# THE NETWORK SOCIETY AND LEGAL INFORMATION

## Some observations from the Nordic point of view

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**Abstract.** The core of professional skill in law is the ability to manage legal information. Lawyers are professionals when it comes to such information: they should ,know where to look for it, how to retrieve it and how to process it. Knowledge lives in structures. In the modern Network Society, legal information is increasingly found on networks. The increase in the number of legal texts and legal databases has made law a rather remote activity at least to the average citizen. The texts on information networks are so near but yet so very far: It is difficult to find the right text and hard to understand the text even when one does find it. I have proposed that we make a transition to the use of new, interactive legislation. The basic idea would be to present the law in structured form. Legislation would be accompanied by information on its historical background and where it is situated in the legal scheme of things and classification of legal disciplines. This is certainly feasible with today's information technology. We could get interactive and visual legislation as one part of our social shared capital.

**Keywords:** Network society, free access, information literacy, social capital, interactive legislation, visual legislation

### 1. Starting points

Traditionally, in law – particularly the Nordic variety – storing, producing, publishing and even using *legal information* have largely been seen as practical and technical concerns. Finnish legal theory in particular has focused primarily on legal reasoning, and rather less on where and how the information needed for that process are obtained. Legal information is usually taken as a given in legal life. It has held precious little interest for ordinary legal scholars, and theoretical research on the subject is still rare indeed.

Finland is by no means alone in this respect. One sign of the regrettable state of research on legal information is that in the volume published to honour *Peter Seipel, professor of legal informatics,* upon his retirement in 2006 I was the only contributor to examine official legal information in any detail.[1] Yet, *Seipel* is one of those rare scholars who have viewed legal information in general and the retrieval of legal information in particular as a particularly important focus of research and teaching in Legal Informatics. His famous observation that information retrieval often has a *critical importance in legal work* has long been one of the central tenets in teaching Legal Informatics in Finland. Upon closer scrutiny, it is unassailable. The work lawyers do is primarily information processing. In an optimal legal culture, we should all process the correct information in a correct manner at the correct time.

Having said this, I would not like to give too dark a picture of the situation in the Nordic countries. Legal Informatics has of course changed the early conceptions legal theory had of the importance of legal information. Like Swedish *Peter Seipel,* Norwegian scholar *Jon Bing* and Danish scholar *Peter Blume* have become well known internationally not only as researchers and teachers of Legal Informatics, but also as researchers on legal information. *Jon Bing's* doctoral thesis on legal information processes, written in 1984, is an insightful description of how information retrieval from legal data banks can take place effectively.[2] For his part, *Peter Blume* examined in his thesis how legal information and communication have developed from speech to data. And significantly, he specifically categorises legal information retrieval and its processing as part of the methodological

[1] Saarenpää Towards legal information and legal knowledge. Some basic issues in Finnish perspective. Festskrift till *Peter Seipel* pp. 509 (2006). In all fairness I should note that the Austrian scholar *Erich Schweighofer* does explore the same topic to a certain extent in his article, Computing Law: From Legal Information Systems to Dynamic Legal Electronic Commentaries.

[2] *Graham Greenleaf* has reviewed Bing's work and its significance in an article titled "Jon Bing and the History of Computerised Legal Research – Some Missing Links".

principles of the lawyer. This marked a conspicuous departure from the conventional, conservative methodological doctrines in the Nordic countries.[3]

In Sweden *Peter Wahlgren* and *Cecilia Magnusson-Sjöberg* have, in addition to other merits, become well known as researchers on legal information. *Wahlgren's* career has in fact focused on the study of legal information management and of the risks involved.[4] *Magnusson-Sjöberg* is one of the more prominent experts on mark-up languages. Metadata figures crucially in the production of electronic legal information.[5]

There has been noticeably less research on legal information in Finland, also within the discipline of Legal Informatics. Apart from my textbook, of which several editions have appeared, and the articles I have published, very few specialised studies have been done and even they are limited in scope.[6] Here, we should on no account overlook Finnish research in Legal Linguistics. The most prominent scholar in the field, *Heikki Mattila*¸ has, among other works, published a comprehensive volume on comparative legal linguistics.[7] Legal Informatics and Legal Linguistics to some extent go hand in hand in serving the practical needs of legal life.

