



Form and Substance in Comparative Law and Legal Interpretation

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Abstract

This article examines various models of legal interpretation and their implications for comparative law, drawing inspiration from Rodolfo Sacco's early career theories. It contrasts the Tarskian Correspondence Model, which seeks objective reality in legal texts, with the Symphonic Model, which interprets legal language as a harmonious interplay of elements. The Tarskian model reflects classical legal thought's search for fixed meanings, while the Symphonic model aligns with contemporary legal practice's nuanced understanding. Further, the article explores Heraclitean Realism, acknowledging the fluidity of language and meaning, and the Provocative Tapestry Model, which introduces paradox and tension in legal interpretation. These models are likened to narrative genres, offering varied approaches to understanding legal discourse: the Tarskian model as a detective novel, the Symphonic model as a comedy, the Living Tapestry model as a melodrama, and the Provocative Tapestry model as a tragedy. The article argues that these models of legal interpretation do not inherently carry a political essence; the political stance emerges from the choices of interpreters. It emphasizes the need for human agency in the application of legal norms and the responsibility of legal professionals to actively engage in the interpretation process. Comparative law is discussed as a discipline that benefits from understanding these diverse interpretative models, as it seeks to analyze legal systems across jurisdictions. The article concludes that while narrative styles in legal interpretation have political histories, they are not bound to specific ideologies, highlighting the versatility and subjectivity in the field of legal interpretation.

Keywords Comparative law · Legal interpretation · Narrative genres · Tarskian correspondence model · Symphonic model · Heraclitean realism

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1 Introduction: Exploring Narratives of Legal Interpretation

Legal interpretation is a complex endeavour that involves deciphering the meanings inherent in legal texts. Scholars and jurists have proposed various models to understand the nature of interpretation, each offering distinct perspectives on how we engage with legal language. In particular, Rodolfo Sacco has developed a fresh theory of interpretation at the very beginning of his career [1, 2], and just after that theory he developed a completely new theory of comparative law based on ‘legal formants’ [3].

In this article, following his example, we embark on a journey to confront and compare different models of legal interpretation and their implications for the broader field of comparative law.

In the second paragraph, we delve into the Tarskian Correspondence Model¹ and the Symphonic Model of Significance [4]. The former, inspired by Tarski’s semantic theory, seeks to align legal interpretations with an objective reality, emphasizing a clear and unambiguous correspondence between words and their referents. In contrast, the Symphonic Model views legal language as a harmonious composition, where the meaning emerges from the interplay of various elements, akin to the rhythmic repetition found in musical compositions.

The Tarskian model, with its emphasis on correspondence and the clarity sought through repeated correspondence, can be viewed as a representation of classical legal thought prevalent in the 19th and 20th centuries. During this period, legal interpretation was often perceived as a straightforward process involving the extraction of meaning from legal texts, akin to uncovering treasures through archeological exploration [5]. The emphasis on fixed meanings and the belief that the law’s essence lies within its explicit expressions aligns with the Tarskian model.

On the other hand, the Symphonic model emerges as a contemporary reflection of the average consciousness of lawyers. In the current legal landscape, there is an increasing acknowledgment of the complexities involved in interpretation. The Symphonic model, with its focus on creating harmony through rhythmic repetition of significant elements, resonates with the recognition that legal concepts and norms may have multiple facets. Lawyers today navigate a legal symphony where the interpretation involves a nuanced understanding of diverse perspectives and a harmonious synthesis of legal elements, departing from the more rigid and linear approach of the classical era.

Moving to the third paragraph, we explore two additional models: Heraclitean Realism and the Provocative Tapestry Model. Heraclitean Realism acknowledges the ever-changing nature of language and meaning, reflecting the flux of human experience. On the other hand, the Provocative Tapestry Model introduces an element of challenge and contradiction, suggesting that legal interpretations can be inherently paradoxical [6], creating tension within the narrative.

Realism, within the context of legal interpretation, often aligns with a wave of political engagement, whether leaning towards the left or right. It grapples with the reality that complete transparency in the law, as an ideal, is not always achievable.

¹. See Tarski, Alfred. 1956.

Realism acknowledges the inherent subjectivity in legal interpretation, recognizing that the personal views and experiences of judges and interpreters play a role in shaping legal decisions. This wave of legal thought emphasizes a pragmatic understanding of the law's function within the broader socio-political context.

On the other hand, the Provocative Tapestry Model goes beyond the realist perspective by not merely challenging the existing legal system but actively seeking its subversion [7]. This model does not aim to salvage the system with rhetorical or harmonic remedies; instead, it advocates for a radical reimagining of legal structures. In contrast to realism's acknowledgment and accommodation of the existing system, the Provocative Tapestry Model embraces a more revolutionary stance, questioning fundamental assumptions and pushing for a transformation of the legal order.

In essence, while realism operates within the bounds of the established legal framework, albeit critically, the Provocative Tapestry Model seeks to dismantle and reconstruct the system itself, presenting a more radical and transformative approach to legal interpretation.

In the fourth paragraph of our analysis, we embark on a journey to explore the intricate relationship between various modes of legal interpretation and the diverse methods and approaches employed in the field of comparative law. Comparative law, as a discipline, serves as a fertile ground for examining the implications and applications of different interpretative models across legal systems.

As we delve into this exploration, it becomes evident that the Tarskian Model, rooted in the pursuit of correspondence and linguistic precision, finds resonance in comparative law approaches that prioritize linguistic analysis and the comparison of legal texts. Scholars adopting this model may engage in meticulous examinations of legal language, seeking to identify similarities and differences between norms in different jurisdictions based on linguistic correspondences.

Conversely, the Symphonic Model, with its emphasis on harmonizing dissonant elements, aligns with a comparative law approach that seeks to uncover commonalities and harmonies among legal systems. Comparative law scholars employing this model may focus on identifying overarching principles, shared values, and harmonious legal concepts that transcend jurisdictional boundaries.

The Living Tapestry Model, anchored in personification and the dynamic nature of law, finds reflection in comparative law methods that recognize the living and evolving character of legal systems. Scholars adopting this model may approach comparative law as a study of legal dynamics, acknowledging the varied voices and evolving narratives within legal traditions.

The Provocative Tapestry Model, with its dramatic and conflictual dimension, resonates with comparative law approaches that embrace the complexities and conflicts inherent in legal systems. Scholars in this realm may scrutinize legal contradictions, confrontations, and divergences, viewing them not as impediments but as sources of insight into the underlying political and social dynamics shaping legal interpretations.

In essence, our exploration into the interplay between modes of interpretation and comparative law methods aims to unravel how these diverse lenses of legal understanding influence the ways in which legal systems are compared, contrasted, and analyzed across borders. The methods employed in comparative law, whether harmonizing, dynamic, or conflictual, serve as a canvas upon which the nuanced shades

of legal interpretation come to life, creating a rich tapestry of cross-cultural legal understanding.

In the culminating section of our analysis, in the fifth paragraph, we turn our attention to the exploration of narrative tropes embedded within the fabric of each approach to legal interpretation and their manifestation in the realm of comparative law. The notion of narrative tropes serves as a lens through which we can discern the storytelling elements and rhetorical strategies employed by legal scholars to articulate and communicate the meaning of the law, and consequently in maintaining a legal tradition [8].

