



***V Legislative XML Workshop
Towards European standards for
legislative documents and knowledge
Italy, Florence, 14 – 16 June 2006***



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Provisions as Legislative Subelements

**Remarks on Biagioli's Concept
of Legal Provisions**

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Provisions as Legislative Subelements

**Remarks on Biagioli's Concept
of Legal Provisions**

by Harald Hoffmann - Friedrich Lachmayer

METADAT

A-1110 Vienna, Simmeringer Hauptstraße 24

revised Version (2)



***based on a conversation
with Carlo Biagioli at 14 June 2006***



XML



XML



Nature → Culture

XML



textual
garden

Nature → Culture

XML



garden
of texts

Nature → Culture

XML

A photograph of a formal garden featuring a complex maze of low, green hedges. Tall, slender cypress trees line the background, and a gravel path winds through the garden. A person is visible walking through the maze. The scene is brightly lit, suggesting a sunny day.

garden
of signs

Nature → Culture

XML



garden
of science

Nature → Culture



Citizens

Hoffmann - Lachmayer

Common Sense Language

CSL

Citizens

Hoffmann - Lachmayer



- LRI-Core: taking common sense seriously
 - methodological points of departure
 - evolution: the biological roots of knowledge
 - a Platonic view on ontology

Joost Breuker
WS-Standards, Berlin 08-12-2004
JURIX

Common Sense Language

CSL

Citizens

Hoffmann - Lachmayer

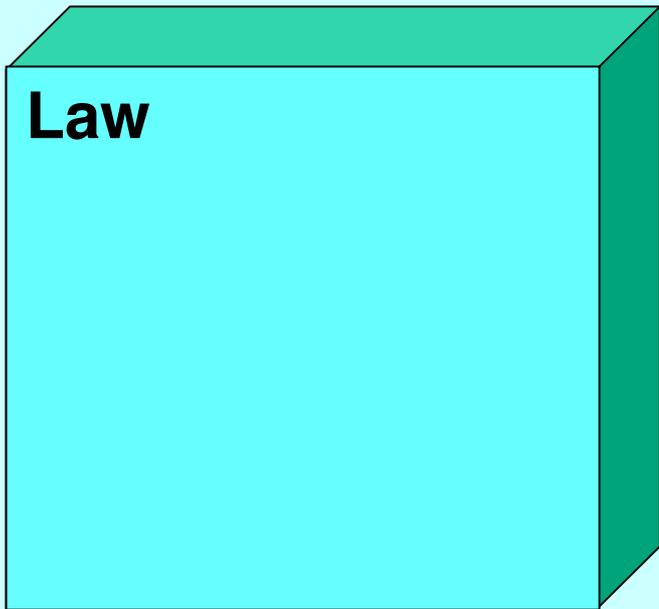
Consuetudinal Law

Common Sense Language

CSL

Citizens

Hoffmann - Lachmayer

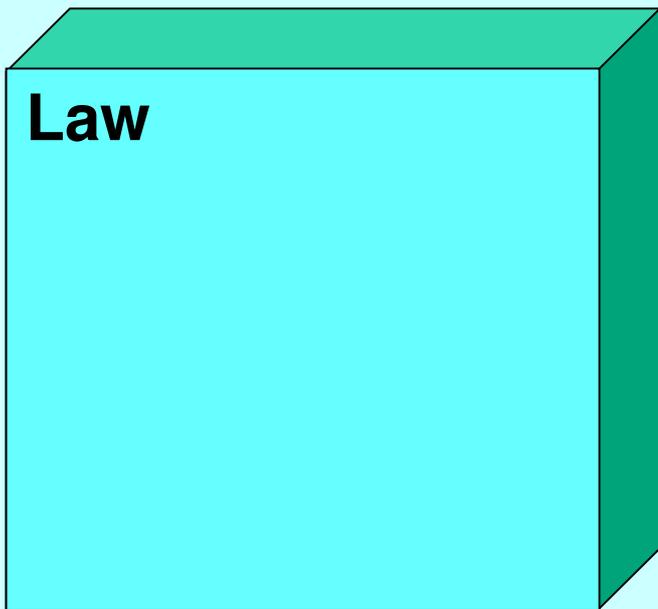


CSL



JPL

Juridical Professional Language



CSL

Citizens

Hoffmann - Lachmayer

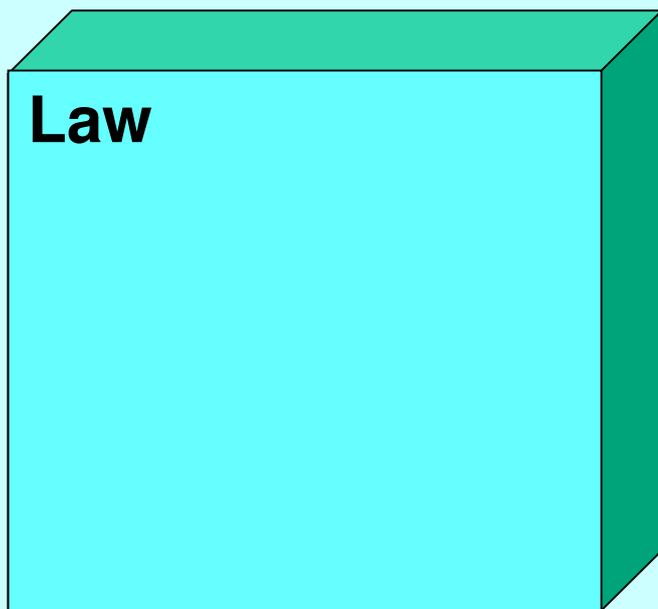
JPL Juridical Professional Language

Professional Juridical Knowledge

An Ontology of Professional Juridical Knowledge

P. Casanovas et al., Granada 2005

IVR World Congress



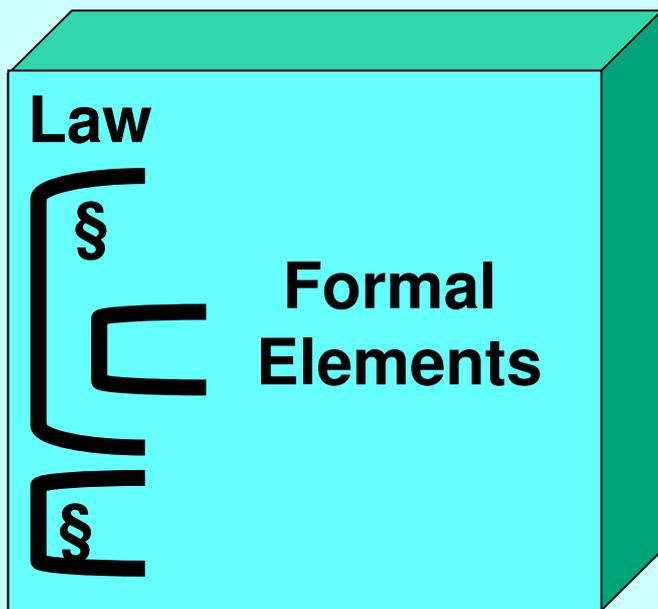
CSL

Citizens

Hoffmann - Lachmayer

JPL

Juridical Professional Language



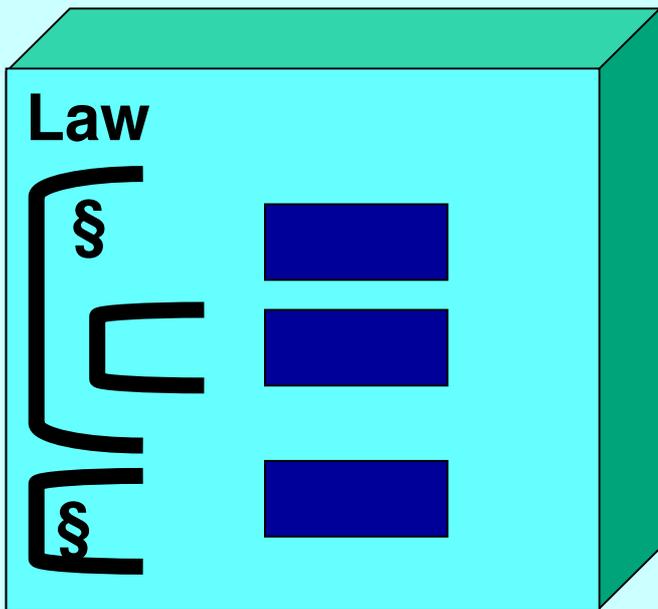
CSL

Citizens

Hoffmann - Lachmayer

JPL

Juridical Professional Language



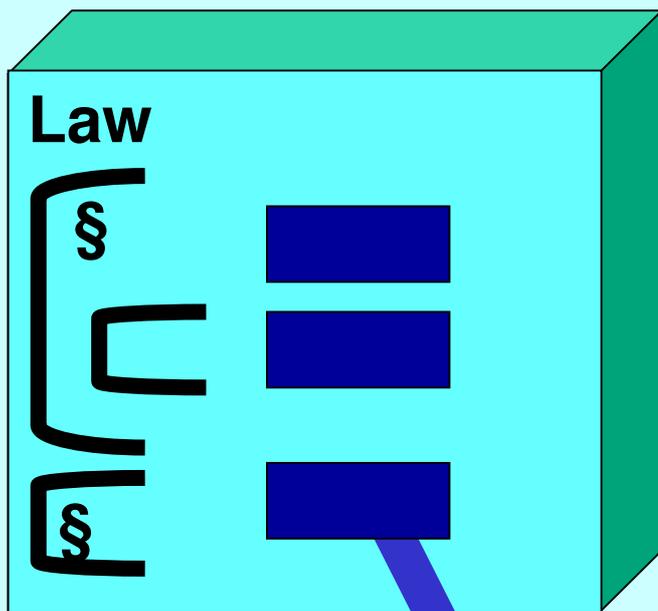
Content

CSL

Citizens

JPL

Juridical Professional Language



Content

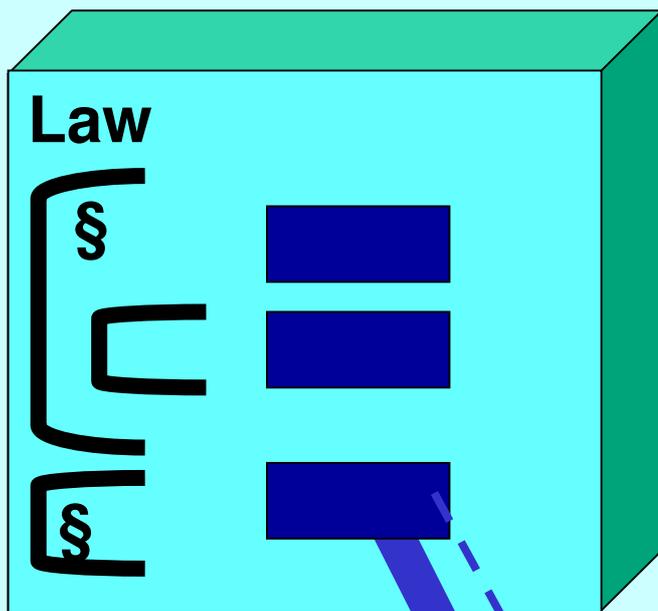
prescriptive

CSL

Citizens

JPL

Juridical Professional Language



Content

prescriptive

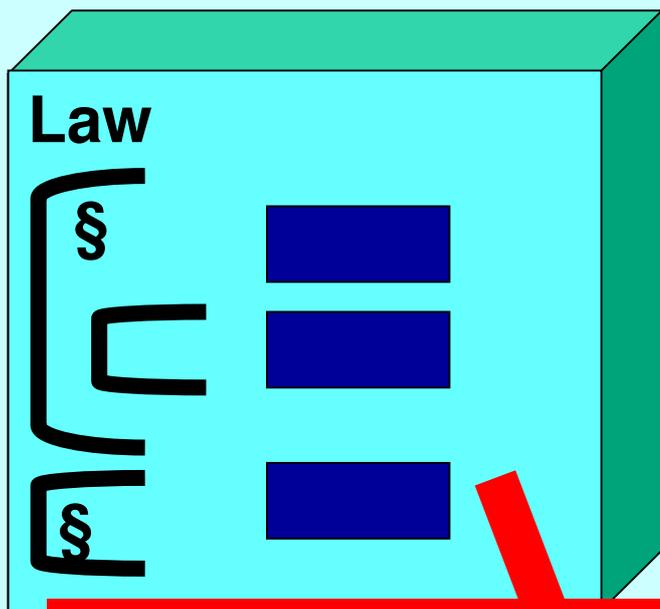
descriptive

CSL

Citizens

JPL

Juridical Professional Language



Content

problems of understanding

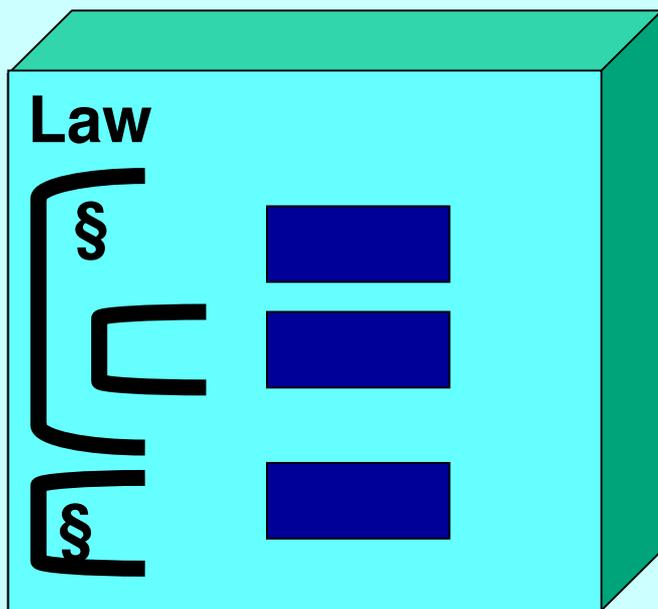
CSL

Citizens

JPL

Juridical Professional Language

professional point of view

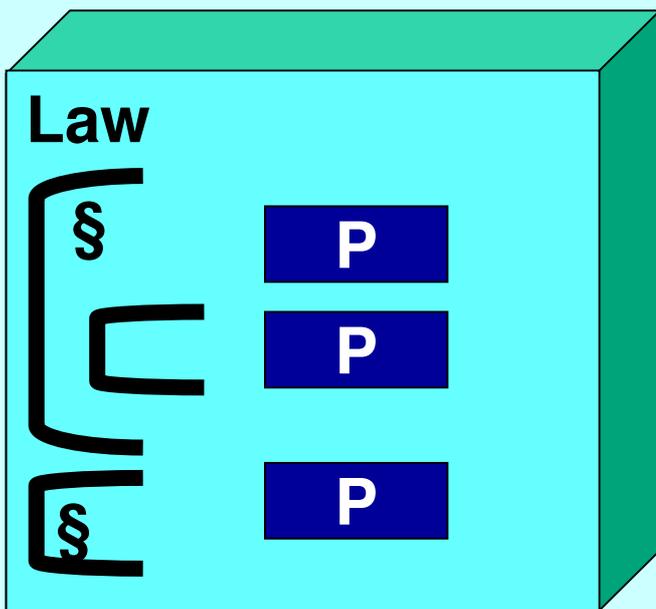


Content

Carlo Biagioli

Theory of Provisions

Legal Semantic Units

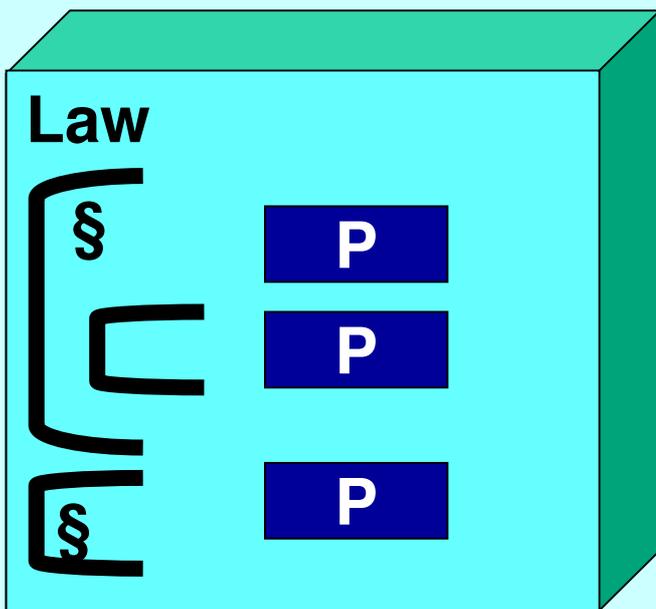


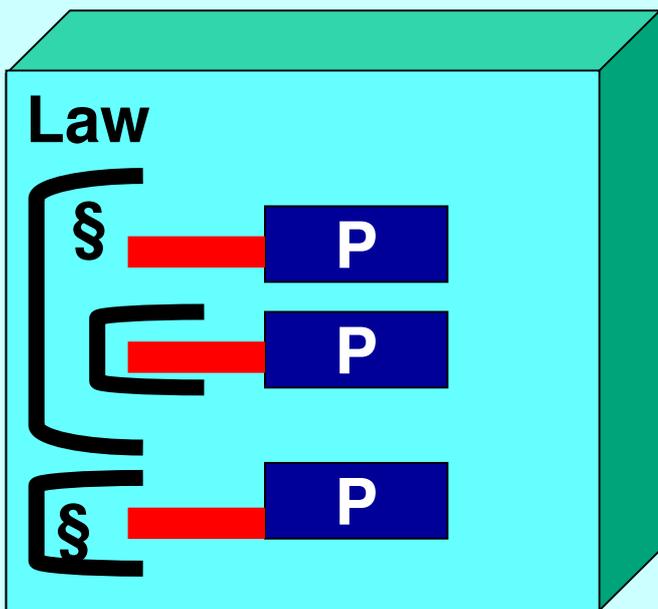
Carlo Biagioli

P Provisions

P-Families:

normativ
deontic
institutional
procedural
... etc ...