To provide a more complete picture of the Nordic perspective, I could list a host of other individual researchers and studies.[8] These additions would not, however, change the starting points I have noted. Legal information has generated little or no interest in the field of law as traditionally conceived, and even in the discipline of Legal Informatics

[3] Peter Blume's *Motodlaere*, is currently in its fifth edition.
[4] Foor example *Wahlgren* The Quest for Law (1999)
[5] *Magnusson-Sjöberg* Critical factors in Legal Document management – a study of standardised mark-up languages (1998)
[6] *Saarenpää* Oikeusinformatiikka in Oikeusjärjestys (7th edition 2011, in Finnish).
[7] Mattila Comparative legal Linguistics (2006)
[8] For example, there are a number of articles on legal information in the Nordic Yearbook of Legal Informatics for the years 2006-2008. See *Greenstein* (ed) Vem reglerar informationssamhället pp. 185-288 (2010).

the attention given to the topic has occasionally been unconscionably scant.

It is well known that theory and practice do not always meet. Thus, it is necessary to move on to examine the informational environment which one encounters in the Nordic countries.

## 2. Nordic “Law Books”

Collections of statutes – ”law books” in Nordic parlance – have been considered crucial tools in the daily work of the practicing lawyer. These volumes typically feature legislation supplemented by references to other relevant provisions and case-law. A law book brings added value to the text of an act or decree or other official guidelines. Legal information maintenance has relied heavily on such works. We have been ready to say that a lawyer without a law book is not a real lawyer. Professor Kauko *Wikström* put things most appropriately when he wrote about the “open the law book doctrine of the sources of law”. A law book has become a primary source; often, it is considered sufficient as well.

The progenitor of sorts of later Nordic law books is Swedish Law, a work dating from 1734. It was an extensive legislative work, divided up into codes. Its printed version served as a natural basis or model for certain Nordic collections of laws that followed it. This status can of course be attributed in considerable measure to Sweden’s historical position of power in the Nordic countries.

Our best-known law book in Finland – *Suomen laki* (Finnish Law) – was compiled in its day first as an official committee effort. The period from Finnish independence in 1917 to the end of the 1940s saw the publication – somewhat haphazard - of collections of laws for sale commercially. A general desire arose to put legal information management on sounder footing. This prompted the establishment of an official committee no less to review different alternatives for publishing collections of laws in order to serve the needs of legal life in practice. Along with a regularly published Law Gazette the committee sought to create a more permanent solution for producing the

needed added value; it was felt that things should not be left to the whims of the marketplace. What the committee ultimately advocated was Suomen Laki, a work in several volumes systematically organised by fields of law.

Suomen Laki was first edited and published by the Association of Finnish Lawyers with support from the state. This is an illuminating example of how a professional association can play a key role in shaping legal culture where legal information maintenance is concerned. Every profession has a natural, instinctive need to take responsibility for its informational environment.

The collaboration between the government and the key lawyers' organisation yielded a work that was intended primarily to serve legal life in practice and that acquired semi-official status. The first volume came out in 1955 and the first copy was presented to the president at the time, *J.K. Paasikivi*, who held a Doctor of Laws degree. After extending his thanks, Paasikivi's first question was, "Who is prepared to take responsibility for the errors?" This symbol of Finnish legal life was of course to be as free of error as possible.

Legal information maintenance has always been part of the *legal culture*, and for this reason it is difficult to find two countries that would be identical where the production, marketing and use of legal information are concerned. Accordingly, I will not examine in any detail here the history of law books in Sweden and Norway. Suffice it to say that both countries have long-standing traditions of relying on regularly published law books.

Among the Nordic countries, since the early 1930s Denmark has primarily embraced the German-style law book, which contains comments. This quickly became the tool of choice for the majority of the legal profession in the country. The extensive neutrality characteristic of the Nordic law book gave way in Denmark to a format where text was accompanied by a commentary. The international trend in the production of legal information can be seen today in the fact that *Karnov* is owned by international Thomson Reuters.

The year 2009 marked the 250th anniversary of Finland's first Finnish-language law book. Every nation needs to have the laws in its own language. In this spirit, when Finland was part of Sweden the Swedish Law of 1734 was translated into Finnish. The anniversary was celebrated by the publication of

a commemorative volume comprising articles on law books, legal linguistics and modern legal information maintenance.[9]

We now find ourselves in an era when the role of the printed law book in legal life is unquestionably declining. In the digital environment, such a work is still important but figures less significantly than before in legal information management. With this observation, I will now go on to examine the gradual transition of official legal information to digital form in the Nordic countries.

