

## Smart Choice 3

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contrary to traditional theories of statutory interpretation which ground statutes in the original legislative text or intent legal scholar william eskridge argues that statutory interpretation changes in response to new political alignments new interpreters and new ideologies it does so first of all because it involves richer authoritative texts than does either common law or constitutional interpretation statutes are often complex and have a detailed legislative history second congress can and often does rewrite statutes when it disagrees with their interpretations and agencies and courts attend to current as well as historical congressional preferences when they interpret statutes third since statutory interpretation is as much agency centered as judge centered and since agency executives see their creativity as more

legitimate than judges see theirs statutory interpretation in the modern regulatory state is particularly dynamic eskridge also considers how different normative theories of jurisprudence liberal legal process and antiliberal inform debates about statutory interpretation he explores what theory of statutory interpretation if any is required by the rule of law or by democratic theory finally he provides an analytical and jurisprudential history of important debates on statutory interpretation

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