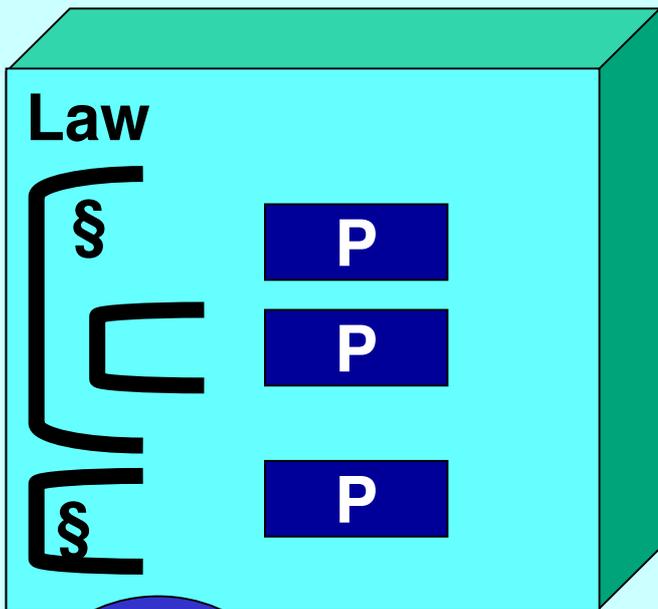




principle of aequivalence:
1 (§) ⇔ 1 Provision

Carlo Biagioli

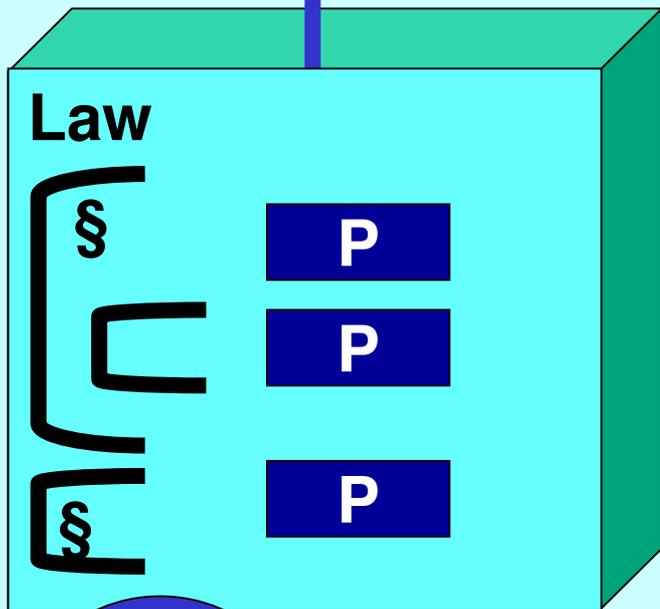
Hoffmann - Lachmayer



P Provisions

Legist

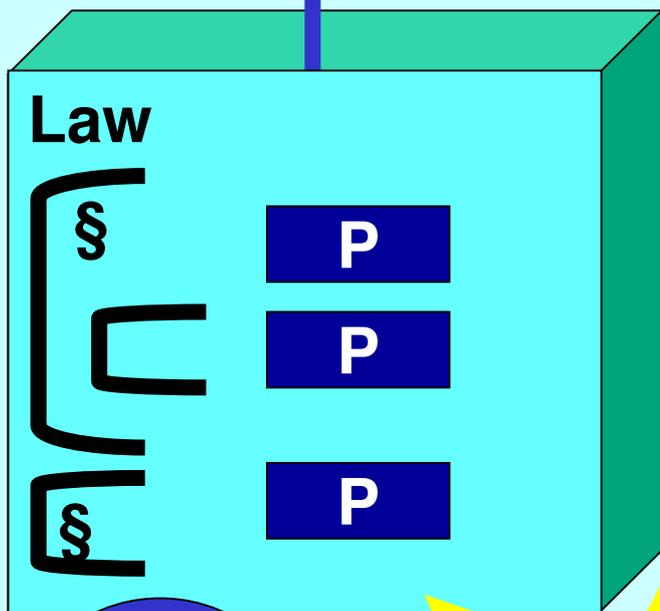
**Rules of
Legislative
Techniques**



P Provisions

Legist

Rules of
Legislative
Techniques



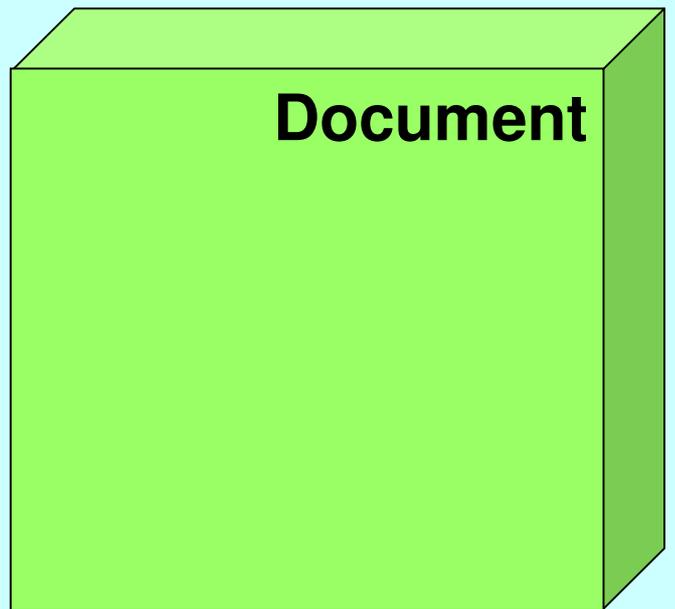
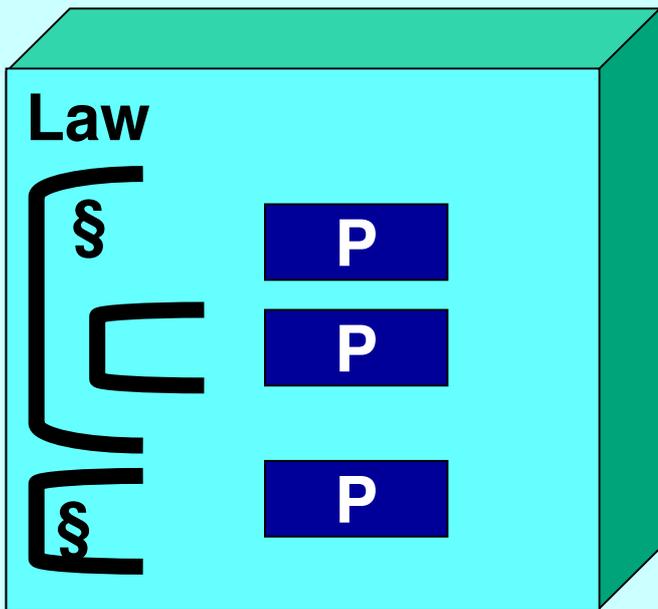
P Provisions

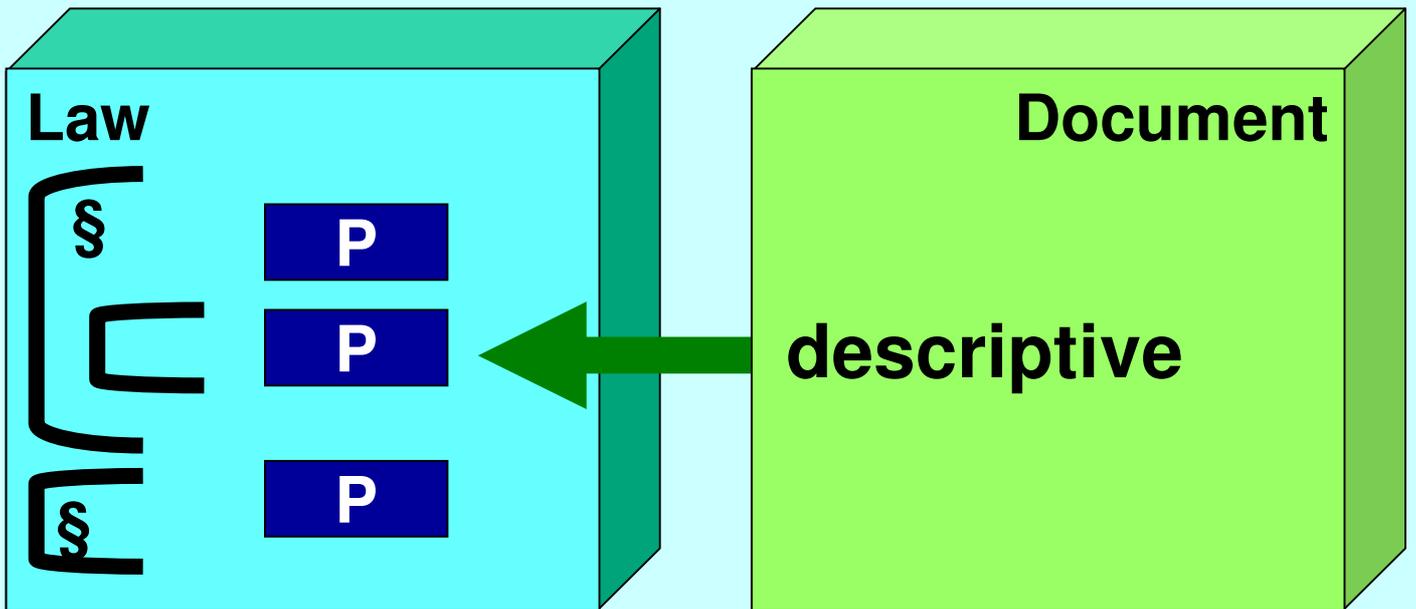
Legist

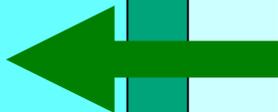
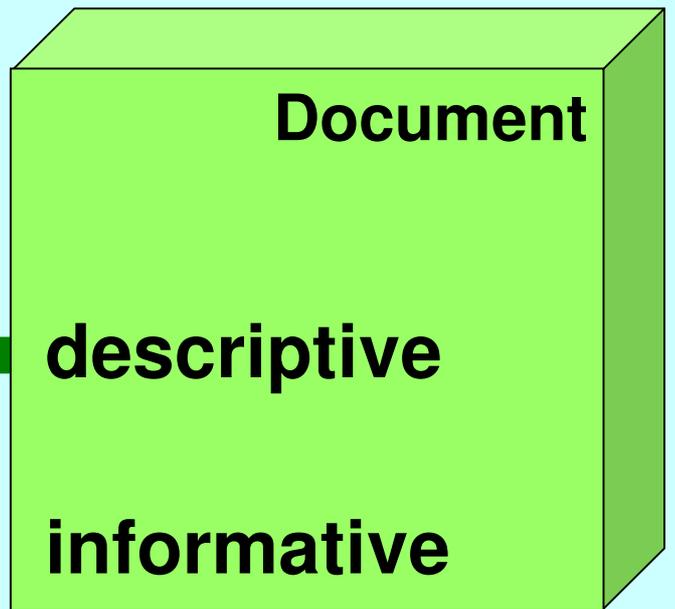
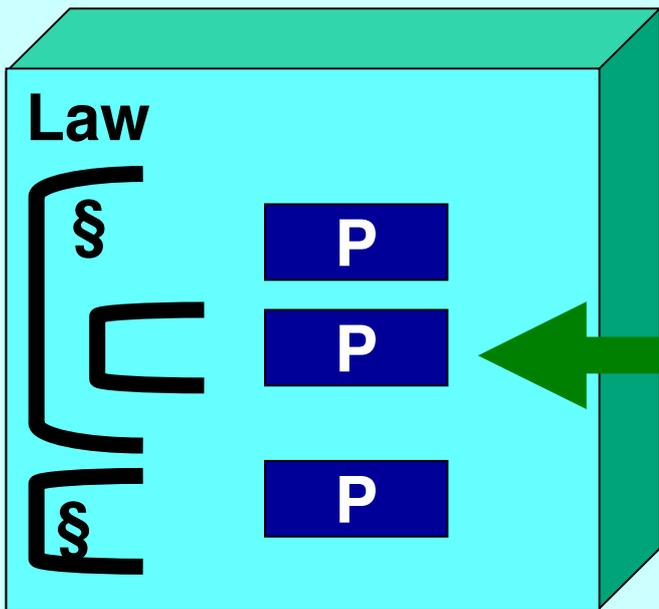
→ **legislative
reasoning**

Carlo Biagioli

Hoffmann - Lachmayer





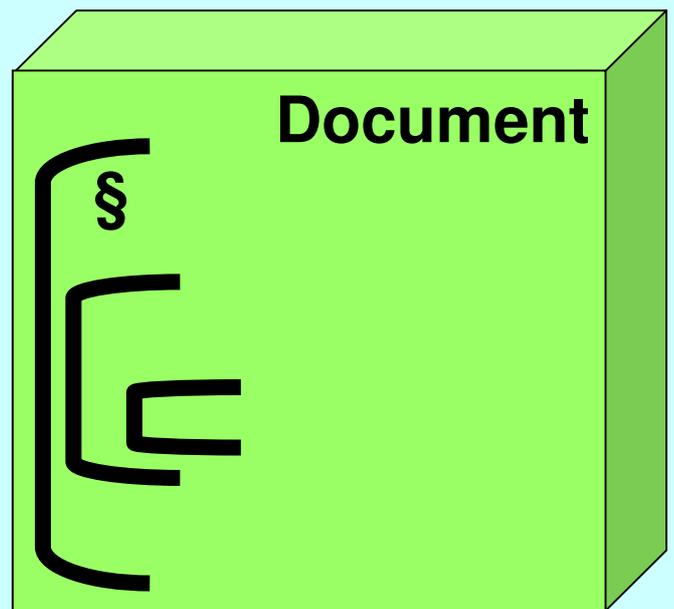
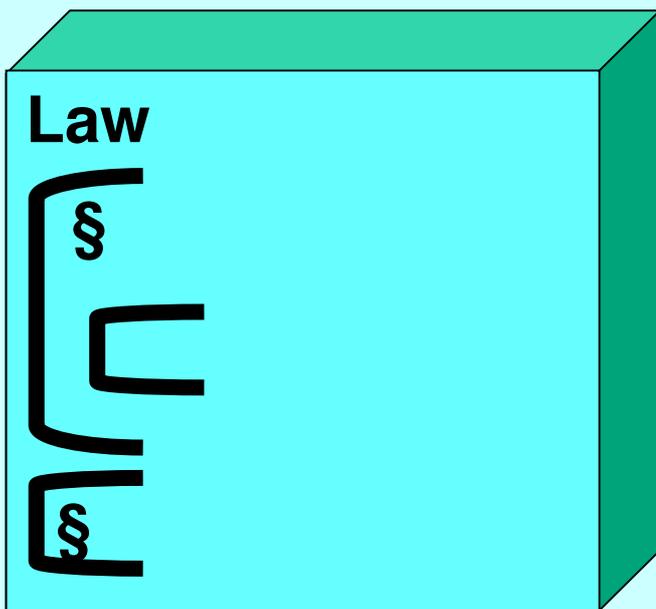


