

Effects of social evolution on terminology policy in South Tyrol

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This paper illustrates the challenges of terminology policy in the legal domain in South Tyrol, Italy, i.e. within a minority community whose language (German) is an official language in other countries. In this context terminology planning becomes necessary mainly in relation to legal and administrative concepts, due to the system-bound nature of legal language. The method applied in South Tyrol is micro-comparison with other German-speaking legal systems. Based on South Tyrol's example, we show how changes in society have affected approaches, methods and tools for terminology planning and practical terminology work. South Tyrol's autonomy model is often considered a best practice for the resolution of ethnic conflict. Its long-lasting experience in terminology planning may equally serve as a model for minority language communities that have only recently been granted extensive language rights.

Keywords: terminology policy, terminology planning, minority language, legal terminology, terminology standardisation, South Tyrol

1. Introduction

For language minorities, language policy and planning (see Section 2) are important means to implement their language rights and ensure non-discrimination and full societal participation of their speakers (ECRML, Art. 7; Antia 2015, 468; Chan 2015, 489). A minority language can survive and be efficiently used outside the private circle of family and friends only if it possesses the linguistic means to become a language of education at all levels, economy, administration, politics, the media, etc. (Boysen 2011, 23; Arntz et al. 2014, 293; Antia 2015, 471–473; Sandrini 2019, 169). Terminology policies, planning and standardisation (see Section 2) may therefore play an important role in protecting and promoting minority languages (Drame 2008, 152; Arntz et al. 2014, 294; Chan 2015, 497).

In Europe, language minorities have varying sociolinguistic situations and enjoy different rights and degrees of protection. They can be classified into three types (Edwards 2007, 460; Lezertúa Rodríguez 2010, 18–19). The first type comprises communities whose language is a minority language in one country but an official and majority language in another (usually neighbouring) state, for example German in northern Italy or Slovene in Austria. They have a ‘kin state’ beyond the national boundaries and are often called ‘national minorities’ (Poggeschi 2013, 118; Pan et al. 2018, XXXI, 308). Edwards (2007, 460) classifies them as ‘local-only minorities’. Their languages are normally not endangered as such, but there is a risk that the use and prestige of minority languages will decline locally in favour of the national languages, especially if the former are not officially recognised. The second group includes minorities whose languages are spoken in two or more countries without being a national language in any, such as Basque in Spain and France or Sámi in Northern Fennoscandia. These are ‘non-unique minorities’ (Edwards 2007, 460). Finally, the third group speaks languages that are used in only one country, like Welsh in the UK or Sorbian in Germany, i.e. by ‘unique minorities’. The second and third group are often called ‘stateless minorities’ by legal experts (Pan et al. 2018, XV). Speaking about the languages of these groups, Branchadell (2011) uses the term ‘absolute minority languages’. The three groups face different challenges. The first group has the advantage of participating in the general language development occurring abroad in all domains of specialisation, while the other two groups must find their own strategies to designate new concepts and develop language for special purposes (LSP).

The present paper focuses on the local-only minority in South Tyrol, where a large community of over 300,000 native German speakers lives (ASTAT 2019, 15),¹ and illustrates the evolution of terminology policies there. South Tyrol is not considered a full centre of development of the German language, because no dictionary codifies the specific standard variety to serve as an authoritative reference (Ammon et al. 2016, XXXIX). However, the South Tyrolean German variety has notable specific traits, often deriving from language contact with Italian (Chiocchetti et al. 2013, 257–266; Ammon et al. 2016, LX). An evident area of original language development is the legal domain, due to the need of expressing the Italian legal system in German (Ammon et al. 2016, LX). In this paper we will

1. In South Tyrol there is also a smaller minority of 20,000 speakers of Ladin, which is a Rhaeto-Romance language spoken in five valleys of the Dolomites. The overall number of speakers, including those residing in two neighbouring provinces, is estimated to be about 30,000 (Peterlini 2013, 34–135). The paper will not deal further with Ladin. For more information on Ladin language and culture see for example Pescosta 2010.

present the different strategies that have been adopted to create and manage such legal terminology.

In South Tyrol, like elsewhere, terminology policies and practices are inevitably linked to the social context in which they are operating. To cite just a few examples, Chan (2015, 502) reports that at Canadian federal level terminology work is largely at the service of translation into French, while in Québec it is an integral part of language planning and an effective tool for strengthening the use and status of French. In South Africa, terminology policies play a paramount role in developing and empowering indigenous languages (Antia 2015, 471). In Georgia, one of the main aims of terminological efforts is to retrieve existing term collections and establish a more centralised management of terminology and neology (Karosanidze 2019, 371–372).

The following sections centre on the development of terminology policies in South Tyrol against the background of social evolution. After briefly illustrating some key theoretical concepts (Section 2), we sketch the political and societal transformations of the region from World War I until today (Sections 3, 6.1, 7.1 and 8.1). Some important social and historical developments help to explain the changes in terminology policies implemented over time (Sections 4, 5, 6.2, 7.2 and 8.2). The conclusions (Section 9) focus on useful lessons to be gathered from the South Tyrolean experience.

2. Theoretical background

While we are aware that there might be different, context-dependent definitions of minority language (Pedley and Viaut, 2019), for the purpose of this paper we adopt the definition of the European Charter for Regional or Minority Languages, which refers to languages “traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State’s population and [are] different from the official language(s) of that State” (ECRML, Art. 1(a)). This definition excludes the languages of recently migrated – albeit sizable – groups, such as the Turkish-speaking residents in Germany or the Chinese-speaking residents in Italy. So far, these migrant groups have not been granted extensive language rights in Europe.

Language planning is a key factor in implementing the language rights of a minority. It implies making deliberate efforts to “influence the function, structure or acquisition of a language or language variety within a language community” (ISO 29383:2020, 3.6). As part of language planning, status planning promotes the standing of a language in specific domains or in society, for example when aiming at official recognition within a country or region. Other aspects of language plan-

ning concern efforts related to language teaching and learning (acquisition planning) as well as language development and standardisation (corpus planning) (ISO 29383:2020, 3.7–3.9). Corpus planning includes the elaboration of domain-related terminology. More specifically, terminology planning aims at “developing, improving, implementing and disseminating the terminology of a domain or subject” (ISO 29383:2020, 3.3). To this end, specific terminology policies must be set up to create, influence and regulate the terminology used in given domains. Terminology standardisation is one of the possible approaches, whereby concepts and their designations are officially approved by relevant and qualified authorities (cf. DIN 2342:2011; Arntz et al. 2014, 272).

