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Legal Language as an Instrument for Describing Social Reality. Searching for Innovative Narrations[1]

Abstract: How we function in social reality is determined by various types of cognitive schemas. These concern people, social events and other phenomena. According to the concept offered by various postpositivist currents, including postmodernism, poststructuralism and critical theory, such schemata cannot be objective. The most important element of postmodern considerations is the discovery of the arbitrary nature of modernity. This means rejecting the Enlightenment belief in progress. Innovation, understood as modernity resulting from human reason, is illusory in the postmodern perspective. Innovation consists precisely in a rejection of the myth of the existence of some absolute, objective truths that constitute the social order. The world is textual, made up of many alternative narratives. Definitions, including legal definitions, are socially constructed. They arise from specific social conditions, at a particular stage of development of a particular group. The assumption made by postmodernists is that language, including professional language – such as the language of law or legal language – is neither neutral nor transparent. The innovative power of this language lies in its use of narratives that influence the functioning of social

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groups of varying degrees of complexity. It is therefore necessary, adopting a postmodern interpretation, to look at the text of legal language in a similar way as we look at other texts. That is, to see in the narrativity of this language structural similarities with other texts that constitute social reality.
Keywords: postmodernism, poststructuralism, methods of textual analysis, genealogy, affordance, narrations in the legal language and the language of law.

Introduction

Lawyers are reluctant to adopt a pluralistic view of legal doctrine, fearing a blurring of basic concepts leading to terminological and, in effect, cognitive chaos. Legal doctrine, on the other hand, is meant to serve the purpose of ordering social reality, leading to a better understanding of the particular "cosmos" constituted by legal norms (the language of the law) and interpretative statements created by legal academia and jurisprudence (legal language / lawyers' language).[2] For this reason, the doctrine should be open to change, to adopting new concepts and narratives to accompany the interpretation of increasingly detailed legal acts. For the layman, this "cosmos" is usually only discoverable to a limited extent, which is due both to its hermetic nature, i.e., the difficulty entailed by specialist language, and to the limited interest most "ordinary" citizens take in the increasingly complex and specialized system of legal norms, even as it encroaches on almost every sphere of their lives.[3]

The crises of the last twenty years – the rise of terrorism, turbulence on the financial markets, large-scale population migrations and pandemics, have pro-

2 See Brenda Danet, "Language in the Legal Process", *Law & Society Review* 14, no. 3. 1980: 448 ff.

3 Cf. Paweł Nowak, and Mariusz Rutkowski, "Współczesne zmiany kulturowo-komunikacyjne a język prawa. Uwagi na marginesie propozycji nowego modelu uzasadniania orzeczeń sądowych", *Poznańskie Studia Polonistyczne. Seria Językoznawcza* 28, no. 1. 2021: 87–91. On equality in social communication, Gerd Antos, "Ist der Leie der Dumme? Erosion der Experten-Leie-Dichotomie in der Ära medial inszenierter Betroffenheit" in *Laien, Wissen, Sprache. Theoretische, methodische und domänenspezifische Perspektiven*, ed. T. Hoffmeister, M. Hundt, and S. Naths. Berlin, and Boston, 2021, 26 ff.

vided an impetus for policymakers to create new regulations affecting citizens in many areas previously reserved for the private sphere of life,[4] with the rationality of the legislator often giving way to short-term political objectives. This is worrying from the point of view of the stability of the state and of the entire legal order. The law and how it is interpreted should be independent of specific party interests.[5] The rationality of the legislator is expressed in balancing multiple interests. It is defined in the legal doctrine as the activity of state bodies legislating by following logic, reason and truthful information on a sound basis.[6]

Rationality understood in this way stems from the Enlightenment ideals that guided European legal doctrine up to the 19th century, when a relativisation of the notion of 'reason' in relation to constructing state objectives began to be considered. The 20th century marked the begin of state encroachment upon many spheres of civic activity that had previously remained outside the state's sphere of interest.[7] The basic axiom was to achieve the public good, and the activities of democratic states are centered upon this.[8]

Apolitical knowledge, including legal scholarship, is one of the most important foundations of modernity identified with Enlightenment progress. It is worth noting here that a politics of legal language and the language of

4 More Gustavo Maciel, *Legislative Best Practices During Times of Emergency*. Transparency International. Helpdesk, 1.06.2021. <https://knowledgehub.transparency.org/assets/uploads/kproducts/Helpdesk-2021_Legislative_best_practices-in-times-of-crisis-FINAL.pdf>, access: 02.04.2022. Crisis-driven reforms can even affect key sectors such as health; see, for example, the reform of the hospital system in Poland: <https://legislacja.rcl.gov.pl/projekt/12354951/katalog/12845067#12845067>, access: 02.04.2022.

5 See Adam Sulikowski, Rafał Mańko, and Jakub Łakomy, "Polityczność prawa i ogólnej refleksji nad prawem: wprowadzenie", *Archiwum Filozofii Prawa i Filozofii Społecznej* no. 3. 2018: 6 ff.

6 More Marian Andrzej Liwo, "Nieracjonalność działań prawodawcy jako jedna z przyczyn niepoprawności prawa – wybrane przykłady z prawa administracyjnego, karnego i prawa pracy", *Przegląd Prawa Publicznego* no. 6. 2019: 9.

7 Cf. Georg Meyer (bearbeitet v. Gerhard Anschütz), *Lehrbuch des deutschen Staatsrechts*. Berlin, 2005, 14.

8 In German "Gemeinwohl". See Karl-Peter Sommermann, "Die Disskussion über die Normierung von Staatszielen", *Der Staat* 32, no. 3. 1993: 431 ff.

law is inevitable in practice. But this is politics understood as an institutional framework and regulatory framework (standards, practices, rules of conduct) that create an order enabling: human coexistence (the hierarchical nature of the state system), a just distribution of wealth, and the resolution of conflicts within the state. Politics thus understood means the political nature of the system within which laws are made and applied. The law itself, though, and how it is interpreted, should be objective. That is, they should be as independent as possible, external to the lawyers interpreting legal norms. This element of objectivity is, as in the case of any expertise, a legitimising element. Professional expertise, which includes interpreting the law, should be based on independent knowledge.[9]

The progressive digitalisation of public administration is becoming an additional instrument for monitoring social activity at almost all levels. This is taking place in parallel with intensive processes of internationalising public governance, processes that have long since moved beyond the traditional, national normative order. The processes of technologicalisation and globalisation are forcing a redefinition of the existing conceptual framework in public law.[10] In this context, classical legal positivism is being replaced by post-positivist trends – poststructuralism, postmodernism, critical theories, and post-colonialism. Social constructivism, which allows for norms to be interpreted in the context of the identity of the actors involved in various social interactions, has also been growing in importance for several decades.[11]

In the context of post-positivist trends, cultural background is important to any understanding of the language of law and the language of legal doctrine. It constitutes an important basis for questioning the objectivity of the researcher. In the literature of the social sciences, in the context of critical theo-

9 Cf. Sulikowski, Mańko, and Łakomy, 7; Natalia Kohtamäki, *Theorising the Legitimacy of EU Regulatory Agencies*. Berlin, 2019, 278–284.