## 3. The era of legal data banks

With the advent of the Information Society, governments in the Nordic countries began to plan, collect and use legal data banks, as the Council of Europe had recommended. The way in which they were established varied from country to country. For example, in Norway Lovdata was set up as a joint effort of the Ministry of Justice and the Faculty of Law at the University of Oslo in 1981. Formally it is a foundation.

In Finland, the legal data bank FINLEX, maintained by the Ministry of Justice, was brought online for general use in 1982. When planning the data bank, officials from the Ministry of Justice studied databanks in the United States, among other countries. Thus, Finlex is a product of more than just European know-how. Its core content at the time consisted of headnotes of precedents handed down by the Supreme Court and Supreme Administrative Court, as well as summaries of the headnotes of older rulings. There were no statutes in the database at the time.

Access to FINLEX carried a charge for users outside of the court system and the court administration. That policy gave rise to an imbalance among different users, in particular between judges and practicing attorneys. Where judges could search for information with no economic risk, lawyers had to pay for everything. No particular attention was given to this discrepancy at the time, however.

The use of Finlex grew and its content expanded markedly in the latter half of the 1980s and the early 1990s. What the Ministry of Justice sought to create

[9] Mattila – Pajula Piehl (ed.) Oikeuskieli ja säädöstieto – Rättsspråk och författningsinformation (2010)

was not a resource comprising not only official legal information but also various lists and indexes. At its height, Finlex offered users access to 40 databases via the same search software. Its basic configuration was thus user friendly. With one and the same query language one could manage an extensive collection of files. This was extremely important at the time, for query languages played a particularly important role in information retrieval. The way in which these databases were created and maintained varied considerably, however.

Since 1986 all students in the Faculty of Law at the *University of Lapland* have been required to learn how to use Finlex. Our central theoretical premise was that information retrieval is – indeed it must be - a crucial element of the basic method of the lawyer.

I might hasten to note here that those who teach the students to use Finlex and legal databases more generally are teachers from the Faculty of Law with a legal education. We considered this approach so self-evident that we never even discussed other options. One reason for this position was that in Finland knowledge of how to maintain a legal library is very limited indeed. We lack a culture of legal librarianship.

## 4. From using for a fee to using for free

The year 1995 marked a significant turning point in Finnish legal information management. At the end of that year we made the databases of Parliament and the Parliament Library available free of charge online. Formally, the decision was made by the *Library's Board*. It was a moment of celebration at that meeting when we were able to declare that use had become free of charge. We had entered a new era.

The change was very much in step with the spirit of the times where the processing of public sector information was concerned. Those of us on the Library Board deemed it to be part of the Finnish approach whereby libraries

should be free of charge. This serves the citizen's right to know.[10] This same principle should be observed in the case of information networks. At that time, we had just entered a new phase in the development of the Internet. Open information networks were expanding rapidly, becoming widely available. The WWW had done its work.

With Parliament showing the way ahead where its own material was concerned, the rest of the government sector in Finland had to gradually follow its lead, although the Ministry of Finance continued to cling to the principle that a fee should be charged for public information. Essential official material could not be partly subject to a fee and partly free of charge. Accordingly, use of Finlex became free of charge in 1997. Since then, essentially all of the important official sources of law found in different information resources – parliamentary materials, the pages of government authorities, and Finlex – have been available online free of charge

In a corresponding development, *Sweden* later created a free, national data bank of the sources of law, called *Lagrummet*. It was first opened in 2000 after a planning effort lasting many years. The establishment of the data bank is set forth explicitly in a government decree.[11] As a comprehensive resource containing essentially all significant official materials, this one-stop data bank is nowadays a particularly important source of legal information in practice. *Lagrummet's* comprehensive material base and uniform interface make it a laudable service indeed. It is far a more extensive body of information than present-day Finlex. In Finland some comparatively important official information is presented on government authorities' web pages only. This is the price which had to be paid for such public information becoming available free of charge. The use of Finlex declined and the era of web pages offered a cheaper alternative for maintenance.

In Norway and Denmark a significant proportion of official information is also free of charge. However, the developments in those countries have not

[10] The Finnish Libraries Act expresses this principle clearly: the right to information. In keeping with this, the network of public libraries is extensive and the Library of Parliament is open to the public.

