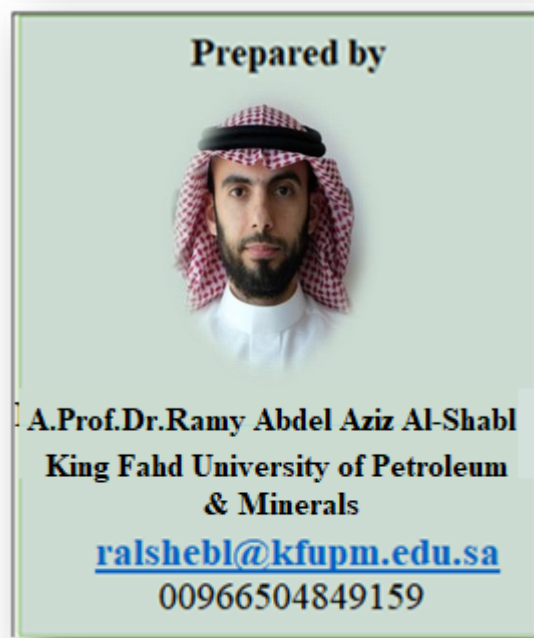


**Approaches to legal interpretation in the Anglo-Saxon judiciary  
( America as a model )**



## **Abstract**

Courts differ in their interpretation according to their methodology, between textual and intentional approaches. We find a prevailing trend in the courts, which is the literal interpretation of the text, which glorifies the legal text and seeks to dismantle, analyze and define it to match the fact before the court, even if the result will lead to hardship, apparent injustice. Courts argue that this is the enacted law by the authority body and shall prevail no matter what will be the consequences, and thus, courts shall not go beyond their authority by interpreting the text in a way that leads to a new law. This approach was historically the main stream in American and British courts. Another textual direction takes into account the context and the way the courts work when applying that text. In the other hand, we find a completely different approach that has become the norm in the past fifty years. It is the intentional approach, which seeks to deduce the intention of the legislator, by trying to follow the spirit of the law. This research seeks to shed light on these approaches, discover the mechanisms, and balance them in what is closer to justice .

### **Keywords:**

Legal Interpretation Approaches, Legal Interpretation, Textual Interpretation, Intentional Interpretation

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