A further important concept in the theoretical background of this paper is domain dynamics, with domain loss on the one hand and domain conquest or reconquest on the other hand (Laurén et al. 2002, 25). When a language suffers from domain loss, it loses the means to communicate on all levels of a specialised domain because the necessary language resources have not been further developed. This phenomenon might be driven by social and economic developments, such as companies in non-English-speaking countries choosing English as their corporate language, therefore ceasing to use and produce relevant terminology in the local language. It might however also be caused by deliberate eradication and assimilation policies. Such strategies were implemented for example in Catalonia during Franco’s regime, which repressed the use of Catalan and favoured Spanish instead (Blas Arroyo 2011, 374). In Kazakhstan, the Russification policy of the Communist regime was based on unofficially promoting the Russian language through incentives, quotas and propaganda (Baer and Sagyndykova 2018, 87). In South Africa, Anglicization policies excluded Dutch from education and the judicial system until 1948, when Afrikaners gained power, who then in turn enforced Afrikaans as a language of instruction in black schools (Antia 2015, 467–468). In earlier centuries, English was imposed in Wales as a language for official and administrative affairs (Llewellyn 2018, 131–132). In Canada, an aggressive project of assimilation and colonisation was drafted to ‘civilise’ indigenous peoples through French or English education (Patrick 2018, 214–216). All these situations prevented the targeted communities from creating or further advancing the LSP of one or more domains in their languages.

As opposed to domain loss, there are domain conquest and reconquest, when a language develops the means of communication needed within a specialised domain or manages to update and integrate past ones to meet current communication needs (Laurén et al. 2002, 27). For example, since 2006 Catalan has officially regained its standing as the standard and preferred language in many domains. In South Africa, terminologies are being developed in indigenous languages so that they can be used for administration and instruction (Antia 2015,

473). Similar initiatives have been started in Canada for the Inuit language (Chan 2015, 500). There is thriving terminology work in specialised domains also in Wales and Welsh was recognised as an official language in 2011 (Llewellyn 2018, 139, 143). Such efforts aim at enlarging the domains of use of a language and at equipping it with the necessary terminological means.

3. Sociolinguistic and historical background in South Tyrol

South Tyrol and neighbouring Trentino were territories of the Austro-Hungarian Empire until the end of World War I. With the dissolution of the Empire, the entire region became part of the Kingdom of Italy (H. Peterlini 2012, 8). The Italian government was fully aware that the population of Trentino was almost exclusively Italian-speaking, while the annexation of South Tyrol implied acquiring a large number of native German speakers (Peterlini 2013, 121), about 90% of the population at the local level (ASTAT 2019, 19). However, establishing the border along the main Alpine ridge was considered important from a military and strategic point of view (Romeo 2005, 48; Peterlini 2013, 122). The policy implemented by the fascist regime that came to power in 1922 was that of assimilation (Alber and Palermo 2012, 289; H. Peterlini 2012, 43–45, 52–58), i.e. thorough Italianisation of the German-speaking community. To this end, German place names, media and cultural associations were forbidden. Italian became the only language of education, administration and jurisprudence (Romeo 2005, 52–53; H. Peterlini 2012, 43–45). All public employees were removed from their posts and replaced with Italian-speakers from other regions (Peterlini 2013, 135). For an entire generation, German was relegated to the private sphere, thus hampering its development in many specialised domains (Mall and Plagg 1990, 221, 234). During this period, German in South Tyrol suffered a massive loss of domain, being fully excluded from law and administration.

During the Paris Peace Conference after World War II, Italy signed an agreement with Austria to grant its German-speaking citizens, now representing about two thirds of the South Tyrolean population (ASTAT 2019, 19), equal rights and the safeguarding of their language and culture: German schools were to be reinstated; the minority language was to be used – on a par with Italian – by the public administration, in official documents and places names; the German-speaking citizens were to be granted equal employment rights in public offices (Gruber–De Gasperi Agreement, Art. 1). The Italian Republic implemented the agreement in 1948 with the Statute of Autonomy for the Region Trentino–South Tyrol (Constitutional Law No. 5/1948). Article 85 states that the German-speaking citizens *may* (in the Italian text *possono*, in German *können*) use their language when

dealing with the bodies and offices of the public administration at the local level. However, giving a mere possibility is not tantamount to granting a fully-fledged right. In addition, the civil servants were still to a large extent monolingual Italian-speakers, so the members of the German minority frequently came up against a monolingual reality (Romeo 2005, 118; Peterlini 2013, 136). Finally, the autonomy was bestowed to a much larger region than South Tyrol, including Italian-speaking Trentino (Romeo 2005, 98–99; Peterlini 2013, 124). In practice, this meant that the German speakers in the regional government were a minority and could be easily outvoted (H. Peterlini 2012, 139; Pallaver 2016, 72).

The East-West conflict, the Cold War, Austria's status as a weak and occupied country, while Italy was a member of many international organisations like NATO and the OEEC and therefore relevant on the international stage, were important factors favouring the stagnation of South Tyrol's situation (Gehler 2014, 24). Tensions started building up in the 1950s, in particular after the Austrian State Treaty re-established Austria as a sovereign state in 1955 (Marcantoni and Postal 2014, 17). The newborn Republic of Austria officially complained about Italy's non-fulfilment of the Gruber–De Gasperi Agreement and in 1960 presented the issue at the UN General Assembly (Romeo 2005, 99–100; Peterlini 2013, 125). In the meantime, the Italian government acted repressively and showed signs of growing fascist tendencies (Gehler 2014, 26). South Tyrolean society was strictly divided along ethnic lines: schools, media, associations, etc. were kept separate (Romeo 2005, 112). The Italian-speaking population rapidly increased through internal migration and mainly concentrated in the bigger towns (Romeo 2005, 110; Peterlini 2013, 135). The German-speaking minority felt this would lead to their extinction or assimilation and started reacting at social and political levels, demanding a stop to favourable immigration policies as well as local autonomy, i.e. separation from neighbouring Italian-speaking Trentino (Romeo 2005, 99; Marcantoni and Postal 2014, 17). Other reactions were not peaceful and a decade of terrorist attacks on public services and symbolic monuments began (Steininger 2011). Italy responded with a massive militarisation (Romeo 2005, 102); the atmosphere was that of a 'police state' (Steininger 2011, 29).

