

Elisabeth Mayr, Peter Sandrini  
University of Innsbruck, Austria

## COMING TO TERMS WITH LEGAL INFORMATION

### 1. Introduction

We all have to deal with legal terminology in one way or another. Legal terms can constitute a serious communication barrier, though, when there are economic or cultural contacts between two or more countries. Each communication partner uses the terms of his own legal system, and even if there is a word for word translation, he presupposes that the other understands and has the same knowledge background which is not always the case. To prevent this kind of problems, speakers should have a legal knowledge base at their disposal which they can consult starting from terms of their own legal system which they are comfortable with and which lead them to the - maybe different - concepts of another legal system.

This paper focuses on the management of multilingual terminological legal information and tries to describe a new approach to visualize legal knowledge through terminology.

### 2. From terms to knowledge units

Traditional legal lexicography focuses on terms describing their meaning and usage producing alphabetical dictionaries. An alternative way would be to analyze the needs of communication partners developing tools in order to facilitate legal communication across the boundaries of national legal systems.

Such kind of tools should support people who want to sell goods in another country and wish to know typical contract clauses and their implications, or a company who plans to establish a local branch across the border. This kind of user may need translations of words and terms, but their foremost interest is to know the pitfalls and implications they may venture into when they use terms and concepts in another language whose content may very well be totally different from their own. Obviously, they would need to consult a specialized lawyer, but in the first phase a terminological product along the lines laid out in this paper could give at least an overview over terms and concepts or legal knowledge in general regarding the other legal system.

Legal knowledge is regarded as a system of concepts intended to regulate the social life of individuals (Sandrini 1996: 25, 95). As such, legal concepts are the result of a social contract and thus deeply rooted in a national legal system.

Dahlberg defined concepts as knowledge units (1976) which themselves are - in our case - part of a culturally rooted knowledge system, the legal system. Knowledge units and consequently concepts are culturally determined, terms are language dependent. This distinction comes alive in the context of the Interreg project.

The goal of terminology management in the field of law is to document and to describe the concepts of a particular legal system in all the languages used. The concept in the sense of a knowledge unit is central to this task where a strict concept-oriented terminographical approach should be applied. Only as elements of a particular legal setting embedded in a knowledge structure concepts are able to convey their specific role and meaning to the user.

### **3. Confronting legal knowledge units**

#### **3.1. Interreg II project**

The terminology section of the institute for translation and interpretation at the University of Innsbruck is working with its project partners at a project financed by the European Union in the framework of the Interreg II programme which aims at facilitating regional cross border cooperation. Terminology plays an important part in multilingual communications across national borders in all fields, but it becomes vital where people interact between different legal systems. The research project should come forward with terminographical products in legal subject fields with particular regard to economic cooperation. The glossaries shall enable users to gather information about legal terms, legal concepts and the respective legal setting in the other legal system. The region for which project funding has been granted is the Land Tyrol (Austria) and the autonomous province of South Tyrol (Italy): two legal systems (Austria and Italy) and two languages (German and Italian) while one language (German) is used in both legal systems (in Austria, and in Italy for the German minority) and the other language only in one legal system (Italian in Italy).

#### **3.2. Comparative law and terminology**

The user of a terminological product starts with the concepts and the knowledge of his particular legal background in his mind. He wants to know whether there are equivalent or similar concepts or regulatory elements in the country he has to

deal with (e.g. manager in the export department of a company, a lawyer with a client from the other legal system).

We take for granted a rigorous conceptual approach to terminography which implies that one concept and all the information categories for this concept should be dealt with in one entry. The second assumption for a conceptual approach is that cross-language equivalence is given only in the case where both terms refer to the same concept or - the other way round - where we can speak of identical conceptual characteristics (intension).

Now, in legal terminology we almost never can speak of identical conceptual intension when the cultural and knowledge background (i.e. the legal system) is a different one, and several authors have argued that equivalence is not possible with terms coming from different legal systems and that a comparative approach should be taken in legal terminology work (e.g. Kjaer 1995, de Groot 1991, Sandrini 1999).

Terminographical products should not aim at entries which propose an immediately insertable equivalent, but rather at a product which gives access to the knowledge elements used in another country for the same situation. Modern translation theory supports this statement when it introduces situational elements - such as the skopos, the initiator or target text related parameters in general - which strongly influence all decisions to be taken by the translator. The choice of target language terms depends on these factors and they cannot be exchanged automatically. For terminography this means that terminographical products should give all necessary information for translators to enable them to make the right choices based on the situational parameters of their translation. This statement obviously applies also to other users, in particular people who come in contact with another legal system and have to understand how concepts work in different situations.

#### **4. Legal knowledge resources**

The core question is what kind of information do users need and how can a terminographical product fulfill these expectations.

While the identification of needed subject fields was relatively easy - the described project started with a regional survey through a questionnaire distributed to about 500 potential users which gave a rather clear picture of the terminological requirements regarding cross border cooperation (law of contracts, economic law) - more research is necessary to define how terminological products should be structured to meet these needs. However, the project started with a comparative approach which implies that information about concepts in both legal systems is central to the user's needs.