not prescriptive



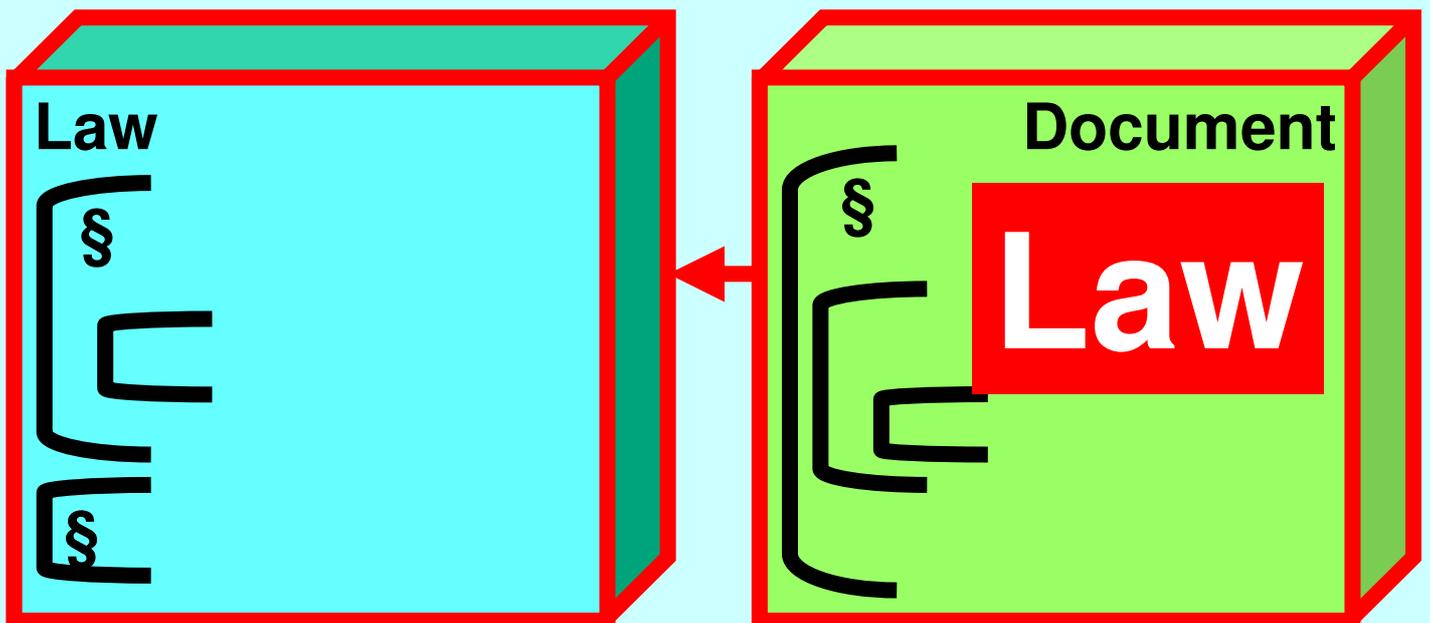
**legal
unit**

**documentalistic
unit**



**legal
unit**

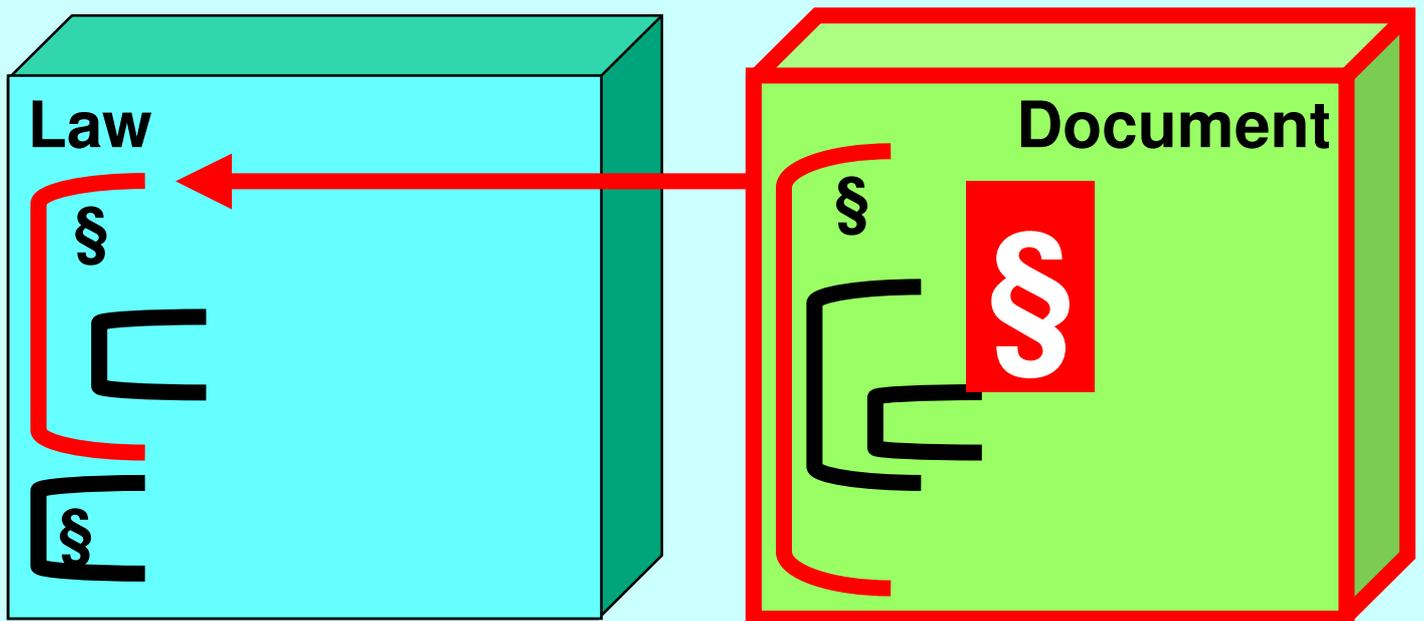
**documentalistic
unit:
Law**



**Austria:
some regional LDB**

**legal
unit**

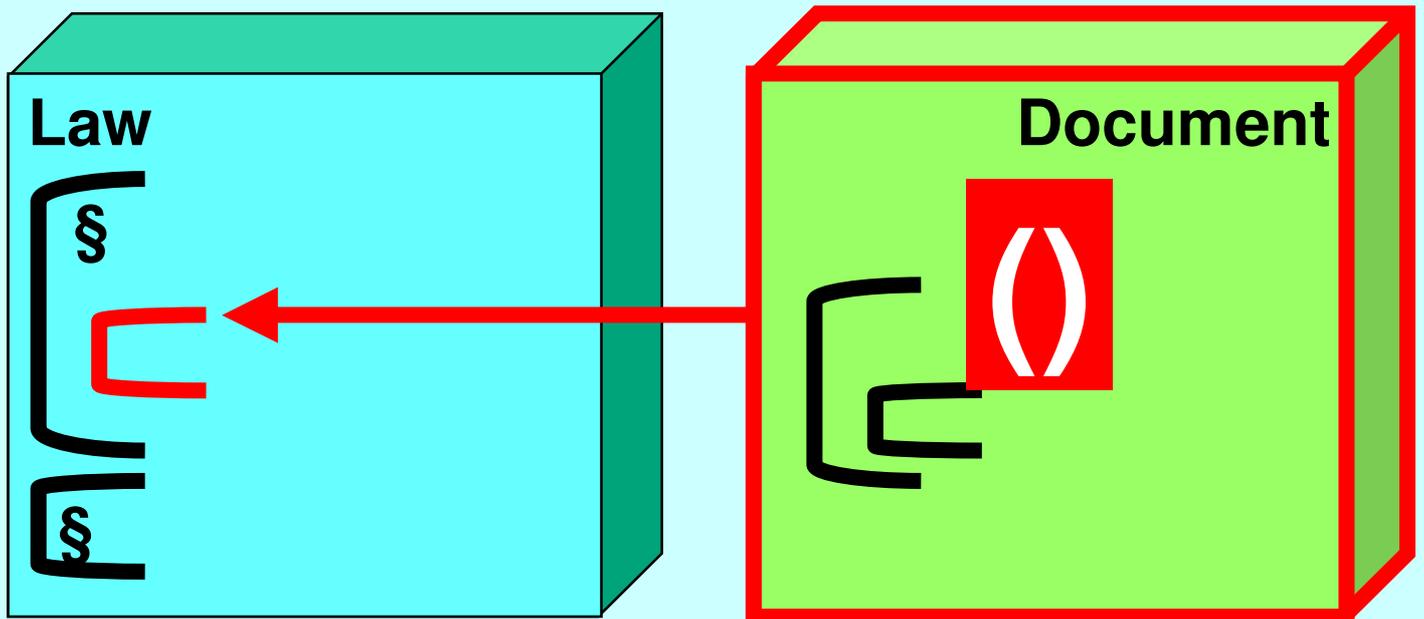
**documentalistic
unit:
§**



**Austria:
RIS**

**legal
unit**

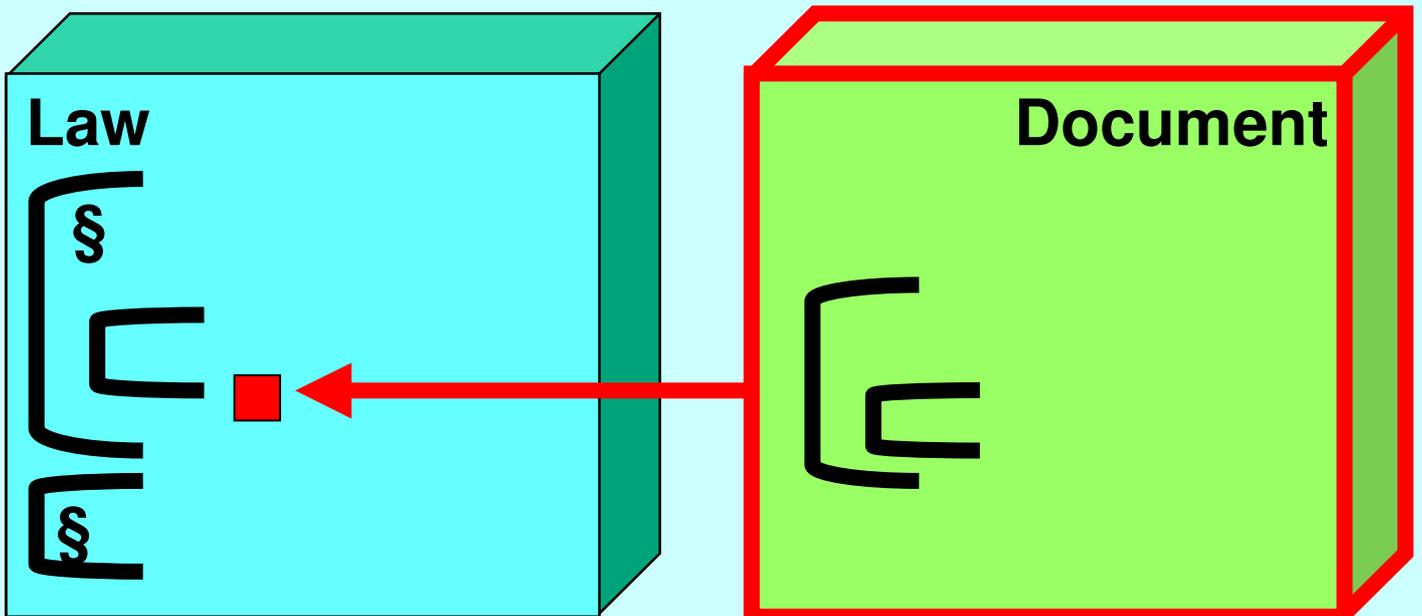
**documentalistic
unit:
§**



**Austria:
LDB of Dietmar Jahnel**

**legal
unit**

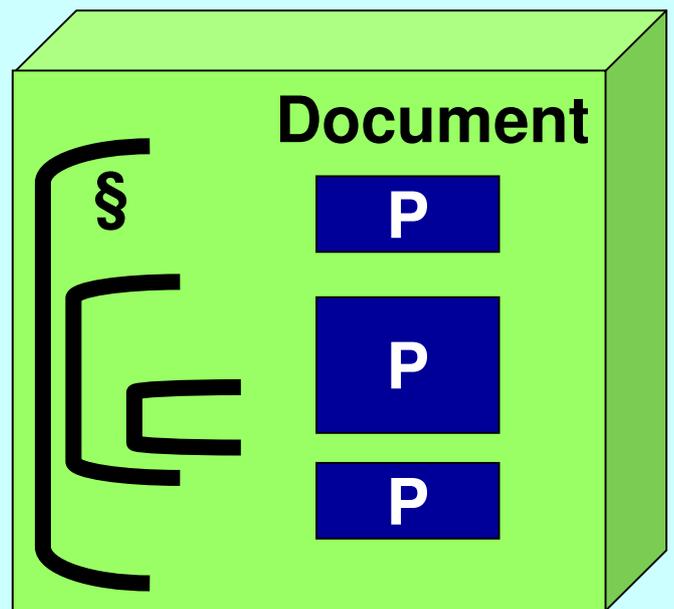
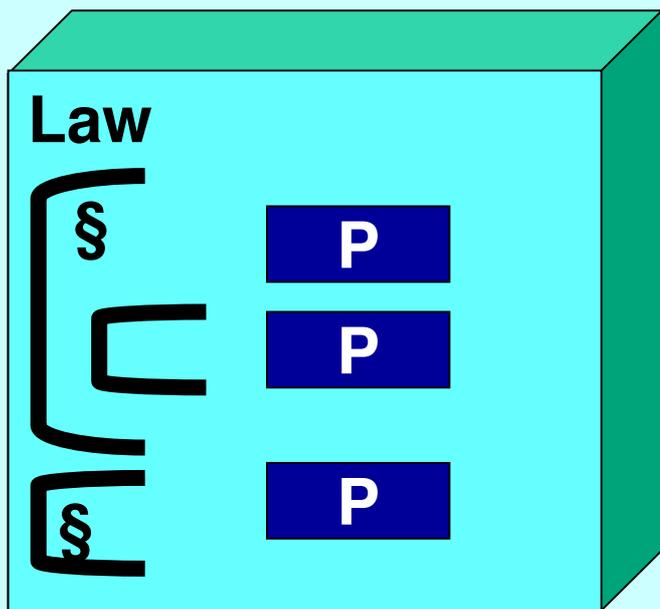
**documentalistic
unit:
a b c ,.;**



