

Masterclass



What does it mean to apply the law? Insights from Legal Hermeneutics

With **Ralf Poscher**

(Max Planck Institute for the Study of Crime, Security
and Law)

09 October 2023

09.30 – 11.30 Session 1

11.30 – 12.15 Lunch Break

12.15 – 14.15 Session 2

Room H4 4.543

UiT - The Arctic University of Norway
Tromsø, Norway





- Speaker:** Professor Dr. *Ralf Poscher* (Director Max Planck Institute for the Study of Crime, Security and Law)
- Commentator:** Associate Professor *Petri Ilmari Keskitalo* (University of Tromsø)
- Date:** 09 October 2023, 09:30h
- Location:** Teorifagbygget hus 2: Rom 2.310, seminarrom
Faculty of Law
UiT The Arctic University of Norway
Tromsø, Norway
- Organizers:** UiT The Arctic University of Norway
(Research Group Crime Control and Security Law)
&
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Workshop Description

Applying the law is a practice which encompasses a variety of different analytical instruments. Most of these distinctions are deeply rooted not just in the legal methodological but also in the doctrinal and even institutional tradition. Likewise, and contrary to monistic accounts, hermeneutics is a set of distinct practices that are of variable relevance for different hermeneutical situations. It follows that when a lawyer applies the law to a given case, they will rely on a diverse range of hermeneutical activities. The complexity of legal hermeneutics is linked to the complexity of legal contexts, like legal interpretation, rule-following, legal construction, association, the exercise of discretion, and judgments on the significance of a legal provision. By highlighting how all of these distinct practices are linked to particular debates in analytic philosophy, this workshop seeks to shed light on a question that is vital to all lawyers: What does it mean to apply the law?