



Frame-Semantics meets Multilingual Legal Terminology

Theoretical Principles Based on a German-French Case Study

Terminology & Ontology: Theories and applications (TOTh)

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Pr. Laurent GAUTIER

Centre Interlangues Texte Image Langage (UBFC)

Waldemar NAZAROV

Centre Interlangues Texte Image Langage (UBFC)

Fachbereich Translations-, Sprach- und Kulturwissenschaft (JGU)

Structure of the presentation

1. Introduction and Goals
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3. Frame Semantics as a Describing Tool
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1. Introduction & Goals

Legal Terminology & Translation

- Specialized translation:
Communication between experts within a subject matter
 - Uniform specialized fields: **medicine, geography, chemistry, ...**
 - « **Pneumonie** » (FR)
 - « **Pneumonia** » (EN)
 - « **Pneumonie** » (DE)
 - Legal translation in multilingual systems
 - Joint drafting of laws → legal tool (Dullion 2014)
 - Full equivalence (Cao 2007)
- CH: Des personnes morales / *Die juristischen Personen* (Title 2, Book 1 Swiss Civil Code)
→personne morale (FR) ≠ *juristische Person* (DE)

- Legal translation:

- Source legal language & target legal language (Sandrini 1999)
 - English legal language = ?
- Source legal system & target legal system

➔ Legal comparison (De Groot 1999)

= competence required for solving transfer-related issues (Dullion 2015)

➔ No equivalence!

- Court (EN) = tribunal, cour, juridiction, conseil (FR)?

- Legal Translation subcompetencies (Prieto Ramos 2011):

- **Methodological/strategic:** establishing criteria for equivalence
- **Instrumental:** research on legal systems

- **Example 1: German**

- « *Einwilligung* » = prior approval (section 183 German Civil Code)
- « *Genehmigung* » = subsequent approval (section 184 German Civil Code)
- « *Zustimmung* » = approval
 - ➔ synonymes in Austria

- **Example 2: English**

- « *Bailiff* » (USA) = court officer
- « *Bailiff* » (UK) = enforcement agent

Legal Terms and Knowledge Levels

- Representing and organizing multilingual legal terminology reveals a need for semantic models taking into account **all kinds of knowledge associated with the lexical units**, beyond terminological definitions:
 - **Linguistic** knowledge: “meaning-in-use” of the term
 - **Textual** knowledge: legislative text → **performative and instructional** functions of the text: from general to specialized discourse
 - **Discursive** knowledge: part of a “**virtual corpus**” (Busse/Teubert 1994) made off not only legislative (or even: legal) texts
 - **Contextual** knowledge: extralinguistic “usage cases”
 - **Encyclopedic** knowledge: “regular” **experience** with all associated extralinguistic meaning components of the concepts

Our hypothesis: **legal terminology** could (should?) benefit from approaches so far developed especially in **DA**, here **Frame Semantics**

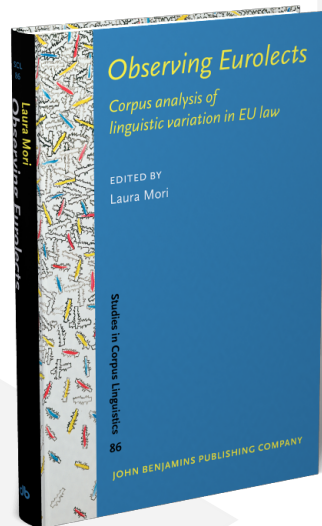
2. Legal Terminology between Jurilinguistics and Discourse Analysis

Epistemological and methodological context

- A very strong focus on terminology in “traditional **jurilinguistics**”
- Potential explanations:
 - Pressure of terminological questions in LSP studies since the 1950s
 - Origin of jurilinguistics in **Canada**, a country with two languages and two legal systems → two **needs**:
 - A **practical need**: translating legislative texts from one language into another → need for equivalents
 - A **conceptual need**: defining specialized concepts i) including historical traditions and ii) trying to establish correspondences / equivalences

Cette conjoncture (= la situation linguistique au Canada) a favorisé la naissance d'une « jurilinguistique » – au Canada, à tout le moins. Elle procède des avancées de la traductologie. Quoique, à l'origine, étroitement liée à la traduction juridique, elle s'en distingue de plus en plus pour constituer une discipline en soi, à la croisée du droit et de la linguistique – plus appliquée que théorique. (Gémar 2011, 10)

- Comparable needs **within the EU** at two levels:
 - Translation of EU legislation into all EU languages
 - Adaptation of EU-concepts in the national conceptual and terminological repertoires



