

As Oliver Wendell Holmes Jr. noted, it is a common “fallacy” to take words such as “rights,” “duties,” “malice,” “intent,” and “negligence” from ordinary context and assume that they have the same content and import when they are used in law, or used to describe the law. Therefore, the following question arises: how do we explain the relationship between ordinary and legal use of linguistic expressions? The aim of the project is to answer this question.

Many accounts of the relationship between legal and ordinary use of linguistic expressions appeal to non-linguistic (pragmatic, contextual) factors, but they are viewed as either pre- or post-linguistic processing (that is, a processing that occurs before or after the operations of the language faculty). In this regard, these accounts go along with Minimal Semantics, which states that pragmatic context has only minimal impact on linguistic processing. According to semantic minimalism, knowledge of a language, and especially semantic knowledge or *semantic competence*, enables language users to ascribe truth conditions to arbitrary sentences of that language. Therefore, a context contributes to content only when syntactically triggered and the expressions which can perform this kind of triggering are pretty limited. What is more, the context at issue is quite modest – it involves only limited aspects of the situation of utterance: who speaks, when, where, to whom and so forth, but there is no place for other elements such as the intention of the speaker.

The reason for addressing the discussed problem follows from the fact that the current framework of explanation of the relationship between legal and ordinary uses of linguistic expressions, as it goes along with Minimal Semantics, generates certain difficulties. Difficulties that follow from this framework concern, among others, context-shifting arguments, the role of particular types of content, and skepticism towards semantic facts.

The importance of the project consists of providing a novel theoretical account of the relationship between legal and ordinary use of expressions which is intended to overcome the difficulties faced by explanations that remain within the framework of Minimal Semantics. This account will be based on Meaning Eliminativism, which states that there is simply no such thing as determinate content outside a context, for it is only in use that words and concepts come to have particular conditions of application. On the resulting picture, words are not primitively associated with abstract ‘conditions of application’, constituting their conventional, context-independent meaning. Meaning Eliminativism refers rather to semantic potential of given expression and contextual criteria of similarity.

The results of the project may be used in the future to explain, why legal agents interpret legal texts in a certain manner. They may also be seen as an initial framework to eliminate certain significant problems in communication between legal agents and non-professional agents.