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Legal theory, sources of law and the semantic web

Boer, A.

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Appendix A

About MetaLex and the LKIF Ontology

Many ideas put forward in this book have been presented in some form in other venues, although the material is mainly new.

Some ideas are based on my activities as chairman of the technical committee of the MetaLex CEN/ISSS workshop and in the years before while working on a proposed XML standard for sources of law (cf. [37, 38, 36, 51, 52, 49, 285, 48, 53, 54, 32, 282, 283, 190, 219]). Many of these ideas, mainly found in chapter 5, have been confirmed as a CEN/ISSS¹ publicly available specification (CWA15710).

Some knowledge representation ideas have been introduced by me in the *Legal Knowledge Interchange Format* ontology (cf. [35, 66, 153, 155, 31, 43, 44, 61]) of the Estrella project.

Both MetaLex and LKIF are publicly available as an OWL ontology: I have chosen not to include these as appendices, as they are works in progress and this book is voluminous enough as it is.

For more on MetaLex: <http://www.metalex.eu>.

For more on LKIF: <http://www.estrellaproject.org>

This book aims to be a work of ontology: an account of relevant aspects of the knowledge domain of law from the perspective of a legal knowledge engineer interested in sources of law. One cannot however say that the result of this work *is* an ontology; MetaLex and the LKIF ontology play an important background role in this book, since I introduced a number of concepts important to me in these ontologies, but the reader needs to keep in mind that both these ontologies were collaborative endeavors.

In particular MetaLex – a standard for legislative documents and metadata that has actually made it to the status of a CEN/ISSS prenorm, and is used by some computer applications – is very much the result of the work of a committee and as such represents only common ground between me and the other members of the CEN MetaLex technical committee. LKIF on the other hand sometimes appears to accommodate *alternative* solutions for solving the same representation problems.

Three concepts that play a central role in this book are *not* part of either ontology: the notion of *constitutiveness*, the notion of *applicability*, and the notion of *intentionality* as the *execution* of a plan. These cover exactly the areas where opinions start to diverge in a standards committee, and everybody has a unique solution.

Over the last years I have been asked many times how a repository of MetaLex XML files manifesting sources of law and files manifesting knowledge of those sources of law – for instance knowledge represented in LKIF – can be integrated on the technical level, and how version management of these fundamentally different kinds of things is to be aligned. In this book this integration is addressed on a conceptual level, revolving around the MetaLex notion of *representation* and the (for knowledge engineers also familiar) notion of *applicability*.

This book expands the ideas of [266, 67] in the direction of law as an institution that changes itself by legislating, and to which we often must ascribe the intention to create a certain normative order in order to benefit from our knowledge of the law. I move in these directions to explain the context in which sources of law should be

¹European Committee for Standardization

interpreted, because it is in my view necessary to do so: it is too simple to say that a proposition in a knowledge representation language represents a text fragment in a written source of law. Even when only contemplating on the domain of legislation and legislating itself, as I did for MetaLex, one cannot completely escape the issues of constitutiveness and of intentionality, because these are as relevant to legislative acts as they are to any other legal act.