The Tarskian model, which unfolds as a narrative characterised by precision, investigation and the discovery of hidden meanings, is then reminiscent of a detective novel. Legal scholars who subscribe to this model conduct their analyses with the precision of a detective, meticulously dissecting legal texts to uncover the intended meaning behind each norm. Epiphora, a rhetorical repetition, becomes the linguistic device that guides the reader through a logical sequence or chain of precedents, mirroring the sequential unveiling of clues in a detective story.

Contrastingly, the Symphonic Model, echoing the trope of Harmony of Dissonance, takes the form of a paradoxological symphonic comedy. Legal scholars adopting this approach navigate through legal complexities, harmonizing seemingly discordant legal elements into a rhythmic and harmonious narrative. The rhetorical device of anaphora, with its repetitive *but* varying structure, resonates with the symphonic nature of this legal narrative, creating a rhythmic cadence akin to the movements of a symphony.

The harmonious orchestration of the Law, personified as a chorus of diverse voices, seamlessly corresponds with what might be perceived as a baroque chain-comedy. This classification as a comedy is grounded in the resolution of contrasts culminating in a harmonious finale. Described as baroque due to the personification of the law as a ‘living law,’ this characterization further aligns with the concept of a chain-narrative [9, pp. 228–238]. In this intricate composition, every legal piece is authored over time by different contributors, creating a dynamic and evolving narrative.

The Provocative Tapestry Model, inherently dramatic and conflictual, aligns with the narrative tropes of Drama and Satire. Legal scholars adopting this model engage in a dramatization of legal conflicts, challenging the existing legal system and prompting a reevaluation of normative frameworks. The rhetorical device of antithesis becomes a powerful tool, highlighting the contrasting elements within legal narratives and contributing to the provocative nature of the storytelling.

In conclusion, our exploration into narrative tropes associated with different approaches to legal interpretation and comparative law unveils a diverse palette of storytelling techniques. These tropes not only reflect the inherent nature of each model but also shape the narrative landscape, the ‘style’ [10] through which legal scholars convey the meaning and implications of the law. Through this lens, the study of law becomes not just an analytical exercise but a rich tapestry of stories, each weaving its unique narrative into the broader fabric of legal understanding.

In our ultimate examination, we come to the profound realization that the diverse narrative styles we’ve dissected don’t inherently possess a political essence [11]. Despite each having a political history, none is intrinsically tethered to a specific

political ideology; rather, they remain versatile tools that can be wielded by both the right and the left. This observation aligns seamlessly with Sacco's perspective, which constantly unveils internal dissociations within the elements or formants constituting a legal system.

Sacco's enduring assertion about the separation between the narrative of law and the political dimension of legal rules resonates powerfully here. The conclusion drawn, highlighting the independence of political decisions from the dominant narrative, underscores that these modes of discourse serve as conduits for conveying political decisions rather than dictating them. As an illustrative example, Sacco aptly demonstrated that a socialist system, exemplified by the Soviet Union, could articulate itself through the same Romanist categories as a capitalist system, revealing the narrative's flexibility [12].

Ultimately, adopting the formant approach to legal signification allows us to refine the notion that the legislative formant diverges from the doctrinal formant. In parallel, it prompts the recognition that the political formant of a legal system stands distinct from its 'cognitive' formant. This nuanced understanding reinforces the idea that the narrative modes we employ in legal interpretation don't impose a predetermined political agenda but, instead, provide a dynamic medium through which political decisions find expression.

2 Harmony and Clarity: Unveiling Correspondence and the Symphonic Models of Legal Interpretation

In the realm of legal interpretation, the Tarskian Model, often referred to as the Correspondence Model, stands as a stalwart champion of clarity and precision. This model, drawing inspiration from the principles of correspondence in logic, posits that the meaning of a legal text corresponds directly to objective facts or states of affairs in the world. In other words, the goal of interpretation is to unveil the intended meaning of the law by aligning it with a factual reality that exists independently of the interpreter. This model champions the idea that language has a fixed, determinate meaning and that the task of the interpreter is to accurately uncover this pre-existing meaning.

The consequences of the Tarskian Model ripple through the fabric of legal theory. It fosters a belief in the objectivity of legal language, assuming that a single correct interpretation exists for any given legal text. This perspective tends to prioritize the authority of the legislator's original intent or the plain meaning of the text. As we delve into the Symphonic Model, an alternative approach to interpretation, we will explore the contrasting narrative that emerges when legal interpretation is viewed through the lens of harmonious and rhythmic orchestration rather than rigid correspondence.

As it is well known, Alfred Tarski, a Polish logician and philosopher, is known for his semantic theory of truth and his work on the concept of meaning based on semantic correspondence as a basis for a theory of truth. Here is a simplified version of his truth definition:

A sentence S in the object language L is true if and only if S corresponds to a fact in the world, and this correspondence is expressed in the metalanguage M .

So, in Tarski's view, meaning is closely tied to the truth conditions of sentences in a formal language, and these truth conditions are defined in a meta-language. The precision and formal nature of Tarski's approach have had a significant impact on the philosophy of language and logic.

The Tarskian Model of legal interpretation shares a notable resemblance to the traditional theory of interpretation rooted in the dictionary correspondence of words employed in normative texts. At the heart of both approaches lies a foundational belief in linguistic determinacy and the quest for objective meaning. The traditional theory, often associated with formalism, posits that legal language is a stable and fixed entity, akin to the words found in a dictionary. In this view, the meaning of legal terms is considered to be self-contained within the language itself, detached from external influences.

Similarly, the Tarskian Model adopts a perspective that aligns with the traditional theory's focus on linguistic stability. It asserts that the meaning of a legal text corresponds directly to objective facts or states of affairs in the world. Both models presuppose a determinate meaning inherent in language, whether it be the meaning of individual words or the entire legal text. This shared assumption underscores a commitment to linguistic objectivity, where the interpreter's task is perceived as uncovering an existing and discoverable meaning within the language of the law.

Moreover, the traditional theory of interpretation often emphasizes the importance of adhering to the plain or ordinary meaning of words, a principle that resonates with the Tarskian Model's insistence on uncovering the intended meaning of legal texts. The convergence lies in the inclination to treat language as a transparent medium through which the legislator's intent or the plain meaning of the text can be faithfully captured. Both models exhibit a preference for a singular correct interpretation that can be discerned through a meticulous analysis of language.

However, it is essential to note that while the Tarskian Model and the traditional theory share common ground in their foundational beliefs, the former extends its reach beyond the confines of individual words to encompass a broader understanding of the legal text's correspondence with the external world. This nuanced distinction introduces an added layer to the Tarskian Model, aligning it with a more comprehensive approach to interpretation that considers the relationship between legal language and the factual reality it seeks to capture.

In a broader sense, meaning can be understood as the significance or sense conveyed by something, whether it's a word, a sentence, an action, or an entire work. Unlike Tarski's formal semantic theory that focuses on truth conditions, this definition encompasses the subjective and contextual aspects of interpretation, acknowledging that meaning often involves the interaction between language, context, and individual experiences. Meaning can be influenced by cultural, social, and personal factors, making it a complex and multifaceted concept.

