

LEGAL HERMENEUTICS

HISTORY, THEORY, AND PRACTICE

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The Routledge Companion to Hermeneutics Jeff Malpas, Hans-Helmuth Gander, 2014-11-20 Hermeneutics is a major theoretical and practical form of intellectual enquiry central not only to philosophy but many other disciplines in the humanities and social sciences With phenomenology and existentialism it is also one of the twentieth century's most important philosophical movements and includes major thinkers such as Heidegger Gadamer and Ricoeur The Routledge Companion to Hermeneutics is an outstanding guide and reference source to the key philosophers topics and themes in this exciting subject and is the first volume of its kind Comprising over fifty chapters by a team of international contributors the Companion is divided into five parts main figures in the hermeneutical tradition movement including Heidegger Gadamer and Ricoeur main topics in hermeneutics such as language truth relativism and history the engagement of hermeneutics with central disciplines such as literature religion race and gender and art hermeneutics and world philosophies including Asian Islamic and Judaic thought

hermeneutic challenges and debates such as critical theory structuralism and phenomenology **Law, Hermeneutics and Rhetoric** Francis J. Mootz Iii, 2016-04-22 Mootz offers an antidote to the fragmentation of contemporary legal theory with a collection of essays arguing that legal practice is a hermeneutical and rhetorical event that can best be understood and theorized in those terms This is not a modern insight that wipes away centuries of dogmatic confusion rather Mootz draws on insights as old as the Western tradition itself However the essays are not antiquarian or merely descriptive because hermeneutical and rhetorical philosophy have undergone important changes over the millennia To return to hermeneutics and rhetoric as touchstones for law is to embrace dynamic traditions that provide the resources for theorists who seek to foster persuasion and understanding as an antidote to the emerging global order and the trend toward bureaucratization in accordance with expert administration violent suppression or both **Purposive Interpretation in Law** Aharon Barak, 2005 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 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 Contributors argue that the meaning of language is crucial to the interpretation of legal texts such as statutes constitutions and contracts Accordingly analysis of language from linguists philosophers and legal scholars should influence how courts interpret legal texts **The Blackwell Companion to Hermeneutics** Niall Keane,Chris Lawn,2015-10-14 THE BLACKWELL COMPANION TO HERMENEUTICS The Blackwell Companion to Hermeneutics is destined to become an invaluable resource for its incisive discussions of all aspects of hermeneutics within the field of philosophy Burt Hopkins Seattle University This is an extraordinarily rich collection of articles on every aspect of hermeneutics It covers not just the history of hermeneutics from the ancient Greeks to the present but also topics ranging from aesthetics and politics to pragmatism and deconstruction as analyzed by key thinkers such as Schleiermacher Dilthey Heidegger Gadamer Vattimo and Apel This Companion is an essential guide to the hermeneutic tradition Dermot Moran University College Dublin Hermeneutics the philosophical theory of interpretation has been one of the most influential strands of European thought over the last two hundred years or more This comprehensive volume of essays with contributions by many leading experts in the field constitutes an ideal point of entry into the hermeneutic tradition Its range and level of detail will also appeal to those who wish to advance their knowledge of hermeneutic philosophy and its many important consequences Peter Dews University of Essex The Blackwell Companion to Hermeneutics is a collection of original essays that provides a definitive historical systematic authoritative and critical compendium of philosophical hermeneutics The volume explores the art and theory of interpretation as it intersects with contemporary philosophical and interdisciplinary schools of thought including humanism politics education theology literature and law Essays also include cutting edge discussions of the relation of hermeneutics to the history of philosophy and address the major themes topics core concepts and key figures at the heart of the discipline The reference features 70 chapters from an international cast of leading and upcoming scholars who offer historically informed philosophically comprehensive and critically astute contributions in their individual fields of expertise In doing so they identify and enact different aspects of hermeneutical aims and approaches in an attempt to bear witness to both the inherent diversity of hermeneutics and also the constancy and fidelity of its return to history and tradition Timely and thought provoking The Blackwell Companion to Hermeneutics is the only comprehensive reference work of its kind and offers a wealth of information for everyone with an interest in hermeneutics **Schutzian Phenomenology and Hermeneutic Traditions** Michael Staudigl,George Berguno,2013-08-04 Schutzian Phenomenology and Hermeneutic Traditions links Alfred Schutz to the larger hermeneutic tradition in Continental thought illuminating the deep affinity between Schutzian phenomenology and hermeneutics The essays collected here explore a broad spectrum of Schutzian themes and concerns from Schutz s concrete affinities to hermeneutic traditions his interpretationism and the pragmatist nature of Schutz s thought to questions concerning the role of the media and music in our understanding of the life world and intersubjectivity The essays go on to

