

Tertium comparationis (1)

Introduction

Friedrich Lachmayer

1.

Kinds of Relations

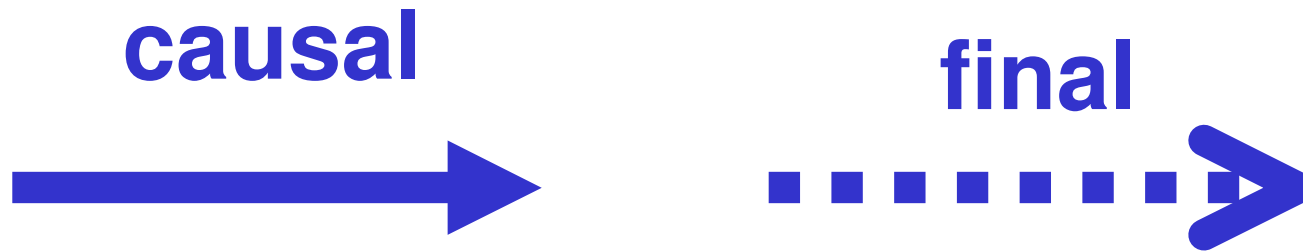






Direction

legal Interpretations of Reactions:



legal Interpretations of Reactions:

Correspondence



Contradiction



explicit



implicit

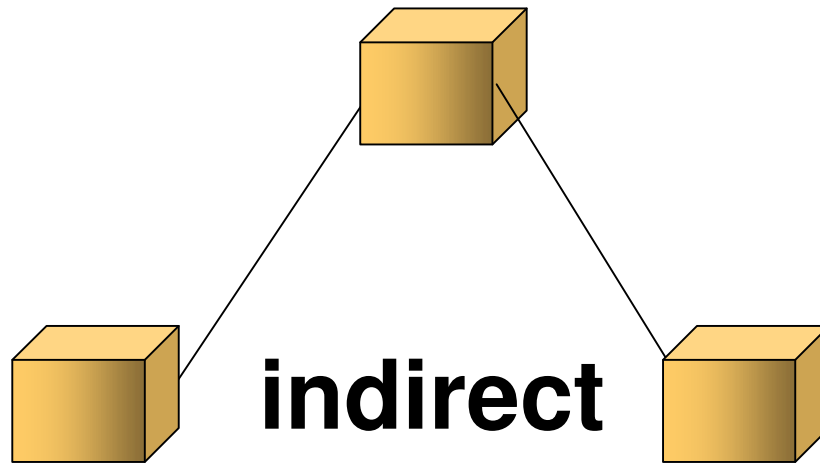
direct



direct



indirect

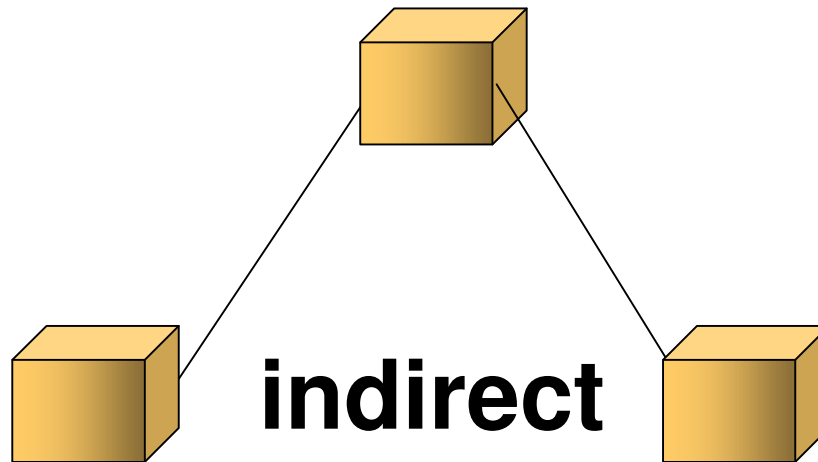


direct

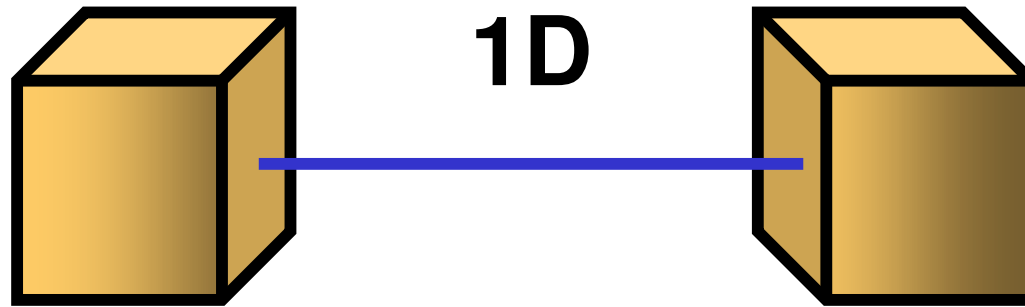


TERTIUM COMPARATIONIS

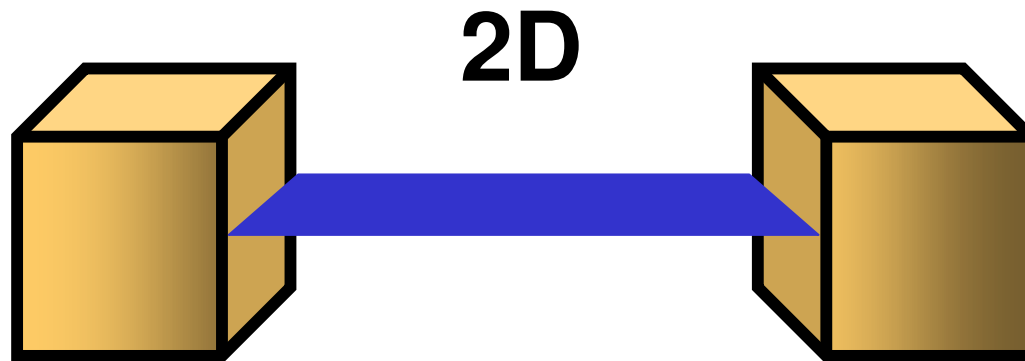
indirect



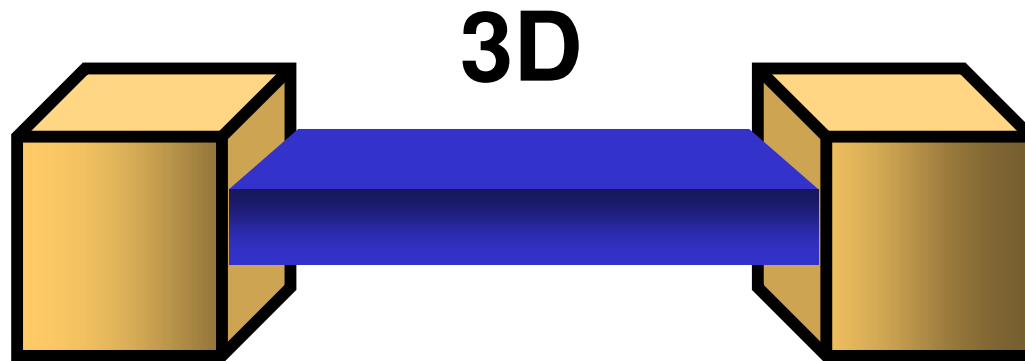
Visualisation of the Relation



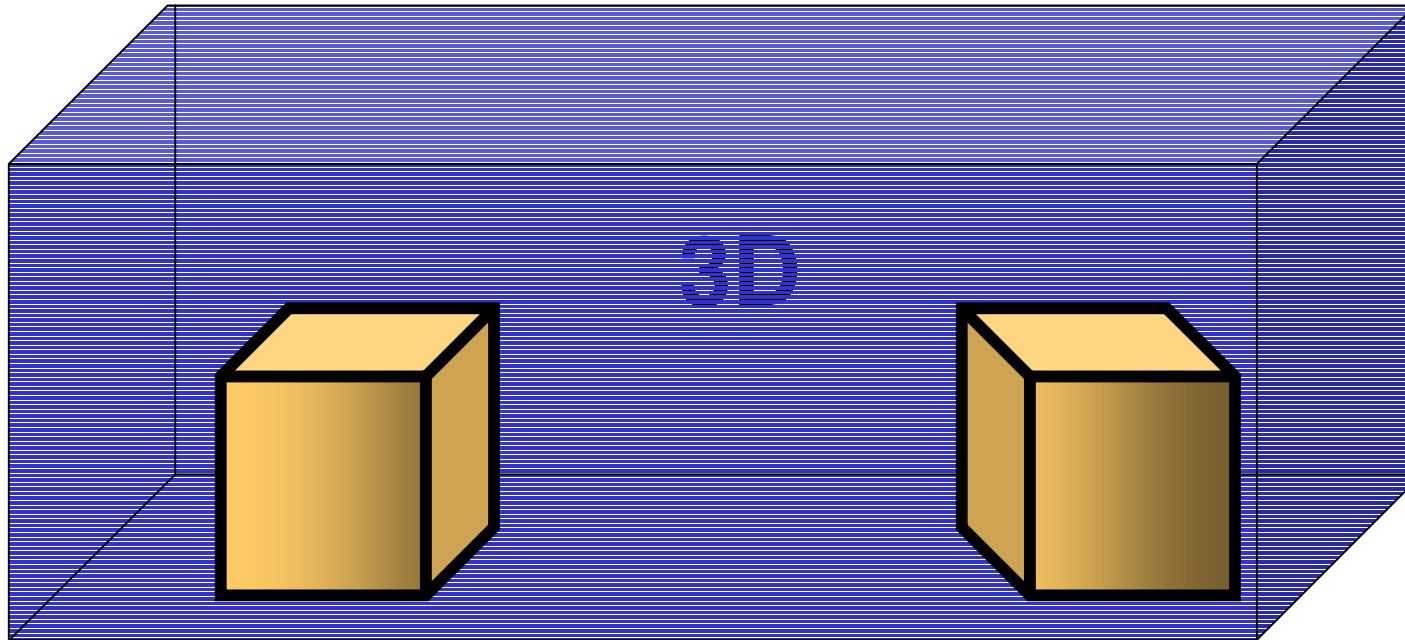
Visualisation of the Relation



Visualisation of the Relation

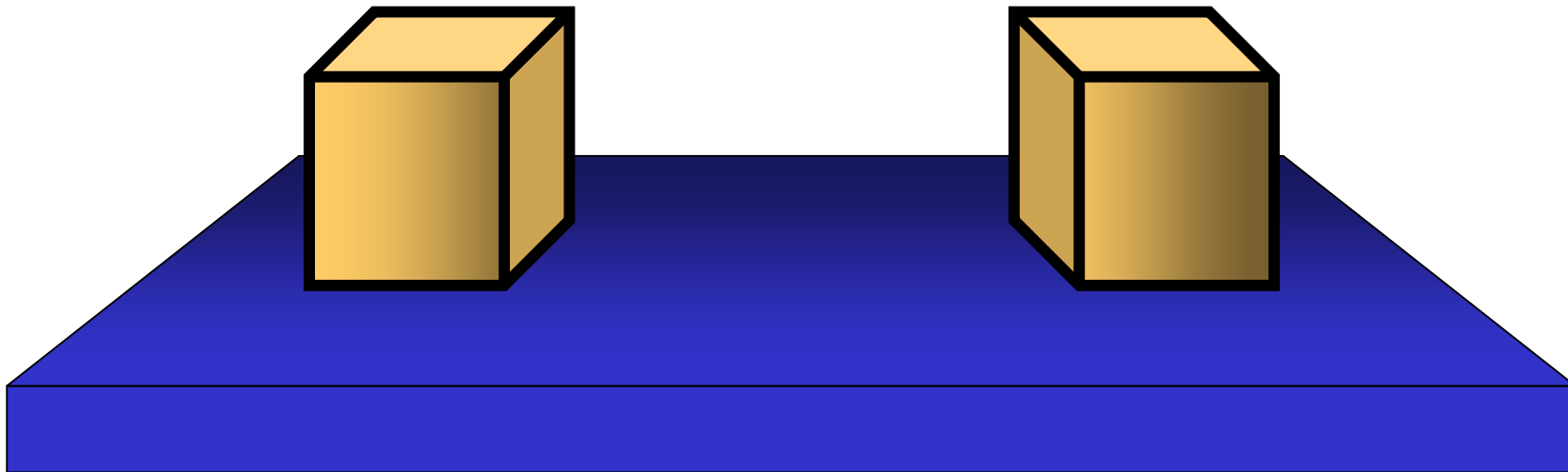


Visualisation of the Relation



Visualisation of the Relation

2D (\rightarrow 3D)



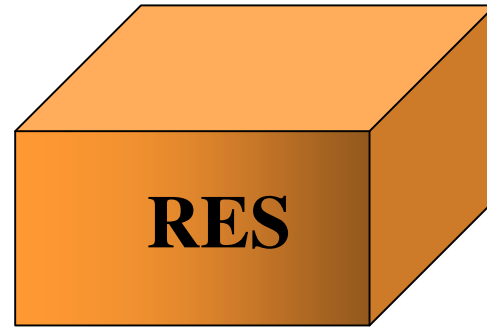
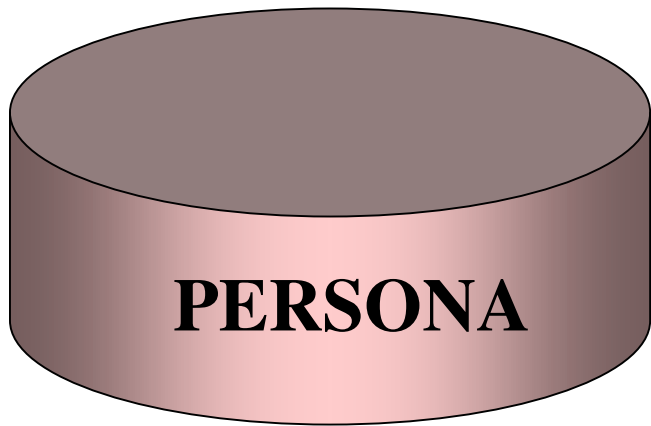
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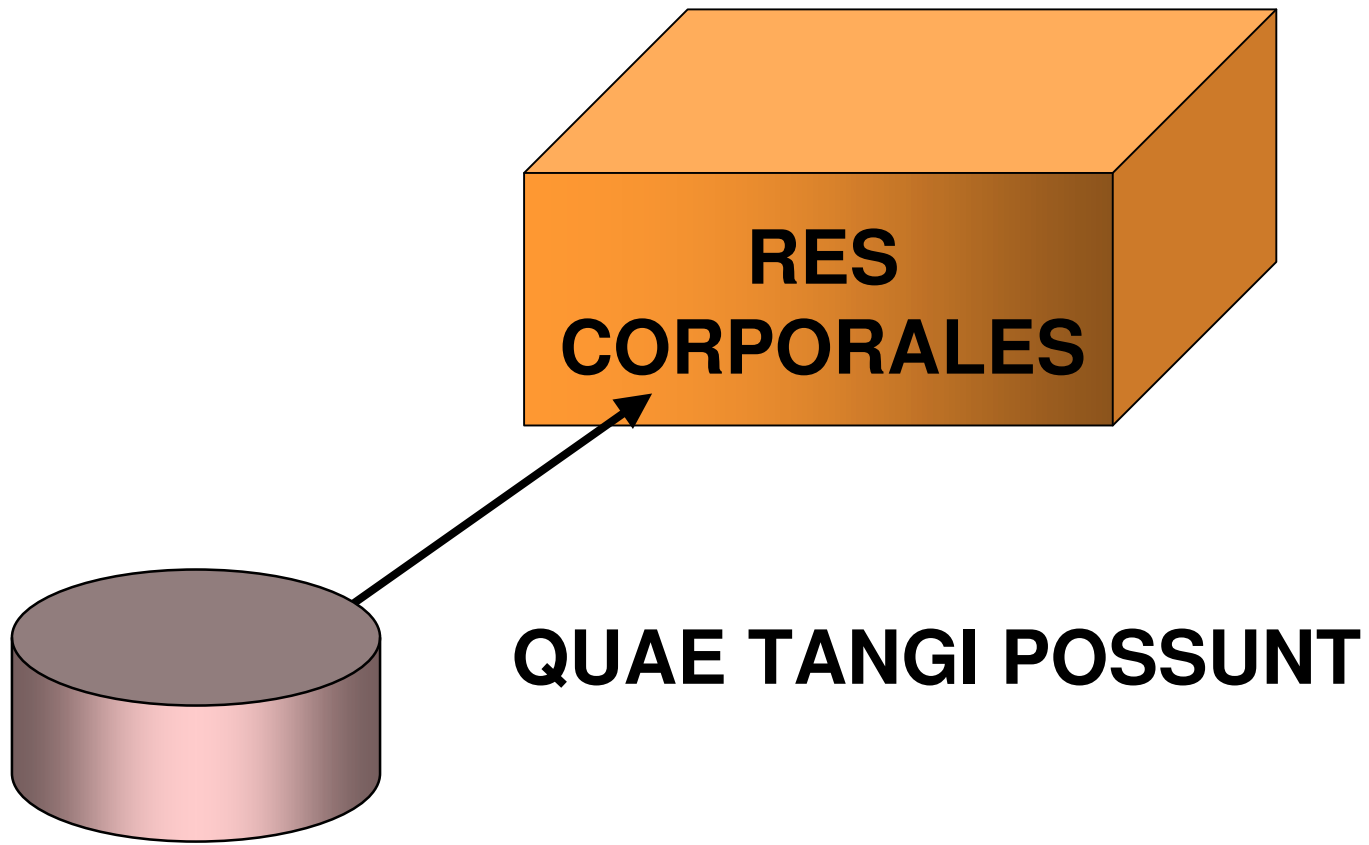
Relations