We could playfully call this alternative model the "Symphonic Models of Significance," emphasizing its dynamic and diverse nature. This term captures the idea that meaning arises from a harmonious interplay of various elements, including language,

context, and personal interpretation, resembling the intricate yet beautiful arrangement of a symphony. It adds a touch of allure and creativity to the concept of meaning, inviting individuals to engage with the richness and complexity of interpretation.

The interplay between the Tarskian (Correspondence) Model of Meaning and the Symphonic Model of Significance offers a fascinating exploration of diverse approaches to understanding language and text. Tarski's Correspondence Model of Meaning posits that the meaning of a sentence is determined by its correspondence to a state of affairs in the world. This aligns with a more objective, fixed understanding of meaning. The Symphonic Model of Significance, on the other hand, emphasizes the dynamic and multifaceted nature of significance. It sees meaning as a symphony, where various elements (notes, instruments) contribute to the overall experience, allowing for a more fluid and subjective interpretation.

The tension arises in reconciling the fixed, correspondence-based meaning with the fluid and subjective nature of significance. It prompts questions about the stability of meaning in the face of diverse interpretations.

From a historical diachronic viewpoint, the stability of meaning undergoes a dynamic and evolutionary process over time. Meanings are subject to shifts, transformations, and reinterpretations, reflecting the evolving nature of language and societal contexts. Lexical semantics, the study of word meaning, acknowledges that words can accrue new senses or shed old ones as linguistic communities adapt to changing circumstances.

In contrast to this diachronic fluidity, a synchronic perspective emphasizes the (in)stability of meaning over space, within a specific timeframe or synchrony. Synchronic analysis examines language at a specific point in time, capturing a snapshot of meanings as they exist in a particular historical moment. This perspective allows for a more focused exploration of how terms are understood within a specific cultural or legal context, emphasizing the stability and/or instability of meaning among different legal systems within the same time-frame.

The tension between diachronic and synchronic perspectives underscores the complexity of interpreting legal texts. Diachronically, legal terms may carry historical baggage, accumulating layers of meaning based on past interpretations, precedents, and cultural shifts. Synchronically, these terms may take on distinct meanings within the contemporary legal landscape, reflecting the current understanding and application of the law.

In the realm of legal interpretation, navigating the interplay between historical diachrony and synchronic stability is crucial. Interpreters must grapple with the evolving semantic nuances of legal terms over time while also acknowledging the stable meanings attributed to those terms within specific legal contexts. Balancing these perspectives is essential for a comprehensive understanding of legal language and its multifaceted nature across different temporal and spatial dimensions.

A compelling illustration of synchronic instability in legal language emerges through the insightful analysis of legal terms across different languages. Consider the work of Sacco [13], who delves into the nuances of terms like “contract” in English, “contrat” in French, and “Vertrag” in German. At first glance, these terms may seem equivalent, suggesting a shared understanding of a legal concept. However, Sacco's

exploration reveals the intricate variations in meaning, exposing the intricacies that elude a simplistic, one-to-one equivalence.

In this linguistic examination, Sacco demonstrates how seemingly interchangeable terms can, in fact, signify distinct legal institutions within each legal system. The term “contract” in English, for instance, encompasses a broad range of agreements between parties. In French, “*contrat*” may extend to include agreements arising from gifts, while German’s “*Vertrag*” may carry specific connotations related to the exchange of *quid pro quo*, emphasizing the necessity of a bargain.

The synchronic instability revealed in this comparative linguistic analysis challenges assumptions about universal legal concepts. It highlights the importance of context and legal traditions in shaping the meaning attributed to seemingly similar terms. A gift, for instance, may be recognized as a contractual arrangement in France and Germany but lacks the essential elements to be considered a contract in the legal framework of the United Kingdom.

Sacco’s work serves as a compelling reminder that legal language is not a static entity; its stability is contingent upon the linguistic intricacies of a specific jurisdiction. This nuanced understanding of synchronic instability enriches the discourse on legal interpretation, emphasizing the need to navigate the contextual complexities inherent in multilingual legal systems [14, 15].

The significance of the Symphonic Model, particularly in the context of multilingual and multijurisdictional systems like the European Union, becomes notably pronounced when considering Sacco’s theory of legal formants. In such complex legal landscapes, the Symphonic Model offers a valuable lens through which to navigate the intricate interplay between general propositions and bottom rules.

According to Sacco, a legal formant is a recurring, recognizable pattern shared among legal systems. The Symphonic Model, echoing the harmonious convergence of musical elements, allows for a nuanced exploration of legal formants within the broader context of legal interpretation. This is particularly relevant in a setting like the European Union, where diverse legal traditions and languages coexist.

Sacco’s theory posits that similarities at the level of general propositions may conceal underlying differences when examining the finer details of bottom rules. Conversely, what may appear different in general propositions might unveil a substantial similarity when scrutinizing the specifics at the level of bottom rules. The Symphonic Model, with its emphasis on harmonizing diverse legal elements, provides a framework for unraveling these intricate relationships and fostering a more comprehensive understanding of legal convergence and divergence within the European Union. In navigating the complexities of multilingualism and multijurisdictional diversity, the Symphonic Model emerges as a valuable tool for deciphering the symphony of legal languages and formants at play.

3 Navigating Legal Flux: Heraclitean Realism and the Provocative Tapestry Model

The Tarskian Model, akin to the traditional mindset of many legal practitioners, resonates with what can be metaphorically characterized as the archeology of treasure trove [9, pp. 228–238]. In this legal archaeological expedition, meanings are perceived as immutable artifacts, buried within the layers of legal texts, waiting to be meticulously unearthed by skilled interpreters. Lawyers, in the tradition of legal archaeologists, see themselves as excavators of semantic gems, diligently brushing away the layers of historical sediment to reveal the timeless truths hidden beneath.

Much like an archeologist endeavors to reconstruct ancient civilizations from fragmented relics, legal professionals working within the Tarskian Model aim to reconstruct the intended meaning of legal provisions from the text's linguistic remnants. The assumption here is that the original meaning is preserved within the legal text, awaiting discovery through careful linguistic analysis. The very act of interpretation is viewed as an excavation process, where layers of legal language are peeled back to reveal the juridical treasures concealed within.

This model aligns with a temporal perspective that perceives legal meanings as fixed points in history, resilient to the passing of time. It shares affinities with a traditionalist approach, asserting that the true essence of legal concepts can be uncovered by delving into the linguistic strata of legal documents. The Tarskian Model sees legal interpretation as an archaeological venture, embracing the notion that the past holds the key to understanding the present and navigating the future.

While the Tarskian Model unearths legal treasures with an archaeologist's precision, an Heraclitean attitude of considering reality in a constant flux - "we never enter the same river twice, because both we and the river have changed since the last time"² - can lead us toward an appreciation of the law as a living tapestry, acknowledging the dynamic and ever-changing nature of legal meanings.

Heraclitean realism challenges the notion of stable and fixed meanings inherent in the Tarskian Model. It sees legal concepts not as static entities waiting to be uncovered but as ever-flowing streams, subject to constant change and adaptation. Legal meanings, in this perspective, are in a perpetual state of flux, shaped by evolving societal norms, values, and contextual shifts.

