Stephan Meder

Mißverstehen und Verstehen
Savignys Grundlegung der juristischen Hermeneutik

[Misunderstanding and Understanding. Savigny's Outline of Modern Hermeneutics.]

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When is it permissible to interpret a binding legal text? Unlike Anglo-Saxon and French legal experts, the Germans believe that it is in principle possible to interpret legal texts whose wording is unambiguous. This opinion can be traced back to the transition to modern hermeneutics, which was carried out by Friedrich Carl von Savigny in jurisprudence. Stephan Meder outlines the development of Savigny's hermeneutic theory against the backdrop of his contacts to other advocates of modern hermeneutics, such as for example Friedrich Schleiermacher or August Boeckh. In doing so, he shows that essential elements of the image that current methodologies have of Savigny's analysis of interpretation need to be corrected.

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