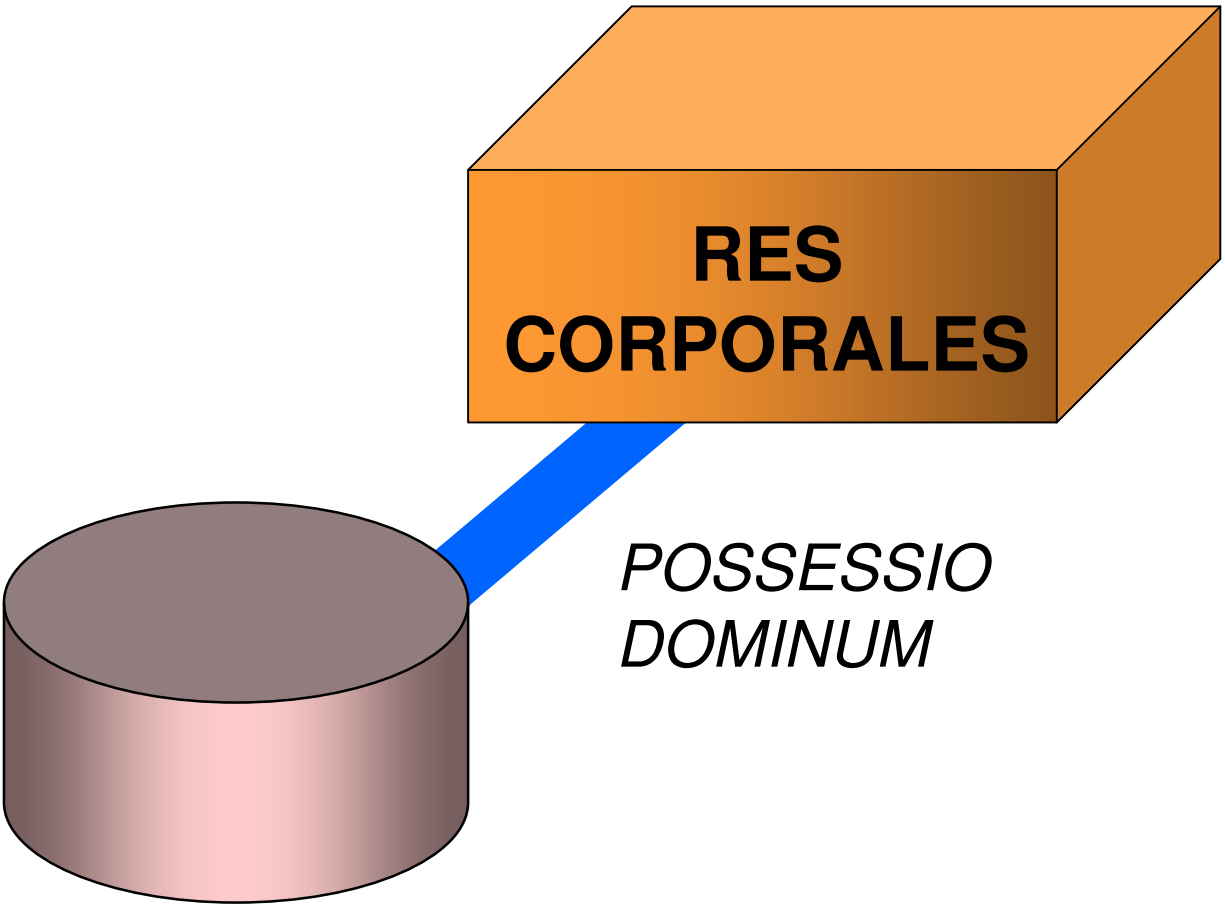
within Legal Life

(ROMAN LAW)

*visualised according the Übungsbuch zu römischen Sachenrecht
von Benke – Meissel, MANZ Studienbuch, 7. Auflage, Wien 2001*

