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LEGAL NORMS AS LINGUISTIC CONVENTIONS

SUMMARY

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CONTENT

1. TOPICALITY OF THE THEME

Law could not possibly exist without language. It is only by means of language that the legislative authority formulates and expresses its will. Legislative work allows recurrent public relations or real-life facts to become legal regulations by transforming them into general legal facts expressed in abstract terms under the hypothesis of relevant legal norms. Legal norms in their turn trigger an obligation of particular conduct whenever specific facts come to life in the reality (possible worlds) resembling the ones envisaged by the hypothesis of a norm. This is precisely where a link is established between the linguistic and non-linguistic dimension, i.e. by denoting real factual situations, they turn into legal facts, and real subjects (X, Y and Z) likewise turn into an abstractly expressed third person under the hypothesis of a regulation. They are categorized using concepts and expressions that are indeed identical but also different in every legal system. This is how the same fact in the reality, once being legally regulated in two different legal systems, could be expressed using significantly different terms. This is so because, like every other type of thinking, legal thinking cannot be isolated from the language used to formulate it. It is determined by that language, so to speak. "Law and language are closely connected in that they usually are products of the same social, economic and cultural influences. In the same sense, cultural heritage is embedded in law, including the linguistic dimension"[1]. For this reason, just like the everyday language verbalizes thinking, the language of the law verbalizes the rule-making thinking of a society. The overall legislative process is thus connected to a set of cognitive activities in the mind of the law-making authority. As a result, based on general abstractions, a requirement of common public conduct is formulated, which should be verbalized in the best possible way for its addressees.

Let us now consider for a moment a law-maker who uses his/her own private language in order to create the linguistic content of legal provisions. To name such a hypothetical situation disturbing would be an understatement, since in this case the meaning attached to the legal provisions would not be understood both by the addressees of those provisions and by the officials in charge of enforcing them. This would cause a logical problem of coordination (in Lewis's meaning), which would be an obstacle for law to fulfil its multi-faceted functions. In the same way, just like Wittgenstein elaborates on the impossibility of a private language in his Philosophical Investigations, the addressees of legal norms could observe their

[1] Ana M. Lopez-Rodriguez, „Toward a European Civil Code Without a Common European Culture?: The Link Between Law, Language and Culture", Brooklyn Journal of International Law 29, № 3, (2004): p. 1211.

requirements only if they understand the meaning of the instruction embedded in the norms. Therefore norms should be expressed in an accessible manner comprehensible to all, through words that have a meaning understandable by all. Otherwise, law would not be able to perform its functions of a main normative regulator of the relations within a society, which conveys common, unambiguous messages to all addressees of the respective rules. Furthermore, this linguistic meaning should be regarded as conventional by presumption. The protection of the law and its legitimate action needs this presumption of comprehensibility of attached meaning. Otherwise, violation of fundamental legal principles may occur. If they happen to be violated, even hypothetically, this would mean violation of the principles of justice as well. Therefore the legislative order would be breached, and its legitimate function would be questioned. This is why regulations prescribing certain conduct must be verbalized in a comprehensible way. The conventionality of regulations thus turns into their inherent quality. The issue of regulations' conventional conditionality becomes much more than just a recommendable condition; it transforms into a necessary pre-condition of the proper functioning of regulatory texts, and even one of the necessary conditions of the legitimacy of law in a society. Similar considerations are perhaps at the core of the fact that such conventional conditionality of the language of regulatory acts is implicit even in the text of current legislation itself. The Law on Normative Acts and the Decree of its enforcement compiles a number of texts serving as direct evidence of the unequivocal law-making pursuit of clarity, unambiguousness and uniform language use of legislative vocabulary. This is why, although in the processes of interpretation of regulatory acts discrepancies are often observed between attached and inferred linguistic meaning, we can still refer to presumed conventional meaning of legislative texts, which remains unaltered. Conventionality, so to speak, becomes an immanent quality of the law and is regulated by that very law. For this reason, the issue of the conventional nature of legal regulations, which is the theme of this dissertation work, is a topical issue in any legal society.

2. KEY OBJECTIVES

The key objectives of this research are to present and study legal norms as linguistic conventions on the one hand, and on the other to establish the factors having an impact on those conventions, by distinguishing between conventional and non-conventional linguistic meaning of the language of law. Successful achievement of the outlined key objectives would in turn provide supplementary means to better know and understand the difficult and complex

linguistic architectonics of legal language, the legal vocabulary that is often hard to understand, and its immanent conventional aspects.

3. OBJECT AND ISSUE OF THE RESEARCH

Linguistic conventions are the object of this research, while legal norms are the issue studied.

4. METHODS USED DURING THE RESEARCH

The general scientific methods that will be mostly applied in the course of this research are: induction and deduction; analysis and synthesis; comparison and analogy.

The specialized scientific methods that will be used in this research are: conceptual analysis – because in Elchinov's words, "conceptual analysis remains the most important and comprehensive method of philosophy. […] And it may as well be named the only method of philosophy, insofar as it involves analysis of language, and the whole philosophy uses particular language"[2]; philosophical-hermeneutical and legal-dogmatic. As a strand of hermeneutics, legal hermeneutics reinforces the view that the methods of philosophy are an appropriate explanatory way to study the language of law. Therefore, another specialized scientific method to be used for this research will be the legal-hermeneutical one.

5. MAIN THEORIES AND AUTHORS COVERED BY THIS DISSERTATION PAPER

Wittgenstein's late philosophy will be one of the main explanatory ways used to argue for and defend the main thesis, showing the linguistic expression of legal norms as a sort of conventional use in legal vocabulary. Among other philosophical concepts that have to do with achieving the set main objectives are the theory of D. Lewis about the conventional nature of regulatory rules, the theories of J. Austin and P. Grice about the meaning of language, as well numerous other scientific studies dealing with in-depth knowledge of the above.

Although the issue of legal norms as linguistic conventions has not been widely studied in Bulgarian literature, this paper considers a number of philosophical and legal

[2] Димитър Елчинов, Теории за истината (София: *УИ Св. Климент Охридски* 2015), с. 25.

scientific works by renowned Bulgarian authors, which help make this research representative and reinforce its main thesis. The main philosophers whose works are included here are A. Karageorgieva, I. Kolev, S. Gerdzhikov, V. Buzov, A. Kanev, B. Mollov, and others. Researchers in the field of law whose works are used as a foundation of this dissertation work are R. Tashev, D. Milkova, Zh. Stalev, T. Kolev and many more.

The philosophy of the language of law is relatively well-developed in foreign literature. Therefore this research also includes a considerable number of scientific publications by foreign authors, such as A. Marmor, A. Aarnio, R. Alexy, A. M. Lopez-Rodriguez, P. Legrand, R. Carston, S. Sarcevic, etc.

6. OVERVIEW OF DISSERTATION

The text is structured in three chapters, each of which consists of three paragraphs, including three sections.

The initial paragraph of the first chapter establishes and interprets the conditionality of law from social conventions in society. To this end, the text develops the thesis that in the pre-legal social organization interpersonal relationships were established and regulated through social conventions and shows that the subsequent development of society and the consciousness of individuals in it lead to the emergence of law and subsequent institutionalization of much of these conventions, transforming them into authoritarian institutional rules. This paragraph discusses the question of the origin of law, and its conditionality in the development of consciousness in the human individual. In parallel, the question of the emergence of law is considered, as a complex normative regulator like it does not arise yet with the advent of human society, but presupposes, among all other factors (economic, social, spiritual), also a certain level of normative culture of society. This already gives reason to many authors to believe that the emergence of law is preceded by a certain state of development of the normative culture of human society, which they define as pre-legal regulation of social relations, as a kind of "order without a law".[3]

In primitive societies, customs played an extremely important role because they served as a natural normative regulator for the behavior of the community, as well as for establishing peace, harmony and family unification. These autochthonous normative rules are a kind of "a human invention developed as an adaptive mechanism for the maintenance (effective

[3] Димитрина Милкова, Обща теория на правото (София: ИК Албатрос 2001), с. 31.

survival) of individuals, subgroups and the entity that constitutes a society".[4] In addition, they are characterized by the fact that they are perceived by following the behavior of members of society and any deviation from it is sanctioned by society itself and not by a specialized body. This nature of the rules of conduct considered gives grounds for some researchers to define them as "mononorms"[5], and the pre-legal public organization as "mononormative regulation of public relations".[6] According to Zh. Stalev, it is through this mononormative system of rules that coordinated behavior between individual members of society takes place. Coexistence is coordinated when it is in accordance with the order inherent in the respective society. It consists of widely followed patterns (patterns) of behavior. That is why society and order are inextricably linked. Order is a condition for the existence of society and the organisms involved in it".