10 See Jerzy Leszczyński, "O niezmienności sposobu uprawiania dogmatyki prawa", *Studia Prawno-Ekonomiczne* 31, no. 81. 2010: 119–122.

11 See Gunther Teubner, "How Law Thinks: Toward a Constructivist Epistemology of Law", *Law & Society Review* 23, no. 5. 1989: 728–732.

ries and constructivist thought, the category of intersubjectivity appears; this is precisely related to interactions resulting from specific cultural identities.[12] Cultural acts are distinguished in legal studies from natural acts or acts in the behavioural sense. They are related to a specific context, and to the reading of codes which are clear to persons who have grown up in a given culture or know it well.[13] Legal language, which is an essential component of legal culture within any legal order, is also becoming such a code.[14]

This article will present the main characteristics of postmodern narrative in relation to the language of law and legal language as tools of social communication. Professional language, as a specific, largely abstract semantic system, constitutes a culturally significant form of narration in the surrounding "multilogue" – a polyphony of various communications. Despite the doctrinal assumptions of its immutability within the framework of its basic assumptions, it is subject to change.[15] Those changes result from social re-evaluations, external influences, technological innovations, and the challenges that individual societies must face.

12 "(…) Constructivists are particularly interested in the prepropositional knowledge that precedes any propositional content. This prepropositional knowledge is often described in terms like 'tacit knowledge' or 'habitus'. This kind of knowledge is not to be found in propositions and laws, but in conventions and rules whose 'necessity' cannot be shown deductively but needs to be established discursively"; Oliver Kessler, "On Logic, Intersubjectivity, and Meanings: Is Reality an Assumption We Just Don't Need?", *Review of International Studies* 38, no. 1. 2012: 255, 258.

13 Cf. Leszek Nowak, "Performatywy a język prawny i etyczny", *Etyka*, no. 3. 1968: 151 ff.

14 See Anna Piszcz, and Halina Sierocka, "The Role of Culture in Legal Languages, Legal Interpretation and Legal Translation", *International Journal for the Semiotics of Law* 33, no. 3. 2020: 534 ff. "(…) All cognition is by its very nature an interpretation, so there is no such thing as cognition that is not relativised to (any concrete) perspective, i.e. providing, as metaphorically put by philosopher Thomas Nagel, 'a view from nowhere'"; Sulikowski, Mańko, and Łakomy, 9. See also Hansjürgen Garstka, "Zum Beitrag der Linguistik zur rechtswissenschaftlichen Forschung", *Rechtstheorie*, no. 10. 1979: 92–102.

15 Leszczyński, 118 ff. See also Matthias Jestaedt, "Wissenschaft im Recht. Rechtsdogmatik im Wissenschaftsvergleich", *JuristenZeitung* 69, no. 1, 2014: 4–10.

Difficulties in Describing the Changing Social Reality

The flexibility of law and the legal doctrine can be seen as a direct answer to the search for the most appropriate solutions (the principle of legal adequacy)[16] in the face of cultural evolution resulting from processes of internationalisation, intensive population displacement, and deterritorialisation (the detachment of social space from specific national borders).[17] Such challenge-appropriate solutions are often considered innovative, as they are meant to be a modern response to the changing needs of a given social group.[18]

A special role in these processes is played by administrative law, which concerns the current functioning of the state. Referring to the French tradition of understanding administrative law – it concerns public utility (Fr. *utilité publique*), i.e. actions in the general interest (Fr. *intérêt* général).[19] It is therefore close to the daily lives of citizens, and affects almost every aspect of their functioning (from birth to death).[20]

In administrative law, the complexity of the concepts employed makes defining them difficult. A starting point can be the term 'public administration' itself, which, in accordance with the ideals of legalism, should be closed within

16 See Sonja Buckel, "Empire oder Rechtspluralismus? Recht im Globalisierungsdiskurs", *Kritische Justiz* 36, no. 2. 2003: 185 f.; Marzena Myślińska, "The Principle of Determinancy of Legal Rules as an Element of Competent Legislation", *Comparative Legilinguistics*, no. 5. 2011: 134.

17 Cf. Jakub Potulski, "Deterritorialization of the World as a Challenge for Contemporary Political Geography", *Journal of Geography, Politics, and Society* 6, no. 2. 2013: 36 ff.

18 "The task of the science of administrative law is (…) the development of concepts which, by describing reality, opens up new future research perspectives."; Irena Lipowicz, "Dylematy siatki pojęciowej w nauce prawa administracyjnego" in *Koncepcja systemu prawa administracyjnego. Zjazd Katedr Prawa Administracyjnego i Postępowania Administracyjnego Zakopane 24–27 września 2006 r.*, ed. J. Zimmermann. Warszawa, 2007, 22. See also Sławomira Wronkowska, and Zygmunt Ziembiński, *Zarys teorii prawa*. Poznań, 2001, 127 ff.

19 More Christine Adams, "In the Public Interest: Charitable Association, the State and the Status of utilité publique in Nineteenth-Century France", *Law and History Review* 25, no. 2. 2007: 287 ff.

20 Cf. Jan Zimmermann, *Prawo administracyjne*. Warszawa, 2020, 20, 45; Elżbieta Ura, *Prawo administracyjne*. Warszawa, 2021, 21; Dirk Ehlers, "Verwaltung und Verwaltungsrecht im demokratischen und sozialen Rechtsstaat" in *Allgemeines Verwatungsrecht*, eds. D. Ehlers, and H. Pünder. Berlin, and Boston, 2016, 7.

a specific legal framework, but in connection with the dynamic development of societies often escapes rigid normative constructions.[21] It is well known that the rapid evolution taking place in various sectors of the economy, as well as in various areas of citizens' lives, is preceding the development of laws regulating those activities. The source of the variety of administrative forms will mainly be, therefore, the multiplicity of tasks performed by administrative bodies, but is also connected with the processes of the Europeanisation of administrative legal norms and public administration institutions executing the law in the Member States (known as the 'European executive order').[22] The multiform character of public administration refers, therefore, both to the subjective sphere – connected with the diversity of tasks ascribed to it, and to the subjective sphere – connected with the diversity of public and nonpublic-law entities performing tasks of public administration at the national and supranational levels.[23]

In accordance with the principle of legalism, and to contain the actions of public administration within a coherent legal framework, the multiform character of administration should be secured within a normative unity. This also fits in with the postulates of linguistic precision in the legal system. These elements constitute a guarantee of citizens' trust in the rule of law and provide a starting point for ensuring the stability of the system (a legible, coherent system of law as a basis for legal certainty).[24] This is not an easy task,

21 See Zbigniew Cieślak, Irena Lipowicz, Zygmunt Niewiadomski, and Grażyna Szpor, *Prawo administracyjne*. Warszawa, 2012, 21–50; Renata Kusiak-Winter, "Wielopostaciowość administracji w prawie administracyjnym", *Opolskie Studia Administracyjno-Prawne* 16, no. 1(3). 2018: 71 f.

