



HAL
open science

Toward a dynamic frame-based ontology of legal terminology

Waldemar Nazarov

► **To cite this version:**

Waldemar Nazarov. Toward a dynamic frame-based ontology of legal terminology. *Applied Ontology*, 2024, 19 (1), pp.73-98. 10.3233/AO-230045 . hal-04563539

HAL Id: hal-04563539

<https://hal.science/hal-04563539>

Submitted on 29 Apr 2024

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.

1 Toward a dynamic frame-based ontology of 2 legal terminology

3 Waldemar Nazarov ^{a,b}

4 ^a*Centre Interlangues: Texte, Image, Langage (TIL), Université de Bourgogne, France*

5 *E-mail: Waldemar.Nazarov@u-bourgogne.fr*

6 ^b*Faculty of Translation Studies, Linguistics, and Cultural Studies (FTSK), Johannes Gutenberg
7 University Mainz, Germany*

8 *E-mail: [wanazaro@uni-mainz.de](mailto:wanzaro@uni-mainz.de)*

9 **Abstract.** In the study of special languages and translation, the legal field is often insulated from other domains. This is primarily
10 due to the extreme system dependence of the terminology of law, which results from a lack of a common legal system of reference
11 throughout the world. The abstract nature of this human-made field and its dynamicity in view of the continuously evolving case
12 law and constant changes in legislation make it difficult to illustrate its complex ontology through traditional terminology
13 management techniques. Therefore, this paper argues for an interdisciplinary approach to constructing the ontology of legal
14 concepts based on structural constituents from frame semantics and comparative law. Frames allowing for the representation of
15 interconnected knowledge segments evoked by legal concepts and the distinction between micro- and macro-dimensions in legal
16 comparison research make it possible to capture the complex ontology of legal terminology evoked in a specific point in time
17 and a determined legal context. The ontological knowledge structure will be exemplified by terms from German social,
18 commercial, employment, and tax law.

19 **Keywords.** Legal Terminology, Legal Linguistics, Frame Semantics, Ontology of Law, Specialized Languages

20 1. Introduction

21 Terminology was introduced as a theory by Wüster (1931), whose main goal was to standardize
22 languages pertaining to a specific domain. This traditional approach, which he applied to the field of
23 electrical engineering, has shaped the terminology management techniques that contemporary
24 terminologists generally rely on in pursuit of establishing databases. As these often serve as suitable
25 resources for translators dealing with specialist texts, the system of reference surrounding terminologies
26 in different languages has become relevant when discussing the uniformity of specialized domains (Sager,
27 Dungworth, & McDonald, 1980, pp. 70–76), mainly when it comes to exact sciences such as mathematics
28 (Šarčević, 1997, pp. 66–67). Illustrating an entire structure of a specialist field, Roche (2007) introduces
29 *ontoterminology*, which emphasizes the conceptual aspect of technical terms and pushes the traditionally
30 dominant linguistic dimension into the background.

31 In this context, when juxtaposed with other specialist domains, the legal field has often enjoyed a
32 special status. With regard to its ontological structure, one of the main features of legal languages –
33 namely, their extreme system-dependence (de Groot, 2002, p. 228; Wiesmann, 2004, pp. 19–20) – adds
34 complexity to working with terminology of law, which cannot be insulated from its national legal system.
35 [p. 74] This is also due to the inextricable linkage between language and law, the latter of which cannot
36 be expressed without words and sentences (Arntz, 2010, p. 17; Pommer, 2006, p. 15). In addition, the
37 legal field is known for its abstract nature (Stolze, 2019, p. 374) and inherent dynamicity (Gémar, 2015,
38 p. 483; Kjær, 1995, p. 54). As legislation and case law constantly evolve, it is impossible to solidify the
39 meaning of legal terms, which would inevitably change in some way, shape, or form as the law develops.

1 Given these specificities inherent in legal terminology, continuing to regard the various abstract legal
2 systems around the world from a mere terminological perspective has made it impossible to grasp and
3 describe this continuously changing, non-universal domain. Therefore, this paper argues for a dynamic
4 approach to constructing the ontological system in which legal terminology is imbedded. In this context,
5 an adequate ontology can only be illustrated through an interdisciplinary approach when it comes to
6 choosing the constituents of ontological structure, considering that it will take account of findings from
7 both linguistics and legal studies. As for the linguistic component, frame semantics, initially developed
8 to describe the individual understanding of general language by including the relevant encyclopedic
9 knowledge pertaining to a lexical unit (Busse, 2012, p. 11) but successfully applied to specialized
10 language (Faber, Márquez Linares, & Vega Expósito, 2005) and even specifically to legal communication
11 (Engberg, 2018, 2020), allows for the representation of knowledge segments and their relation to other
12 specialized frames through slots and fillers as well as intra- and inter-frame-relations (Fillmore, 1976;
13 Varga, 2020). Frame-evoking legal terms can therefore be combined to illustrate the legal system,
14 covering both micro- and macro-perspectives of legal ontology. With respect to the domain of law,
15 ontological constituents can be found in legal comparison studies, where fungible and determining
16 elements build both systems of reference of the nations to be compared (Constantinesco, 1971, pp. 263–
17 264).

18 With such interdisciplinary frame-based approach, it is possible to illustrate a snapshot of the
19 ontological legal system surrounding an entire set of legal terminology, established at a specific point in
20 time during the continuous process of legal development.

21 **2. Legal terminology in the study of specialized languages**

22 As Arntz, Picht, and Schmitz (2014, p. 5) have demonstrated, terminology must be seen as a cross-
23 disciplinary field of study since it aims to locate and analyze “designations [...] and concepts [...]
24 belonging to one domain [...] or subject” (International Organization for Standardization, 2019)¹. This
25 leads to the existence of an unlimited number of technical languages and sublanguages that can be
26 classified by the countless fields of study within a language area, which is generally described as the
27 horizontal perspective of categorizing technolects (Lothar Hoffmann, 1985, p. 58; Roelcke, 2014, p. 155).
28 Usually opposed to general language, researchers have never reached a clear demarcation, which makes
29 it challenging to describe the ontology of something that remains undefined (see chapter 2.1.1).

30 As the studies of specialized languages continue to foreground common features of languages used in
31 a variety of subject matters, the legal field has often been insulated from other domains in several aspects,
32 acquiring a special status in the light of terminology and specialist discourse. The area of law presents so
33 many peculiarities and distinguishing challenges that jurilinguistics has emerged as an entire [p. 75]
34 discipline, dealing with the special connections and synergies between language and law (Gémar, 2015,
35 pp. 477–478; Vogel, 2017). Recent scholarship in the fields of legal linguistics and comparative law has
36 even called into question the feasibility of translating legal texts into the language of other legal systems
37 (see chapter 2.2.1).

¹ It is essential to note that several authors have abandoned the traditional perspective on terminology. Temmerman (2000), for example, develops an alternative by introducing a socio-cognitive approach, which merges semasiological and onomasiological perspectives. Cabré Castellví (2000) criticizes the limited function of the traditional approach, shifting the focus to specialized communication. Another change, which is specifically relevant for the purpose of this paper, can be observed in Roche (2015), who emphasizes knowledge engineering and calls into question the traditionally linguistic dimension.

1 2.1. *Dealing with specialized discourse*

2 2.1.1. *A language for special purposes*

3 Authors such as Fluck (1996, p. 11) and Grass (1999, p. 12) observe that there is no consensus on a
4 definition of specialist languages. Given the increasing number of concepts, and discipline-specific
5 problems and questions that arise, it seems unlikely that, as linguistic research evolves (Mushchinina,
6 2009, pp. 36–37), precision in this category can ever be obtained. Abandoning the pursuit of a clear
7 demarcation, Kalverkämper (1990) proposes positioning general language and specialized language at
8 the ends of a scale. This allows researchers to determine the degree of specialization of a text by
9 individually evaluating features that typically pertain to specialist language.

10 According to Stolze (2009, p. 44), however, the lack of a common definition does not interfere with
11 the fact that specialist languages continue to fulfill specific purposes. One that is outlined by forensic
12 linguist Thormann (2019, p. 49) is enabling efficient communication between experts. This is also in line
13 with Lothar Hoffmann's (1985, p. 53) traditional definition of special languages, who sees them as a
14 combination of linguistic means used for specialist communication between persons active in a specific
15 domain. If, in order to classify specialist languages, one focuses on the purpose of achieving domain-
16 specific communication, the participants of such interactions must be located as well. As suggested by
17 the same author, technical languages can be categorized vertically to cover the various constellations of
18 specialized discourse, where recipients can also be laypersons (Lothar Hoffmann, 1985, p. 64; Roelcke,
19 2014, p. 160). This, however, contradicts the essential facet of this concept's delimitation as suggested in
20 Šarčević (1997, p. 9), namely the exclusion of laypersons in establishing the purpose of specialist
21 languages. Correspondingly, the International Organization for Standardization (2019) equally restricts
22 special languages to "communication between experts in a domain".

23 This demarcation is of great relevance for the purpose of this paper, which consists in putting together
24 a specialist ontology through frame-based knowledge segments for the legal field. Terms that are only to
25 be understood by legal experts may be avoided in language used to communicate with a legal layperson
26 as these are not destined to be universally accessible. This is why frames, which were developed to grasp
27 the cognitive process of individual understanding of general language (Busse, 2012, p. 11), will be
28 regarded as **nominal frames** to illustrate the actual specialized concept regardless of a layperson's – and
29 potentially even a lawyer's – deviating knowledge.

30 2.1.2. *Terminology science and management*

31 Since Wüster (1931, 1974) introduced the General Theory of Terminology as the science of specialized
32 terms, which presents a strong connection to the field of linguistics (Arntz et al., 2014, p. 5), a tool has
33 existed to capture and standardize words and expressions in specific domains. According to Terral (2004,
34 p. 877), the goal of terminology work is to establish a consensus regarding the connection between
35 extralinguistic concepts and the signs used to designate them. In their comprehensive handbook on
36 terminology management, which is based on the cornerstones of terminology science, Drewer and
37 Schmitz (2017, p. 24) define the key objective of terminology work as the collection of specialized terms
38 resulting in the establishment of terminological databases, glossaries, and specialized dictionaries. [p. 76]

39 For the field of specialized translation, multilingual terminological work plays a central role. Bilingual
40 glossaries offer results of terminological research for specific language combinations. According to
41 Felber and Budin (1989, p. 7), this task consists not only in finding equivalent terms between different
42 languages, but also in a comparative activity, which is due to the fact that languages often represent
43 concepts differently, causing gaps in designations and concepts (Drewer & Schmitz, 2017, pp. 26–27).
44 This is reflected in Reinart's (1993, 2009) publications on culture-bound elements, which can be found
45 throughout various specialized languages, including the widely standardized domain of technology. In

1 general, however, it must be noted that individual incongruencies do not constitute the main focus of
2 practical terminology work, including in a translation context. Referring to exact sciences, for example,
3 Šarčević (1997, pp. 66–67) speaks of common systems of reference, arguing that the extralinguistic
4 reality of a field such as mathematics exists without strictly depending on a specific language.

5 The general idea of a referential system, introduced by Sager et al. (1980, pp. 70–76), has become
6 relevant in terminology science and also plays a significant role in legal terminology in terms of the
7 establishment of clear demarcations between similar legal terms (Grass, 1999, p. 17). This conception is
8 a preliminary stage in Roche's (2007, p. 2) application of ontology to the field of terminology, the
9 necessity of which he justifies on the grounds of the traditionally dominant linguistic dimension of this
10 field. Introducing *ontoterminology*, Roche develops a method that allows for the representation and
11 structuring of a conceptual system as he puts the focus on the epistemological sphere of specialized terms,
12 highlighting a knowledge system that is completely dissociated from any language discourse (Roche,
13 2007, pp. 9–12). The idea of an ontological construction of terminological conceptual systems that covers
14 widely universal specialized domains can now be applied to the special case of legal languages, taking
15 account of the specific constraints that the domain of law presents.