Imagine a legal concept, let's say "privacy," as a flowing "Heraclitean river". In the traditional Tarskian perspective, one might approach this river as a fixed entity, with the goal of uncovering its inherent, unchanging meaning. However, the Heraclitean realist recognizes that the river of privacy is not the same every time we encounter it.

Consider a legal scholar interpreting the concept of privacy in the early days of the internet when online communication was in its infancy. The understanding of privacy might have been primarily shaped by concerns related to physical spaces and limited technological intrusion.

Now, fast forward a couple of decades to a society immersed in advanced digital technologies, social media, and widespread data collection. The river of privacy has evolved, gaining new tributaries and complexities. The legal scholar returning to

². Fragment 92: DK 22B92 (DK=Diels-Kranz numbering of pre-Socratic fragments), see [17].

interpret the concept of privacy finds a transformed river, shaped by the currents of technological advancements, changing social norms, and legal developments.

The very nature of what constitutes an invasion of privacy may have shifted. The once-clear distinctions between public and private spaces may have blurred, introducing novel challenges and considerations. The river, representing the concept of privacy, is not the same; it has undergone a process of continual change.

This model encourages a more fluid and adaptable approach to legal interpretation, acknowledging that meanings are not confined to a fixed historical moment but are continually shaped and reshaped by the currents of social, cultural, and political dynamics. The Heraclitean Realist embraces the inherent ambiguity of legal language, recognizing that interpretations must be responsive to the evolving nature of legal concepts.

This perspective prompts legal scholars to navigate the ever-changing river of legal concepts with adaptability and openness. Rather than seeking an unchanging essence, interpreters must engage with the fluidity and contextual nuances inherent in legal meanings. The principle that we never enter the same river twice encapsulates the essence of the Heraclitean Realist approach, encouraging a dynamic and responsive understanding of legal concepts in a constantly evolving world.

The metaphor of law as a living tapestry emphasizes the dynamic nature of interpretation, suggesting that the act of understanding a text involves actively weaving together various threads of meaning into a continuously evolving tapestry. Unlike the archaeological detective who seeks to uncover an original meaning, the Living Tapestry Weaver sees interpretation as an ongoing, creative process that contributes to the ever-changing fabric of understanding. This playful term conveys the idea that interpretation involves a continuous and collaborative effort to shape the rich and intricate texture of meaning.

Ronald Dworkin's theory [9] of law as a chain novel shares a similar sentiment. According to Dworkin, legal principles form a chain novel where each judicial decision contributes to an ongoing *narrative*. The chain novel metaphor suggests that legal reasoning is a continuous, evolving story where judges contribute new chapters through their decisions.

The alignment between law as a living tapestry and Dworkin's chain novel lies in their shared emphasis on continuity, evolution, and narrative coherence. Both perspectives reject the idea of law as a mere collection of isolated rules. Instead, they envision a legal system that unfolds over time, building on past decisions and adapting to the needs of the present.

In the living tapestry model, legal threads represent various doctrines, statutes, and precedents intricately woven together. Similarly, in Dworkin's chain novel, each judicial decision forms a chapter in an ongoing narrative. The development of legal principles is not a fragmented process but a coherent story that unfolds as judges engage in principled reasoning.

The implications of this alignment are profound for legal interpretation. Both perspectives call for an understanding of legal norms that goes beyond isolated rules and considers the broader *narrative context*. Interpreters must appreciate the interconnectedness of legal concepts, recognizing that each decision contributes to the evolving story of the law.

In essence, the living tapestry and chain novel models invite legal scholars to view the law as a dynamic and evolving narrative, shaped by the collective contributions of judges, legal practitioners, and societal developments. This shared emphasis on narrative coherence reinforces the idea that law is not a static entity but a living and evolving system with a continuous story to tell.

But in an Heraclitean realist legal framework, the law could also be conceived as a manifestation of politics by other means. The models of law as a living tapestry or Dworkin's chain novel, can be seen as too harmonious or symphonic when confronted with the notion that the most of legal concepts can be 'essentially contested concepts.' This idea was introduced by philosopher W.B. Gallie [17], referring to terms or ideas that are not only subject to different interpretations but are inherently prone to ongoing disputes and disagreements. These concepts resist a single, universally accepted definition due to their not only complex and multifaceted but also political nature.

Legal concepts, being often 'essentially contested,' are characterized by ongoing *disagreements* over their meanings. These disagreements are not harmonious but rather reflect the diverse and sometimes conflicting interpretations within the legal and political realm.

The Living Tapestry Model and Dworkin's Chain Novel, while emphasizing evolution and narrative, might seem overly cooperative. Therefore, if we shift to a Provocative Tapestry Model, the focus shifts on the provocative element, suggesting a more contentious and political dimension to legal interpretation. The Provocative Tapestry implies that the interpretation of legal concepts is not a serene weaving of threads but a dynamic and sometimes confrontational process. Legal actors, like political actors, engage in shaping the tapestry of interpretations with the intent to provoke responses and influence the direction of legal discourse.

The Provocative Tapestry Model introduces the notion that legal interpretation is akin to a political arena where different stakeholders vie for influence and dominance in shaping the narrative of legal concepts. In this arena, conflicting interpretations emerge not only due to different perspectives but also as a result of intentional provocations. Legal actors may deliberately challenge existing interpretations to incite debates, spark discussions, and ultimately influence the trajectory of legal discourse. By embracing the Provocative Tapestry Model, we acknowledge that legal interpretation is not a tranquil landscape but a battleground of ideas, where clashes of interpretation are not only expected but essential for the vibrant and dynamic nature of the legal system.

Legal actors, including judges, scholars, and practitioners, operate in a politically charged environment where interpretations are not merely harmonious collaborations but deliberate provocations. Recognizing this political dimension becomes crucial for understanding how legal concepts evolve and transform over time. Instead of aiming for consensus, legal actors must navigate the contested nature of legal concepts, engaging in provocative interpretations that contribute to the ongoing dialogue and power dynamics within the legal arena.

In summary, the Provocative Tapestry Model introduces a more politically charged perspective on legal interpretation, emphasizing conflict, intentional provocations, and the dynamic nature of the legal discourse. It suggests that the field of legal inter-

pretation is inherently political, reflecting the complex interplay of diverse and sometimes conflicting interpretations. Rather than viewing legal texts as repositories of fixed meanings, this model sees them as intricate tapestries woven with provocative elements. Legal language, according to this paradigm, intentionally incorporates paradoxes, contradictions, and ambiguities, inviting interpreters to engage in a nuanced and multilayered understanding.

In contrast to the clarity sought in the Tarskian Model, the Provocative Tapestry Model encourages legal interpreters to navigate through the *political* complexities and tensions embedded in legal texts. It recognizes that legal meaning is not a straightforward, univocal entity but a rich and multifaceted tapestry that requires a sophisticated interpretative approach. Interpreters within this model actively engage with the challenging threads of legal language, embracing the inherent provocations and paradoxes within the legal discourse. The judicial process transforms into a dynamic forum for negotiating, contesting, and shaping the contours of the law. This vision challenges the traditional separation of law and politics, suggesting a more integrated and fluid relationship.

