

English for Lawyers 1

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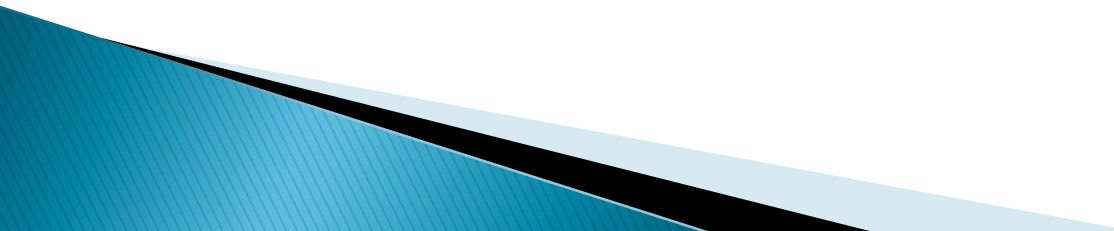
Session 1, 12 Oct 2018

Language and Law



Unit 1

Language and Law

- ▶ What do you think the following concepts mean?
 - language for specific purposes (LSP)
 - legal language
 - ▶ How do LSPs differ from ordinary language?
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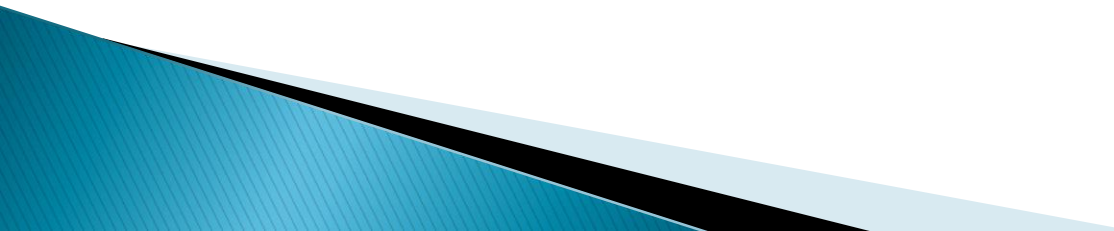
Language for Specific Purposes (LSP)

- ▶ language used by members of a particular profession
- ▶ language related to a particular field of study or work
- ▶ main ways in which LSP differs from ordinary language:
 - technical terms
 - stylistic features
 - text types (genres)

Language and Law

- ▶ In what ways do you think legal language differs from other LSPs?
- ▶ HINT 1: the Code of Hammurabi, Bašćanska ploča
- ▶ HINT 2: contracts, wills, the constitution
- ▶ HINT 3: Zakon o odgoju i obrazovanju u osnovnoj i srednjoj školi, Pravilnik o pregledima i ispitivanju opreme pod tlakom, Kazneni zakon, itd.

Language and Law

- ▶ In what ways do you think legal language differs from other LSPs?
 1. it is very old
 2. its use affects everybody, not only used by specialists
 3. can absorb terms from other specialist areas
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Legal English: examples

- ▶ Consider the following examples of legal English and try to guess what time period they are from

A Will

I, EDWARD COKE, of 14 Acacia Avenue, Oxbridge, in the County of Somerset, company director, **HEREBY** REVOKE all Wills and testamentary documents **heretofore** made by me AND DECLARE this to be my LAST WILL

1. I APPOINT my wife Gladys Coke, and my solicitor, Thomas B. Macaulay, to be jointly the executors of **this my** will.
2. I DEVISE my freehold cottage known as THE LILACS, at Tone Dale, Oxbridge, unto my son, Hugh Coke, in fee simple.
3. I DEVISE AND BEQUEATH all the residue of my real and personal estate **whatsoever and wheresoever not hereby or by any codicil hereto otherwise expressly disposed of as to my freeholds in fee simple and as to my personal estate absolutely unto my said wife** Gladys Coke for her own absolute use and benefit.

IN WITNESS whereof I the said Edward Coke the Testator have to this my LAST WILL **set my hand** this thirty-first day of March One Thousand xxx Hundred and Ninety-Three.

SIGNED AND ACKNOWLEDGED by the above-named Edward Coke the Testator as and for his LAST WILL **in the presence of us both present at the same time who at his request in his presence and in the presence of each other have hereunto subscribed our names** as witnesses:

(signatures)

European Communities Act

2 General implementation of Treaties.

(1) All such rights, powers, liabilities, obligations and restrictions from time to time **created or arising by or under** the Treaties, and all such remedies and procedures from time to time provided for **by or under the** Treaties, as in accordance with the Treaties **are** without further enactment **to be** given legal effect or used in the United Kingdom **shall be recognised and available** in law, and be **enforced, allowed and followed accordingly**; and the expression “enforceable EU right” and similar expressions **shall be** read as referring to one to which this subsection applies.

Constitutional Reform Act

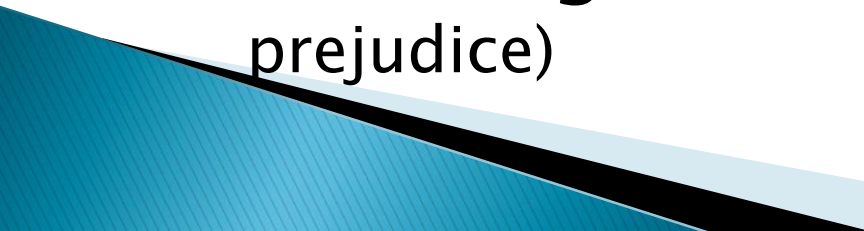
3 Guarantee of continued judicial independence

(1) The Lord Chancellor, other Ministers of the Crown and all with responsibility for matters relating to the judiciary or otherwise to the administration of justice **must** uphold the continued independence of the judiciary.