22 Cf. Natalia Kohtamäki, "Europejska administracja zintegrowana w służbie wspólnoty" in *Prawo administracyjne w służbie jednostki i wspólnoty*, ed. P. Wilczyński et al. Warszawa, 2022, 107 ff.; Deirdre Curtin, and Morten Egeberg, "Tradition and Innovation: Europe's Accumulated Executive Order" in *Towards a New Executive order in Europe*, ed. D. Curtin, and M. Egeberg. London, and New York, 2015, 5–19.

23 More Kohtamäki, *Theorising*, 34, 42–44.

24 More: Marta Andruszkiewicz, "Problem jasności w języku prawnym – aspekty lingwistyczne i teoretycznoprawne", *Comparative Legilinguistics* 31. 2017: 7, 16; Myślińska, 128–131.

and national legislators cope with it with varying degrees of success. The lower the communicativeness and precision of normative acts, the lower citizens' acceptance of the law.[25]

It should be noted in this context that the legislator does not always provide definitions of how specialised terms are to be understood. Often, interpretation or reinterpretation is needed within the framework of linguistic, historical or systemic interpretation. There is a problem of ambiguity or vagueness of some terms, and how they are understood reflects societal changes. In the case of professional language, terms from the vernacular are borrowed and acquire new meanings within the framework of specialised use. Their meaning and scope of use may be expanded or restricted. Meaning can also be read from the context in which the legislator places them in the standard.[26]

Legal definitions, as a rule, eliminate linguistic ambiguity. But here as well, it is possible to intentionally leave the interpretation open.[27] The lack of the general intelligibility of legal terms – i.e., those formulated by the legislator in normative acts – is a significant problem in social communication. This is because normative acts are addressed to citizens and should be understandable at the level of linguistic competence enjoyed by speakers of the language in question on a daily basis.[28] The deductive line of reasoning based on linguistic interpretation is meant to enable everyone, not just judges or lawyers, to objectively reach correct results if the premises within the deduction are correct.

25 More Cathryn Johnson, Timothy J. Dowd, and Cecilia L. Ridgeway, "Legitimacy as Social Process", *Annual Review of Sociology* 32. 2006: 58–61.

26 "Legal terms are formed as neologisms from the composition of common language words, determined by definitions and, due to their originating nature, have their validity only for technical language."; Karolina Kęsicka, "Unbestimmte Rechtsbegriffe und Äquivalenzfrage: ein Fall für den Übersetzer", *Studia Germanica Gedanensia*, no. 29. 2013: 127; Sławomira Wronkowska, "O cechach języka tekstów prawnych" in *Język polskiej legislacji, czyli zrozumiałość przekazu a stosowanie prawa. Materiały z konferencji zorganizowanej przez Komisję Kultury i Środków Przekazu oraz Komisję Ustawodawczą Senatu RP*. Warszawa, 2007, 21.

27 See Maciej Zieliński, *Wykładnia prawa. Zasady, reguły, wskazówki*. Warszawa, 2012, 200 ff.

28 "It is not, however, about any readability of the message, but about the ability to reconstruct the normative content from the provisions, that is, to reconstruct the scope of application and normative range of the legal norm"; Andruszkiewicz, 11.

Legal deduction is supposed to lead to objectively correct results.[29] However, as in the case of other technical languages, there are certain nuances of meaning that require specific factual knowledge, contextual understanding, or an association of certain relationships between norms in the legal system. Such competences are reserved for the "initiated", i.e., experts in a given field, as is the case in other specialised areas of language.[30]

Language as an Instrument of Cognition and Understanding in a Democratic State

Language is understood as a specific system of signs transmitted between generations. This system shapes the cognition and thinking of both individuals and collectives, determining individual and collective identity. It thus becomes a powerful mechanism of influence. This influence can be interpreted as, firstly, coordinating, and secondly, exerting, influence within different social groups.[31]

Language is used for dialogue, communication, transferring information, for the interactions of all the parties involved. In this context, to which Jürgen Habermas repeatedly refers in his works, language can be understood as an indispensable element in creating and legitimising the modern democratic state; a state based on deliberation.[32] Mutual understanding (Germ. *gemeinsame Verständigung*) is possible through conversation, through communication leading to an agreement resulting from listening to the arguments of the other side (Germ.

29 See Maciej Koszkowski, "Legal Analogy as an Alternative to the Deductive Mode of Legal Reasoning", *Adam Mickiewicz University Law Review* 6. 2016: 13, 16 ff.

30 An incompetent linguistic formulation of provisions may lead to discrepancies with the legislator's original idea. More on the process of decoding norms, Wronkowska, 16, 18.

31 More Jarosław Klebaniuk, "Rola języka w postrzeganiu procesów społecznych", *Nierówności społeczne a wzrost gospodarczy*, no. 24. 2012: 270–276; Joanna Rączaszek-Leonardi, *Zjednoczeni w mowie. Względność językowa w ujęciu dynamicznym*. Warszawa, 2011, 15–19, 37–41.

32 Basically, people coordinate their interventions in the world through communication which is oriented toward the consent of the partners. See Jürgen Habermas, *Theorie des kommunikativen Handelns. Handlungsrationalität und gesellschaftliche Rationalisierung*. Frankfurt am Main, 1981, 388 ff.

Einverständnis).[33] Social relations are based on the development of consensus (Germ. *Konsensbildung*).[34] Within the state, understood as a deliberative liberal democracy in the Habermasian view, interactions take place primarily through non-manipulative instruments. What is important is the discourse and the search for consensual instruments resulting from the convergence of the discussants. A state system understood in this way entails openness. According to Habermas, social solidarity can only be worked out in processes of deliberation, communication and information flow.[35]

Communicating through language allows shared meanings of community-relevant terms, such as 'public interest' or 'common good', to be developed. The legislator ascribes specific meanings resulting from the adopted system of values.[36] Law-making and law enforcement in a democratic state can never be driven by individual considerations, by selfish motives of narrow groups of decision-makers. They must reflect the needs of the community, whose cognition is only possible in processes of communication. Habermas identifies the linguistic changes taken from the social sciences[37] with shaping social reality through discourse.[38]

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33 "We understand a speech act when we know what makes it acceptable." (Germ. „Wir verstehen einen Sprechakt, wenn wir wissen, was ihn akzeptabel macht."), Habermas, *Theorie*, 400. See also Jürgen Habermas, "Aspekty racjonalności działania" in *Wokół teorii krytycznej Jürgena Habermasa*, eds. A.M. Kaniowski, and A. Szahaj. Warszawa, 1987, 123–125.