Such a symbiosis seems relatively unproblematic until a situation arises in which a recurring problem with coordination arises, in which it is difficult to achieve coherence in action due to the large number of participants. To avoid this kind of uncoordinated behavior, each participant should choose to follow a line of behavior preferred by the others. According to Lewis, in this case, people would choose the most obvious solution, provided that others would choose the same, which will ensure the necessary coherence to resolve the situation.

Although on a much more primitive level, it was social conventions that operated in the pre-legal society, through which behavior in the community was regulated and coordinated. Therefore, the individual has acted in a specific way, expecting from all others similar behavior. Here, although the behavior dictated directly by the existing conventions and the behavior dictated by the fear of sanction can be considered as two separate incentives, the normative force of the conventional rule is more important, as people usually follow the generally accepted behavior. Therefore, “the additional factor is expressed by the otherwise tautological "tacit consent" or "tacit agreement" (tacitus consensus).[7] Thus, the obligation of custom is psychological rather than legal. That is why it is the psychological nature of the obligation that makes following the custom universal. This gives grounds to define the custom as "the tacit consent of the people, deeply rooted through long usage"[8], because conventional practices are created precisely through collective consent, which is the guaranty and criterion

[4] Margaret Gruter and Paul Bohannan eds., The evolution of law (Santa Barbara: Ross-Erikson Publisher 1983), p. 31.
[5] Лъчезар Дачев, Юридически дискурс (Русе: ИК Свида 2004), с. 42..
[6] Пак там.
[7] Alan Watson, The Evolution of Law (Baltimore: The Johns Hopkins University Press 1985), p. 44.
[8] Alan Watson, The Evolution of Law (Baltimore: The Johns Hopkins University Press 1985), p. 44.

for their validity. Therefore, these conventions (customs) are followed consciously, as something right, but they are not realized as empathy Therefore, these conventions (customs) are followed consciously, as something right, but are not perceived as empathy. Therefore, the emergence of law is due to the readiness of man for legal experiences, as his development has reached a level where he was able to rationalize proper, normal, and proper conduct as a due one. This gives grounds to conclude that the law is determined by consciousness, because the more conscious a person is, the more developed is his sense of order, justice, right and wrong. These categories are formed on the foundations laid as a result of understanding the basic needs and interests and in the words of I. Kant become "prototypes of certain rules." [9]

In essence, legal experience is precisely the ability of consciousness to integrate "certain imperative-attributive experiences"[10], the duality of which expresses the relationship between subjective law and its counter-obligation in the minds of their bearers. The ability of legal entities to be aware of both subjective law, i.e. the correlative relationship between rights and their counter-obligations, and objective law, i.e. the law as a system of norms, is precisely their ability to integrate law. Therefore, these subjects have a more integrated cognitive system, which metaphorically allows them to "see both the individual trees and the forest as a whole". Conversely, those whose cognitive system is less developed do not see the relationships that bind individual trees in a forest. Therefore, the ability to integrate behavior based on legal experiences distinguishes a person from a pre-legal society from a person whose actions are guided by rules based on law.

What has been said so far suggests that this stage in the development of human society leads to the emergence of new, uncharacteristic of earlier society type social conventions, namely "deep conventions"[11]. They arise as “normative responses to basic social and psychological needs. They serve relatively basic functions in our social world”[12]. Here we can already talk about deep conventions in law, because at this stage of development of society there are already psychological factors leading to their emergence, making it possible to belong to a general legal order inherent in the society. Therefore, just

[9] Кант И., (1964) цит. в: Димитрина Милкова, Обща теория на правото (София: ИК Албатрос 2001), с. 53.
[10] Вихрен Бузов, Философия на правото и правна логика в глобалната епоха (София: ИК Абагар 2010), с. 85.
[11] Andrei Marmor, Social Conventions from Language to Law (Princeton and Oxford: Princeton University Press 2009), p.59.
[12] Andrei Marmor, Social Conventions from Language to Law (Princeton and Oxford: Princeton University Press 2009), p. 58.

as we, as human beings, "share a common world, a common form of life"[13], we also share a common law, differentiating in various legal systems for the respective society (state).

The next second paragraph examines the question of the ontology of law. It supports the views of Marmor, H. Hart and H. Kelzen that the role of deep conventions in the modern legal system is a criterion for the legitimacy of its constituent regulations, as well as its basic principles and traditions.

Based on the thesis of legal positivism that each legal system uses its own rules that determine what is considered the source of law, Marmor develops the thesis that these rules are superficial conventions, which are instances of deep conventions and it is these deep conventions that define the foundations of a legal system.

In addition, law is considered an ontologically complex phenomenon, and legal norms are cited as the fundamental foundation that not only builds the basic ontological layer of any legal system, but is also a unifying element for all other beings in the legal system. This helps to focus on the fundamental role of the legal norm in the modern legal system, as well as through a general theoretical reading, to reveal its complex nature. The text shows that the legal norm is made up of several elements, thus its implementation is formed as a consistent logical chain.

Norms are an expression of what is due, they embody what must be, what must be done, and as such the norm is "An ideal mental projection into the future"[14]. Seen as a purely linguistic expression, the legal norm is a general and abstractly expressed rule of conduct, uniting many potential realizations and, accordingly, many addressees, as "each of them can be identified through the mechanisms of legal hermeneutics"[15].

The text of the legal norms is addressed to the so-called by Sharankova “impersonal third party” [16], which means that through the interpretation of the linguistic expression of the norm its addressee is identified.

The last third paragraph of the first chapter raises the issue of truth in legal norms, seeking answers to the question of whether legal norms are subject to truthfulness assessment and, if such an assessment is possible, what would be the most appropriate cognitive way to implement it. To this end, the paragraph discusses the main philosophical theories devoted to

[13] Сергей Герджиков, Философия на относителността (София: ИК Екстрем 2012), с. 139.
[14] Лъчезар Дачев Юридически дискурс (Русе: ИК Свида 2004), с. 49.
[15] Жана Шаранкова, Юридическото мислене: Проект за интерпретативна теория (София: УИ Св. Климент Охридски 2001), с. 149.
[16] Цит. съч..с. 152.

this issue. Subsequently, a complex approach is proposed, emphasizing the linguistic manifestation of legal norms, which according to the thesis could be applied to achieve a reliable true value of the norm and correspond to its sophisticated and complex nature. To this end, on the one hand, the text applies the methods of deontic logic and the theory of possible worlds, presenting legal norms as a possible world, where the norm is always true by virtue of belonging to a prefixed context, and on the other, the process of legal realization of the norm is considered through the semantic anti-realism of Dummett, whereas precisely with the help of this theory a way is proposed to assess their value in truthfulness, attributed to them in the real world.

This paragraph aims to show how the legal system could build an ideal reality - the world of what should be, the world of law in force. Thus postulated, this possible world represents an ideal reality in which rights and obligations are strictly observed and prohibitions are not violated. However even if there is a legal dispute, its proper resolution should restore public relations to their proper from the point of view of law state. In this sense, legal norms can be assessed for truthfulness, because they belong to this prefix, and by virtue of this, the content expressed by them is always realized as true in the prefix (possible world).