16 2.2. *The special case of legal languages*

17 Though there is no agreement on a delimited definition of special language (see chapter 2.1.1),
18 discussions about whether legal language constitutes one have been ongoing. Specialist languages are
19 horizontally classified according to the world's known academic fields (Lothar Hoffmann, 1985, p. 58;
20 Roelcke, 2014, p. 155), bringing into being a specialist language pertaining to medicine for example. In
21 this context, the legal field, which serves as a parallel specialist domain, has often been insulated from
22 other fields of study due to its peculiar nature. Simonnæs (2002, p. 136) argues that the language of law
23 may be regarded as a specialist language but that it cannot be strictly separated from general language.
24 The close ties that the former has with everyday language constitute one of the special features endemic
25 to the legal field. Schmidt-König (2005, p. 11) employs the term *meuble* to exemplify this particular
26 interconnection: in standard French, the word refers to a piece of furniture; in a legal context, it evokes a
27 very specific frame within the French legal system, namely a movable that would also encompass an
28 animal. This linguistic choice showcases that both forms share the same formal designation but refer to
29 different concepts, depending on what ontological system they are used in. According to Thormann (2019,
30 p. 49), this is one of the reasons why legal terminology leads to confusion, especially when laypersons
31 are involved in the communication process. Following the discourse surrounding the classification of
32 specialist languages, one can argue that a clear demarcation is irrelevant to the language of law, as long
33 as the focus is shifted to its purpose, namely enabling communication between legal experts. While
34 abandoning the structuralist attempt of a clear delimitation, the distinguishing features of legal
35 terminology must be outlined and taken into consideration in analyzing its ontological structure. [p. 77]

36 2.2.1. *System-dependence as a distinguishing criterion*

37 When describing the special case of legal languages, authors tend to distinguish between the legal field
38 and the exact sciences. This distinction is particularly relevant for specialist translation and
39 communication as well as contrastive terminology work, where technical terms from different languages
40 that pertain to the same domain are compared. In subject matters such as mathematics, independent of
41 the language, “signs refer to a common conceptual system and consequently a common knowledge
42 system” (Šarčević, 1997, p. 66). According to Arntz (2010, p. 17), this universality also applies to other
43 specialized fields such as technology and medicine. Šarčević (1997, p. 67) rightfully cautions, however,

1 against oversimplifying this finding, which aligns with Reinart's (1993) research on the variety of culture-
2 specific concepts throughout the world's disciplines.

3 With regard to the legal field, system-dependence undoubtedly constitutes one of the main features
4 when scrutinized from a global perspective (de Groot, 1999, p. 204; Wiesmann, 2004, pp. 19–20). The
5 reason for this, as outlined by multiple authors, is that the individual legal systems of the world's various
6 states are the result of historical processes and exist as integral components of particular cultures (Brand,
7 2009, p. 22; Sandrini, 1999, p. 9; Stolze, 2019, p. 374). When legal terms from different nations are
8 compared, terminologists and translators observe clashes of different legal cultures, respectively
9 consisting of culture-bound terms (Harvey, 2002, p. 40).

10 As a “system-bound discipline” (Engberg, 2013, p. 10), law manifests itself in the fact that “[e]ach
11 national legal system uses terminology that does not necessarily correspond with the legal languages of
12 other countries” (Brand, 2009, p. 22). Incongruency between legal systems has led to major intralinguistic
13 researches such as Austrian linguist Muhr's extensive project on German and Austrian legal terminology,
14 which resulted in a lexicon of 2,000 legal terms that differ between both countries, including broadly used
15 concepts, e. g. the different types of homicide (Muhr & Peinhopf, 2015). Following the traditional
16 terminological approach, subtle differences in relations and knowledge elements cannot be disclosed,
17 especially when terms are merely delimited by definitions. By building the ontological structure of
18 system-bound legal language, one can argue that the use of the adverb *necessarily* in Brand's observation
19 becomes redundant as the individual frame relations and endless granularity of knowledge segments into
20 subframes, which themselves constitute legal-culture-specific elements, can never be completely identical
21 with the frame nets evoked by jurists in other countries. In developing a comparative approach for legal
22 translation, Pommer (2006, p. 65) regards the general inequivalence of legal terminology, i. e. the fact
23 that terms from different legal systems cannot be seen as full equivalents of one another even if they seem
24 highly similar, as a necessary and initial assumption for an adequate methodology. This observation
25 likewise aligns with the uncertainty numerous authors have raised regarding the possibility of legal
26 translation (Glanert, 2011; Harvey, 2002; Legrand, 2005; Sparer, 2002). Legal comparatist Kischel (2009,
27 p. 7) even goes so far as to call the idea of legal translation a “myth”, “a sublime aim never to be truly
28 achieved”, which he links to the interconnections within each legal system, unlikely to be highlighted
29 through anything other than ontological analysis. The generally proposed solution for this obstacle to
30 legal translation is abandoning the quest for full equivalence (de Groot, 2002, p. 229) and finding
31 approximate ones through legal comparison (de Groot, 2002, pp. 222–223). Comparing terms from two
32 countries can be achieved by constructing the respective legal systems of reference through frames and
33 frame relations, keeping in mind that a German legal terminology can only be illustrated ontologically if
34 the adjective *German* does not refer to a natural language but to the Federal Republic of Germany,
35 presenting a legal ontology that differs from the one in Austria and Switzerland. [p. 78]

36 2.2.2. *Dynamicity of an abstract field*

37 Compared to exact domains such as mathematics, the legal field belongs to the category of soft sciences,
38 which by their substance cannot be rigorously specific (Glanert, 2011, p. 136). This has a direct influence
39 on the stability and preciseness of this abstract man-made field of study. One of the main features that
40 G emar (2015, p. 479) attributes to the area of law is its innate ambiguity. According to Kj ar (1995, p. 47),
41 legal terms must remain flexible and elastic as they are open and subject to legal interpretation; their
42 application must cover the greatest possible variety of extralinguistic scenarios, even when dealing with
43 terms that are legally defined in statutes. This intrinsic feature directly affects the verbalization of legal
44 concepts and the use of specialized terms, leading to a certain degree of instability between the plane of
45 expression and the plane of content in law (Mushchinina, 2009, p. 36). The goal of establishing precision
46 in the language used in statutes therefore remains a utopian ideal that is unattainable in practice; however,

1 the preponderant necessity of a scope of legal interpretation justifies abandoning this objective
2 (Mushchinina, 2009, pp. 34–35). As Sandrini (1996, p. 78) states, legal definitions must remain vague
3 enough in order for courts to adapt them to concrete scenarios.

4 Apart from the general ambiguity of legal terms, it is important to note that the never-ending
5 development of legal systems through legislation and case law results in the constant creation of new
6 legal terms (Grass, 1999, p. 13). Over time, it is impossible to solidify legal terms and concepts (Gémar,
7 2015, p. 483). Their aforementioned vagueness not only enables legal development through case law but
8 also allows a country's legal system to change and adapt to its respective society (Glanert, 2011, p. 136).
9 A legal system and its legal ontology must therefore be seen as a dynamic, constantly changing construct.
10 As comparatist Großfeld (2003, p. 167) points out, it is a legal translator's task to "catch these dynamics
11 of the flow of time". From the knowledge provided by case law and legislation, the ontological structure
12 can thus be put together only as a snapshot of a specific moment in time, which can easily change minute
13 to minute (see chapter 3).

14 Last but not least, the abstract nature of the legal field must be taken into consideration when dealing
15 with legal terminology. As a social science, law depends considerably on sociohistorical contexts (Terral,
16 2004, p. 887). One of the main purposes of this domain is to regulate human coexistence in a community
17 (Mushchinina, 2009, p. 35; Sparer, 2002, p. 270). Legal provisions are destined to organize life in a
18 community while reflecting the values the respective legal system is based on (Pommer, 2006, p. 43).
19 The codification of law in the form of statutes specifically establishes and stabilizes social order and
20 safeguards individual claims with the main goal of ensuring justice (Ludger Hoffmann, 1998, p. 522).
21 The intrinsic nature of law causes abstraction to be one of the features of legal languages (Stolze, 2019,
22 p. 374). Consequently, legal terms have no tangible equivalent in reality and only exist through language
23 (Großfeld, 1984, p. 3). In contrast to natural sciences, legal concepts cannot be comprehended without
24 the use of linguistic signs (Pommer, 2006, p. 15). While terms such as 'possession' and 'ownership' are
25 a central focus of a plethora of court proceedings and legal discourse scenarios, they cannot be observed,
26 expressed, applied, or even created as legal concepts without the use of language.

27 3. For a frame-based legal system of reference

28 Ontology had initially emerged in the field of philosophy to describe the nature of existence before it
29 found its way into computer and information science (Gruber, 2009), which has become its preponderant
30 domain of application, also considering the increasingly significant field of artificial intelligence, in
31 which representation is a prerequisite for existence (Roche, 2007, p. 9). Today, in computer sciences,
32 [p. 79] ontology is used and intended for knowledge modeling through classes, properties, and
33 relationships (Gruber, 2009). In this context, it has proven relevant to a variety of disciplines, which can
34 be exemplified by its use in bioinformatics, for which Bard and Rhee (2004) suggest bio-ontology for
35 representation and knowledge structuring, while, in the area of mathematics, Johnson and Dampney
36 (2001) propose the category theory as an ontological tool for research in computing. According to Roche
37 (2015), the general use of ontologies as a tool of knowledge engineering opens the door to its application
38 to modeling the notional system of terminology.

39 The uniqueness of legal languages, for which Grass (1999, p. 27) specifically points out the lack of a
40 sufficient implementation of ontology at the end of the 20th century, makes it necessary to abandon the
41 traditional approach to the terminology of law, which has so far mostly been dealt with in compliance
42 with the principles of terminology management. In order to put together an adequate ontology of this
43 domain, its intrinsic distinguishing features must be taken into consideration:

44 – Due to the extreme system-dependence of law, no universal or general legal ontology can be created.

45 While a legal term like *contract* is oftentimes demarcated by a definition according to terminological

standards outlined in Drewer and Schmitz (2017, pp. 66–67), it remains a national (or even regional) construct that is not identical to the frame evoked in other countries. The American and British ontologies surrounding the respective concept evoked by the same signs differ in knowledge elements, e. g. with regard to the varying legal perception of *good faith* between both countries (Burton, 2015), as well as in their links to other legal concepts and legal sources governing contract law, which are never identical between nations. In this paper, the ontology depicts the legal system of the Federal Republic of Germany, therefore not corresponding with the same designations used in Austria or Switzerland. As exemplified in chapter 4, this characteristic even goes below the national level as legal terms with the same naming are often not identical in meaning among different legal branches.

- Legal terminology is characterized by vagueness and abstraction in order to be applicable to a variety of scenarios. Knowledge extracted for the construction of its ontology must be limited to the objective specialized legal information emanating from legislation, case law, and jurisprudence. No unnecessary concretizations should be made, and non-scholarly use of and elaborations on legal terms shall not be taken into account in order to maintain its abstractness, its applicability, and its openness to judicial interpretation.
- Arntz et al. (2014, p. 5) argue that diachrony has no relevance for terminology. Piccini, Abrate, Bellandi, and Giovannetti (2021, p. 125), who present a model that specifically illustrates the diachronic evolutions of terms and concepts, explicitly criticize the general negligence of this dimension in traditional terminology work, which is limited to a branch of research involving, for example, the historical analysis of epistemological mutations in specialized discourse by Zanola (2014) and a typology of evolution phenomena in terminology dynamics introduced by Picton (2011). As for legal language, the ontology cannot be constructed independently of time. This circumstance has in fact led to extensive research on the history of legal languages, as conducted by Deutsch (2013). With new legislation constantly repealing, adding, and modifying legal concepts, and with courts evolving and adapting law via judicial decisions, the construction of frames varies at different moments in time. A frame-based ontology of legal terminology merely constitutes a snapshot of the legal field in the legal development process. In her comparison of the concept of marriage between France and Germany, drawn in 2005, Schmidt-König (2005, p. 158) names the union between a woman and a man as a prerequisite that both the French and German terms share as a distinguishing feature, insulating them from other nations' legal traditions. However, this specific key frame [p. 80] element no longer exists. Same-sex marriage has since been legalized in both countries, rendering the knowledge segments captured in her research obsolete from this paper's perspective.

Apart from the features distinguishing law from other specialist domains, it is also essential to take account of the interdisciplinary complexion of legal terminology. Specialized languages, destined to enable expert communication, primarily constitute linguistic research topics. In the case of legal language, law plays a pivotal role insofar as terminology – a cross-disciplinary field (Arntz et al., 2014, p. 5) – aims to observe and grasp already existing terms in legal discourse. This becomes especially clear when discerning the various facets of the recent field of legal linguistics, dealing with the role of language in law from both a linguistic and a legal perspective (Vogel, 2017). On this basis, it is necessary to develop an interdisciplinary approach to constructing legal ontology, which can be founded on frame semantics, a knowledge-based perspective in linguistics, as well as methodology from legal comparison studies, where legal systems are constructed and opposed to one another.