In this period of mutual distrust and ethnic conflict, the parties finally managed to settle on a compromise and passed a New Statute of Autonomy in 1972 (Presidential Decree No. 670/1972). South Tyrol and Trentino were separated, so that the German minority received their own local government in Bolzano. German became a co-official language within the province and the minority obtained the right to use their language in all domains of public life (Art. 100). From that moment on, local civil servants were to be hired in proportion to the numerical strength of each language group (Art. 89). In this way, the German-speaking citizens were granted the right to work for the public administration. Knowledge of

Italian and German became a requirement for public employment and a specific four-level exam was introduced (Presidential Decree No. 752/1976), thus formally ensuring the bilingualism of all public employees (Peterlini 2013, 137; Marcantoni and Postal 2014, 113).

4. Growing awareness of terminological needs in public life

The New Statute of Autonomy conferred ample language rights to the German-speaking minority. However, as the local press wrote in 1993: “One does not fall asleep monolingual and wake up bilingual the next morning”² (Coluccia 2000, 357). After half a century of Italian rule, the use of the minority language within public administration was still strongly hampered by the lack of a German legal terminology that could adequately express the Italian legal concepts (Zanon 2008, 52). Politics had been so concentrated on achieving a viable compromise and ensuring balanced representation of each language group in official bodies and public offices (Alber and Palermo 2012, 291–293), that nobody had thought of establishing terminology planning to ensure the practical implementation of minority language rights.

The translation work needed to make legal and administrative texts available in German for the local population was never coordinated either. Translations were prepared as needed, often on the initiative of interested offices, clerks, private associations, etc. (Woelk 2000, 213; Chiocchetti et al. 2017, 257–258). Independent teams of local academics, lawyers and judges working in specific domains started praiseworthy efforts to translate the main Italian legal codes (e.g. Civil Code, Criminal Code, Insolvency Code) from the 1970s through the 1990s. Despite the high quality of their work, as a consequence of the lack of overall planning and cooperation terms ended up being translated several times in different ways (Sandrini 1998, 399–400; Zanon 2001, 178; 2008, 52; Chiocchetti et al. 2013, 259). For example, *beni ereditari* (property belonging to a deceased person’s estate) was rendered *Erbschaftsgüter* in the translated Civil Code and *Nachlassgüter* or *Verlassenschaftsgüter* in the Civil Procedure Code. Due to time constraints and lack of legal or translation competencies, many adapted loan words and loan translations started circulating, e.g. *Zivile Motorisierung* for Italian *Motorizzazione civile* (motor vehicle registry) and *Präsident des Provinzialausschusses* for Italian *Presidente della Giunta provinciale* (president of the provincial government) (Alber and Palermo 2012, 301; Chiocchetti et al. 2013, 261).

2. *Man schläft nicht einsprachig ein und wacht am nächsten Morgen zweisprachig auf.*

A shared, precise and univocal terminology is the basis for efficient communication and for legal certainty (Jacometti 2008, 177; Alber and Palermo 2012, 297). It is also necessary for the non-discrimination against language minorities (Woelk 2000, 210). How could the German language citizens enjoy their rights, on a par with their Italian neighbours, if their legal language was not consistent, not transparent, patchy, sometimes even incorrect from a linguistic point of view? And if they often needed to read the Italian text to fully understand the German one (Chiocchetti 2019, 178)?

Terminological awareness was raised by professionals of the law, linguists (not necessarily purists), the media and the education system. The Statute of Autonomy had conferred primary (i.e. exclusive) or secondary competences in many domains on the provincial government, so that local legislation needed to be drafted on the most varied topics, from nursery schools to agriculture and from public transport to social housing (Alber and Palermo 2012, 290; O. Peterlini 2012, 135–136; 2013, 144–146; Pan et al. 2018, 355), with the ensuing dire need for terminology in German. Slowly society became aware that tailored actions were needed.

5. The top-down approach to terminology

For many decades, Italy had been a strongly centralised state (O. Peterlini 2012, 95, 98–99). For example, the non-autonomous regions were established only between 1970 and 1977 (O. Peterlini 2012, 101) and a relevant delegation of competences to local authorities was completed only at the turn of the century with a constitutional reform (Constitutional Law No. 3/2001). In the 1970s, the so-called ‘strategy of tension’ encouraging violent struggle was favoured by internal and foreign powers to justify an authoritarian and right-wing turn (Romeo 2005, 120). In the 1970s and 1980s, South Tyrolean society was still experiencing notable language and ethnic conflict. The Italian-speaking citizens felt they were being discriminated against by the many rights achieved by the German-speaking group, so they went back to voting for far-right parties (Romeo 2005, 125; Marcantoni and Postal 2014, 114; Pan et al. 2018, 358). The idea at the time was that “the clearer we separate [the language groups], the better we understand each other”³ (H. Peterlini 2012, 227).

In this climate of state control, diffidence and separation, in 1988 an important political achievement paved the way for terminology planning to finally face the terminological chaos that had emerged after 1972. A Presidential Decree (No.

3. *Je klarer wir trennen, desto besser verstehen wir uns.*

574/1988) established a Terminology Commission tasked with retrieving, checking, approving and updating the legal, administrative, and technical terminology needed by the local administrative and judiciary system (Art. 6). The Terminology Commission's objective consisted in establishing official German equivalents for the existing Italian terminology. Once published as bilingual lists in the Official Gazette of the Region, these standardised German one-to-one correspondents to the Italian terms became mandatory choices in the texts written by all local public authorities (Alber and Palermo 2012, 297–298; Chiocchetti et al. 2013, 266–268).