The underlying assumption is that, within the sociolinguistic continua of the EU languages, it is possible to **single out specific legislative varieties** (Eurolects) that **originate at a supra-national level**. This research hypothesis is strongly supported by the empirical findings derived from detailed corpus analyses of each language. (Book presentation on the publisher's website)

Jurilinguistics as Discourse Analysis: Lawmaking as Discourse

- Legal discourse, has not only “technical”, but also **institutional and political dimensions** (very strong assumption in the German research tradition)
- Methodological implication for the linguists: not only a question of terminology, but of **discourse** – in the Foucauldian sense:

“Foucault adopted the term ‘discourse’ to denote a historically contingent social system that **produces knowledge and meaning**. He notes that discourse is distinctly material in effect, producing what he calls ‘**practices that systematically form the objects of which they speak**’. Discourse is, thus, a way of **organising knowledge** that structures the constitution of social (and progressively global) relations through the **collective understanding** of the discursive logic and the acceptance of the **discourse as social fact.**” (Adams 2017)

➔ Impact on the way we “conceptualize” legal terminology (beyond the practical needs of translation)?

3. Frame Semantics as a Describing Tool

Back to Basics...

- Premise: Frames provide a **holistic model representation of these knowledge dimensions** and can be used as tertium comparationis to compare the degrees of contextual conceptual equivalence between the DE and FR terms
- Frames enable **schematic representations** on the basis of predicates that open slots filled in with arguments:

Frame semantics characterizes the semantic and syntactic properties of predicating words by relating them to semantic frames. These are **schematic representations of situations** involving various participants, props, and other conceptual roles, each of which is a frame element (FE). The semantic arguments of a predicating word correspond to the FEs of the frame or frames associated with that word. (Johnson/Fillmore 2003)

- Strong link between **conceptual frames** and **utterance structures** are highlighted by constructional models:

It has been argued that meanings are typically defined relative to some particular background frame or scene, which itself may be highly structured. I use these terms in the sense of Fillmore (1975, 1977b) to designate an idealization of 'a coherent individuable perception, memory, experience, action, or object'. (Goldberg 1995 : 25)

→ all knowledge dimensions identified so far are **parts of the frame at different levels**

Implementation of FS in Terminology: P. Faber *et al.* and the EcoLexicon Project

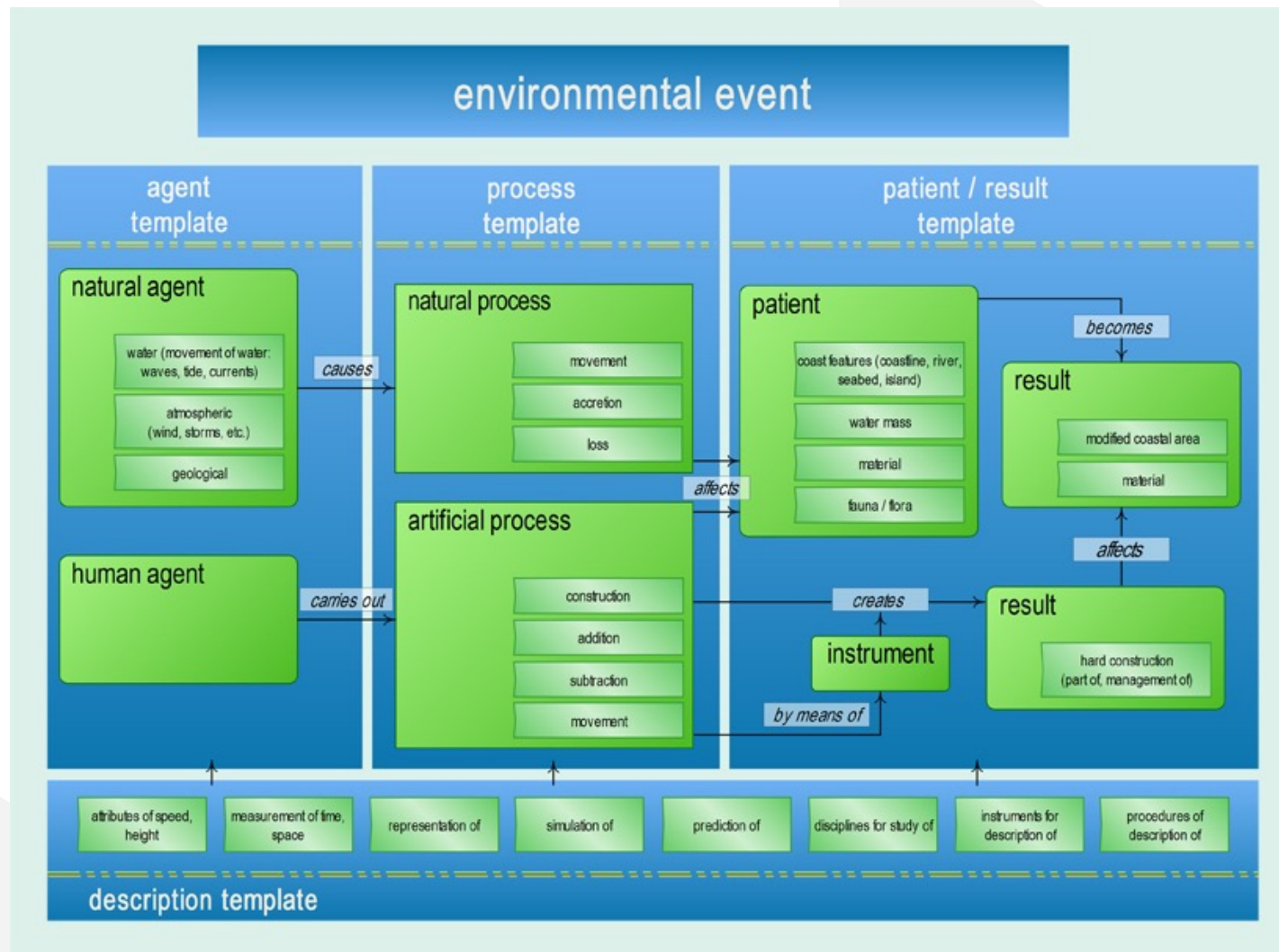
- **Explicit cognitive approach** to terminology, sharing many assumptions with two other well-known frameworks: Communicative Theory of Terminology (Cabr ) and Sociocognitive Terminology (Temmerman)
- Clear focus on the **behavior of terms in texts**