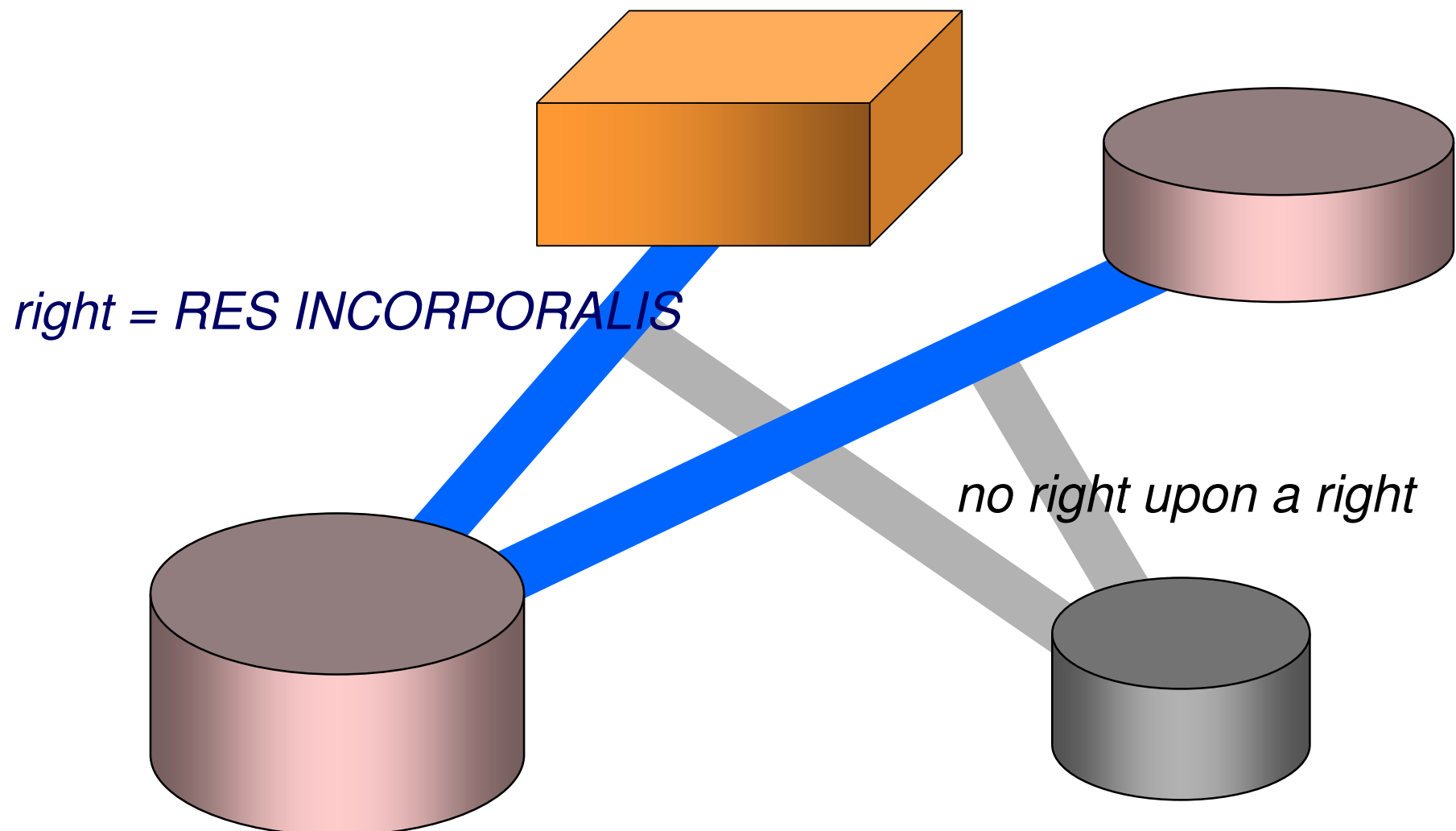






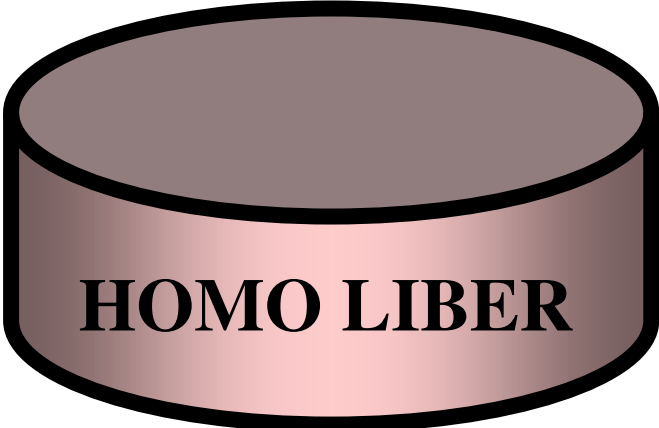
**RES
CORPORALES**

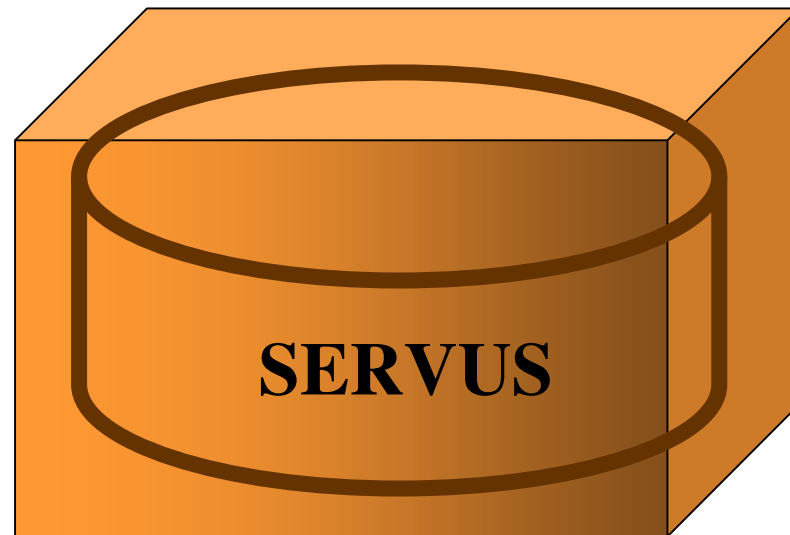
*POSSESSIO
DOMINUM*



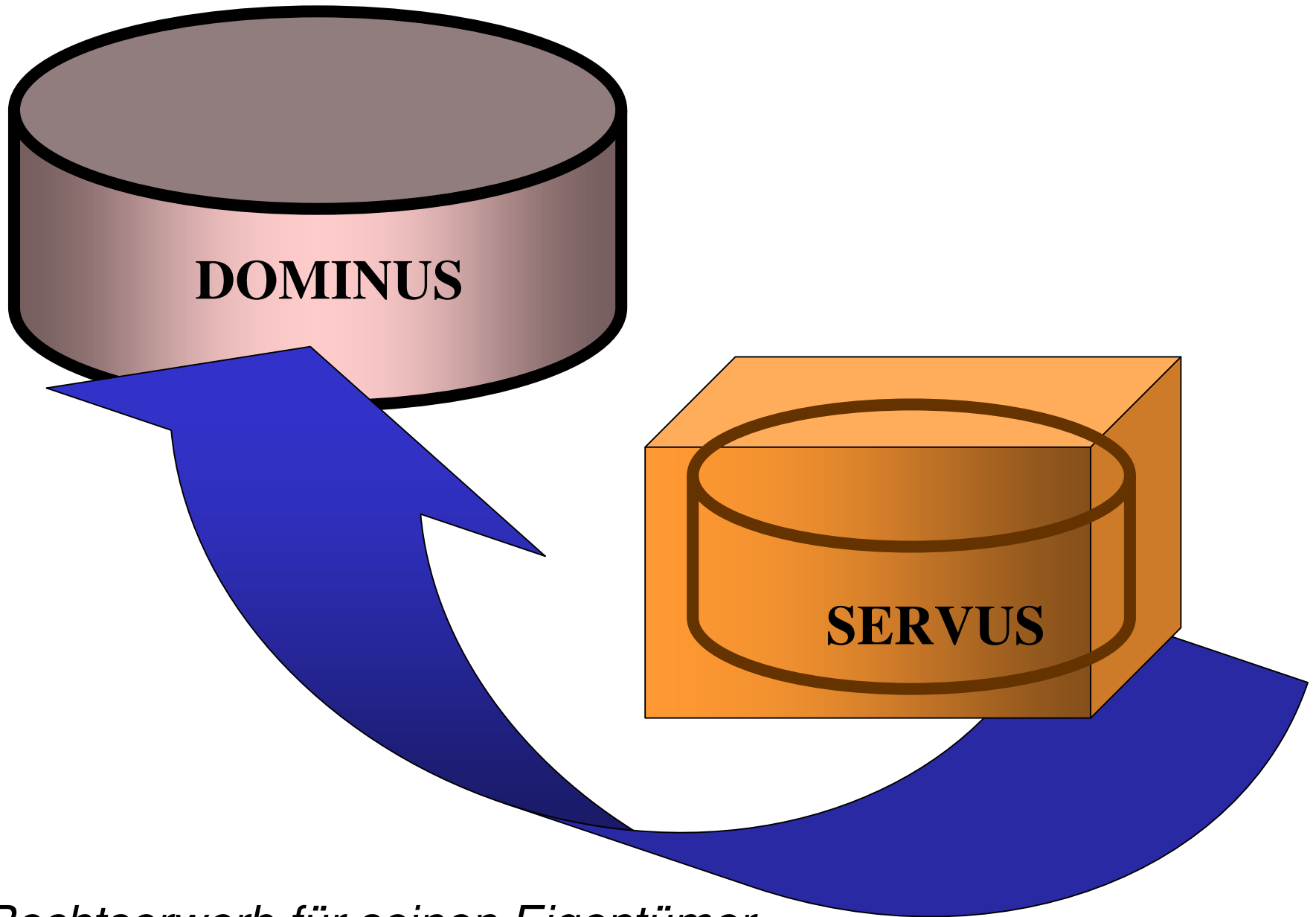
right = RES INCORPORALIS

no right upon a right

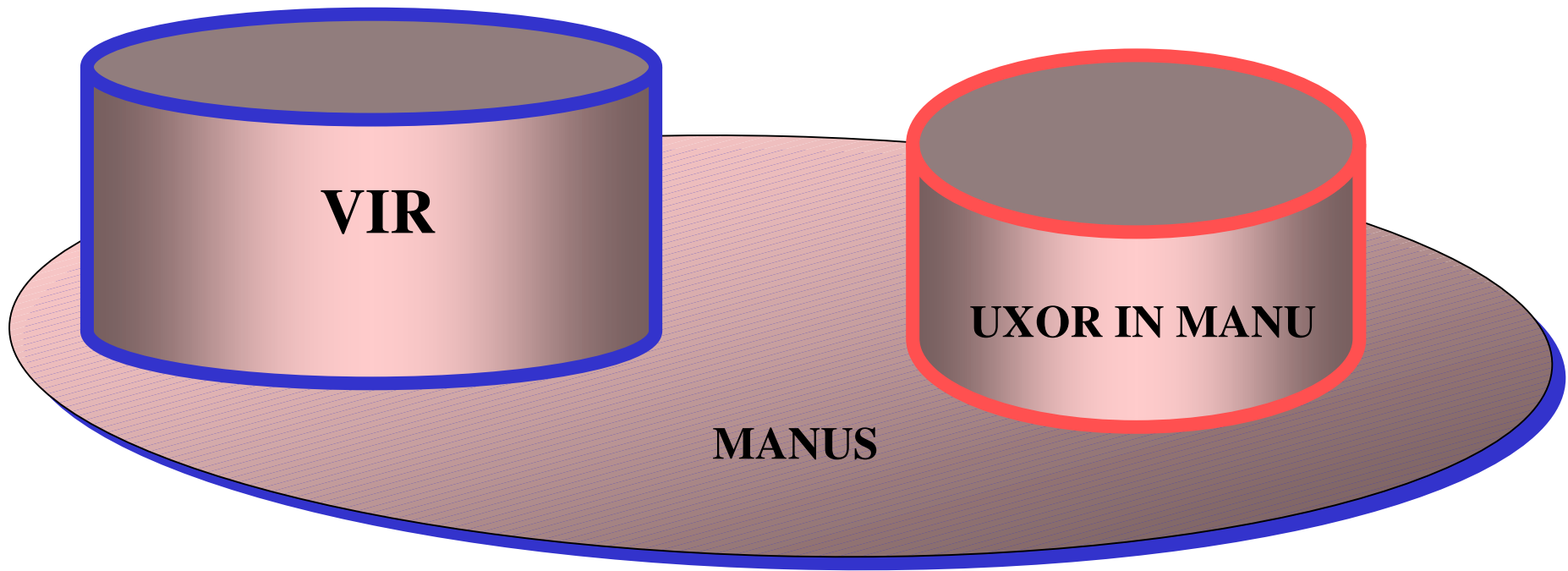




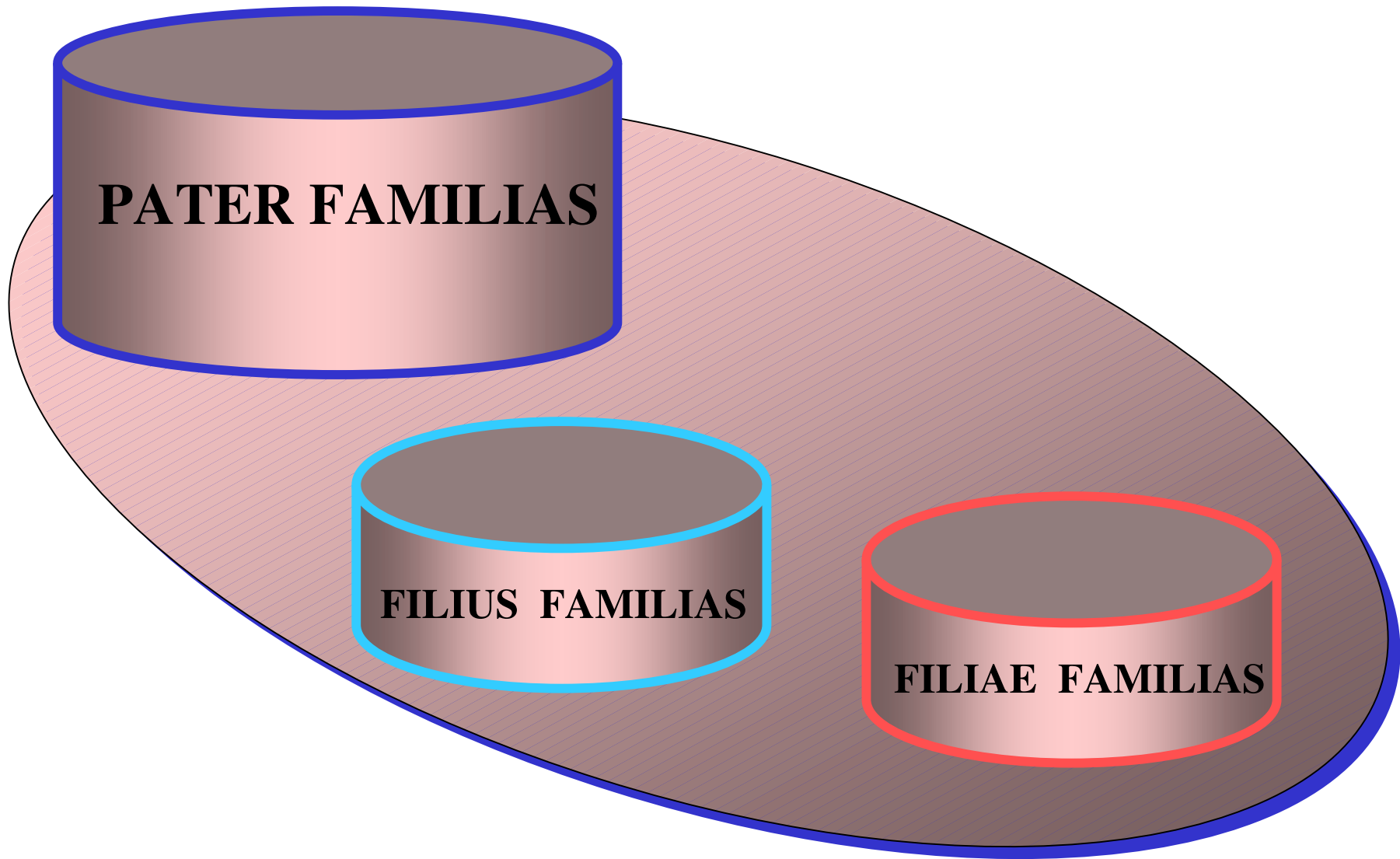
SERVUS



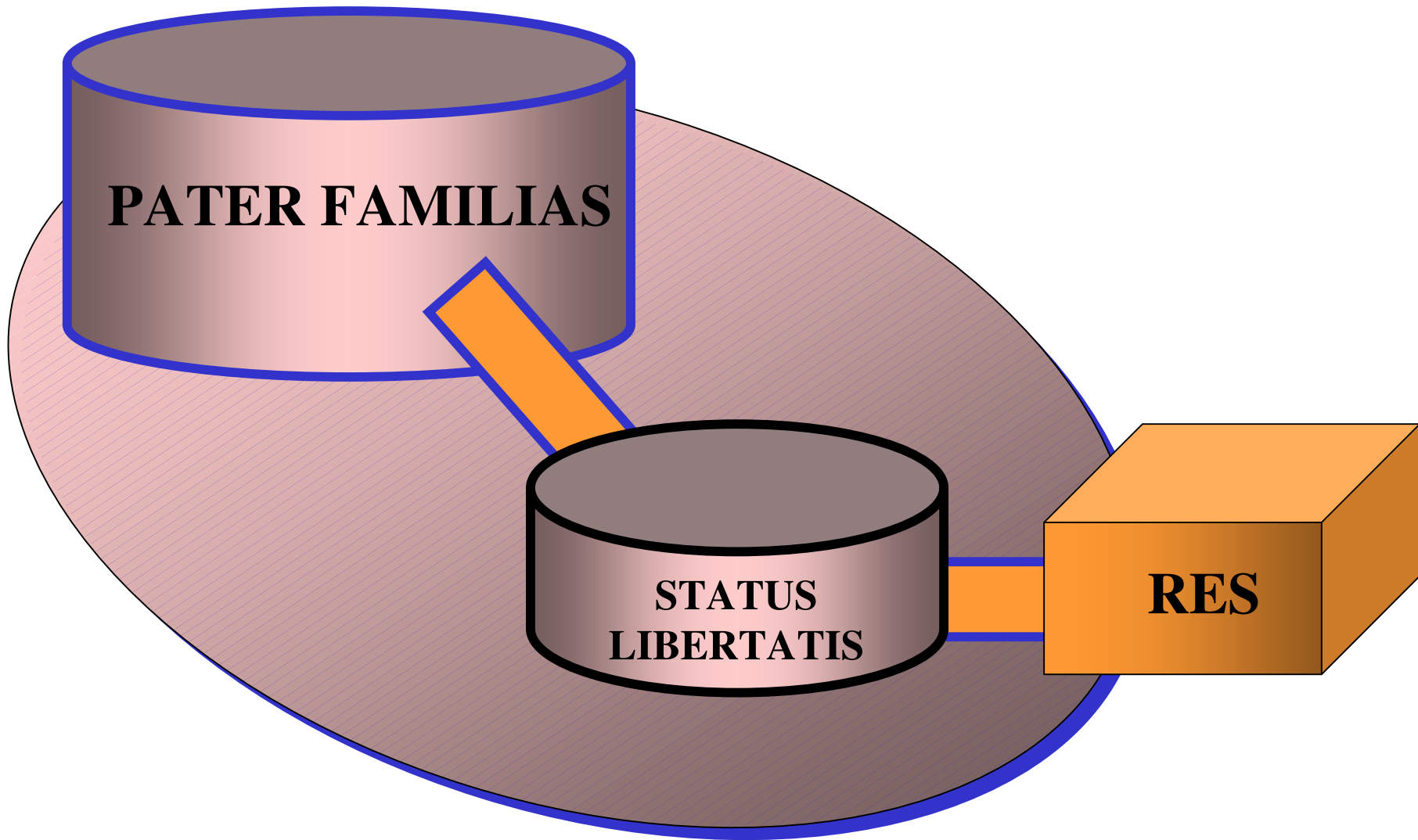
ev. Rechtserwerb für seinen Eigentümer



Relation as an Area



Relation as an Area



Relation as an Area

3.

Subsumption

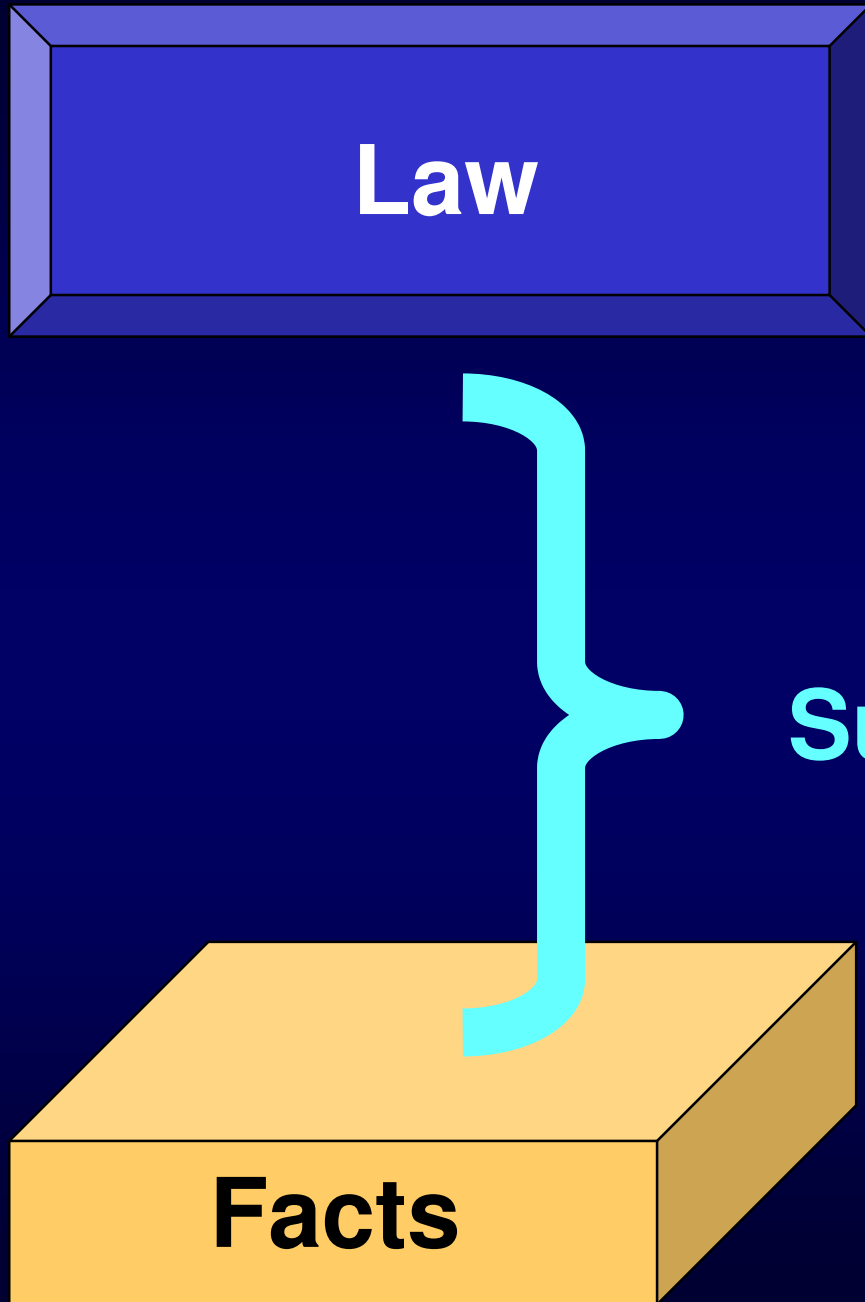
as

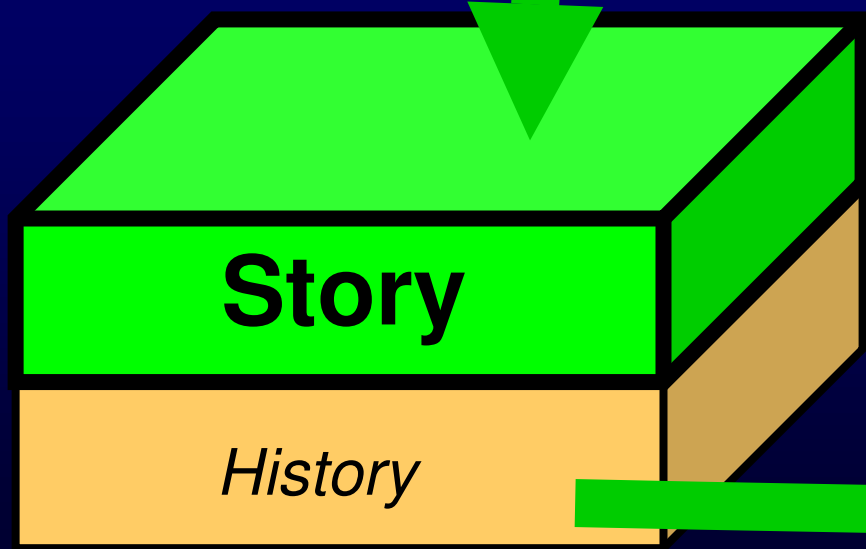
Relation

Law

Subsumption

Facts





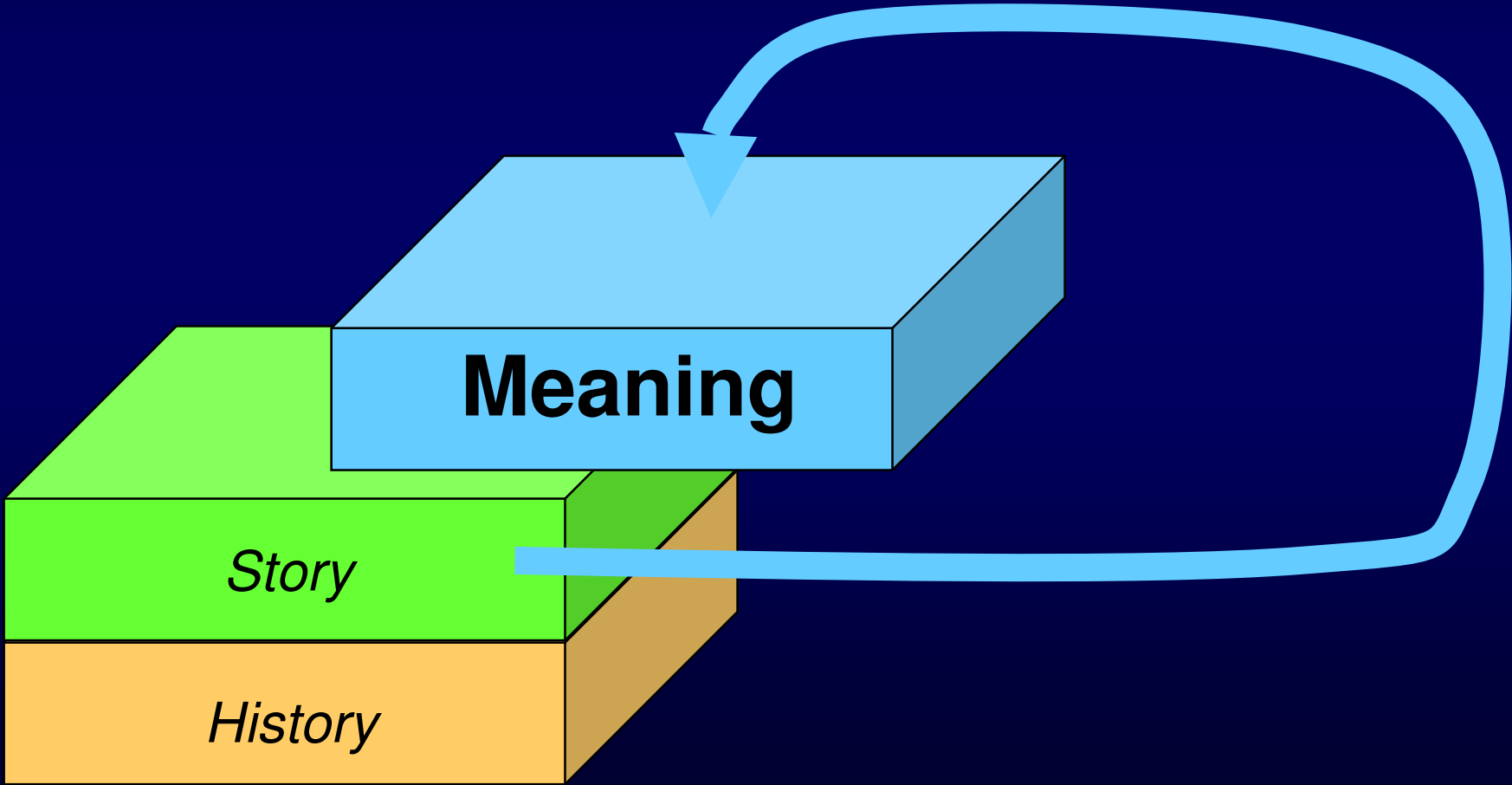
„official Version“

Natural Language



Law as a Pattern
of Interpretation

Deutungsnormen
Interpretation
(„Deutung“)