34 So called communicative intersubjectivity Anna Krzyżówek, *Rozum a porządek polityczny. Wokół sporu o demokracje deliberatywną*. Kraków, 2010, 46 ff.

35 Anchoring cognition in social discourse, see Wojciech Cyrul, "Problem ważności w habermasowskiej teorii uniwersalnej pragmatyki", *Ruch Prawniczy, Ekonomiczny i Socjologiczny*" 67, no. 2. 2005: 209, 215 ff.

36 More Kęsicka, 128–130; Karl Engisch, *Einführung in das juristische Denken*. Stuttgart, 1983,190 ff.

37 More Richard Rorty, "Wittgenstein and the Linguistic Turn", *Austrian Ludwig Wittgenstein Society – New Series* 3. 2013: 4 ff.

38 At the same time, the last few decades have seen a transfer of deliberative mechanisms from the level of national democracies to the level of democratic collective structures. Cf. Jürgen Habermas, "The Crisis of the European Union in the Light of Constitutionalization of International Law", *European Journal of International Law* 23, no. 2. 2012: 339 ff. See also Lotar Rasiński, "Trzy koncepcje dyskursu: Foucault, Laclau, Habermas", *Kultura – Społeczeństwo – Edukacja* 12, no. 2. 2017: 42–44.

On the other hand, we have the system of power: the state and its authority as a system that is crucial from the viewpoint of the lawyer specializing in administrative law. According to the theory of subordination, the public law governing relations in the state consists in the power relations of subordination and superordination. The state is the subject of authority, and law in this context serves to justify specific state powers. The law defines the competences of certain bodies. Within its boundaries, public goals and tasks are implemented, but also within its boundaries the organisation and scope of activity of public administration bodies are regulated.[39]

To quote Immanuel Kant, "(…) the *possession* of *power inevitably* spoils the free use of *reason*" (Germ. "[…] der Besitz der Gewalt das freie Urteil der Vernunft unvermeidlich verdirbt").[40] The relationship between power and knowledge expressed through language has fascinated philosophers, political theorists, and legal scholars for decades. In the 20th century – since the second half of the 1970s – postmodernist, or poststructuralist, concepts have gained popularity; these treat language and the production of power / knowledge as a normative and political problem. Michel Foucault believed that power and knowledge directly derive from each other and constantly influence each other.[41] Language shapes the social reality in which we function: it determines how we understand certain social behaviours, but also the institutions that regulate those behaviours and the norms established by those institutions. The evolution of law – in the national and international contexts (e.g., within global administrative law) – should, according to this interpretation,

39 Cf. Zimmermann, 46–49; Dejan Vitanski, "Hierarchy and Subordination in the Public Administration – Synonyms, Dichotomous Categories or Predestined Two Sides of the Same Medal?", *Knowledge – International Journal* 30, no. 6. 2019: 1393–1399.

40 Immanuel Kant, *Zum ewigen Frieden; ein philosophischer Entwurf*. Leipzig, 1917, VIII, 369. See Gerhard Funke,"Theorie und Praxis" in *Phenomology on Kant, German Idealism, Hermeneutics and Logic*, eds. O.K. Wiegand, R.J. Dostal, L. Embree, J.J. Kockelmans, and J.N. Mohanty Dordrecht, 2000, 252.

41 Cf. Michel Foucault, "The Subject and Power", *Critical Inquiry* 8, no. 4. 1982: 777 ff.

be seen as an expression of the development of knowledge.[42] This knowledge is directly reflected in the system of concepts currently used in the law – concepts that are variable over time and directly dependent on the stage of social development.[43]

Another postmodernist, Richard Ashley, focused on the influence of language on our understanding of the place of the state in an anarchic international order. He postulated a different concept – corresponding to the state of knowledge – of modern state governance, which is equivalent to human governance. This concept also corresponds to theoretical considerations within the science of administrative law.[44] In this context, German theorists have played a leading role, including Eberhard Schmidt-Aßmann, who is the co-author of the concept of steering in German administrative law. Under this concept, the law is a kind of tool for steering. It is supposed to guide citizens to choose the behaviour desired by the state. This understanding is a definitional enrichment of the notion of administrative law. Steering includes much more than the state authority characteristic of public law. A social change in how certain notions are understood influences concrete social phenomena, i.e. a change how the role of the state in relation to citizens is understood changes the specific ruling behaviour of the state.[45]

The idea of steering in the context of modifying the administrative functions of the state has entered the legal language of Polish scientific debate from the concept functioning in the German legal doctrine. This is a good ex-

42 More on the development of these structures, Giacinto della Cananea, "The Genesis and Structure of General Principles of Global Public Law" in *Global Administrative Law and EU Administrative Law. Relationships, Legal Issues and Comparison*, eds. E. Chiti, and B.G. Mattarella. Berlin, and Heidelberg, 2011, 92–108.

43 See Richard Devtak, "Postmodernism" in Burchill, Scott, Andrew Linklater, Richard Devetak, Jack Donnelly, Matthew Paterson, Christian Reus-Smit, and Jacqui True, *Theories of International Relations*. Basingstoke and New York, 2005, 162 ff.

44 Devtak, 162 ff. See also Richard Ashley, "The Poverty of Neorealism", *International Organization* 38, no. 2. 1984: 233–237.

45 See Eberhard Schmidt-Aßmann, *Verwaltungsrechtliche Dogmatik. Eine Zwischenbilanz zu Entwicklung, Reform und künftigen Aufgaben*. Tübingen, 2013, 19 ff.

ample of how various narratives diffuse, leading to innovative thinking about the law. The thinking in one legal culture affects another as certain pattern of understanding social reality are received.[46] On the other hand, the very concept of steering is the result of an interdisciplinary influence on German legal doctrine. This multilevel thinking about the administrative functions of the state draws on the methodologies of economics, management science, political theory and sociology.[47]

The Construction of Meanings – Law as an Instrument of Specific Semantic Narratives

Within the postmodern paradigm in the social sciences, for the construction of meanings it is important to reconstruct a 'genealogy', which is a kind of historical thinking. This historical thinking defines the meanings and functions of the relationship between power and knowledge. Specific interpretations of the past – culturally conditioned – directly influence language, including the language of the norms established by the legislature (i.e., the language of law), as well as legal language, i.e., language about law, and in this way, how those norms are interpreted in the doctrine and jurisprudence.[48] History and the historical experience of certain peoples, from the genealogical perspective proposed by postmodernists, constitute an endlessly repeated game of domination.[49] There is no one big story, but a series of events – resulting from power-knowledge relations. Every item of knowledge is conditioned by a specific historical, cultural, and political context. The same events are presented in dif-

46 Maciej Hadel, "Prawo administracyjne jako nauka o sterowaniu w świetle kryzysu prawa administracyjnego i dylematów badawczych – aktualne tendencje w metodologii badań nad prawem administracyjnym", *Przegląd Prawa Publicznego*, no. 6. 2017: 68–71.