3.1. Construction and system of (specialized) frames

Following Busse (2012, pp. 11–13), frame semantics has been developed to describe the adequate understanding of general language by challenging the traditional structuralist perspective in linguistics,

1 according to which every component of a language can be structured and delimited. This results in the
2 general presumption that every word in a general language is precisely defined in a lexicon, where the
3 ‘linguistic’ meaning of a lexical unit can be found. Frame semantics disclaims this restricting perception
4 of a language by taking account of the entire knowledge that is activated as a result of the understanding
5 process regarding general terms, which encompasses extralinguistic (or encyclopedic) knowledge as well.
6 A frame, built through slots, which can be compared to blank data categories in terminology management,
7 fillers, providing information for those slots, as well as relations, combining frames with their elements
8 and other concepts (Varga, 2020, p. 27), therefore depicts a “building block” (Engberg, 2020, p. 271), a
9 knowledge segment that is activated when reading or hearing a word or expression in a specific context.

10 Though initially developed for analyzing general language, frame semantics has been introduced into
11 special languages, specifically into terminology and specialized translation. Faber et al. (2005, p. 3)
12 applied frames for the complex representation of specialized fields, which they claim should be more than
13 a list of objects. The authors highlight the relevance of the conceptual organization of terminology, in the
14 context of which a frame-based network, which can be constructed through data extraction by means of
15 corpus analysis, can more effectively illustrate the configuration of conceptual meaning than traditional
16 terminology management techniques (Faber et al., 2005, p. 4). In her Frame-Based Terminology approach
17 (FBT), Faber (2022, p. 356) presents the flexible nature of frames as an advantage to modeling the
18 structure of concepts. Extracted from terminological definitions, frames “primarily stem from the nature
19 of the concept itself as well as its combinatorial potential” (Faber, 2022, p. 358).

20 Based on Faber’s research, Lönneker-Rodman and Ziem (2018, p. 252) showcase how frames can be
21 used both as analytical tools for knowledge structuring and formats for the cognitive representation of
22 such knowledge. The authors outline the fact that terminology collections in line with the traditional
23 approach result in glossaries in the form of simple lists of words (Lönneker-Rodman & Ziem, 2018,
24 p. 254), which rarely depict the complex conceptual structure of terms (Lönneker-Rodman & Ziem, 2018,
25 p. 277). Lönneker-Rodman and Ziem (2018, p. 284) therefore suggest a hybrid frame model based on
26 two separate lines of research. The first aspect emanates from Minsky’s conception of frames, who
27 suggests *default assignments*, allowing for the use of prototypical fillers for slots. This is exemplified by
28 [p. 81] Minsky’s APPLE frame, in which the slot [form] is prototypically filled with the filler <round>,
29 which can vary when constructing the frame of an individual apple (token) that might be shaped
30 differently (Lönneker-Rodman & Ziem, 2018, pp. 266–267). On the other hand, the authors also base
31 their hybrid format on Fillmore’s large FrameNet data base, offering a variety of slots, which can be used
32 to represent terminological units (Lönneker-Rodman & Ziem, 2018, p. 284). By means of this model,
33 terminological knowledge can be structured by granulating a frame into its fillers, which themselves
34 constitute full-fledged frames, the meanings of which are as relevant for the understanding of the initial
35 frame they are embedded in (Lönneker-Rodman & Ziem, 2018, pp. 278–279).

36 As for the domain of legal translation, Engberg (2018, pp. 38–39) has suggested the application of
37 frame semantics in line with his classification of the translation of law as a knowledge communication
38 process. Taking into account the special status that legal languages enjoy when juxtaposed with other
39 specialized fields (see chapter 2.2), the researcher proposes the following construction of frames for the
40 comparative process:

41
42 Deliver characteristics of legal concepts with a focus upon relations of similarity and difference to concepts from
43 other legal systems—as candidates for *fillers* in the conceptual frames that translators must build in order to make
44 relevant formulation decisions in accordance with the translational situation. [...] Deliver dimensions of such
45 legal concepts (as candidates for *slots*), also as a source for translators when building relevant conceptual frames.
46 (Engberg, 2020, p. 273)
47

1 The author justifies the use of frames by claiming that they enable modeling of connections between
2 isolated elements of a frame-evoking concept along relevant dimensions (Engberg, 2018, p. 40), which
3 he puts on the same level as slots and sub slots while considering fillers the “material” that fit the
4 respective dimensions (Engberg, 2021, p. 13). Extracted from “domain-internal sources” such as
5 encyclopedias and statutes (Engberg, 2018, p. 40), frames enable readers of a legal text to construct a
6 certain cognitive structure (Engberg, 2018, p. 39), thereby enabling the comparative legal translation
7 process. The framing of terminology and its application to the legal communication process provide a
8 descriptive tool that must be aligned with ontological techniques from the legal field, which are
9 omnipresent in legal comparison.

10 3.2. *Ontological approaches in legal comparison studies*

11 Comparatist Husa (2015, p. 19) provides the following definition for the study of comparative law:

12
13 It is possible on the general level to present a blueprint definition and say that comparative research of law
14 aims at lining up different legal systems in order to generate information. Comparative law is aimed at the
15 legal systems of different States (or State-like formations) or their segments that are significant for research
16 problems.

17
18 While its relevance may be discussed extensively, this discipline plays a specific role in contrastive
19 terminology contexts. When legal languages from different nations are opposed or compared to one
20 another, legal comparison becomes a necessary step (Kjær, 1995, p. 42). This is also the case when legal
21 terminology is transferred into another language in a legal translation setting, which, according to most
22 authors, entails legal comparison as a mandatory phase when more than one legal system is involved (de
23 Groot, 2002, pp. 222–223; Engberg, 2020, p. 264; Prieto Ramos, 2011, p. 13). Comparison, which is of
24 great relevance even in general translation studies (Pommer, 2006, p. 37), must, according to Grass (1999,
25 p. 34) and Cao (2007, p. 29), be applied in legal translation specifically due to the general incongruence
26 between legal terminologies of different nations. Gémár (2015, p. 481) and Bocquet (2008, [p. 82] p. 13),
27 however, point out that such comparisons must be adapted to the translation process, a frequent
28 observation that leads Pommer (2006) to develop a comparative method specifically retrofitted for
29 translators of legal texts. On the other hand, adapted approaches grow out of the jurists’ research on
30 general legal comparison, which itself is accepted as possible despite the general incongruence between
31 legal languages due to a *praesumptio similitudinis* (Zweigert, 1973). This is due to the fact that nation-
32 bound concepts such as those based on procedural law, though different between countries, can still be
33 considered similar, allowing for a common basis for the understanding and transfer into another language,
34 as Stolze (1999, pp. 174–175) exemplifies with formal-law terms.

35 This specific discipline is of great relevance for the construction of legal ontology as “lining up
36 different legal systems” (Husa, 2015, p. 19) calls for putting together both objects of comparison in the
37 first place, a task that in a purely national setting seems superfluous and therefore is usually not explicitly
38 tackled. Sandrini (2009, p. 152) describes a legal system as consisting of legal institutions, legal
39 provisions, and legal terms, which he classifies as building blocks of the system in question. Husa (2015,
40 p. 19) goes even further with his illustration of what a legal system encompasses:

41
42 To simplify, *legal system* refers to the entity formed of legal norms, which in addition to statutory law and
43 case law includes customary law, established legal practices, legal concepts and a specified way of handling
44 and classifying legal concepts and norms. In most cases it is a question of a normative system of legal rules
45 that are in force in a State or a State-like formation. ‘Legal system’ is said to be an entity formed by law in
46 force or valid law. If we use the term ‘legal system’, we normally mean the more extensive entity that

1 covers the ‘legal order’ (German *Rechtsordnung*, French *ordre juridique*) and legal thinking as well as
2 including legal cultural dimensions.

3
4 The supplementary concepts Husa adds, such as legal thinking and established legal practices,
5 challenge the simplistic perception of legal systems as mere combinations of equally valued building
6 blocks constituting legal elementary particles, which has led Constantinesco (1971) to introduce
7 determining and fungible elements for the purpose of grasping the spirit of a nation’s system through a
8 differing balance.

9 In his groundbreaking publication on Comparative Law, Constantinesco takes on the question of how
10 the respective objects of comparison can be built for the comparative process. This (implicitly)
11 ontological approach allows for an analysis of both legal systems on micro- and macro-levels. The
12 comparatist associates micro-comparison with isolated legal provisions and legal institutions, judging it
13 as limited and as producing merely fragmented results as the legal system is disassembled into its tiniest
14 cells, which in themselves are allegedly not too different from those in other systems (Constantinesco,
15 1971, p. 258). He argues for a shift of emphasis towards the macro-perspective, which is said to bring to
16 the fore the real characteristics of a legal system (Constantinesco, 1971, p. 259). In order to illustrate the
17 structure of any system, the author compares it with an atom (Constantinesco, 1971, pp. 262–264),
18 consisting of an atomic nucleus that is surrounded by an electron shell; he then compares the atom to a
19 planetary system with the sun as its core and other planets as mere surroundings. The atomic nucleus is
20 built from neutrons and protons. It is the smallest yet most important part of an atom, given that it carries
21 all its weight. Applied to the legal field, the legal nucleus is described as the core containing all such legal
22 elementary particles that constitute *determining elements* and are surrounded by a litany of *fungible*
23 *elements*. The determining elements play a key role in his model as they are of ideological and teleological
24 significance, giving the legal system its individual character and distinguishing it from others. Such
25 elements are, for instance, the *perception and the role of the law*, which he illustrates by contrasting the
26 former Soviet legal system, which constantly had to be adaptable to accommodate official [p. 83]
27 ideology propagated by the Soviet Union, to the European and American legal systems, in which the law
28 can be at direct odds with the principles of its nation (Constantinesco, 1971, p. 266). Other determining
29 elements are the *conception and role of the state*, *the fundamental rights of citizens*, and *judicial*
30 *interpretation*, which indicate whether the state is subject to the principle of separation of powers, whether
31 its citizens are protected from certain extents of state authority, and what role a judge plays when it comes
32 to interpreting legal provisions (Constantinesco, 1971, p. 267). This type of element, the knowledge of
33 which is also considered essential in a legal translation context with regard to judicial interpretation and
34 legal reasoning (Prieto Ramos, 2011, p. 13), directly influences the entire legal system and determines all
35 other particles (Constantinesco, 1971, p. 265). This theory aims at creating an objective criterion for the
36 classification of legal systems into overarching legal spheres (Constantinesco, 1971, p. 271).

37 Zweigert and Kötz (1996, pp. 4–5) likewise address the distinction between the micro- and macro-
38 perspectives. While these comparatists do not specifically structure both levels according to relevance,
39 they do use a similar classification. Micro-comparison concerns single legal institutions, issues, and rules
40 and can be exemplified by the country-specific circumstances surrounding the custody of children in case
41 of a divorce. The macro-perspective, on the other hand, deals with general questions such as methods of
42 judicial interpretation, law-making procedures, and even the specific styles and structures in legislation
43 and court decisions. While these perspectives on putting together a legal system do not depart from
44 Constantinesco’s model, Zweigert and Kötz insist on the fluidity and blurriness of the separating
45 boundary as both forms depend on one another. This is exemplified by the micro-concepts of *medical*
46 *malpractice* and *strict product liability*. While both are primarily composed of the specific legal rules
47 regulating the individual damages and liability, the authors see their relations to other concepts as equally
48 relevant. To adequately illustrate the former, it is deemed necessary to indicate the specific conditions

1 regarding the use of related evidence in court as well as the role of the expert witness that would testify
2 to this matter. As for the second example, taken from the US legal system, it is important to note that the
3 corresponding trial would include a jury, which would assess damage and damages while keeping in mind
4 the significant success fee for US civil lawyers. According to the authors, micro-comparison is therefore
5 of use only when the institutional surroundings, within which the micro-object has developed, are taken
6 into consideration as well – an observation that puts Constantinesco’s separation according to relevance
7 into perspective.