Law

Interpretation

Meaning

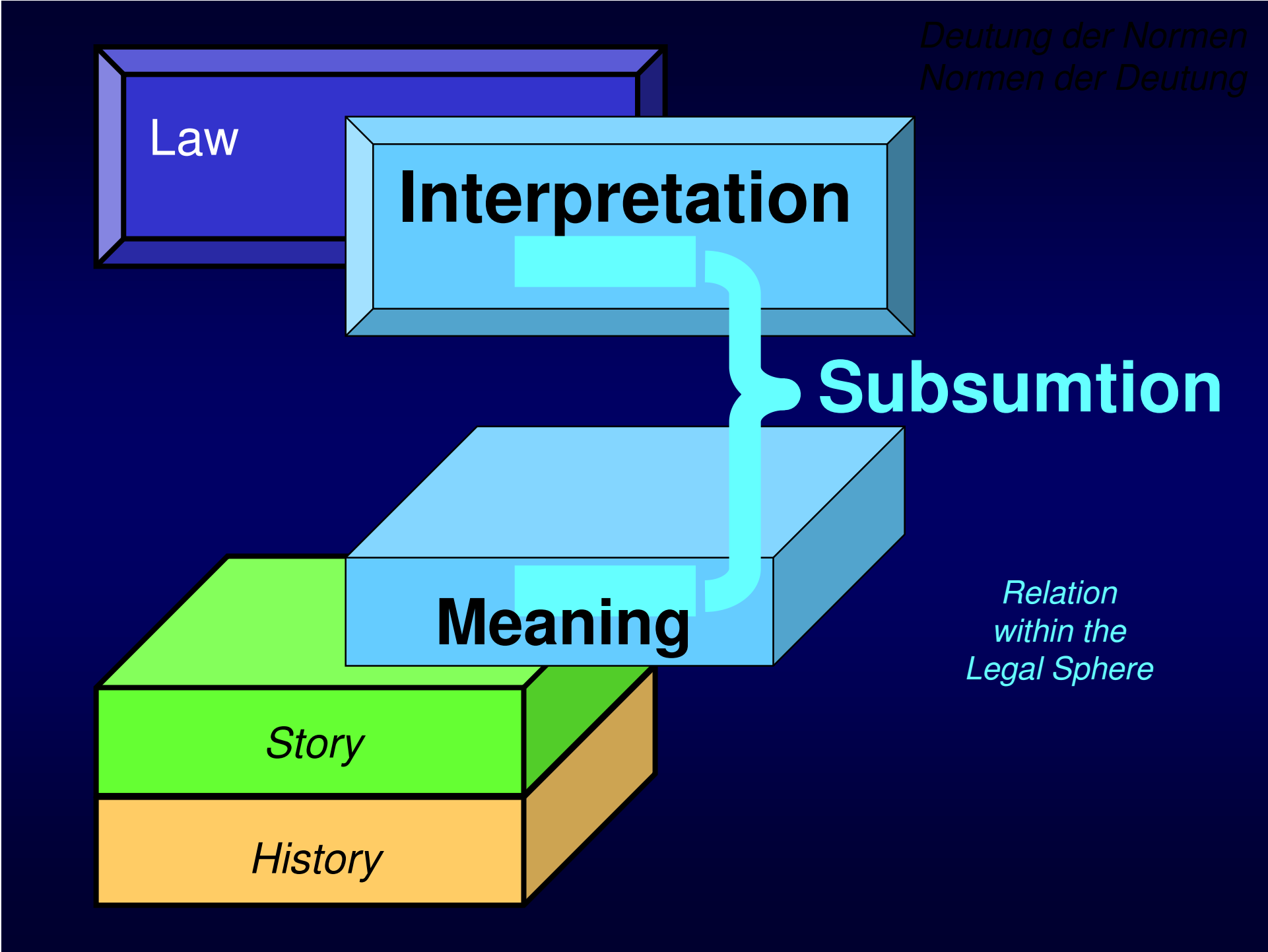
Story

History

Deutung der Normen
Normen der Deutung

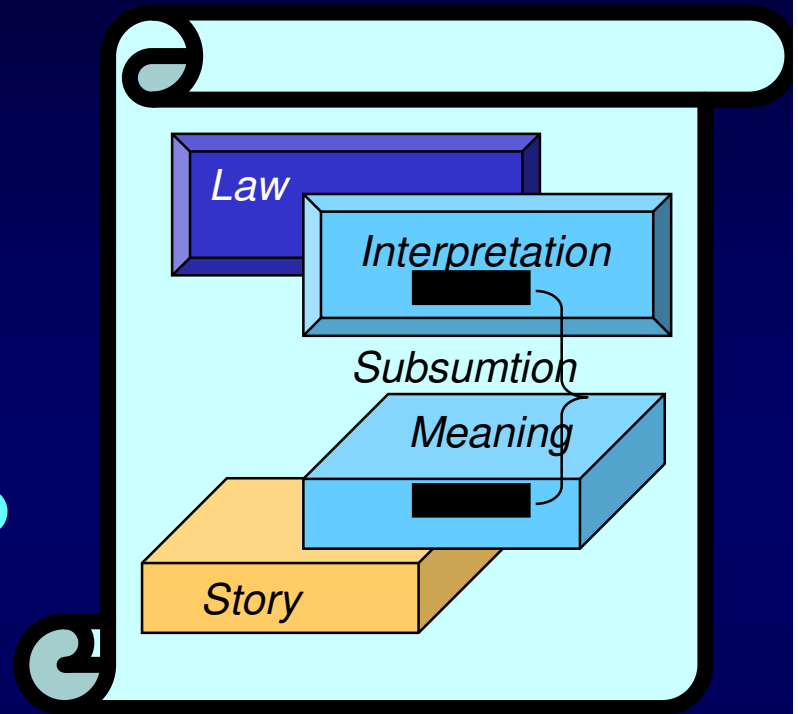
Subsumtion

Relation
within the
Legal Sphere



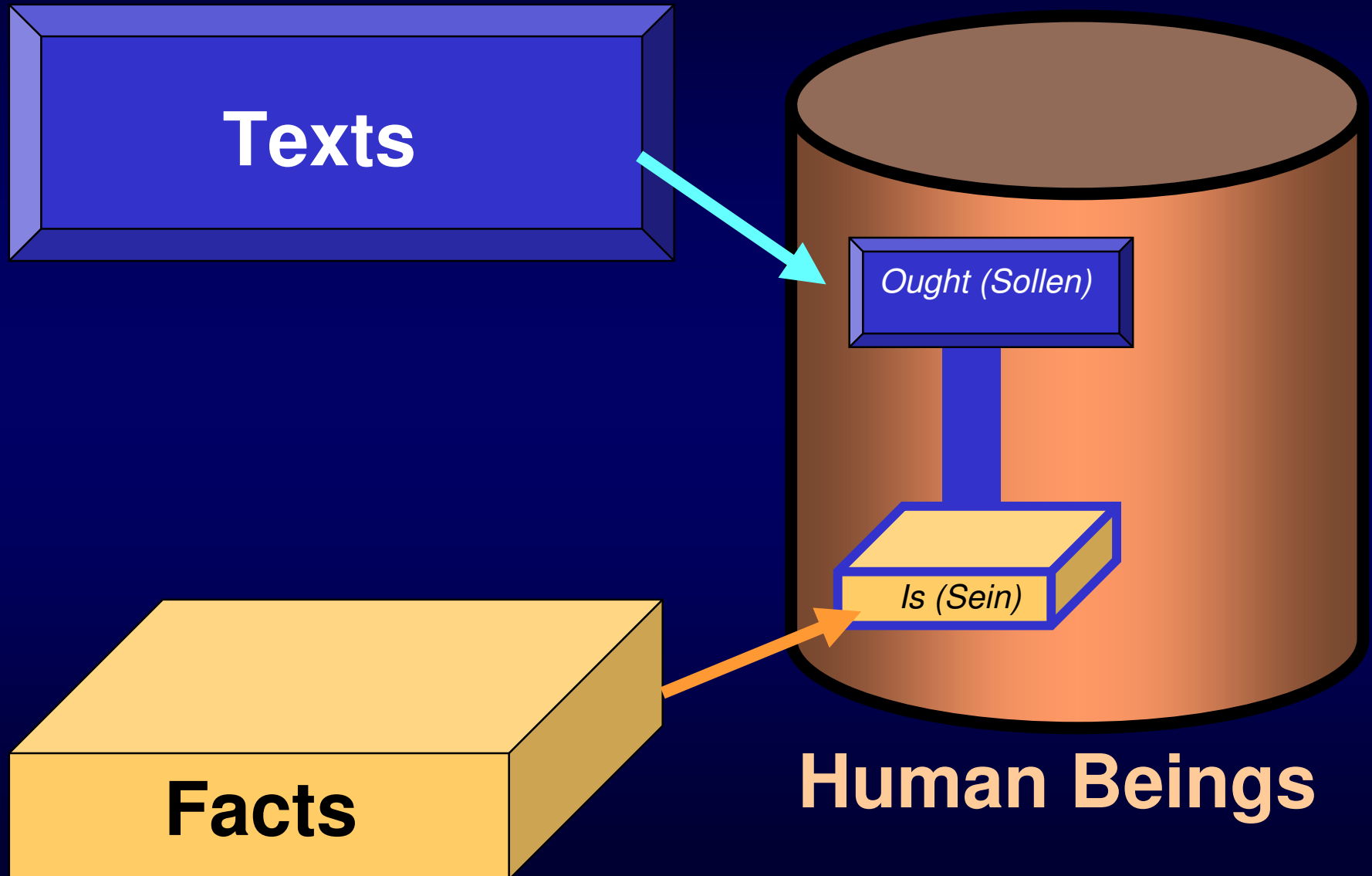
Law

Facts



Legal Act:
eg **Court-Decision**

Peter WARTA, IRIS 2004



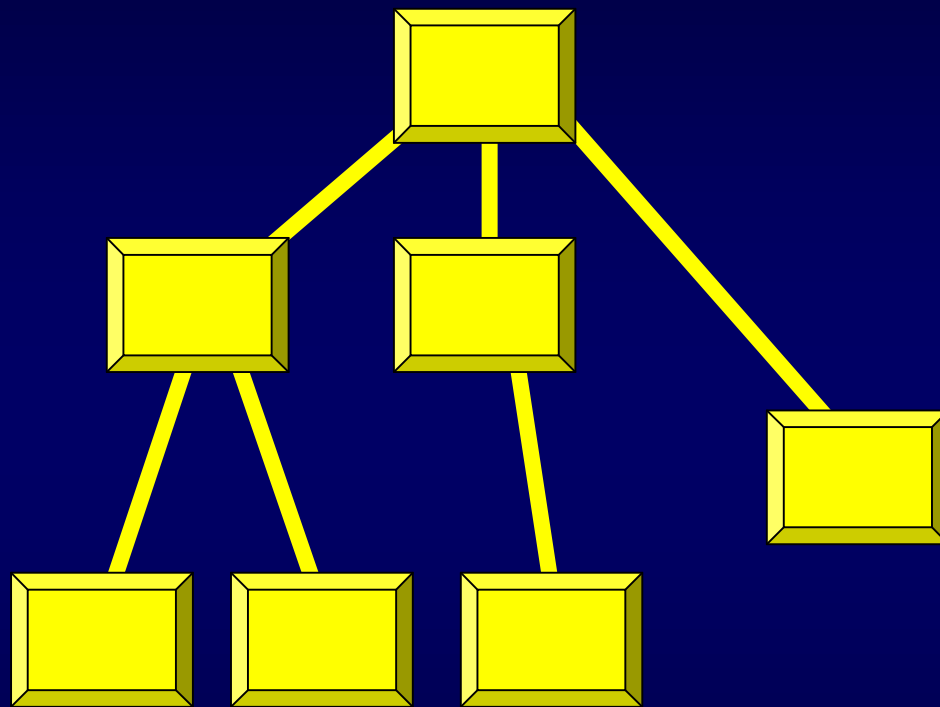
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Relations

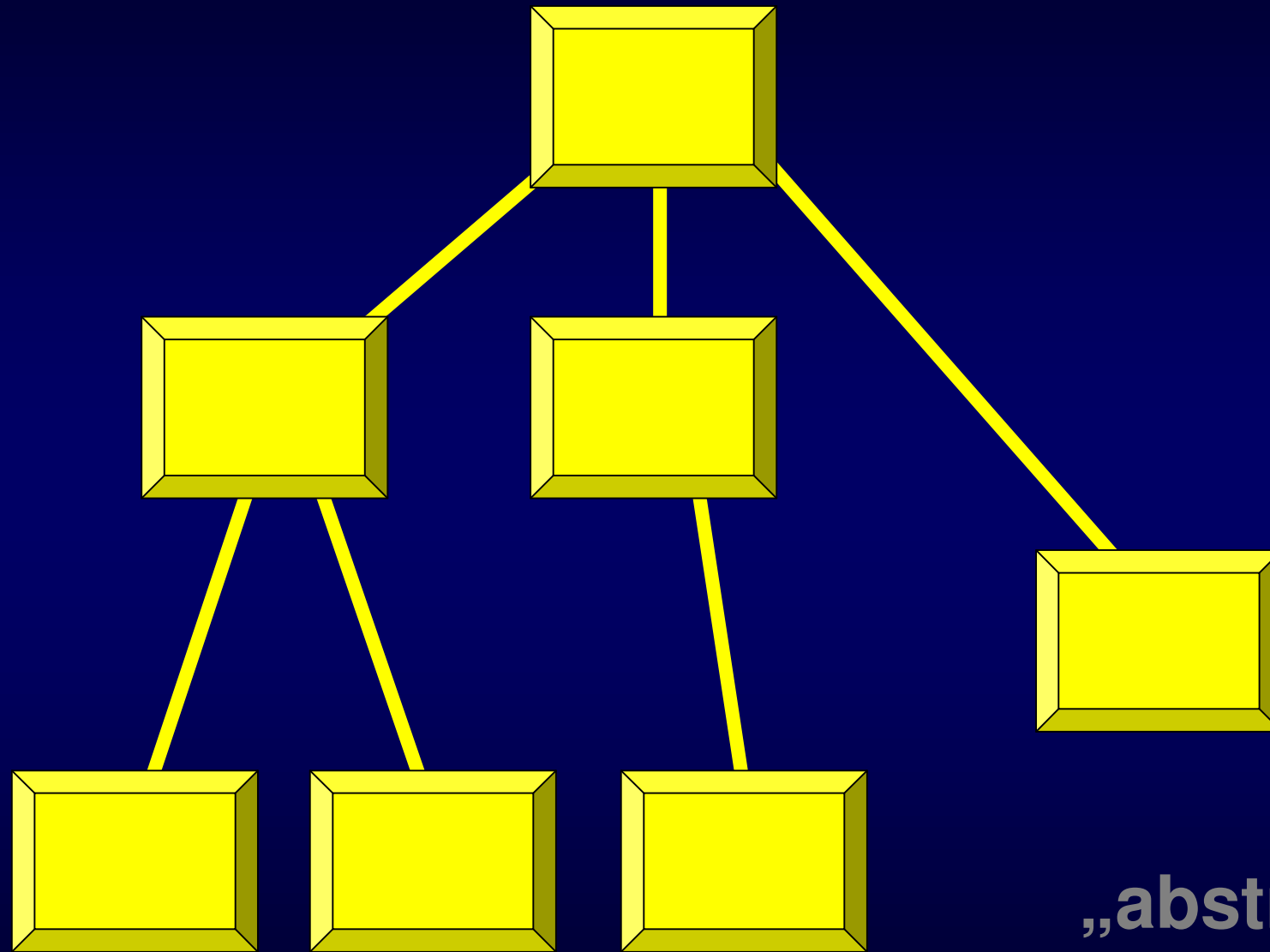
within the

Legal Thesaurus

Hierarchical Thesaurus

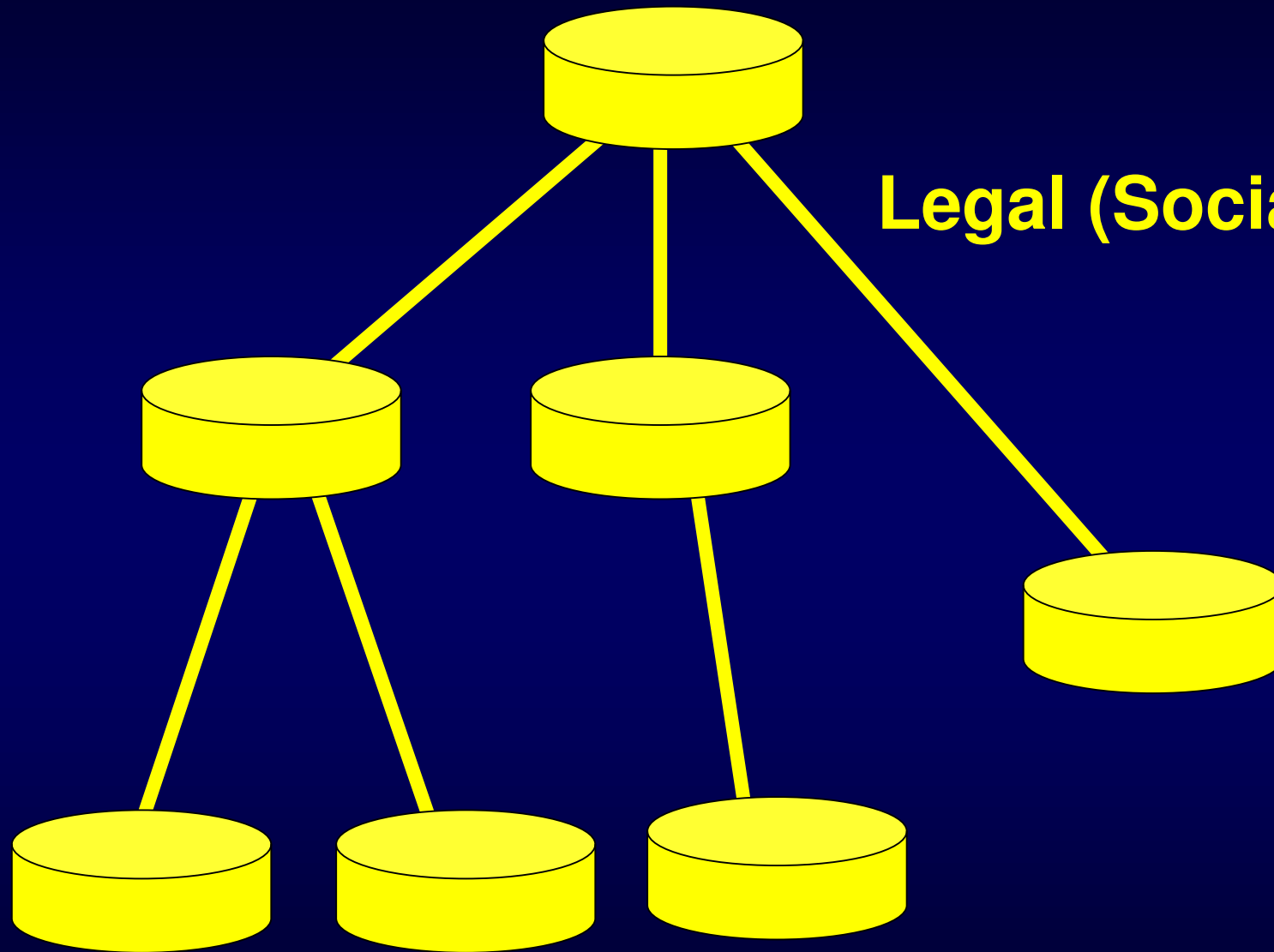


Thesaurus: Terms



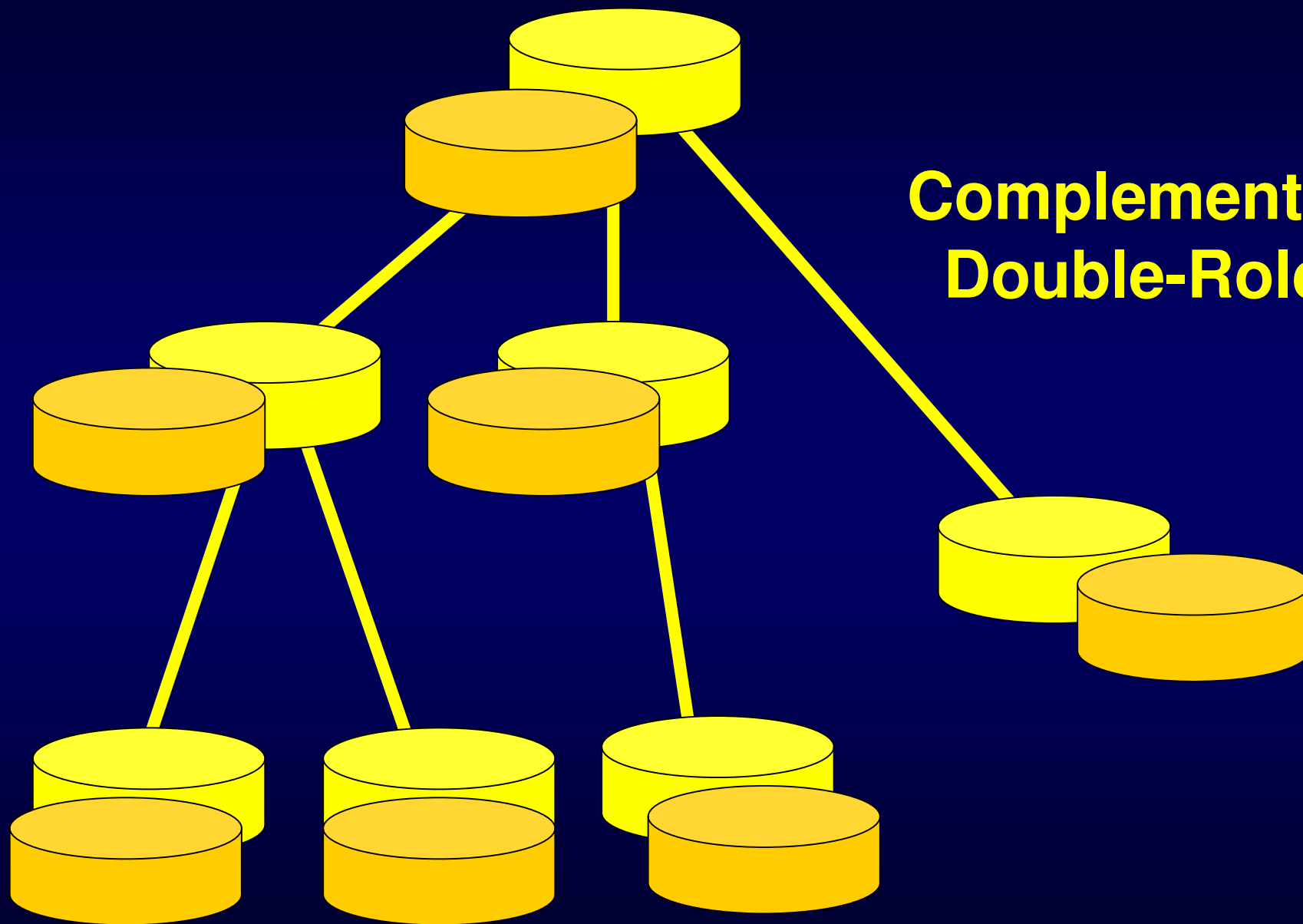
„abstract“
„far away“

Thesaurus: Roles



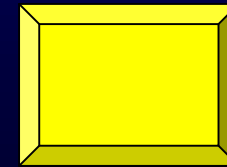
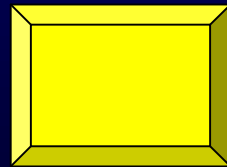
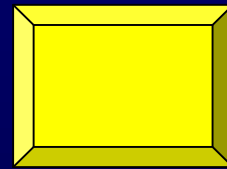
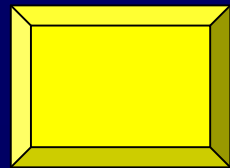
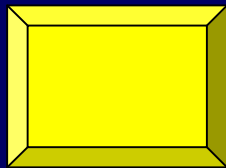
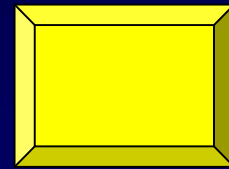
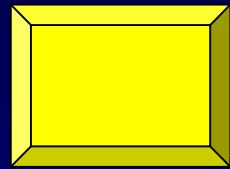
Legal (Social) Roles

