

AGNIESZKA CHODUŃ

Maciej Zieliński's (derivative) concept of legal interpretation

Summary

The derivative concept developed by Maciej Zieliński is the first comprehensive normative concept of legal interpretation in Poland. This concept is complete in defining both a set of interpretative directives and the chronology of their application in the process of legal interpretation. The interpretative process is determined by *omnia sunt interpretanda*, while the recognition of the actual features of the legal texts constitutes the core of the derivative concept and the assumption of the normativity and the two-level character of the legal text (which relates to accepting the differentiation between a legal provision and a legal norm). These norm coding techniques in provisions (when one provision lacks some components of a norm and when one provision includes elements of more than one norm) and this distinction allowed the focus to be placed on something that has so far been neglected in the legal literature. Moreover, the reconstruction of a complete expression syntax-wise requires taking into consideration those provisions that exist in the legal text that include fragments which modify particular fragments of the norm-like expression with reference to its content. M. Zieliński noticed that the interpretation does not merely refer to establishing the meaning of words included in the text of a legal act. In this concept it is assumed that establishing the meaning of a norm-like expression is carried out by means of language directives, system directives (consistency in the legal system) and functional directives (intellectual and axiological assumptions made in legal culture). Legal interpretation is perceived as a set of activities aimed at effective course of conduct, which result in arriving at a legal norm (a sufficiently unambiguous expression that formulates an order or a prohibition for the Addressee in given circumstances) from legal provisions (a sentence in a grammatical sense that usually stands-out graphically in the body of a legal act).

Keywords: Maciej Zieliński's legal interpretation – principle *omnia sunt interpretanda* – legal provision and legal norm – legal language – reconstruction of legal norm from legal provisions