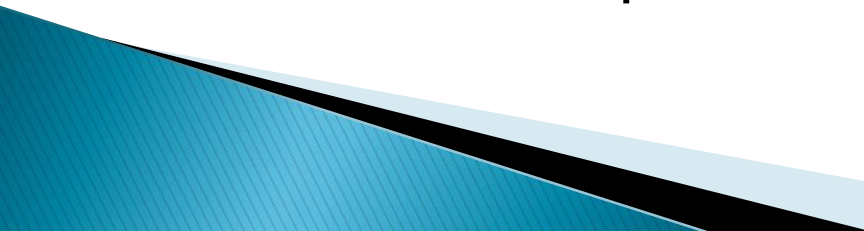
(2) Subsection (1) **does not** impose any duty which it would be within the legislative competence of the Scottish Parliament to impose.

(3) A person **is not** subject to the duty imposed by subsection (1) if he is subject to the duty imposed by section 1(1) of the Justice (Northern Ireland) Act (c. 26).

Characteristics of Legal English

1. **Archaisms** (aforesaid, forthwith, etc.)
 2. **Borrowings**
 - a. **from Latin** (obiter dicta, ratio decidendi, corpus delicti)
 - b. **from French** (contract, court, judgment, jury, tort)
 3. **Collocations** (fair trial, reach a verdict, file a claim, seek damages)
 4. **Ordinary words with a special meaning** (action, avoid, motion, serve, without prejudice)
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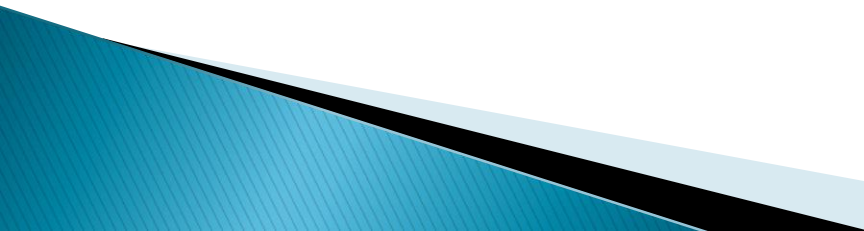
Characteristics of Legal English

5. Legal doublets (null and void, last will and testament, cease and desist)
 6. Pro-forms (so, such, the said, the aforementioned)
 7. Special use of modal verbs (shall, must, may, should)
 8. Syntactic features
 - a. long and complex sentences
 - b. predominance of nouns over verbs
 - c. use of the passive voice
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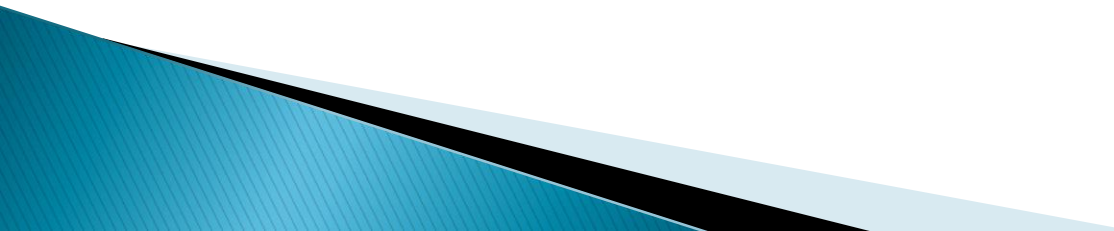
Borrowings – History of English



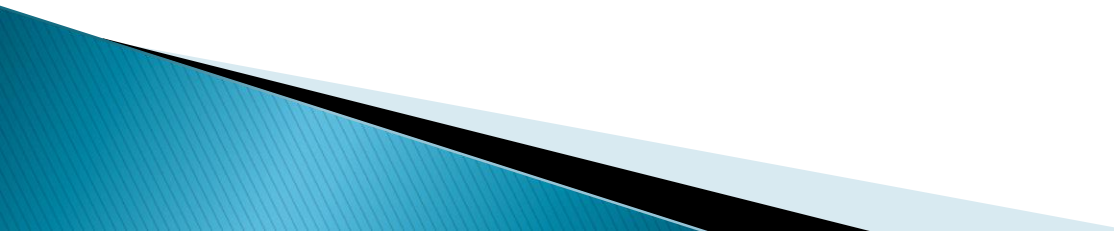
Special use of modal verbs

- ▶ SHALL – obligation, legal imperative
 - ▶ SHALL NOT – prohibition
 - ▶ MUST – requirements, usually of a procedural nature
 - ▶ MAY – permission, authorisation
 - ▶ SHOULD – recommendations (not suitable for binding provisions)
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Translate the following terms

- ▶ regulation
 - ▶ to impose an obligation
 - ▶ prohibition
 - ▶ procedural requirement
 - ▶ binding
 - ▶ provision
 - ▶ permission
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Translate the following terms

- ▶ regulation – propis; uređenje
 - ▶ to impose an obligation – propisati, nametnuti obvezu
 - ▶ prohibition – zabrana
 - ▶ procedural requirement – formalni (postupovni) zahtjev
 - ▶ binding – obvezujući
 - ▶ provision – odredba
 - ▶ permission – dopuštenje
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Terms easily confused

- ▶ **regulation** – **propis**, uredba
 - a written document issued by an authority that sets out rules
 - e.g. zakon, uredba, pravilnik, statut, itd.
- ▶ **provision** – **odredba**
 - a rule set out in such document
 - e.g. „Students must attend classes.”

Thank you for your attention!