Thesaurus: Roles

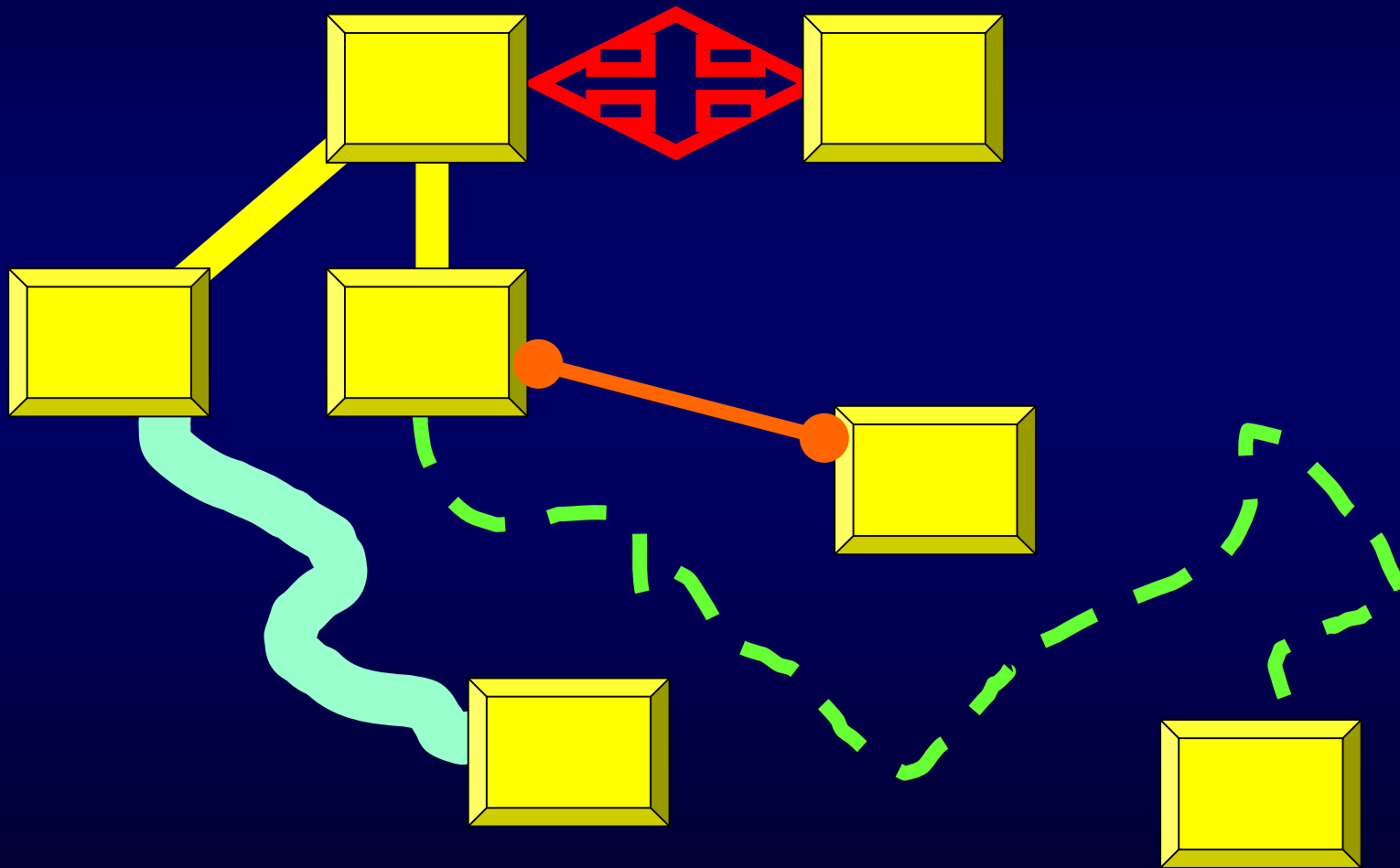


**Complementary
Double-Roles**

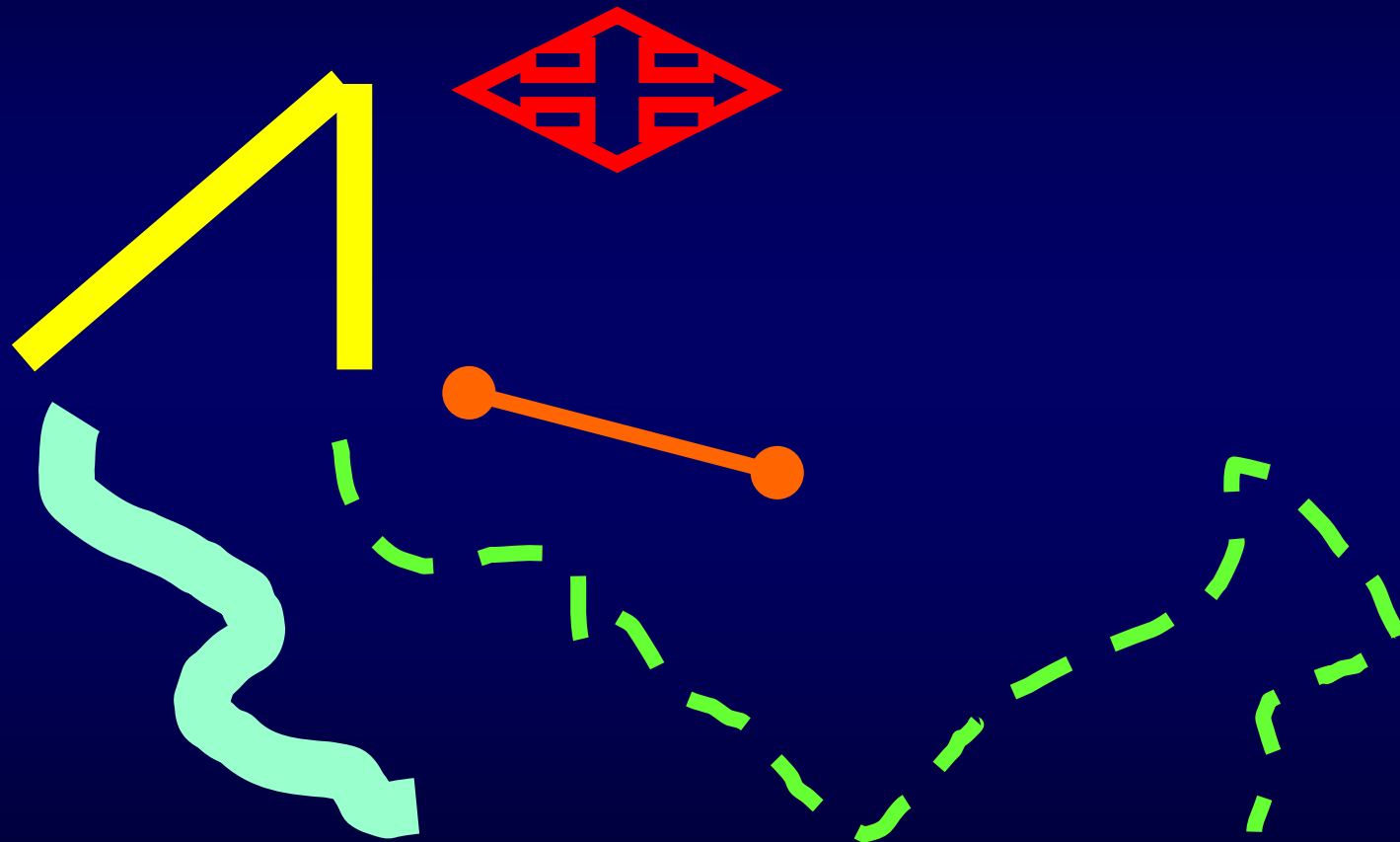
Thesaurus: Focus on the Relations

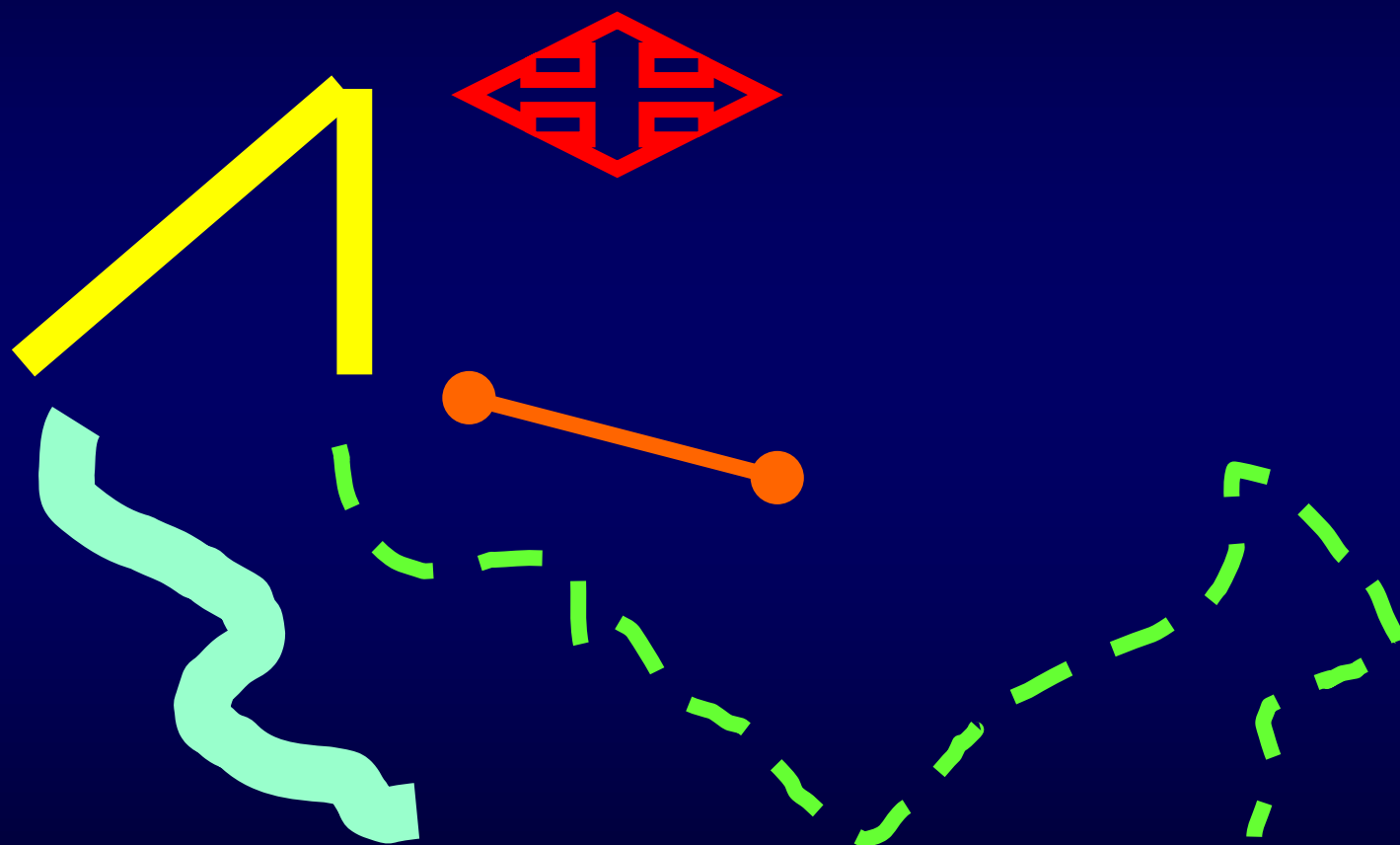


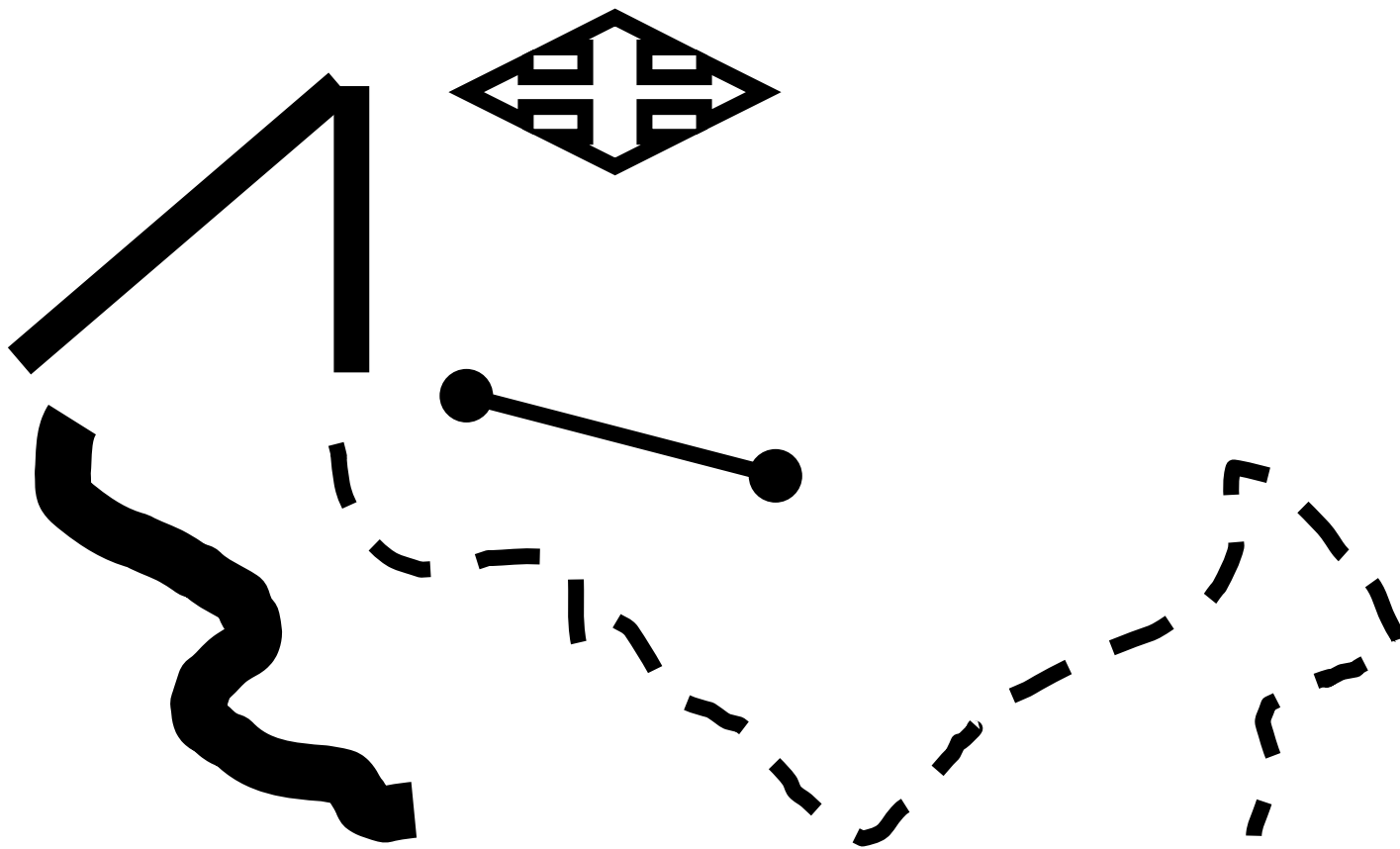
Thesaurus with open Reactions



Different Kindos of Relations









Arbeitsgruppe Rechtsinformatik, Universität Wien,
Univ.-Prof. Mag. DDr. Erich Schweighofer

LOIS

**Lexical Ontologies
for
Legal Information Sharing**

Erich Schweighofer and Team, 3. November 2005, Vienna

Relations

- Monolingual relations
 - Synonymy (Synonym)
 - Near synonymy (Fast-Synonym)
 - Antonym (Gegenteil)
 - Hyperonym/Hyponym (Ober-/Unterbegriff)
 - Implemented_as (Umgesetzt durch)
- Cross language
 - eq_synonym
 - eq_near_synonym
 - eq_has_hyperonym/ eq_has_hyponym

Further Informationen

- www.loisproject.org
- **Cross-lingual legal information retrieval using a WordNet architecture:** Dini, L., D. Liebwald, L. Mommers, W. Peters, E. Schweighofer and W. Voermans (2005), proceedings of ICAIL '05, p. 163-167
- **Advanced Lexical Ontologies and Hybrid Knowledge Based Systems:** Schweighofer, E., Liebwald, D., First Steps to a Dynamic Legal Electronic Commentary. In: Lehmann, Jos, Biasiotti, Maria Angela, Francesconi, Enrico, Sagri, Maria Teresa: LOAIT – Legal Ontologies and Artificial Intelligence Techniques. Nijmegen: Wolf Legal Publishers 2005, 71-81
- **Projekt LOIS: Juristische Ontologien und Thesauri:** Schweighofer, Erich, Liebwald, Doris, In: Schweighofer, Erich, Liebwald, Doris, Augeneder, Silvia, Menzel, Thomas (Eds): Effizienz von e-Lösungen in Staat und Gesellschaft, Aktuelle Fragen zur Rechtsinformatik 2005. Stuttgart: Boorberg Verlag 2005, 79-86