explore the practical applicability of Schutz's thoughts on questions regarding economics literature ethics and the limits of human understanding Given its emphasis on the application of Schutzian ideas and concepts this book will be of special interest to a wide range of readers in the social sciences and humanities who are interested in the application of phenomenology to social political and cultural phenomena *The Cambridge Companion to Hermeneutics* Michael N. Forster, Kristin Gjesdal, 2019-01-03 Explores the relevance of hermeneutics for modern human sciences its history and development and its key philosophical debates **The Literary Exception and the Rule of Law** Johan Van Der Walt, 2022-07-20 Addressing the influential analysis of law and literature this book offers a new perspective on their relationship The law and literature movement that has gained global prominence in the course of last decades of the twentieth and the first decades of the twenty first centuries has provided the research and teaching of law with a considerable body of new and valuable knowledge and understanding Most of the knowledge and insights generated by the movement concern either a thematic overlap between legal and literary discourses suggesting they deal with the same moral concerns or a rhetorical semiotic or general linguistic comparability or sameness between them imputing to both the same or very similar narrative structures The Literary Exception and the Rule of Law recognises the wealth of knowledge generated by this approach to the relationship between law and literature and acknowledges its debt to this genre of scholarship It nevertheless also proposes on the basis of a number of revealing phenomenological inquiries a different approach to law and literary studies one that emphasises the irreducible difference between law and literature It does so with the firm belief that a regard for the very different and indeed opposite discursive trajectories of legal and literary language allows for a more profound understanding of the unique and indeed separate roles that the discourses of law and literature generally play in the sustenance of relatively stable legal cultures This important rethinking of the relationship between law and literature will appeal to scholars and students of legal theory jurisprudence philosophy politics and literary theory **Truth and Method** Hans-Georg Gadamer, 2013-06-27 Truth and Method is a landmark work of 20th century thought which established Hans Georg Gadamer as one of the most important philosophical voices of the 20th Century In this book Gadamer established the field of philosophical hermeneutics exploring the nature of knowledge the book rejected traditional quasi scientific approaches to establishing cultural meaning that were prevalent after the war In arguing the truth and method acted in opposition to each other Gadamer examined the ways in which historical and cultural circumstance fundamentally influenced human understanding It was an approach that would become hugely influential in the humanities and social sciences and remains so to this day in the work of Jurgen Habermas and many others *Concise Routledge Encyclopedia of Philosophy* Routledge (Firm), 2000 The scholarship of this monumental and award winning ten volume work is available in one affordable book that brings together more than 2 000 entries from the original in a shortened more accessible format Extensively cross referenced and indexed **Concise Routledge Encyclopedia of Philosophy** Professor Edward Craig, Edward

