

The THEORY *and* PRACTICE
of STATUTORY INTERPRETATION



Frank B. Cross

The Theory And Practice Of Statutory Interpretation

FrancisJ.Mootz lii



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The Theory and Practice of Statutory Interpretation Frank B. Cross, 2008-11-19 Today statutes make up the bulk of the relevant law heard in federal courts and arguably represent the most important source of American law The proper means of judicial interpretation of those statutes have been the subject of great attention and dispute over the years This book provides new insights into the theory and practice of statutory interpretation by courts Cross offers the first comprehensive analysis of statutory interpretation and includes extensive empirical evidence of Supreme Court practice He offers a thorough review of the active disputes over the appropriate approaches to statutory interpretations namely whether courts should rely exclusively on the text or also examine the legislative history The book then considers the use of these approaches by the justices of the recent Rehnquist Court and the degree to which they were applied by the justices either sincerely or in pursuit of an ideological agenda

Statutory Interpretation Randy N. Graham, 2001 [Logic in the Theory and Practice of Lawmaking](#) Michał Araszkiewicz, Krzysztof Pleszka, 2015-10-05 This book presents the current state of the art regarding the application of logical tools to the problems of theory and practice of lawmaking It shows how contemporary logic may be useful in the analysis of legislation legislative drafting and legal reasoning concerning different contexts of law making Elaborations of the process of law making have variously emphasised its political social or economic aspects Yet despite strong interest in logical analyses of law questions remains about the role of logical tools in law making This volume attempts to bridge that gap or at least to narrow it drawing together some important research problems and some possible solutions as seen through the work of leading contemporary academics The volume encompasses 20 chapters written by authors from 16 countries and it presents diversified views on the understanding of logic from strict mathematical approaches to the informal argumentative ones and differentiated choices concerning the aspects of law making taken into account The book presents a broad set of perspectives insights and results into the emerging field of research devoted to the logical analysis of the area of creation of law How does logic inform lawmaking Are legal systems consistent and complete How can legal rules be represented by means of formal calculi and visualization techniques Does the structure of statutes or of legal systems resemble the structure of deductive systems What are the logical relations between the basic concepts of jurisprudence that constitute the system of law How are theories of legal interpretation relevant to the process of legislation How might the statutory text be analysed by means of contemporary computer programs These and other questions ranging from the theoretical to the immediately practical are addressed in this definitive collection

American Law in a Global Context George Fletcher, Hoi L. Kong, Steve Sheppard, 2025 American Law in Global Context provides an overview of US law focusing on subject areas that make the American legal system distinctive This introductory text serves as a comprehensive and accessible guide to American legal structure history and theory for students of law and lawyers outside the US The authors provide in depth analyses of well known cases to illustrate US law theory as well as practice *The U.S. Supreme*

Court and New Federalism Christopher P. Banks, John C. Blakeman, 2012-07-13 Constitutional scholars Christopher P Banks and John C Blakeman offer the most current and the first book length study of the U S Supreme Court s new federalism begun by the Rehnquist Court and now flourishing under Chief Justice John Roberts Using descriptive and empirical methods in political science and legal scholarship and informed by diverse approaches to judicial ideology from historical to new institutionalist they investigate how the U S Supreme Court rulings have shaped the political principle of federalism While the Rehnquist Court reinvigorated new federalism by protecting state sovereignty and set new constitutional limits on federal power Banks and Blakeman show that in the Roberts Court new federalism continues to evolve in a docket increasingly attentive to statutory construction preemption and business litigation In addition they analyze areas of federalism not normally studied by scholars such as religious liberty and foreign affairs

