Network of Legal Metalevels

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1. Introduction
Examples of legal metalevels

• ‘Meta’ means ‘with’ (German *mit*)
  – Not ‘higher’ or ‘beyond’

• Metalevel = an additional system

• Examples:
  – Legal terms (legally indifferent substrate)
    see Kelsen (1991)
  – Legal ontologies, thesauri, taxonomies
  – Commentaries, annotations
Theme 1: The granularity problem

- Small documentation entities increase metadata
- Different metalevels in
  - The legal system
  - The legal documentation system
Theme 2: Core and periphery

Legal system
Ought

Moral norms
Politics
The Is world

Ideology
Legislation

Legal documentation

Thesauri
Legal terms
Applications
E-commentaries
Annotations

Taxonomies
Legal ontologies
Theme 3: Shift from hierarchy to network

- **Unity** by Kelsen: a lower norm conforms with a higher norm.
  “No one can serve two masters”
- Two kinds of relations between legal orders
  - either independence (even indifference)
  - or integration
    - no co-ordination
    - no co-operation
- **Deregulation**
  - A consequence of the *Welfare State*
  - Post the “Rule of Law” State
- **Multidisciplinarity**
  - pluralist perspective to legal science
    (Van Hoecke, van de Kerchove, Ost)
Theme 4: Schweighofer’s approach

8 views
Representations of law
1. Text corpus view
2. Metadata view
3. Citation network view
4. User view
5. Logical view
6. Ontological view
7. Visualization view
8. Argumentation view

4 syntheses
Types of products
1. Commentary / handbook
2. Dynamic electronic legal commentary
3. Citizens information
4. Case-based synthesis

4 methods
Legal methodology
1. Interpretation (search, reading, understanding)
2. Documentation (search, processing)
3. Conceptual and logical analysis
4. Facts analysis

My question:
Is this classification complete?
2. Shift from hierarchy to a network
What is the shape of a network?
Network = (semiformal) system or (formal) graph?

- Inverted pyramid
  - American realists
  - Multiple distant sources of law flow into the singular decision by the judge
- From tree to trellis
- Tangled hierarchy
- Strange loops
In exactly what sense is law a system?

• A system of norms, concepts, institutions, branches, principles, and values?
• Forest ≠ set of trees
• System (van de Kerchove & Ost 1994):
  1. **Set of elements** (components)
     • Uniting, Greek systēma, assemblage
     • Elements can be subsystems
  2. **Relations**
     • Organized totality (integration principle)
     • Bonds of interdependence, interaction, solidarity
  3. **Unity** (i.e. cohesion)
     • Determines the system’s structure
     • Negative aspect of differentiation from the exterior
     • Positive aspect of identity
     • Possesses properties that are not reducible to those of its elements
Question: what is ‘metalevel’?

• Metalevel = an additional system
• Is ‘metalevel’ a subsystem of the system?
  – Seeking an answer in the book
    Van de Kerchove & Ost 1994
Question:
Is ‘metalevel’ a row in a matrix?

‘Metalevel’ = a level of infrastructural services for several domains?
Question: Is ‘metalevel’ a horizontal view of the player?

Zachman framework

- Horizontally: different descriptions of the system—all from the same player's perspective

- Vertically: a single focus, but change the player from whose perspective we are viewing that focus
3. Schweighofer’s approach
4 views by Lu & Conrad (2013)

The set of evidence (views) used by modern legal search engines, [http://blog.law.cornell.edu/voxpop/2013/03/28/next-generation-legal-search-its-already-here/](http://blog.law.cornell.edu/voxpop/2013/03/28/next-generation-legal-search-its-already-here/)
1. Document view

• Documents of traditional legal searches
  – Cases, briefs, statutes, regulations, law reviews and other forms of primary and secondary (analytical) legal publications
  • Norms, court decisions and legal literature
  – ‘Soft law’

2. Annotation view
3. Citation view

- **Out-bound** (cited) sources with respect to the document in question
- **In-bound** (citing) sources

Citations are different:
- basis of the act
- acts cited in the document
- citations in the operative part of the judgment
- document amending other documents
- document is amended by other acts, etc
5. Logical view

- Is based on predicate logic
- Legal rules
  - e.g. in rOWLer, a rule engine by Scharf (2015) in JAVA and OWL 2
- Business rules management systems
  - e.g. JBoss Enterprise BRMS
- Restricted to “standard cases” leaving hard cases to the argumentation view
6. Ontological view

• Legal ontologies
• Shared vocabularies
• Advanced thesauri
• Concepts and relations
4. Terminology of viewing
My terminology of viewing

My terminology of viewing

viewer\(_1\)

... 

viewer\(_i\)

... 

viewer\(_n\)

\(n \cdot m\)

viewer\(_1\)

... 

viewer\(_j\)

... 

viewer\(_m\)

viewer\(_1\)

... 

viewer\(_n\)


Question:
Is my concept of \(\text{view}_{ij}\) identical to the concept of ‘view’ by Schweighofer (i.e. by Conrad & Lu)?
Schweighofer’s approach as a lense
Conclusions

• Is a complete list of metalevels possible?
  – Variety of legal tasks
  – Are classification criteria practical or theoretical?

• Subsystems in a legal documentation system?
  – Software engineer’s view
    • Variety of software systems serve the legal system

• Classification criteria for subsystems?
  – Data
    • Legal sources, databases of legal terms, national registers, etc.
  – Metadata, users, etc.

• I presented an exploratory research
Thank You

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