Subsequently, an approach is proposed to assess the true value of the legal norm in an unfixed context or the real world, and again this is done on the basis of the linguistic manifestation of the norm. If in the law enforcement process the court recognizes X as the addressee of the relevant legal norm, the legal case would be resolved successfully, but also the legal norm itself will be realized as true in the real world (unfixed context). However it is the fact that this truth must be sought in past events that makes this process vulnerable to error, as realists believe that a large number of claims, including those related to the past, "have transcendent verification truth values"[17]. This means that we could not establish their true value with certainty. One such possible explanation can be found in the anti-realist thesis proposed by M. Dummett. He "rejects bivalence"[18] because he believes that a statement is true or false not by virtue of some conditions on which its truthful value depends, but "which classifies as false only a statement the application to which of what was recognized as a negation operator was true, and thereby flouted bivalence; for, after all, the use of more than two truth-values would merely systematize the effect of the sentential operators, and it would remain that the assertoric content of any statement was determined by the condition for it to

[17] Благовест Моллов, Лекции по философия на езика (София: ИК Проектория 2014), с. 356.
[18] Michael Dummett, The Seas of Language (Oxford: Clarendon Press 1996), p. 467.

be true" [19]. This points to Dummett's view that our ability to understand certain proposition is not to discover but to recognize the evidence for its validity. This means that such a proposition has conditions that place it in the group of effectively solvable propositions. When we are faced with a proposition the truth of which we cannot establish, this does not mean, according to Dummett, that it has conditions that transcend verification for truth. In order for such a proposition to be successfully resolved, the British philosopher believes, we must accept our knowledge of the truth as "epistemically limited"[20], i.e. in order to reach the truth, it is necessary to consider it "in terms of correct or reasonable validity"[21]. In other words, accepting a proposition as true means that there are grounds for affirming it or some other property of it "must be constructed from reasonable validity"[22]. In this way, the truth of the respective legal norms from the prefixed context (the world of what is due) is transferred to the non-fixed one (real social relations) through their realization. Thus, a sign of equality between factual and due can be placed, and the legal norm can be assessed and confirmed as truly realized in both worlds.

This comprehensive development of the complex and comprehensive nature of the norms will allow the text to explain the fact that the linguistic meaning of the norms is what underlies their proper operation, and it can even be said that it is a necessary prerequisite for the overall functioning of the system of law. On the one hand, based on the characteristic features of social conventions studied in the first chapter, and on the other hand on the basis of the legal norms as social regulatory rules, emphasis is placed on the conventional features of the linguistic manifestation of legal norms, or in other words the legal provisions.

In the first paragraph of the second chapter, the legal provisions are considered as social language conventions. Legal provisions are the linguistic manifestation of legal norms, because it is through the interpretation of the provisions that the legal norms themselves are formed as a product of legal thinking, which is linguistically reflected in the legal provisions. Here it can be said that legal norms reach their addressees as a kind of virtual projection of the real public relations, which they aim to regulate. Virtual projection here should be understood as the meaning that S. Gerdjikov puts into this concept, namely that "the relationship between the virtual and the real through the projection of the meaning of one sign into another sign, through their common meaning"[23]. However, if the law-making authority does not express the

[19] Ibid., p. 469.
[20] Cit. p. 361.
[21] Благовест Моллов, Лекции по философия на езика (София: ИК Проектория 2014), с 361.
[22] Пак там.
[23] Сергей Герджиков, Философия на относителността (София: ИК Екстрем 2012), с. 51.

legal provisions in the clearest and most accessible to the addressees way, the legal norms could not be understood, which would call into question the thesis of their conventionality. In other words, if it is hypothetically said that the legislator uses private language, he could not produce the desired result, i.e. legal norms will lose their regulatory character. That is why Wittgenstein perceives language as built on conventions. But while he does not use the term "conventional," Wittgenstein believes that this is true for every language, and that is why both the definitions we use to denote things and the semantic rules for connecting them into meaningful chains are conventional. This means that when we use words from the language, we not only speak the common language of our language community, we also observe the relevant language conventions and thus successfully communicate with others in the community, because if we use "private language", we will not have a criterion by which to determine the correctness of the meaning of the words we use (FI§258).

Wittgenstein's thesis is undoubtedly relevant to the language of law, which aims to be accessible and understandable to all. Above all, the addressees of legal provisions must understand their meaning in order to be able to comply with their prescriptions. But if the meaning of a word can be defined as "the use of that word in language" and at the same time we consider the meaning of words and expressions as conventional, then how can we explain the fact that the same word is used with several different meanings in its various uses? Doesn't that violate its conventional character? According to A. Marmor, "words tend to acquire conventional extensions further specifying the literal meaning of the word in certain contexts"[24].

Wittgenstein found a solution to this problem with his thesis on family similarities (§§ 65-67). Similarly, even if some terms in law have lexical ambiguity, it is overcome by the context in which they are used. "The specific legal meaning of a legal concept is achieved by selecting between the possible meanings of this concept and by reducing those that are irrelevant in the specific factual situation"[25]. Therefore, if in everyday language in certain cases a certain inaccurate understanding of the meaning or ambiguity can be reached, it is very undesirable for the purposes of law. Such a misunderstanding of the specific linguistic message of individual provisions, and hence the importance of legal norms expressed through them, in some cases would lead to inaccuracies in law enforcement and even to incorrect or contradictory case law (which brings us back to the problem of coordination). It is for this

[24] Andrei Marmor, Social Conventions from Language to Law(Princeton and Oxford: Princeton University Press 2009), p. 105.
[25] Жана Шаранкова, Юридическото мислене: Проект за интерпретативна теория (София: УИ Св. Климент Охридски 2001), с. 162.

reason that "legislatures manage to say most of what they want to say with very minimal contextual presuppositions"[26]. In order to avoid such an undesirable result, a number of rules are established regarding the language of regulations, which should be observed by the competent authorities in the law-making process. These explicit rules about the language of regulations coincide with Wittgenstein's thesis that people tend to create rules to explain and regulate the use of words in language. He calls this "language reform" (FI § 131), and believes that this reform is appropriate in the practical use of language where misunderstandings are possible. This stipulation is extremely important as far as the language of legal acts is concerned, because when a text is interpreted, an attempt is actually made to establish the communicative goals of the legislator who has adopted the relevant normative act. Therefore, we must be clear that what "the law actually says is what the legislators intend to say"[27].

Probably with similar arguments Austin understands the legal norms as a kind of orders of the "sovereign, addressed to his subjects"[28]. In this sense, legal provisions are a kind of performatives, expressing the authoritarian will of the normative authority. Thus, while Wittgenstein considered the meanings of words in different contexts (semantics), Austin focused on their use in different contexts (pragmatics).

Based on Austin's theory, L. Dachev developed the idea of the dialogical nature of law, defining it as a kind of dialogue between the legislator and the addressees of law, and the means by which they communicate are the legal acts. He defines them as a consequence of the performative use of language. The linguistic expression of the normative acts is not just their linguistic (sign) expression, but in parallel with it some action, having legal consequences, is performed. When we talk about the performative nature of the language of legal acts, it rather refers to their overall discourse by virtue of the fact that their expression undoubtedly introduces a change in legal existence - a kind of legal change of reality (this action resembles the example of Austin - "I christen this ship Queen Elizabeth"). In law, this example can find its equivalent, for example, when voting on a bill that changes the legal reality - "voting in a democratic legislature to approve certain bill is a form of collective speech act intending to communicate the content of the bill as the official, institutional decision of the legislature" [29], and in turn the legal norms included in the text are a kind of a specific speech act of

[26] Andrei Marmor, The Language of Law (Oxford: Oxford University Press 2014), p. 27.
[27] Andrei Marmor, The Language of Law (Oxford: Oxford University Press 2014), p. 116.
[28] Пламен Митков Калев, "Джон Остин и правния позитивизъм," Годишник на Бургаски свободен университет том 27 (2012): с. 41.
[29] Andrei Marmor, The Language of Law (Oxford: Oxford University Press 2014), p. 22.

conventional character. It is through this type of speech act that the legislator aims to motivate certain behavior on the part of the addressees of the law, and they in turn motivate their actions as a consequence of the expressed speech act.

