



Interpretation

Construction

# Interpretation And Construction

**Giuditta Cordero-Moss**



## **Interpretation And Construction:**

A Treatise on the Rules which Govern the Interpretation and Construction of Statutory and Constitutional Law Theodore Sedgwick, 2024-01-12 Reprint of the original first published in 1874      **Interpretation and Construction** Robert Stecker, 2008-04-15 Interpretation and Construction examines the interpretation and products of intentional human behavior focusing primarily on issues in art law and everyday speech Focuses on artistic interpretation but also includes extended discussion of interpretation of the law and everyday speech and communication Written by one of the leading theorists of interpretation Theoretical discussions are consistently centered around examples for ease of comprehension

Constitutional Interpretation Sotirios A. Barber, James E. Fleming, 2007-06-07 The presuppositions of constitutional interpretation The principal questions of constitutional interpretation The principal features of the American constitutional order the positive constitutionalism of The federalist Approaches to constitutional interpretation Textualism and consensualism Narrow originalism intentionalism Broad originalism Structuralism Doctrinalism and minimalism The philosophic approach Pragmatism Epilogue a fusion of approaches to constitutional interpretation      Handbook on the Construction and Interpretation of the Laws Henry Campbell Black, 1911      **Statutory Interpretation** Douglas Walton, Fabrizio Macagno, Giovanni Sartor, 2021-01-21 Statutory interpretation involves the reconstruction of the meaning of a legal statement when it cannot be considered as accepted or granted This phenomenon needs to be considered not only from the legal and linguistic perspective but also from the argumentative one which focuses on the strategies for defending a controversial or doubtful viewpoint This book draws upon linguistics legal theory computing and dialectics to present an argumentation based approach to statutory interpretation By translating and summarizing the existing legal interpretative canons into eleven patterns of natural arguments called argumentation schemes the authors offer a system of argumentation strategies for developing defending assessing and attacking an interpretation Illustrated through major cases from both common and civil law this methodology is summarized in diagrams and maps for application to computer sciences These visuals help make the structures strategies and vulnerabilities of legal reasoning accessible to both legal professionals and laypeople      *The Lawyer's Style Guide* Peter Butt, 2021-02-25 Clarity and precision in legal writing are essential skills in the practice and study of law This book offers a straightforward practical guide to effective legal style from a world leading expert The book is thoughtfully structured to explain the elements of good legal writing and its most effective use It catalogues all aspects of legal style topic by topic phrase by phrase usage by usage It scrutinises them all suggesting improvements Its dictionary arrangement makes it easy to navigate Entries cover matters such as abbreviations acronyms active and passive voice brackets bullet points citation methods cross referencing fonts document design footnotes gender neutral language numbering systems plain legal language punctuation the use of Latin in law structures for legal advices and documents and techniques for editing and proofreading Also covered are many words and phrases that non lawyers find

opaque and obscure the aim being to show that lawyers can usually substitute a plain English equivalent that captures the legal nuances of the legalese Other topics include ambiguity deeds definitions provisos recitals simplified outlines terms of art tone and the various principles of legal interpretation With an emphasis on technical effectiveness and understanding the book is required reading for all those engaged in the practice and study of law      **Legal and Political Hermeneutics** Francis Lieber,1839      **The Nature of Legal Interpretation** Brian G. Slocum,2017-05-17 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      *Construction and interpretation of tariffs* American Commerce Association,1916      *Fidelity to Our Imperfect Constitution* James E. Fleming,2015-07-17 In recent years some have asked Are we all originalists now and many have assumed that originalists have a monopoly on concern for fidelity in constitutional interpretation In *Fidelity to Our Imperfect Constitution* James Fleming rejects originalisms whether old or new concrete or abstract living or dead Instead he defends what Ronald Dworkin called a moral reading of the United States Constitution or a philosophic approach to constitutional interpretation He refers to conceptions of the Constitution as embodying abstract moral and political principles not codifying concrete historical rules or practices and of interpretation of those principles as requiring normative judgments about how they are best understood not merely historical research to discover relatively specific original meanings Through examining the spectacular concessions that originalists have made to their critics he shows the extent to which even they acknowledge the need to make normative judgments in constitutional interpretation Fleming argues that fidelity in interpreting the Constitution as written requires a moral reading or philosophic approach Fidelity commits us to honoring our aspirational principles not following the relatively specific original meanings or original expected applications of the founders Originalists would enshrine an imperfect Constitution that does not deserve our fidelity Only a moral reading or philosophic approach which aspires to interpret our imperfect Constitution so as to make it the best it can be gives us hope of interpreting it in a manner that may deserve our fidelity      *Constitutional Originalism* Robert W. Bennett, Lawrence B.