In the light of what has been said above, the final products of a comparative approach must meet some subject field specific requirements:

- a rigorous distinction of the legal systems involved and consequently
- a strict concept oriented approach
- different levels of equivalence to express common ground but also structural differences.

Documentation of knowledge units from each national legal system is the first step. That is the description of concepts, classifying them according to legal settings and statutes, listing terms denominating them, context examples, etc. Terminological entries contain information about the concepts from one legal system.

In a second step the concept entries from one legal system are confronted with the entries from another legal system and possible points of relatedness are identified.

#### **4.1. Terminology Management Systems**

TMS can be used to store information about concepts in one legal system. Conceptual entries (one concept one entry) always must refer to a concept from one legal system. Concepts coming from two legal system cannot be combined in one entry since absolute equivalence is not given.

Starting from this principle within a TMS we defined a database with the following entry structure. The categories are displayed in a abstract, platform independent format which can be produced automatically by export routines of modern TMS.

<i>header</i>	
<termEntry ID=>	unequivocal entry identification
<legal system>	legal system to which the concepts belongs
<subject field>	classification of subsets within the legal system
<glossary>	identification of subproject
<leg>	statute, provision, law central to the concept
<i>term</i>	
<term>	
<grm>	part of speech, genus
<definition>	concept description
<src>	source of definition
<context>	context example
<src>	source of context
<i>alternative term</i>	
<term>	alternative terms for the concept
<grm>	part of speech, genus
<type>	synonym, abbreviation, variant
<context>	context example
<src>	source of context
<i>concept relations</i>	
<superordinate concept>	
<subordinate concept>	these data categories
<coordinate concept>	crosslink to the
<part of>	respective entries of the same
<whole>	legal system
<presupposes>	
<presupposed by>	
...	
<i>equivalence relation</i>	
<direct relation>	links to a comparable concept in the other legal system
<indirect relation>	links to one or more functionally comparable concepts in the other legal system

All data categories refer to one legal system, except the equivalence relations. It is very important to distinguish two categories of crosslinks to other entries: links within a legal system and links between two legal systems.

Links within a legal system are embedded in the concept relations data categories. The table gives examples of possible concept relations. Developing strict concept hierarchies in law is a complex task though. We had to define new concept

relations beyond the traditional classes of super- and subordinate concept, part of, causal or temporal relations. Each class of concept relation represents a link to the respective entry. It was important for us to crosslinks entries as much as possible even if we had to introduce new relation categories. A net of concepts should be developed in all small subject fields defined by subprojects with each concept embedded in the respective knowledge structure.

Links between legal systems should provide a bridge to comparable concepts. In the framework of the project we defined two degrees of relatedness: a) a direct link to a concept in the other legal system which can be regarded as more or less the same, though never a case of the same concept intension due to another legal context, other traditions, other cultural and ethical values, etc.; b) an indirect link in cases where a more direct one is not possible because of differing concept structures or different legal settings. In theory also a third hypothesis exists in cases where neither a direct nor an indirect link is possible: no link to the other legal system. In such cases the embedding in a net of concept relations could also provide a way to access information maybe entering the other legal system through comparable concepts for the superordinate concept or other concepts located near the concept in question within the concept system.

TMS' are productivity tools and should be used as such, their main advantages are:

- unified entry structure
- easy data administration (data input and update)
- efficient data management
- easy sorting and searching

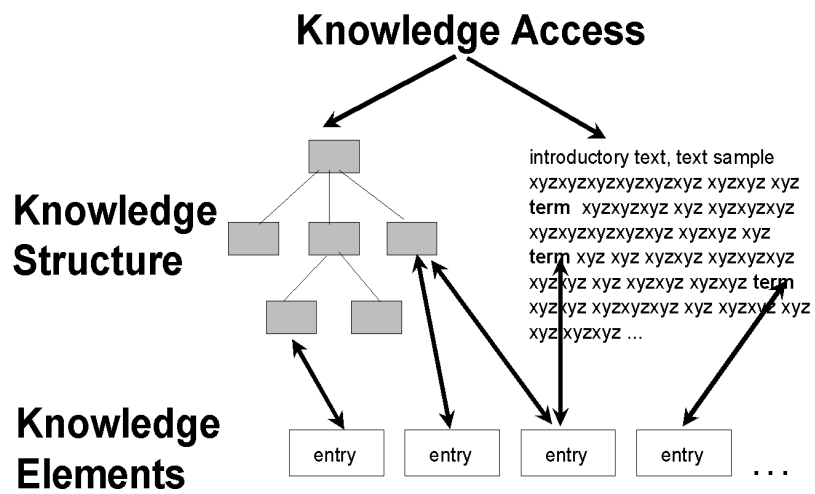
They are, however, inappropriate as knowledge representation tools because of inadequate means to represent knowledge structures. In particular main disadvantages for us were:

- inconsistent linking technology
- no degrees of equivalence possible
- lack of text management

#### **4.2. Text based terminology**

Text-based terminology usually refers to automatic term extraction from a corpus of LSP-texts or frequency based term analysis. In this context it is used at the beginning of the terminographical process. We would like to introduce the concept of text based terminology also for the other end of a terminographical process applying it to the terminographical product.