**possible:
letter, character**

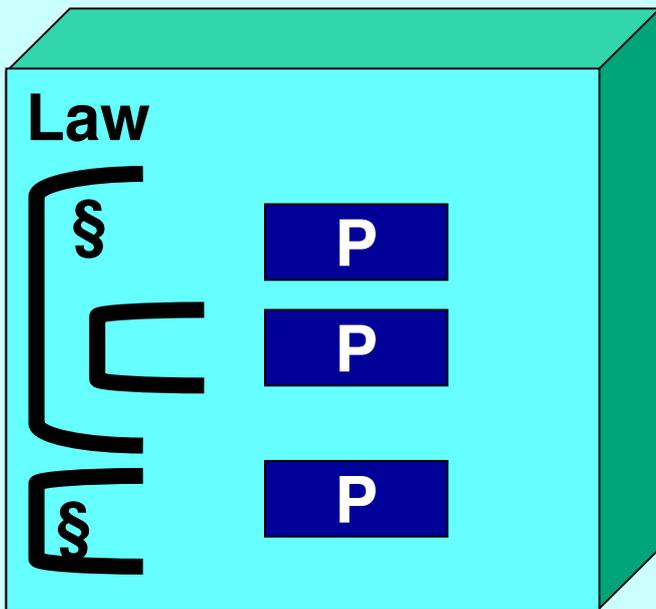
JPL

Juridical Professional Language



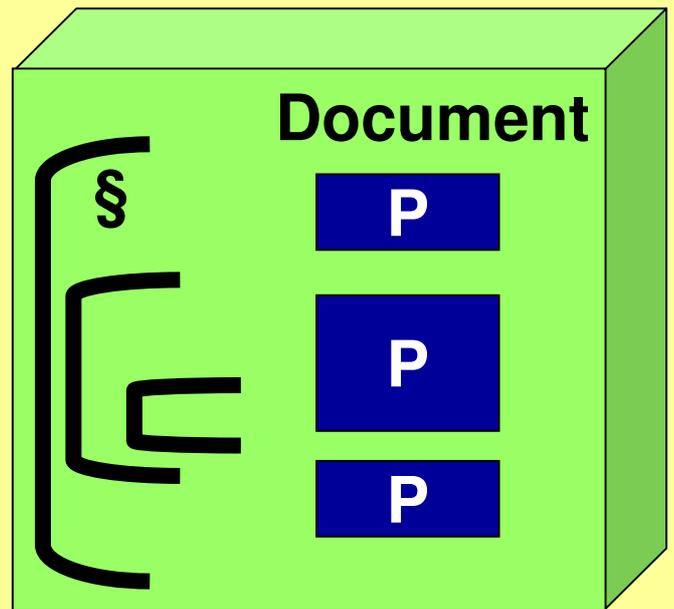
JPL

Juridical Professional Language



FAL

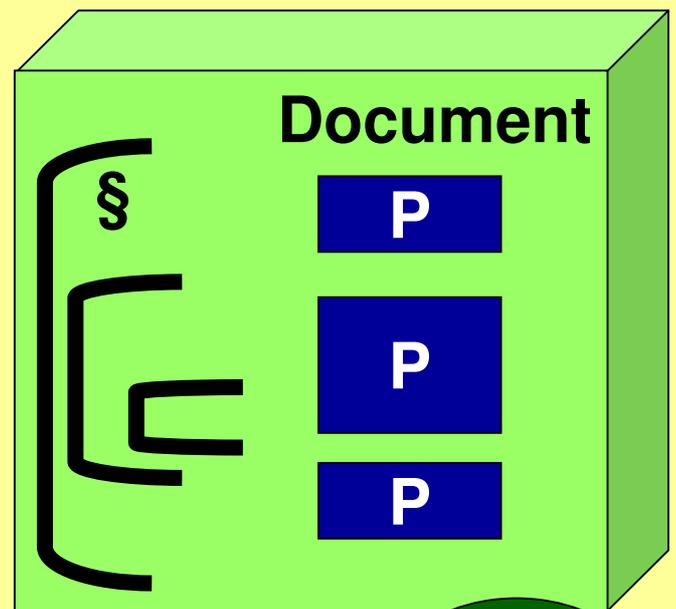
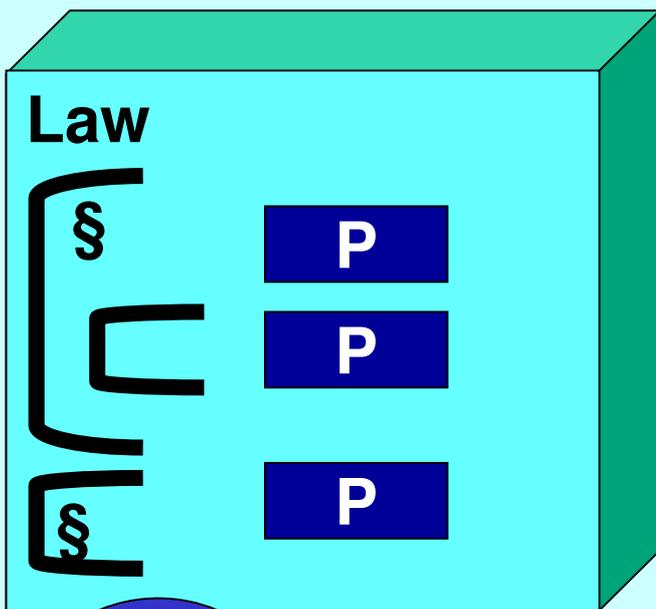
Formalized Abstract Language



CSL

JPL Juridical Professional Language

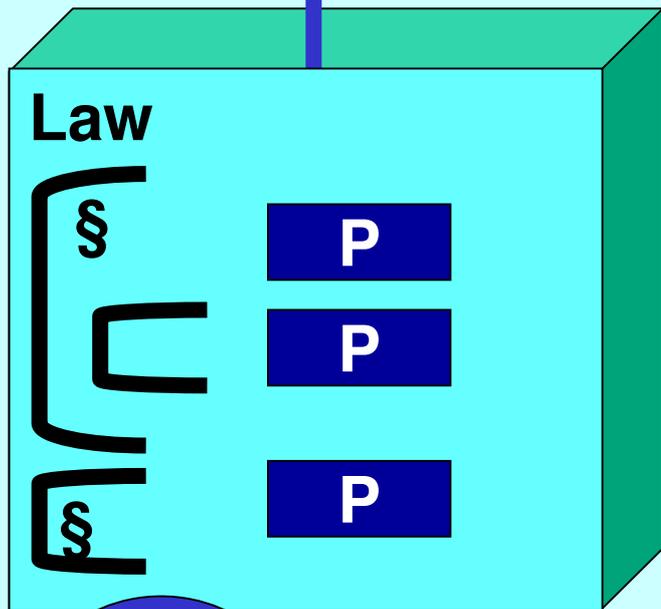
FAL Formalized Abstract Language



Legist

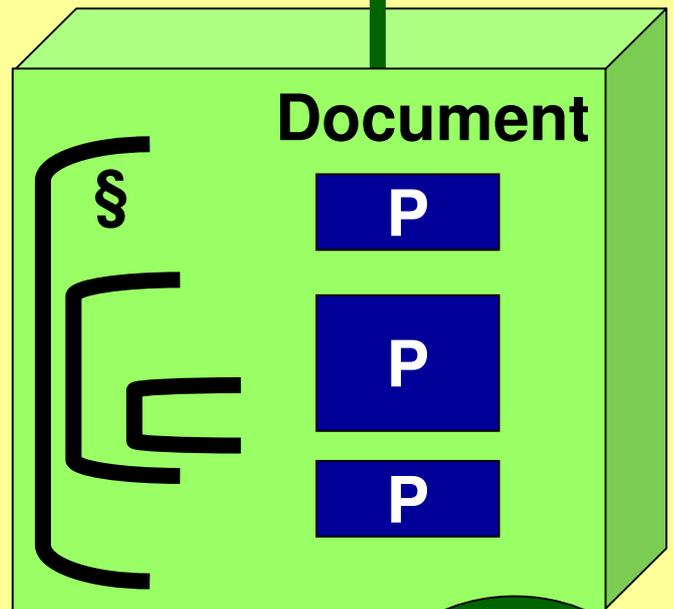
**Dokumen-
talist**

Rules of Legislative Techniques



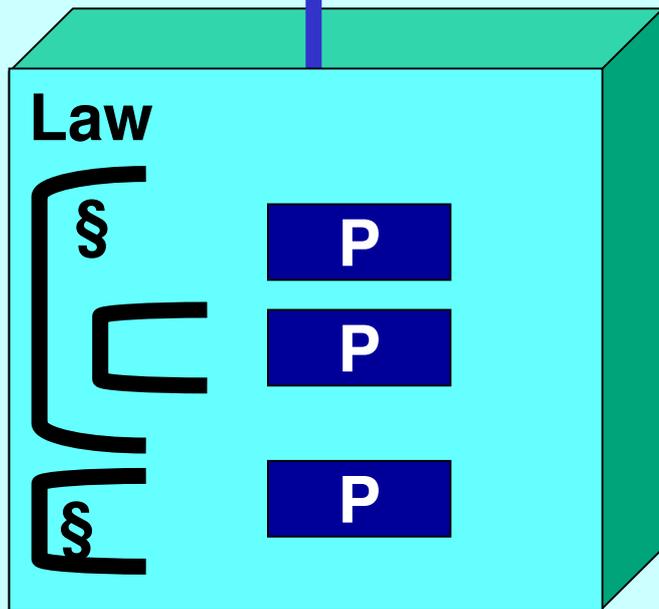
Legist

Rules of Documentation

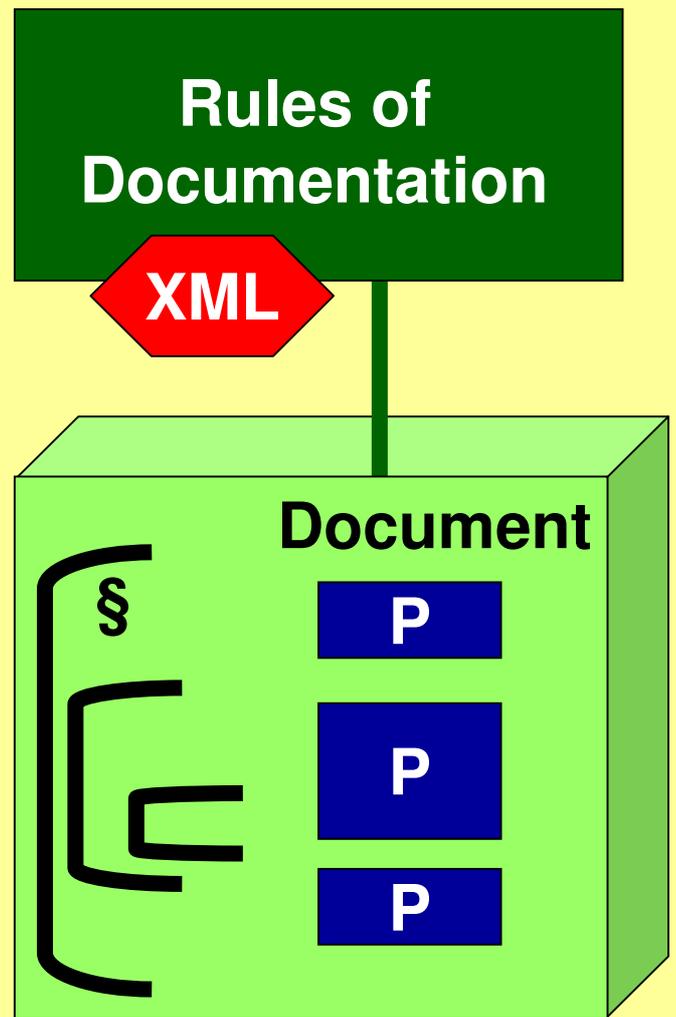


**Dokumen-
talist**

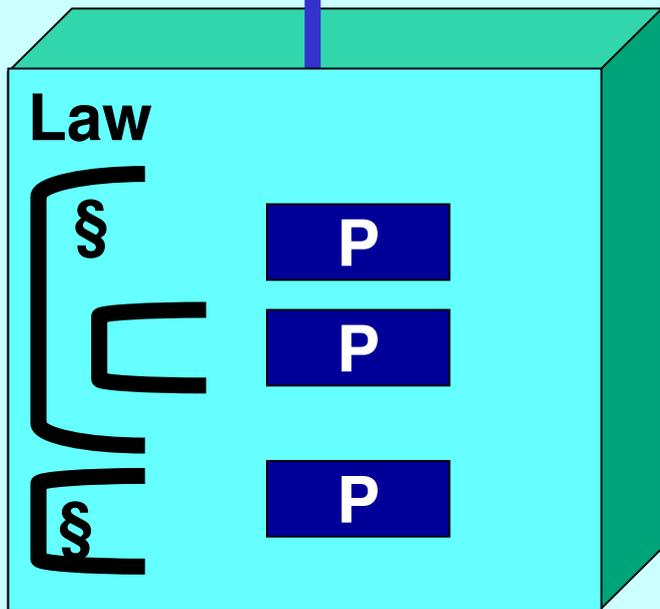
Rules of Legislative Techniques



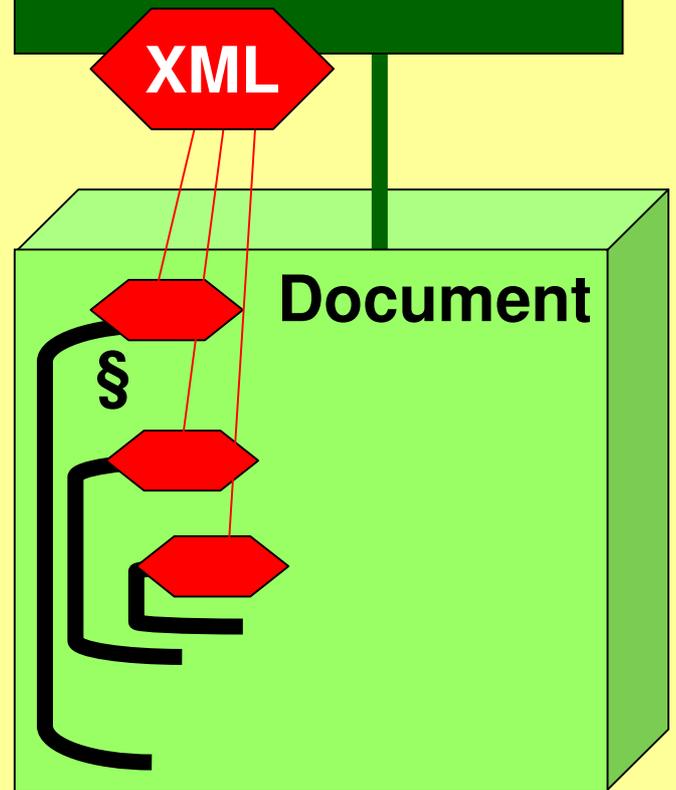
Rules of Documentation



Rules of Legislative Techniques

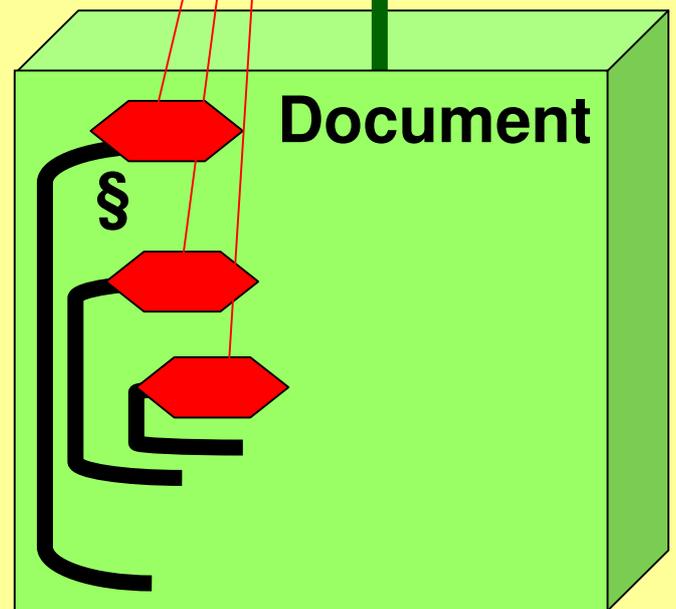
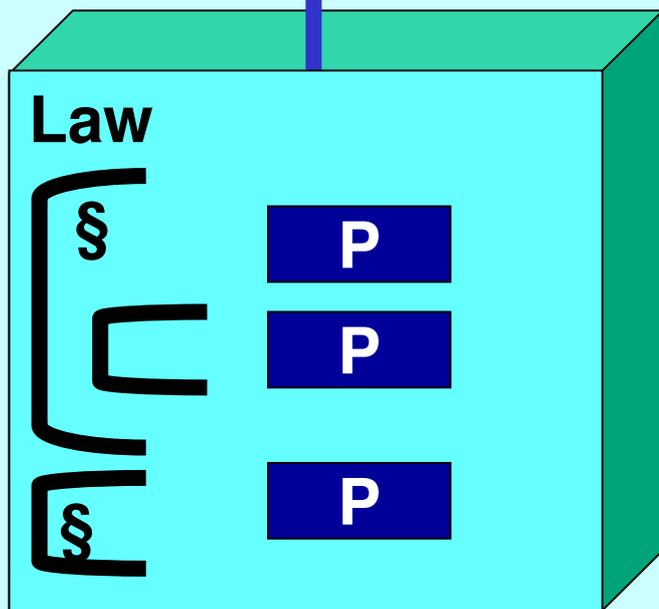


