series of diverse contributions, Interpretation in International Law reveals interpretation as an inescapable feature of all areas of international law. It will be of interest and utility to all international lawyers whose work touches upon theoretical or practical aspects of interpretation. "Kent Greenawalt's Interpreting the Constitution combines a generalized account of the various approaches to interpretation with an examination of the major domains of American constitutional law. The third and capstone volume of his landmark series on legal interpretation, he utilizes numerous individual examples of decisions to illustrate his argument, which in combination demonstrate that his argument is undeniably in accord with the continuing practice of the United States Supreme Court over time. The book's central thesis is that strategies of constitutional interpretation cannot be simple and that judges must take account of multiple factors not systematically reducible to any clear ordering. For any constitution that lasts over centuries and which is hard to amend, original understanding cannot be completely determinative. To discern what that is, both how informed readers grasped a provision and what the enactors' aims were matter. Indeed, distinguishing these is usually extremely difficult, and often neither is really discernible. As time passes, what modern citizens understand becomes ever more important, diminishing the significance of original understanding. Simple versions of textualist originalism do not reflect changes in understanding over time and are therefore not really supportable. The focus on specific provision shows, among other things, the obstacles to discerning original understanding, and why the original sense of proper interpretation should itself carry importance. The scope of various provisions, such as those regarding free speech and cruel and unusual punishment, have expanded hugely since both 1791 and 1965. Even with respect to single provisions, such as the Free Speech Clause, interpretive approaches have sensibly varied, greatly depending on the particular issues at hand. How much deference judges should accord political actors also depends critically on the kind of issue involved. At once sweeping in scope and analytically powerful, this final volume cements Greenawalt's legacy as one of the leading legal scholars of this era"--Unedited summary from book jacket. We are capable of writing crisp yet flexible laws, but Solan explains that difficult cases result when the ways in which our cognitive and linguistic faculties are structured fail to produce a single, clear interpretation. Though we are predisposed to absorb new situations into categories we have previously formed, our conceptualization is not always as crisp as the legislative and judicial realms demand. In such cases, Solan contends that other values, most importantly legislative intent, must come into play. The Language of Statutes provides an excellent introduction to statutory interpretation, rejecting the extreme arguments that judges have either too much or too little leeway, and explaining how and why a certain number of interpretive problems are simply inevitable. --Book Jacket. 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. EquaHy, 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, Bemard Jackson's text, which we have placed in section 11 of the first part of this volume, could no doubt just as weH have found a horne 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 fumish 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 hirn in rcflcction on his daily work. It's 13th-century Europe and a young monk, Michael Scot, has been asked by the Holy Roman Emperor to translate the works of Aristotle and recover his "lost" knowledge. The Scot sets to his task, traveling from the Emperor's Italian court to the translation schools of Toledo and from there to the Moorish library of Córdoba. But when the Pope deems the translations heretical, the Scot refuses to desist. So begins a battle for power between Church and State--one that has shaped how we view the world today.

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