University of Chicago Law Review: Volume 81, Number 3 - Summer 2014 University of Chicago Law Review, 2014-09-19 The third issue of 2014 features three articles from recognized legal scholars as well as extensive student research Contents include Articles Following Lower Court Precedent by Aaron Andrew P Bruhl Constitutional Outliers by Justin Driver Intellectual Property versus Prizes Reframing the Debate by Benjamin N Roin Review The Text the Whole Text and Nothing but the Text So Help Me God Un Writing Amar s Unwritten Constitution by Michael Stokes Paulsen Comments Standing on Ceremony Can Lead Plaintiffs Claim Injury from Securities That They Did Not Purchase by Corey K Brady FISA s Fuzzy Line between Domestic and International Terrorism by Nick Harper The Perceived Intrusiveness of Searching Electronic Devices at the Border An Empirical Study by Matthew B Kugler Comcast Corp v Behrend and Chaos on the Ground by Alex Parkinson Maybe Once Maybe Twice Using the Rule of Lenity to Determine Whether 18 USC 924 c Defines One Crime or Two by F Italia Patti Let s Be Reasonable Controlling Self Help Discovery in False Claims Act Suits by Stephen M Payne A Dispute Over Bona Fide Disputes in Involuntary Bankruptcy Proceedings by Steven J Winkelman The University of Chicago Law Review first appeared in 1933 thirty one years after the Law School offered its first classes Since then the Law Review has continued to serve as a forum for the expression of ideas of leading professors judges and practitioners as well as students and as a training ground for University of Chicago Law School students who serve as its editors and contribute Comments and other research Principal articles and essays are authored by accomplished legal and economics scholars Quality ebook formatting includes active TOC linked notes active URLs in notes and all the charts tables and formulae found in the original print version

Universals of Legal Reasoning by Judges Thomas Lundmark, 2024-03-28 Universals in Legal Reasoning by Judges explores and expounds the usage of rules to justify judicial decisions It argues for judicial transparency and candour to enhance the persuasiveness and efficacy of judicial precedents to foster democratic legitimacy and to permit political accountability

[The Habits of Legality](#) Francis A. Allen, 1996-03-21 The Habits of Legality provides a broad survey of American criminal justice in a time of troubles It asks the central questions In what degree are the justice system s functions

guided by ascertainable legal norms How accountable are public officials who wield the rigorous sanctions of the penal law Where the habits of legality are weak how can they be invigorated A number of factors combine to constrict the rule of law in the criminal process A crime epidemic of alarming proportions places enormous burdens on the system and gives rise to a war on crime that often oversteps the limits of legality The institutional structure of the United States is severely fragmented rendering coherent penal policy difficult or impossible and often freeing public officials of accountability for their uses of public authority Even the courts and legislatures the primary law making agencies of society often operate to weaken rather than strengthen the rule of law Francis A Allen asserts the vital and continuing importance of the legality principle to democratic societies discusses how the habits of legality in American criminal justice can be strengthened and demonstrates that a closer adherence to the rule of law may not only protect the rights of persons more efficiently but also contribute to more rational and effective penal policy The Habits of Legality offers solutions on how to revitalize the rule of law It will be of interest to scholars and students of criminology and law as well as the general reader concerned with issues of criminal justice

University of Chicago Law Review: Volume 78, Number 4 - Fall 2011 University of Chicago Law Review,2012-04-11 A leading law review now offers a quality eBook edition The fourth and final issue of 2011 Volume 78 features articles and essays from internationally recognized legal scholars and governmental leaders including Cass Sunstein on empirically informed regulation Jonathan Bressler on jury nullification and Reconstruction Daniel Schwarcz on standardized insurance policies and Bertral Ross II writing against constitutional mainstreaming in statutory interpretation In addition the issue includes a review essay on the book The Master Switch as well as student Comments on such subjects as same sex divorce religious practices by prisoners falsely claiming Medal of Honor status and enhancement in federal sentencing The issue is presented in modern eBook formatting and features active Tables of Contents linked footnotes and URLs and legible graphs and tables

[Reason in Law](#) Lief H. Carter,Thomas F. Burke,2016-03-04 Newly updated ninth edition A superbly written pedagogically rich historically and conceptually informed introduction to legal reasoning Law and Politics Book Review Over the decades it has been in print Reason in Law has established itself as the place to start for understanding legal reasoning a critical component of the rule of law This ninth edition brings the book s analyses and examples up to date adding new cases while retaining old ones whose lessons remain potent It examines several recent controversial Supreme Court decisions including rulings on the constitutionality and proper interpretation of the Affordable Care Act and Justice Scalia s powerful dissent in Maryland v King Also new to this edition are cases on same sex marriage the Voting Rights Act and the legalization of marijuana A new appendix explains the historical evolution of legal reasoning and the rule of law in civic life The result is an indispensable introduction to the workings of the law

A Companion to Philosophy of Law and Legal Theory Dennis Patterson,2010-01-15 The articles in this new edition of A Companion to Philosophy of Law and Legal Theory have been updated throughout and the addition of ten new articles ensures that the

volume continues to offer the most up to date coverage of current thinking in legal philosophy. Represents the definitive handbook of philosophy of law and contemporary legal theory invaluable to anyone with an interest in legal philosophy. Now features ten entirely new articles covering the areas of risk regulatory theory methodology overcriminalization intention coercion unjust enrichment the rule of law law and society and Kantian legal philosophy. Essays are written by an international team of leading scholars.