Rules of Documentation



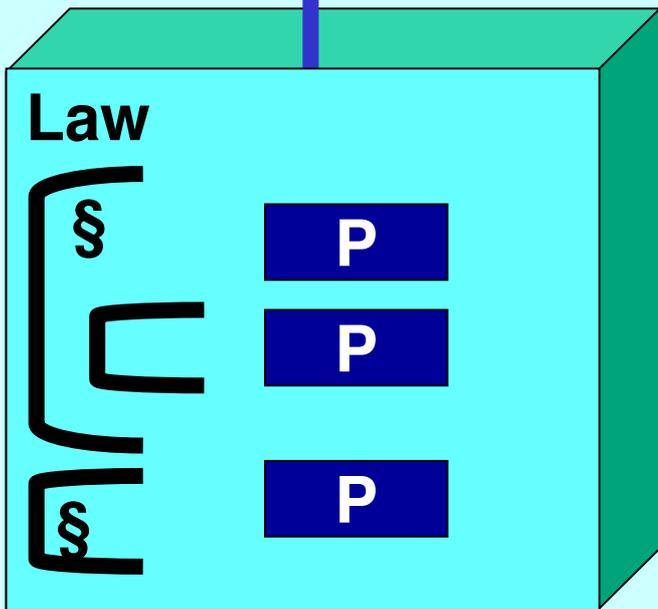
**Rules of
Legislative
Techniques**

**Rules of
Documentation**

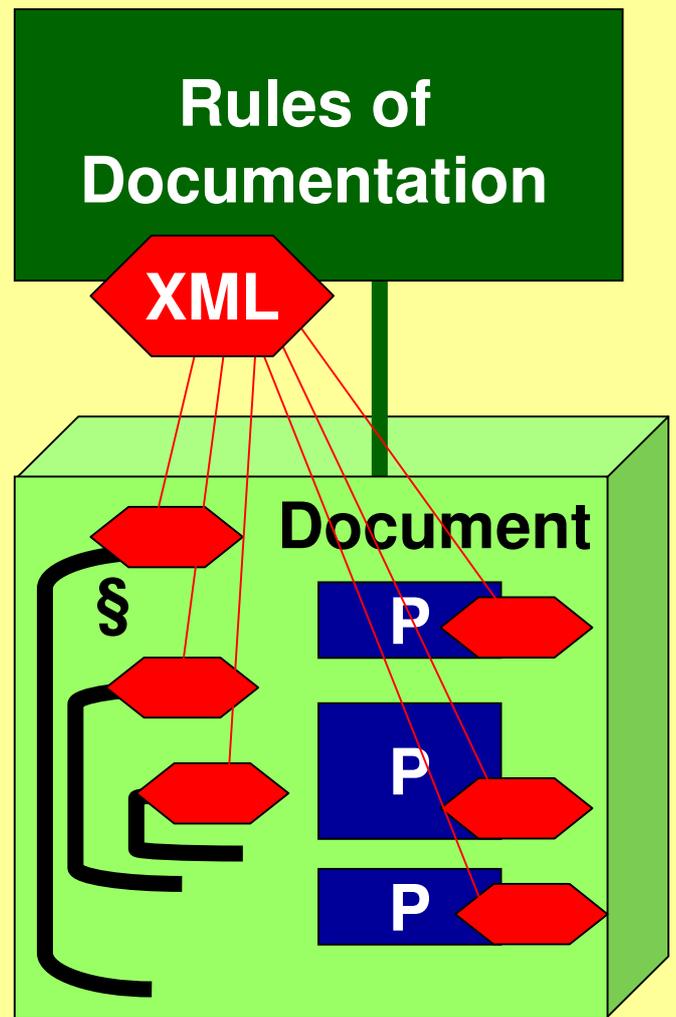


**Austria: RIS
Legal Information System
Categories → XML**

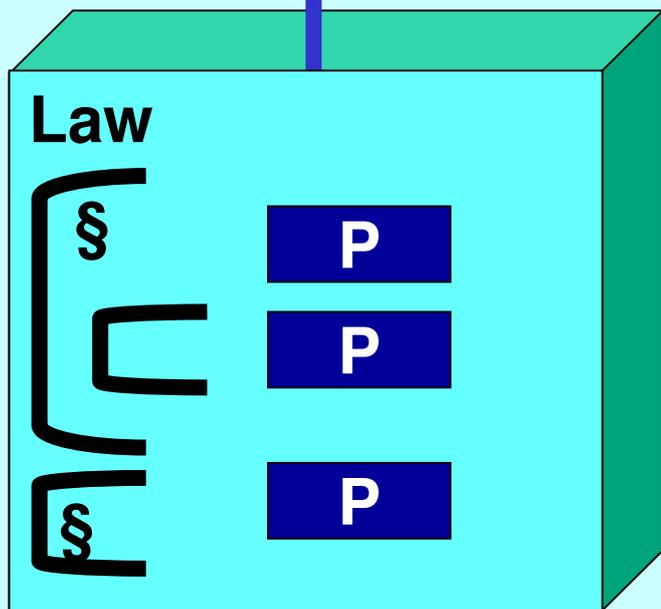
Rules of Legislative Techniques



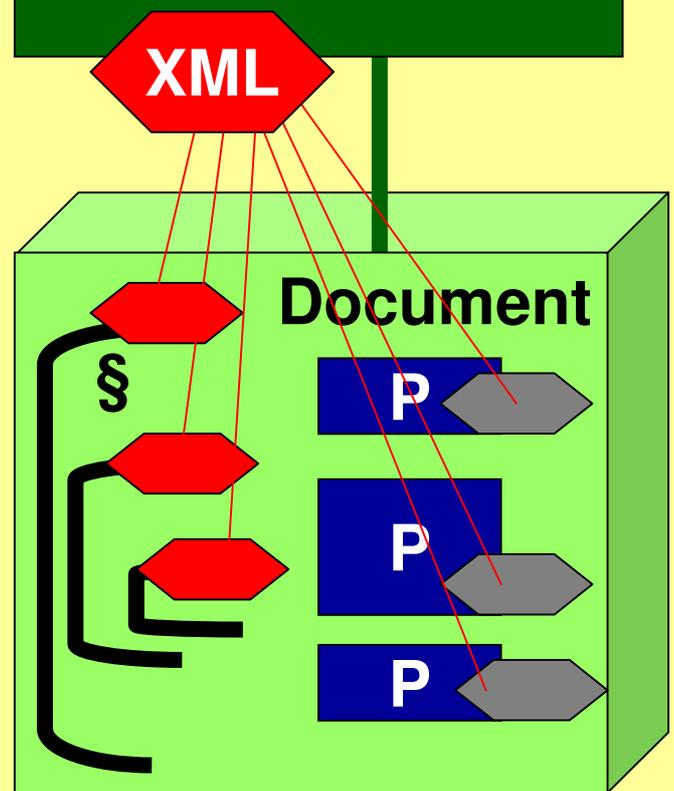
Rules of Documentation



**Rules of
Legislative
Techniques**

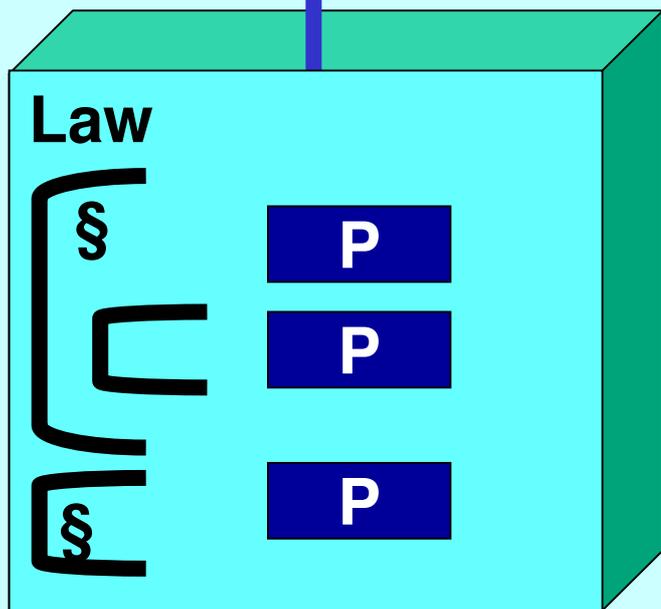


**Rules of
Documentation**

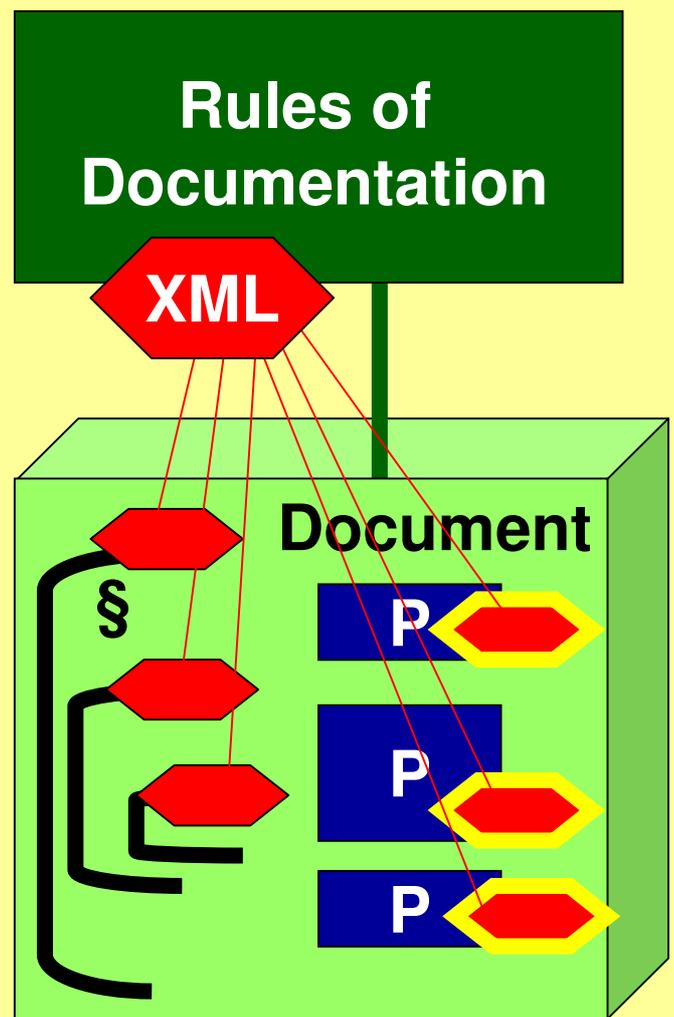


**Austria: RIS
Legal Information System
no explicit semantic juridical XML**

Rules of Legislative Techniques



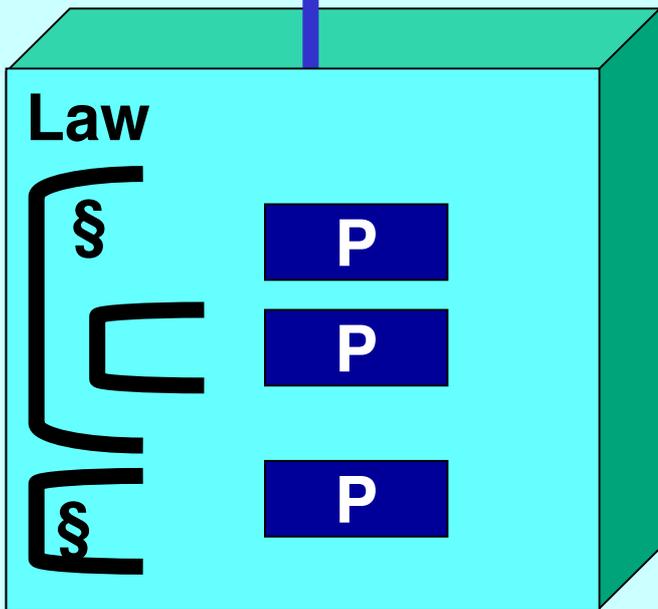
Rules of Documentation



**Austria:
value added products
by the private sector**

Rules of Legislative Techniques

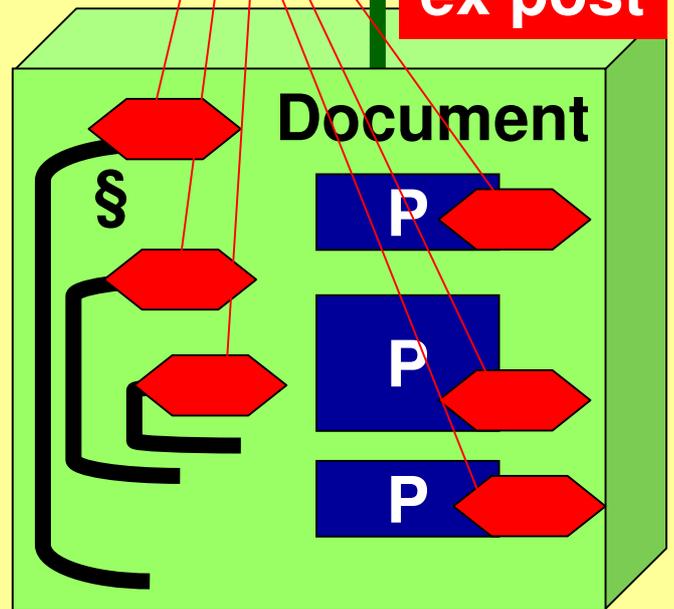
XML



Rules of Documentation

XML

ex post



Rules of Legislative Techniques

XML

ex ante

Law



P

P

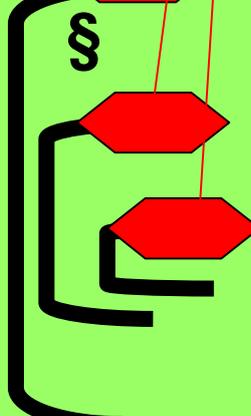
P

Rules of Documentation

XML

ex post

Document



P

P

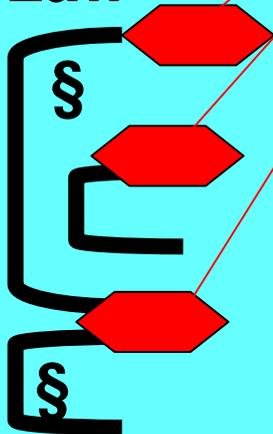
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Rules of
Legislative
Techniques

XML

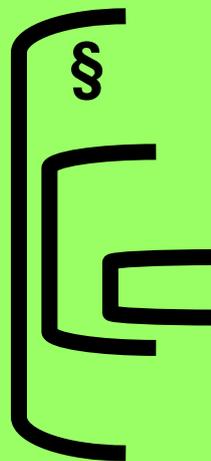
ex ante

Law



Rules of
Documentation

Document



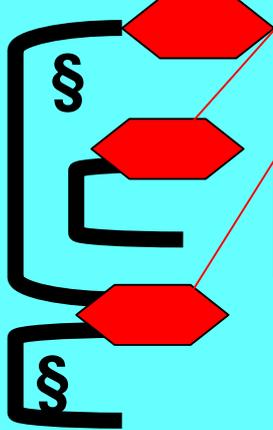
**Austria: eLaw
formal structures → 100%**

Rules of
Legislative
Techniques

XML

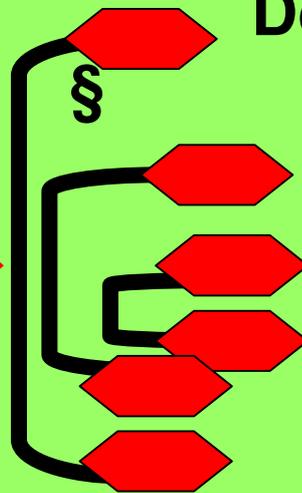
ex ante

Law



Rules of
Documentation

Document



MW-Word → XML^{leg} → XML^{doc}

Rules of Legislative Techniques

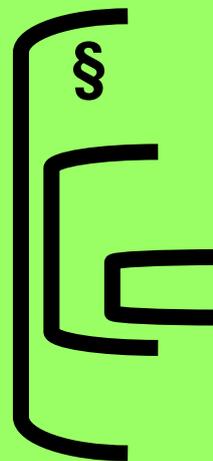
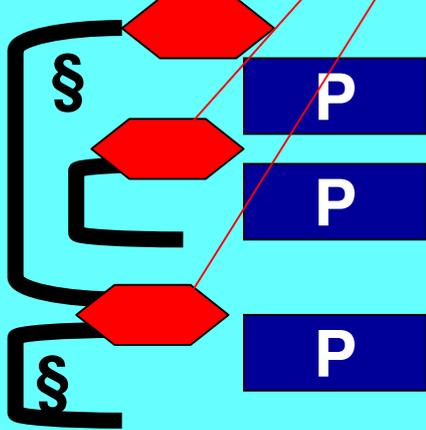
Rules of Documentation

