

1. Objective of the project:

The aim of this project is to apply selected linguistic theories into the study of the meaning of statutory language. The selected theories come from an important linguistic movement called cognitive linguistics. They will include cognitive grammar, prototype theory, and Natural Semantic Metalanguage (NSM) theory. These theories will be used to discuss problems of statutory interpretation and legislative drafting:

- 1) Prototype theory offers an innovative account on categorization. According to this theory, linguistic categories cannot be defined by a list of properties, but are built around the most typical member of a given category (called a “prototype”). This leads to the conclusion that categories are fuzzy and may have “better” and “worse” members. Such a view can influence the application of law, because the crucial role of judges and other officials is to categorize a given factual situation as an element of an appropriate legal norm (i.e. that paying in a shop with someone else’s credit card is considered theft).
- 2) Cognitive grammar renders grammar as an important tool for creating meaning. It is not abstract, but reflects more general human cognitive capacities, such as perception or memory. Therefore, it will be used to analyze the grammatical features typical for statutory texts, which are often disregarded by legal scholars as purely technical issues.
- 3) NSM provides a list of words that are common for every human language (universal) and easily understood by anyone (primary). They can be used to paraphrase any sentence in any language and explain its meaning in extremely simple terms. Therefore, it will be used to verify whether there is any difference between the legal and ordinary meaning of words used in statutes.

2. Planned research:

The selected linguistic theories will be introduced, discussed and compared with theories of meaning popular in legal theory. Polish case law will be researched in order to test prototype theory in a legal environment and to examine the common problem of polysemy (ambiguity) in statutory language. A sample of judicial decisions will be selected using keywords, and then analyzed in light of the linguistic theories employed. Such analyses will provide a detailed illustration of the problems discussed. Using cognitive grammar’s theoretical tools, an analysis of the typical features of the grammar of statutory language (i.e. nominalization, generality, normativity, the specific use of verbal tense and aspect, syntactic discontinuity, etc.) will be conducted, in order to explain their influence on meaning. It will be based on legal-linguistic literature and the results of research conducted by the author of the project as a part of his doctoral thesis. The application of NSM theory will be based on its own methodology, namely formulating paraphrases using primary and universal words. It will be used to help detect the existence of polysemy and to examine the differences between the legal and ordinary meanings of words used in statutes. Other potential applications of NSM, including the topics of statutory definitions, legal translation and the intelligibility of legal texts, will be proposed.

3. Reasons for choosing the research topic:

Law is a linguistic phenomenon. The meaning of legal texts (statutes, regulations, constitutions, contracts, testaments, etc.) plays a crucial role in both legal practice and legal theory. To determine the meaning of a statutory rule means granting a right or imposing an obligation on a legal subject. While doing so, legal scholars and practicing lawyers often rely on their common sense (i.e. they simply refer to dictionaries) or formal (and usually outdated) theories of meaning. Cognitive linguistics remains relatively unknown in legal theory. Prototype theory has been applied in several theoretical and dogmatic areas, but usually on a very general level and without a detailed discussion of its many controversies. Cognitive grammar and NSM have not been discussed in legal literature. Therefore the project will result in the introduction or the broader application of important theories from cognitive linguistics into legal theory. Consequently, it will equip legal theorists with new tools for studying the meaning of language in law. In the case of statutory interpretation it will enable a deeper understanding of the complexities of statutory language, which can enrich legal debate in this topic. In the case of legislative drafting, it will enable more informed decisions, based on a better understanding of human cognitive capacities.