Further developing this thesis, the next section examines regulations through Paul Grice's theory of linguistic meaning. Adhering to the view that the legal language, and in particular the language in which regulations are expressed, differs greatly from everyday language in society. After considering these differences, the text examines the conventional specifics of legal vocabulary, emphasizing the intentional aspect of the law-making process. As a result of this thesis, legal norms are presented as a kind of result of law-making intention of law-making authority, BECAUSE "if we look at normative acts as a source of law, the conditionality of their issuance by relevant mental processes in the minds of these involved in their preparation, discussion and adoption is obvious" [30]. Therefore, the normative acts can be considered as a kind of statement of the legislator and as such they reflect his intention, as is the main thesis of the subjective theory. This legislative intention is intended to provoke certain behavior on the part of the addressees of the act, who are an audience within the meaning of Grice.

However, when talking about the language of law, such an explanation would be quite unsatisfactory, as in each case the addressees of the act will have to interpret the will of the legislator, which could potentially lead to many different interpretations due to the complex nature of the concept of the term will of the legislator. One possible solution to this kind of difficulty is offered by Scalia, according to whose view, when considering the concept of the law-making will of the legislator, "we do not really look for subjective legislative intent. We look for a sort of "objectified" intent - the intent that a reasonable person would gather from the text of the law, placed alongside the remainder of the corpus juris"[31]. Therefore, when interpreting the text of the law, the achieved meaning is argued only on the basis of what is objectified in the text of the relevant provision. Probably these are only some of the arguments that led to the emergence of the "objective theory"[32], as in essence it opposes the view that the law is limited only to the will of the legislator. The objective theory is reflected in the so-called legal textualism. "Textualism urges judges to interpret the law only according to what the lawmakers have actually communicated by their enactment, eschewing any

[30] Живко Сталев, Нормативната сила на фактическото (София: ИК Фенея 2007), с. 19.
[31] Cited in Robyn Carston, „. Legal Texts and Canons of Construction. A View from 8 Current Pragmatic Theory," Law and Language: Current Legal Issue 15, (2011): p. 26.
[32] Росен Ташев, Теория на тълкуването (София: ИК Сиби 2007), с. 102.

reliance on legislative intent and legislative purposes" [33]. Therefore, the study of the meaning attached should not be limited to the intention (will) of the legislator. Emphasis should be placed on "the meaning that expresses the substantive elements of the relationship between the legislator and the subjects of law"[34], i.e. the external expression of legal provisions (how they reach their addressees) must be examined. In this way, interpretive boundaries are outlined, in which the meaning does not depend on the author's intention or it is assumed that it is expressed clearly enough by the semantic content itself. This implies that the text of the normative act should be expressed clearly enough so as not to cast doubt on its significance. Therefore, when interpreting normative acts, it is important that the meaning of the linguistic expression does not raise doubts in the audience to which an act is addressed. But in order to fulfill this condition, it is necessary to ensure unity in legal vocabulary and to respect its inherent language conventions. In this process "we are talking about the development and introduction in law-making at the stage of drafting a methodology for modeling legal concepts, their terminological designation and especially their unification"[35]. This striving for unity is most clearly expressed in Art. 37, para. 1 of the Decree on the implementation of the Law on Normative Acts (DILNA) (words and expressions with established legal meaning are used in the same sense in all regulations). On the one hand, this provision can be seen as a kind of guarantor, ensuring the unity of legal vocabulary in existing legislation, thus avoiding many semantic extensions of the same words and expressions. On the other hand, this can be seen as a kind of confirmation of the thesis expressed in the text about the conventionality of the language of normative acts. The "unification of terminology used in legislation" is very important here. The conceptual and terminological uncertainty results in the appearance of contradictions in the system of legislation, as well as interpretation in the form of circumvention of the law, and hence - arbitrary application of legal norms, which ultimately leads to legal nihilism"[36]. It is the adherence to the language conventions immanent to the language of the law that could contribute to the proper functioning of law as a single system of prescriptions.

The rules and definitions that the law provides for ensure unity in the legal vocabulary, which in turn contributes to the uniform interpretation and understanding of normative texts. However, if in creating a legal norm the legislator has not taken into account the principles

[33] Andrei Marmor, The Language of Law (Oxford: Oxford University Press 2014), p. 107.
[34] Росен Ташев, цит. съч. с. 101.
[35] Тенчо Колев, Теория на правотворческата дейност: Ролята на нетипичния законодател (София: УИ Св. Климент Охридски 2006), с. 342.
[36] Пак там.

and means by which it will be interpreted, i.e. if there is a difference in thinking in the creation and application of the norm, the law enforcer - interpreter expects the same rules of law and legal theory to be used in the construction and formulation of the norm, but the legislator to some extent has deviated from them. [37] As a result, in the interpretation of legal prescriptions, contradictory or unclear results may arise, which would disrupt the successful communication between the legislator and the addressees of the law. Here is a possible solution to how these difficulties can be overcome, through the communicative dicta introduced by Grice, which are related to selected normative rules concerning the language of the law. According to Grice himself, their violation can be considered an indicator to the audience that the speaker has the intention to mean something other than the literal meaning of the sentence. This also applies to the intention of the law-making authority. In order to be able to orient themselves in the messages that the law, as the main and most important normative regulator, sends them, people need to understand the essence of legal texts in order to adapt their behavior to their prescriptions. However, in order for this important condition to be met, the addressees of the legal norms should be aware of both the rules of the common language and the specifics of the language of the law. "A language is needed here for everyone to understand legal language, because, we have to admit, knowledge of the law is an integral part of the law itself." [38] However, legal language is often inaccessible to most members of society. Therefore, when the addressees of the law know the everyday language but do not know the legal one, the interpretation of the legal norms will lead to an achieved meaning, which may differ greatly from what the legislator intended to mean by the given norm. Probably this is one of the reasons why, when faced with a certain real life situation, which is also a relevant legal case, most people seek specialized help from an expert. Such experts are lawyers who in the process of their training and practical experience master the specifics and subtleties of the language of law. Perhaps this is the reason why Zh. Sharankova defines the work of a lawyer in resolving a case, as a language translation from everyday language to legal one and vice versa. In this process we can consider the interpretation of the law as "a form of translation in which everyday language and concepts are analyzed or converted into legal language".[39]

[37]Владимир Петров, „Тъжно-смешни разсъждения върху българското нормотворчество,“ Език: Насоки за писане и редактиране на правни текстове (2010)= с. 336-337.
[38] Тенчо Колев, „Правото на езика и езикът на правото,“ Език: Насоки за писане и редактиране на правни текстове (София: УИ Св. Климент охридски 2010), с. 217.
[39] Christopher Hutton, Language, Meaning and The Law (Edinburgh: Edinburgh university press 2009), p. 51

Most often, people who need specialized legal assistance turn to a lawyer. Legal advice, the main purpose of which is to resolve a particular legal case, can also be metaphorically considered as a kind of specific "linear language translation"[40], in which the lawyer plays the role of mediator (translator).