4 Comparative Law in the Process of Interpretation

Having delved into various models of legal interpretation, each with its unique characteristics and implications, our focus now turns to the domain of comparative law. In this section, we aim to explore how these interpretative models, ranging from the Tarskian Correspondence Model to the Heraclitean Realism and the Provocative Tapestry Model, resonate within the intricate landscape of comparative law. By analyzing their influence on the study and comparison of legal systems, we unravel the intricate threads connecting interpretative methodologies to the broader discipline of comparative law.

The Tarskian Correspondence Model, aligned with a traditional and fixed view of meanings, finds resonance with a comparative law approach that seeks to chronicle legal perspectives across jurisdictions. This model suggests a quest for clarity and stability, akin to compiling a comprehensive dictionary of legal meanings.

Therefore, this model finds resonance in the efforts to create a comprehensive legal framework. In the context of the European Common Frame of Reference (CFR), which aims to harmonize the laws of contract and tort across European jurisdictions, this model aligns with the quest for clarity and stability. The CFR, guided by a desire for a shared legal language, facilitates cross-border legal communication. The Tarskian Model's focus on correspondence and clarity supports the CFR's objective of enhancing communication and understanding among legal professionals from different European countries.

On the other hand, the Symphonic Model, emphasizing rhythmic repetitions of significant elements, aligns with a comparative law approach that seeks harmonious similarities in legal systems. It suggests a quest to identify common legal themes and structures, creating a symphony of legal understanding across different jurisdictions.

The Symphonic Model, with its focus on harmony, mirrors the aspirations of those working towards a Common Core of European Legal Systems. The goal is to iden-

tify and harmonize fundamental legal principles and concepts, creating a harmonious legal symphony across European jurisdictions. Similar to the Symphonic Model's rhythmic repetition, the Common Core seeks to establish recurring legal elements that resonate across different legal traditions. By identifying these commonalities, legal scholars and practitioners aim to create a rhythmic pattern of shared legal principles.

The Heraclitean Realism, acknowledging the ever-changing nature of meanings, challenges comparative law to embrace the dynamic perspectives within legal systems [3]. Comparative law, under this model, becomes a reflection of the fluidity and adaptability of legal concepts across diverse cultural and historical contexts. The comparative jurist, adopting this perspective, engages in a constant exploration of the ever-shifting river of legal concepts. A legal rule or principle may be interpreted differently over time and across jurisdictions, reflecting the changing socio-cultural landscapes within which law operates.

This approach to comparative law challenges scholars to embrace the fluidity of legal systems. It prompts a reevaluation of the traditional quest for uniformity and highlights the importance of recognizing and respecting the inherent diversity of legal meanings across different cultures and legal traditions [18].

This emphasis on the fluid and evolving nature of legal meanings, stands in stark contrast to the Common Frame and Common Core approaches within the field of comparative law. While these approaches seek to establish some degree of uniformity or shared principles, Heraclitean Realism introduces a critical perspective that challenges the very foundations of such endeavors.

The Common Frame approach in comparative law aims to identify overarching principles and shared legal concepts among different legal systems. Scholars working within this paradigm often strive to create a conceptual framework that transcends cultural and jurisdictional boundaries. However, Heraclitean Realism disrupts this notion by asserting that legal meanings are inherently context-dependent and subject to constant change. Heraclitean Realism challenges the idea that a fixed Common Frame can adequately capture the dynamic and evolving nature of legal meanings. The instability inherent in Heraclitus's river metaphor suggests that attempting to confine legal concepts within a rigid framework neglects the fluidity of interpretation that characterizes legal systems.

In the same way, in contrast to the Common Core approach, which implies a fixed and enduring core of legal principles, Heraclitean Realism underscores the idea that legal meanings are subject to historical, cultural, and contextual shifts. The river of legal interpretation, according to Heraclitean Realism, flows through different channels over time, challenging the notion of a static and universally applicable Common Core.

Heraclitean Realism's contrast with Common Frame and Common Core approaches prompts a reevaluation of the goals of comparative law. Rather than seeking fixed frameworks or cores, scholars influenced by Heraclitean Realism engage in a more nuanced exploration of the dynamic and *contingent* nature of legal meanings. In the realm of comparative law, it transmutes into a discipline that acknowledges the ceaseless metamorphosis of legal concepts, beckoning scholars to navigate the intricacies of interpretation with a heightened attunement to the subtleties of context and the incessant becoming of legal signification.

Finally, The Provocative Tapestry Model, introducing a political and conflictual dimension to interpretation, suggests that comparative law is not merely an exercise in finding commonalities but an arena of political discourse. It encourages comparative law scholars to engage with the intentional provocations in legal interpretations across jurisdictions.

Indeed, this model revolutionizes the conventional approach to comparative law, transcending it from a seemingly objective search for commonalities to a dynamic arena of political discourse. In this model, comparative law ceases to be a detached exercise and emerges as a space for intentional provocations within legal interpretations across jurisdictions.

At its core, the model posits that legal interpretations are not neutral or universally accepted but rather embedded in political contexts. Comparative law scholars are urged to recognize and engage with these intentional provocations, acknowledging that interpretations are not mere reflections of legal principles but manifestations of power dynamics, conflicts, and political agendas.

Unlike models that strive for harmonious similarities, the Provocative Tapestry Model emphasizes the inherently contestable nature of legal concepts. It suggests that legal systems intentionally provoke interpretations to serve specific interests, prompting scholars to unravel these intentional provocations. This approach aligns with the idea that legal meaning is not fixed but subject to constant negotiation and contestation.

Moreover, the model encourages comparative law scholars to adopt a critical stance, questioning the status quo and exploring the underlying power structures that shape legal interpretations. By embracing the political and conflictual dimension of interpretation, the Provocative Tapestry Model enriches the field of comparative law, transforming it into a vibrant space for intellectual engagement and critical discourse.

In essence, this model challenges scholars to move beyond the quest for harmonious similarities and delve into the provocative nature of legal interpretations, recognizing the intricate interplay between law, power, and politics in the comparative context. Through this lens, comparative law becomes not only a scholarly pursuit but a dynamic forum for interrogating the complexities of legal systems across the globe.

As we navigate through the diverse landscapes of interpretation in comparative law, we find ourselves at a crucial juncture where the exploration of narrative tropes becomes imperative. Having examined the Tarskian Correspondence Model, the Symphonic Model of Significance, the Heraclitean Realism, and the Provocative Tapestry Model, we are now poised to unravel the intricate ways in which legal interpretations are woven into narratives.

In this next phase of our inquiry, we shift our focus from the theoretical foundations of interpretation to the expressive tools employed in crafting legal narratives. The intricate relationship between narrative tropes and the diverse models of interpretation we've encountered holds the key to understanding how legal scholars engage with and construct meaning within comparative law. Let us embark on this intellectual journey, delving into the rich tapestry of narrative tropes that shape the discourse of comparative law.

The Tarskian Model, aligned with a chronicle of legal perspectives, reflects a comparative law narrative focused on documenting legal meanings across time and space.