8 Finnish comparatist Husa (2015, pp. 100–101) engages the field of economics to exemplify both
9 dimensions: while micro-economics deal with “small economic units” such as an enterprise or an
10 individual line of business, the macro-dimension regards “extensive economic phenomena that take place
11 on the national or international level”, including economic growth and unemployment. As for
12 comparative law, the author refers to the differentiation proposed by Cuniberti (2019) and argues that
13 micro-comparison deals with individual legal rules and legal institutions, the latter of which can refer to
14 both a “positive law institution” such as a specific court or to “normative and operational legal
15 institutions”, which encompass the legal concept of marriage, while macro-comparison is done on a
16 higher abstraction level and takes place even between legal families or legal cultures, citing legislative
17 methods and the doctrine of legal sources as examples (Husa, 2015, pp. 101–102). Just as Zweigert and
18 Kötz point out, Husa emphasizes the impossibility of establishing a clear demarcation between the micro-
19 and macro-dimensions, which forcibly leads to flexibility regarding a classification. The comparatist adds,
20 however, that “there are no reasons for too rigid distinctions in a discipline so pluralistic as to its nature”
21 as the approach chosen depends on the perspective and angle the comparatist takes in the scope of their
22 “own knowledge-interest” (Husa, 2015, pp. 103–104). [p. 84]

23 3.3. An interdisciplinary approach to legal ontology

24 3.3.1. Adapting frames to normative legal languages

25 Since Faber et al. (2005) applied frame semantics to complex specialized disciplines, frames have
26 proven suitable formats for conceptual representation (Lönneker-Rodman & Ziem, 2018). As Faber et al.
27 (2005, p. 3) point out, such concepts must be placed in a specific setting. With respect to legal terminology,
28 this depends on the context, text type, and legal subfield the term is used in. As illustrated in chapter 4.1,
29 the example *Gesamteinkommen* as well as its subframes <Arbeitsentgelt> and <Arbeitseinkommen> can
30 only be represented in accordance with specific legal branches and evoke a different frame if used in
31 another context. The hybrid frame model introduced by Lönneker-Rodman and Ziem (2018, p. 284) relies
32 on the extraction of slot types from Fillmore’s FrameNet database. While this presents a helpful approach
33 for the framing of terminology, the high degree of interdependency of legal terms does not allow for a
34 limited number of relations and slots but must ensure a certain flexibility for the creation of these
35 structural constituents depending on how legal terms must be interpreted by jurists in a specific context.
36 This is showcased in the case study (see chapter 4), where slots constitute very specific subframes defined
37 by law, determining the frame they are part of.

38 This also puts two other aspects into perspective. For one, the reference to Minsky’s approach, allowing
39 for the construction of abstract frames, the slots of which can be filled with different materials when the
40 frames are linked to specific tokens, which is also in line with what Faber (2022, p. 356) describes as the
41 advantage of flexibility, cannot be applied to legal terminology as a general approach. While some legal
42 terms constitute concrete tokens of an overarching abstract term, such as the two types of approval
43 *Einwilligung* and *Genehmigung* as specific types of the general *Zustimmung* in German civil law, their
44 interpretation may be individually limited by certain case law, which would change their entire structure
45 and relations to other concepts. Legal frames must therefore be constructed for the legal concept used in

1 a specific context and emanating from a concrete legal branch. Secondly, the building of a frame network
2 through data extraction by means of corpus analysis (Faber et al., 2005, p. 4) must be limited to the
3 relatively few sources in law, such as legal encyclopedias and statutes (Engberg, 2018, p. 40), which are
4 used by jurists, namely judges, when analyzing legal terms in courts, in order not to limit the vagueness
5 that is required for interpretation and in order to ensure the normative function of legal terms. As for the
6 relevance of the recursiveness in frames (Lönneker-Rodman & Ziem, 2018, pp. 278–279; Varga, 2020,
7 p. 30), this plays a central role in legal terminology as the understanding of subframes is pivotal for the
8 interpretation of the frames they are embedded in.

9 Gaining the reputation of an antithesis of the traditional structuralist perspective in linguistics, frame
10 semantics has proven its utility for adequately describing the understanding process related to standard
11 language (Busse, 2012, p. 18). Compared to technolcts, general language is not inherently normative
12 and can be perceived differently by individuals, making it necessary to conduct vast corpus-based
13 analyses in order to establish what generally is understood by a lexical unit in a linguistic community.
14 This constitutes the key distinction with regard to normative legal terms², where frames cannot take into
15 consideration the deviating states of knowledge among jurists but rather must be used as nominal frames,
16 depicting what interconnected knowledge segments should be evoked when a legal term is perceived in
17 a specific context. [p. 85]

18 3.3.2. *Ontological constituents of comparative law for legal terminology*

19 While the need for ontological structuring of the legal system seems to be pertinent specifically in legal
20 comparison studies, it is pivotal to note that comparative law and legal translation, where terminology
21 becomes relevant, pursue different interests and goals (Engberg, 2013, p. 10), which is why the
22 comparative approach must be adapted and connected to a translation process (Gémar, 2015, p. 481).
23 Constantinesco's reasoning regarding his take on the micro- and macro-dimension of legal terminology
24 goes to the very heart of the study of legal comparison. He suggests abandoning the perspective of equal
25 classification of legal elementary particles and hence transitioning from a micro- to a macro-perspective
26 in order to illustrate the fundamental structures of a legal system (Constantinesco, 1971, pp. 270–271).
27 This seems convincing with respect to the comparatist focus on classifying the world's legal systems into
28 legal spheres as the current major overarching groups such as the Anglo-American, European, and Islamic,
29 respectively consist of sets of legal systems that share distinctive features. This primarily legal approach,
30 however, does not constitute the main purpose of contrastive legal terminology. In his extensive research
31 on this specific topic, Sandrini (1996, pp. 153–154) highlights the exact role that comparative law plays
32 in working with terminology of law, which lies in establishing relations between legal terms of different
33 systems while taking account of the relevant higher dimensions that a “rechtliche Mikrostruktur” [legal
34 microstructure] is embedded in. When dealing with contrastive terminology, it is important to note that
35 microconcepts – and therefore the entire micro-perspective – are the primary object of study and thus
36 cannot be dismissed as being of secondary importance. By introducing determining elements,
37 Constantinesco (1971, p. 266) creates a tool to locate the core of a legal system, which allows for the
38 assessment of the role the legal system in question plays in the context of the official ideology of its
39 nation. While this is relevant for legal studies as a discipline, the area of terminology work and
40 management cannot grasp such overarching principles. Fungible elements are described as secondary,
41 replaceable, already determined, and having only weak connections to and no influence on the legal
42 system (Constantinesco, 1971, p. 269). While this might be true in the context of classifying and

² It is imperative to note that legal terminology presents a certain degree of vagueness and instability in order to remain adaptable to concrete scenarios and subject to interpretation as shown in chapter 2.2.2. Therefore, the ontologist must grasp the semantic field as evoked by the current legal consensus based on applicable legal sources and legal scholarship without imposing interpretation on the prescribed openness.

1 distinguishing the world's legal systems, it can in no way be applied to contrastive legal terminology.
2 Fungible elements, which encompass both legal norms and legal institutions (Constantinesco, 1971,
3 p. 264), expressed by legal terms, are the key components of a legal system. According to Pommer (2006,
4 p. 64), legal terms are the key information carriers of a legal text and represent the content of the legal
5 system they emanate from. Their relevance manifests itself in a legal translation scenario: without
6 establishing and comparing the terminological concepts of the French legal institution *mariage* and the
7 German *Ehe*, a French-to-German translation of a legal document containing this legal term would not
8 be possible. The author's justification of the unsuitability of fungible elements for an adequate
9 construction of a legal system lies in their transnational similarity: the extensive distinction between
10 German law and the former Soviet legal system can only be illustrated via determining elements as
11 isolated fungible elements tend to be similar between both jurisdictions, which might misrepresent the
12 uniqueness of the individual states (Constantinesco, 1971, pp. 271–272). In the context of legal translation,
13 on the other hand, the presupposed similarity between legal systems is limited by the principle of general
14 inequivalence between terminologies of law. First off, the degree of similarity between legal institutions
15 from different nations can only be evaluated through concept-based legal comparison, keeping in mind
16 that they are in no way identical. As frame semantics shows, knowledge segments are built by knowledge
17 elements and logically and ontologically connected through different types of relations, making it
18 impossible to capture the exact same frame in another legal system of reference (see chapter 3.1). In both
19 contrastive legal terminology and the translation of law, legal comparison is the main tool that makes a
20 [p. 86] foreign legal concept accessible to the recipient of the target legal language. This work functions
21 specifically by comparing a concept from one legal language to a concept in the target legal system that
22 has the highest degree of approximate equivalence (see chapter 2.2.1). The presupposed similarity
23 between fungible elements emanating from different legal systems therefore poses no threat to the
24 uniqueness of the ontology of a legal system, but rather creates a fruitful basis for legal communication
25 between jurists cognitively evoking different ontological structures.

26 The differentiation between the micro- and the macro-dimension proposed by Zweigert and Kötz (1996,
27 pp. 4–5) is rather similar to Constantinesco's approach, with one key distinction: instead of classifying
28 the ontological dimensions according to relevance, the comparatists emphasize the interconnection
29 between both perspectives, stating that micro-comparison cannot be done without accounting for macro-
30 elements and vice versa. The micro-concepts designated by legal terms can only be adequately described
31 and used as particles constructing legal ontology when embedded in a way that overarching principles
32 are taken into account. However, in terms of terminology, the micro-terms must, in reference to Pommer
33 (2006, p. 64) highlighting their role in legal texts, be considered the main compounds of the ontological
34 structure. This is also in line with Husa's (2015, p. 101) pivotal observation about the relevance of the
35 extent of legal comparison for the choice of focus on either the micro- or the macro-dimension,
36 considering it a "question of scale and focusing". For the context of this paper, where the ontological
37 system of reference of legal terminology, consisting of individual terms or concepts, is to be put together,
38 the micro-dimension plays the most important role as it constitutes the starting point of the frame-based
39 construction with frame relations linking the concept to the macro-dimension.

40 3.3.3. *A frame-based legal ontology*

41 By adapting system-constructing approaches from both the field of linguistics, where the semantical
42 universe of terms can be illustrated by means of knowledge segments, and the study of comparative law,
43 where the construction of the micro- and macro-dimensions of legal systems becomes necessary for
44 enabling comparison, to normative, dynamic, vague, abstract and system-dependent legal language, an
45 interdisciplinary approach to constructing the ontology of legal terminology can be created, taking
46 account of preferences from both disciplines.

1 The concept of a referential system that was introduced into terminology (Sager et al., 1980, pp. 70–
2 76; Šarčević, 1997, pp. 66–67) has allowed for the illustration of a knowledge system surrounding a
3 specialized term, including in a multilingual and thus contrastive setting. In order to push the purely
4 linguistic perspective on terminology into the background and thereby foreground its conceptual
5 dimension, Roche (2007) applies ontology to terminology, shifting the focus to the construction of the
6 extralinguistic reality that is merely expressed in linguistic signs. This makes it possible to define the
7 **ontoterminology of law** as the illustration of the abstract, vague, and dynamic legal semantics evoked
8 by a legal term, inextricably intertwined with other concepts in law. The macro-dimension in legal
9 comparison studies that Constantinesco (1971, pp. 270–271) claims as the more pertinent perspective in
10 a comparative approach, does not directly concern legal terminology, which focuses on legal institutions
11 that the author considers fungible and of little relevance. His description of these as the smallest cells of
12 a legal system (Constantinesco, 1971, p. 258) and as elementary particles (Constantinesco, 1971, p. 263)
13 is at direct odds with the recursive nature of frame semantics, which can only exist when the endless
14 granularity of frames into its subframes is unchallenged. As Lönneker-Rodman and Ziem (2018, pp. 278–
15 279) point out, terminology can be illustrated via frames only if subframes are defined and constructed
16 as full-fledged frames. It is important to note that what Husa (2015, p. 100) compares to “units” is in line
17 with Engberg’s (2020, p. 271) designation of a conceptual frame as a “building block” and Sandrini’s
18 (2009, p. 152) presentation of legal terms as cognitive building blocks of each legal system. However,
19 this must [\[p. 87\]](#) be adapted to the recursive nature of frames and depend on the legal term that serves as
20 a starting point for the ontological construction.