[11] Rättsinformationsförordning (1999:175)

been as straightforward as in Finland and Sweden. In Norway, Lovdata has long charged a fee for older case-law. Material that is initially free later becomes subject to a fee.

In Denmark, Retsinformation, a national legal databank founded 1986, is smaller in scope than its Finnish or Swedish counterpart. For example, the most recent precedents handed down by the Danish Supreme Court are still available only for a fee. Summaries of the decisions may be obtained free of charge through the Court's website.

## 5. The unbearable lightness of information retrieval

Making government information available for free is not in itself a measure sufficient to bring us forward on the path towards the high-quality legal information management required by the constitutional state. At its worst, the provision of basic information free of charge on networks can in fact increase the distance between the user and the information. Finding the right information in extensive collections of on-line materials can become more difficult for both lawyers and, above all, citizens. And law is primarily for citizens.

Then again, the extensive availability of official material offers a point of departure that seems quite simple in technical terms. We can use search engines to query databanks and home pages. Moreover, we can search for information in data banks using text searches or look for it on home pages by browsing documents. Indeed, at its simplest, legal information retrieval by no means requires the assistance of an information specialist. The day when text searches in data banks were something new and, for example, required assistants in legal life seems to be at least partly past.[12]

It is a different matter that good practices governing how the producers of information describe the requirements for and limitations of text searches on their pages vary significantly. We have gone from what was a manifest use of query languages to an era marked by their invisible effects. At their simplest,

[12] Cfr *Bing* Let there be LITE: A brief history of legal information retrieval pp. 21 in *Paliwala* (ed.) A history of legal informatics

text searches can fail technically when the person searching for the information uses a single word as such and the program does not automatically look for the inflected forms of the word.[13]

But the issue is not only the properties of query languages. The basic problems with legal information retrieval are always squarely legal. We can find individual legal texts using a word search, but we do not necessarily see those texts in their proper legal context. If we only find official legal information as such, we are, in a word, face to face with a legal text, for example the text of a law.

We do not have at our disposal the added value which edited collections of statutes and the accompanying references provide. In this situation free services have their price. The text of laws as such with no informative references can be misleading.

Changes in the information environment involve questions that are a great deal broader in scope than the cost in financial terms only. The unbearable technical lightness of cost-free information retrieval may, in addition to returning incorrect results, lead to misconceptions regarding the significance of official legal information. The new digital operating environment does not – nor should it – signify merely new ways of communicating and of producing, maintaining and processing traditional legal information at low cost. Indeed, far more is involved if we consider the situation deeply in legal perspective.

Among other things, implementing the principles of the constitutional state and the rule of law in the modern network society entails more stringent requirements for the infrastructures of legal life than we are used to. In the same vein, the *legal culture* must change where the status of official legal information is concerned. The information infrastructure and its optimal use should be cornerstones of any legal culture.

## 6. Legal culture and legal information

[13] In this respect the differences between languages become a significant factor. Finnish is a richly inflected language. Using no more than the basic form of a word is a serious mistake in information retrieval.

The Swedish legal historian *Kjell-Åke Modéer*, speaks of an *optimal legal culture* as one of the aims of the constitutional state.[14] In this context, he created a crucial categorisation of the central factors in a legal culture. These include the prevailing legal ideology, the content of constitutions, legislative techniques, dispute settlement methods and the infrastructures that lawyers have at their disposal.

It is basic elements such as those *Modéer* put forward that to a large extent make up traditional legal culture. However, we need a more detailed list if we are to accommodate modern society and the new information infrastructure. And the perspective of the citizen absolutely must be included here. Legal culture cannot be confined to what lawyers are interested in and choose to occupy themselves with.

First, we should however reflect on what all makes up the infrastructures that lawyers use. I consider legal information maintenance to be one crucial element. A lawyer is an information worker, and this makes the state of information maintenance and the lawyer's skills in tapping that information key factors in how well justice is served. It is natural that the essential official legal sources of law – the primary sources – are made available to the lawyer in an appropriate way. Adapting *Peter Seipel*, we can say that these sources should be at arm's length.

But having the primary sources of law freely and readily at our disposal is not enough in itself. We need tools to organise that material and facilitate information retrieval. Mere text queries of extensive bodies of information are often rather modest tools. It is often thought that producing such aids is one of the tasks of law.