The prescriptive approach to terminology, in contrast to the descriptive one focusing on describing its current usage, aims at actively influencing the language used in a given domain or by specific organisations (Drewer and Schmitz 2017, 24–25). The degree of control that is to be achieved might be more or less strong, ranging from obligatory use of preferred or standardised terms to fully controlled language use like in aviation communication (Arntz et al. 2014, 218). The procedure is top-down, i.e. some relevant and authoritative instances strive to regulate language use within their domains of competence or sphere of influence, not necessarily consulting the speakers (Kaplan and Baldauf 1997, 196). This is in contrast to bottom-up approaches (see Section 8) where the language community initiates, authorises and/or is actively involved in language and terminology planning (Kaplan and Baldauf 1997, 209).

Given the generally authoritarian social and political background in the 1980s in Italy, it is easy to understand why the legislature at the time thought that the only way of addressing the language issue was a top-down action by the authorities (Woelk 2000, 214) and that German language terms had to be approved and imposed by law (Zanon 2001, 177). The spirit of the time strongly influenced also the composition and the working procedure of the Terminology Commission. It consisted of six experts (judges, lawyers, translators) with very good competency in both languages. Three were native Italian and three native German speakers. The former were appointed by the representative of the central government, the latter by the local government. Both governments had the right to check the work done by the Terminology Commission and to refuse their approval for standardisation (Alber and Palermo 2012, 298; Chiocchetti et al. 2017, 260; 2019a, 179). This suggests that the state wanted to keep control over the Commission's activity. Work was being done on the German language, meaning that the workload of the three German-speaking members was significantly higher (Zanon 2008, 60). So the three Italian-speaking members mainly had a control function. Some examples are clarifying: the terms *Landesregierung* for Italian *Giunta provinciale* (provincial government) and *Landeshauptmann* for Italian *Presidente della Giunta provinciale* (president of the provincial government) were met with strong

opposition by the government in Rome (Coluccia 2000, 385). The Italian terms refer to a 'council' (*giunta*) and to a 'chairperson' (*presidente*), while the German terms, normally used in neighbouring Austria, suggest a 'government' (*-regierung*) and its 'captain' (*-hauptmann*). This was interpreted as calling for a higher share of autonomy than the one already granted, maybe even for a federal status like the Austrian *Länder*. Therefore, the terms were never accepted by the central Italian government and could never be formally approved by the Terminology Commission. Despite the central government's initial resistance, both terms are commonly used today.

The terminology standardisation process was closely monitored, hindered by the lack of staff and funding as well as by the lengthy bureaucratic procedure. Nevertheless, with the help of a team of terminologists and legal experts who took care of the preparatory terminology work, between 1994 and 2012 the Terminology Commission managed to publish about 7,400 pairs of Italian and German terms in 12 lists. They mainly proceeded thematically, i.e. with a domain-oriented approach (Drewer and Schmitz 2017, 26) and began standardising the terms used in the principal and most pressing areas of activity of the public administration and the judiciary, viz. civil law, administrative law, criminal law, procedural law, etc. (Zanon 2008, 57). Such a thematic approach is common in minority language communities building up their LSPs. For example, the Inuit in Canada started from priority areas of the government (Chan 2015, 501). Also several Irish terminology projects are dedicated to specific domains like law and sports (Nic Pháidín et al. 2010, 960–962).

Not all of the Terminology Commission's work was well received. As shown by the examples above, some proposals were vetoed before publication. Others were appealed against in court. For example, two professional associations did not appreciate the new German designations for their members (*diplomierter Gewerbetechner*, qualified expert in industrial engineering, and *diplomierter Agrartechniker*, qualified expert in agriculture) that had been standardised by the Commission (Zanon 2001, 179) but lost their case in court. Yet, overall, the Terminology Commission's work was extremely useful to raise public debate and awareness on terminology quality. The Commissioners faced a daunting task, because it is difficult to change terminological habits once they are established (Fóris 2010, 42). New terms should possibly be available within a very short time or even before the formal introduction of new legal concepts, for example during the public debate before a legal reform. Timing, adequate financial support and terminological awareness are crucial factors in terminology planning (Nilsson 2010, 64). Unfortunately, the Terminology Commission started working two decades after the introduction of the new language rights, was insufficiently staffed and had to cope with lengthy standardisation procedures. They could not keep up

with the – initially grossly underestimated (Zanon 2008, 58) – monumental task of standardising the entire legal terminology of the Italian legal system in German while maintaining overall consistency. Consistency across glossaries and different resources is, incidentally, a common challenge faced by language minorities developing their LSPs (for an example related to Irish see e.g. O'Rourke 2014, 282). Finally, legal terminology may become obsolete almost overnight (Alber and Palermo 2012, 303; Greenberg 2014, 67–68) due to legal reforms, which entails being able to quickly revise outdated decisions. In fact, in 2012 the Terminology Commission did publish a list of revisions, changing previously standardised terms. However, soon after that, the Commission stopped working. How terminology work continued later, is discussed in Section 8.

6. The European integration process

The present section will first describe the sociopolitical and economic background in South Tyrol in the decades of European integration. It will then focus on the introduction of legal comparison in terminology work.

6.1 Sociopolitical and economic background

The 1990s were the years of European integration. In 1995 Austria joined the European Union and the newly created Schengen Area started favouring free movement of citizens and goods in Europe (Romeo 2005, 124–125). Even before that, South Tyrol had always cultivated relations with the German-speaking countries that were commercial partners, countries of origin of many tourists and places of university education for South Tyrolean youths (Woelk 2000, 213; Alber and Palermo 2012, 304–305; Chiocchetti et al. 2013, 260; 2019a, 177). Dismantling the border at the Brenner Pass between Italy and Austria meant greatly favouring cross-border commerce with Austria and Germany, which today are the main business partners of South Tyrolean companies (astatinfo 2018, 2). However, from a linguistic point of view, the years before the Second Statute of Autonomy had left deep traces in the German variant spoken in South Tyrol, mainly due to language contact with Italian (see Sections 1 and 4). Terminology planning could either reinforce differences and lead to a stronger regionalisation of South Tyrolean German (Sandrini 1998, 408) or fight against them and favour European integration.

