

## LEGAL LANGUAGE

Lectures: suggestions for further reading

Abbreviations:

ITL: Introduction to Law and Legal Language, ed. by M. Pichlak,  
<https://prawo.uni.wroc.pl/node/26622>

BLB: S. Brickley and B. Gottesman, Business Law Basics, <http://www.businesslawbasics.com/>

1. Law as a complex concept. Functions of law. Notions of legal order, legal culture, and legal practice.

BASIC:

- ITL, Chapter 1
- BLB, Chapter 2-3

ADDITIONAL:

- K. Tuori, Modern Law and its Problems, in: K. Tuori, Critical Legal Positivism, Ashgate 2002
- J. Raz, The Functions of Law, in: J. Raz, The Authority of Law. Essays on Law and Morality, Clarendon Press 1979

2. Legal system

BASIC:

- ITL, Chapter 7
- BLB, Chapter 4

ADDITIONAL:

- International Law and Municipal Law, in: Encyclopaedia Britannica, <https://www.britannica.com/topic/international-law/International-law-and-municipal-law>
- R. Michaels, J. Pauwelyn, Conflict of Norms or Conflict of Laws?, [http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2933&context=faculty\\_scholarship](http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2933&context=faculty_scholarship)

3. Basic families of legal order

BASIC:

- Slides from the lecture
- [https://en.wikipedia.org/wiki/Comparative\\_law](https://en.wikipedia.org/wiki/Comparative_law)

ADDITIONAL:

- Barbara Dölemeyer, Legal Families <http://ieg-ego.eu/en/threads/crossroads/legal-families#LegalFamilyLegalSystem>
- J. Huusa, The Future of Legal Families, <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199935352.001.0001/oxfordhb-9780199935352-e-26?rskey=WgUEKU&result=9>
- H. Koetz, K. Zweigert, An Introduction to Comparative Law, Vol. 1-2, Amsterdam 1977

4. Sources of law and law creating in various legal systems.

BASIC:

- ITL, Chapter 10
- BLB, Chapter 5

ADDITIONAL:

- Sources and Scope of European Union Law  
[http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuid=FTU\\_1.2.1.html](http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuid=FTU_1.2.1.html)

5. Legal rules and principles

BASIC:

- ITL, Chapter 5
- M, Kohen, B. Schramm, General Principles of Law (Introduction)  
<http://www.oxfordbibliographies.com/view/document/obo-9780199796953/obo-9780199796953-0063.xml>

ADDITIONAL:

- R. Dworkin, *Taking Rights Seriously*, Harvard University Press 1977, Chapter 2 (The Model of Rights II)

6. Interpreting statutes: the notion and methods of statutory interpretation.

BASIC:

- ITL, Chapter 8

ADDITIONAL:

- Wikipedia, *Statutory interpretation*,  
[https://en.wikipedia.org/wiki/Statutory\\_interpretation](https://en.wikipedia.org/wiki/Statutory_interpretation)
- K. Lenaerts, J.A. Gutierrez-Fons, *To say what the law of the EU is : methods of interpretation and the European Court of Justice*, European University Institute 2013,  
<http://cadmus.eui.eu/handle/1814/28339>

7. Interpreting precedents: the doctrine of precedent, ratio finding, distinguishing, and overruling.

BASIC:

- ITL, Chapter X.5, X.6, X.7
- BLB, Chapter 5.4

ADDITIONAL:

- G. Lamond, *Precedent and Analogy in Legal Reasoning*, Stanford Encyclopaedia of Philosophy, [plato.stanford.edu/entries/legal-reas-prec/](http://plato.stanford.edu/entries/legal-reas-prec/)
- S. Hanson, *Legal Method & Reasoning*, 2<sup>nd</sup> ed., Cavendish Publ. 2013, Chapter
- K. Langenbucher, *Argument by Analogy in European Law*, Cambridge Law Journal 1998, 57(3), pp. 481-521

*If you are interested in any of the additional positions which are unavailable in the Internet or the Faculty library, please contact me directly. Maciej Pichlak*