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A Temporal Approach to the Construction of Legal Concepts

According to Marxist Materialism, every thing, including signs, cannot exist not within a specific temporal and spatial sphere. Kelsen (1945) concurs that it is an implicit element of any legal norm that it applies to a tract of time, just as it also applies to a defined territory (including spatial and personal sphere of validity). Such an understanding is also applicable to legal concepts given they are treated as a semiotic system. The monosemy of a legal concept seems to be a consensus; however, it is not always a simple case, just as there exist the polysemy and ambiguity of the concept of the very word ‘time’ (Hoecke 2000). Based on the literature review, with case studies of a core term ‘materiality’ in information disclosure of securities by referring to some court judgments in Hong Kong, the paper will first analyze the limits of spatial analysis of legal concepts and then argue that a legal concept as a sign can be determined in terms of its connotation only in a specific temporal sphere. The paper finally suggests that a temporal approach be a viable means to construe a legal concept whether in administration of justice or in legal transplant.