CHALLENGING TEXTUAL INTERPRETATION IN MULTILINGUAL LEGAL SYSTEMS

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By presenting the Swiss approach to statutory interpretation, ie the pragmatic pluralism of methodologies, this paper underlines that this is a good way for the judge to take into account a basic principle: different cultures, different languages produce different texts. Since the same idea cannot be expressed in the same way in different languages, one cannot stick to the wording in order to find the common meaning of all these various wordings. More visible in multilingual legal regimes, this principle applies, however, also to monolingual systems. It is not possible to stick to a 'clear' wording without a proto-interpretation of such wording through which the judge weighs all the approaches in order to get to a solution that reflects the underlying normative values.