Considering the issue of language translation, Quine's theory of language translation is used in the text as the most appropriate explanatory method. With the help of this theory one of the main difficulties in the processes of linguistic interpretation of legal texts is investigated. In this way, the text explains the initial uncertainty in the interpretive process, because according to Quine, if there are two or more translation theories and all of them seem adequate, it would not be possible to know which one is correct, as not enough information is available, which to help to understand the meaning that is embedded in a statement. According to Quine, this is because when we try to translate words from a language unknown to us (such as the language of law here), there are too many possible meanings, which makes it difficult to find an unambiguous one. In that case, any translation we are able to make would never be absolutely accurate or final, because it "is forced to project the ontology of a language or theory on the interpretandum, any “truth” is the expression of one's epistemological stance." [41] This, in turn, may explain why in the process of law enforcement there is a different, even often contradictory resolution of similar legal cases, whereas such is even found in case law. This can probably be explained by this ontological relativity between the ontological scheme of law and that of facts, the so-called factual and due in law. Therefore, if on the one hand the normative existence of law is ascribed to the world of what is due, and on the other hand social relations are ascribed to the world of the factual, then the connection between these two ontological essences is realized by legal provisions, which are the sensorily perceived external linguistic expression.. Therefore, it is in the provision that this ontological relativity is most explicitly explicated as such between the language of law and the everyday language in society. "The relativity of legal language arises from its organic connection with everyday language and the daily judgments of legal entities. But this influence is filtered and channelled through the mechanism of interpretation, whose main purpose is to "produce" indisputable (objective) meaning."[42]

However, it should be noted that in such a translation (interpretation) the correct meaning will probably always depend on the interpreter, because in this process, as already

[40] translation is definable as linear when performed between languages with parallel grammar.
[41] Simone Glanert and Legrand Pierre, „Foreign Law in Translation: If Truth Be Told,“ Law and Language: Current Legal Issues 15 (2011): p. 530.
[42] Росен Ташев, Теория на тълкуването(София: ИК Сиби 2007), с. 116.

mentioned, the disposition of the translator plays a significant role. Probably this is what distinguishes, as Halpin says, "the incompetent rogue fleecing his clients and a learned expert providing sound advice. The problem comes when two learned experts provide sound but conflicting advice."[43]

However, if it is hypothetically assumed that a situation arises in which two equally acceptable interpretations of the same semantic content have to be evaluated, it is clear that the meaning achieved by one interpreter will have to be rejected as incorrect. However, in that case, the second interpretative report could also be rejected as inadmissible, as could any subsequent one. This is because in these cases there are no clear and reliable criteria on which to base the conclusions on the ways in which the interpretative results have been achieved. In such cases, when only the linguistic expression (semantic content) of the normative act is interpreted, abstracting from the goals of its creator, the interpreter can often achieve a meaning that does not correspond to the legal goal. Even more, it would often lead to interpretive results that differ or contradict each other. Such hypothetical situations can be reached most often if there is a discrepancy between the meaning of legal prescriptions and the meaning that the legislator wanted to invest in them, i.e. if there is a difference between the meaning of the linguistic content and what the law-making authority intended to signify by its utterance. Grice calls such a discrepancy difference between the meaning of a sentence and the meaning given. The first is the subject of semantics, and the second of pragmatics, the equivalent of which in law can be found in textualism and intentionalism, respectively. In these cases, according to textualism, "we cannot be content with the semantic content of the relevant expression, and that we must be guided by various pragmatic factors." [44] Probably in certain cases, in order to deal with such interpretation difficulties, the most appropriate method would be the intentionalist approach. However, neither legal intentionalism nor legal textualism, considered independently, are able to explain with absolute certainty the complex nature of the meaning in the normative act. Each of these doctrines successfully reveals this meaning from one aspect or another, but only when they are applied together can a reasoned conclusion be drawn. "Although intentionalism and textualism are often considered two opposing interpretive doctrines," [45] according to R. Carston, the rules and methods of textualism do not contradict the goals of intentionalism at all. Therefore, the right approach here, which will best help to explain the meanings in the regulations, is the so-called by

[43] Andrew Halpin, „Language, Truth, and Law," Law and Language: Current Legal Issues 15 (2011): p. 72.
[44]Andrei Marmor, The Language of Law (Oxford: Oxford University Press 2014), p. 117.
[45]Robyn Carston, ibid. p. 24.

Marmor "textualism in context".[46] However, although they are the result of the same semantic content, in the process of interpretation of normative texts the invested and achieved meaning can often diverge to the point of opposition. In this regard, R. Carston uses a very appropriate metaphor, which describes the interpretive process. He defines what the legislator intended to mean by the legal text and the meaning that the interpreter finds in it, as "two sides of the same communicative coin, which, however, do not always coincide completely." [47] As a result of this discrepancy in the course of the separate legal discourses of law enforcement in some cases the so-called "re-designation"[48] of the meaning given by the normative authority in the text of a normative act can be reached. Returning to Carston's metaphor, it must be said that the coin always has two opposite sides. Here, however, emphasis must be placed on the fact that this achieved meaning has a secondary derivative character, i.e outside the specific context, the objective linguistic expression of the norm remains unchanged - the meaning invested by the legislator is preserved, only the specific (achieved) meaning is changed. Thus, "interpretation is limited by disciplinary rules and the existence of an interpretive community that recognizes standards and a set of norms that go beyond the specific point of view of the person offering the interpretation." [49]

It is the adherence to these linguistic legal rules and conventions that contributes to the unity and preservation of that specific primordial meaning which is guaranty of the full functioning of law as a superpersonal consciousness. Here, rather, the creative role of the interpreter not only does not hinder the full functioning of law, but on the contrary, it mediates its development and semantic enrichment. This allows "the full content of the concept to be defined contextually according to the (mutual) actions of the agent."

As a result, three types of meaning of the legal norm are derived: the intention of the actual legislator, the specific meaning in law enforcement and the own phenomenological significance of the legal norm. [50]

Since the study found that the interpretive or achieved meaning often deviates from the original one, it is proposed that conventionality in the language of law be limited to the linguistic expression of the legal norm and its expression as an intentional act by the legislator. Therefore, when the conventional meaning in the language of the law is considered

[46]Andrei Marmor, Ibid. Chapter 5. Textualism in Context, pp. 107-130.
[47]Robyn Carston, Legal Texts and Canons of Construction: A View from 8 Current Pragmatic Theory, Law and Language: Current Legal Issue 15, (2011(: p. 24.
[48]Sharankova, Cit. p. 302.
[49]Andrei Marmor, Ibid. Chapter 5. Textualism in Context, pp. 107-130.
[50]Жана Шаранкова, Юридическото мислене: Проект за интерпретативна теория (София: УИ Св. Климент Охридски 2001), с.13.

here, it should probably be limited to the meaning of the speaker (the legislator), and of course, it also incorporates the semantic expression of the norm.

In addition, the study found that the meaning of legal provisions can be considered as being interpreted in the many separate legal discourses in the process of their application. It is in this process that the intentional significance of the legislator can be redefined by the interpreter. Therefore, this type of achieved significance is not, and probably could not be unambiguous in all individual contexts, so it cannot be defined as conventional. All this shows that the notion of the meaning of a legal provision can be considered in a complex way: in most cases the inherent meaning of the legal provisions, the intentional meaning and the meaning of the interpreter coincide. Although in the language of law we can distinguish these three types of meaning, this does not in the least hinder the overall linguistic clarity and unity of legal discourse. Although the three types of meaning are inherently different, they are nevertheless in constant interaction and allow for continuous development and enrichment in the language of law. This ensures its development in relation to the dynamically changing relations in society, which requires the legal vocabulary to be constantly enriched with new concepts and terms that meet the challenges of the modern world.