Secondary sources help to find and understand primary sources. This understanding is, to my mind, a bit too general, and even misleading. In practice, in addition to the legal profession, it has been the producers of information and the libraries – or at least these actors - who have produced resources such as search words and ontologies. It is better to speak of basic

[14] *Modéer* 'Optimala rättsliga kulturer? JT 1/1999–2000 s. 71 ss (in Swedish)

works which help us manage the sources of law, primary as well as secondary. These range from bibliographies and indexes of cases to legal encyclopaedias. One example I would like to share here of legal basic information products in Finland is the database of case-law in the literature, known a FOKI. It is part of Finlex. Based originally on a Swedish idea, but one implemented only in print form in Sweden, FOKI enables users to locate information on where in the legal literature the judgments of higher courts are discussed. It is built on the principle that someone is doing the reading for you.

We produce this database at the Institute for Law and Informatics at the University of Lapland pursuant to a contract from the Ministry of Justice. The Ministry considers it important that judges have this tool at their disposal to make their work easier. In order to maintain the database, we read all of the legal literature published in Finland. The database has become a significant tool in the everyday work of legal professionals, in particular judges and attorneys. At the beginning of April 2011, the database contained the addresses of 737,215 comments on court decisions in a total of 15,296 publications.

This database is an instructive example of the kinds of tools that should be part of any sophisticated legal culture. Accordingly, these tools should be available free of charge or at reasonable cost. In Finland, the use of FOKI, being part of Finlex, is free of charge. Similarly, the bibliography of legal literature maintained by the Library of Parliament is, like other parliamentary materials, free. But as yet we have no uniform policy on what society's responsibility for making such tools available should be.

Another look at the need for legal information suggests an indispensable addition to *Modeer's* list. Official legal information is by no means primarily intended for lawyers although legal theory might well suggest otherwise. Legal information has been and is for all actors in society, beginning with the average citizen. One of the central points of departure in living in democracy is that everyone should be familiar with the law. The science of law, which sees official legal information solely or primarily as a tool for lawyers, is severely distorted, unsocial. Law belongs to everyone.

This fact is extremely important in the new legal culture of the Network Society. We are undergoing a transition on a grand scale to a society where e-accessibility is a significant societal issue. In principle, everyone should have access to information networks. They constitute a new infrastructure, a superhighway for the masses.

## 7. Law on networks

Let us begin with the use of information networks as such. Internationally, one hears the term "information literacy". It is an apt expression. Information literacy is utterly different from skilful use of a computer. Information literacy is first and foremost skill in retrieving and processing information. For the legal profession, it is both a common skill – one that today is actually part of any educated person's repertoire of competences – and a special legal skill.

Above all, legal information literacy is more a matter of legal skill than of technical knowledge. Knowing how to use networks is thus a prerequisite for being able to renew one's skills as a lawyer. A lawyer who lacks the know-how to retrieve legal information on networks is a relic of the past.

When we speak of citizens searching for or using legal information - in particular official information - on networks, we should also consider the concept of *social capital*. From the citizen's perspective, one must remember that official legal information in the constitutional state is an essential aspect of our shared social capital.[15] In terms of individual rights, it is information that is more important than most: it is an aspect of our right to know the law and, correspondingly, our obligation to know what it says.

In the era of free information, official information as such and the data stores that contain it are social capital that can be used free of charge and are freely available. This capital should be accessible to every computer user on as equal a basis as possible. At issue here is not merely the potential interest of certain enthusiastic citizens in exploring official information using networks;

[15] Wyse and Schauer have provided an insightful assessment of legal information as social capital. See *Wise – Schauer* Legal Information as Social Capital, Law Library Journal 2007 p. 267 ff.

what we see is a more significant societal trend. Indeed, the use of Finlex in Finland is so intense that we can assume that most of its users are laypersons. We now find ourselves in the situation where we should ask, like *Richard Susskind*, if we need lawyers who have the same information as ordinary citizens and do not have the knowledge or skills to contribute anything beyond this. Where is the added value that should be part of the raison d'etre of the legal profession? And, on the other hand, we should consider how a layperson understands official material containing sources of law when he or she views that information on a network.

We should not content ourselves with the old maxim that the text of laws is naturally difficult to understand. This is very much the case, of course and there are numerous reasons. We often enact legislation in an abstract and technology-neutral manner on matters which, if expressed in more concrete terms, would be difficult to recognise using the language of the law. It is important and essential to debate open texture in legal theory. And, in the final analysis, we must admit that the standard of drafting legislation varies widely.

