

TOWARD AN INFORMAL ACCOUNT OF LEGAL INTERPRETATION

Toward an Informal Account of Legal Interpretation offers a viable account of law, judicial decision-making, and legal interpretation that is as fresh as it is familiar. The author expertly challenges the dominant mode of formalist theorizing and proposes an explanatory account of legal interpretation that can profitably be understood as an ‘informal’ intervention. Such an informal approach has no truck with the claims of the formalists (i.e. that law is something separate from ideology) or the anti-formalists (i.e. that law is nothing other than ideological posturing). Hutchinson insists that, when understood properly, legal interpretation is an applied exercise in law-and-ideology; it is both constrained and unconstrained in equal measure. In developing this informalist account through a sustained application of the ‘no vehicles in the park’ rule, this book is wide-ranging in theoretical scope and substance, but also accessible and practical in style.

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PREFACE

In this monograph, I draw together a number of thematic strands from my earlier work – *It's All in the Game: A Non-Foundationalist Account of Law and Adjudication* (2000), *Evolution and the Common Law* (2005), and *The Province of Jurisprudence Democratized* (2009). I have sought to weave these ideas into a more integrated and consistent whole. In the process, I have made certain adjustments and revisions. But this is not intended to be a 'theory' in the grand sense. My ambition is more modest: to provide a viable account of law, judicial decision-making, and legal interpretation that is as fresh as it is familiar.

As well, I have made a deliberate attempt to write this book for law students. Although the themes pursued and explored might hold some value for more specialized and jurisprudentially inclined scholars, it is intended to work as an introduction to jurisprudence and legal theory generally. That said, whatever success that I have managed to achieve in this project, it has been a challenging and richly rewarding experience for me. Because the world of jurisprudence can be all too precious and remote, this book aims to be more accessible and practical, even if it is wide-ranging in scope and substance.

As always, many people have made important contributions to the substance and style of the book. I will not repeat my gratitude to those who played an important role in my earlier works, but simply reiterate my general and genuine thanks. However, some people have made a particular contribution to this volume – I am grateful to David Fraser, Jennifer Leitch, Chris McCormack, Daved Muttart, Hannah Ordman, Vanessa Scanga, Sam Sutherland, and other friends and colleagues for critical assistance and intellectual support. I have benefitted immensely from their generous insights and suggestions – thank you.