Considering that South Tyrol had about 280,000 German speakers (ASTAT 2019, 19), as opposed to almost 80,000,000 in the other European countries, with which there were growing relations, terminology planning activities could not avoid casting a look beyond the Italian borders. The Terminology Commis-

sion soon realised that concepts pertaining uniquely to the Italian legal system triggered neology work (Zanon 2008, 59). To limit the regionalisation of South Tyrolean German legal terminology and to foster international cooperation and trade with the neighbouring countries, aspects of legal comparison started flowing into terminology work. To the initial objective of standardising South Tyrolean terminology to solve a local language problem slowly a new, more contemporary, objective was added: supporting transnational communication and limiting international misunderstanding (Ralli and Andreatta 2018, 9; Chiocchetti et al. 2019a, 189).

6.2 System-boundness and micro-comparison in terminology planning

Since the beginning of activities, preliminary work for the Terminology Commission has been performed by an interdisciplinary team of terminologists and legal experts working in a local research centre, today called Eurac Research⁴ (Chiocchetti et al. 2019a, 177). The team has always worked according to terminological principles and methods (Arntz et al. 2014, 211–219). Legal comparison, more precisely micro-comparison (see below), was first implemented for concepts where no German terms could be found in the existing translations of legal codes or local laws, i.e. to fill terminological gaps. Thanks to dedicated funding and with the growing focus on the international context, legal comparison between the Italian and the German-speaking systems became more systematic and today is the hallmark of terminological activities in South Tyrol (Mayer 2000, 297–299; Chiocchetti et al. 2019a, 178).

A decisive way in which society influences terminological activities in the legal domain is that the law itself is firmly linked to the community and culture that produces it: “law always depends on the political environment of the society to which it belongs” (Chromá 2014, 118). In other words, law is always system-bound (de Groot 2002, 222). For example, law of succession is different in Italy and Germany. According to German law, heirs automatically acquire all the rights and duties – obviously including all properties and debts – of the deceased at the moment of death. In Italy, they need to first formally accept the inheritance. Even the rules and terminology of legal systems using the same language, such as Austria and Germany, may differ. In Austria heirs must first accept the inheritance, like in Italy. This means that the Austrian term *Erbantrittserklärung* (declaration of acceptance of an inheritance) has no real equivalent in German law. Even when equivalent concepts exist, the terminology might differ. For example,

4. Formerly known as European Academy Bozen/Bolzano, Europäische Akademie Bozen, Accademia europea (di) Bolzano or EURAC.

Austrian law mainly uses *Erblässerschulden* to refer to the deceased's debts, while German law uses *Nachlassverbindlichkeiten* to designate the same concept (Muhr and Peinhopf 2015, 197).

The system-bound nature of legal terminology requires that terminologists and translators working in the domain of law apply methods of legal comparison to their work (de Groot 2002, 222–223; Pommer 2006, 119–120; Arntz et al. 2014, 200). Legal comparison can be classified into macro-comparison and micro-comparison (Zweigert and Kötz 1996, 4–5). The first implies focusing on comparing entire legal families and legal systems to study how they approach legal issues, legislative practice, legal interpretation, jurisprudence, etc. Micro-comparison instead concerns specific concepts or problems that are analysed contrastively. It helps to understand whether two designations belonging to different legal systems refer to the same legal concept or not. From a strictly terminological point of view, the method enables terminologists to detect whether the relevant characteristics of the concepts that are being compared coincide or to discover conceptual discrepancies (Chiocchetti and Ralli 2016, 107; Chiocchetti 2019, 179). This method has been successfully applied in legal terminology work and legal lexicography as well as legal translation (see e.g. Sandrini 1996; de Groot 2002; Pommer 2006; Chromá 2014; Chiocchetti and Ralli 2016; Chiocchetti 2019).

With reference to South Tyrol, applying micro-comparison means looking for legal concepts in Austria, Germany and Switzerland that are conceptually equivalent to the Italian ones and that have a similar function within the legal systems under analysis (Mayer 2000, 299; Chiocchetti and Ralli 2016, 106–111; Chiocchetti 2019, 181). Applying micro-comparison to legal terminology work in South Tyrol has two advantages: (a) it helps to find foreign designations referring to equivalent concepts that could be used in South Tyrol to designate Italian legal concepts in German; (b) it supports transnational communication and mutual understanding at international level, limiting the regionalisation of South Tyrolean German and reducing possible misunderstandings. A simple example showing the advantage of this approach is the name given to the emergency department in South Tyrolean hospitals. It is signposted and called *Erste Hilfe* (in Italian *pronto soccorso*, first aid). Fortunately, no serious incident has been reported so far: foreign German-speaking patients looking for the *Notaufnahme* or *Notfallstation* (emergency department) of hospitals always managed to get to the emergency department, but detours and delays are likely and may have unforeseeable consequences.

With both advantages of micro-comparison in mind, the Terminology Commission greatly favoured the standardisation of terms already in use, particularly in Austria and Germany. European law and international law were also taken into account. Based on the historic bonds with Austria, Austrian designations of

equivalent concepts were to be preferred. For example, the standardised South Tyrolean term for *contratto collettivo* (collective bargaining agreement) is *Kollektivvertrag* like in Austria and not *Tarifvertrag* as in Germany. When equivalents could be found only in the German legal system, these designations were generally adopted, especially when they were considered more transparent than Austrian terminology (Zanon 2008, 59). For example, for *esecuzione forzata* (compulsory enforcement) the Terminology Commission preferred the designation of the German equivalent concept (*Zwangsvollstreckung*) to the designation of the Austrian equivalent (*Exekution*). Avoiding Latinisms was a step towards greater transparency of legal terminology for the common citizen. The terminological difference between Austria and Germany derives from a similar reasoning, i.e. from the *Eindeutschung* (Germanisation) process of the German legal language, which started with the Age of Enlightenment and finished with the publication of the *Bürgerliches Gesetzbuch* (German Civil Code) at the end of the 19th century. The Germanisation process greatly reduced the number of Latinisms and other foreign terms by replacing them with more transparent German ones (Jacometti 2008, 150–161). The Austrian legal language on the contrary was not influenced by the *Eindeutschung* movement (Jacometti 2008, 175), as can still be noticed today.

7. Towards a collaborative bottom-up approach

This section addresses South Tyrol's sociopolitical and economic background since the turn of the century as well as the effects of ICT development and a new tool for terminology dissemination.