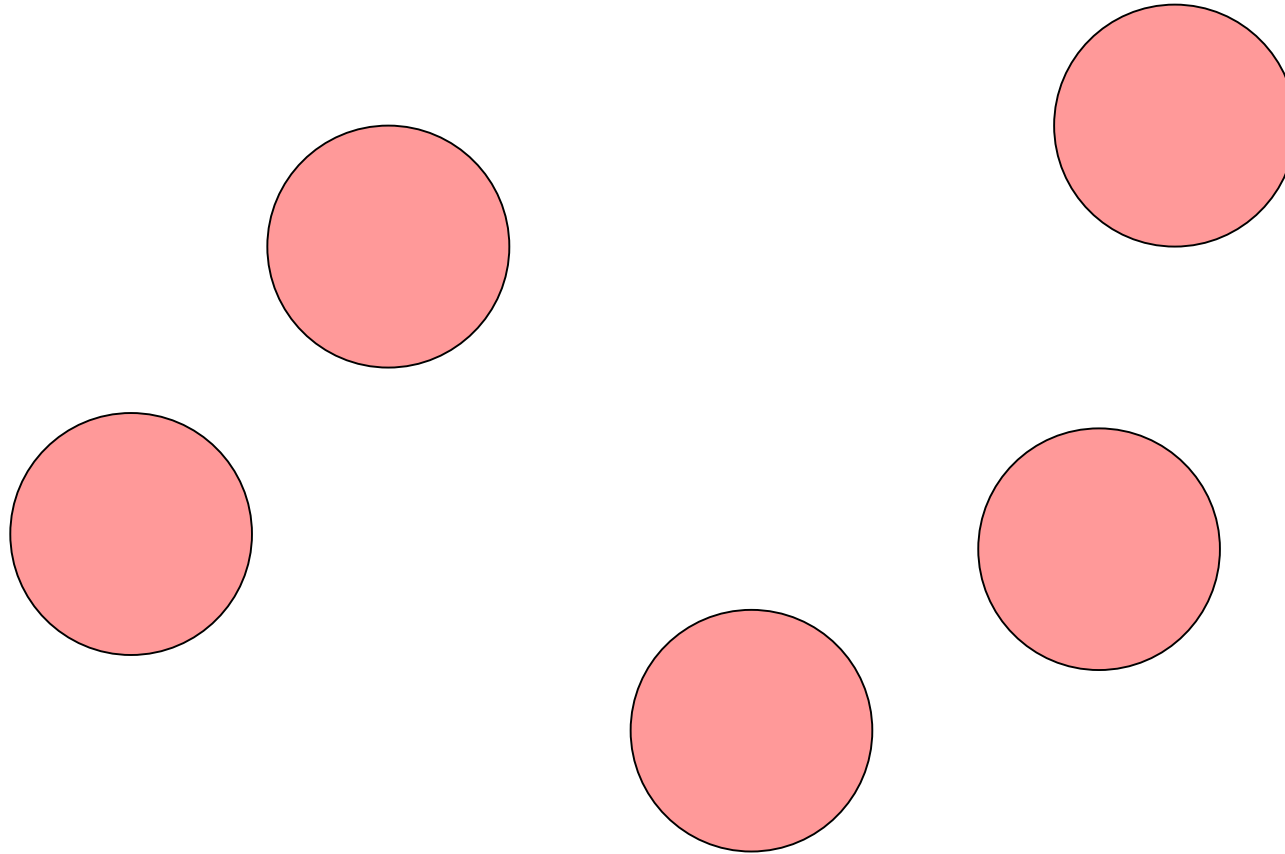
5.