XML

ex ante

Law

Document

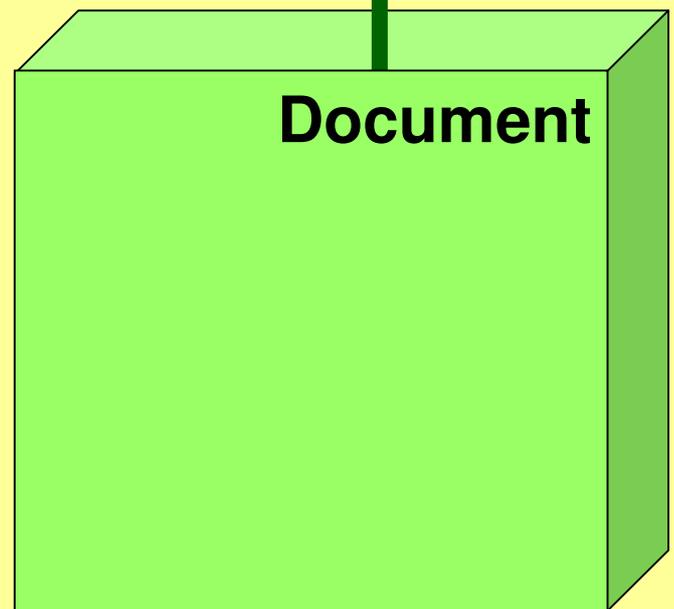
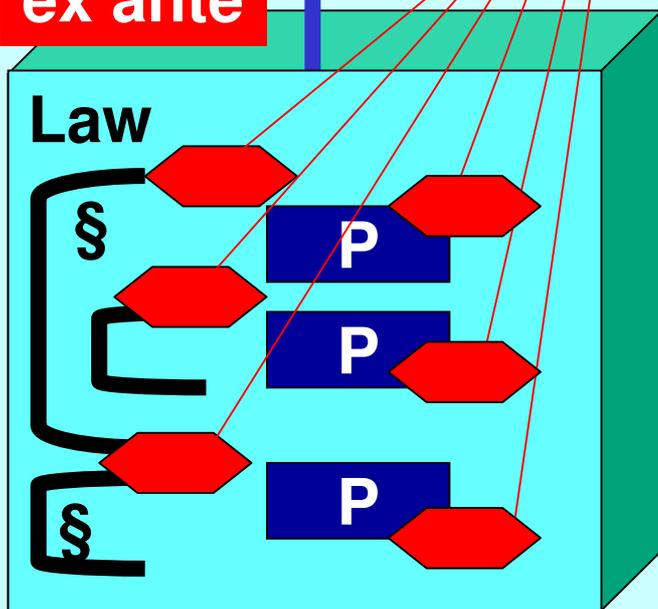


Rules of
Legislative
Techniques

Rules of
Documentation

XML

ex ante



Carlo Biagioli

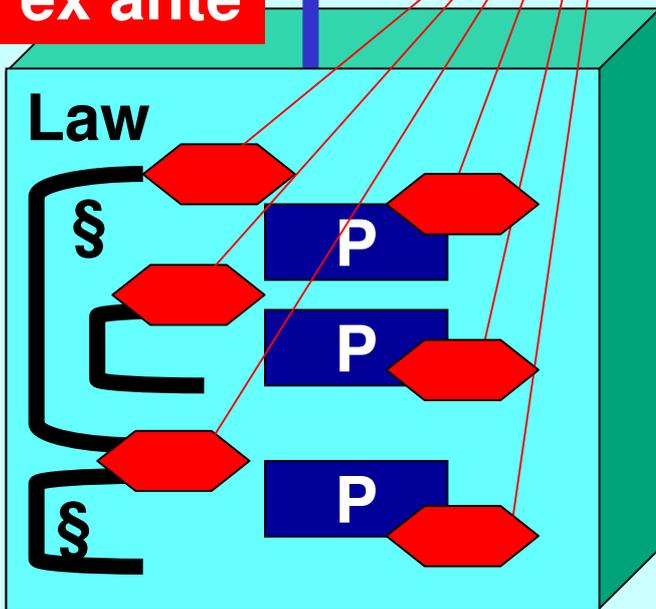
→ enrich legal drafts
by explicit semantic units
= provisions

Formalized Abstract Models

Rules of
Legislative
Techniques

XML

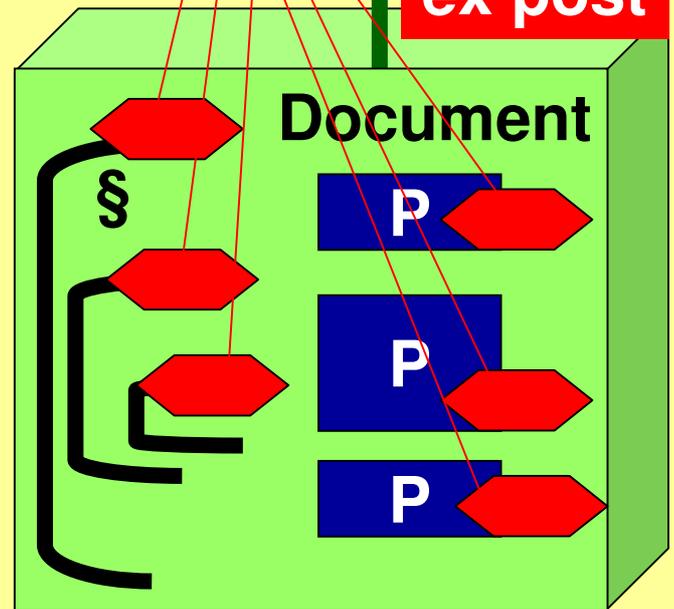
ex ante



Rules of
Documentation

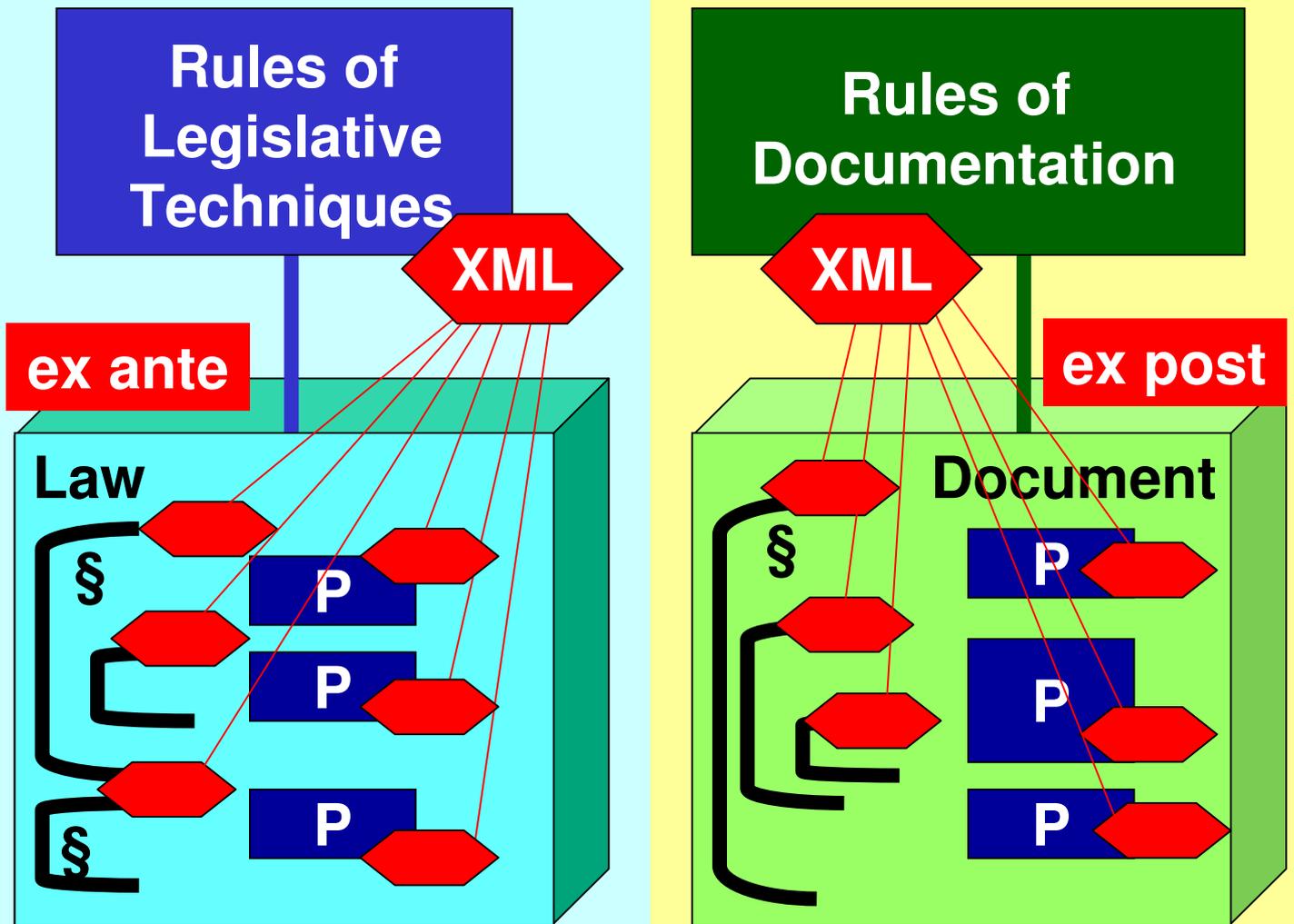
XML

ex post



Formalized Abstract Models

Thesaurus, Semantic Nets,
Legals Ontologies, Deontic Logic,
Legal Theory



Formalized Abstract Models

legal terms

**Thesaurus, Semantic Nets,
Legals Ontologies, Deontic Logic,
Legal Theory**

**Rules of
Legislative
Techniques**

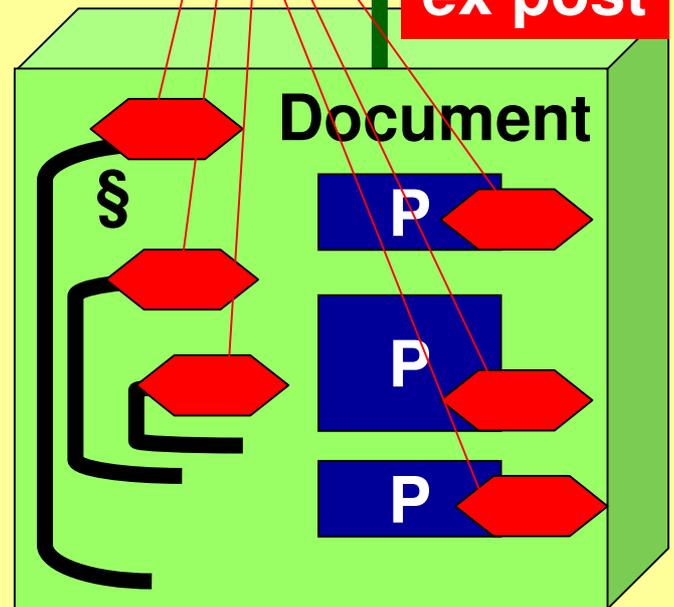
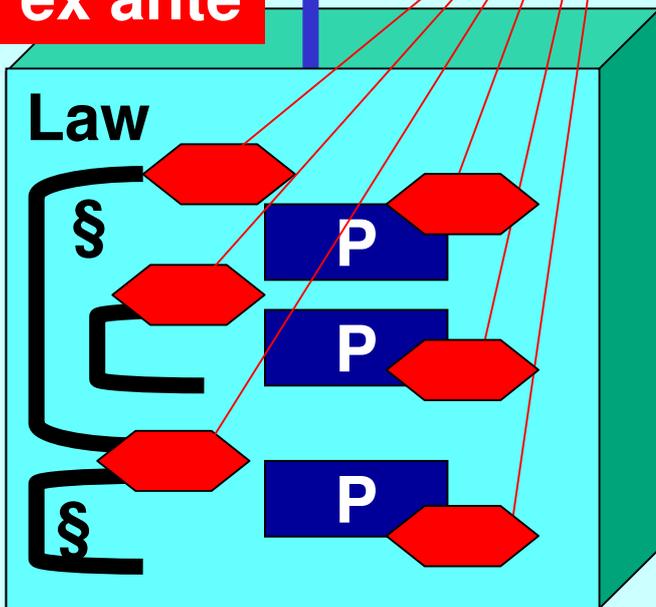
**Rules of
Documentation**

XML

XML

ex ante

ex post



Formalized Abstract Models

legal terms

XML

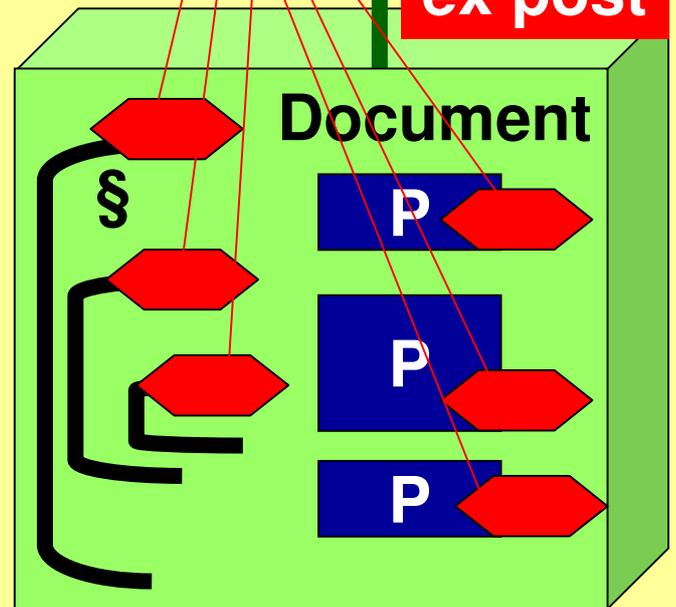
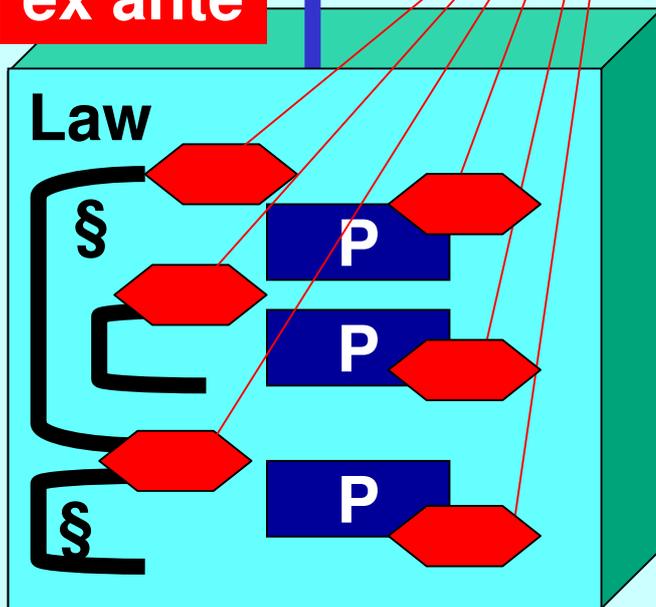
Thesaurus, Semantic Nets,
Legals Ontologies, Deontic Logic,
Legal Theory