47 Cf. Schmidt-Aßmann, 21 ff.; Jan Izdebski, "Związki nauki prawa administracyjnego z naukami o zarządzaniu", *Roczniki Nauk Prawnych* 25, no. 4. 2015: 182; Lipowicz, 24.

48 See Bronisław Wróblewski, *Język prawny i język prawniczy*. Kraków, 1948, 51–57, 136–142.

49 More Craig Browne, "Postmodernism, Ideology and Rationality", *Revue Internationale de Philosophie* 64, no. 251(1). 2010: 81 ff.

ferent ways using language. This applies most often to the reporting of historical events that are important for national identity. However, this perspective is also present in relation to other phenomena relevant to specific social groups, such as law. There is no universal structure of reference – a single perspective – there are a multitude of different perspectives and references. Hence, doctrinal views, that is, language about law, also derive from specific cultural contexts.[50] For example, in the case of the Polish and German systems of law, due to their proximity of culture and geography, the distances are small, and so the cultural contexts are often similar. This has a direct impact on many specialist terms having very similar meanings in the two systems, both in the language of legal regulations and norms, and in the language of lawyers.[51]

Referring to Jacques Derrida, we can say that, in a dynamically changing world, a world dominated by information from everywhere, we have interpretations of interpretations. And these interpretations, or in other words perspectives, constitute the world by imposing specific meanings.[52] That is, they are not just a simple description of the real world, but they are its constituent objects, they create it. Contemporary reality is narrative in nature. One narrative replaces another. There is no single metanarrative that can replace the multitude of parallel discourses by which events are given the status of reality. Narratives are created by specific semantic expressions, clusters of meanings. They create specific metaphors that become part of collective identities. The political component of such metaphors is important. There are no neutral, fully objectified narratives. This is not possible, because the world is socially constructed.[53]

50 Devtak, 163–167.

51 See Stanisław Bieleń, *Polityka w stosunkach międzynarodowych*. Warszawa, 2010, 24 ff.; Jestaedt, 2.

52 Cf. Jacques Derrida, *Of Grammatology*. Trans. Gayatri Chakravorty Spivak. Baltimore, 1976, 158 ff.

53 Cf. Agnieszka Bógdał-Brzezińska, "Postmodernizm" in *Teorie i podejścia badawcze w nauce o stosunkach międzynarodowych*, eds. R. Zięba, S. Bieleń, and J. Zając. Warszawa, 2015, 222 ff.

Every community for which language is the constitutive bond (including a national community) is a phenomenon that must be explained in various contexts. How is it created? How are the concrete norms that shape the functioning of the state and its citizens created? How are they modified? The relations of power / authority / subordination / legitimate coercion attributed to the state are crucial here. They influence the creation of dominant narratives. According to Derrida, the world is textual. It is created as a text. Interpretation constitutes the social world. A necessary element in the process of understanding the world is deconstruction.[54] This allows the relationship between opposing concepts, which are never neutral towards each other, to be identified. One always stands in a privileged position, has a positive / complementary element, hierarchically placing this concept higher than the opposite concept. This is especially characteristic with abstract concepts, socially constructed within specific cultural references. An example: state sovereignty vs the anarchy of the international system. Such conceptual juxtapositions are dependent on each other. This is typical in the language of law.[55]

The textuality of the world provokes the necessity of performing a so-called 'double reading' in order to better understand the social phenomena that surround us. The first reading constitutes stability, confirms the status quo and repeats the dominant interpretations. The second reading is an attempt to deconstruct the existing world. The text – and more broadly, the discourse – are never coherent, fully unified. According to Derrida, they always contain hidden tensions and contradictions.[56] This is characteristic of different social groups, regardless of their national, ethnic, or religious background. The double reading is complementary in nature. Deconstruction does not mean criticism for criticism's sake – disputing the leading narrative for the sake of conflict itself. Rather, it is about displacing possible tensions in social discourse in favour of

54 See Jenny Edkins, "Postsructuralism" in *International Relations Theory for the Twenty-First Century. An Introduction*, ed. M. Griffths. London, and New York, 2007, 94.

55 Devtak, 168–170.

56 More Joseph Margolis, *Interpretation Radical but Not Unruly*. Berkeley, 1995, 157 ff.

creating a more coherent world of dialogue. The effect is to gain a better understanding of the complex social reality, which, in the era of globalization and dynamic social changes, is constantly bringing about new "texts" that require reinterpretation to adequately describe what is around us.[57]

Affordance as a Key Element in the Process of Cognition

Social context is crucial in processes of cognition. It results from specific cultural references that are derived from tradition and historical experience. This is particularly evident in the case of abstract concepts, which are usually the most challenging for translators of professional texts, including normative acts.[58] Language in the context of professional terminology – legal and juridical language – can be understood as a tool designed for specific tasks. A rational legislator adjusts certain legislative intentions to the intended uses; that is, to the public perception of the established norms. The specific uses of legal language can be referred to the term 'affordance' (Germ. *Affordanz* / *Anbietung*), introduced by James Gibson as part of the environmental concept.[59] The word denotes the totality of options for action available in a given environment, which can be counted or measured, and which do not depend on the characteristics of specific individuals. In relation to legal language, this means that the needs and capabilities of the user of the language determine how it is used.[60]

57 Bógdał-Brzezińska, 225 ff.; Boaventura de Sousa Santos, "Law: A Map of Misreading. Toward a Postmodern Conception of Law", *Journal of Law and Society* 14, no. 3. 1987: 282 ff.

58 More Valentina V. Stepanova, "Translation Strategies of Legal Texts", *Procedia – Social and Behavioral Sciences*, no. 237. 2017: 1331 ff.

59 Cf. James J. Gibson, *The Ecological Approach to Visual Perception*. New York and London, 2015, 39 ff., 137 ff. Klaus Schwarzfischer, "Epistemische Affordanzen bei der Gestalt-Wahrnehmung sowie bei emotionaler Mimik und Gestik", *Gestalt Theory* 43, no. 2. 2021: 181–185.

60 More Mireille Hildebrandt, "Law as an Affordance: The Devil is the Vanishing Point(s)", *Critical Analysis of Law* 4, no. 1. 2017: 117 ff.