It seeks to create a comprehensive historical record of legal concepts. The Symphonic Model encourages a comparative law narrative that aims to identify harmonious elements in legal systems. It suggests a storytelling approach that emphasizes common legal themes and structures across different jurisdictions. The Heraclitean Realism in comparative law leads to a narrative that acknowledges the adaptability of legal perspectives. It encourages scholars to explore how legal concepts evolve and transform within specific cultural and historical contexts. The Provocative Tapestry Model introduces a political narrative in comparative law. It suggests a storytelling approach that recognizes the intentional provocations and conflicts in legal interpretations across jurisdictions. Comparative law becomes a dynamic arena of competing narratives and power dynamics.

The conscious or unconscious adoption of one model rather than another thus leads to the multiplicity of methods of comparative law, which is actually a multiplicity of narratives implied by the same model that inspire them.

Within the realm of comparative law, where interpretations are the subject of study, an inherent hermeneutic circle emerges. As scholars engage with various legal interpretations across jurisdictions, they, in turn, become participants in the ongoing process of interpretation. Comparative law, in its exploration of diverse legal narratives, finds itself entwined in the very hermeneutic circle it seeks to elucidate.

For this reason, in the next and final paragraph, we will delve into the realm of narrative tropes, exploring how the various interpretative models in comparative law generate distinct storylines and contribute to the construction of meaning. Through this narrative analysis, we aim to unveil the intricate ways in which legal interpretations, shaped by different models, unfold as unique narratives, each carrying its own rhetorical power and influencing the understanding of law.

5 Politics and Narratives. Unraveling the “Legal Meaning”

An analysis of legal formants, as proposed by Sacco, opens the door to an intriguing connection with narrative tropes. Legal formants, which represent recurring patterns or structures in legal texts, can be viewed as the foundational elements of legal narratives. In essence, these formants act as the building blocks around which legal stories are constructed. By scrutinizing legal formants, we can discern the underlying narrative structures that shape legal interpretations.

In comparative linguistics, the term “formants” typically refers to the distinct sound units that convey meaning. Rodolfo Sacco extended it to the study of legal systems [19], focusing on the meaningful elements that shape legal concepts. This transplantation of the linguistic concept into legal studies opened new avenues for exploring the structures and meanings embedded in legal systems through the lens of formants.

Usually, Sacco’s interpreters have applied this term to the distinction between case-law, academic writings and legislation. But Sacco was referring in particular to *propositions* found in the decisions of judges, in the writings of scholars, and in legislative texts, precisely with reference to the different and sometimes conflicting semantic field that such propositions might have. So, Rodolfo was interested in the

legal propositions as ‘units of meaning’, and so here I try to make a refined use of the term ‘formant’ to deal with the problems of legal interpretation that we have discussed in the previous paragraphs.

In the context of legal semiotics, a formant may refer to a recurring and significant pattern or structure within legal texts. These patterns, often manifested through specific linguistic expressions, hold cultural, historical, and conceptual significance. Formants act as foundational elements that contribute to the creation of narratives within legal discourse. Analyzing legal formants involves identifying and interpreting these recurring patterns to uncover the implicit stories, meanings, and cultural resonances embedded in legal language and terminology. The concept of formants extends beyond linguistic analysis, encompassing the socio-legal and narrative dimensions of legal communication.

Consider, for example, the formant of “quid pro quo” in contract law. This formant signifies an exchange or reciprocity, forming the basis for numerous legal narratives involving contractual relationships. As we trace the prevalence of this formant across different jurisdictions, we uncover a common narrative thread that binds various legal systems. In this way, the analysis of legal formants becomes a gateway to understanding the narrative tropes that permeate legal discourse.

Moreover, legal formants often carry implicit cultural and historical narratives. The use of specific legal language or terminology reflects a shared understanding within a particular legal community. These linguistic formants, in turn, contribute to the creation of legal narratives that resonate with cultural and historical contexts. The narrative tropes embedded in legal formants thus become integral to the broader socio-legal discourse.

In essence, an analysis of legal formants transcends a mere examination of linguistic elements; it becomes a journey into the narrative fabric of law. By identifying and interpreting these formants, we unravel the intricate stories that law tells across different cultures and jurisdictions. In this way, the exploration of legal formants aligns with the investigation of narrative tropes, offering a richer and more nuanced perspective on the storytelling nature of law.

As we delve into the analysis of formants in the legal context, the focus broadens beyond linguistic elements to include the multifaceted components that shape legal discourse. In this expanded perspective, legal formants become not only linguistic units but also encompass the diverse factors influencing the interpretation and evolution of legal meanings.

The discussion then extends to the realm of narrative tropes, as units of meaning production, and literary genres, as modes of meaning transmission. Each legal interpretation model may so be associated with a specific trope, capturing the essence of how meanings are constructed, contested, and conveyed in the legal landscape. The exploration of genres provides a lens through which legal discourse can be understood, offering insights into the diverse ways in which interpretations unfold and narratives are constructed.

Rather obviously then the role of tropes become pivotal as long as a cognitive operation (the argument) and a discursive device (the employment) can be combined to produce a narrative so as derive prescriptive statements from what may appear to be purely descriptive or analytical ones [20, pp. 29–31]. I would say that the theory

of tropes provides us with a basis for classifying the deep structural forms of the legal imagination.

In essence, the journey from formants to genres involves a progression from linguistic elements to broader narrative structures, emphasizing the richness and complexity of legal meanings within the tapestry of interpretation. This transition allows for a more nuanced understanding of how legal discourses evolve and how different models of interpretation contribute to the diverse narratives within the field of law.

From this point of view, I'd say that the Tarskian model of legal interpretation, which strictly matches what Duncan Kennedy [21] has called 'The Classical Legal Thought' (CLS), aligns with a traditional approach that treats legal texts as dictionaries, aiming to extract fixed meanings akin to unearthing treasures through archaeological excavation. In this model, the words employed in normative texts correspond to stable and predetermined meanings, forming the bedrock for legal interpretation. It reflects a belief in the stability of meaning over time, adopting a synchronic perspective where meanings are relatively constant.

In the Tarskian model, legal interpretation employs Anaphora: Legal scholars engage in Anaphora, strategically repeating key legal precedents and authorities to support a conclusion. This rhetorical device builds emphasis and establishes a rhythmic cadence, akin to the systematic examination of legal concepts, and as a rhetorical device, it is echoing the essence of classical legal arguments based on the recapitulation of precedents. This repetition mirrors the constant recurrence of precedents in legal discourse to fix the meaning attached to legal propositions.

In the realm of legal interpretation in the Classical Legal Thought, the recapitulation of precedents becomes emplotted in a narrative akin to a detective novel. Imagine the legal scholar as a seasoned detective, embarking on a meticulous investigation within the intricate corridors of legal texts. At the outset of each clause, the detective—much like the scholar—repeats key legal terms like clues waiting to be unraveled.

In a detective novel, each repeated clue serves as a deliberate marker, guiding the reader through the unfolding mystery. Similarly, in legal interpretation, the deliberate repetition of crucial legal terms at the beginning of successive clauses acts as a trail of breadcrumbs. It signifies the scholar's methodical approach, systematically examining the legal landscape, unraveling complexities, and shedding light on the elusive meanings hidden within the legal framework.

The repetition becomes a literary magnifying glass, bringing into focus the nuances of legal language, much like a detective scrutinizing minute details to crack a case. Anaphora, in this context, transforms the process of legal interpretation into a narrative journey—a quest for understanding where repetition serves as a guide, leading the interpreter through the intricate narrative of legal texts.