7.1 Sociopolitical and economic background

The new millennium dawned on a largely pacified and wealthy South Tyrolean society (H. Peterlini 2012, 272; Pan et al. 2018, XIV). Today, South Tyrol's institutional set-up is generally considered “one of the most successful examples of the accommodation of minorities through territorial self-government” (Alber and Palermo 2012, 287). The local economy is based on the service sector, which employs three quarters of the workforce (IRE 2017, 9, 21). Private services, public administration, tourism and commerce are the main areas of activity, while only a small percentage works in the formerly paramount sector of agriculture (IRE 2017, 13, 18). Unemployment rates are sinking and have reached 2.9% (ASTAT 2019, 28). The provisions of the New Statute of Autonomy have fostered a stable social balance between language groups, which still tend to remain separate, though, espe-

cially in culture and education (Haller 2016, 32; Pallaver 2016, 63–64). Moreover, the initiatives based on dialogue and cooperation to achieve joint solutions, considered positive by all language groups, are rapidly increasing (Pallaver 2016, 64, 68). The political discussions on language rights will probably never come completely to an end, but generally the South Tyrolean model is praised as a success story that could be exported to other areas of ethnic conflict (O. Peterlini 2012, 115). Today, South Tyrol confirms the thesis that regions with low unemployment, economic well-being and positive economic development are less prone to conflicts (Haller 2016, 29). Research in economics (Collier and Hoeffler, 2002, 2004; Collier et al., 2009) found a statistically significant and robust negative correlation between wealth and conflict, linking rising trends of conflict to poor economic performance and economic growth to reduced conflict potential. In South Tyrol, ethnic aspects became largely subordinated to common economic and political interests (Pallaver 2016, 63), thus reducing the potential for conflict.

Two further factors influenced South Tyrolean society in the new millennium once economic wealth had been attained: information and communication technology (ICT) and participatory democracy. Both have led to a new way of living together, with the shift from an industrial to a relational economy and society, where the ability to create social experiences and networks becomes a factor of competitiveness and innovation (Bizzarri 2015, 89).

7.2 The development of ICT for terminology dissemination and *bistro*

South Tyrol is taking part in the world-wide evolution of digitalisation and the transformation of our societies in globalised knowledge-based societies, where the occupational structure is not dominated by the primary or secondary sector but by the service sector (Nath 2017, 24). Currently, employing ICT is considered a crucial factor for the innovation and competitiveness of the South Tyrolean economy (IRE 2017, 14). All over the world, the development of the modern information society is partly based on changes in our economy and society but it was decisively triggered by technological progress in ICT (Nath 2017, 20).

With reference to terminology in South Tyrol, the evolution of the Internet, its speed and its widespread availability, coupled with greater storage capacities, allowed Eurac Research to create an online information system to disseminate the standardisation decisions of the Terminology Commission. It also offered a chance to publish the full terminological entries elaborated as preliminary material, including definitions, contexts, sources, notes and other relevant information. A bilingual text corpus based on the translations of the main Italian legal codes and some other tools were also made available through this first version of the Information System for Legal Terminology *bistro* (Lyding and Ties 2008, 79–80).

The *bistro* system responded to an acute need for terminology communication and diffusion. An important aspect that had been neglected when setting up the terminology standardisation process was dissemination. Article 6(1b) of the Presidential Decree No. 574/1988 required the Terminology Commission to draft and update a bilingual dictionary of specialised terms, but until the turn of the century bilingual lists of terms were published only in the regional Official Gazette. The Official Gazette was not widely accessible to all text drafters and translators within the public administration, the judiciary and private organisations. Even the courtrooms, where such material is normally available, were slow in adopting German as a working language (Alber and Palermo 2012, 293–294; Peterlini 2013, 138). The implementation of a bilingual language regime in the judiciary was to begin in 1993, so as to give the courts enough time to prepare for the new system allowing the use of German in proceedings (Zanon 2001, 169). Different dispositions apply to criminal and civil proceedings, but as a general rule, trials are conducted in either Italian or German. Bilingual proceedings are possible but not encouraged, in order to speed up work and avoid possible translation mistakes. Language choice lies with the citizens and the judicial authorities need to conform to their decision (O. Peterlini 2012, 165). Despite these formal provisions, an internal survey conducted by Judge Zanon (2001, 171) showed that in 1998 over 80% of the judgements in the Bolzano courtrooms were still written in Italian. Even the local court in Brunico, serving an area with a large majority of German native speakers, delivered about 50% of the judgements in Italian. Alber and Palermo (2012, 295) state that even today, in predominantly German-speaking South Tyrol, only about 40% of the trials are conducted in German, which implies a potential discrimination against the members of the German-speaking minority having to attend proceedings in the majority language.

Several reasons contributed to this initial reticence in using German in court (Alber and Palermo 2012, 294), but a major one is the lack of confidence with German as a language of jurisprudence in South Tyrol on the part of all professionals involved. This includes German native speakers, who are familiar with their language but not necessary with legal LSP, especially if they studied at Italian universities. Interestingly, while judges must prove knowledge of both languages to be employed, this is not a requirement for private lawyers and public defenders, causing the local Board of the Bar Association to keep separate registers for German- and Italian-speaking members (Ordine degli Avvocati, 2019). It is obviously essential for professionals to know the terminology of their domain in a specific language very well, otherwise they will not use it (Fóris 2010, 45; Lancashire and Damianopoulos 2014, 32). Providing lists of terms, as the Terminology Commission was doing, is indispensable, but not sufficient in itself. Ter-

minology also needs to be disseminated and implemented in everyday practice (O'Rourke 2014, 266).

With terminology dissemination in mind, the advantages of having a freely accessible online reference tool are evident. Access to standardised terminology and further linguistic information becomes effortless, new terms are spread quickly among stakeholders and consistency is fostered in the interest of communication among specialists and with the general public (Nilsson 2010, 68–69). This is exactly the mission that the first version of *bistro*, launched in 2001, intended to pursue. Results of a survey conducted in 2006 show that most of its users needed help in text production and that about 60% of them were native German speakers. The first *bistro* became a tool appreciated by translators, legal experts, students, interpreters and teachers (Lyding and Ties 2008, 78) working both in the public and private domain. However, the top-down approach to terminology planning, the idea behind the 1988 Decree that translation quality could be achieved by a one-to-one replacement of German with Italian terms, together with the incompleteness of standardisation work and its slow updating were raising growing criticism. Greater cooperation and democracy in terminology planning became necessary, in the spirit of the developments of South Tyrolean society illustrated in Section 7.