Rules of
Legislative
Techniques

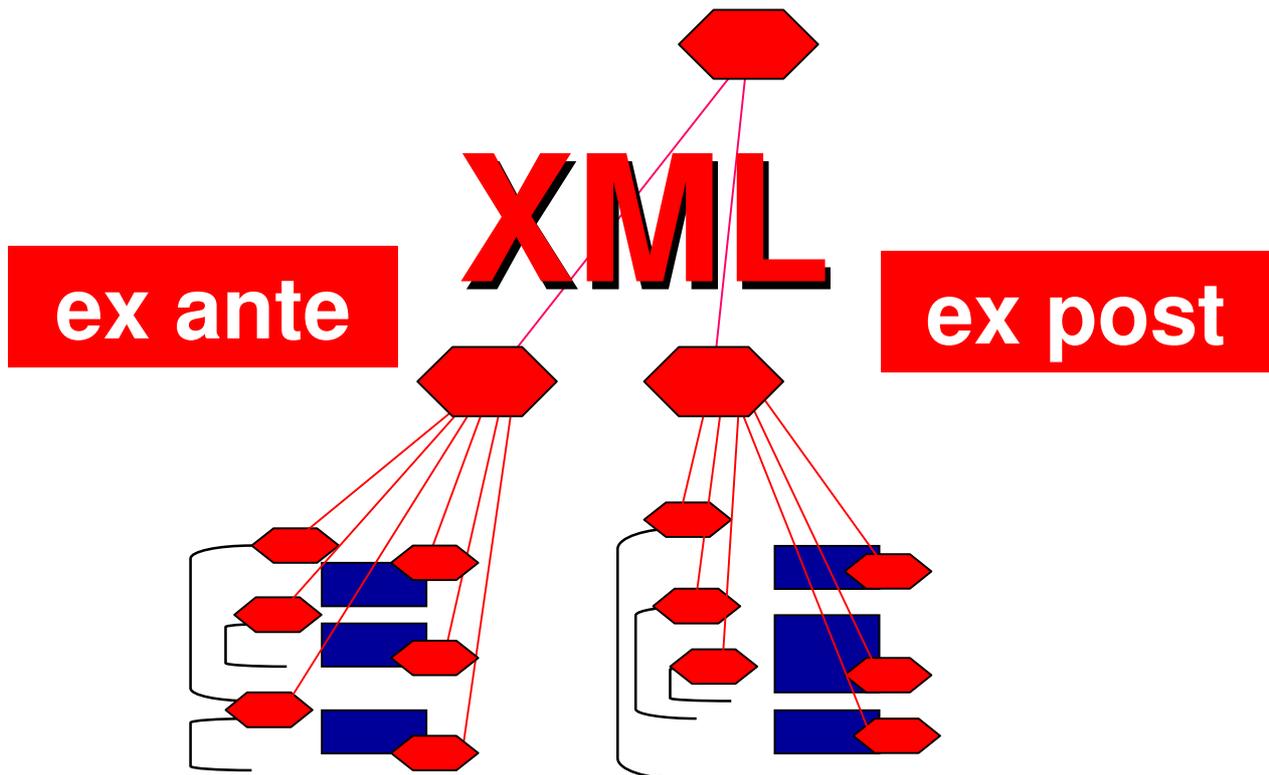
Rules of
Documentation

ex ante

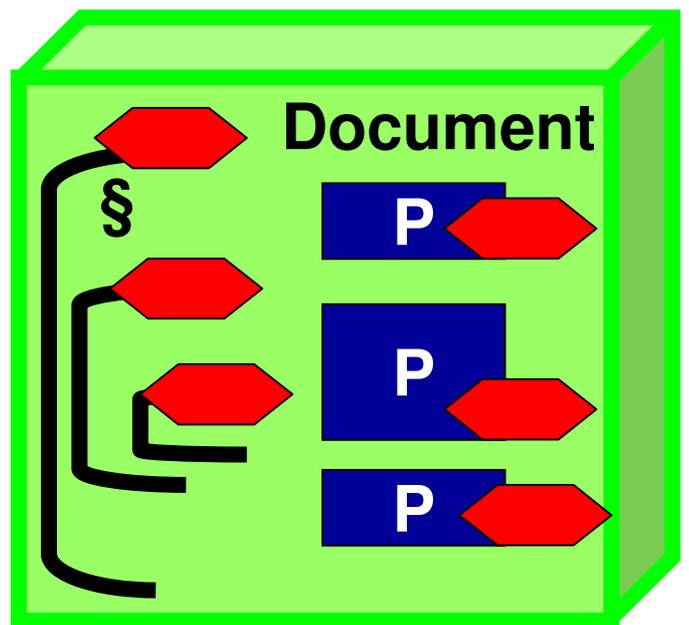
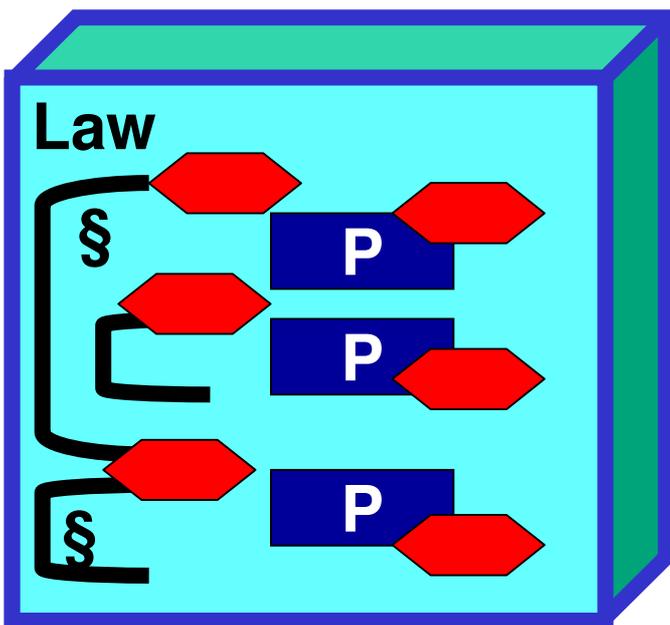
ex post



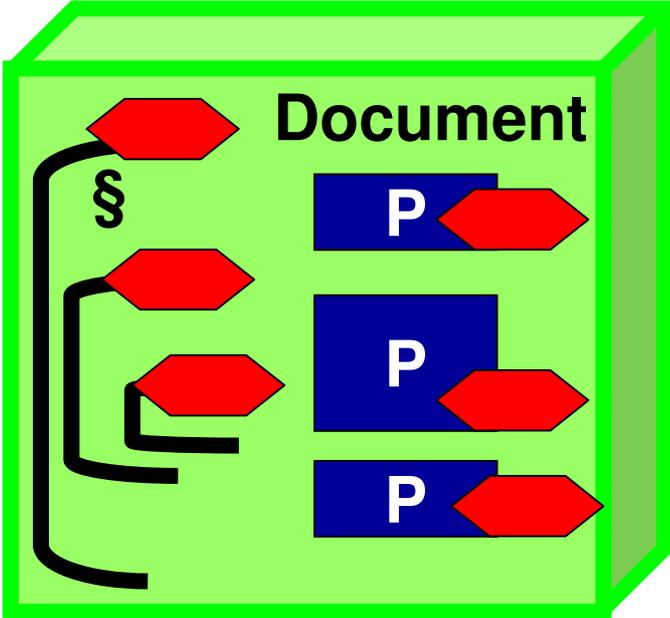
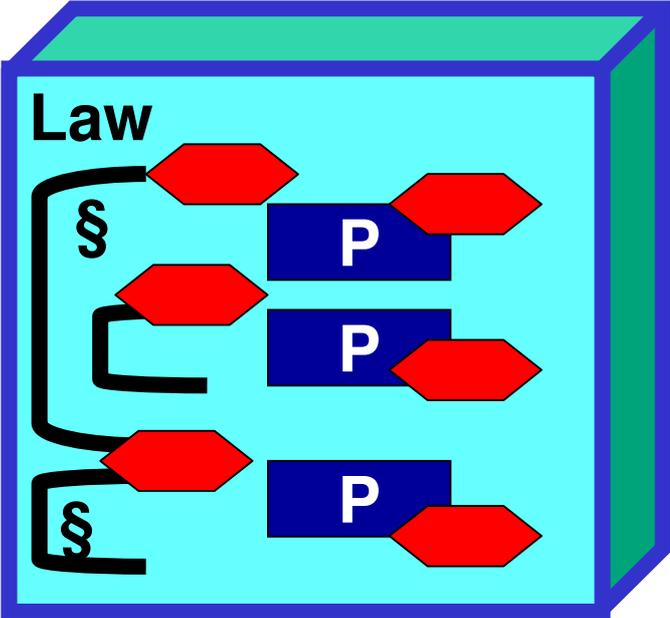
special topic:



document is a „weak“ speech act

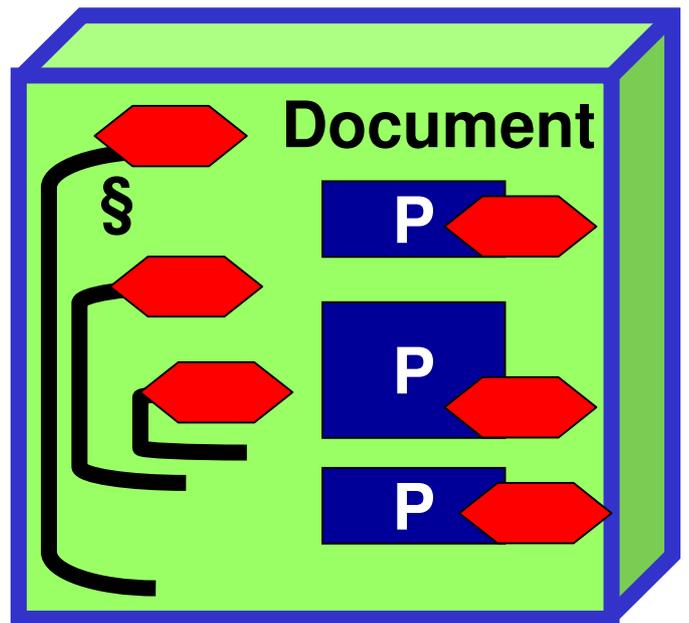
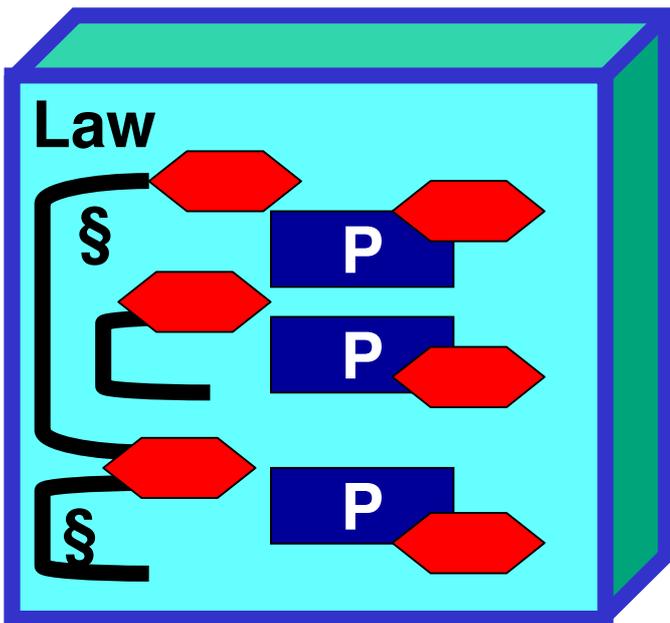


document was a „weak“ speech act



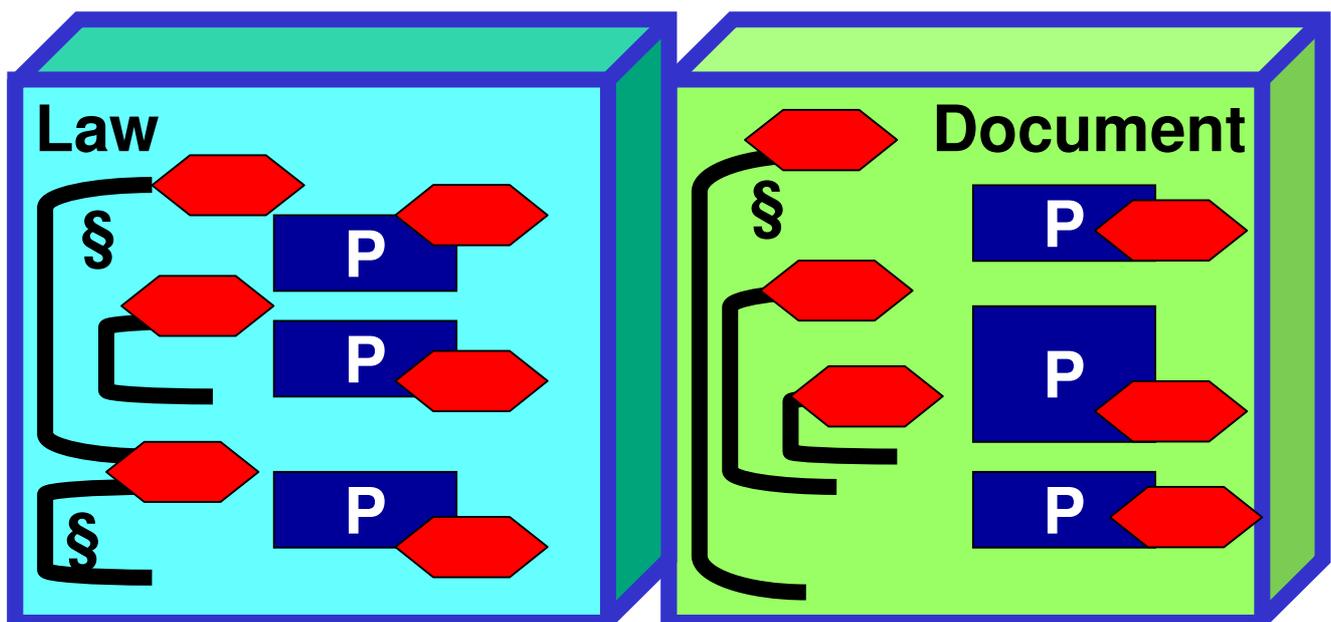
*Austrian solution of
authentic electronic publication:*

*document becomes a
„strong“ speech act*



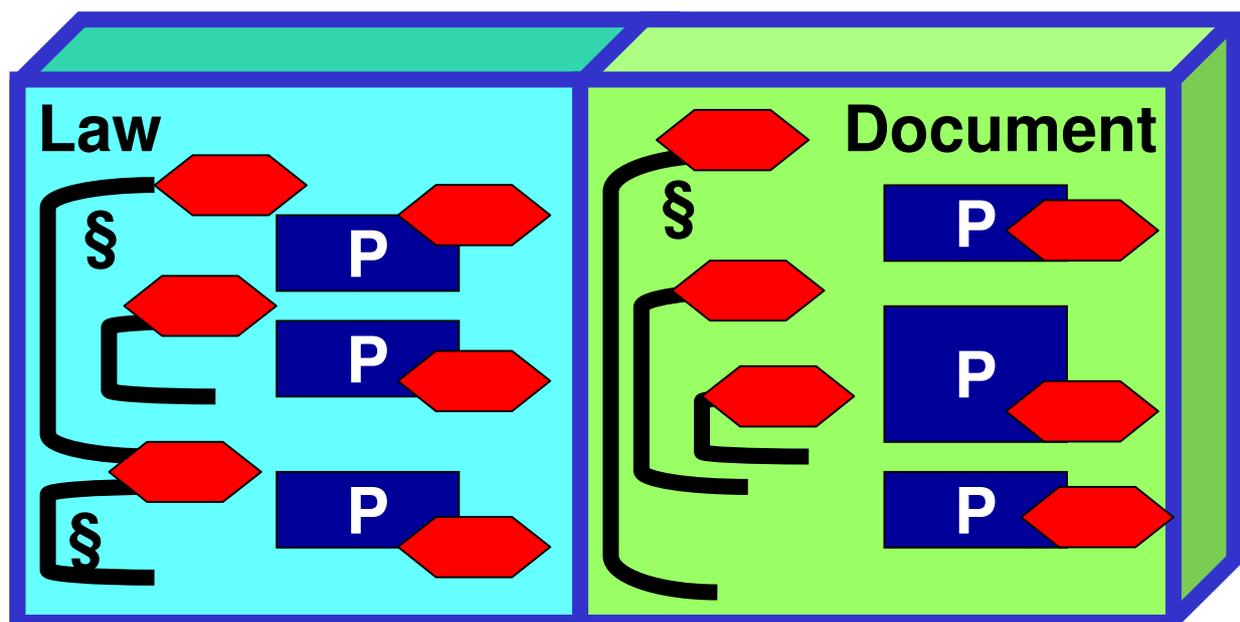
*beginning with
authentic electronic publication:*