In sum the Tarskian model, as the model of Classical Legal Thought, unfolds like a detective novel, where legal scholars, akin to investigators, meticulously examine and reexamine legal texts. The repetition inherent in Anaphora reflects the iterative process of the detective, who, through multiple rounds of investigation, strengthens their case. The genre captures the systematic and methodical approach of legal scholars in decoding the fixed meanings embedded in legal texts. In this narrative, the

very fabric of storytelling folds upon itself, drawing an uncanny parallel between the detective's quest for truth and the legal interpreter's pursuit of meaning.

The Symphonic Model of legal interpretation, akin to the trope "Harmony of Dissonance," inherently mirrors the Greek rhetorical figure of paradoxologia. This trope, characterized by the deliberate presentation of seemingly contradictory ideas, finds resonance in the harmonious orchestration of legal elements that, at first glance, may appear dissonant. In legal interpretation, the Symphonic Model orchestrates conflicting legal principles and perspectives, creating a complex yet harmonious composition.

This symphonic harmony achieved by navigating legal dissonance can, in certain instances, evoke the grandeur of an Epic poem. The creation of a Common European Law, with its multifaceted legal systems and diverse cultural influences, often unfolds like an epic narrative, complete with heroic endeavors and monumental challenges. The legal harmonization process, akin to an Epic, embodies the quest for unity amid diversity.

However, at its core, the Symphonic Model is quintessentially comedic in nature. Comedy, as a genre, is characterized by the reconciliation of contrasting characters and the resolution of conflicts. In legal interpretation, the Symphonic Model embraces the playful interplay of legal dissonance, leading to a resolution that harmonizes seemingly conflicting elements. The legal narrative, like a comedic storyline, achieves equilibrium through the orchestration of diverse legal themes, embodying the spirit of reconciliation inherent in comedy.

Indeed, classical comparative law, grounded in the pursuit of similarities and the harmonization of legal systems, can be viewed as embodying the paradoxological comedy model. The quest for commonalities among diverse legal traditions involves navigating apparent contradictions and resolving differences, much like the comedic narrative structure.

In the realm of comparative law, scholars engage in the paradoxical task of seeking harmony amidst legal diversity. The comedic aspect emerges as legal systems, often considered dissonant, are brought together in a harmonious composition. The reconciliation of contrasting legal elements and the pursuit of common ground echo the dynamics of comedic resolution.

Therefore, the Symphonic Model, with its trope of "Harmony of Dissonance," extends its influence into the field of comparative law. The pursuit of legal harmonization, despite the inherent dissonance among legal systems, reflects the paradoxological comedy model, showcasing the capacity to find unity and resolution in the midst of diversity and contradiction.

The Living Tapestry Model finds its natural expression in the trope of Personification, where abstract concepts or inanimate objects are endowed with human qualities—physical, emotional, and even spiritual. In this model, the law transcends its static nature and becomes a dynamic entity with a distinct personality, often referred to as the "spirit" of the law. This personification allows the law to have multiple "voices," reflecting the diverse perspectives and interpretations within the legal realm.

The notion of a "living" law implies an animated and evolving legal landscape. It suggests that the law is not a static set of rules but a dynamic force that adapts and responds to the changing needs and values of society. This animation is sustained by

the collective efforts of the legal community, akin to a chain novel where each contribution adds a new chapter to the ongoing narrative of legal interpretation.

In the Living Tapestry Model, the law is not merely a set of cold, lifeless statutes; instead, it is a living entity with a rich and evolving story. The legal community contributes to this narrative through constant cross-references, creating a chain novel of legal adventures that reflects the ongoing dialogue and development of legal principles over time. The law, personified and animated, becomes a dynamic force shaped by the collaborative efforts of those within the legal community.

The Living Tapestry Model, with its emphasis on Personification and Allegory, aligns closely with the spirit of the Baroque era. Personification in Greek rhetoric is often referred to as “*Prosopopoeia*”. In the context of legal interpretation, this model could indeed be characterized as a Baroque Chain Novel based on.

The Baroque period, known for its elaborate and intricate artistic expressions, valued the use of symbolism, allegory, and the personification of abstract concepts. Similarly, the Living Tapestry Model embraces the dynamic and expressive qualities associated with Baroque art. The constant interplay of different voices and perspectives within the legal community mirrors the complexity and richness found in Baroque compositions.

The idea of a “living” law that evolves through a continuous narrative aligns with the dynamic and theatrical nature of Baroque aesthetics. The collaborative efforts of legal scholars and practitioners, contributing to the ongoing story of legal interpretation, evoke the spirit of a Baroque Chain Novel—a narrative that unfolds with ornate detail and symbolic significance. It’s A Baroque chain novel grounded in the *prosopopoeia* of the law.

In many narratives aligned with the Living Tapestry Model, the law takes on the characteristics of a self-dramatizing character. This ‘living law’ often assumes a pompous demeanor, embodying a narrative that exudes self-importance and significance within the social realm. In this way such baroque legal narrative becomes a pompous *mise-en-scène* of the law.

Certainly! The Provocative Tapestry Model, akin to a dramatic narrative or satire, finds its expressive power through the use of the rhetorical trope “Antithesis.” In this model, legal interpretations unfold as dynamic scenes of conflicting ideas and contrasting perspectives, creating a vivid tapestry of tension and opposition within the legal discourse.

Antithesis, as a rhetorical device, involves the juxtaposition of opposing elements to highlight their inherent conflict. In the context of the Provocative Tapestry Model, legal interpretations become stages for intellectual and emotional clashes, where contrasting viewpoints engage in a relentless dialogue. The legal narrative takes on a dramatic quality, resembling a play or satire where the characters—represented by diverse interpretations—vie for prominence on the stage of legal discourse.

This model thrives on the inherent contradictions and provocations present in legal interpretations. Like characters in a drama, legal perspectives play their roles, each contributing to the unfolding narrative of conflict. The use of antithesis intensifies the rhetorical power of these conflicting elements, drawing attention to the tensions that permeate the legal landscape.

Moreover, the Provocative Tapestry Model can take on the characteristics of both drama and satire. In its dramatic dimension, the legal discourse becomes a tragic play, with conflicting interpretations representing the tragic flaws and complexities inherent in legal reasoning. Simultaneously, the model may adopt a satirical tone, humorously exposing the absurdities and contradictions within legal interpretations, inviting critical reflection and challenging conventional perspectives.

Ultimately, the Provocative Tapestry Model, guided by the trope of Antithesis, presents legal interpretation as a conflict that may end in tragedy.

Drawing a parallel with literary genres, we can characterize the Living Tapestry Model as resembling a chain-melodrama, while the Provocative Tapestry Model takes on the qualities of a tragedy. In the Living Tapestry Model, the collaborative and harmonious nature of legal interpretations unfolds akin to the plotlines of a melodrama, where various characters (interpretations) contribute to a collective and often emotional narrative.

On the other hand, the Provocative Tapestry Model, with its emphasis on conflict and contradiction, aligns more closely with the dynamics of a tragedy. Here, legal interpretations engage in a dramatic confrontation, echoing the intense conflicts and complexities found in tragic narratives. The inherent provocations and tensions within interpretations contribute to a storyline that is more reminiscent of a tragic play.

