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Origins and Use of English Legal Terms through History[1]

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1. Introduction

English justice has long been perceived by many who have experienced it, and many more who have not, as highly technical, inadequate, inaccessible, and seemingly unconnected to everyday life (Gridel 1994: 23). Without the help of specialists in law, lay persons are often unable to understand legal procedure and legal language.

Indeed, the latter has a peculiar tenacity; an ability to achieve stability within changing social and economic conditions (Gény 1922: 42). However, the impression it radiates is one of conservatism, rigidity (Wagner 1999b) and uniformity ; for the social structure penetrates into the architecture of the English language of the law (Carbonnier 1978). That is why every past and present society has had its own knowledge of words, and many have created or adapted words in order to reflect their particular standards and expectations (attributed to Hobbes 1971: 35). The French lawyer Gény considered that law has its own "living reality" (Gény 1922: 149) which is highly dependent upon context.

Consequently, English legal discourse reveals a complex network of interactions between individuals and their environment. Furthermore, a linguistic insecurity emerges as soon as someone is analysing an earlier cultural notion. So, legal language has to be construed within a specific period of time. The interpreter is then confronted with "a web closely woven around production" (Schauer 1992: 500-501, Aitchison 1991: 89-101) which Eco (1976: 86) describes as a multi-levelled maze, representing any different legal situations.

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Legal language is, then, a complex and interesting melting pot of intrinsic and extrinsic influences, coming from cultural practices which evolve within the space-time of modernity.

So, wherever one turns, individuals have maintained written and hidden proof of this inheritance. The only way to decipher this language is through an analysis of its often “silent” historical and social dimensions. Hall’s concept of “silent language” is worth mentioning here:

> "Culture acts directly and profoundly upon behaviours; and the mechanisms which link them are often untold and located far beyond the voluntary control of an individual" (Hall 1984: 35)

While examples may be found in English law, lay people or even lawyers have not found a ready solution even though there have been many attempts.

2. Historical and social dimensions

Sir Francis Bacon explained the multi-cultural origins of these *Laws of England* through an analysis of the deep and complex English historical elaboration:

> "It is true, they are mixt as our language, compounded of British, Roman, Saxon, Danish, Norman Customs. And as our language is so much the richer, so the laws are the more complete" (Mellinkoff 1963: 158).

This quotation shows how close the link is between the development of English law and the various conquests which arose on English territory. Indeed within English legal language, there remain clear vestiges of this past. The study of historical circumstances therefore demonstrates how this language has evolved and enhanced itself over the centuries:

> "Scandinavian words were borrowed most freely between the ninth century and the twelfth, French words during the twelfth, thirteenth, and fourteenth centuries, but Latin words have been making their way into English, throughout almost the whole period of its history". (Serjeantson 1968: 9).

Moreover when contemplating the legal circumstances of legal discourse development, Goodrich's reflection seems primordial:

> "To know the law is not to know the words of the law, but the force and property of the words. The textual culture of law, indeed, brings with it an explicit linguistics, a linguistics of fidelity to sources, to originals, to supposed first usages and all that those usages implied". (Goodrich 1990: 115)

Consequently, a faithful analysis needs to be carried out by the discerning reader in order to fully understand the “hidden” or “silent” dimension of words within a specified context. This fragility in comprehension is all the more critical when people are confronted with cultural, legal or historical dimensions which they do not really master. So we need to invest in terminology, "for it is worthwhile if it is validated and informed homogeneously" (Lebreton 1994: 87).

The language of the law is and always will be evolving in accordance with politics, social behaviours and historical circumstances. That is why we can say that each period of time contributed and continues to contribute to the construction of English legal architecture, leading to semantic variances. Owing to Peter Tiersma (1999),

> “Our law is a law of words. Although there are several major sources of law in the Anglo-American tradition, all consist of words. Morality or custom may be embedded in human behavior, but law –virtually by definition- comes into being through language. Thus, the legal profession focuses intensely on the words that constitute the law, whether in the form of statutes, regulations or judicial opinions” (Tiersma, 1999:1)

So, the more complex the culture, the more important the institutional body, and the more complex the language used to codify it. As already mentioned, the features of the language of the law derive not only from the legal institution itself but also from history, from social functions, actors, goals of the law and eventually linguistic usage. If law has to be simultaneously fixed and flexible (Wagner: 2002c), several communicational and institutional strategies are necessary in order to organise the linguistic means to enhance its understanding within the sociolinguistic community.

