1. Record Nr. UNINA9910784282003321 Autore Marmor Andrei Titolo Interpretation and legal theory / / Andrei Marmor Oxford;; Portland, Oregon:,: Hart Publishing,, 2005 Pubbl/distr/stampa **ISBN** 1-84731-793-6 1-4725-6331-X 1-280-80828-4 9786610808281 1-84731-087-7 Edizione [Second edition.] Descrizione fisica 1 online resource (190 p.) Disciplina 340.1 Soggetti Jurisprudence Law - Interpretation and construction Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Note generali Prev. ed. published by: Oxford: Clarendon Press; New York: Oxford University Press, 1992. Includes bibliographical references (pages [171]-175) and index. Nota di bibliografia Nota di contenuto 1. Introduction -- 2. Meaning And Interpretation -- 3. Dworkin's Theory Of Interpretation And The Nature Of Jurisprudence -- 4. Coherence, Holism, And Interpretation: The Epistemic Foundation Of Dworkin's Legal Theory -- 5. Semantics. Realism. And Natural Law -- 6. Constructive Identification And Razian Authority -- 7. No Easy Cases? -- 8. Legislative Intent And The Authority Of Law -- 9. Constitutional Interpretation. Sommario/riassunto "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."--Bloomsbury Publishing.