So, to summarize, the Living Tapestry Model may be likened to a collective melodrama, emphasizing collaboration and shared narratives, while the Provocative Tapestry Model takes on the characteristics of a tragedy, where conflicts and contradictions drive the narrative forward.

In the context of legal interpretation, the transition from a chain-melodrama (Living Tapestry Model) to a tragic narrative (Provocative Tapestry Model) suggests a possible move from collaborative and interconnected interpretations to a more conflictual and challenging discourse. The shift in emphasis may reflect a deeper engagement with conflicting perspectives, contradictions, and the inherent challenges posed by provocative interpretations.

Finally, in exploring the semiotics of legal interpretation, it is essential to consider also the theories now challenging the conventional assumptions about the centrality of meaning in legal discourse [22]. Traditionally, legal thought has rested on the premise that forms such as words, idioms, aphorisms, and texts bear asignifying functions, imbued with a stable and ascertainable meaning. However, proponents of the 'after meaning' theories assert that meaning is never fixed within the form; instead, it is constantly deferred. This perspective transforms the legal discourse into a realm of infinite meaning deferral, suggesting that, as meaning is perpetually deferred, it remains absent from the forms of legal expression.

This emphasis on the transient nature of meaning aligns with a Heraclitean perspective, positing that everything is in a perpetual state of flux. Within this paradigm, resolving legal cases necessitates embracing the fluidity of meaning and adapting to ever-changing circumstances. This approach implies a Jurisprudence of Constant Becoming or an Ephemeral Jurisprudence, challenging the notion of a fixed, knowable content of the law. Instead, it calls for a legal practice that accommodates uncertainty and change, fostering an ongoing process of legal evolution.

A fitting trope associated with this ‘after meaning’ model is that of ‘trailing-off’ (Aposiopesis), where a speaker or writer intentionally stops short of completing a statement or thought. This deliberate act creates suspense, leaving the audience to infer the unspoken conclusion. In a world where everything is in flux and meaning is elusive, the use of aposiopesis invites the audience to fill in the blanks or contemplate the unspoken, generating a sense of anticipation and curiosity. This impression of impermanence and uncertainty mirrors the ongoing nature of autobiography [18], which, by employing aposiopesis, intentionally leaves certain aspects of the narrative unfinished or open-ended. This stylistic choice captures the continuous process of self-discovery, reflecting the dynamic and evolving nature of one’s life experiences. Thus, autobiography emerges as a genre alongside novel, comedy, melodrama, and tragedy, offering a potential avenue for legal discourse in the world of ‘after meaning.’

In conclusion, the intricate landscape of legal interpretation unfolds through the lens of distinct narrative genres. From the anaphoric detective novel of the Tarskian model to the paradoxological symphonic comedy, the baroque chain melodrama of the Living Tapestry model, and the dramatic tragedy of the Provocative Tapestry model, these genres offer a nuanced understanding of how legal discourse shapes meaning and unfolds in diverse and captivating ways:

1. **Novel** (Tarskian/Correspondence Model): An anaphoric detective novel that unfolds through repetitions and investigations, seeking clarity and closure.
2. **Comedy** (Symphonic Model): A paradoxological symphonic comedy that harmonizes dissonant elements, creating a rhythmic and harmonious narrative.
3. **Melodrama** (Living Tapestry Model): A baroque chain-narrative grounded on prosopopoeia, where the law assumes a melodramatic persona, full of life and interconnected voices.
4. **Tragedy** (Provocative Tapestry Model): A dramatic tragedy characterized by conflicts, provocations, and a challenging discourse, unfolding in a chain of antagonistic events.
5. **Autobiography** (After-Meaning Model): A narrative characterized by a “trailing-off” style, akin to a stream of consciousness, revealing personal perspectives on the ever-elusive nature of the legal order within the context of an ephemeral jurisprudence.

These genres provide a rich framework to understand the diverse approaches to legal interpretation, each offering a unique narrative style and mode of engagement with legal texts.

We may notice, at the end, that none of these models has a political essence, each can be right-wing or left-wing. Even the tragic political attitude can be radical left or radical right. So there is no political essence of legal modes of interpretation. Politics is given by the choices of the interpreters, not by the way they tell what they are doing.

Indeed, the various models of legal interpretation discussed do not inherently carry a political essence; rather, the political orientation emerges from the choices made by interpreters within these models. Each model provides a framework for understanding and narrating legal interpretation, and interpreters, regardless of their political inclinations, can operate within their frameworks.

The political stance in legal interpretation is a result of the values, perspectives, and choices of the interpreters themselves. Whether an interpreter leans left or right on the political spectrum is influenced by their personal beliefs, ideologies, and the contextual factors surrounding the legal issue at hand. The models serve as tools or lenses through which interpreters view and articulate legal meanings, but the inherent political nature arises from the human agency involved in the interpretation process.

In essence, the diversity in political stances among interpreters reflects the pluralism inherent in legal interpretation, highlighting the dynamic and subjective nature of this field. The models provide structure, but it is the interpreter's agency that introduces political dimensions into the narrative of legal meaning.

This lack of inherent political essence in modes of interpretation resonates not only with semiotics but also with the discipline of comparative law. Comparative law, at its core, seeks to understand and analyze legal systems across different jurisdictions. By recognizing that various modes of interpretation can coexist without a predetermined political stance, comparative law becomes a space where diverse perspectives can be explored and understood.

The realization that norms cannot self-apply underscores a fundamental aspect of the legal landscape – the necessity for human agency in the application and creation of meaning. Similarly, paradigms of interpretation, regardless of their theoretical foundations, are not self-executing; they rely on the active engagement of legal practitioners to breathe life into legal texts. This recognition, far from diminishing the significance of norms and interpretative frameworks, places a heightened emphasis on the agency and responsibility of individuals within the legal profession.

In a world where norms are not self-executing entities, the onus falls on legal professionals to imbue them with meaning through thoughtful interpretation and application. Each layer of the legal system, from lawmakers to interpreters and practitioners, plays a crucial role in shaping the normative landscape. This insight, I contend, encapsulates the essence of Sacco's message in his examination of these layers within the legal system as formants contributing to the creation of rules in their application.

The analysis of various modes of interpretation reinforces the understanding that norms, devoid of human interpretation, remain inert symbols. It is the responsibility of legal actors to infuse these symbols with substance, context, and relevance.

Moreover, the acknowledgment that paradigms of interpretation do not guarantee the production of meanings independent of human intervention underscores the need for personal responsibility in legal practice. Legal professionals are not mere conduits for established norms or interpretative models; they are active participants in the ongoing construction of legal meaning. This realization calls for a sense of ethical responsibility and a commitment to the principles that underlie the legal system.

In essence, the interplay between norms, interpretative paradigms, and human agency emphasizes that the legal profession is not a passive endeavor. It requires active engagement, critical reflection, and a deep sense of responsibility. As legal practitioners navigate the complex terrain of interpretation, they contribute not only to the application of norms but also to the continuous evolution of legal meaning. In this context, personal responsibility becomes a cornerstone, reminding each layer of the legal profession of its vital role in shaping the normative landscape.

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