Research conducted by psychologists confirms that abstract expressions, which include legal concepts, evoke positive connotations. They do not refer to concrete events and rarely evoke concrete semantic images based on individual experience. Abstract concepts have a lower emotional tinge. Hence, individualistic cultures express emotions in more abstract terms than collectivistic cultures based on strong interdependencies, where emotions are described in more concrete terms.[61]

Abstract expressions usually have a permanent character; they give the impression of invariability, of the constancy of certain features or phenomena. Verb concretisation gives expressions a changeable and dynamic character. Action verbs condition the concreteness of a description. Stative verbs – by their abstractness – evoke specific contextual reactions, impressions, memories, experiences. The use of abstract and concrete categories is conditioned by the situation, i.e., cognition is embedded in a specific social context.[62]

Language should be understood as an instrument for shaping, but also maintaining, certain beliefs, including stereotypes. Language directly, although often unconsciously, affects social reactions and the psychological processes of the addressee of a message. Psychologists have investigated what determines that a message is shaped in one, and not another, way.[63] Choices of words are not usually accidental. It turns out that certain linguistic procedures can be applied – not only in everyday communication, but also in shaping the legal order, the system of universally binding legal norms that influence citizens' behaviour. The choice of certain compositional possibilities in the construction of legal norms can give information on why a given message was formulated and what the goals of the legislator were.[64]

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61 Krystyna Adamska, "Język jako narzędzie poznania i komunikacji", *Acta Universitatis Lodziensis. Folia Psychologica* 17. 2013: 27 et seq.

62 Adamska, 26 ff.

63 Klebaniuk, 270–275.

64 Uwe Diercks, "Die Sprache der Juristen. Die Sprache des Rechts", *Zeitschrift für Rechtspolitik* 45, no. 6. 2012: 184.

It is important to remember that a linguistic message influences its addressees in three ways: cognitively, motivationally, and behaviourally. Language, therefore, is not only a system of signs, but also a specific tool used in specific contexts, in which some language users have an institutional influence over others (courts, public administration).

Closing Remarks

According to those cognitive scientists who refer to the thought of the philosopher of language Ludwig Wittgenstein, it is difficult in the modern world to introduce closed categories of meaning by means of language. Categorising is dynamic and cognitively conditioned.[65] This means that language is not understood as a phenomenon through which reality is reflected in a one-to-one ratio. It is a form of creating reality, understanding and comprehending it, as well as dealing with it through continuous categorising, which always bears the mark of subjectivity. This applies to both the vernacular and professional languages, including the language of norms and that used by lawyers when interpreting the law.[66]

Strong evidence of this is an analysis carried out by legal theorists in relation to law-making processes in various countries, e.g., in relation to countries in transition, where the legislator's inability to adequately express its intentions in language becomes apparent, and the language of norms is imprecise. The legislator expresses its intentions in too general a manner, leaving too much room for interpretation. Or the language maybe inadequate to the task. Ultimately, it fails to meet the important requirement of communicativeness. Post-positivist trends, including above all postmodernism, have noticed that

65 Language as an instrument of "language games" (Germ. *Sprachspiele*). Language games, i.e., models, means of rational reconstruction of the functions of language or of the relations between language and reality. More Elena Tatievskaya, "Wittgenstein über Sprachspiele", *Archiv Für Begriffsgeschichte* 50. 2008: 203 ff.

66 See Hubert Schwyzer, "Thought and Reality: The Methaphysics of Kant and Wittgenstein", *Philosophical Quarterly* 23, no. 92. 1973: 204 ff.

the weaknesses of the language used in the law reflect the legislator's way of thinking, outlook, skills, i.e., the environment in which the sender of the linguistic message functions.[67]

Law today should be understood much more broadly than merely as the "law in books" in the context of rulemaking and its expert interpretation. Law takes the form of a dynamic multi-level system – known as 'law in action'.[68] Many patterns of specific regulatory solutions (e.g., in sectors such as energy or telecommunications) are based on common narratives adopted by supranational bodies, and clearly influence the process of building national narratives. Thus, documents of a declarative, legally non-binding nature shape the process of how binding laws are made and applied. This is of direct importance for "non-professional" recipients of the law. The increasingly complex law-making processes, understood as the creation of complex narratives responding to current challenges (various threats to stability, e.g., on financial markets), make the ideal of the law being understood by citizens extremely difficult to achieve.[69]

Innovation has become a key word in the social sciences in the last twenty years: innovation understood primarily as technological solutions changing the world around us. Innovation, however, is much more than a technologisation of the reality in which a citizen functions.[70] It also includes changes how we think about and understand the rules that construct that reality. The postmodernist description of the textuality of the world and the multiplicity of narrations, which impose on us a need for important social phenomena to be understood both by a rational legislator and by all addressees of legal

67 See, Wronkowska, 22 ff.

68 Cf. Kamil Zeidler, "O fikcji powszechnej znajomości prawa i nadziei na społeczną znajomość zasad prawa", *Gdańskie Studia Prawnicze* 31. 2014: 720.

69 Zeidler, 721 ff. See also Natalia Kohtamäki, *Prawo hybrydowe w porządku normatywnym unii Europejskiej*. Pułtusk, and Warszawa, 2019, 114–122.

70 More Wolfgang Hoffmann-Riem, *Innovation und Recht – Recht und Innovation. Recht im Ensemble seiner Kontexte*. Tübingen, 2016, 80–103. See especially the classification of innovation dimensions on p. 94.

norms, is particularly timely today.[71] In the context of the changes occurring in our understanding the functions of the state in the context of cross-border threats and the growing network of connections among administrative bodies, it turns out that narrativity is becoming a natural feature of both the rules themselves and how they are to be interpreted. This applies to interpretations proposed in the legal doctrine and the jurisprudence of national and international courts.

References

Adams, Christine. "In the Public Interest: Charitable Association, the State and the Status of utilité publique in Nineteenth-Century France." *Law and History Review* 25, no. 2. 2007: 283–321.

Adamska, Krystyna. "Język jako narzędzie poznania i komunikacji." *Acta Universitatis Lodziensis. Folia Psychologica* 17. 2013: 21–37.

Andruszkiewicz, Marta. "Problem jasności w języku prawnym – aspekty lingwistyczne i teoretycznoprawne." *Comparative Legilinguistics* 31. 2017: 7–25.

Antos, Gerd. "Ist der Leie der Dumme? Erosion der Experten-Leie-Dichotomie in der Ära medial inszenierter Betroffenheit."In: *Laien, Wissen, Sprache. Theoretische, methodische und domänenspezifische Perspektiven*, edited by Toke Hoffmeister, Markus Hundt, and Saskia Naths. Berlin, and Boston 2021: 25–48.

Ashley, Richard. "The Poverty of Neorealism." *International Organization* 38, no. 2. 1984: 225–286.

Bieleń, Stanisław. *Polityka w stosunkach międzynarodowych*. Warszawa, 2010.