In the final third chapter, the problem of globalization and integration processes is considered as a clear example, whereas enhanced cooperation between countries in the field of international relations, as well as "building a united Europe and consolidating it"[51], have led to many significant changes in public relations on a global scale. They, in turn, inevitably led to "changes in the legal systems of individual countries." [52] As a result, in recent decades there has been a significant increase in both international and Community sources of law, as well as a significant increase in their role in regulating public relations within individual domestic legal systems. This issue is extremely important, so it is considered mainly in two directions: on the one hand, it will be examined to what extent this foreign law can be considered as a source of completely new language conventions in our national legal system; on the other hand, the question of whether these international sources of law, which operate in different countries with their own languages, can be considered equally important, given the difficulties already discussed in the translation process. But if in the previous chapter the use of the term translation was used rather in a metaphorical sense, then in this paragraph of the study we consider some of the specifics of this process in its actual use. Based on the often

[51] Людмила Илиева-Сивкова, „Съдебен превод и право“ Език: насоки за писане и редактиране на правни текстове (2010), с. 297
[52] Пак там.

held thesis that "translation may be defective"[53], the problem of sources of public international law is discussed, seeking an answer to the question of whether international treaties concluded between multilingual countries should not be seen as a set of many possible translations into the different background languages of the countries that are parties to these treaties? Does this mean that we could not in the least speak of a single conventional meaning in the sources of international law? The important thing here is to find the best way to arrive at an acceptable interpretative account, given that in the process of international communication, legal meanings are constantly exchanged between entities with often fundamentally "different grounds or frameworks".[54] Viewed in this way, on the one hand, it sounds more like science fiction or even reminiscent of utopian fiction. On the other hand, from the middle of the last century to the present day, the system of international relations has been transformed into much more than "a system of social relations on which the conditions for social existence depend, but also does the very existence of humanity." [55] That is why we must first ask ourselves the question "how can we know that two cultures are so different that neither mutual understanding nor translation of their fundamental norms and values is possible between them"?[56] In order to make such a comparison, a common criterion is needed to serve as a "coordinating system"[57] on the basis of which we can identify and compare the extent to which two cultures or societies differ from each other. Such a "meta-system"[58] can be found in our shared world, because, although often divergent in their rules and categorical apparatus, all natural languages refer to the same world, serve to describe the same things and organize similar relationships. Ontology may be relative, but language is not. There is something absolute in the world, i.e. transcending the boundaries of the individual and the community. That is the only reason why language is possible, because it is only because they live in the same world that people can transmit and receive something from each other." [59] Only in this way can we now speak of a "partial impossibility of translatability"[60] rather than a "complete impossibility"[61], because, as Davidson points out, "a language that organizes such

[53] Simone Glanert and Pierre Legrand, „Foreign Law in Translation: If Truth Be Told," Law and Language, Current Legal Issues, Volume 15, (2011): p. 529.
[54] Вихрен Бузов, Философия на езика (София: ИК Одри 2002), с. 112.
[55] Георги Стефанов, Теория на международните отношения (София: ИК Сиела 2002), с. 38.
[56] [56] Вихрен Бузов, цит. съч.. с. 112.
[57] Пак там.
[58] Пак там..
[59] Сергей Герджиков, Философия на относителността (София: ИК Екстрем 2012), с. 203-204.
[60] Доналд Дейвидсън, „Върху самата идея за концептуална схема," Философия на логиката II, (2008): с. 230.
[61] Цит. съч. с. 237.

things should be a language very similar to ours".[62] This applies no less to the language of law, because although different for each legal system, it performs essentially similar functions, as law governs similar social relations. [63] This is fully true of multilateral international treaties, which are often intended to regulate universal human rights and freedoms, and therefore their formulation uses concepts and categorical apparatus that are universal and already widespread in almost every legal system. This shows that "no meaning can be found in the total impossibility of translation." [64] It in itself presupposes that the multitude of these normative texts will always be translatable in any legal system precisely by virtue of their universality and generality. Here this can be defined as "an operative convention which derives from a sequence of phenomenological assumptions about the coherence of the world, about the presence of meaning in very different, perhaps formally antithetical semantic systems, about the validity of analogy and parallel".[65] Each translation is "validated or invalidated by reference to local interpretive knowledge as deployed by a particular audience".[66] Thus, the translation would be possible only when it is consistent with the "implementation that takes place in the social context of Bulgarian society" [67], that is, with the specific stylistic, syntactic and pragmatic peculiarities of the Bulgarian literary language, but also with the stylistic and terminological peculiarities of the legal vocabulary in the system of the domestic law of the country. Of course, this does not in the least deviate from the requirement that the translation into Bulgarian be as correct as possible, transforming the international act as accurately as possible, meeting its goals and its linguistic content. In order to achieve these important conditions, "the translator not to transgress the text." [68], which requires each translation of international treaties to be performed by a team of experts in the specific field, who are familiar with the specifics of both legal matters and the lexical specifics of both languages. Only after this is accepted as a matter of principle, despite the inevitable discrepancies in the translations, the translation into Bulgarian can be considered as having a fixed meaning and conventional stability, which is as close as possible to the original

[62] Пак там.
[63] Although in the field of private international law there are often whole legal institutes that are specific to the particular legal system, in the field of public international law this happens much less often.
[64] Доналд Дейвидсън, цит. съч. с. 230.
Пак там.
[65] Steiner 1975, p. 297, cited in: Rosanna Masiola, and Tomei, R. Law, Language and Translation: From Concepts to conflicts (International University Stranie of Perugia 2015), p. 15.
[66] Ibid.
Росен Ташев, „Езикът на чуждото право при прилагането му в българската правна система,“Език. Насоки за писане и редактиране на правни текстове, (2010): с. 280.
[68] Simone Glanert, and Legrand, P. „Foreign Law in Translation: If Truth Be Told,“ Law and Language: Current Legal Issues 15, (2011): p. 517.

source text. Thus, in the subsequent application of the relevant treaty, the reference should be made on the basis of the translated text, "notwithstanding that some of these treaties exist in the system of international law in an official language other than Bulgarian".[69] However, if we can consider the rules of international public law as a kind of language conventions operating within the domestic legal system of Bulgaria, then in my opinion the issue of the rules of foreign domestic legal systems, which are increasingly applied in our country by virtue of international private law, is quite different. However, this task could be further complicated if in the translation it turns out that there is "lack of equivalents, missing slots, shifts in meaning, diverging systems, desemantization"[70], etc. This makes it difficult to "qualify the factual composition or the attitude according to the legal concepts or institutions of the foreign legal system"[71], which in turn makes the process of resolving a case with an international element more difficult. In order to reach a final decision, the judge will have to interpret and apply this foreign law in accordance with the established manner in the respective foreign country. However, as Tashev notes, "the effective application of this condition would require quite a thorough knowledge of the peculiarities of the foreign legal system, which is beyond the power of ordinary legal practitioners." [72] It is this that makes the application of foreign law the biggest challenge for the national law enforcement authority. It should be noted that in a hypothesis in which there is a lack of equivalent concepts and whole institutions, "the translation is a mere utopia and total interlingual symmetry is hardly possible and is subject to cultural filters and linguistic constraints."[73] Thus, on the one hand, there is the cultural relativity and the inevitable undefinability of the foreign text, which makes possible the discrepancy in the linguistic meaning between the two languages. On the other hand, there is the requirement for correct and accurate law enforcement, requiring this text to be translated and applied as accurately as possible. In carrying out this legal translation, it can be said that the Court's task is not to translate into texts, but rather "translate another culture." [74] Only in this way would the court be able to apply foreign law as "an organic part of the overall system

[69] Росен Ташев, „Езикът на чуждото право при прилагането му в българската правна система,“Език. Насоки за писане и редактиране на правни текстове, (2010): с. 278.
[70] Rosanna Masiola, and Tomei, R. Law, Language and Translation: From Concepts to Conflicts (International University Stranie of Perugia 2015), p. 5. .
[71] Росен Ташев, цит. съч.с. 282.
[72] Цит. съч. с. 283-284.
[73] Rosanna Masiola, and Tomei, R. Ibid., p. 10.
[74] David Katan, Translating Cultures: An introduction for Translators, Interpreters and Mediators (New York: Routledge 2014), p. 325

of Bulgarian legal norms." [75] This this places the focus on the entire foreign legal system, because only in this way can a legal concept or institution that has meaning and effect, be properly understood and translated correctly. [76] In this process, on the basis of the international jurisdiction granted to it, the court carries out a specific transformation of the legal norms "from linguistically and legally optional to linguistically and legally binding".[77] Here their use is limited only to the specific case, which the court decides by virtue of its jurisdiction. They continue to enjoy the same legal force and fixed linguistic meaning within the legal system in which they have legal effect, but this foreign law "does not form part of the Bulgarian legal system and does not have the binding force of its legal norms." [78] That's what they have in foreign law. This means that the application of this foreign legislation in the Bulgarian legal framework is, so to speak, casuistic and it does not in the least become a permanent component of the domestic law of the country and therefore does not acquire a fixed conventional meaning in the system of its normative acts.