Simple one-to-one equations in dictionaries are given up in favour of more complex information systems where terminology is embedded in an overall knowledge resource on specific legal topics. This means a short introduction into the envisaged legal topic referring to the Austrian legal system is followed by a similar reproduction of legal provisions and regulations in Italy. Such an introductory description constitutes the first text into which terminology is integrated and can be described by adequate terminographical entries. Furthermore, we plan to add instances of text types typical for the legal topic (e.g. statutes, contract samples) which again should be linked to the terminographical entries.



Thus, the textual material works as a backbone for terminology and the use of concepts on the one hand, and as an alternative access to subject field knowledge on the other hand. Terminology with its concept systems constitutes the other access to knowledge structure which is supported by links to the textual material.

This way we intend to represent terminology in the shell of subject specific texts as well as subject field knowledge through structured terminology.

#### 4.3. Technology

As we have seen TMS' offer considerable advantages in recording and managing terminological data, but such systems are not well suited to knowledge representation in legal subject fields. For this reason we use a TMS for data entry in the format described above and use export routines for converting data into a format which enables easy access to terminology and knowledge.

Traditional paper dictionaries could be one output but the conversion of electronic data on legal concepts in a TMS to a user-friendly paper dictionary format is not a trivial task (see Mayer 1997). In the framework of the Interreg project both paper dictionaries as well as electronic products shall be produced. The electronic version will be CD-Rom based.

The new Internet technology which is evolving right now constitutes a modern tool combining hypertext (HTML) and structured information (XML) allowing the production of user-oriented products which are able to overcome database specific limitations.

HTML texts can integrate XML based terminological entries: a click on a term opens up a window with the respective terminological entry (mono- or multi-lingual but always referring to one legal system) (Bray 1999). The new XML-specifications offer extensive linking facilities (W3 1998), within a XML-based glossary or between different glossaries (VHG 1999). Platform independent applications can handle the terminological data.

A legal knowledge base conceived around these assumptions is sort of a stand alone product which cannot be integrated into translator's productivity tools such as TM or TMS'. This would not be a major drawback since translators are just one class of users. Furthermore, components of such a product are build on general standards such as XML which makes integration of the terminological data into a TMS easy, or HTML which enables texts to be reused easily.

## **5. Conclusions**

In the framework of the Interreg II project we hope to develop useful tools which help to overcome the communication barriers in cross-border contacts. A concept oriented knowledge resource which integrates terminology, knowledge structures and specialist texts should help overcome the difference of legal systems and the difference of languages.

## **Bibliography**

BRAY, Tim: Beyond HTML: XML and Automated Web Processing.

<[http://developer.netscape.com/viewsource/bray\\_xml.html](http://developer.netscape.com/viewsource/bray_xml.html)> visited March 1999.

DAHLBERG, Ingetraut (1976): Über Gegenstände, Begriffe, Definitionen und Benennungen: Zur möglichen Neufassung von DIN 2330. In: Muttersprache 2/1976. 81-117.

DE GROOT, Gerard-René (1991): "Recht, Rechtssprache und Rechtssystem". in: Terminologie & Traduction, 3/1991 279-316.



- KHARE, Rohit/RIFKIN, Adam: X Marks the Spot. eXtensible Markup Language opens the door to a motherlode of automated Web applications.  
<<http://www.cs.caltech.edu/~adam/papers/xml/x-marks-the-spot.html>>.
- KJÆR, Anne Lise (1995): "Vergleich von Unvergleichbarem. Zur kontrastiven Analyse unbestimmter Rechtsbegriffe." In: Kromann, H.P.; Kjær, A.L. [Hrsg.]: Von der Allgegenwart der Lexikologie. Kontrastive Lexikologie als Vorstufe zur zweisprachigen Lexikographie. Tübingen: Niemeyer (= Lexicographica Series Maior. 66). 39-56.
- MAYER, Felix (1997): "Zur Abbildbarkeit terminologischer Informationen im Recht" In: LUNDQUIST, L.; PICHT, H.; QVISTGAARD, J.: LSP - Identity and Interface. Research, Knowledge and Society. Proceedings of the 11th European Symposium on Language for Special Purposes.- Copenhagen: Copenhagen Business School, 318-327.
- SANDRINI, Peter (1996): Terminologearbeit im Recht. Deskriptiver begriffsorientierter Ansatz vom Standpunkt des Übersetzers. IITF Series 8- Wien: TermNet.
- SANDRINI, Peter (1999): "Legal Terminology. Some Aspects for a New Methodology". Hermes, Journal of Linguistics. 22/99. Århus: Aarhus School of Business, 101-112.
- VIRTUAL HYPERGLOSSARY VHG (1999): Virtual Hyperglossary.  
<<http://www.vhg.org.uk/>> visited in March 1999.
- WORLD WIDE WEB CONSORTIUM (1998): XML Linking Language (Xlink).  
<<http://www.w3.org/TR/WD-xml-link>> visited April 1999.