Frame-based terminology focuses on:

- (1) conceptual organization;
- (2) the multidimensional nature of terminological units;
- (3) the extraction of semantic and syntactic information through the use of multilingual corpora.

In frame-based terminology, conceptual networks are based on an **underlying domain event**, which generates **templates** for the **actions and processes** that take place in the specialized field as well as the **entities that participate** in them.

(<http://lexicon.ugr.es/fbt>)



Implementation of FS in AD, Especially in Institutional / Legal Discourse (Busse *et al.*)

- Legal **Semantics** as starting point and component of the **Historical Discourse Semantics** (Busse 1987), capitalizing on Koselleck's work on the so called Historical Key Concepts:
 - Overcoming lexical semantics and semantic / structural approaches
 - Integrating a **strong pragmatic component**: performativity of law, but more generally theories of communicative action
 - Taking into account the **historical depth** in the construction of legal concepts
- ➔ More than definitions of terms, **legal semantics looks for discursive movements / condensations and representations of legal knowledge.**

➔ **Frame Semantics as a "merging tool"?**

Exemple : *Diebstahl / theft* (Busse 2008 : 12)

"§ 242. Diebstahl. (1) Wer eine fremde bewegliche Sache einem anderen in der Absicht wegnimmt, dieselbe sich rechtswidrig zuzueignen, wird mit Freiheitsstrafe bis zu fünf Jahren oder mit Geldstrafe bestraft. (2) Der Versuch ist strafbar."

P¹: "wegnehmen (wer^{B1}, einem anderen^{B2}, eine fremde bewegliche Sache^{B3})"
 P²: "Absicht haben (wer^{B1}, PA³)"
 P³: "rechtswidrig zueignen (wer^{B1}, sich^{B4=B1}, dieselbe^{B3})"
 P⁴: "ist gleich/gilt als (PA¹ - PA³ "Diebstahl")"
 P⁵: "bestrafen (Gericht/Staat^{B5}, wer^{B1} (PA¹-PA³) begeht, mit Freiheitsstrafe bis zu fünf Jahren oder mit Geldstrafe^{B6})"

(1) DIEBSTAHL-Rahmen:
 WEGNEHMEN^{HDLG-1} {Wegnehmender^{AG [1]},
 Person/Institution der weggenommen wird^{PAT [2]},
 Weggenommenes^{AOB [3]}}

UND¹ (Prädikations-Rahmen-Verknüpfung)

(2) ABSICHT¹-Rahmen:
 BEABSICHTIGEN^{MOT} { [1], zueignen^{Hdlg-2} { [1], [3] } }

UND² (Prädikations-Rahmen-Verknüpfung)

(3) WISSEN¹-Rahmen:
 WISSEN { IST-RELATION-1^{QUAL} { Hdlg-2, rechtswidrig¹ } }

UND³ (Prädikations-Rahmen-Verknüpfung)