Next, the text examines the issue of European Union integration law and the extent to which one can speak of a single integration law, functioning in the same way and with the same meaning in all 24 official languages that the European Union unites. Given the fact that one of the most important requirements for the full functioning of European Union law is that of its uniform operation throughout the Union, which imposes uniform linguistic meaning as a prerequisite for unambiguous interpretation. Here, this ambiguity can be seen as "a sort of existential problem to which the [Union] legal order has to relate".[79] This is largely due to the many different ways in which the European institutions are able to provide the much-needed guarantees for the uniform functioning of the integration legal order as a common system of rules operating in the same way and with a common meaning throughout the Union.

Once translated by experts who know the linguistic specificities of the language concerned, European legislation should undergo legal-linguistic verification by a legal linguist. The European Union, as a supranational union, forms a community that brings together many different legal systems and cultures, each with its own legal institutions and regulatory means, which in many cases may be absent in one or more of the other legal

[75] Росен Ташев, Езикът на чуждото право при прилагането му в българската правна система," Език: Насоки за писане и редактиране на правни текстове, (2010): с. 282.
Rosanna Masiola, and Tomei, R. Law, Language and Translation: From Concepts to Conflicts (International University Stranie of Perugia 2015), p. с. 284.
[76] Росен Ташев, цит. съч. 284.
[77] Пак там.
[78] Пак там.
[79] Karen McAulife, „Precedent at the Court of Justice of the European Union: The Linguistic Aspect," Law and Language: Current Legal Issues 15 (2011): p. 484.

systems in the Union. It is this diversity that is often cited as an argument for the particular difficulties inherent in legal translation. It is in such a context that the figure of the jurist-linguist is most clearly expressed. This role is "something distinct from both a lawyer and a translator: Lawyer-linguist is a perfect synthesis of a lawyer and a linguist".[80] These are experts from the EU institutions with extensive specialized knowledge on the one hand in the field of linguistics and on the other in the field of legal vocabulary. In this process, "while legal translators are not expected to produce texts that are equal in meaning - due to the illusory character of equivalence understood as identity - they are expected to produce parallel texts that are equal in legal effect. That is, these parallel texts are expected to be interpreted and applied in the same way irrespective of the legal systemic context." [81]

In such a hypothesis, the principle of "global relativity" [82] seems to be applicable, as it states that "all communities are still human forms and therefore the transfer of meanings is possible. This is confirmed in translations between different cultures. Yet one meaning cannot be transferred from one life process to another, but only induced in search of the strongest resemblance".[83] However, that is probably why the foreign legal institute, unknown to the Bulgarian legal system, could be understood by comparing it with the language decisions, the language formulations given by the Bulgarian legislation in similar hypotheses. Here the role of experts consists in translating a normative text, through a, so to speak, transfer of meaning embedded in context or meaning from a pragmatic point of view, rather than a purely mechanical reproduction of literal meaning or semantic content. This is because "the codes which allow for the transmission of information through language depend on context, in that successful communication depends on the common de-coding of the context in order to produce a common meaning between the person transmitting and receiving." [84] Viewed in this way, translation here is understood as "an attempt to re-create the meanings of one culture using the language of another"[85], which shows the conditionality of language from the culture of a given society. Therefore, the linguistic transposition of concepts immanent to one legal system / culture within another is the most difficult task in the translation of legal texts. This

[80] Karen McAuliffe, Language and Law in The European Union: The Multilingual Jurisprudence of The Ecj, (The Oxford Handbook of The Language and Law, Oxford University Press 2015) 211

[81] Elina Paunio, Legal Certainty in Multilingual EU Law: Language, Discourse and Reasoning at the European Court of Justice ((Farnham Burlington: Ashgate Publishing Company 2013), P 7.
[82] Сергей Герджиков, Философия на относителността (София: ИК Екстрем 2012), с. 105.
[83] Цит. съч. с., 115-116.
[84] Richard Nobles, and Schiff, D., „Legal Pluralism: A System Theory Approach to Language, Translation and Communication," Law and Language: Current Legal Issues 15, (2011): p. 114.
[85] Ibid.

is due to this cultural conditionality of legal vocabulary. Therefore, in the process of European law-making, a legislative style is being established that avoids vague, too abstract formulations and the use of, so to speak, culturally charged linguistic expressions. In this way, "a more neutral and non-cultural legal language is being developed in the European institutions and in international law".[86] This universal, culturally free law-making style aims to facilitate the translation and transposition of European legal texts into the individual legal systems of the Member States.

Here, however, a paradox arises: as D. Katton notes, "the idea of the English as an international language and the use of a standardized international technical language are attempts at making both language and culture technical. The most extreme examples of this are the artificial or auxiliary languages, such as Esperanto, which are culture-free. The fact that they are a culture free may well account for their lack of success in practice"[87], as contradictory or interpretative results can often arise in the processes of interpretation, which would hinder the full functioning of these prescriptions as a single system, because in the process of interpretation such a neutral position is an illusion. In a language that alone conveys information about the phenomenal world between different individuals, naturally there are discrepancies. [88] Therefore, in this process it is possible to create a discrepancy in the meaning derived by the various subjects.

7. As noted by E. Paunio: "although the European legislator uses terminology and linguistic apparatus which presuppose their uniform interpretation, regardless of the legal system or the national language in which the process of interpretation is carried out, "even when we are talking about concepts belonging to the autonomous sphere of EU law, some confusion as to their meaning (intention and extension) may nonetheless exist when 'imported' into the national context by national judges and authorities." [89] Probably on this basis it can be assumed that although as a result of a correct translation the same semantic content can be extracted, which is equivalent in both legal systems, each of the interpreters in them can hypothetically reach different interpretive results, or in other words the pragmatic content will be

[86] Кристина Крислова, Модалност и юридическа употреба на Shall и May и техните еквиваленти на български език в законодателството на ЕС. (Автореферат, Пловдивски университет Паисий Хилендарски, 2018), с. 10.
[87] David Katan, Translating Cultures: An Introduction for Translations, Interpreters and Mediators (New York and London: Routledge 2014), p. 45.
[88] Сергей Герджиков, Философия на относителността (София: ИК Екстрем 2012), с. 28.
[89] Elina Paunio, Legal Certainty in Multilingual EU Law: Language, Discourse and Reasoning at the European Court of Justice (Farnham Burlington: Ashgate Publishing Company 2013), p. 9.

different. However, this is largely the reason for the existence of a specialized procedure for the interpretation of EU acts, carried out directly by the Court of Justice of the European Union. This is governed by Article 267 of the TFEU (ex Article 234 of the TEC). The reference for a preliminary ruling is intended to ensure equal application of EU law throughout all Member States. It is through this specialized legal method that differences in the interpretation of Community law, which national courts must apply, are prevented. It seeks to ensure this application by providing the national judge with a means of eliminating the difficulties that may arise from the requirement to ensure the full operation of Community law within the judicial systems of the Member States." [90] In this way, the Court of Justice of the EU serves as a kind of guarantor to preserve the unity and proper functioning of Union law in the territory of all Member States. Without it, it would have different meanings and different consequences. Therefore, "aid of the ECJ is constantly required. To the extent that EU law is multilingual, national courts and administrative authorities cannot rely solely on their own understanding of European law drafted in their language." [91]

This kind of difficulty could be overcome through a shared unified legal culture because, like David Katton notes: "culture, in fact, is not a factor, but rather the framework (the context) within which all communication takes place." [92] That is why it is through such a common intercultural legal discourse, which is the necessary specific system of interpretative rules and methods and provides unambiguous interpretation within the specific legal system, the much-needed shared uniform conventional meaning in European legislation can be achieved. This process should be led by the European Union itself, which, according to A. M. Lopez-Rodriguez, has the necessary capacity to "promote the development of a common European legal discourse through legal research, legal education and the gradual creation of a common legal methodology. Ultimately, a common legal culture may crystallize, thereby facilitating the achievement of real uniformity."[93] This could be achieved by mastering, in addition to the legal vocabulary used in a given legal system, the overall shared European normative discourse. It includes all those specifics that constitute the language conventions and normative structures that

[90] Жасмин Попова, Право на Европейския съюз (София: Сиела 2012), с. 429.
[91] Ana M. Lopez-Rodriguez, „Toward a European Civil Code Without a Common European Culture?: The Link Between Law, Language and Culture," Brooklyn Journal of International Law 29,№ 3, (2004): p. 1213.
[92] David Katan, Translating Cultures: An introduction for Translators, Interpreters and Mediators (New York: Routledge 2014), p. 324.
[93] Ana M. Lopez-Rodriguez, „Toward a European Civil Code Without a Common European Culture?: The Link Between Law, Language and Culture," Brooklyn Journal of International Law 29,№ 3, (2004): p. 1215.

are immanent to the respective legal order. However, they would not have their meaning without the necessary context for their proper use, clarification of their specific origin, the way they are included and their cultural conditionality.