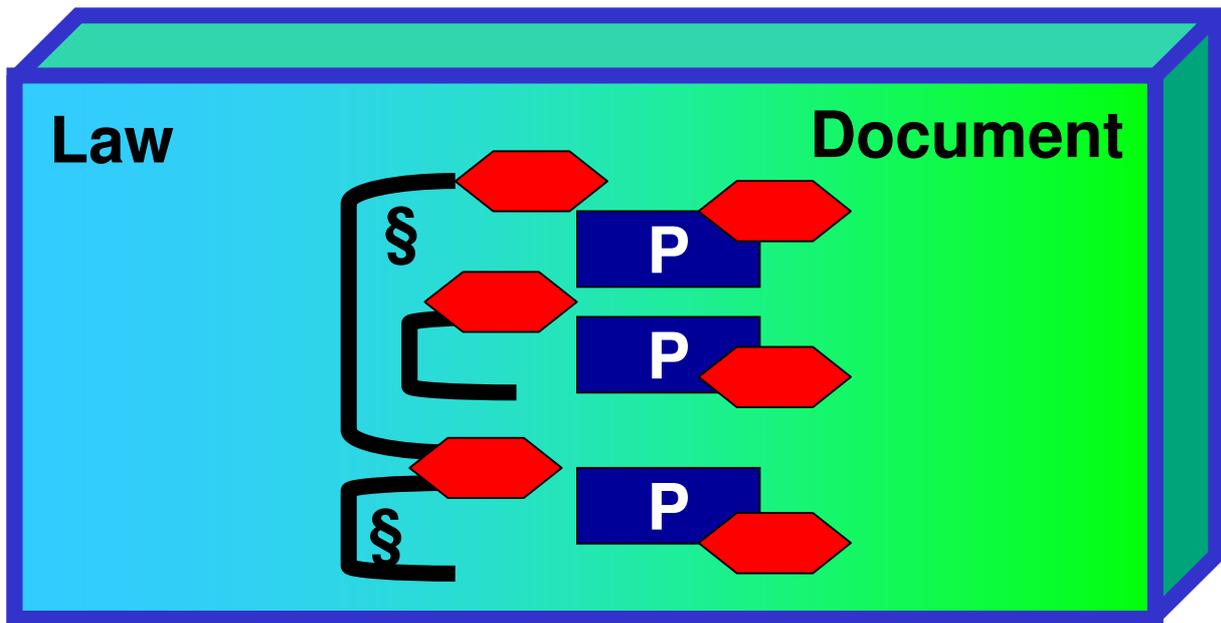
*there is a trend towards a
fusion of law and document*



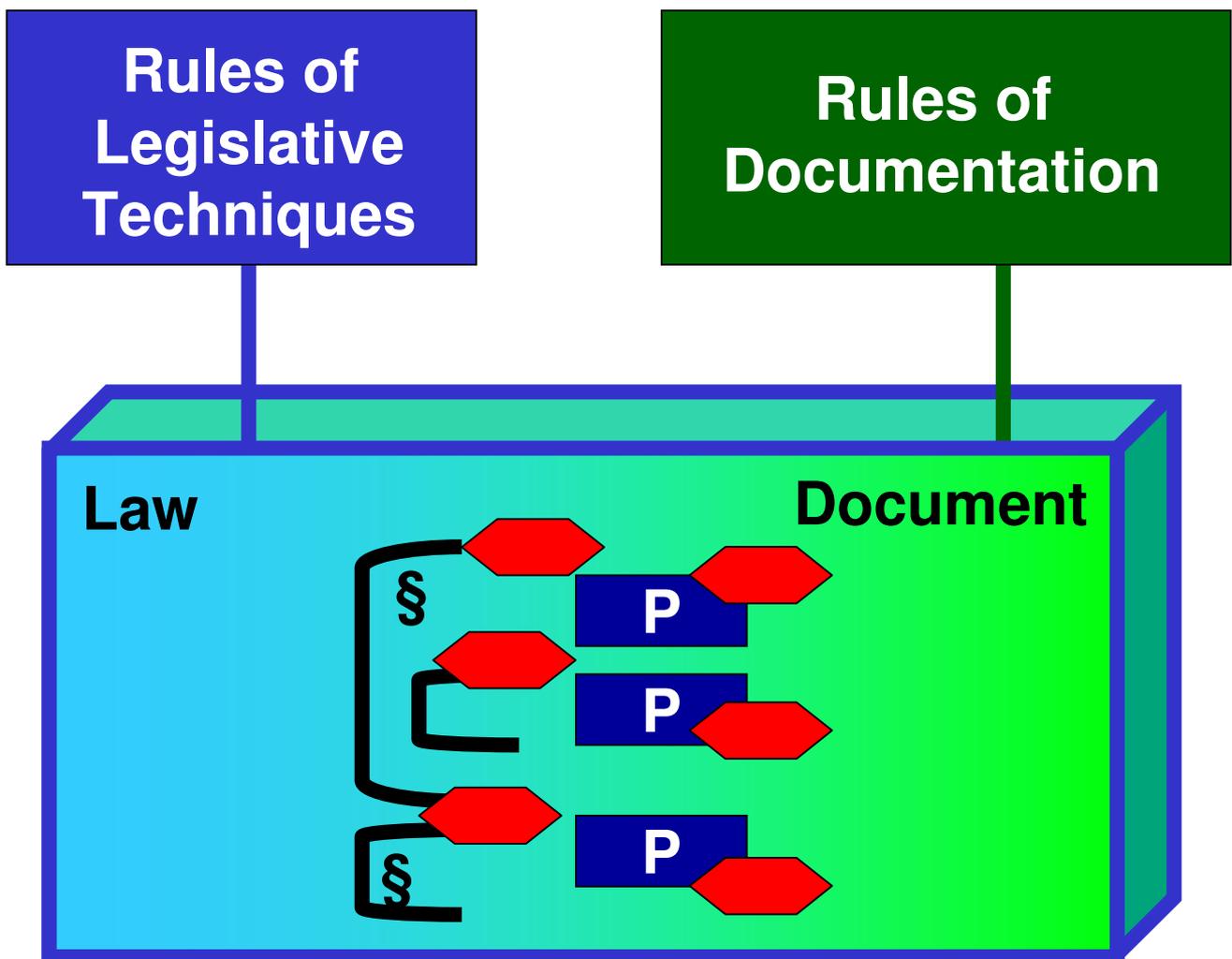
*beginning with
authentic electronic publication:*

*there is a trend towards a
fusion of law and document*





fusion of law and document



fusion of law and document

Formalized Abstract Models

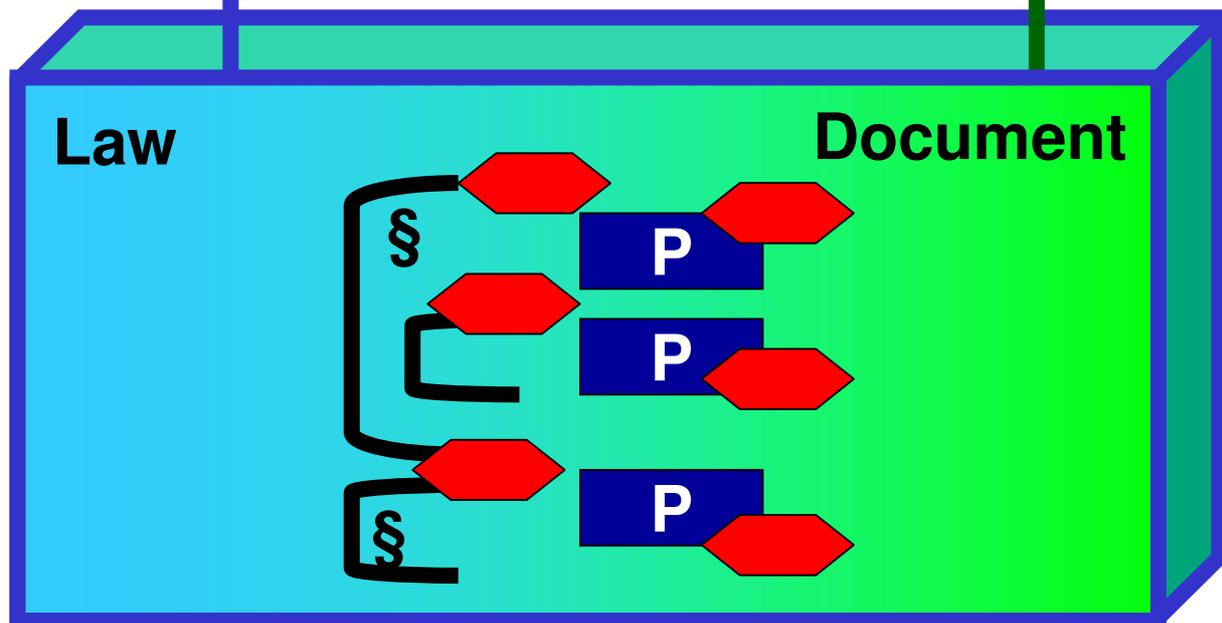
legal terms

XML

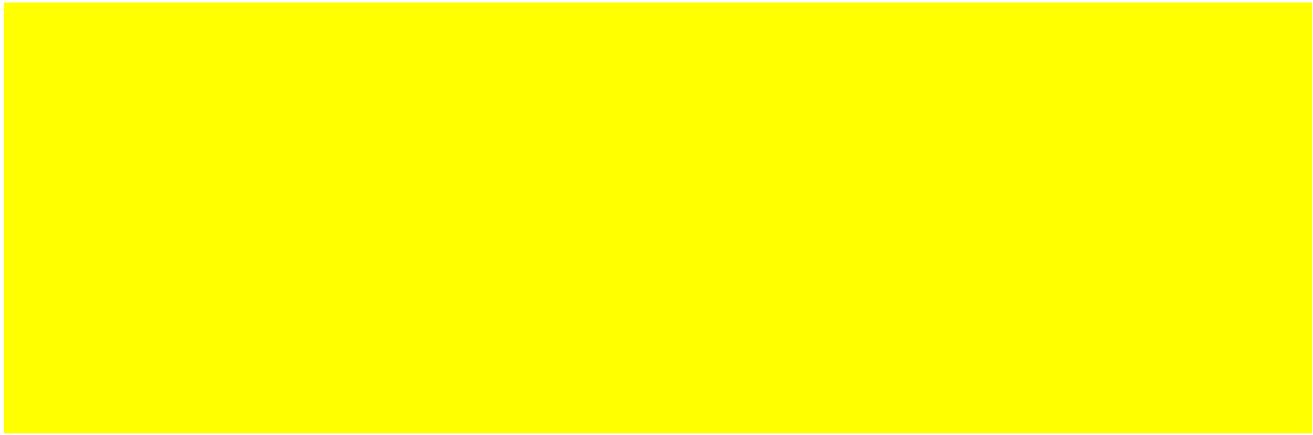
Thesaurus, Semantic Nets,
Legals Ontologies, Deontic Logic,
Legal Theory

Rules of
Legislative
Techniques

Rules of
Documentation



fusion of law and document



**Rules of
Legislative
Techniques**

**Rules of
Documentation**



Legist

Team-Cooperation

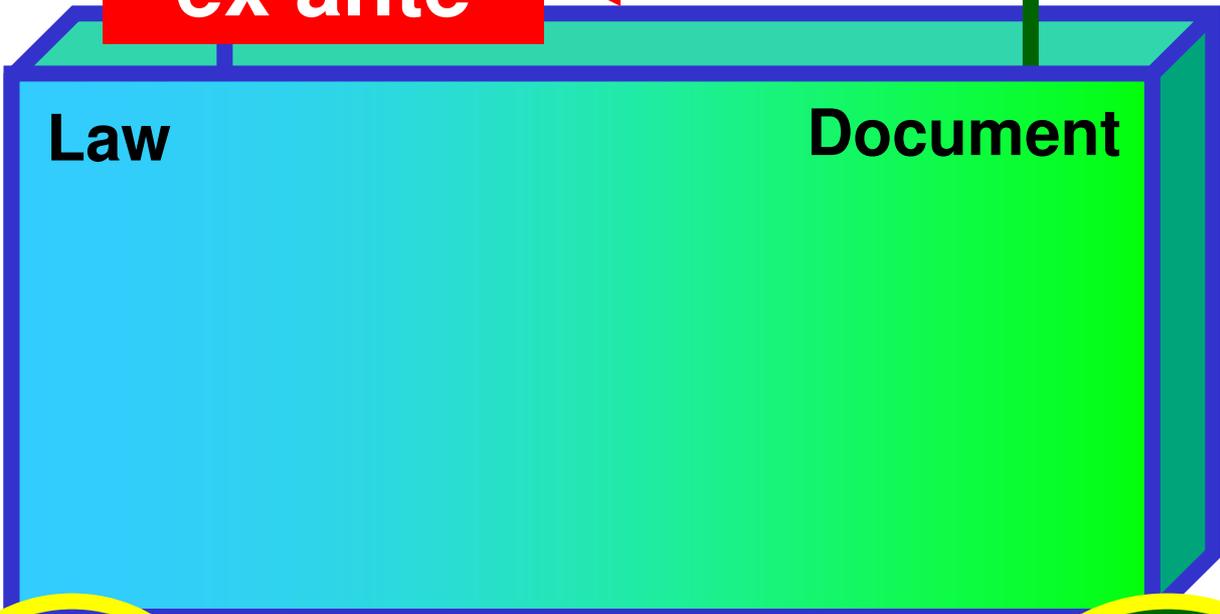
**Dokumen-
talist**



**Rules of
Legislative
Techniques**

**Rules of
Documentation**

ex ante

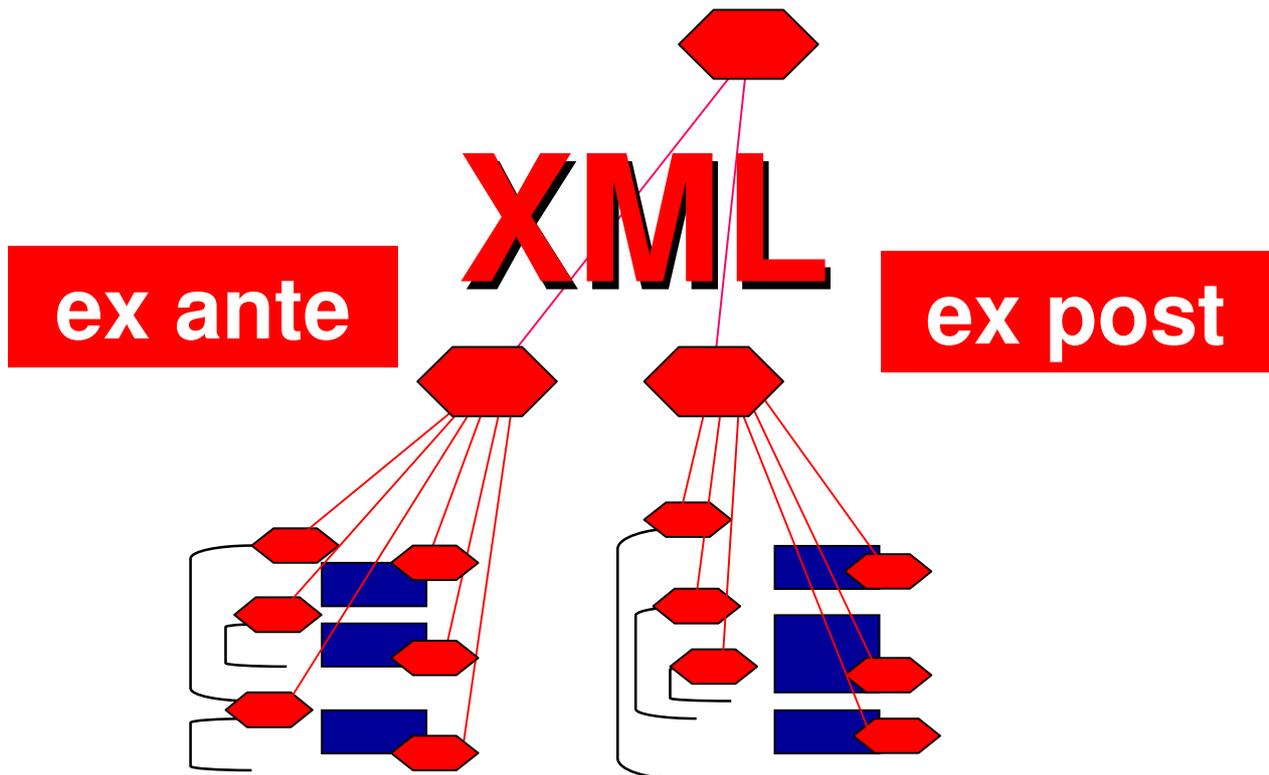


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**Dokumen-
talist**

special topic:



A photograph of a formal garden featuring a complex maze of low, green hedges. Gravel paths wind through the maze. In the background, several tall, slender cypress trees stand against a clear sky. A person is visible walking through the garden. The text "garden of science" is overlaid in large, bold, yellow letters with a black drop shadow.

**garden
of science**

A photograph of a formal garden featuring a complex maze of low, green hedges. Gravel paths wind through the maze. In the background, several tall, slender cypress trees stand against a clear sky. A small statue is visible in the middle ground. The text "garden of signs" is overlaid in large, white, bold letters with a black drop shadow.

garden of signs

external



garden

external



garden

internal



garden





**Thank you
very much for
attention!**

