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"Komunikacyjna teoria języka prawnego" = "Communicative Theory of Legal Language", Maria Teresa Lizisowa, Poznań 2016 : [recenzja]

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Artykuł został opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

Maria Teresa LIZISOWA:
Komunikacyjna teoria języka prawnego
(Communicative Theory of Legal Language). Poznań:
Wydawnictwo Naukowe CONTACT, 2016, 492 pp.

The reviewed study by Maria Teresa Lizisowa is published as the fourth in the series *Dissertationes legilinguisticae* — Legilinguistic Studies (Studies in Legal Language and Communication). The latter is very broad in scope when it comes to topics undertaken. Editorial reviews were prepared by Marcus Galdia, Andrzej Malinowski and Aleksandra Malinowska.

The book in question consists of six chapters, a quite extensive conclusions, list of figures and a list of tables.

In the content of the monograph the reader pays attention mainly to three issues. First of all, the monograph is one of the first on the topic of legal language communication theory. The study's main thesis is the analysis of legal language treated as "communication." It is performed under the premise that there actually is a personal interpretation of law as a system of legal norms established by the state and applied in social life. Also in the assumption there are numerous moral connotations, in accordance with the power of law and the ethical principles of the correct law.

Secondly — the author is widely present (especially in the sixth chapter — pp. 353—436). The study takes into account the entirety of the law and the legal language in the first three chapters — as it states — the ontological nature of objective positive law (*lex*) and subjective law (*ius*). It broadens the theme that "the positive law is the set of rules of conduct of people connected with legal nodes, and the subjective law is the fact of law in interpersonal relationships, determined by positive law and judged in the sphere of duty of human action" (p. 284).

Thirdly, the outline of various methodological approaches from the field of linguistics utilized in research performed throughout the work is interesting. Therefore, the author uses the legal demands of language analysis. It shows the convergence of the legal system and the legal language system. What makes the publication in question truly valuable is a mixture of systemic studies of language phenomena coupled with a discussion of numerous social and legal phenomena (interactional contacts, language signs, legal texts, subordination, competence, etc.). The work in its entirety appears to be a competent reconstruction of the semantic system of the legal language, the structure of the texts of the legal act, and the pragmatic investigation of the legal order in the structures of the language.

However, one should also seek to find whether the main aim of the study was commensurately achieved in the discussed book. The intention of the author was after all to show the legal language fixed in the legal text. The novelty of the work is to present the “semiotic code of the legislator” and the possibility of its reception by lawyers as well as ordinary people. It is very well presented in the chapter “Normative in semantics of linguistic signs conveying general legal norms which regulate legal relations” (pp. 295 ff.). With particular interest, the author deals with, as he calls it, the “deontic modality” in expressing the will of the legislator in the structures of the language (pp. 321 ff.). Two different realities are presented in the monograph, which may be inferred from the legal language itself. On the one hand, it is “the abstract nature of legal content” (e.g., sentences imposing sanctions — pp. 269 ff.). On the other hand, there is a need to “translate” the legal language into plain language (pp. 317 ff.).

The monograph also has a valuable layer of reference to widely understood legal culture. This was the author needed to show — especially in Chapter 5 on “Legal language in the pragmatic aspect” (pp. 291 f.) — several issues of “dynamics of the text of a legal act” and “communication in the legal language” (pp. 294 ff.). Within this chapter, the author indirectly proves that functional premises integrate the rights of persons, their deeds, and things with the communication of legal norms and the interpretation of these norms. The law creates and communicates legislative texts, and interprets these texts as legal practices, legal texts, and law texts, primarily the media.

The research method applied in the work is also worth pointing out. The author makes the legal language of “fitting” the language of the theory of personalist communication to the transmission of legal content. It does so in terms of normativity and axiology. Although the legal language is present throughout the text, it is interesting to note the laws passed by the legislature, the language of communication theory. The author describes this as “performative modality.” Simply put — the author justifies that in practice

life exists both normative legal languages, legal interpretative languages, and colloquialisms about events defined by law. These languages constitute the legal language — *lingua legis*. Legislative acts necessary for the implementation of statutes are issued by the central and local administrative bodies. These documents, like regulations, are the source of the law, the author of which is the legislator, but the lawyer or official are their interpreters. And it is very rich in practice — as it is in the title of monograph — “communicating with the legal language.”

The whole work is consistent, valuable in terms of content. Objective legal concepts are adapted to legislative function, but are perceived objectively. These concepts communicate the legal norms and thus result in semantic knowledge of the law. It is therefore worth to study the monograph.

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