Bógdał-Brzezińska, Agnieszka. "Postmodernizm." n *Teorie i podejścia badawcze w nauce o stosunkach międzynarodowych*, edited by Ryszard Zięba, Stanisław Bieleń, and Justyna Zając. Warszawa, 2015: 217–239.

71 Cf. in the context of the theory of law, Paweł Skuczyński, "Narracyjność języka prawniczego w procesie tworzenia prawa", *Archiwum filozofii prawa i filozofii społecznej*, no. 1. 2020: 66, 71 ff.

Browne, Craig. "Postmodernism, Ideology and Rationality." *Revue Internationale de Philosophie* 64, no. 251(1). 2010: 79–99.

Buckel, Sonja. "Empire oder Rechtspluralismus? Recht im Globalisierungsdiskurs." *Kritische Justiz* 36, no. 2. 2003: 177–191.

Cieślak, Zbigniew, Irena Lipowicz, Zygmunt Niewiadomski, and Grażyna Szpor. *Prawo administracyjne*. Warszawa, 2012.

Curtin, Deirdre, and Morten Egeberg. "Tradition and Innovation: Europe's Accumulated Executive Order." In *Towards a New Executive order in Europe*, edited by Deirdre Curtin, and Morten Egeberg. London, and New York, 2015: 5–19.

Cyrul, Wojciech. "Problem ważności w habermasowskiej teorii uniwersalnej pragmatyki." *Ruch Prawniczy, Ekonomiczny i Socjologiczny*" 67, no. 2. 2005: 209–221.

Danet, Brenda. "Language in the Legal Process." *Law & Society Review* 14, no. 3. 1980: 445–564.

della Cananea, Giacinto. "The Genesis and Structure of General Principles of Global Public Law." In *Global Administrative Law and EU Administrative Law. Relationships, Legal Issues and Comparison*, edited by Edoardo Chiti, and Bernardo Giorgio Mattarella. Berlin, and Heidelberg, 2011: 92–108.

Derrida, Jacques. *Of Grammatology*. Trans. Gayatri Chakravorty Spivak. Baltimore, 1976.

Devtak, Richard. "Postmodernism." In Burchill, Scott, Andrew Linklater, Richard Devetak, Jack Donnelly, Matthew Paterson, Christian Reus-Smit, and Jacqui True, *Theories of International Relations*. Basingstoke, and New York, 2005: 161–187.

Diercks, Uwe. "Die Sprache der Juristen. Die Sprache des Rechts." *Zeitschrift für Rechtspolitik* 45, no. 6. 2012: 184–185.

Edkins, Jenny. "Postsructuralism." In *International Relations Theory for the Twenty-First Century. An Introduction*, edited by Martin Griffths. London, and New York, 2007: 88–98.

Ehlers, Dirk. “Verwaltung und Verwaltungsrecht im demokratischen und sozialen Rechtsstaat.” In *Allgemeines Verwatungsrecht*, edited by Dirk Ehlers, and Hermann Pünder. Berlin, and Boston, 2016: 1–53.

Engisch, Karl. *Einführung in das juristische Denken*. Stuttgart, 1983.

Foucault, Michel. “The Subject and Power.” *Critical Inquiry* 8, no. 4. 1982: 777–795.

Funke, Gerhard. “Theorie und Praxis.” In *Phenomology on Kant, German Idealism, Hermeneutics and Logic*, edited by Olav K. Wiegand, Robert J. Dostal, Lester Embree, Johseph J. Kockelmans, and Jitendra N. Mohanty. Dordrecht, 2000: 249–266.

Garstka, Hansjürgen. “Zum Beitrag der Linguistik zur rechtswissenschaftlichen Forschung.” *Rechtstheorie*, no. 10. 1979: 92–102.

Gibson, James J. *The Ecological Approach to Visual Perception*. New York, and London, 2015.

Habermas, Jürgen. “Aspekty racjonalności działania.” In *Wokół teorii krytycznej Jürgena Habermasa*, edited by Andrzej M. Kaniowski, and Andrzej Szahaj. Warszawa, 1987: 113–157.

Habermas, Jürgen. “The Crisis of the European Union in the Light of Constitutionalization of International Law.” *European Journal of International Law* 23, no. 2. 2012: 335–348.

Habermas, Jürgen. *Theorie des kommunikativen Handelns. Handlungsrationalität und gesellschaftliche Rationalisierung*. Frankfurt am Main, 1981.

Hadel, Maciej. “Prawo administracyjne jako nauka o sterowaniu w świetle kryzysu prawa administracyjnego i dylematów badawczych – aktualne tendencje w metodologii badań nad prawem administracyjnym”, *Przegląd Prawa Publicznego*, no. 6. 2017: 65–72.

Hildebrandt, Mireille. “Law as an Affordance: The Devil is the Vanishing Point(s)”, *Critical Analysis of Law* 4, no. 1. 2017: 116–128.

Hoffmann-Riem, Wolfgang. *Innovation und Recht – Recht und Innovation. Recht im Ensemble seiner Kontexte*. Tübingen, 2016.

Izdebski, Jan. "Związki nauki prawa administracyjnego z naukami o zarządzaniu." *Roczniki Nauk Prawnych* 25, no. 4. 2015: 177–186.

Jestaedt, Matthias. "Wissenschaft im Recht. Rechtsdogmatik im Wissenschaftsvergleich." *JuristenZeitung* 69, no. 1, 2014: 1–12.

Johnson, Cathryn, Timothy J. Dowd, and Cecilia L. Ridgeway. "Legitimacy as Social Process." *Annual Review of Sociology* 32. 2006: 53–78.

Kant, Immanuel. *Zum ewigen Frieden; ein philosophischer Entwurf*. Leipzig, 1917.

Kessler, Oliver. "On Logic, Intersubjectivity, and Meanings: Is Reality an Assumption We Just Don't Need?." *Review of International Studies* 38, no. 1. 2012: 253–265.

Kęsicka, Karolina. "Unbestimmte Rechtsbegriffe und Äquivalenzfrage: ein Fall für den Übersetzer." *Studia Germanica Gedanensia*, no. 29. 2013: 124–137.

Klebaniuk, Jarosław. "Rola języka w postrzeganiu procesów społecznych." *Nierówności społeczne a wzrost gospodarczy*, no. 24. 2012: 268–279.

Kohtamäki, Natalia. "Europejska administracja zintegrowana w służbie wspólnoty." In *Prawo administracyjne w służbie jednostki i wspólnoty*, edited by Przemysław Wilczyński et al. Warszawa, 2022: 107–120.

Kohtamäki, Natalia. *Prawo hybrydowe w porządku normatywnym unii Europejskiej*. Pułtusk, and Warszawa, 2019.