2.1 Emergence of the concepts ‘Law Latin’ and ‘Law French’

At the very beginning, there was no language of 'the law' and no one could have ever talked about a language for particular legal purposes. Let's first note that the word *law* is of Scandinavian origin[2]. *Law* came into the Old English word *lagu*, well known in England since the fifth century, which derived from an Old Norse noun *log*. All these terms mean "something laid or fixed" (Mellinkoff 1963: 5), as do the Greek *thémis*, the Latin *statutum*, the German *Gesetz* (Onions 1966).

As Holdsworth underlined, "a primitive system of law had no technical terms" (Holdsworth 1922: 43), for example the word *lawyer*:

> The closest approach Old English had to a name for lawyer was *forspeaker* (O.E. *forspeca* or *forspreca*), i.e., one who speaks for another, an advocate, a defender (Mellinkoff 1963: 52).

[2] It does not mean a legal language formerly existed.

Consequently, the creation of the legal semantic architecture relied on common language. It specified words and even forms, sometimes modified them (see Tournier 1985) or even radically changed their use. From there arose specially adapted expressions to achieve particular goals (Gény 1922b: 460).

Mellinkoff (1968) was the first jurist to pay attention to a systematic definition and contextualisation of what has been called so far '***Legalese***" or the way to use English law. He was the first one to go back to the Celtic Invasion in order to re-define the language of the law. More recently, Peter Tiersma (1999) and Anne Wagner (c: 2002) have added to this work several commentaries and examples.

Indeed, the very first element to English semantic legal architecture was to be found during the Anglo-Saxon period which permitted the creation of new terms through composition[3], with each term fitting perfectly in the social reality of that period (Mellinkoff 1963: 46-47).

The second element appeared after the Norman Conquest. In the system of the Common Law, much of the forms of legal language deriving from that period persist to this day. Indeed, owing to Maley (1994: 11)

> "It seems that there has never been a time since the Norman Conquest when the English of the Law has been in tune with common usage. It has always been considered a language apart and there are good historical reasons why this should be so"

So, the language of the Common Law really appears as such after the Norman Conquest. Before this historical event, there were rules and/or common practices and usages but nothing professional.

The written languages of the law were Latin and English, with Latin far more common. Most acts of the French institutions were drafted in Latin (Woodbine 1943: 405), because the scribes of documents were churchmen who learned Latin. Consequently, Latin made its way into the language of the law, because neither Old English nor Old French could have ever adapted to the Normans' needs (Holdsworth 1922: 44). Both were considered as "vulgar" (Shelly 1921: 90) tongues, unlike Latin, the "universal language of mediaeval learning" (Woodbine 1943: 411). However, two concepts have since made their way into the current language of the law: law French and law Latin.

On the one hand, French terms were not directly incorporated into the English legal language: e.g the "re" ending is not used, so such words when preserved in English were altered to end in "er". Chartre became charter. Moreover lawyers spoke law French in a very peculiar way, as if they were English terms (Bynon 1977: 46-57). Even when writing law French terms, many versions arose as was demonstrated by Maitland (Year Books of Edward II 1903, see note 8: xlii) when he found in law

[3] This technique is still used in Modern English.

reports eight possibilities of spelling the word "suit": *siwte*, *siwete*, *sywte*, *suwite*, *suwte*, *sute*, *swte*, *seute*.

On the other hand, law Latin was defined as " 'barbarous', 'corrupt', 'mutilated', 'dog Latin', and in an Irish version 'bog Latin'. A less passionate definition is Webster's: a kind of Low Latin, containing Latinised English and old French words, used in English law" (Mellinkoff 1963: 73). Blackstone nonetheless considered it as "a mere technical language, calculated for eternal duration, and easy to be apprehended both in present and future times; and on those accounts best suited to preserve those memorials which are intended for perpetual rules of action" (*Blackstone, Commentaries, 320-321* in Mellinkoff 1963).

2.2 Brief summary of the Historical and Social Influences over the Language of the Common Law

Christianity was the turning-point, when oral legal communication was replaced by the use of drafting. The clergy was responsible for writing down all official documents, be they court or administrative ones. Consequently, the first Anglo Saxon Acts were influenced by Canon Law and were written in Latin.