Craig,2013-01-11 The most complete and up to date philosophy reference for a new generation with entries ranging from Abstract Objects to Wisdom Socrates to Jean Paul Sartre Ancient Egyptian Philosophy to Yoruba Epistemology The Concise Routledge Encyclopedia of Philosophy includes More than 2000 alphabetically arranged accessible entries Contributors from more than 1200 of the world s leading thinkers Comprehensive coverage of the classic philosophical themes such as Plato Arguments for the Existence of God and Metaphysics Up to date coverage of contemporary philosophers ideas schools and recent developments including Jacques Derrida Poststructuralism and Ecological Philosophy Unrivalled international and multicultural scope with entries such as Modern Islamic Philosophy Marxist Thought in Latin America and Chinese Buddhist Thought An exhaustive index for ease of use Extensive cross referencing Suggestions for further reading at the end of each entry Routledge Encyclopedia of Philosophy Edward Craig,1998 Volume five of a ten volume set which provides full and detailed coverage of all aspects of philosophy including information on how philosophy is practiced in different countries who the most influential philosophers were and what the basic concepts are **Law, Hermeneutics and Rhetoric** Francis J. Mootz Iii,2016-04-22 Mootz offers an antidote to the fragmentation of contemporary legal theory with a collection of essays arguing that legal practice is a hermeneutical and rhetorical event that can best be understood and theorized in those terms This is not a modern insight that wipes away centuries of dogmatic confusion rather Mootz draws on insights as old as the Western tradition itself However the essays are not antiquarian or merely descriptive because hermeneutical and rhetorical philosophy have undergone important changes over the millennia To return to hermeneutics and rhetoric as touchstones for law is to embrace dynamic traditions that provide the resources for theorists who seek to foster persuasion and understanding as an antidote to the emerging global order and the trend toward bureaucratization in accordance with expert administration violent suppression or both **Ricoeur Across the Disciplines** Scott Davidson,2011-11-03 This multidisciplinary investigation facilitates a new conversation between Ricoeur scholars and those working in a variety of domains While a number of books and anthologies on Ricoeur s thought have been published over the past decade Ricoeur Across the Disciplines is unique in its multidisciplinary scope The books currently on the market are typically one of either two kinds either they provide a general overview of Ricoeur s thought or they focus on a narrow set of themes within a specific discipline cf list of competing titles While other books may allude to the multidisciplinary potential for Ricoeur s thought this book is the first to carry out a truly multidisciplinary investigation of Ricoeur s thought The aim of this multidisciplinary investigation is not only to draw out the nuances of Ricoeur s thought but also to facilitate a new conversation between Ricoeur scholars and those working in a variety of domains *The Law Applied* Peri Bearman,Bernard G. Weiss,Wolfhart Heinrichs,2008-01-30 A sea change has taken place in Islamic legal studies This book both reflects and contributes to that change Traditionally scholars in this field have tended to focus on law as a body of rules and doctrines as fiqh This volume is more interested in how the law has been applied to concrete situations It looks at judicial

decision making legal responses fatwas customary practices the actions of public inspectors cultural contexts and theological discourses as well as modern legal reform and constitutional development Reflecting the interests of a new academic generation The Law Applied offers an ambitious and textured account of how Islamic law works in practice in the social life of the contemporary world

Gadamer and Law FrancisJ.Mootz Iii,2017-07-05 Hans Georg Gadamer s philosophical hermeneutics is especially relevant for law which is grounded in the interpretation of authoritative texts from the past to resolve present day disputes In this collection leading scholars consider the importance of Gadamer s philosophy for ongoing disputes in legal theory The work of prominent philosophers including Fred Dallmayr P Christopher Smith and David Hoy is joined with the work of leading legal theorists such as William Eskridge Lawrence Solum and Dennis Patterson to provide an overview of the connections between law and Gadamer s hermeneutical philosophy Part I considers the relevance of Gadamer s philosophy to longstanding disputes in legal theory such as the debate over originalism the rule of law and proper modes of statutory and constitutional exegesis Part II demonstrates Gadamer s significance for legal theory by comparing his approach to the work of Nietzsche Habermas and Dworkin

Climate Justice T. Thorp,2014-08-28 In this ground breaking work Teresa Thorp tackles the causes and effects of climate injustice by methodically mapping out an approach by which to reach a negotiated consensus with legal force to protect present and future generations Using the law and policy of climate change as a vehicle for illustrating how to shape our future she comprehensively overturns the widely held contemporary view of climate justice as inconstant charitable acts relative systemic notions and static concepts isolated from the common good and a congruent rule of law Responding to the adverse impacts of climate change heat waves extended drought severe flooding and desertification which represent an urgent and potentially irreversible threat to human societies and the planet requires a new and cohesive way of thinking about global policy and the law The mission of guaranteeing and realising human dignity human security and human rights is multi fold Looking through the lens of kaleidoscopic normativity an extensible language anchored in common juridical elements should facilitate how norms enter the socio legal frame and interact within it Users need to be able to display and interpret the congruent legal norm in order to obey and apply it Galvanising this process by constitutionalising first principles and consequential norms is vital for attaining fraternity between nations and among all people

Climate Justice A Voice for the Future is an essential read for scholars practitioners and all those genuinely interested in reaching consensus on a post 2015 global climate accord a unified development agenda and a cohesive pact for disaster risk reduction

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