Linguistic method of legal interpretation (limitations and unexploited potentialities)

Abstract

This thesis focuses on the analysis of the linguistic method of interpretation and uncovers its limits and unexploited potentialities. In order to understand the whole issue better, space is devoted at the beginning to normativity, legal language, and legal interpretation. The method of linguistic interpretation is presented through its individual elements and techniques (model of the three areas of meaning, the integral principles of linguistic interpretation, and the techniques of linguistic interpretation), which are inherent to it and thus distinguish it from other methods of interpretation. The thesis also discusses textualism as a branch of legal theories that is related to the method of linguistic interpretation. In this context, the thesis also examines the intersections with related methods that can be seen as a part of linguistic interpretation in a certain context, namely the method of logical and systematic interpretation. For a complete understanding, the content of this thesis is also a comparative study with the purposive method of interpretation, which has become increasingly important in recent times and is in some situations opposed to the method under study. The following areas are selected as the limits associated with the method under study: the ability of linguistic interpretation to reveal the various principles and fundamentals, the static nature of this method, and the limitations of linguistic interpretation in the context of EU law. The following areas are discussed as unexploited potentialities: the improvement of law-making and legislative technique, the inspiration from linguistic approaches to interpretation, the use of Canons of construction, the linking the system of modern logic with linguistic interpretation, and the expected possibilities of artificial intelligence. The main question examined is the question of whether the method of linguistic interpretation constitutes a full-fledged method of interpreting law that can stand on its own in most cases, i.e. without the need to combine it with other methods of interpretation. Thus, the overall aim of the thesis is to support the method of linguistic interpretation by presenting its integrity and comprehensiveness.