Perhaps such considerations shape the views of Sage-Fuller, Prinz Zur Lippe, and O'Conaill, who argue that " the relationship between European legal traditions is at the heart of the European Union and is indispensable to the creation of coherent European law and effective and efficient legal structures." [94] In this way the integration law will be unambiguous, the discrepancies will be minimized, coherence, unified meaning and unified thinking will be achieved. Thus, only when we replace linguistic relativism with world discovery, only when we learn to use linguistic and cultural differences as a source of potential opportunities for development and enrichment of our own culture (which, of course, does not erase its own specifics and differences) and share a common European discourse, only then can we talk about equality and sharing common conventions and unambiguous supranational law.

7. CONCLUSION

Based on my research, I can undoubtedly conclude that legal norms can be considered as language conventions. Although in the course of the research I have repeatedly reaffirmed that there are many factors that influence them and determine the degree of conventionality of the achieved meaning, the external linguistic expression of the norm remains unchanged, and with it the conventional nature of the norm is preserved.

As it became clear at the very beginning of the study, the law could be considered as built by social conventions. In the first paragraph, I expressed the thesis that the emergence of law is accompanied by the emergence of deep conventions, an expression of its most essential elements, which are preserved to this day. These deep conventions, although in a modified form, in modern times determine the essential elements of the basic legal realization - the actual and the basic legal systems operating in the world, differentiating them from each other.

[94] Benedicte Sage-Fuller, Prinz Zur Lippe, F., and O'Conaill, S., „Law and Language (S) at the Heart of the European project: Educating Different kinds of Lawyers," Law and Language: Current Legal Issues 15, (2011): p. 496.

Subsequently, considering the complex and general ontology of the legal system, I showed the place and role of legal norms as a connecting element, incorporating in its essence elements of the whole legal system. Then, in the third paragraph of the first chapter, I proposed a way to assess the true value of legal norms, corresponding to their multifaceted nature, regulating essential aspects of public relations. Legal norms create an ideal, from the point of view of law, reality or prefixed context, where the norm is always true by virtue of this prefix. In this way, this ideal world or the legal norm itself is the necessary criterion for the members of society to comply with their behavior, thus making the norm a kind of measure of the facts of reality - the real world. As I showed in the course of the research, the process of legal realization is the place where factual and due meet, the world of due transforms the world of factual in its own way, thus restoring public relations to their normal, in terms of legal status, state. Based on this function of the norms, I proposed a way to estimate their value in truth. Applying Dummett's semantic anti-realism, I suggested a possible way how such a value can be attributed in the process of legal realization. As I later showed, the basis of such a legal realization is the linguistic interpretation of the legal norm. This process is the only possible way in which the addressee of the norm, expressed in an abstract way, could be identified, which could only be done through language. Interpreting the linguistic expression of the norm, the interpreter extrapolates the meaning embedded in it. He relates the facts of reality to the text of the norm. In this way the norm is realized and the legal case is resolved.

This makes the connection between law and language clear, because without language, law would not be able to perform its functions. Without their linguistic expression, legal norms could not reach their addressees. Therefore, the emphasis here should be on the linguistic expression of legal norms. As I have unequivocally shown, applying Wittgenstein's theory of the impossibility of a private language, only when the linguistic content of the norm is formulated in words whose meaning is generally accepted and leaves no doubt in anyone, only then would the legal order be comprehensible to everyone. This shows the fundamental role of language conventions in legal vocabulary. The preservation and functioning of the law as a basic and universal normative regulator, addressing universally valid rules of conduct to all addressees of the respective rule, needs, so to speak, a presumption of conventionality. As an unequivocal confirmation of this thesis the many normative rules that require unambiguity and clarity in the formulation of normative acts, some of which I have considered in the text, can be pointed out.

As I have shown in various places in the study, it is the adherence to these language rules (language conventions) that makes it possible to ensure unity in the language of the law, contributing to its general accessibility and comprehensibility. In this way, the normative authority formulates a, so to speak, presumption of unambiguity in the language of the law, by virtue of which it expresses the normative acts, taking into account their vocabulary with these requirements. Therefore, in my opinion, conventionality or unambiguity in law can be seen as much more than a desirable requirement. In my opinion, it is already being transformed into a fundamental issue, which can be said to determine the legitimate action of the whole system of rules. Otherwise, there could be an ambiguous understanding of a particular rule and, ultimately, this could lead to unequal treatment of different subjects addressed to the same rule, which is not only incorrect, it is unacceptable. This would jeopardize the rule of law, and its principles of equality and justice would be called into question.

Therefore, although in many places in the text I reaffirmed the fact that in the interpretative processes of normative acts there is often a significant discrepancy between the input or intentional meaning and the achieved or interpretive meaning of the legal norm, its conventional nature remains unchanged. Its linguistic expression, as well as the meaning given by the law-making body through this linguistic expression, is also preserved. Undoubtedly, I have shown that there are many factors that affect the degree of conventionality of interpretive meaning, and they can vary within different limits. These factors can range from the interpretive goals or intention of the interpreter, to the affiliation of the addressees to different interpretive communities or different language frameworks. However, whether it is a system of domestic or foreign law, I have come to the conclusion that in any legal system there are rules that presuppose their conventionality in the expression of its rules.

8. CONTRIBUTIONS

The following theses may be highlighted as key contributions of this dissertation work:

1. For the first time in philosophical literature, the author propounds the thesis of the conventional nature of social rules regulating interpersonal relations in the pre-legal public organization. Then he defends the thesis that the subsequent development of the society and the consciousness of its individuals result in emergence of the law

and follow-on institutionalization of a large part of these conventions, transforming them into institutional rules imposed by the power.

2. The author suggests an innovative approach of assessing the value of legal norms by truth. By offering a complex approach, he studies legal norms using the methods of deontic logic and the possible worlds theory that helps him present legal norms as the building blocks of a prefixed context or a possible world in which norms should always be true by virtue of the prefix. Subsequently, for the first time ever in scientific literature, an approach is offered of assessment of the value of legal norms by truth, using Dummett's semantic anti-realism. Legal norms' value by truth is linked to the process of legal realization of norms in the real world or non-fixed context.

3. It is for the first time in Bulgarian scientific literature that presents legal norms as language conventions and at the same time conventional layers are studied, which in the author's opinion may be distinguished in the language of law.

4. It is also for the first time in Bulgarian scientific literature that Paul Grice's theory is applied to the language of regulatory acts, thus presenting them as an intentional act.

5. For the first time in scientific literature, the maxims of conversation proposed by Grice are referred to selected regulatory requirements related to the language of regulatory acts.

6. For the first time in Bulgarian scientific literature, legal consultation is presented as sort of language translation through Quine's theory concerning indeterminacy of translation.

7. For the first time in Bulgarian literature, the author considers not only international public and private law, but also the EU law, as a source of new language conventions in the domestic law of individual countries. The research propounds the thesis that only the shared legal discourse, as a common system of rules and interpretative methods, is able to achieve unambiguity and conventional linguistic use among different countries.

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