Even if the Scandinavian invasions from VIII Century gave birth to important words such as *law, lawyer* or *right,* the most important influence came from Northern France: the Normans. When in 1066 William the Conqueror invaded England, the new leading social class from England spoke French. However, this linguistic transition was not so brutal. The written language after the Conquest was first and foremost Latin, more particularly suited to legal language with many loan-words coming from English and French. Nevertheless, because of William the Conqueror's Anglo-Saxon upbringing, many private litigations were dealt with using spoken English. From Law Latin remained words such as *incorporate*, *mandamus* and *subpoena*. Indeed, it was the official language of those branches of the Curia Regis, such as the Chancery and the courts of common law, which had begun to keep plea rolls at this period.

Over two centuries, Law Latin remained the language of the law, before it was substituted by French. Law French only arose during the XIII century when the Magna Carta was promulgated According to Mellinkoff, the rise of Law French in Statutes and precedents arose from the necessity to use a secret code in order to maintain the professional monopoly for lawyers, and also because "many ancient terms and words drawn from legal French are grown to be ***vocabula artis***, and so apt and significant to express the true sense of the laws, and are so woven in the laws themselves, as it is in a manner impossible to change them, neither ought legal terms to be changed" (quotation attributed to Coke). "Many of the French loan words reflect […] cultural and political dominance" (Barber, 1976: 161). They were concerned with administration, law, war, ecclesiastical affairs:

> *Crown, peace, religion, costume, court, battle, service, power, arms, authority, siege, parliament, enemy, clergy, government, armour, sacrifice, cloister.*

Indeed, Norman dominance was overwhelming with many legal terms arising such as:

> *justice, judge, jury, court, suit, sue, plaintiff, defendant, felony, crime, fee, assize, session, damage, real estate, fee simple, letter patent* and *attorney general*.

Nevertheless, it has to be noticed that the first Parliamentary Act in Law French was enacted in 1275, more than 200 years after the Conquest.

With Middle English, many abbreviations arose. Some of them are still in use today: *viz*, *ss*, *b.b.* (bona fide), etc. (see Wagner c). Law French was flourishing as well as competing with Law Latin. At the same time, English began to acquire more importance as a means of written communication. But the influence of Law French remained conspicuous and many technical terms were incorporated within Law English. For example, *robbery*, *plaintiff*, *action* or *indictment*.

With the enforcement of the *Statute of Pleading* (1362) - the Magna Carta of the Anglo-Saxon language – French was denounced as a legal means of communication and Law English was used instead. Meanwhile the court of Equity was established in order to solve the clear inflexibility of the courts of Common Law (Wagner a; Wagner c), with the former using English as a means of communication while the latter continued to employ Law Latin. Indeed, it was the time when the mixing of languages became even more pronounced (Law Latin, Abbreviations, Law French, Technical French etc.).

In the XV Century, English became the language of Parliamentary Acts and in the XVIII, Law French and Law Latin were no longer used in Statutory Law, even if today some of their linguistic features and words are still noticeable in Law English. From this period – with Law English used in written documents – dates the introduction of the concept *stare decisis* in dictionaries. Word loans from Italian, Greek, French and Swedish were most prominent in this era. Indeed, the statute of 1362 enacted that pleas should be pleaded in English and not in French. The statute provided that:

> "the laws, customs, and statutes of the realm are not commonly known in the same realm, for that they be pleaded, shewed, and judged in the French tongue, which is much unknown in the said realm, so that the people which do implead, or be impleaded in the king's court, and in the courts of others, have no knowledge nor understanding of that which is said for them or against them by their serjeants and others pleaders"

This statute therefore enacted that all pleas pleaded in the king's courts or in any other courts "shall be pleaded, shewed, defended, answered, debated, and judged in the English tongue, and that they be entered and inrolled in Latin;" but it provides "that the laws and customs of the same realm, terms, and processes be holden and kept as they be and have been before this time.

Meanwhile, the punctuation of Law English was scrutinized insisting that from time to time it was too much or not at all punctuated. However, in the language of the law *statutes* had always been punctuated. The fact was that they were not intended for being read aloud, and so punctuation was not done to the state of the art. The introduction of the press in England showed that punctuation in legal English was totally inconsistent and not uniform, or sometimes even non-existent at all. During this period of great change, punctuation was not considered important at all, but with the lack of uniform rules and with the increase of rhetoric, logic and technicity within the law profession as well as the increase in workloads from the Common Law and Equity Courts, the situation worsened.