Subjects

and

Relations

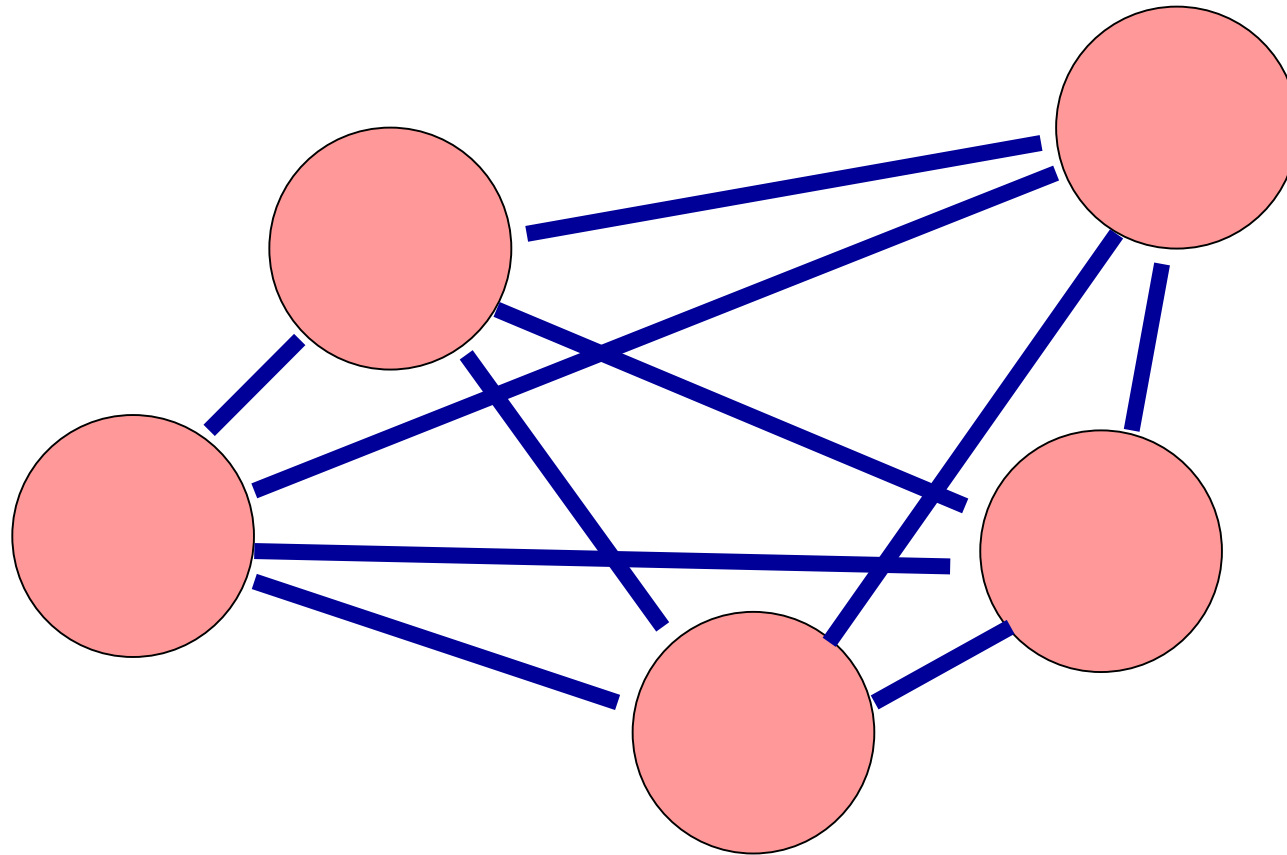
Subjects



„I“ – „You“ – „He“ – „She“ – „It“ – „We“ – „You“ – „They“

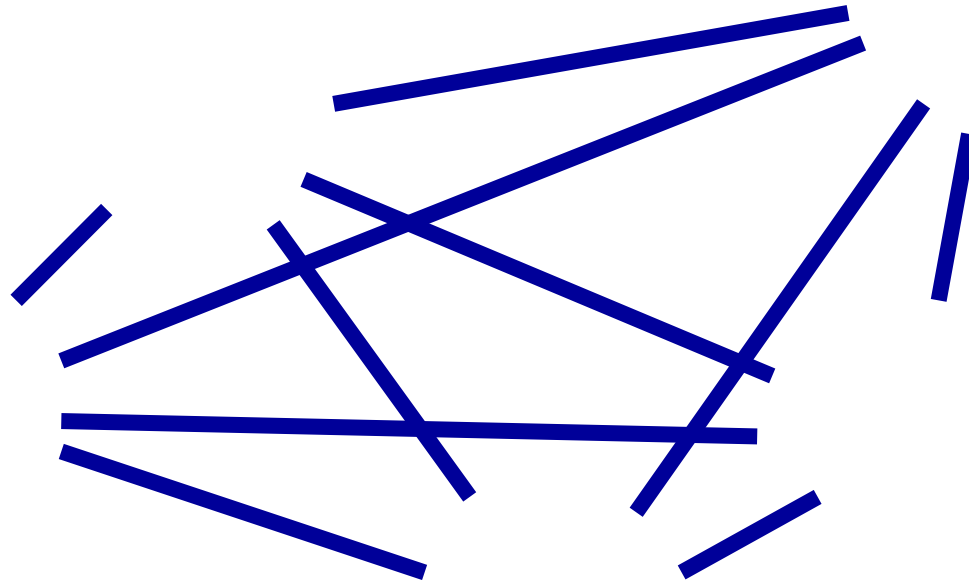
Subjects

External Relations



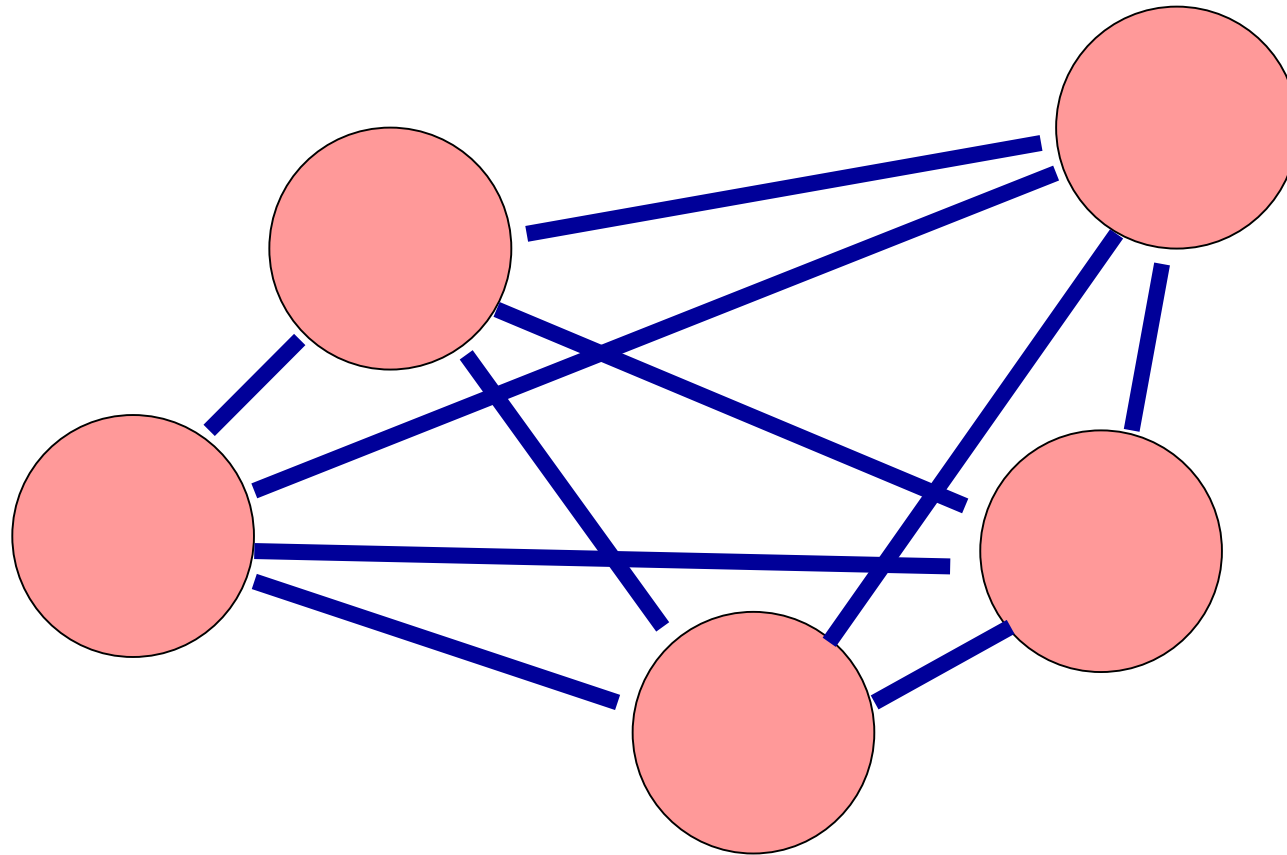
Every Day Life Situation

External Relations



Subjects

External Relations

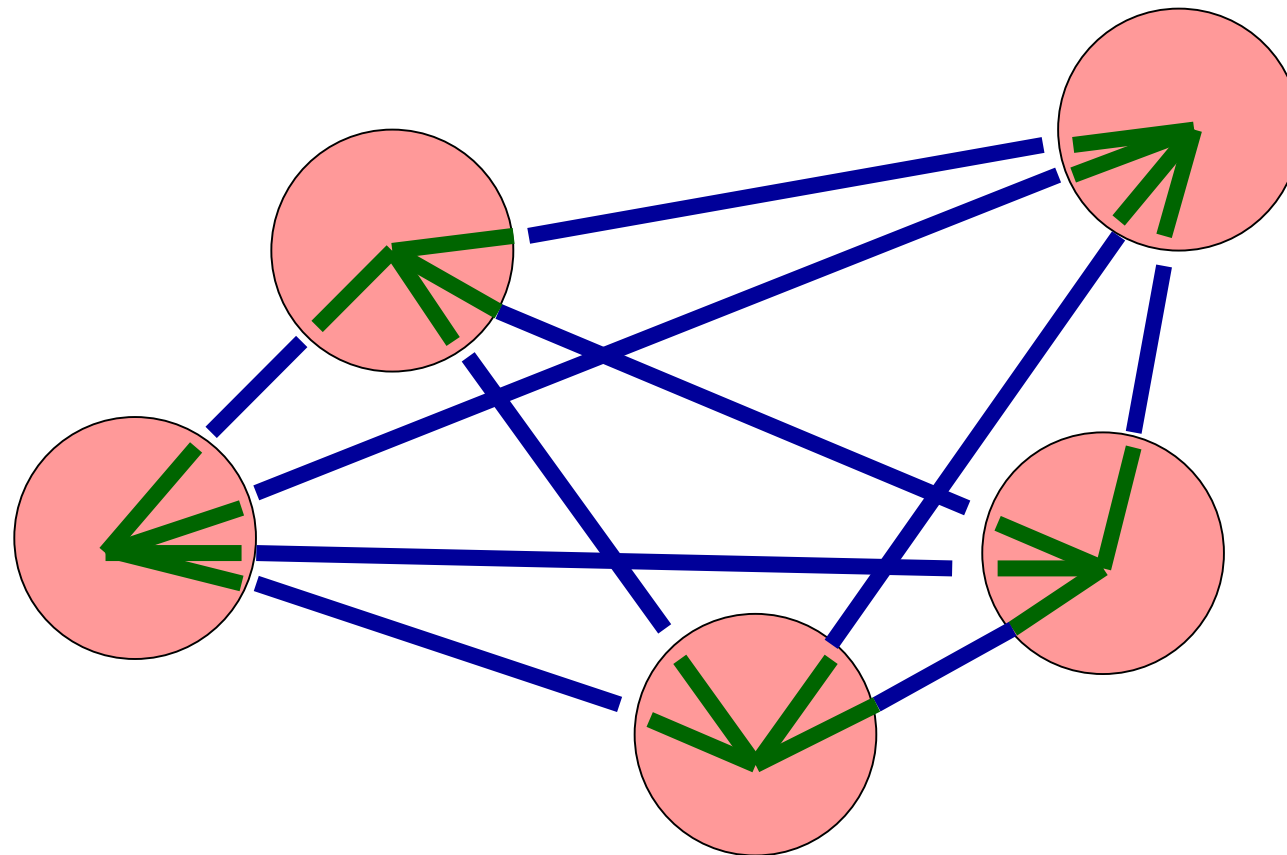


FORUM EXTERNUM

Subjects

External Relations

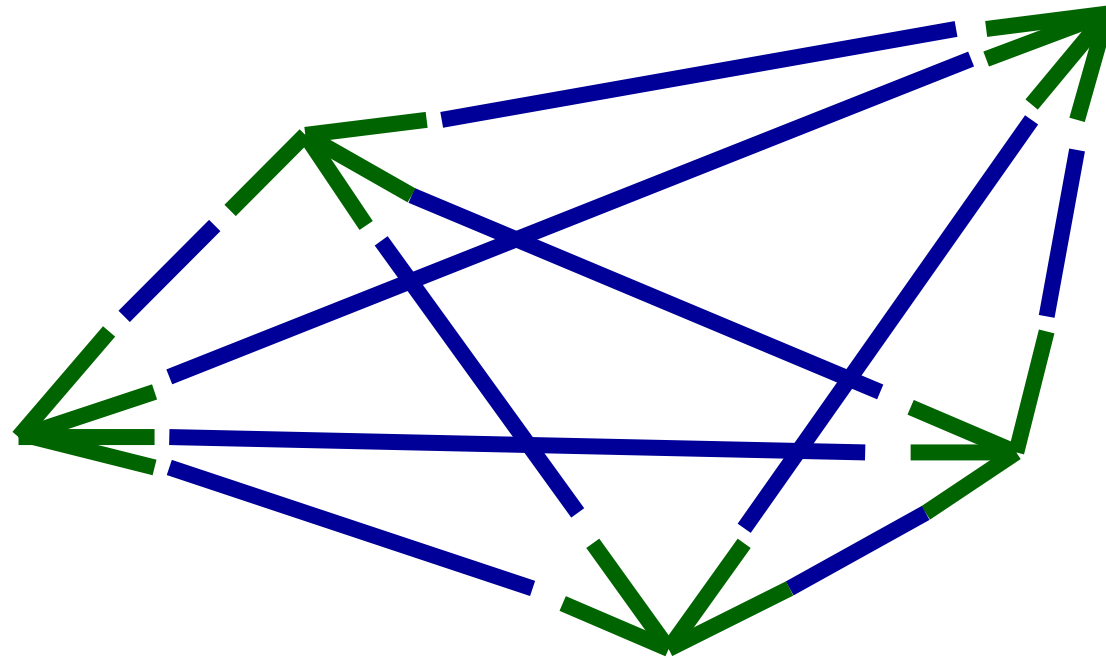
Internal-Relations



FORUM EXTERNUM – FORUM INTERNUM

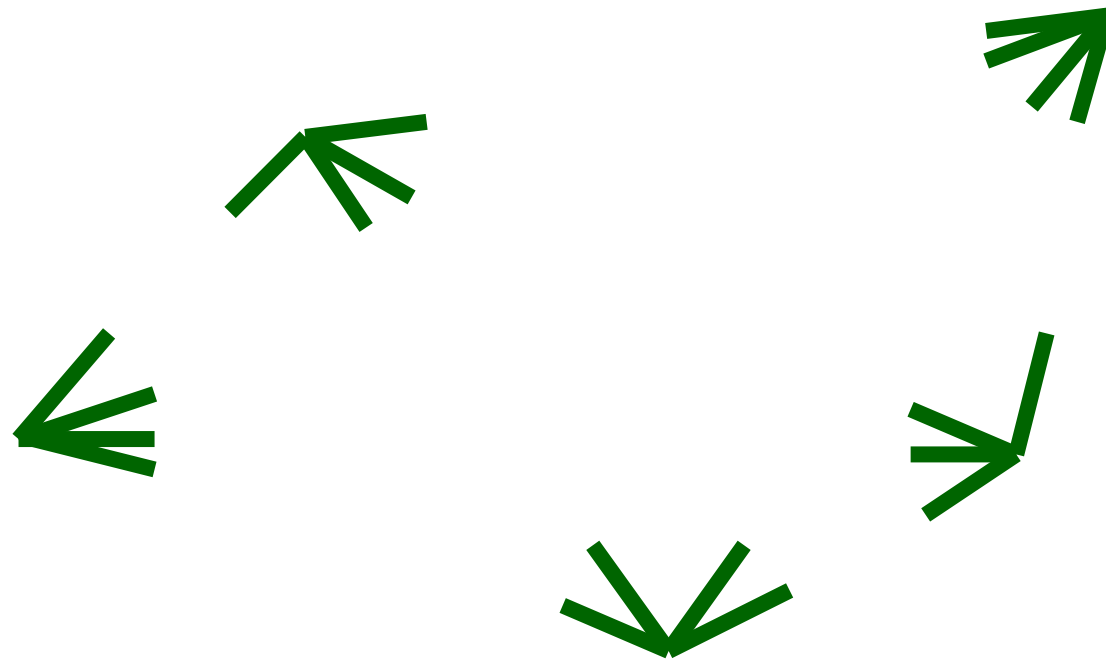
External-Relations

Internal-Relations



FORUM EXTERNUM – FORUM INTERNUM

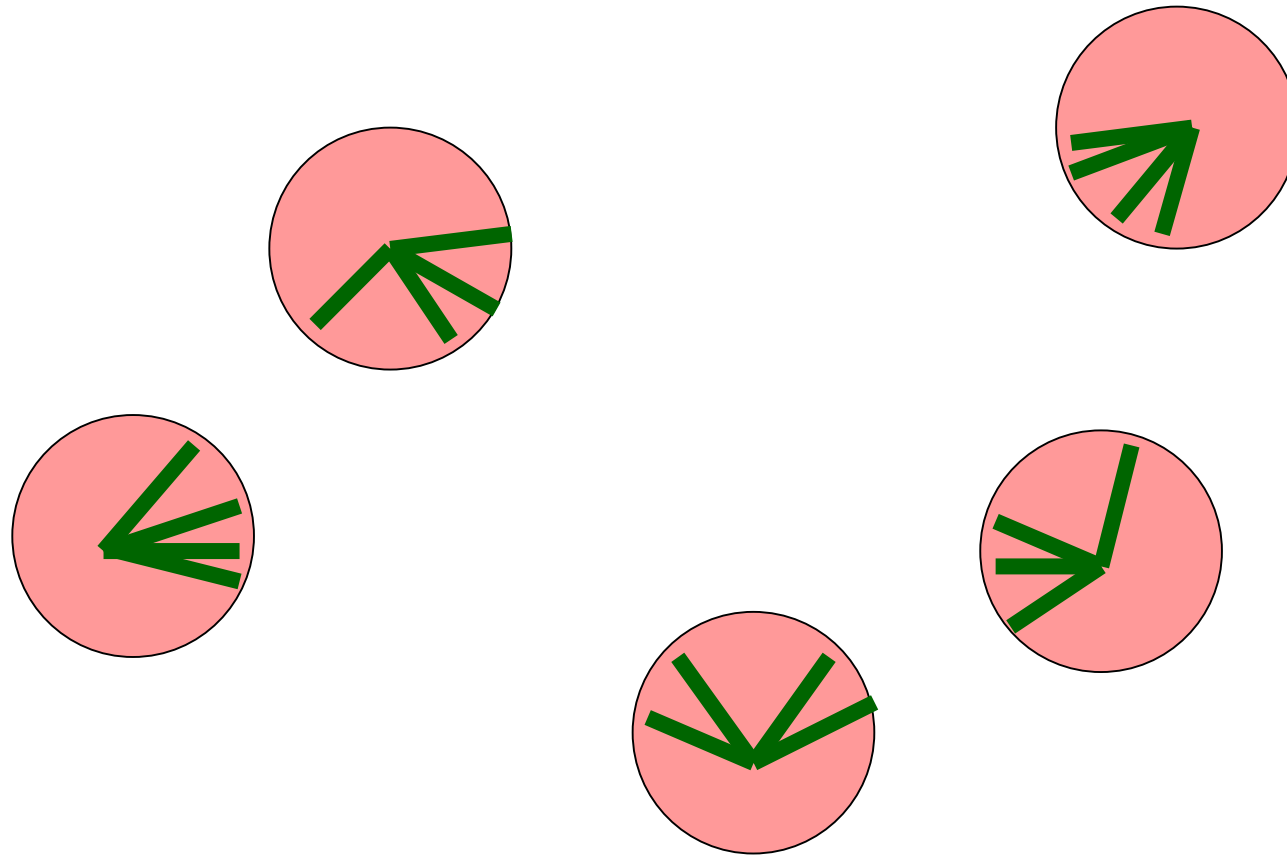
Internal-Relations



FORUM INTERNUM

Subjects

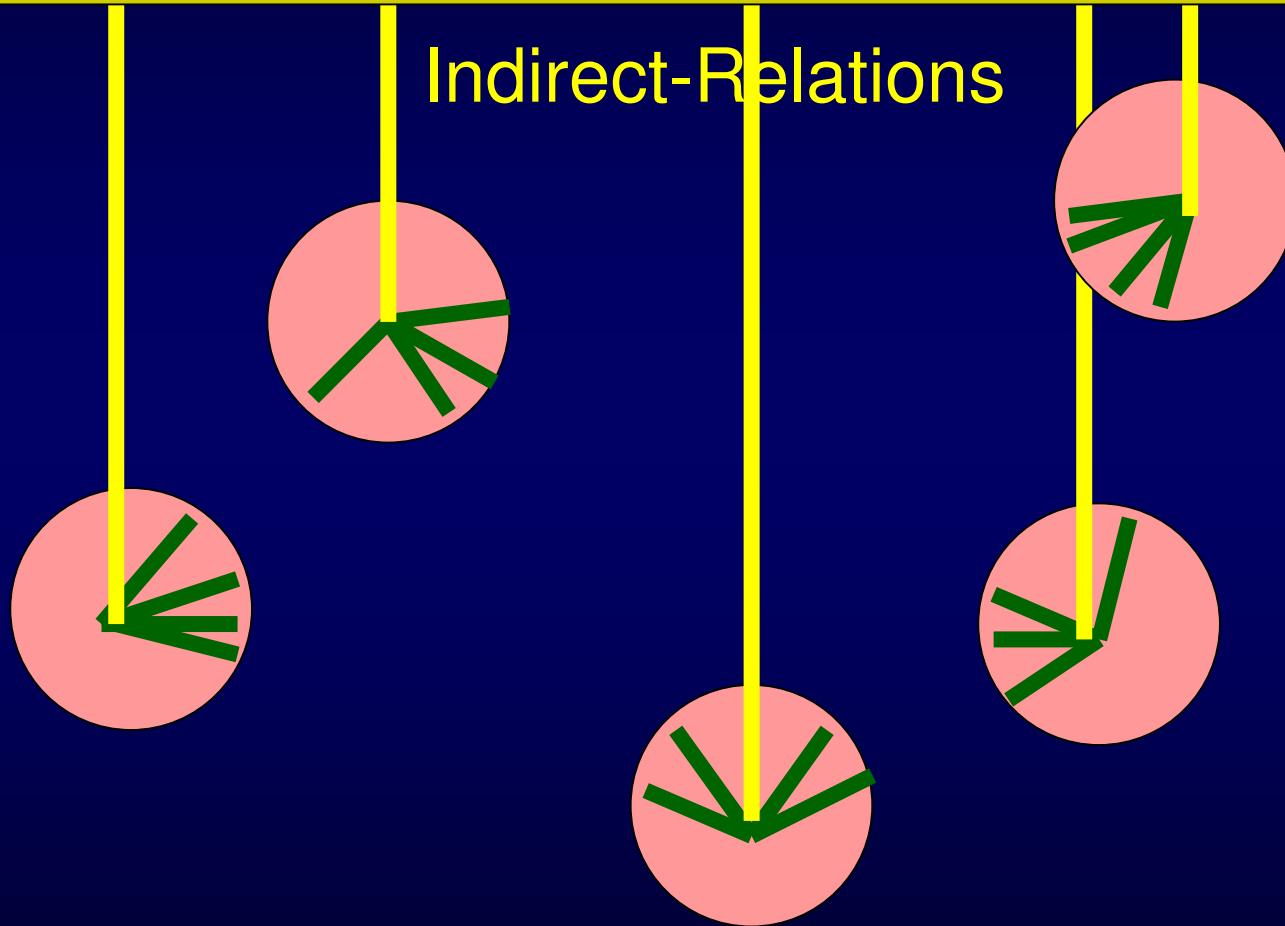
Internal-Relations



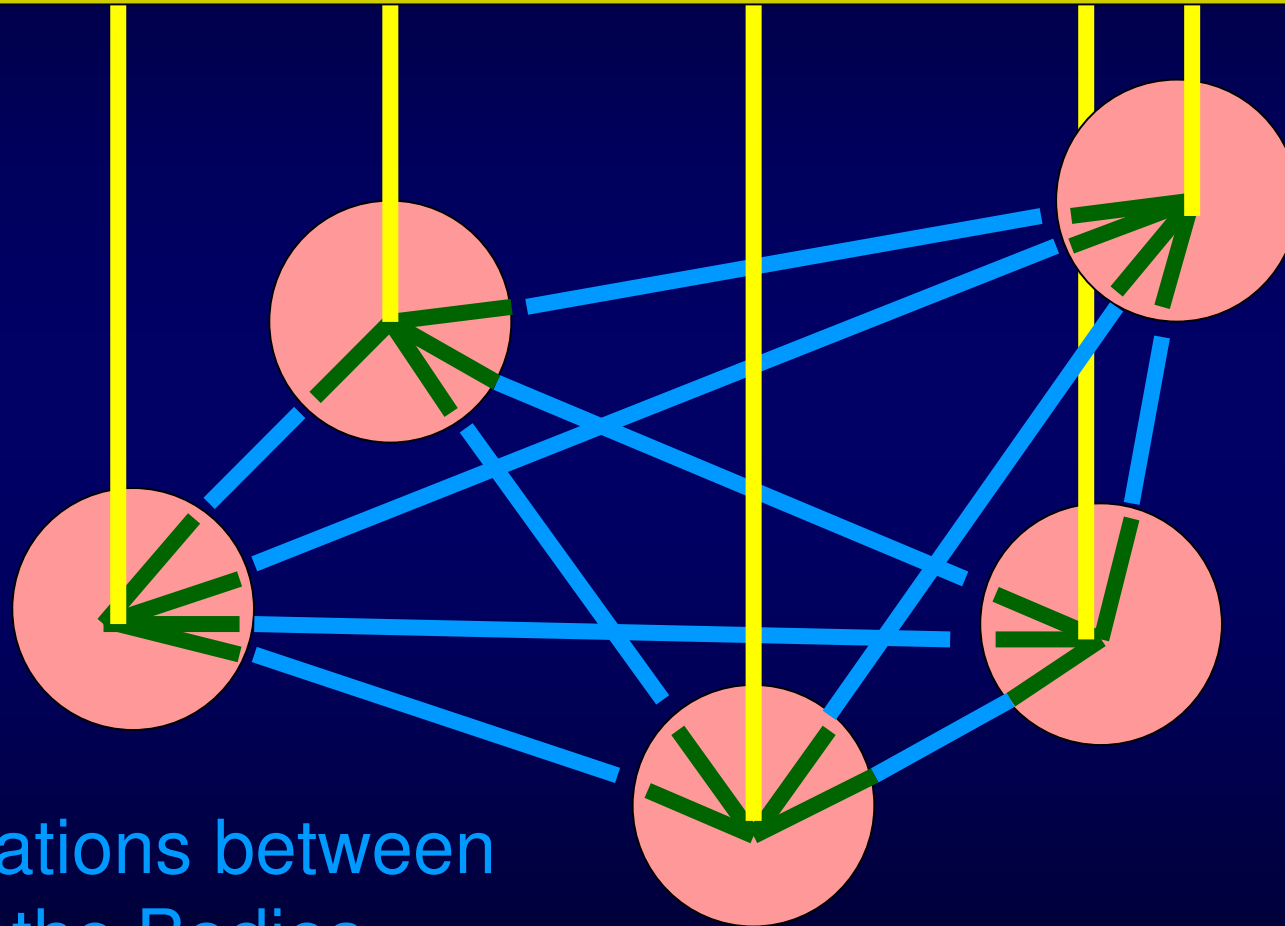
FORUM INTERNUM

Prestabilised Harmony (Tertium)

Indirect-Relations



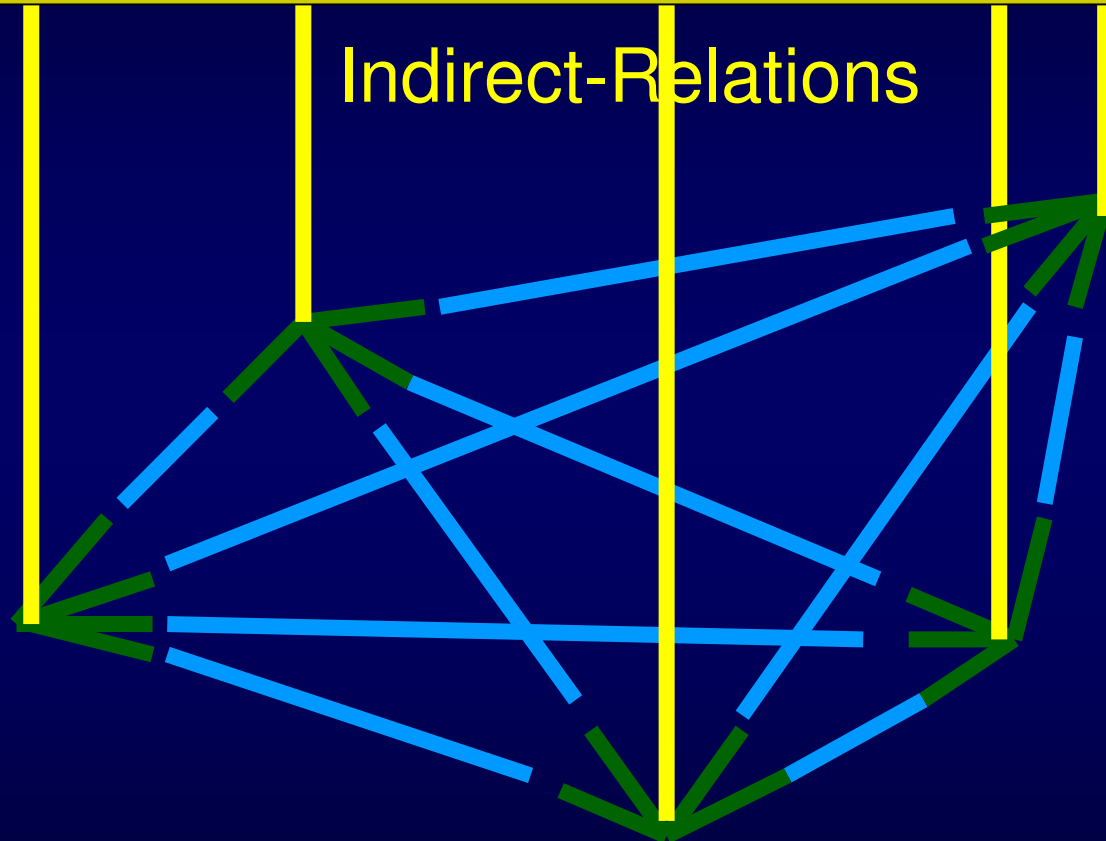
Prestabilised Harmony (Tertium)



Relations between
the Bodies

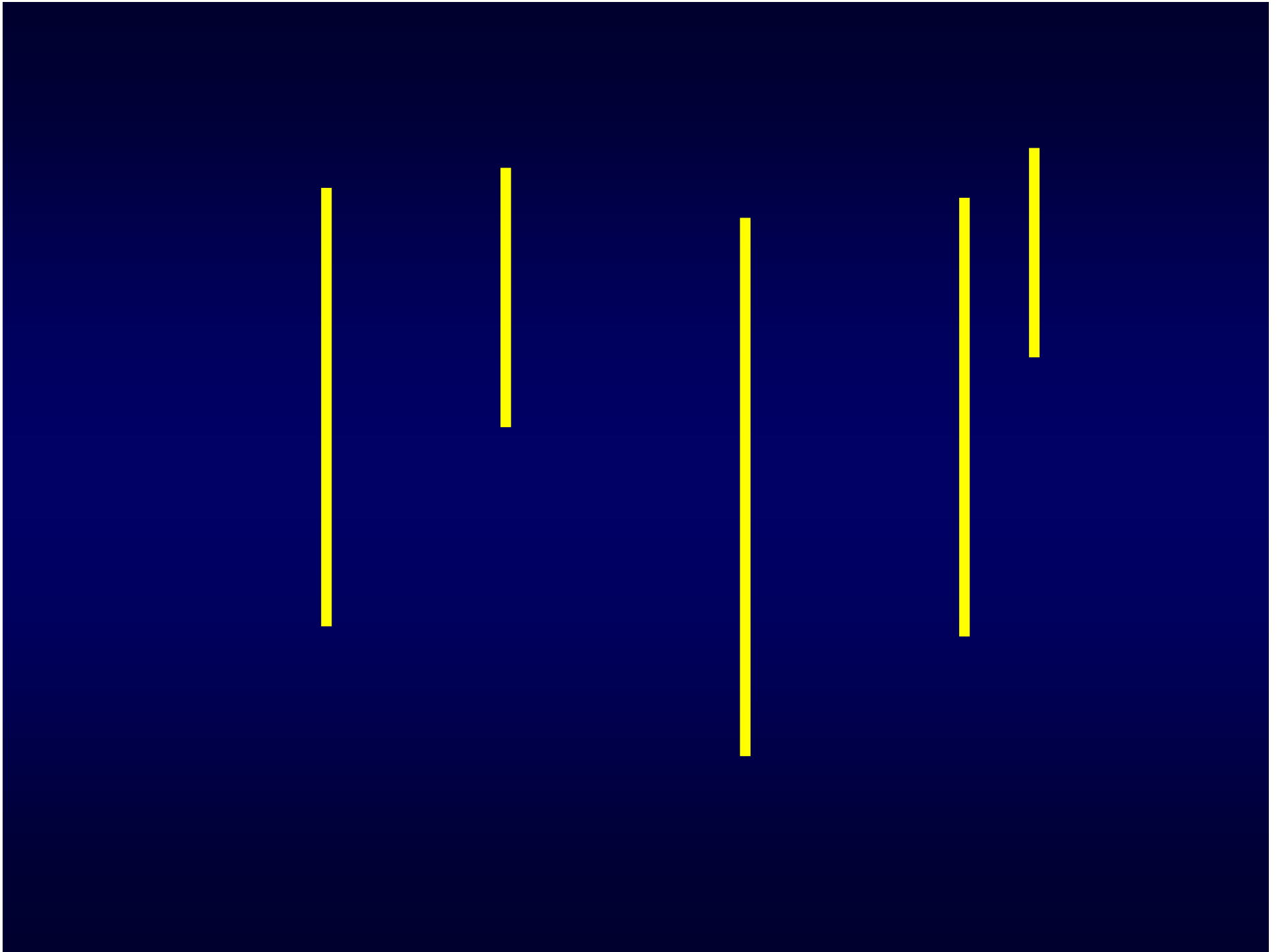
Pprestabilised Harmony (Tertium)

