

Ahmad Pakatchi

Previous laws affecting the meaning of legal statements

Each legal statement while enacted is a reply either to a previous law now abrogated, or to a lack and silence in the body of laws. Based on the dialogic model in study of meaning, there are some semiotic bounds which tie the proto-law to meta-law (newly enacted law). In the time of legislation the proto-law is semiotically present, although legally absent. Then it is helpful for understanding every law to be conscious about its proto-law.

Regarding the modern times, the proto-law is often known, but while speaking of classic laws enacted since a considerable distance, the proto-law may be forgotten. In such cases, the lost thing is the body of proto-law, in spite of the fact that its bounds with meta-law yet exist. The content of legal statements includes a proto-content referring proto-law and a meta-content concerning meta-law and the meaning is produced of dialogism. Then being conscious of proto-law is important for understanding meta-law and while forgotten, it should be recovered.

In this article, the subject is followed in Russian Civil Law as a modern sample with known proto-law, and some cases of Islamic Law as a classic sample with forgotten proto-law.