Solum, 2011-06-06 Problems of constitutional interpretation have many faces but much of the contemporary discussion has focused on what has come to be called originalism. The core of originalism is the belief that fidelity to the original understanding of the Constitution should constrain contemporary judges. As originalist thinking has evolved it has become clear that there is a family of originalist theories, some emphasizing the intent of the framers while others focus on the original public meaning of the constitutional text. This idea has enjoyed a modern resurgence in good part in reaction to the assumption of more sweeping power by the judiciary operating in the name of constitutional interpretation. Those arguing for a living Constitution that keeps up with a changing world and changing values have resisted originalism. This difference in legal philosophy and jurisprudence has since the 1970s spilled over into party politics and the partisan wrangling over court appointments from appellate courts to the Supreme Court. In *Constitutional Originalism*, Robert W. Bennett and Lawrence B. Solum elucidate the two sides of this debate and mediate between them in order to separate differences that are real from those that are only apparent. In a thorough exploration of the range of contemporary views on originalism, the authors articulate and defend sharply contrasting positions. Solum brings learning from the philosophy of language to his argument in favor of originalism, and Bennett highlights interpretational problems in the dispute resolution context, describing instances in which a living Constitution is a more feasible and productive position. The book explores those contrasting positions to be sure but also uncovers important points of agreement for the interpretational enterprise. This provocative and absorbing book ends with a bibliographic essay that points to landmark works in the field and helps lay readers and students orient themselves within the literature of the debate.

Constitutional Construction Keith E. Whittington, William Nelson Cromwell Professor of Politics and the Director of Graduate Studies in the Department of Politics, 2009-06-01 This book argues that the Constitution has a dual nature. The first aspect on which legal scholars have focused is the degree to which the Constitution acts as a binding set of rules that can be neutrally interpreted and externally enforced by the courts against government actors. This is the process of constitutional interpretation. But according to Keith Whittington, the Constitution also permeates politics itself to guide and constrain political actors in the very process of making public policy. In so doing it is also dependent on political actors both to formulate authoritative constitutional requirements and to enforce those fundamental settlements in the future. Whittington characterizes this process by which constitutional meaning is shaped within politics at the same time that politics is shaped by the Constitution as one of construction as opposed to interpretation. Whittington goes on to argue that ambiguities in the constitutional text and changes in the political situation push political actors to construct their own constitutional understanding. The construction of constitutional meaning is a necessary part of the political process and a regular part of our nation's history: how a democracy lives with a written constitution. The Constitution both binds and empowers government officials. Whittington develops his argument through intensive analysis of four important cases: the impeachments of Justice Samuel Chase and President Andrew Johnson; the

nullification crisis and reforms of presidential congressional relations during the Nixon presidency *Originalism's Promise* Lee J. Strang, 2019-08-08 Provides the first natural law justification for an originalist interpretation of the American Constitution **Applied History** Benjamin Franklin Shambaugh, 1916 Research Handbook on the Philosophy of Contract Law Mindy Chen-Wishart, Prince Saprai, 2025-04-09 With contributions from experts in the field this comprehensive Research Handbook provides a systematic overview of debates at the cutting edge of the philosophy of contract law Chapters explore key themes such as the limits of freedom of contract debates about monistic and pluralistic theories of contract law and the philosophical challenges associated with resolving hard cases **Religious Liberty and the American Founding** Vincent Phillip Muñoz, 2024-05-31 An insightful rethinking of the meaning of the First Amendment's protection of religious freedom The Founders understood religious liberty to be an inalienable natural right Vincent Phillip Muñoz explains what this means for church state constitutional law uncovering what we can and cannot determine about the original meanings of the First Amendment's Religion Clauses and constructing a natural rights jurisprudence of religious liberty Drawing on early state constitutions declarations of religious freedom Founding era debates and the First Amendment's drafting record Muñoz demonstrates that adherence to the Founders political philosophy would lead neither to consistently conservative nor consistently liberal results Rather adopting the Founders understanding would lead to a minimalist church state jurisprudence that in most cases would return authority from the judiciary to the American people Thorough and convincing *Religious Liberty and the American Founding* is key reading for those seeking to understand the Founders political philosophy of religious freedom and the First Amendment Religion Clauses Annotated Commercial Crime Policy Cole Stephen Kain, Lana M. Glovach, 2006 **Law Under a Democratic Constitution** Lisa Burton Crawford, Patrick Emerton, Dale Smith, 2019-05-16 Jeffrey Goldsworthy is a renowned constitutional scholar and legal theorist whose work on the powers of Parliament and the interpretation of constitutional and statute laws has helped shape debates on these topics across the English speaking world The importance of democratic constitutionalism is central to Professor Goldsworthy's work it lies at the heart of his defence of Parliamentary supremacy and shapes his approach to both constitutional and statutory interpretation In honour of Professor Goldsworthy's retirement this collection provides new perspectives from a range of leading public law scholars and theorists on the legal and philosophical principles that govern the making and interpretation of laws in a constitutional democracy It also addresses some of the challenges to democratic constitutionalism that have arisen in light of contemporary developments in Australia Canada New Zealand the United Kingdom and the United States **International Commercial Contracts** Giuditta Cordero-Moss, 2024-02 Verifies the impact of national law and transnational rules on international contracts particularly those with an arbitration clause The Encyclopedia of United States Supreme Court Reports Thomas Johnson Michie, Beirne Stedman, Charles W. Sublett, 1910

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