Kohtamäki, Natalia. *Theorising the Legitimacy of EU Regulatory Agencies*. Berlin, 2019.

Koszkowski, Maciej. "Legal Analogy as an Alternative to the Deductive Mode of Legal Reasoning." *Adam Mickiewicz University Law Review* 6. 2016: 13–25.

Krzyżówek, Anna. *Rozum a porządek polityczny. Wokół sporu o demokracje deliberatywną*. Kraków, 2010.

Kusiak-Winter, Renata. "Wielopostaciowość administracji w prawie administracyjnym." *Opolskie Studia Administracyjno-Prawne* 16, no. 1(3). 2018: 71–81.

Leszczyński, Jerzy. “O niezmienności sposobu uprawiania dogmatyki prawa.” *Studia Prawno-Ekonomiczne* 31, no. 81. 2010: 115–129.

Lipowicz, Irena. “Dylematy siatki pojęciowej w nauce prawa administracyjnego.” In *Koncepcja systemu prawa administracyjnego Zjazd Katedr Prawa Administracyjnego i Postępowania Administracyjnego Zakopane 24–27 września 2006 r.*, edited by Jan Zimmermann. Warszawa, 2007: 21–42.

Liwo, Marian Andrzej. “Nieracjonalność działań prawodawcy jako jedna z przyczyn niepoprawności prawa – wybrane przykłady z prawa administracyjnego, karnego i prawa pracy.” *Przegląd Prawa Publicznego* no. 6. 2019: 9–20.

Gustavo Maciel, *Legislative Best Practices During Times of Emergency*. Transparency International. Helpdesk, 1.06.2021. <https://knowledgehub.transparency.org/assets/uploads/kproducts/Helpdesk-2021_Legislative_best_practices-in-times-of-crisis-FINAL.pdf>, access: 02.04.2022.

Margolis, Joseph. *Interpretation Radical but Not Unruly*. Berkeley, 1995.

Meyer, Georg (bearbeitet v. Gerhard Anschütz). *Lehrbuch des deutschen Staatsrechts*. Berlin, 2005.

Myślińska, Marzena. “The Principle of Determinancy of Legal Rules as an Element of Competent Legislation.” *Comparative Legilinguistics*, no. 5. 2011: 125–141.

Nowak, Leszek. “Performatywy a język prawny i etyczny.” *Etyka*, no. 3. 1968: 147–158.

Nowak, Paweł, and Mariusz Rutkowski. “Współczesne zmiany kulturowo-komunikacyjne a język prawa. Uwagi na marginesie propozycji nowego modelu uzasadniania orzeczeń sądowych.” *Poznańskie Studia Polonistyczne. Seria Językoznawcza* 28, no. 1. 2021: 87–100.

Piszcz, Anna, and Halina Sierocka. “The Role of Culture in Legal Languages, Legal Interpretation and Legal Translation.” *International Journal for the Semiotics of Law* 33, no. 3. 2020: 533–542.

Potulski, Jakub. “Deterritorialization of the World as a Challenge for Contemporary Political Geography.” *Journal of Geography, Politics, and Society* 6, no. 2. 2013: 34–43.

Rasiński, Lotar. "Trzy koncepcje dyskursu: Foucault, Laclau, Habermas." *Kultura – Społeczeństwo – Edukacja* 12, no. 2. 2017: 37–54.

Rączaszek-Leonardi, Joanna. *Zjednoczeni w mowie. Względność językowa w ujęciu dynamicznym*. Warszawa, 2011.

Rorty, Richard. "Wittgenstein and the Linguistic Turn." *Austrian Ludwig Wittgenstein Society – New Series* 3. 2013: 3–19.

Santos, Boaventura de Sousa. "Law: A Map of Misreading. Toward a Postmodern Conception of Law." *Journal of Law and Society* 14, no. 3. 1987: 279–302.

Schmidt-Aßmann, Eberhard. *Verwaltungsrechtliche Dogmatik. Eine Zwischenbilanz zu Entwicklung, Reform und künftigen Aufgaben*. Tübingen, 2013.

Schwarzfischer, Klaus. "Epistemische Affordanzen bei der Gestalt-Wahrnehmung sowie bei emotionaler Mimik und Gestik." *Gestalt Theory* 43, no. 2. 2021: 179–198.

Schwyzer, Hubert. "Thought and Reality: The Methaphysics of Kant and Wittgenstein." *Philosophical Quarterly* 23, no. 92. 1973: 193–206.

Skuczyński, Paweł. "Narracyjność języka prawniczego w procesie tworzenia prawa." *Archiwum filozofii prawa i filozofii społecznej*, no. 1. 2020: 66–83.

Sommermann, Karl-Peter. "Die Disskussion über die Normierung von Staatszielen." *Der Staat* 32, no. 3. 1993: 430–447.

Stepanova, Valentina V. "Translation Strategies of Legal Texts." *Procedia – Social and Behavioral Sciences*, no. 237. 2017: 1329–1336.

Sulikowski, Adam, Rafał Mańko, and Jakub Łakomy. "Polityczność prawa i ogólnej refleksji nad prawem: wprowadzenie." *Archiwum Filozofii Prawa i Filozofii Społecznej* no. 3. 2018: 5–10.

Tatievskaya, Elena. "Wittgenstein über Sprachspiele." *Archiv Für Begriffsgeschichte* 50. 2008: 203–230.

Teubner, Gunther. "How Law Thinks: Toward a Constructivist Epistemology of Law." *Law & Society Review* 23, no. 5. 1989: 727–758.

Ura, Elżbieta. *Prawo administracyjne*. Warszawa, 2021.

Wronkowska, Sławomira. “O cechach języka tekstów prawnych.” In *Język polskiej legislacji, czyli zrozumiałość przekazu a stosowanie prawa. Materiały z konferencji zorganizowanej przez Komisję Kultury i Środków Przekazu oraz Komisję Ustawodawczą Senatu RP*. Warszawa, 2007: 15–25.

Wronkowska, Sławomira, and Zygmunt Ziembiński. *Zarys teorii prawa*. Poznań, 2001.

Wróblewski, Bronisław. *Język prawny i język prawniczy*. Kraków, 1948.

Vitanski, Dejan. “Hierarchy and Subordination in the Public Administration – Synonyms, Dichotomous Categories or Predestined Two Sides of the Same Medal?.” *Knowledge – International Journal* 30, no. 6. 2019: 1393–1399.

Zeidler, Kamil. “O fikcji powszechnej znajomości prawa i nadziei na społeczną znajomość zasad prawa.” *Gdańskie Studia Prawnicze* 31. 2014: 719–729.

Zieliński, Maciej. *Wykładnia prawa. Zasady, reguły, wskazówki*. Warszawa, 2012.

Zimmermann, Jan. *Prawo administracyjne*. Warszawa, 2020.