21 For a frame-based ontology of legal terminology, the micro-dimension can by all means reflect the
22 legal institution as is the case in comparative legal studies since the legal concept is evoked as a starting
23 point when reading or hearing a legal term in a specific context. As the activated frame is built by fillers,
24 which serve as subframes in the given situation, these can be designated as part of the sub-micro-
25 dimension of the initial frame. Determining the dimension according to slots and sub-slots also
26 corresponds with Engberg’s (2021, p. 13) perception of frame dimensions in law. As soon as the sub-
27 frame is analyzed and illustrated as a full-fledged frame, a shift in dimension occurs and the former
28 subframe assumes its place in the micro-dimension, constructed by new sub-frames on the frame’s sub-
29 micro-dimension. Contrary to the definition of the macro-perspective in comparative law, which refers
30 to elements regarding the soul of a legal system and its position and role in the state (see chapter 3.2), the
31 macro-dimension for the ontological construction of legal frames must designate the frame network
32 outside of the frame in the micro-dimension. This encompasses other frames that the frame chosen as a
33 starting point is connected to via inter-frame-relations as well as any overarching frames that the analyzed
34 frame may be embedded in. Considering that the ontology of a legal system cannot be constructed without
35 a context, given that legal concepts are interconnected and become rearranged in a new setting, the types
36 of dimensions depend on the frame that is activated as a starting point when perceived in a specific context,
37 and the knowledge structure constituents are chosen in a way that they reflect the legal understanding of
38 the term provided by authoritative legal sources.

39 4. Case study

40 Taking account of findings from comparative law, legal linguistics, and semantics, an interdisciplinary
41 approach can be applied to constructing the ontological structure of a legal term. For the purposes of this
42 paper, legal terminology cannot be regarded from a neutral and contextless point of view. Legal terms
43 have a specific function and depend heavily on the text and situation they are found in. It is therefore
44 helpful to use a legal text that would be the object of a translation process as a starting point in order to
45 determine the exact role a legal term and its evoked frame-based knowledge structure play in the context

1 in question. For the illustration of how this approach can be applied to legal concepts, the text type used
2 for terminology extraction is a judicial decision rendered by a supreme court as a result of an appeal in
3 error, the relevance of which can be justified by the fact that court judgments are generally translated for
4 other nations to assert a specific right in a foreign country's court or authority and are therefore scrutinized
5 by terminologists and translators. As the presented legal terminology illustrates the legal system of the
6 Federal Republic of Germany, it is important to note that the English words used to refer to concepts in
7 this paper shall merely be regarded as descriptive and in no way considered legal equivalents suggested
8 for translation for English-speaking countries.

9 4.1. Gesamteinkommen

10 The first example, *Gesamteinkommen*, which designates a type of income, can be extracted from a
11 judicial decision rendered by the Federal Social Court of Germany (*Bundessozialgericht*). In Germany's
12 social law branch, the *Bundessozialgericht* serves as the final arbiter of appeals in error, as indicated in
13 section 160 of the German Social Courts Act (SGG). The appellate judgment from October 18, 2022,
14 marked *B 12 KR 2/21 R*, deals with a lawsuit brought against a company health insurance with regard to
15 [p. 88] family coverage. The term can be found in the second paragraph in the section illustrating the
16 opinion of the court:

17
18 Die Beklagte stellte daraufhin fest, dass in der Zeit vom 1.11.2014 bis zum 28.2.2016 die Familienversicherung
19 in der gesetzlichen Krankenversicherung (GKV) wegen eines zu hohen *Gesamteinkommens* [emphasis added]
20 von mehr als einem Siebtel der monatlichen Bezugsgröße nicht bestanden habe [...]. (*Bundessozialgericht -*
21 *Familienversicherung*, 2022)

22
23 It is necessary to note that this specific term can also be found in legal texts relating to the employment
24 law branch of the German legal system as is the case in the appellate judgment marked 10 AZR 59/12
25 from April 17, 2013, rendered by the Federal Employment Court of Germany (*Bundesarbeitsgericht*):

26
27 Der Kläger hat die Auffassung vertreten, die Beklagte berechne den pfändbaren Teil seines Einkommens nicht
28 zutreffend. Gemäß § 850e Nr. 1 Satz 1 ZPO seien zunächst die nach § 850a ZPO unpfändbaren Beträge mit dem
29 Bruttobetrag abzuziehen und anschließend die auf das *Gesamteinkommen* [emphasis added] entfallenden Steuern
30 und Sozialversicherungsabgaben in Abzug zu bringen. (*Bundesarbeitsgericht - Pfändung des Arbeitsentgelts*,
31 2013)

32
33 While the latter equally uses this term in conjunction with social security contributions, it is not related
34 to the same signs that can be found in the social court decision. Instead, the term merely designates a
35 person's total income in a general sense without referring to a fixed legal definition of this term. In order
36 to understand the social court decision's use of the term *Gesamteinkommen*, on the other hand, it is
37 important to keep in mind that German social law presents its very own definition necessary for the
38 (re)construction of the corresponding frame.

39 As it is used in the social law branch as a specific subsystem of the German legal system in the context
40 of family insurance, the applicable statute that deals with coverage of family members must be consulted.
41 Section 10 subsection 1 of Volume V of the German Social Insurance Code (SGB V) deals with this
42 specific question and uses the legal term *Gesamteinkommen* as follows:

43
44 Versichert sind der Ehegatte, der Lebenspartner und die Kinder von Mitgliedern sowie die Kinder von
45 familienversicherten Kindern, wenn diese Familienangehörigen [...]
46 5. kein *Gesamteinkommen* [emphasis added] haben, das regelmäßig im Monat ein Siebtel der monatlichen
47 Bezugsgröße nach § 18 des Vierten Buches überschreitet[.]

1 In this section, the context for the use of this term becomes evident. It is employed to set a limit for the
2 *total income* that allows family members to be covered by insurance without the obligation to pay own
3 contributions. In order to construct the ontology of this legal concept, one must note that legal
4 commentary, considered a relevant source in the German legal practice, refers to the social-law definition
5 of *Gesamteinkommen*, set forth in another volume that is to be applied to section 10 SGB V (Knickrehm,
6 Kreikebohm, & Waltermann, 2021, p. 1234). The definition in question can be found in section 16 of the
7 Fourth Volume of the German Social Insurance Code (SGB IV), which states:

8
9 Gesamteinkommen ist die *Summe* [emphasis added] der *Einkünfte* [emphasis added] im Sinne des
10 Einkommensteuerrechts; es umfasst *insbesondere* [emphasis added] das *Arbeitsentgelt* [emphasis added] und das
11 *Arbeitseinkommen* [emphasis added].
12

13 In this legal definition, the example is defined as the total of the forms of income designated as
14 *Einkünfte* as determined in German income tax law. At this point, two decisive observations can be made:
15 not only does the designation *Gesamteinkommen* evoke two different frames, depending on whether it is
16 [p. 89] used in social law or in employment law, but the term *Einkünfte* also must be semantically
17 interpreted pursuant to its perception in income tax law. The adverb *insbesondere* used in section 16 SGB
18 IV emphasizes two forms of *Einkünfte* without limiting the definition to these two options. According to
19 legal commentary on this volume, this section constitutes the legal definition of *Gesamteinkommen* for
20 all branches of German social security law, including the subdivision family insurance; in addition, it
21 states that the forms of *Einkünfte*, a term in tax law that must be separated from *Einnahmen*, a similar-
22 sounding tax law term (Winkler, 2021, pp. 202–203), constitute the concept in question that must be
23 extracted from section 2, subsection 1 of the German Income Tax Act (EStG) (Winkler, 2021, p. 201),
24 which reads:

25
26 Der Einkommensteuer unterliegen
27 1. Einkünfte aus Land- und Forstwirtschaft,
28 2. Einkünfte aus Gewerbebetrieb,
29 3. Einkünfte aus selbständiger Arbeit,
30 4. Einkünfte aus nichtselbständiger Arbeit,
31 5. Einkünfte aus Kapitalvermögen,
32 6. Einkünfte aus Vermietung und Verpachtung,
33 7. sonstige Einkünfte im Sinne des § 22[.]
34

35 These types of *Einkünfte*, which in number 3 and 4 reformulate the two forms of income emphasized
36 in section 16 SGB IV, constitute the conclusive list of types that are subjected to income tax (Winkler,
37 2021, p. 202). With this normative legal information, the frame GESAMTEINKOMMEN can be built in
38 its microperspective as it is legally constructed by the total of all types listed in the German Income Tax

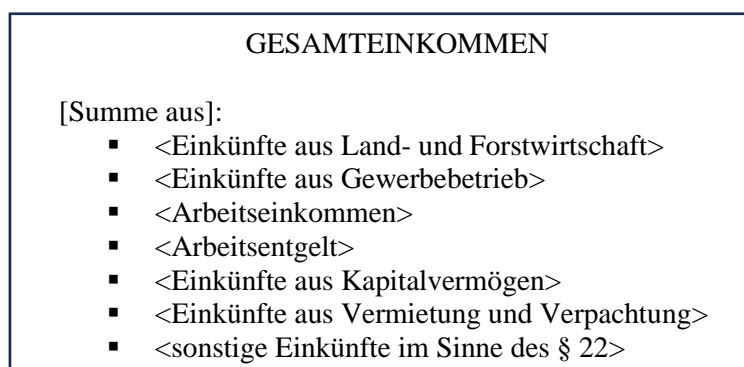


Figure 1. Frame GESAMTEINKOMMEN (level 1). [p. 89]

1 Act, without adding irrelevant knowledge elements that could restrict the mandatory vagueness allowing
 2 legal terms to be subject to judicial interpretation.

3 The knowledge segment that must be evoked in a German jurist's mind when perceiving the lexical
 4 unit *Gesamteinkommen* in the social court decision can be illustrated by the frame in Fig. 1. As section
 5 16 SGB IV sets forth that this constitutes the total (*Summe*) of what the Income Tax Act considers to be
 6 *Einkünfte*, the sole slot that is needed to introduce the enumeration of the fillers is [Summe aus]. At this
 7 point, it is imperative to note that this slot, which seems to be a general term at first glance, must be
 8 interpreted in the way described by legal doctrine: legal scholars point out that the term *Summe* has a
 9 specific meaning in German tax law and must be separated from the similar sounding term *Gesamtbetrag*,
 10 which encompasses other elements (Weber-Grellet, 2023, pp. 42–43). The subframe [Summe] would
 11 therefore have to be constructed as a frame and distinguished from the frame GESAMTBETRAG for the
 12 understanding of the frame GESAMTEINKOMMEN. This highlights the importance of extracting slots
 13 from the given legal situation and not solely relying on a set of general slots provided by the FrameNet
 14 database without scrutinizing their applicability. Compared to other specialized domains, this [p. 90] legal
 15 frame is constructed in accordance with the normative legal meaning provided in statutes without
 16 superfluous information being added in the form of slots and fillers, which could compromise the legal
 17 interpretation process with respect to this legal concept. It is therefore imperative to stick to only the legal
 18 information provided by the legal statutes in question and follow legal doctrine, i. e. legal commentary,
 19 to reconstruct the semantic understanding process that the abstract legal field is agreeing upon at the time
 20 of knowledge extraction. Due to the recursiveness of frames, each of the types of *Einkünfte* that make up
 21 the frame GESAMTEINKOMMEN in its microdimension serves as a subframe in this specific case, as
 22 does the slot [Summe], but constitutes its own frame in a lower dimension. The relation between each of
 23 these subframes can be named 'complementary' as they are complements of one another and, individually,
 24 a 'component of' or 'part of' the frame GESAMTEINKOMMEN. As Lönneker-Rodman and Ziem (2018,
 25 pp. 278–279) point out, some fillers can be complex and must therefore be split into separate concepts to
 26 be understood, which fits the case of the second to last subframe <Einkünfte aus Vermietung und
 27 Verpachtung>, designating income from two different types of leasing known under German law.
 28 However, this specific approach must be put into perspective for legal terminology as this subframe may
 29 be regarded as a united, fully fledged legal term since it is defined in section 21 EStG, containing a legal
 30 definition for the compound *Einkünfte aus Vermietung und Verpachtung* (Winkler, 2021, p. 204); yet, for
 31 the understanding of this section, which provides the knowledge elements for this subframe, the civil-law
 32 definitions of *Vermietung* and *Verpachtung* must be applied. With respect to the subframes
 33 <Arbeitseinkommen> and <Arbeitsentgelt>, which are underscored in section 16 SGB IV, two legal

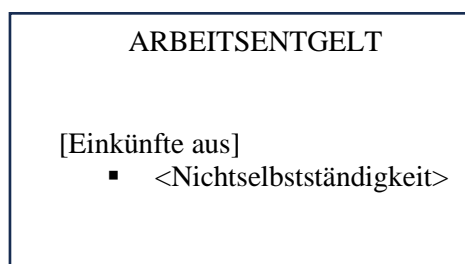


Figure 2. Frame ARBEITSENTGELT (level 2). [p. 90]

1 concepts emerge that laypersons easily assume to be synonyms due to their unprecise definitions in
 2 standard language. In the German legal system, however, these terms designate two distinguished terms
 3 of work-related income. Since these two fillers are highlighted in the aforementioned legal provision,
 4 they are used as examples for a shift in dimension. It is necessary to note that the frame elements defining
 5 the frames ARBEITSEINKOMMEN and ARBEITSENTGELT on level 2 are to be taken into
 6 consideration for the adequate understanding of the superior macro-frame that they are embedded in.