The Theory and Practice of Private International Law Ludwig von Bar, 1892

Accountability in the Contemporary Constitution Nicholas Bamforth, Peter Leyland, 2013-09 Accountability in the context of constitutional and administrative law is a complex concept. This book examines the legal framework of public institutions in light of contemporary accountability debates the role of human rights in public accountability accountability in regulation and the operation of accountability in multi layered government.

The Constitutional Value of Sunset Clauses Antonios Kouroutakis, 2016-10-04 In recent years sunset clauses have mostly been associated with emergency legislation introduced in the wake of terrorist attacks. However as this book demonstrates they have a long history and a substantial constitutional impact on the separation of powers and the rule of law. In addition the constitutional value of such clauses is examined from certain neglected normative aspects pertaining to concepts such as deliberative and consensus democracy parliamentary sovereignty and constitutional dialogue. The work is an amalgam of three perspectives the historical the positive and the normative. All three are intertwined and each subsequent part builds upon the findings of the previous one. The historical perspective investigates the historical development of sunset clauses since the first Parliaments in England. The positive perspective examines the legal effect and the contemporary utility of sunset clauses. Finally the normative perspective analyses their interaction with several models of separation of powers and their influence on the dialogue between various institutions as it values their impact on the rule of law formal and substantive. The detailed examination of this topical subject will be a valuable resource for academics researchers and policy makers.

Judging Social Rights Jeff King, 2012-05-10 Jeff King argues in favour of constitutionalising social rights and presents an incrementalist approach to judicial enforcement.

The Theory, Practice and Interpretation of Customary International Law Panos Merkouris, Jörg Kammerhofer, Noora Arajärvi, Nina Mileva, 2022-05-26 Provides an in depth study of the theory history practice and interpretation of customary international law.

Conservation and Recreation in Protected Areas Yun Ma, 2016-05-12 This book provides a comprehensive and up to date comparative study of the management and resolution of conflicts between conservation and recreation in protected areas in the US and China. Competing claims on the use of nature increasing regulation of land use and recreational activities and the conflicting goals between conservation and development have led to a rise in conflicts in the designation and management of protected areas. How to effectively manage and resolve these conflicts has become a challenge for both legislators and managers. By adopting an institutional dimension in legal interpretation this book critically examines how such conflicts are dealt with in the legal regimes of the US and China while

exploring interactions between legislatures agencies and courts The book searches for a plausible solution to improve the legal framework of protected areas in China by emulating pertinent mechanisms developed in the US whilst also presenting legal and policy recommendations to the US This informative book will be useful for legal scholars in Chinese law nature conservation law administrative law and comparative law *Select Essays on Governance and Accountability Issues in Public Law* Hennie Strydom,Joanna Botha,2020-10-27

The essays in this book authored by academics from the Faculties of Law at the University of Johannesburg and Nelson Mandela University respectively emanate from a joint research project and conference arranged by the Faculties in 2018 The essays focus on public law issues impacting on governance and accountability in South African law and in international and regional law but with a specific focus on problems afflicting the African continent **Earl Warren and the Warren Court** Harry N. Scheiber,2007-01-01 Earl Warren and the Warren Court comprises essays written by leading experts from the fields of law history and social science on the most important areas of the Warren Court s contributions in American law In addition Scheiber includes appraisals of the Warren Court s influence abroad written by authorities of legal development in Europe Latin America Canada and East Asia This book offers a unique set of analyses that portray how innovations in American law generated by the Warren Court led to a reconsideration of law and the judicial role and in many areas of the world to transformations in judicial procedure and the advancement of substantive human rights Also explored within these pages are the personal role of Earl Warren in the shaping of Warren era law and the ways in which his character and background influenced his role as Chief Justice

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

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