**Treachery and the Legal Forms:** Image, Representation and Decision in a Pragmatic Perspective

From the viewpoint of sciences in general, rationalization has historically been seen as the most important domain of sense-making used by human kind in the comprehension of reality in it’s multiplicity of sides. On the legal field, the process of decision-making is mostly associated with an aspect of rationality, mainly in a context where the modern Cartesian model of rationalism has been incorporated to the understanding of law. However, man’s surrounding reality provides him a variety of understandings that will determine his existential process throughout his intellection, and that process cannot be said to be exclusively rational. As a mechanism of aprehension of reality, language manifestates itself troughout a series of different means, and each one of them has their use limited by the usage of specific regulations, which Ludwig Wittgenstein reffered to as their “Propper Grammar” in his “Philosophical Investigations”. In this perspective, Art aswell as Law have both their usages delimited by their respective propper grammars, and thus one can appropriately infer that, in comparison to the written and spoken vernacular languages, law and art communicate and can be seen as languages likewise. Hence, in the analysis of language, the paradigm of classic pragmatism sees in the interface between significance and significant a concerning matter that goes back to the authors that took part in the Chicago Metaphysical Club, most notably Charles Sanders Peirce, whose speculations will subsequently find on Wittgenstein’s notion of “Language Games” an important theoretical development. Just as there are different forms of arts, and different fields of law, there are different ways of using the instrumentality provided by the language, in a way that the games will always be present in both cases. But it is of primary relevance to percieve that in art the creative *praxis* has an element of anarchy, an element of contradiction or paradox that in several cases goes against the established premisses, betraying them and setting new ideas. That process of creating paradoxes inside the language percieved in the creative *praxis* of art is also seen in law. In that sense, Belgian surrealist painter René Magritte offers a very iconic starting point with his painting “The treachery of images” (“La trahison des images”), leading towards the comprehension of the anachic deconstruction of notions that is present both in art and in law. Using the language of art as the primary approach of the subject of representation and meaning, this article aims to analyse how this process of treason of the initial premisses is often a very important mean towards the development of the comprehension of law and the process of decision-making. Thus, noticing that Charles Peirce’s idea of fallibilism challenges the alleged objectivity and absolute certainty of any approaches endowed with a scientific view, could always seem about to be contested by future events, it is relevante do sign out that both art and law, in their assimilation and interpretation, enable a process of deconstruction in their linguistic character. As a relevant example of this process lies in the fact that it was through the betrayal of the image historically formed around the concept of marriage that the Brazilian Supreme Court recognized the affection as the key element in the formation of families, and only then could encompass legal situations of people in need of that sort of legal protection. Had it followed the purely logical and objective way the language game proposed for the understanding of this concept according to the rationality that had historically been applied to the Federal Constitution of 1988, it would certainly remain on igoring such situations for a long time. That process denotes the great importance of the pragmatic view that there is in facing the reality percieving indetermination not in form of arrest, but viewing in this opening of indeterminacy, like the fallibilism of Peirce, the possibility of innovations that often come to "betray" the initial logic glimpsed in the system to transpose obsolete visions. And this treachery of the initial propositions can only be seen as a negative aspect if one is linked to a cripling vision of a parallelism of perspectives about reality, a vision that has an exclusively rational understanding of it and disregards any changes made troughout the socio-cultural dynamics which is proper to mankind.