(4) ABSICHT²-Rahmen:
 BEABSICHTIGEN^{MOT} { IST-RELATION-1^{QUAL} { Hdlg-2, rechtswidrig¹ } }

Realweltliche Szenen: {Wegnehmender^[1] nimmt Sache^[3] weg}

Eingebettete Rahmen

(5) WEGGENOMMENES-Rahmen:
 IST-RELATION-2^{QUAL} { [3], Sache^[4], in rechtlicher Hinsicht¹ }

(6) SACHE-Rahmen:
 IST-RELATION-3^{QUAL} { [3], fremd^[5], beweglich^[6] }

(7) FREMD-Rahmen:
 IST-RELATION-4^{QUAL} { [3], [5], für [1], gegenüber [2],
 in rechtlicher Hinsicht² }

➔ **Frame Semantics as a "merging tool"?**

Example: *conseil de prud'hommes* / *Arbeitsgericht*

- Domain: law; Subdomains: employment law / court constitution / procedural law
- Texts: Codes → *Code du travail* & *Arbeitsgerichtsgesetz* (statutes in codes)
 - Also: court judgments, court orders, (writs of) certiorari, ...

ordre judiciaire → juridiction
d'exception:

Cour de cassation

Cour d'appel

Conseil de prud'hommes

Arbeitsgerichtsbarkeit

Bundesarbeitsgericht

Landesarbeitsgericht

Arbeitsgericht

Example: conseil de prud'hommes

Article L1411-1 (Code du travail)

Le conseil de prud'hommes règle par voie de conciliation les différends qui peuvent s'élever à l'occasion de tout contrat de travail soumis aux dispositions du présent code entre les employeurs, ou leurs représentants, et les salariés qu'ils emploient.

Il juge les litiges lorsque la conciliation n'a pas abouti.

Predicative frames:

Régler
Pouvoir s'élever
Être soumis
Employer
Juger
Ne pas aboutir

conseil de prud'hommes || *différends* | *par voie de conciliation*
différends || *à l'occasion d'un contrat de travail* | *entre les employeurs*
contrat de travail || *aux dispositions du présent code*
employeurs || *salariés*
conseil de prud'hommes || *litiges*
conciliation

Embedded concept frames:

VOIE DE CONCILIATION
DIFFÉREND
CONTRAT DE TRAVAIL
EMPLOYEUR
SALARIÉ
LITIGE

Example: *conseil de prud'hommes*

§ 2 Arbeitsgerichtsgesetz

(1) Die Gerichte für Arbeitssachen sind ausschließlich zuständig für

1. bürgerliche Rechtsstreitigkeiten zwischen Tarifvertragsparteien oder zwischen diesen und Dritten aus Tarifverträgen oder über das Bestehen oder Nichtbestehen von Tarifverträgen;
2. (...)
3. bürgerliche Rechtsstreitigkeiten zwischen Arbeitnehmern und Arbeitgebern
 - a) aus dem Arbeitsverhältnis[.]

Predicative frames:

Zuständig sein

Arbeitsgericht || *für bürgerliche Rechtsstreitigkeiten zwischen Tarifvertragsparteien* | *für bürgerliche Rechtsstreitigkeiten zwischen Arbeitnehmern und Arbeitgebern*

Embedded concept frames:

**BÜRGERLICHER RECHTSSTREIT
TARIFVERTRAG
ARBEITNEHMER
ARBEITGEBER
ARBEITSVERHÄLTNIS**

4. Perspectives

- Many challenges to address:
 - Extending the scope of corpora for terminology purposes in the direction of “discourse” → question of the limits of the corpora
 - Defining the degree of granularity of the description: risk of a “never-ending” process → due to recursive principle
 - Finding an appropriate way of representation and of concept-linking
- Potential strengths in comparison to more traditional approaches:
 - All-in-one representation of both law discourse **and** law systems enabling a direct comparison (as the 1st step in legal translation)
 - Discourse (instead of texts) as a starting point, more in line with the specific nature of law (vs. technical fields for instance)
 - Representation of knowledge segments for use also beyond translation of law

Thank you for your attention!

Prof. Dr. Laurent GAUTIER

Centre Interlangues Texte Image Langage (UBFC, EA 4182)

laurent.gautier@ubfc.fr

Waldemar NAZAROV

Centre Interlangues Texte Image Langage (UBFC)

Fachbereich Translations-, Sprach- und Kulturwissenschaft (JGU)

[wanazaro@uni-mainz.de](mailto:wanzaro@uni-mainz.de)



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