

TAXONOMY

Legal Elements

All *legal concepts* are composed of *legal elements*, these are the requirements that have to be fulfilled in order to achieve legal consequences and effects.

(Wienbracke, 2013)

? Research Question

Can we find *legal elements*¹ in *parliamentary debates* by using *Natural Language Processing* to enable the *analyses of legal elements* regarding the *validity of legal concepts*?

legal studies, political science and NLP

👤 Legal Background

The use of force by states is unlawful.

Charter of the United Nations, art. 2 (4)

undisputed exceptions:

- self-defense (art. 51) and
- authorization by the Security Council of the United Nations (art. 39+42)

disputed exceptions:

- humanitarian intervention (HI) and
- responsibility to protect (R2P)

- 🔍 supported by the customary international law (CIL), which consists of state practice and opinion iuris
- 🔍 in order to prove the existence of opinio iuris one has to find legal elements in parliamentary debates

👉 Annotation Framework

Label	Legal Element	Definition	Example
Huma	Humanitarian catastrophe	The code is used if the speaker refers to a humanitarian catastrophe taking place or being imminent (major human rights violations that amount to war crimes, genocide, ethnic cleansing and crimes against humanity) that makes the use of force necessary.	The situation in this country is a humanitarian catastrophe, people starve and suffer, therefore we must use force to stop the aggressor.
Prot	Protection of local civilians	This code applies if the speaker considers that the need to protect the local civilians from major human rights violations, that amount to war crimes, genocide, ethnic cleansing and crimes against humanity makes the use of force necessary.	We have to use our country's military to protect the civilians in this country.
Fail	Failure to Protect by home state	This code applies if the speaker considers that the home state has failed to protect its population from war crimes, genocide, ethnic cleansing and crimes against humanity makes the use of force necessary.	This country is not protecting its people from the crimes against humanity occurring, thus we need to use our military.
Last	Last Resort	This code applies if the speaker considers to the use of force as a last resort and that all peaceful means (such as diplomacy) are exhausted.	We have tried every diplomatic means available but to no avail, there is no choice but to use force.
Prop	Proportionality of the use of force to the threat	This code applies if a speaker sees the way force is used in a proportional manner (including that civilians are protected as far as possible or receive special treatment to help with the suffering.)	When we use force we take every possible precaution to protect the civilians from our attacks.
Reas	Reasonable prospect of success	This code applies if the speaker argues that a reasonable prospect of success is given.	Using the military is always risky but we are sure that we will succeed.
Auth	Rightful authority given	This code applies if the speaker argues that a rightful or legitimate authority for the use of force is given (this includes but is not limited to references to the Security Council).	We have every right to use force and our actions are covered by the Security Council.
Inte	Right intention	This code applies if the speaker refers to having the right intention of the use of force. This might be the case, for example, if speakers refer to a moral cause for going to war as being given.	This is not a war for our national interest it is a moral duty.

Table 1: Framework adapted from codebook from Hock (2021), drawing on work from Wagner (2020).

📖 Dataset

We base our work on four **German parliamentary debates**² regarding the authorization to use force:

KOSOVO (BTP 13/248), **LIBYA** (BTP17/095),
SYRIA (BTP 18/042 & 18/044)

Parliamentary debates are interesting for several reasons:

- parliamentary debates cover questions of international law, as part of a political speech
- legal concepts might be mentioned but will be intertwined with genuinely political arguments
- legal elements mentioned may be vague or ambiguous due to the political nature of the texts

EXAMPLE

“ Es kann keinen Zweifel darin geben, daß es überfällig war, den boshaftesten Despoten in Europa [right intention], der Krieg gegen sein eigenes Staatsvolk führt, es entwirzelt, in die Wälder treibt und ermorden läßt, [failure to protect] in seine Schranken zu verweisen, um eine humanitäre Katastrophe noch größeren Ausmaßes zu verhindern [humanitarian catastrophe]. ”



multilabel statements

Ludger Volmer
KOSOVO debate

🔍 Data Characteristics

- ~700 legal elements
- only 1-2% of all sentences (~15k) in the debates included legal elements