7 The subframes <Arbeitsentgelt> and <Arbeitseinkommen> must now be shifted from the sub-
 8 microdimension to the microdimension in order to be constructed as their own fully fledged frames.
 9 Usually, these concepts belong to the German social law branch and have their own legal definitions in
 10 the Fourth Volume of the German Social Insurance Code. The social law term *Arbeitsentgelt* is defined
 11 in section 14, subsection 1, sentence 1 SGB IV:

12
 13 Arbeitsentgelt sind alle laufenden oder einmaligen *Einnahmen* [emphasis added] aus einer *Beschäftigung*
 14 [emphasis added], gleichgültig, ob ein Rechtsanspruch auf die Einnahmen besteht, unter welcher Bezeichnung
 15 oder in welcher Form sie geleistet werden und ob sie unmittelbar aus der Beschäftigung oder im Zusammenhang
 16 mit ihr erzielt werden.

17
 18 Pursuant to this sentence, the term constitutes income from a type of employment called *Beschäftigung*;
 19 Figure 3 therefore depicts the frame that would usually be evoked in a social law setting. Though the
 20 [p. 91] term *Arbeitsentgelt* is used in the Social Insurance Code, legal doctrine cautions about the
 21 incongruence between the social law definition of this term in section 14 SGB IV and the role it plays for
 22 the interpretation of the legal term *Gesamteinkommen*, which is due to the incongruent use of the term in
 23 section 16 SGB IV (Knickrehm et al., 2021, p. 1005). Scholars therefore point out that this term, which
 24 has no explicit legal definition in German tax law, must be interpreted pursuant to this exact legal branch
 25 anyway. The frame illustrated in Fig. 3, which represents the social law concept *Arbeitsentgelt*, therefore
 26 does not apply to the subframe <Arbeitsentgelt> in Fig. 1, even though it is used in the context of the
 27 social law term *Gesamteinkommen*. Once again, this complex interconnection and interdependence of
 28 legal semantics shows that traditional terminology work cannot adequately represent the ontological
 29 structure of a legal knowledge segment evoked in a very specific context and legal branch, which
 30 foregrounds the need for a more complex frame-based approach.

31 Consequently, after shifting dimensions to level 2, the tax law conceptualization of the new frame
 32 ARBEITSENTGELT must align with the illustration in Fig. 2. Pursuant to section 2, subsection 1 of the
 33 German Income Tax Code, the tax law interpretation of *Arbeitsentgelt* is construed as the income from a
 34 type of work designated as lack of self-employment (*Nichtselbstständigkeit*). This concept constituting
 35 the only subframe, information must be extracted from the German Commercial Code (HGB), which
 36 reads:

37

1 Selbständig ist, wer im wesentlichen *frei seine Tätigkeit gestalten* [emphasis added] und seine *Arbeitszeit*
2 *bestimmen* [emphasis added] kann. (Section 84, subsection 1, sentence 2 HGB)

3
4 For the understanding of the frame that would illustrate the lack of self-employment, the two
5 indications *Gestaltungsfreiheit für die Tätigkeit* (freedom of shaping one's own professional activity) and
6 *freie Verfügbarkeit über Arbeitszeit* (freedom to schedule working hours) must be taken in their negative
7 forms. Since the frame NICHTSELBSTSTÄNDIGKEIT happens to be a subframe of the social-law term
8 *Beschäftigung*, it is further described in chapter 4.2.

9 4.2. Arbeitsentgelt

10 As shown in the first example, the nominal frame evoked by the use of the signs *Arbeitsentgelt* in the
11 context of the social law term *Gesamteinkommen* constitutes a concept that is endemic to the branch of
12 tax law. Taking a look at another judicial decision by the Federal Social Court of Germany from
13 November 3, 2021, dealing with employments that require the payment of social security contributions,
14 the legal term can be found in the usual social law setting:

15
16 Ein versicherungspflichtiges Beschäftigungsverhältnis liegt bis zum Ende eines Arbeitsverhältnisses daher auch
17 dann (noch) vor, wenn der Arbeitgeber das *Arbeitsentgelt* [emphasis added] bis zu diesem Zeitpunkt - ggf bei
18 einvernehmlicher und unwiderruflicher Freistellung - fortzahlt [...] oder zumindest ein Anspruch auf
19 *Arbeitsentgelt* [emphasis added], etwa aus Annahmeverzug des Arbeitgebers, besteht[.] (*Bundessozialgericht -*
20 *versicherungspflichtige Beschäftigung*, 2021)

21
22 The frame that is evoked in this specific situation can now be constructed in accordance with the social
23 law definition set forth in section 14, subsection 1, sentence 1 of SGB IV (see chapter 4.1) as illustrated
24 in Fig. 3. The filler chosen for this frame is the specific type of employment whose income constructs the
25 frame in the micro-dimension, namely <Beschäftigung>. This knowledge element has a specific meaning
26 in German social insurance law as set out in section 7, subsection 1 SGB IV: [\[p. 92\]](#)

27
28 Beschäftigung ist die *nichtselbständige* [emphasis added] Arbeit, insbesondere in einem *Arbeitsverhältnis*
29 [emphasis added]. Anhaltspunkte für eine Beschäftigung sind eine *Tätigkeit nach Weisungen* [emphasis added]
30 und eine *Eingliederung in die Arbeitsorganisation* [emphasis added] des Weisungsgebers.

31
32 While this paper offers a less complex depiction of frames to ensure a simpler traceability, the micro-
33 dimension frame BESCHÄFTIGUNG can be illustrated with two different slots according to the content
34 in the subsection. Figure 4 therefore consists of the slot [Art der Arbeit], designating the type of work,
35 which is filled with the filler describing lack of self-employment expressed as <Nichtselbstständigkeit>.
36 A specific form of this frame can be the type of employment called *Arbeitsverhältnis*, which is in no way
37 a requirement due to the adverb *insbesondere* used in section 7, subsection 1 SGB IV, but is necessary

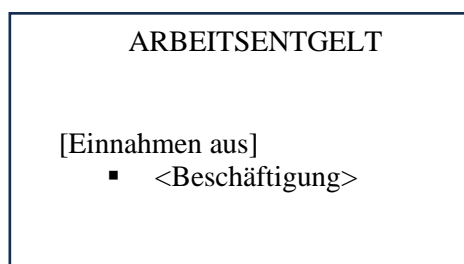


Figure 3. Frame ARBEITSENTGELT (level 1). [p. 92]

1 for German employment law to create a distinction between an employed and a self-employed person.
 2 Any person who is considered to fulfill the criteria of *Arbeitsverhältnis* in employment law is
 3 automatically placed in the social-law category *Beschäftigung*, which however is not necessarily the case
 4 the other way around, making the knowledge elements of the employment-law term useful but not
 5 mandatory for the framing of *Beschäftigung*. In the second sentence of subsection 1, two indications
 6 (*Anhaltspunkte*) are mentioned. These are used in a social law setting to determine whether a person fits
 7 the type of employment called *Beschäftigung* and can be used as two subframes under the corresponding
 8 slot. As there is no legal definition for these two indications in any code or act, legal doctrine on that
 9 subject must be consulted to outline their specific understanding by jurists. Their frames on level 3 would
 10 be constructed according to their use in social law court practice in order to draw a distinction with regard
 11 to their meaning in standard language. The relation between these two indications can be named
 12 ‘interdependent’ because, even though they are not solidified components of the frame, both are taken
 13 into consideration with a certain flexibility by courts for the classification of a concrete situation as a
 14 *Beschäftigung*. As these fillers influence the understanding of the subframe <Nichtselbstständigkeit> for
 15 the understanding of *Beschäftigung*, their relations to this subframe can be described as ‘indicative of’
 16 and, vice versa, as ‘indicated by’. Focusing on this specific filler only, the same information can be
 17 extracted from the German Commercial Code cited in chapter 4.1. This commercial-law provision, which
 18 determines what self-employment means in German commercial law, has long served as the main source
 19 of information for the classification of the German employment-law term *Arbeitsverhältnis* when
 20 interpreted e contrario. In 2017, however, a new provision was introduced into the German Civil Code
 21 (BGB) (Rofls, 2017), which has since provided specific indications on the employment-law term:

22
 23 Durch den Arbeitsvertrag wird der Arbeitnehmer im Dienste eines anderen zur Leistung *weisungsgebundener*
 24 [emphasis added], *fremdbestimmter* [emphasis added] Arbeit in *persönlicher Abhängigkeit* [emphasis added]
 25 verpflichtet. Das Weisungsrecht kann *Inhalt, Durchführung, Zeit und Ort* [emphasis added] der Tätigkeit
 26 betreffen. Weisungsgebunden ist, wer nicht im Wesentlichen frei seine Tätigkeit gestalten und seine Arbeitszeit
 27 bestimmen kann. (Section 611a, subsection 1 BGB) [p. 93]
 28

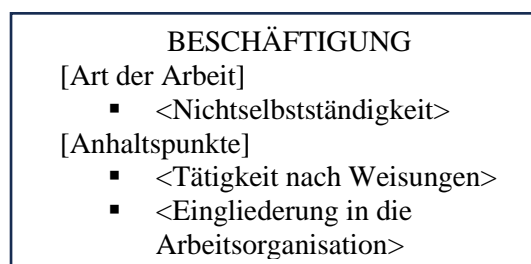


Figure 4. Frame BESCHÄFTIGUNG (level 2). [p. 93]

1 The provision from the German Civil Code lists different indications that serve as prototypical
 2 subframes constructing the employment-law term *Arbeitsverhältnis*. The filler <Weisungsgebundenheit>
 3 from sentence 1 designates the circumstance that a working person is bound by someone's instructions,
 4 one of the indications that form the concept in question. Sentence 2 states two sub-subframes that on a
 5 sub-microdimension compose the subframe *Weisungsgebundenheit*. These knowledge elements have
 6 constituted the frame ever since the provision was introduced into the German Civil Code, which
 7 highlights the dynamicity of legal terminology as this specific frame had been constructed differently
 8 before 2017.

9 Whereas, at this point, level 3 and 4 can be illustrated with the information provided in the stated legal
 10 sources, it is important to point out again that the recursiveness of frames results in an endless granularity
 11 of such segments. Frames can be repeatedly divided into their subframes, which themselves can be split
 12 into sub-subframes. The dimensions must therefore be chosen depending on what legal concept is
 13 ontologically constructed. The presented levels show just one line of the endless taxonomic relation of
 14 legal frames and the interconnectivity of this complex field. It is important to note that inter-frame-
 15 relations also play a decisive role for the adequate description of legal concepts. These are horizontally
 16 linked to other concepts and domains, which indicate their context and separate them from similar terms.
 17 The taxonomic relation, however, is of central relevance as the existence of a legal concept depends on
 18 its subframes, which themselves constitute concepts that are regulated by the legal system and therefore
 19 constitute a condition for the adequate semantic reconstruction of the frame they are embedded in.

