

The project is intended to **examine how time affects the meaning of provisions of law and how these circumstances should be taken into consideration in the process of interpretation.**

Provisions of law change their content not just in the aftermath of an explicit interference on the part of the legislator. As time flies, the language in which the provisions are drafted changes; what also changes is the legal system that these provisions are part of, and its interpretation. The values the society wants to protect change as well, as does our knowledge of the world we live in. Last but not least, change also affects the world itself – the world that tries to keep a tight rein on the law. What follows is that the wording of a provision, unchanged in its literal layer, is read and interpreted in the light of ever-changing circumstances.

Science and case-law have thus far only marginally taken note of the problems that the passage of time generates for interpretation of the law. Meanwhile, each provisions – especially when it has been in force for a longer period of time – can be looked at the following way. A provision had a certain intended meaning the moment it was issued by the legislator. When a court is issuing its decision in some case, the conditions and circumstances may have changed so much that the provision could be interpreted differently. This observation is not unknown to philosophy and theory of interpretation. However, the antagonistic perspectives proposed by science and presenting merely two extreme points are highly simplifying and do not show the actual depth of the impact of the passage on time on the meaning of a provision. Between these two extreme points, the meaning of a provision may change numerous times, reflecting the emergence of new circumstances which could – of perhaps should – be factored in in the interpretation process. Provisions therefore have their “histories of meaning”, which start encompass anything from the moment of their enactment to the moment of issuing judicial decision in a specific case.

The ruling authority should take note of the entire history of meaning of a provision and determine which of the meanings possible from the temporal perspective will be appropriate in the case they are deciding on. Helpful in this regard may be the **intertemporal interpretation directives**, the formulation of which is one of the objectives of this project. These guidelines will make it possible to determine how to choose the right meaning of a provision in a situation where its meaning changed over time. However, the formulation of such directives requires adding two new tools to the conceptual framework of the theory of interpretation. The first of these is the concept of **interpretive moments**. An interpretive moment is a clear point in time based on which the currently existing circumstances that are important for a case could be separated from those that do not yet exist.

The second factor is the **validity of interpretation**. It is often the case that a provision can be understood in different ways, however after some time interpreters reach an understanding and begin to interpret it in the same way. This interpretation becomes important also to the addressees of law, who start to plan their actions believing that courts will understand and interpret relevant provisions in one way and not the other. In this situation we can speak of the validity of interpretation. The concept of “interpretive moment” should be used not only to determine which important circumstances should be taken into account, but also to establish whether a specific interpretation was valid in a specific point in time and if so, what it was.

The project envisages comparative analyses of literature written in three languages: English, German, and Polish. That said, the fundamental part of the research will encompass analyses of case-law, intended to establish whether courts take appropriate notice of the changeability of the content of provisions over time, and whether they are aware of the conditions and problems that arise from this evolution. The rulings will come from three areas, where the changing nature of provisions of law is the most apparent: 1. from fiscal and criminal cases, where there is the problem of protection of taxpayer’s and defendant’s trust in the interpretation conducted at the moment of assessment of a specific action. 2. from cases concerning issues from the area of bioethics, animal protection and environmental protection, including protection of air and climate (which are affected not only by a rapid development of extralegal knowledge of the world, but also by changes in socially preferred values). 3. from cases in which courts are using notions such as “historical interpretation” or “dynamic interpretation”, which directly express intuitions related to the passage of time.

The project will significantly contribute to expanding the knowledge on interpretation of the law through revealing the temporal dimension of this process, which has thus far been insufficiently acknowledged. The project furthermore offers a universal terminological network – independent of certain differences in the perception of interpretation of law that can be seen between the legal cultures of various countries around the world. In addition to that, the research planned under this project will deepen the understanding of two constitutional values crucial in a state under the rule of law: legal certainty and the right to a fair trial. Both values are under threat due to overlooking the temporal dimension of interpretation both in the process of reasoning, which leads to the court’s decision, and in the process of argumentation. Last but not least, the project will contribute to the development of knowledge on interpretation of interference law (criminal and fiscal), and on the interpretation of regulations in the area of bioethics, animal protection and environmental protection, including protection of air and climate – through thorough examination of how the passage of time affects the meaning of provisions enacted in the spheres undergoing dynamic transformations.