8. The collaborative approach to terminology work

In this section we will briefly describe the current sociopolitical background and then illustrate the most recent approach to terminology planning, focused on greater cooperation with stakeholders and user involvement.

8.1 Sociopolitical background

A recent social and political development common to all European countries is the quest for a larger form of participation of all sectors of society to governance and the call for a more direct form of democracy. Citizens want to be involved and participate in decision-making processes, especially at the local level (O. Peterlini 2012, 23; Alber 2015, 21–23; Bizzarri 2015, 90; Alber et al. 2018, 196–201). In South Tyrol, this desire to explore tools, means and procedures to engage citizens in government and public administration with the goal of achieving a better and more transparent governmental and administrative action (Alber 2015, 17–18) was put into practice on several occasions in recent years (Alber 2015, 28). The institutionalisation of various forms of participatory democracy is also regularly discussed academically (Bußjäger and Gamper 2015). In particular, in 2016

and 2017 citizens, politicians and stakeholders were all notably involved in the Autonomy Convention (<http://www.convenzione.bz.it>), a large-scale institutionalised process limited in time, aimed at elaborating a proposal for a revised Statute of Autonomy that would be in line with today's social and political context (Alber and Woelk 2018, 180–181; Alber et al. 2018, 207–220). The Autonomy Convention can be ascribed to what is conceptualised as 'constitutional deliberative democracy' in academia (Suiter and Reuchamps 2016, 3). However, the term 'deliberative democracy' is rarely used in Italy (Florida and Vignati 2014, 54), especially if compared to 'participatory democracy'. In practice, various participatory models have been developed that include more or less prominent deliberative aspects (Florida and Vignati 2014, 55; Elstub 2018, 196–199).

Contrary to social (protest) movements as a form of political participation, participatory democracy of deliberative nature – or, as Elstub (2018, 188) calls it, 'participatory deliberative democracy' – is a form of governance where decision-making processes include a phase of consultation with the interested public, with the aim of reaching a possibly wide consensus rather than just majority decisions. This helps integrate the processes of representative democracy with greater transparency, fosters an open dialogue with the citizens, who consequently are better informed, and helps disseminate the rationale for government decisions (Trettel 2015, 53). Ideally, in deliberation, citizens and stakeholders come together, on the basis of equal status and mutual respect, to discuss relevant political issues and reach a shared decision on policies that will affect them. Hence, political decisions should not be the result of a mere counting of votes, as it is the case in elections, but rather be based on an exchange of relevant considerations, aiming at clarifying conflict and reaching rational agreement for the sake of common good or fair interests (Bächtiger et al. 2018, 2–8).

8.2 Cooperation with stakeholders and user involvement in terminology

When the Terminology Commission stopped working in 2012, a new approach to terminology planning became necessary. Against the background of the evolution in South Tyrolean society, it soon became clear that two closely connected paths needed to be explored: a stronger cooperation between local stakeholders (Sandrini 2019, 252) and a more direct involvement of all end users of terminology. The top-down approach was abandoned for a bottom-up and more participatory approach to terminology development, where terminological needs are voiced by users and stakeholders who are also actively involved in terminology planning.

To pursue the goal of a stronger cooperation between stakeholders, in 2015 two key actors in South Tyrolean terminology, the Institute for Applied Linguistics

tics (IAL) of Eurac Research⁵ (<http://www.eurac.edu/linguistics>) and the Office for Language Issues (OLI) of the provincial administration (<http://www.provincia.bz.it/politica-diritto-relazioni-estere/diritto/questioni-linguistiche.asp>) signed a cooperation agreement. The IAL employs an interdisciplinary team of terminologists and legal experts who have always prepared the full terminological entries given to the Terminology Commission as input for their work. The IAL also maintains the Information System for Legal Terminology *bistro*. The OLI is the office tasked with the translation and linguistic revision of provincial legislation and acts as a link with the entire public administration. Both organisations worked as the secretariat for the Terminology Commission in the past (Alber and Palermo 2012, 302) and know the challenges faced by text writers and translators in South Tyrol very well.

The agreement brought notable changes to the way terminology is elaborated. While micro-comparison with the German-speaking countries remained paramount, the domain-oriented approach gradually gave way to a text-oriented approach that also left room for ad hoc terminology work (Drewer and Schmitz 2017, 26). Today, terminology is extracted from current texts made available by the OLI, so as to always treat topics that are considered of immediate relevance by the public administration, either because new legislation has just been produced and must subsequently be implemented or because new laws are being envisaged on specific subjects. For example, among the first set of texts analysed within the agreement were the Code of Accounting Justice (Legislative Decree No. 174/2016) and the Anti-corruption Law (Law No. 190/2012). The latter topic was debated again in Parliament in 2018 and a new law was introduced in 2019 (Law No. 3/2019).

Ad hoc terminology work solves doubts concerning single concepts and their designations (Drewer and Schmitz 2017, 26). This is particularly useful when it happens proactively. For example, Italy heatedly discussed and eventually passed a new law on civil partnerships (*unioni civili*) for same-sex couples in 2016. While parliamentary discussion was still ongoing, the OLI requested terminological advice on how to translate the Italian term and later also the new types of marital status that were to be used by the registry office. The designation proposals put forward by the IAL were based on an in-depth legal comparison with the concepts pertaining to the Austrian, German and Swiss legal system and therefore well-motivated (Chiocchetti et al. 2019b, 125–126). For this reason, they were disseminated and are currently used in South Tyrol, where the designation for the core concept is *eingetragene Lebenspartnerschaft* as in Germany, since the Italian law

5. At the time the research institute was still called Institute for Specialised Communication and Multilingualism.

was inspired by the existing German one. Other ad hoc requests were sent, for example, by the Court of Auditors and the Customs Agency, to name just a couple.

