

Richard Mohr

Time and Possible Narratives

What do dates mean in law? The date on which an event occurred (no more than dd/mm/yyyy) is law's fundamental record of the event, and yet it tells us so little about it: the creative work of the law builds upon such bare mnemonic foundations.

Any case or 'fact situation' is built up through narratives which, according to Cicero, may be about events or they may serve to situate persons. Arguments, for Cicero, are reconstructions of events *as they could have* occurred, like the plots of comedies.¹

In constructing a legal narrative, in interpreting a rule, or in living a life, the future is always before us as the field of our action, while the past is made meaningful and guides present action through the interpretation of these representations. Neither the narrative nor the application of the rule is ever determinate, simply because interpretation is always necessary.

Through this process of interpretation and reinterpretation we rediscover representations as such and so revive our ability to understand our past and imagine our future. The paper explores the place of narrative in this hermeneutics, and in so doing tries to clarify the relationship between fact and fiction in law.

¹ Cicero, Marcus Tullius. *Rhetorica Ad Herennium*. Translated by Harry Caplan. Edited by T. E. Page and et al., *Loeb Classical Library*. London: William Heinemann, 1954 p 24