## 8. Some principles.

Let us now go a few steps forward on the path of information. I would like to look in more detail at the status of official legal information from the citizen's point of view in the new Network Society. The essence of my approach here is that law in the constitutional state – and here I mean more than just legislation – should be simple and accessible to all.

Legal information, if anything, is an area where national legal cultures vary considerably. Even the content of Legal gazettes and the ways in which they are published differ markedly form country to country, as a comparison for Europe has shown.[16] These differences entail significant complications for comparative law and for handling legal matters with international connections. The impacts of the differences figure even more prominently in the Network Society. The technical opportunities to access foreign materials have of course improved, but the problems in understanding the material retrieved continue.

[16] See Directory of Legal Gazettes in Europe 2007.

We lack a shared understanding of how legal information is produced and communicated.

In seeking to improve the infrastructure for official legal information in the Network Society, a number of principles come to mind that one should observe when assessing the availability of such information and its use in the legal Network Society. It is by no means sufficient to speak in general terms of accepting the principle of access. Access is an important concept, one that is in fact essential everywhere, but it masks a large set of more specific, significant issues.[17] This is also the case where legal information is concerned. I have earlier presented the following considerations in the legal literature:

(1) comprehensive accessibility of official materials

(2) accuracy of the information

(3) locatability of the information in time and place

(4) retrievability of the information from data bases

(5) linguistic and systematic comprehensibility of the information

(6) technical usability of the material in the work of the person retrieving it

(7) the extent to which the material is available free of charge

The standard of legal information on networks could no doubt be improved if we adhered to these principles. We are still in a situation where the development of information technology with its many phases and the diversity of legal culture have resulted in very different models of implementation. If we develop the principles of legal information maintenance and the data stores that rely on those principles in a more uniform direction, the role of true legal information in the Network Society will become more significant than heretofore both nationally and internationally. We can in fact speak of generating *societal added value.* Changes can clearly be implemented, at least

[17] In her book Acceso a la Information Publica (2010, p.33), Laura Nahabetian Brunet briefly reviews how the notion of access has been implemented in different parts of the world.

in part, with hardly a change in the national legal cultures. The key word in achieving compatibility is metadata.

But this still would not be enough, particularly from the citizen's point of view. Another, more important question is what *legislation looks like* and what it should look like. The issue here is essentially the same as that of a trial in the constitutional state.

## 9. What legislation should look like?

This is a matter that the producers of official legal information have given little, if any, thought to. To be sure, some progress has been made in the sense that old, typewritten courier text is now mostly a thing of the past. And databases are now often in the form of hypertexts, albeit rather modest ones. Typically, what we see is the index next to the textual material. At the end of the day, we find ourselves reading a traditional linear legal text in a traditional manner on a computer screen. The potential of information technology has been used for the most part in providing some rudimentary links.

It is thus no wonder that the words of legal texts sometimes remain mere words; the problems associated with printed texts recur when we read texts on a computer screen. The texts of laws and other official material, as products of professional legal language, easily become separated from their background and lead to misconceptions. The *deep structure of law* is not visible, at least not to the average citizen. The professional skill of the lawyer, in contrast, urges him or her to seek additional information. Links help lawyers for the most part, not so often the average citizen.

This problem – the relation between a text and its reader - has of course long been recognised, especially on the level of *legal theory*. The relationship between law and language has been studied rather intensely. The layperson as a reader of text has however been given comparatively little attention.

Lawyers have been and still are needed to interpret legal texts. The need for lawyers will not cease if information is made available for free on networks. In fact, the need for lawyers is likely to increase as traditional legal texts become readily accessible to everyone on networks. In that situation, the well-

known Rule No. 1 of Finnish Professor *Osmo A. Wiio* applies quite readily. According to *Wiio*, communication usually fails; where it succeeds this is by accident. Finding oneself face to face with an official legal text will no doubt quicken any need for legal assistance.

This cannot be a desirable outcome, however. If we consider the development of the constitutional state and a sense of what is right, official legal texts should be closer to the average citizen. Legal communication should become more successful than it has been. Only when these goals are achieved will we be closer to realising the core idea of democracy that law should be a simple matter.

In order to mitigate the difficulties in comprehension that traditional linear legal text causes, I have proposed two steps forward in the digital operating and network environment: (1) a transition to interactive legislation and (2) a transition to partially visual official electronic collections of laws.