The OLI is involved in terminology work not only because it selects the texts to be used as a basis for terminology extraction, but also because it has access to a wide range of domain experts within the provincial administration. Any doubts on specific terms and concepts are jointly discussed by the ILA and the OLI and, whenever necessary, domain experts are consulted. Since the Terminology Commission is not active anymore, terminology work is predominantly descriptive today. However, when there are concurring terms or terms that should be preferred to others, either because they foster international communication or because they are more adequate from legal or linguistic point of view, these are marked in *bistro* as “recommended term for use in South Tyrol”. Unlike in the past, use of these terms is not compulsory and text drafters and translators remain free to evaluate whether the suggested terms fit their specific text and context. Nevertheless, it is a good way of continuing the valuable work started by the Terminology Commission with the help of domain experts and relevant stakeholders. Its main advantage is that the major end users of such terminology – having been involved – will accept it, implement it and further disseminate it among their community of experts. Today, dedicated trainings, organised for example for the journalists and communication experts writing press releases for the provincial administration, further raise terminological awareness and ensure terminology dissemination.

Other cooperation agreements are being implemented or envisaged with other offices and organisations that realised their terminological needs, such as the provincial office responsible for occupational health and safety (OHS), the provincial office responsible for housing and the local health system. Work on OHS has been particularly successful, because checks for terminological correctness and consistency as well as the necessary harmonisation work could be implemented on the first drafts of e-learning texts on OHS written by domain experts. This means that all the public employees and vocational students taking the compulsory e-training, either for the first time or as a refresher course every five years, read and automatically get used to univocal, consistent, and correct terminology. In addition, the related terminological entries on OHS terminology are regularly published in *bistro*.

One last strategy used to involve terminology end users more directly in terminology work was implemented in the revamped version of the Information System for Legal Terminology *bistro* (<http://bistro.eurac.edu/>) published in 2016. The old system had become outdated from a technological point of view, difficult to update with new contents, slow in showing search results and not user-friendly anymore. Suggestions on how to structure a new system had been collected from

users over the years, many of which could be implemented (Ralli and Andreatta 2018, 14). The complete restyling was a perfect occasion to implement advanced search options, filter functions, expandable contexts, access to full bibliographic information for sources, and – with the idea of encouraging end users to share their needs and knowledge – a feedback function placed next to every term and collocation in the terminological entries. Nowadays lexicographic and terminological practice are becoming more open to user feedback in general (Garner 2014, 55; Nielsen 2014, 157–160). The new *bistro* follows this trend by allowing users to easily compile a short form and share comments, suggestions, omissions, inconsistencies, etc. (Ralli and Andreatta 2018, 30). The success of the new system is confirmed by the inputs received by end users from South Tyrol and beyond. All issues raised by them are answered and – whenever possible or sensible – implemented in *bistro*. The growing numbers of accesses equally suggest that paying greater attention to user needs is a wise strategy. Within the first 12 months that the new *bistro* was online, accesses doubled and then reached three times the initial number in a further year, exceeding 36,000 per year (Chiocchetti et al. 2019a, 189).

9. Conclusions

The example of South Tyrol in northern Italy shows how changes in society have affected terminology planning and practical terminology work in relation to approaches, methods and dissemination tools. In this way it can serve as a model for other regions and administrations in comparable situations. A balanced social and economic development as well as the promotion of fair minority rights positively impacted on language and terminology policies, which in turn contributed to reducing language discrimination and the potential for language conflict. This was achieved in practice by developing and adapting the necessary language planning measures as well as the terminology needed to implement minority language rights in everyday life.

This paper also proves that dedicated language and terminology policies may effectively revert domain loss. German is not an absolute minority language but a major European language. However, it has minority status in Italy and the system-boundness of legal language triggers the need to develop original legal terminology to express the Italian legal system in South Tyrolean German. While this was either not possible or neglected until the 1970s and German became largely excluded from law and administration, thanks to subsequent status and corpus planning efforts German managed to attain the status of co-official language at the local level and the local community was equipped with the terminology required daily in law-making, administration and the judiciary.

Some important lessons can be learnt from the developments in South Tyrol. First of all, terminology work clearly needs to adapt to changes in society, politics and technology to fully achieve its goals. In a minority language context, terminology planning is an important step towards the practical implementation of language rights. The terminology standardisation process initially set up in South Tyrol was not efficient and flexible enough and was therefore dismantled, leaving space for a more inclusive approach involving stakeholders and end users. Terminology is not imposed by law anymore but is accepted more easily, because it is based on real needs and consensus. In addition, it is shared more quickly and widely through modern online tools. Contrary to what happened in South Tyrol, terminology standardisation efforts must be timely, well-planned, sufficiently funded and constantly supported. Terminology standardisation is not the only possible strategy. In accordance with the local political and societal context, less prescriptive approaches may be equally successful. No matter whether the approach is descriptive or prescriptive, it is evident that terminology planning activities should start as soon as possible, ideally with the official recognition of a minority language, otherwise it becomes difficult to change consolidated usage. In addition, constant and widespread dissemination of terminology through all possible means is a key factor for the success of terminology planning. Involving stakeholders and end users is a good strategy to ensure that the various user and expert communities will further spread terminology. Finally, the South Tyrolean example shows the value of legal comparison for the development of legal terminology in a minority language that is an official language in other countries. The initial aim of standardising South Tyrolean terminology to solve a local language problem became a broader and more contemporary objective, i.e. supporting transnational communication. Terminology planning could have reinforced terminological differences, thus leading to a strong regionalisation of South Tyrolean German, but instead it was actually employed to foster international understanding and ultimately favour European integration.

A future challenge for South Tyrol will probably be the integration of the specific local terminology in machine translation (MT) systems. For example, the corpus of local bilingual legislation and administrative texts could be used to train a MT tool supporting translation work in the public administration. An accurate selection of texts – based also on their terminological quality and consistency – would be needed as well as a way of integrating the entire repository of high-quality (standardised) terminology (Sandrini 2019, 244–245, 377). Unlike other minority communities (Sandrini 2019, 137, 194; Branchadell 2011, 99), the South Tyrolean German minority has not started any efforts to develop a dedicated MT system so far (Sandrini 2019, 376–377), but this challenge will quite likely have to be faced soon.

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