

LECTURE: Interpretation and application of legal norms

AUTHOR: dr hab. Tomasz Bekrycht, prof UL

WINTER/SPRING Semester

HOURS: 12

ASSESSMENT:

- General course available to PHD students of 1st year
- Credit requirements: oral exam
-
- Duration: 16.30-19:00 (4 x 45 minutes) every two weeks (for a total of 12 hours)
- Commencement date: Octobr 22nd 2018
- preliminary requirements: basic, academic knowledge on theory of law and philosophy of language

COURSE AIMS AND CONTENT:

The issue of the interpretation of law for many years is of interest not only to the theory of law, but also dogmatics and the practice of law. Many issues are on the one hand very elaborated, on the other hand, they are far from conclusive.

The most important question in the issue related to the issue of interpretation and application of law is the question about the correctness of interpretation, i.e. whether there are objective rules for the interpretation. A positive answer to this question can be treated as a transcendental assumption (maximalist version: regularity as truthful) or usually relativised to consensus (correctness as predictability of the decision to apply the law). But assuming the objectivity of the procedure of knowing law seems to be the basic assumption of the vision of law in a democratic society in which the rule of law prevails.

KNOWLEDGE TO BE ACQUIRED

EDUCATIONAL OUTCOMES:

Knowledge:

The PhD student knows and understands the main development trends of the scientific discipline, important for the education program.

The PhD student knows and understands the methodology of scientific research appropriate for deductive, empirical and humanistic sciences, including legal science.

Skills:

A doctoral student can initiate a debate on the issue of the interpretation of law.

PhD student is able to participate in a scientific debate covering the subject of interpretation and application of law.

The PhD student is ready to recognize the importance of acquired knowledge and problem solving in the field of cognitive and practical issues related to the interpretation of law.

Social Competence:

The doctoral student is ready to critically evaluate the achievements of the represented scientific discipline in the field of the interpretation of law....

TIME & VENUE:

INP PAN (Staszic Palace), room 273, Monday 16.30-19.00.

SHORT DESCRIPTION OF THE CLASSES AND CORRESPONDING LITERATURE

Analysis of concepts: interpretation of law, interpretation of law, understanding of law.

Discussion of the context of the discovery and the context of justification.
The problem of the interpretation basis
The concept of clarification and derivative interpretation of the law
Directives of interpretation and their critical analysis
Analysis of case law in the field of interpretation of law
Discussion of the so-called allegation of misinterpretation
Presumptions of interpretation

Literature:

J. Wróblewski Sądowe stosowanie prawa
J. Wróblewski Rozumienie prawa i jego wykładnia
M. Zieliński Wykładnia prawa. Zasady, reguły, wskazówki
M. Zirk-Sadowski Prawo a uczestniczenie w kulturze
T. Bekrycht Jerzy Wróblewski a wykładnia operatywna