By *interactive legislation* I mean legislation in which the text and other images of the laws are accompanied by information on their background and broader context. The traditional abstract linear text of the law would at least in part be replaced by communication of a different kind. In other words, some of the information typically found today in the drafting material or even the legal literature would be presented with legislation in the form of text references that appear in the electronic collection of statutes. The user of the text could thus obtain additional information on the relevant points as they are made actively available in the information space. The *legal superhighway* from human rights to the interpretation of individual provisions and guidelines would be rendered more readily visible.

Interactivity in this context in technical terms would mean above all that the information space would actively offer the user supplementary information. We would no longer have to be reliant on static links. There are no technological obstacles to such a change in today's WEB2.0 environment. This change would, however, require that we adopt a new concept of legislation. On the structural level, the new form of legislation would be easy to implement. It would be presented in a more readily comprehensible form in terms of its depth of source, which would serve layperson and lawyer alike.

Likewise, the approach to drafting could be changed such that the background to individual legislative provisions would be described succinctly and could be linked to the text of the law.

One small step forward that has been taken in Finland is that the electronic Official Gazette, which today already has official reliability, will be annotated to include references to the legislative history of the statutes. These references are its readings in Parliament and possible EU background. This will make information retrieval easier but we can still not claim that our legislation has been recast in a novel form. *The links are static*.

The other side of the same change would be efforts to create visual legislation. The quantity of legislation in the constitutional state has grown and will continue to do so inexorably. An increasing number of details relating to people's rights and freedoms have to be set forth in the law. Gone is the day when things could be arranged using a select number of principles and rules. And gone is the day when a sense of justice was enough to cope in the different situations one encounters in life. Law today lies behind masses of text that require considerable proficiency in information management. In this situation the idea of endeavouring to manage matters other than through texts is a natural enough one.

There has already been some discussion in the literature in Europe on making legal texts more visually effective.[18] This of course would require comprehensive *international standardisation*. Naturally, a visual commercial law collection could be created already today, but it would make more sense to link such an effort to reforms of legislation. In that way, citizens' rights and expectations would be given due consideration from the very outset.

## 10. Conclusion

[18] See for example *Mielke – Wolff* Welche Farbe hat das Recht s.301-308 and *Čyras* Distinguishing between knowledge visualization and knowledge representation in legal informatics s. 321-327 in *Schweighofer* (ed) Semantishes Web und Soziale Netwerke im Recht,.IRIS 2009

In this article I have had to consciously ignore an entire range of ideas and models which have been presented and implemented in recent years in the area of legal information and its management.

Automated drafting software, the definition of concepts in legislation, metastandards for the representation of information and the semantic web are the best known and most frequently discussed. On the way to better legislation and better legal information retrieval they are as such important, even essential, elements in the efforts to manage large masses of text.[19] But as a rule they all incorporate a notion of legislation as linear natural-language texts. We search for better texts for more relevant contexts and above all for lawyers whose information retrieval differs markedly from that of others.

The modest contribution which I have sought to make to this discussion here is to add the perspective of the average citizen. The Network Society has presented us with a situation in which information is getting both closer to and farther from us. Even in countries where the law is codified, the citizen has a harder time than ever knowing what is right. Our social capital has not been managed particularly well. The situation can be improved by new descriptions exploiting the potential of ICT for legislation and ways of presenting it.

Making these changes will require not only a reform of social and legal thinking, but also cooperation between the different information professions, cooperation that takes into account the aims and limits of the constitutional state. Throughout the computer age, we have seen money and resources squandered on myopic development work. Information systems in their different forms that are intended to serve society yet lack legal planning can claim no place in the development of the constitutional state. *We need collaboration among the professions.*

Doctor *Tuula Laaksovirta* – former chief librarian of the Finnish Parliament Library – has drawn attention to this same consideration with largely the same purpose. In a presentation she gave on public information, she states: "Civil servants, who know why it is important to inform citizens, disseminate

[19] See for example Kirchberger The "i" in Legal Information Retrieval pp.205 in Greenstein (ed) Vem reglerar informationssamhället (2010), in which the author considers a new standardised doctrine on legal information essential.

information. Information specialists, who know why information is so important for the proper functioning of a society, disseminate information, proud of their profession. Finally, the users of information, who know their right to knowledge, want information and are able to use it."

In the constitutional state, the work we do and how we do it must better satisfy citizens' needs for legal information. We must take care of our social capital together. This is an appropriate point on which to conclude my presentation on official legal information in the age of information networks.