20 5. The need for an ontoterminology of law

21 The ontology of legal terminology may have never been explicitly solidified in legal studies or
 22 contrastive terminology of law, but its need has been implicitly alluded to in various research areas.
 23 According to Arntz et al. (2014, pp. 39–40), the fundamental function of terminology is to enable
 24 systematic knowledge transfer, which itself consists of a combination of three functions: (1) a cognitive
 25 one that evokes knowledge, which justifies the necessity of knowledge-based frame semantics, (2) its use
 26 as a format of representation to allow knowledge to be communicated, and (3) its function as a conceptual
 27 order dynamically structuring information about objects and concepts, which the authors see as
 28 indispensable for the representation of knowledge. The notion of a referential system or system of
 29 reference has become relevant in the study of specialized language (Sager et al., 1980, pp. 70–76;
 30 Šarčević, 1997, pp. 66–67), and Grass (1999, p. 17) even emphasizes its use for a clear demarcation and
 31 separation between legal terms, which in a legal system are just rarely regarded as synonymous since they
 32 evoke very specific but, at the same time, relatively vague frames. By introducing ontoterminology,
 33 Roche (2007) explicitly shifts the focus of terminology to the conceptual dimension, insulating it from a

1 purely linguistic perspective. This highlights the need for the construction of the ontology of terminology
2 in general, [p. 94] with specialized terms referring to concepts endemic to a specific expert domain and
3 merely using signs to designate them.

4 As shown in chapter 2.2, certain considerable features of legal language confer a special status on this
5 specific domain and insulate it from other disciplines, which are, to a certain extent, perceived as universal.
6 When system-dependence is mentioned as its main characteristic, the need for some sort of organized
7 system becomes evident. According to Wiesmann (2004, p. 20), legal language refers to a “Bezugsrechts-
8 ordnung” [legal system of reference], which is endemic to a specific nation and determines jurists’ legal
9 acts. As Kjær (1995, p. 42) points out, legal language can no longer exist if it is dissociated from its legal
10 context and legal reality, which explicitly affect the semantic structure of legal terms. The extreme
11 system-dependence of legal languages even goes below the national level as becomes clear in chapter 4
12 when terms expressed with the same signs but used in different legal branches or contexts are
13 contrastively illustrated. A frame-based approach thus allows for the ontological construction of a specific
14 frame evoked by a term used in a certain context and legal branch.

15 As for the legal system as a national construct, Engberg (2020, p. 271) establishes the perspective of
16 law as an epistemic system. This perspective is nothing but the ontology of law itself as its abstract nature
17 merely allows for its existence through organized knowledge. This is also in line with Šarčević (1997,
18 p. 232), who defines a legal system as having its own legal realia, which she insists creates its own
19 conceptual system and knowledge structure. Busse (1992, p. 281) suggests the perspective of law as an
20 institution consisting in a complex of regulating norms. It is therefore obvious that the idea of an
21 organized and interconnected knowledge system has been frequently evoked in connection with a legal
22 system, which can be grasped by means of a legal ontoterminology that is based on knowledge-
23 representing frames.

24 As frames constitute separate knowledge segments that include organized elements and are linked to
25 other concepts, they are suitable to represent legal terms in context, which are designated as *building*
26 *blocks* of a legal system by a sizeable amount of researchers (Pommer, 2006, p. 29; Rüthers, 1999, p. 117;
27 Sandrini, 2009, p. 152). Describing the difficulties of legal translation, Simonnæs (2013, p. 156)
28 explicitly positions legal concepts in the micro level of an entire legal culture and system in order to
29 structure the objects of comparison for the contrastive juxtaposition of terms emanating from different
30 nations, which corresponds with comparatists’ perception of legal terms in a legal system, placed in a
31 micro dimension (Constantinesco, 1971, p. 270; Husa, 2015, p. 101; Zweigert & Kötz, 1996, pp. 4–5).

32 The interconnection between these building blocks has also been discussed in legal linguistic research.
33 Sandrini (2009, p. 156) considers the systemic relations between legal terms and neighboring concepts a
34 central reference point for the affiliation of a term with the specialized field of law. Accordingly, Busse
35 (2005, pp. 31–32) classifies the solidified connections between the separate knowledge elements of a
36 legal concept as the nucleus of the institutional character of legal concepts. Larenz (1983, p. 420) and
37 Kjær (1995, p. 42) point to the complex inter-linking of legal provisions of a country, deeming it decisive
38 for the semantic interpretation of legal terms, which cannot exist outside of the holistic interconnection
39 of a legal system. Ultimately, the unique inter-linking of concepts within a legal system, anchored in a
40 legal culture, is the key reason for Kischel’s (2009, p. 7) determination to present the possibility of legal
41 translation as a pure myth, though it must be noted that his argument merely foregrounds the infeasibility
42 of establishing absolute equivalence between legal systems due to unique ontologies, leaving the issue of
43 translatability untouched.

44 These observations made in the areas of linguistics, terminology science, and comparative law pursue
45 the goal of adequately tackling the special case of legal language, while taking account of its peculiarities.
46 Whether it is the description of legal terms as interconnected units, building blocks, and knowledge
47 [p. 95] segments or their positioning in a legal system, presented as a structured conceptual complex of
48 knowledge, these suggestions foreground the necessity for an ontology specifically adapted to legal

1 terminology. By applying frame semantics as a descriptive tool or format of representation to the language
2 of law, the ontology of its abstract, extremely system dependent, immensely dynamic, and vastly
3 intertwined terminology can be captured and illustrated for the reconstruction of the knowledge that
4 objectively must be evoked in a jurist's mind when perceiving a legal term in a specific legal branch in a
5 given context.

6 Acknowledgements

7 This endeavor would not have been possible without the continuing and unqualified support from my
8 Ph.D. supervisors, Prof. Dr. Michael Schreiber and Prof. Dr. Laurent Gautier. Furthermore, I would like
9 to extend my sincere appreciation to the French research institute Centre Interlangues (TIL), based at the
10 *Université de Bourgogne*, for financing this project.

11 References

- 12 Arntz, R. (2010). Juristisches Übersetzen zwischen Sprachvergleich und Rechtsvergleich. *Lebende Sprachen*, 55(1), 17–30.
- 13 Arntz, R., Picht, H., & Schmitz, K.-D. (2014). *Einführung in die Terminologearbeit* (7th ed.). Hildesheim: Olms.
- 14 Bard, J. B. L., & Rhee, S. Y. (2004). Ontologies in Biology: Design, Applications and Future Challenges. *Nature Reviews*
15 *Genetics*, 5(3), 213–222.
- 16 Bocquet, C. (2008). *La traduction juridique: Fondement et méthode*. Brussels: De Boeck.
- 17 Brand, O. (2009). Language as a Barrier to Comparative Law. In F. Olsen, A. Lorz, & D. Stein (Eds.), *Translation Issues in*
18 *Language and Law* (pp. 18–34). Basingstoke: Palgrave Macmillan.
- 19 Bundesarbeitsgericht - Pfändung des Arbeitsentgelts, No. 10 AZR 59/12 (Bundesarbeitsgericht April 17, 2013).
- 20 Bundessozialgericht - Familienversicherung, No. B 12 KR 2/21 R (Bundessozialgericht October 18, 2022).
- 21 Bundessozialgericht - versicherungspflichtige Beschäftigung, No. B 11 AL 8/20 R (Bundessozialgericht November 3, 2021).
- 22 Burton, S. J. (2015). Reply to Ewan McKendrick, “Good Faith in the Performance of a Contract in English Law”. In L.
23 DiMatteo & M. Hogg (Eds.), *Comparative Contract Law: British and American Perspectives* (pp. 220–222). Oxford:
24 Oxford University Press.
- 25 Busse, D. (1992). *Recht als Text: Linguistische Untersuchungen zur Arbeit mit Sprache in einer gesellschaftlichen Institution*.
26 Tübingen: Niemeyer.
- 27 Busse, D. (2005). Ist die Anwendung von Rechtstexten ein Fall von Kommunikation? Rechtslinguistische Überlegungen zur
28 Institutionalität der Arbeit mit Texten im Recht. In K. D. Lerch (Ed.), *Die Sprache des Rechts: Vol. 3. Recht vermitteln:*
29 *Strukturen, Formen und Medien der Kommunikation im Recht* (pp. 23–54). Berlin: de Gruyter.
- 30 Busse, D. (2012). *Frame-Semantik: Ein Kompendium*. Berlin, Boston: de Gruyter.
- 31 Cabré Castellví, M. T. (2000). Elements for a theory of terminology: Towards an alternative paradigm. *Terminology.*
32 *International Journal of Theoretical and Applied Issues in Specialized Communication*, 6(1), 35–57.
- 33 Cao, D. (2007). *Translating Law*. Clevedon, Buffalo, Toronto: Multilingual Matters.
- 34 Constantinesco, L.-J. (1971). *Einführung in die Rechtsvergleichung. Rechtsvergleichung: Vol. 1*. Cologne, Berlin, Bonn,
35 Munich: Heymann.
- 36 Cuniberti, G. (2019). *Grands systèmes de droit contemporains: Introduction au droit comparé* (4th ed.). Issy-les-Moulineaux:
37 LGDJ.
- 38 De Groot, G.-R. (1999). Zweisprachige juristische Wörterbücher. In P. Sandrini (Ed.), *Übersetzen von Rechtstexten:*
39 *Fachkommunikation im Spannungsfeld zwischen Rechtsordnung und Sprache* (pp. 203–227). Tübingen: Narr.
- 40 De Groot, G.-R. (2002). Rechtsvergleichung als Kerntätigkeit bei der Übersetzung juristischer Terminologie. In U. Haß-
41 Zumkehr (Ed.), *Sprache und Recht* (pp. 222–239). Berlin, New York: de Gruyter.
- 42 Deutsch, A. (Ed.) (2013). *Historische Rechtssprache des Deutschen*. Heidelberg: Winter.

- 1 Drewer, P., & Schmitz, K.-D. (2017). *Terminologiemanagement: Grundlagen - Methoden - Werkzeuge*. Berlin: Springer
2 Vieweg.
- 3 Engberg, J. (2013). Comparative Law for Translation: The Key to Successful Mediation between Legal Systems. In A. Borja
4 Albi & F. Prieto Ramos (Eds.), *Legal Translation in Context: Professional Issues and Prospects* (pp. 9–25). Oxford, Bern,
5 Berlin, Brussels, Frankfurt am Main, New York, Vienna: Lang. [p. 96]
- 6 Engberg, J. (2018). Comparative Law and Legal Translation as Partners in Knowledge Communication: Frames as a
7 Descriptive Instrument. In F. Prieto Ramos (Ed.), *Institutional Translation for International Governance: Enhancing*
8 *Quality in Multilingual Legal Communication* (pp. 37–48). London: Bloomsbury.
- 9 Engberg, J. (2020). Comparative Law for Legal Translation: Through Multiple Perspectives to Multidimensional Knowledge.
10 *International Journal for the Semiotics of Law*, 33(2), 263–282.
- 11 Engberg, J. (2021). Legal Translation as Communication of Knowledge: On the Creation of Bridges. *Parallèles*, 33(1), 6–17.
- 12 Faber, P. (2022). Frame-Based Terminology. In P. Faber & M.-C. L’Homme (Eds.), *Theoretical Perspectives on Terminology:*
13 *Explaining Terms, Concepts and Specialized Knowledge* (pp. 353–375). Amsterdam, Philadelphia: Benjamins.
- 14 Faber, P., Márquez Linares, C., & Vega Expósito, M. (2005). Framing Terminology: A Process-Oriented Approach. *Meta*,
15 50(4).
- 16 Felber, H., & Budin, G. (1989). *Terminologie in Theorie und Praxis*. Tübingen: Narr.
- 17 Fillmore, C. J. (1976). Frame Semantics and the Nature of Language. In S. R. Harnad, H. D. Steklis, & J. Lancaster (Eds.),
18 *Origins and Evolution of Language and Speech* (pp. 20–32). New York: New York Academy of Sciences.
- 19 Fluck, H.-R. (1996). *Fachsprachen: Einführung und Bibliographie* (5th ed.). Tübingen, Basel: Francke.
- 20 Gémar, J.-C. (2015). De la traduction juridique à la jurilinguistique : la quête de l’équivalence. *Meta*, 60(3), 476–493.
- 21 Glanert, S. (2011). *De la traductibilité du droit*. Paris: Dalloz.
- 22 Grass, T. (1999). *La traduction juridique bilingue français-allemand: Problématique et résolution des ambiguïtés*
23 *terminologiques*. Bonn: Romanistischer Verlag.
- 24 Großfeld, B. (1984). Sprache und Recht. *Juristen Zeitung*, 39(1), 1–6.
- 25 Großfeld, B. (2003). Comparatists and Languages. In P. Legrand & R. Munday (Eds.), *Comparative Legal Studies: Traditions*
26 *and Transitions* (pp. 154–194). Cambridge, New York, Melbourne, Cape Town, Singapore, São Paulo: Cambridge
27 University Press.
- 28 Gruber, T. (2009). Ontology. In L. Liu & M. T. Özsu (Eds.), *Encyclopedia of Database Systems* (pp. 1963–1965). New York:
29 Springer.
- 30 Harvey, M. (2002). Traduire l’intraduisible: Stratégies d’équivalence dans la traduction juridique. *ILCEA*, 3, 39–49.
- 31 Hoffmann, L. [Lothar] (1985). *Kommunikationsmittel Fachsprache: Eine Einführung* (2nd ed.). Tübingen: Narr.
- 32 Hoffmann, L. [Ludger] (1998). Fachtextsorten der Institutionensprachen I: Das Gesetz. In L. Hoffmann, H. Kalverkämper, &
33 H. E. Wiegand (Eds.), *Handbücher zur Sprach- und Kommunikationswissenschaft: Ein internationales Handbuch zur*
34 *Fachsprachenforschung und Terminologiewissenschaft* (pp. 522–528). Berlin, New York: de Gruyter.
- 35 Husa, J. (2015). *A New Introduction to Comparative Law*. Oxford: Bloomsbury.
- 36 International Organization for Standardization (09/2019). *Terminology Work and Terminology Science — Vocabulary*. (ISO,
37 1087:2019).
- 38 Johnson, M., & Dampney, C. N. G. (2001). On category theory as a (meta) ontology for information systems research. In N.
39 Guarino, B. Smith, & C. Welty (Eds.), *Proceedings of the international conference on Formal Ontology in Information*
40 *Systems - Volume 2001* (pp. 59–69). New York: ACM.
- 41 Kalverkämper, H. (1990). Gemeinsprache und Fachsprachen: Plädoyer für eine integrierende Sichtweise. In G. Stickel (Ed.),
42 *Deutsche Gegenwartssprache: Tendenzen und Perspektiven* (pp. 88–133). Berlin, New York: de Gruyter.
- 43 Kischel, U. (2009). Legal Cultures – Legal Languages. In F. Olsen, A. Lorz, & D. Stein (Eds.), *Translation Issues in Language*
44 *and Law* (pp. 7–17). Basingstoke: Palgrave Macmillan.
- 45 Kjær, A. L. (1995). Vergleich von Unvergleichbarem. Zur kontrastiven Analyse unbestimmter Rechtsbegriffe. In H.-P.
46 Kromann & A. L. Kjær (Eds.), *Von der Allgegenwart der Lexikologie: Kontrastive Lexikologie als Vorstufe zur*
47 *zweisprachigen Lexikographie* (pp. 39–56). Tübingen: Niemeyer.
- 48 Knickrehm, S., Kreikebohm, R., & Waltermann, R. (Eds.) (2021). *Kommentar zum Sozialrecht: VO (EG) Nr. 883/2004, SGB I*
49 *bis SGB XII, SGG, BEEG, Kindergeldrecht (EStG), UnterhaltsvorschussG* (7th ed.). Munich: Beck.
- 50 Larenz, K. (1983). *Methodenlehre der Rechtswissenschaft* (5th ed.). Berlin, Heidelberg: Springer.

