

Literal meaning is one of the central concepts of the theory and practice of legal interpretation. Suffice to mention, in the last year (i.e. from June 2020) this term appeared in over 4,000 official legal rulings in Poland (data from SIP Legalis). At the same time, a closer look at the use of this term shows that it is understood in various ways. Sometimes interpreters understand the concept of literal meaning as the result of linguistic interpretation, sometimes as the effect of "direct understanding" of the reading of a legal text, and sometimes they accept that a literal meaning occurs when an application of different interpretative directives leads to the same result. There is also no consensus on the role of literal meaning in the legal interpretation process.

Besides legal sciences, philosophy and linguistics are other domains that place literal meaning in the spotlight. Nowadays they agree that literal meaning of words, understood as directly accessible and independent of who and in what context uses words, does not play as much of a role in communication as it has traditionally been thought. Research in the field of cognitive linguistics concerning the processing of linguistic content seems to be particularly valuable for lawyers. Its results question the thesis that literal meaning is privileged, i.e. that we understand the literal content first, and only afterwards we enrich it with information derived from the context of use. Philosophical discussions on the importance of contextual factors in conveying linguistic content also confirm the linguists' findings.

Why is it important for lawyers? Legal interpretation is based on the understanding of a certain legal text, i.e. some linguistic content. Philosophy of language and linguistics study how the processes of linguistic communication operate, regardless of whether they relate to the area of law or any other. If views on legal interpretation are to be consistent with up-to-date scientific developments as regards the understanding of linguistic content, the theory and practice of law should take into account findings presented in philosophy and linguistics.

The project has two main goals: descriptive and normative. The descriptive goal is to systematize understandings of literal meaning in legal interpretation. An overview of the English, Spanish, French, Polish and Portuguese literature on this concept will be carried out. The project will analyze separately how literal meaning is understood in normative theories of legal interpretation, and separately how literal meaning functions in the practice of law. Conclusions drawn from research in the philosophy of language and cognitive linguistics will be employed in order to attain the normative goal. The project aims to investigate what philosophical and linguistic findings regarding literal meaning should be taken into account by theories of legal interpretation as well as applied by practicing lawyers - owing to the linguistic aspect of legal interpretation. In particular, the hypothesis that literal meaning understood as plain and directly accessible to a competent language user, and thus not requiring explication, is ungrounded in legal interpretation will be verified.

The project fits into a firmly rooted tradition in philosophy and theory of law which attempts to apply achievements pertaining to language and communication to issues in legal sciences. Extensive consideration of foreign-language literature will allow the project to present the current state of research on literal meaning in jurisprudence. As a result, the project will provide an important point of reference on the understanding of literal meaning in countries of Western legal culture for philosophers and theoreticians of law as well as for practitioners of law seeking readily available information in the subject matter. Particular attention will be paid to the understanding of the literal meaning in public law, especially in criminal and tax law, which traditionally pay close attention to semantic aspects of legal interpretation. The project will additionally facilitate dissemination of knowledge about the Polish theory and practice of legal interpretation at the international level.

Taking into account philosophical and linguistic research will permit to verify whether all the understandings of literal meaning are justified in the light of the present-day knowledge on linguistic communication and processes of comprehending linguistic content, and if not – which understandings and to what extent should be revised. Thanks to a vital role that literal meaning performs in the theory and practice of legal interpretation, final conclusions of the project have a chance to significantly impact both the theoretical and practical dimensions of legal interpretation.