

Abstract of Ph.D. dissertation

Linguistic justification of dynamic legal interpretation

The main objective of the dissertation is to answer the question of whether the use of dynamic legal interpretation is justified in the light of knowledge of meaning and linguistic communication. The realization of the primary objective rests on answering a series of specific research questions posed in four chapters. In Chapter I I present the division between static and dynamic interpretation, the historical development of dynamic theories of legal interpretation, as well as the main critical arguments against them. In Chapter II I outline how language users convey and understand linguistic content and what role semantic meanings play in these processes. In Chapter III I seek to verify whether philosophical and linguistic findings may be used in the theory of legal interpretation, and if so, to what extent. In Chapter IV I formulate conclusions regarding the validity of using dynamic interpretation from a philosophical-linguistic perspective based on the findings of the dissertation's earlier sections.

I used the following research methods. On the one hand, I carried out a review of the legal literature in the sphere of legal interpretation, with the particular emphasis on the problem of legal texts' meaning change over time. On the other hand, I performed an analysis of the philosophical and linguistic literature, particularly with regard to the theory of semantic meaning and its role in understanding utterances. I supplemented the above actions with a meta-analysis of selected empirical studies relevant to the research objectives. Subsequently I collated conclusions flowing from both research components in order to verify the assumptions adopted in the dynamic and static legal interpretation theories. Next, I proceeded to propose modifications that incorporate the aforementioned conclusions and to present the theoretical and practical implications of the introduced modifications.

The analysis conducted in the dissertation ultimately leads to the conclusion that the dynamic legal interpretation is duly justified in light of current philosophical and linguistic knowledge. In addition, by virtue of the stability of language and linguistic practice, the use of dynamic legal interpretation not only does not entail the risk of arbitrary results, but in fact benefits the realization of the values of legal certainty and interpretative predictability – provided that certain requirements in the argumentative sphere are met.