- 1 Legrand, P. (2005). Issues in the Translatability of Law. In S. Bermann & M. Wood (Eds.), *Nation, Language, and the Ethics*
2 *of Translation* (pp. 30–50). Princeton, NJ: Princeton University Press.
- 3 Lönneker-Rodman, B., & Ziem, A. (2018). Frames als Repräsentationsformat in modernen Terminologiesystemen. In A. Ziem,
4 L. Inderelst, & D. Wulf (Eds.), *Frames interdisziplinär: Modelle, Anwendungsfelder, Methoden* (pp. 251–288). Düsseldorf:
5 düsseldorf university press.
- 6 Muhr, R., & Peinhopf, M. (2015). *Wörterbuch rechtsterminologischer Unterschiede Österreich–Deutschland*. Frankfurt am
7 Main: Lang.
- 8 Mushchinina, M. (2009). *Rechtsterminologie – ein Beschreibungsmodell: Das russische Recht des geistigen Eigentums*. Berlin:
9 Frank & Timme. [p. 97]
- 10 Piccini, S., Abrate, M., Bellandi, A., & Giovannetti, E. (2021). Rappresentazione, costruzione e visualizzazione di risorse
11 terminologiche diacroniche nell’era del web semantico. In C. Grimaldi & M. T. Zanola (Eds.), *Terminologie e vocabolari:*
12 *Lessici specialistici e tesauri, glossari e dizionari* (pp. 125–139). Florence: Firenze University Press.
- 13 Picton, A. (2011). Picturing short-period diachronic phenomena in specialised corpora: A textual terminology description of
14 the dynamics of knowledge in space technologies. *Terminology. International Journal of Theoretical and Applied Issues in*
15 *Specialized Communication*, 17(1), 134–156.
- 16 Pommer, S. (2006). *Rechtsübersetzung und Rechtsvergleichung: Translatologische Fragen zur Interdisziplinarität*. Frankfurt
17 am Main: Lang.
- 18 Prieto Ramos, F. (2011). Developing Legal Translation Competence: an Integrative Process-Oriented Approach. *Comparative*
19 *Legilinguistics*, 5, 7–21.
- 20 Reinart, S. (1993). *Terminologie und Einzelsprache: Vergleichende Untersuchung zu einzelsprachlichen Besonderheiten der*
21 *fachsprachlichen Lexik mit Schwerpunkt auf dem Sprachenpaar Deutsch-Französisch*. Frankfurt am Main: Lang.
- 22 Reinart, S. (2009). *Kulturspezifität in der Fachübersetzung: Die Bedeutung der Kulturkompetenz bei der Translation*
23 *fachsprachlicher und fachbezogener Texte*. Berlin: Frank & Timme.
- 24 Roche, C. (2007). Le terme et le concept : fondements d’une ontoterminologie. *TOTh 2007 (Terminology & Ontology:*
25 *Theories and Applications)*, 1–22.
- 26 Roche, C. (2015). Ontological Definition. In H. J. Kockaert & F. Steurs (Eds.), *Handbook of Terminology* (Vol. 1, pp. 128–
27 152). Amsterdam: Benjamins.
- 28 Roelcke, T. (2014). Zur Gliederung von Fachsprache und Fachkommunikation. *Fachsprache – International Journal of*
29 *Specialized Communication*, 36(3–4), 154–178.
- 30 Rolfs, C. (2017). Das „a“ nicht vergessen: Der Arbeitsvertrag ist jetzt in § 611a BGB geregelt. Retrieved from
31 <https://community.beck.de/2017/04/03/das-a-nicht-vergessen-der-arbeitsvertrag-ist-jetzt-in-ss-611a-bgb-geregelt>.
- 32 Rütters, B. (1999). *Rechtstheorie: Begriff, Geltung und Anwendung des Rechts*. Munich: Beck.
- 33 Sager, J. C., Dungworth, D., & McDonald, P. F. (1980). *English Special Languages: Principles and Practice in Science and*
34 *Technology*. Wiesbaden: Brandstetter.
- 35 Sandrini, P. (1996). *Terminologiearbeit im Recht: Deskriptiver begriffsorientierter Ansatz vom Standpunkt des Übersetzers*.
36 Vienna: International Network for Terminology.
- 37 Sandrini, P. (1999). Translation zwischen Kultur und Kommunikation: Der Sonderfall Recht. In P. Sandrini (Ed.), *Übersetzen*
38 *von Rechtstexten: Fachkommunikation im Spannungsfeld zwischen Rechtsordnung und Sprache* (pp. 9–43). Tübingen:
39 Narr.
- 40 Sandrini, P. (2009). Der transkulturelle Vergleich von Rechtsbegriffen. In S. Šarčević (Ed.), *Legal Language in Action:*
41 *Translation, Terminology, Drafting and Procedural Issues* (pp. 151–165). Zagreb: Globus.
- 42 Šarčević, S. (1997). *New Approach to Legal Translation*. The Hague: Kluwer Law.
- 43 Schmidt-König, C. (2005). *Die Problematik der Übersetzung juristischer Terminologie: Eine systematische Darstellung am*
44 *Beispiel der deutschen und französischen Rechtssprache*. Münster: LIT.
- 45 Simonnæs, I. (2002). Zur Frage der rechtskulturellen Unübersetzbarkeit anhand eines Vergleiches zwischen Norwegen und
46 Deutschland. In L. Eriksen & K. Luttermann (Eds.), *Juristische Fachsprache: Kongressberichte des 12th European*
47 *Symposium on Language for Special Purposes, Brixen/Bressanone 1999* (pp. 133–156). Münster: LIT.
- 48 Simonnæs, I. (2013). Legal Translation and “Traditional” Comparative Law – Similarities and Differences. *Linguistica*
49 *Antverpiensia, New Series – Themes in Translation Studies*, 12, 147–160.
- 50 Sparer, M. (2002). Peut-on faire de la traduction juridique ? Comment doit-on l’enseigner ? *Meta*, 47(2), 265–278.
- 51 Stolze, R. (1999). *Die Fachübersetzung: Eine Einführung*. Tübingen: Narr.

- 1 Stolze, R. (2009). *Fachübersetzen – Ein Lehrbuch für Theorie und Praxis*. Berlin: Frank & Timme.
- 2 Stolze, R. (2019). Die translatorische Perspektive des Rechtsübersetzers: Verknüpfung von Inhalt und Form. In I. Simonnæs &
3 M. Kristiansen (Eds.), *Legal Translation: Current Issues and Challenges in Research, Methods and Applications* (pp. 373–
4 389). Berlin: Frank & Timme.
- 5 Temmerman, R. (2000). *Towards New Ways of Terminology Description: The Sociocognitive Approach*. Amsterdam:
6 Benjamins.
- 7 Terral, F. (2004). L’empreinte culturelle des termes juridiques. *Meta*, 49(4), 876–890.
- 8 Thormann, I. (2019). „Sich einlassen“, „regelmäßig“, „billig“, „fremd“ – aus der Umgangssprache vertraute Wörter mit
9 anderer Bedeutung in der Rechtsterminologie. In Parlament der Deutschsprachigen Gemeinschaft Belgiens (Ed.),
10 *Nationale Variation in der deutschen Rechtsterminologie* (pp. 49–56). Eupen: Parlament der Deutschsprachigen
11 Gemeinschaft Belgiens.
- 12 Varga, S. (2020). *Frames und Argumentation: Zur diskurssemantischen Operationalisierung von Frame-Relationen*. Berlin:
13 Lang.
- 14 Vogel, F. (2017). Rechtslinguistik: Bestimmung einer Fachrichtung. In E. Felder & F. Vogel (Eds.), *Handbuch Sprache im*
15 *Recht* (pp. 209–232). Berlin, Boston: de Gruyter. [p. 98]
- 16 Weber-Grellet, H. (Ed.) (2023). *Einkommensteuergesetz* (42nd ed.). Munich: Beck.
- 17 Wiesmann, E. (2004). *Rechtsübersetzung und Hilfsmittel zur Translation: Wissenschaftliche Grundlagen und*
18 *computergestützte Umsetzung eines lexikographischen Konzepts*. Tübingen: Narr.
- 19 Winkler, J. (Ed.) (2021). *Sozialgesetzbuch IV: Gemeinsame Vorschriften für die Sozialversicherung: Lehr- und*
20 *Praxiskommentar* (3rd ed.). Baden-Baden: Nomos.
- 21 Wüster, E. (1931). *Internationale Sprachnormung in der Technik, besonders in der Elektrotechnik*. Berlin: VDI.
- 22 Wüster, E. (1974). Die allgemeine Terminologielehre: Ein Grenzgebiet zwischen Sprachwissenschaft, Logik, Ontologie,
23 Informatik und den Sachwissenschaften. *Linguistics*, 12(119), 61–106.
- 24 Zanolà, M. T. (2014). *Arts et métiers au XVIII^e siècle: Études de terminologie diachronique*. Paris: L’Harmattan.
- 25 Zweigert, K. (1973). Die „Praesumptio similitudinis“ als Grundsatzvermutung rechtsvergleichender Methode. In M. Rotondi
26 (Ed.), *Inchieste di diritto comparato: Vol. 2. But et Méthodes du droit comparé* (pp. 735–758). Padua: Cedam.
- 27 Zweigert, K., & Kötz, H. (1996). *Einführung in die Rechtsvergleichung: auf dem Gebiete des Privatrechts* (3rd ed.). Tübingen:
28 Mohr.