Indirect-Relations



Prestabilised Harmony (Tertium)







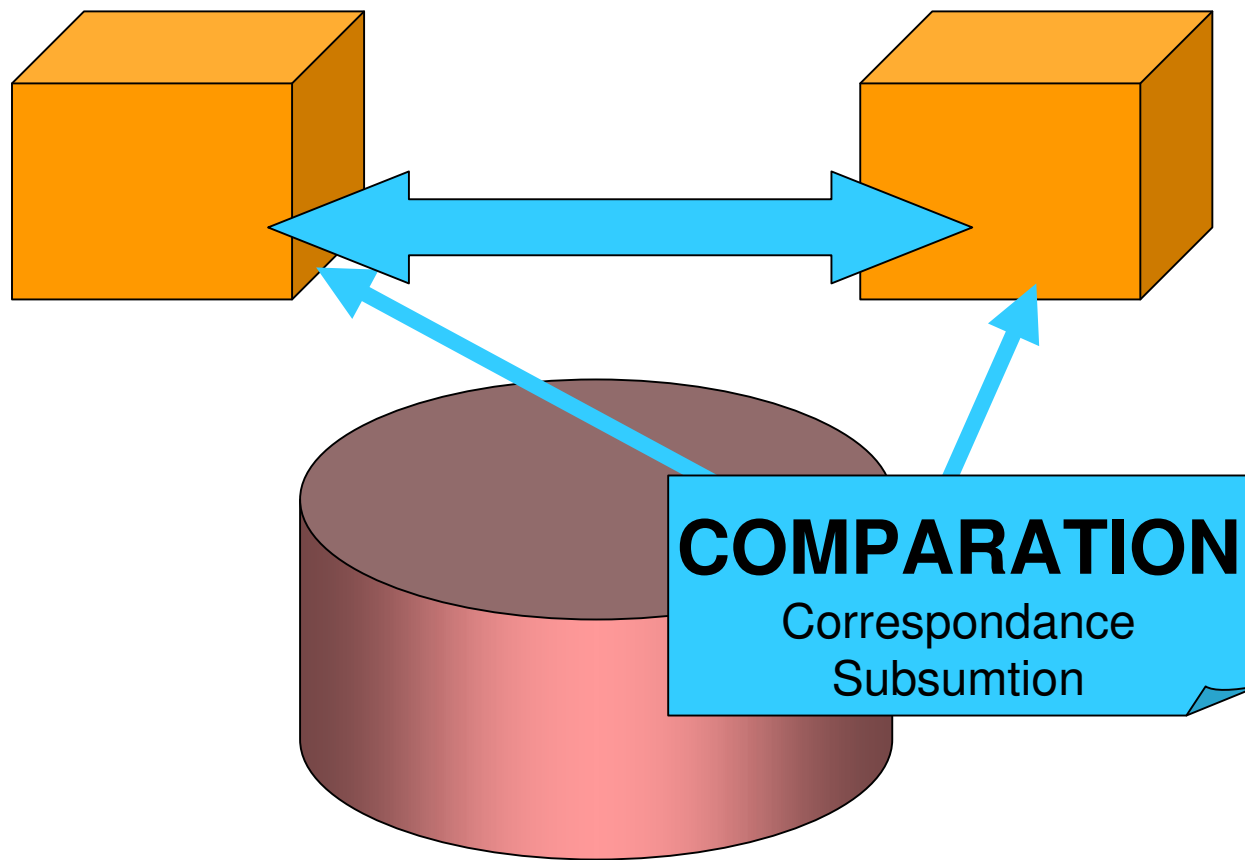
6.
TERTIUM
COMPARATIONIS

within the Legal Philosophy of
Arthur Kaufmann



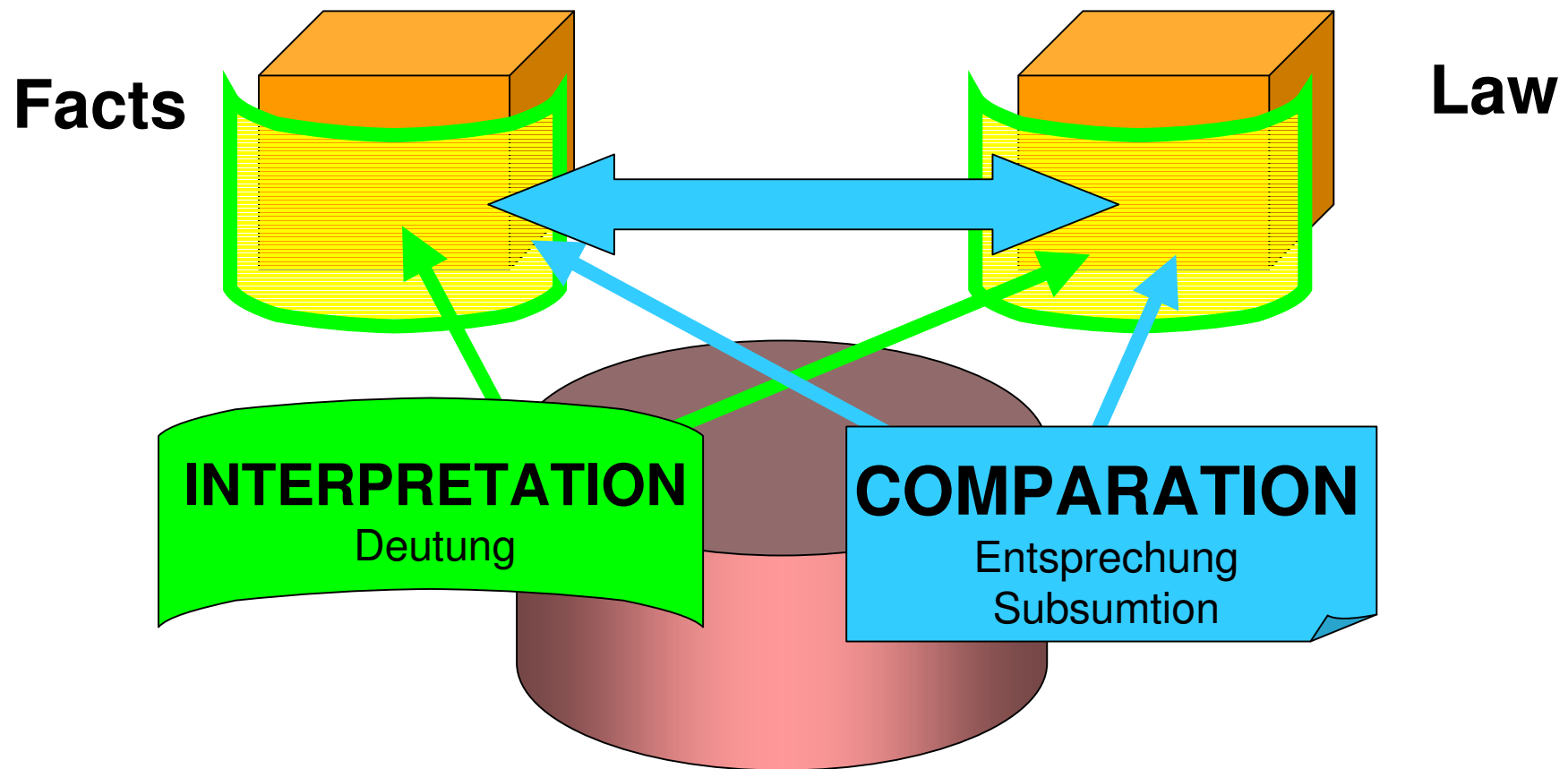
Legal Realtion beween Elements

Law - Facts



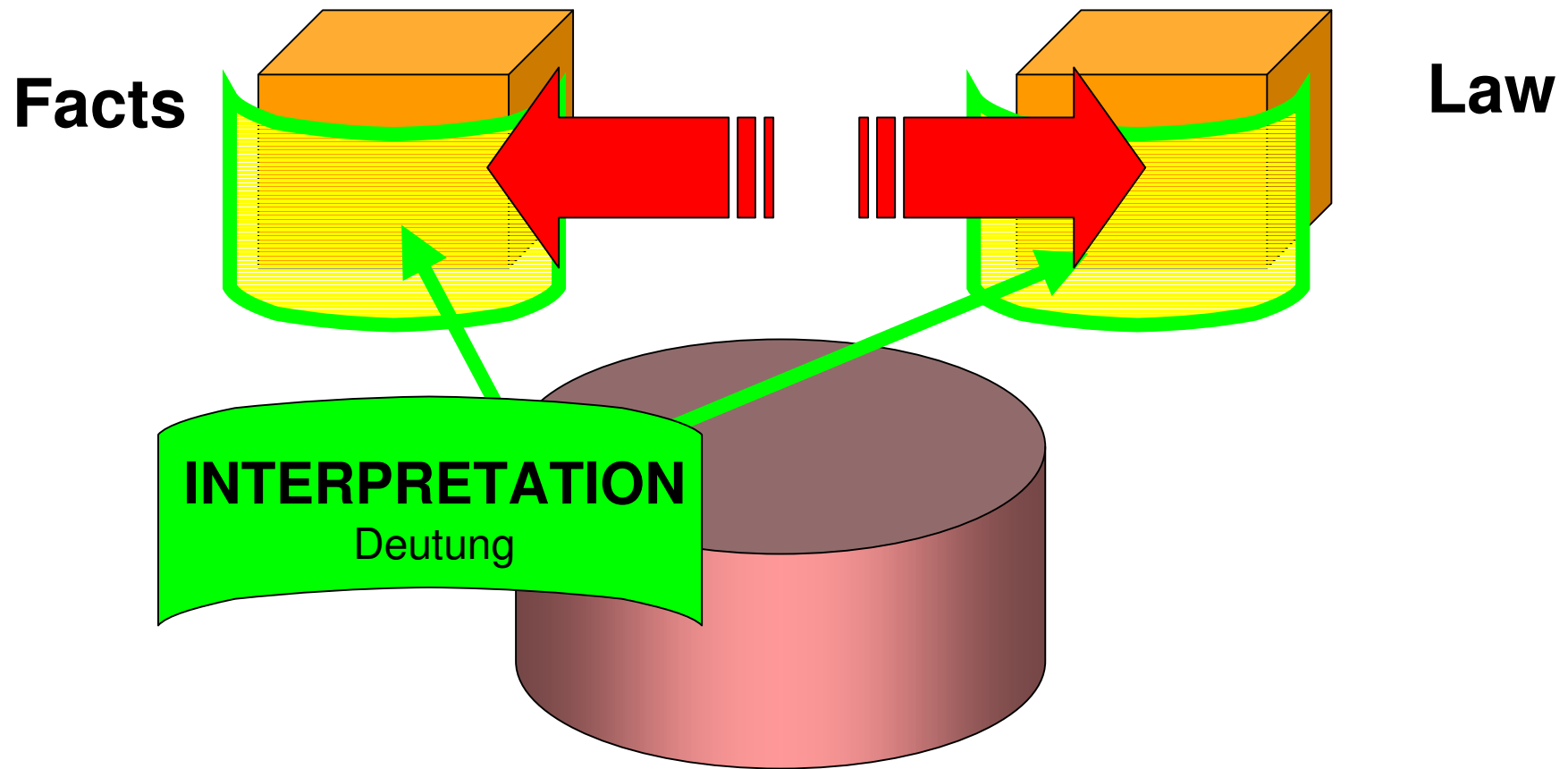
by the Legal Act (Court Decision)

Interpretation is the Precondition of Comparison

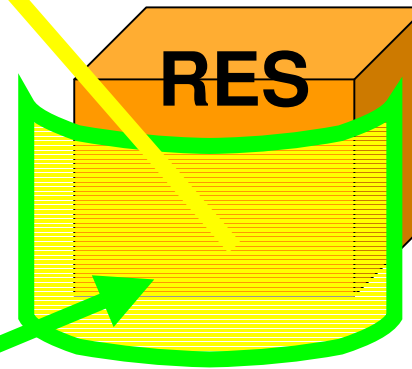
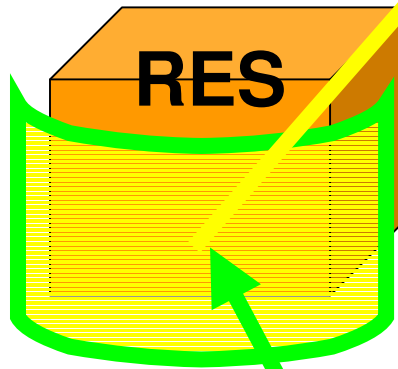
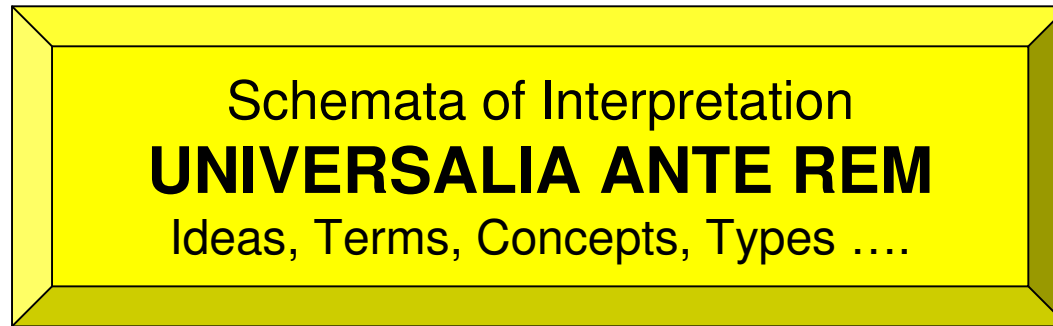


The meanings are compared

“Hin- und Herwandern des Blicks”

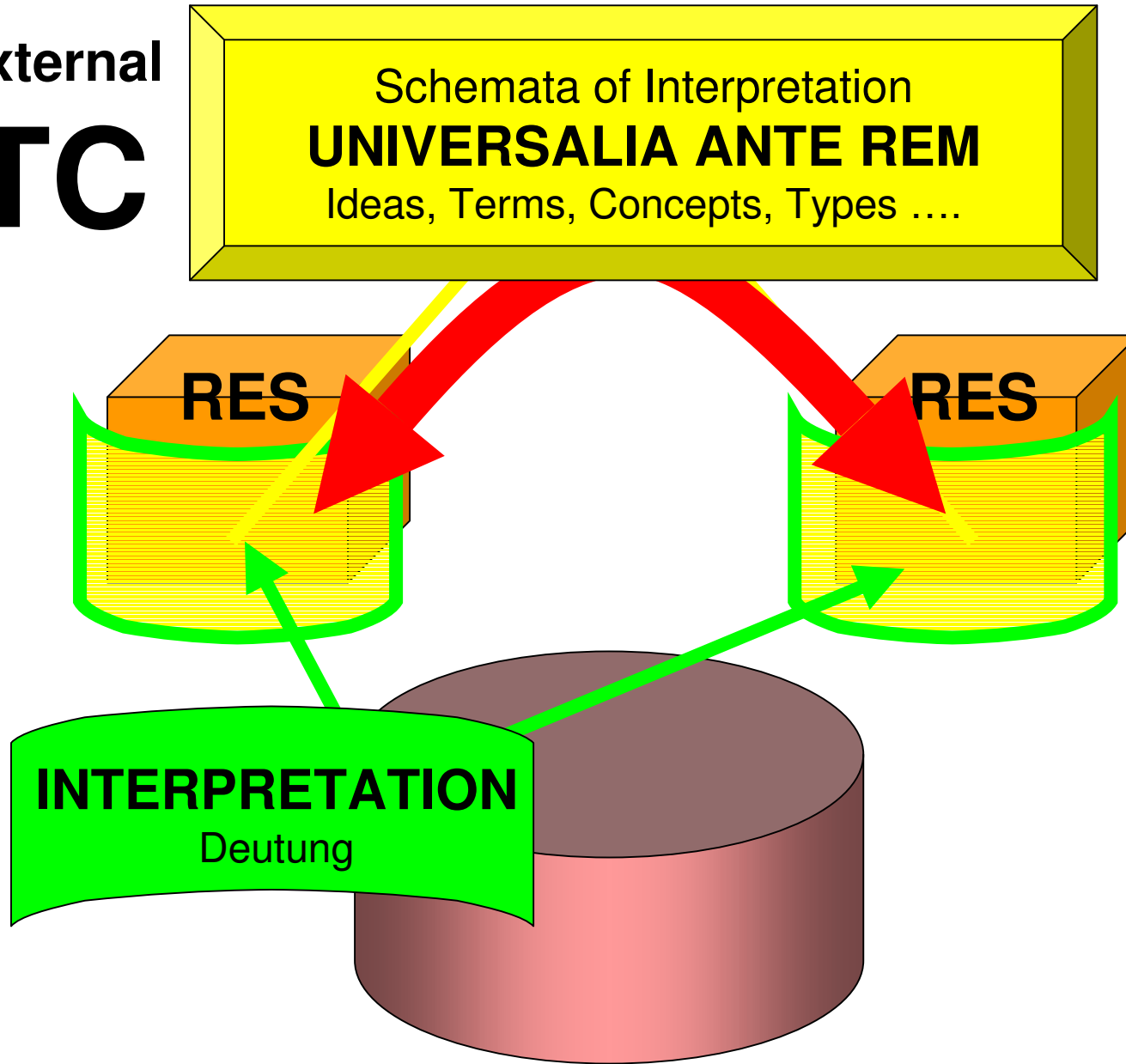


TC



Paradigms of Interpretation

external
TC



Indirect relation via an external TERTIUM COMPARATIONIS

Interpretation via an internal
TERTIUM COMPARATIONIS (Hermeneutics)