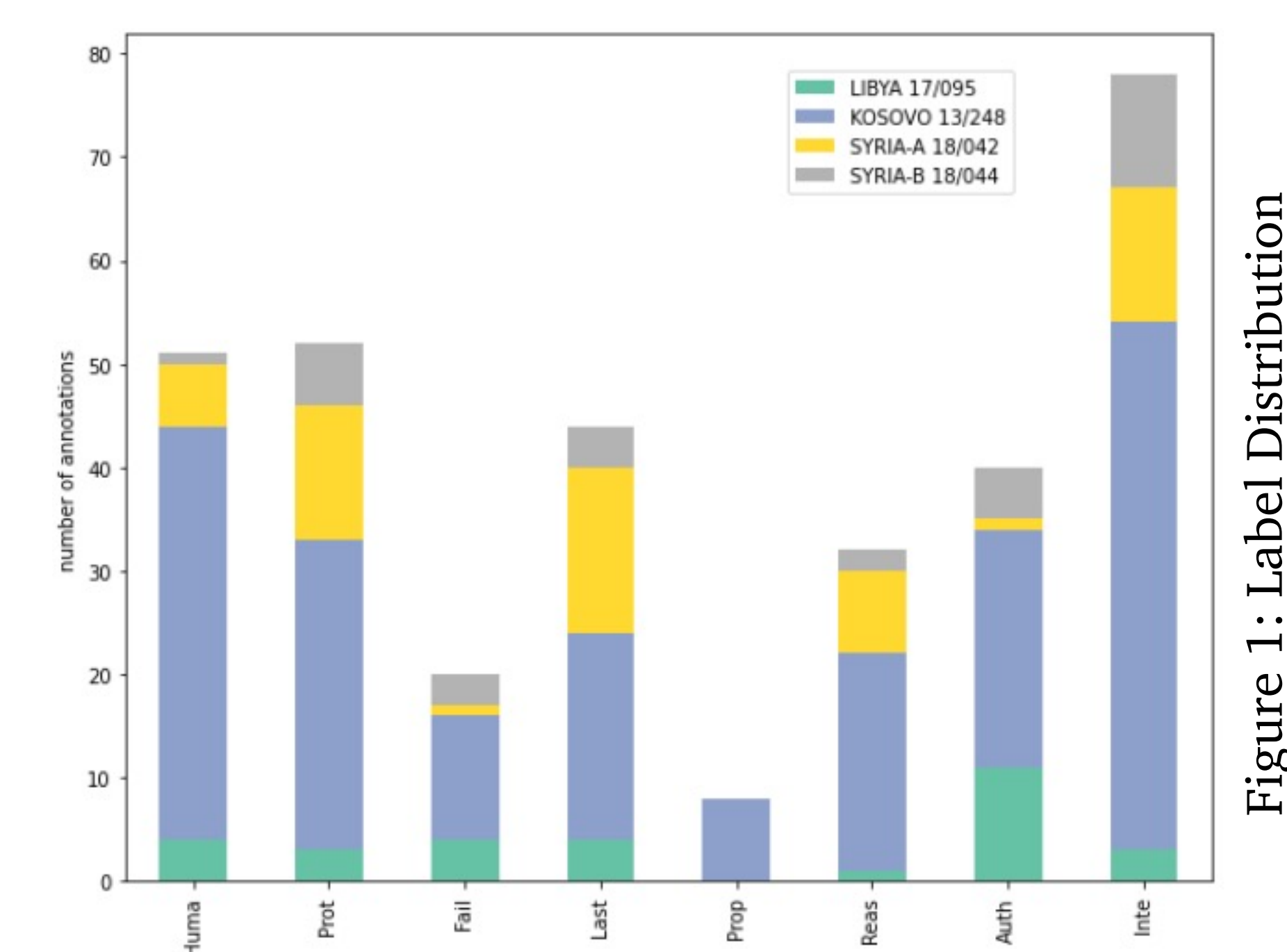


Figure 1: Label Distribution

🇩🇪 Results

We perform two tasks with similar experiments:

- **legal element detection:** legal or non-legal element
- **legal element classification:** [label₁, ..., label_n]

model	binary		multilabel	
	acc	f1	acc	h-score
Baselines				
Majority-Vote	.551	.550	.059	.128
Dictionary	.558	.479	.113	.312
Context Embeddings ³				
GermanBERT-MLP	.597	.595	.134	.289
MultiSentBERT-MLP	.664	.662	.310	.497
GermanBERT-SVM	.586	.585	.184	.313
MultiSentBERT-SVM	.649	.648	.260	.435
Language Adaptation ³				
LegalBERT-MLP	.538	.534	.105	.252
EuropeanaBERT-MLP	.590	.589	.109	.222
LegalBERT-SVM	.561	.558	.101	.246
EuropeanaBERT-SVM	.601	.598	.105	.216
Task Adaptation ³				
RoBERTArg-SVM	.586	.585	.214	.366
RoBERTArg-MLP	.630	.629	.230	.382

🧠 Findings

- our NLP models used do not provide sufficient accuracy but they can act as a helping filter in-between to support legal research on large scale datasets
- we find a surprisingly low amount of legal elements mentioned in parliamentary debates
- specific domain knowledge is still needed

📖 Literature

- Martin Hock. 2021. The Influence of Strategic Culture on Legal Justifications Comparing British and German Parliamentary Debates Regarding the War against ISIS. Erasmus Law Review, 15(2)
- Wolfgang Wagner. 2020. The Democratic Politics of Military Interventions. Oxford University Press.
- Mike Wienbracke. 2013. Juristische Methodenlehre. C.F. Müller, Heidelberg ; München ; Landsberg ; Frechen ; Hamburg.