From the XVI Century, the legal formalism of proceedings with all the technicities it involved increased. Indeed Law Latin was known to use long sentences and nearly no punctuation at all. In early XIX Century, Bentham critised the incredible amount of documents necessary for pleading, as well as the practice of pleading and the legal jargon. This century also saw the beginning of a transition in English law with statutory law being adjusted, punctuation being shortened and legal jargon being in part eliminated.

3. Ethno-semantics or cognitive anthropology

What is meant by ethno-semantics or cognitive anthropology is simply the way of investigating the importance of formalized ethnographic descriptions, conceived as adequate and replicable accounts of concrete social events within specific cultures, knowing that from one culture to another accounts may well vary or radically change in meaning and/or use of words. As explained by Hymes (1967: 9-10) "language is not everywhere equivalent in communicative role and social value; speaking may carry different functional loads in the communicative economy of different societies", and, "no normal person, and no normal community is limited in repertoire to a single variety of code, to an unchanging monotony which would preclude the possibility of indicating respect, insolence, mock-seriousness, humor, role-distance etc. by switching from one code variety to another".

3.1 The legacy in terminology

Today, many terms which made their appearance in the course of history are still in use. But some of the terms do no longer have the same or exact original meanings. The short list below will illustrate how the language of the Common Law is a blend of different sources.

a. Anglo-Norman, Old English, Middle English words

Alien, chose in action, demurrer, estoppel, Esquire, fee simple & fee tail, laches; metes and bounds, Oyez, quash, rol, voir dire, Aforesaid and forthwith, here-words: herein, hereby, hereafter…, Let (without let or hindrance), said and such (adjectives), Thence and thenceforth, there-words: thereby, thereafter…, Where-words: whereas, whereby […]

b. Latin borrowings

Conspiracy, contempt, custody, homicide, immune, infancy, legal, lucrative, necessary, prosecute, rational, remit, scrutiny, secular, submit, subordinate, subscribe, summary, testify, testimony, *Ab initio, corpus delicti, ad damnum, ejusdem generis, Amicus curiae, et al., Certiorari, ex contractu, Ex delicto, mandamus, ex parte, mens rea, In pari delicto, nolle prosequi, in pari materia, pari passu, In re, quid pro quo, inclusio unius, exclusio alterius, Sui juris, lex fori, vis major* […]

c. French terms

bar, assize, eyre, plea, suit, plaintiff, defendant, judge, advocate, attorney, bill, petition, complaint, inquest, summons, hue and cry, indictment, jury, juror, panel, felon, evidence, proof, bail, ransom, mainpernor, judgment, verdict, sentence, decree, award, fine, forfeit, punishment, prison, gaol, pillory, sue, plead, implead, accuse, indict, arraign, depose, blame, arrest, seize, pledge, warrant, assail, assign, judge, condemn, convict, award, amerce, distrain, imprison, banish, acquit, pardon, felony, trespass, assault, arson, larceny, fraud, libel, slander, perjury, adultery, Damage, debt, deceit, fault, force, grief, malice, manner, marriage, mischief, people, person, rancor, reason, scandal, unity, Common, contrary, courageous, courteous, cruel, firm, honest, innocent, malicious, mean, principal, proper, quaint, palin, poor. Advise, aim, allow, apply, betray, commence, complain, conceal, consider, cover, deceive, declare, defeat, deter, forge, grant, inquire, marry, oblige, pass, pay, pracise, proceed, quash, rob, succeed, summon, suppose, tax. To do justice, subject to, without fail […]

3.2 Terminological case studies

So, when we turn to case studies of terms, strong links between historical (social and political) events and words arise. In studying these links, one needs to take into account both the national and local contexts.
As explained by Gény (1922a):

> Le droit est une science sociale dont les règles et les moyens d'expression dépendent étroitement des mœurs, des conceptions philosophiques et religieuses, des nécessités et des possibilités économiques, etc., tous facteurs en continuel état d'évolution […] La langue juridique doit donc posséder des qualités de plasticité et de souplesse, lui permettant de s'adapter aux situations nouvelles. Poursuivre une inexorable fixité du vocabulaire serait s'exposer à

> paralyser l'activité humaine que le droit doit au contraire stimuler en la canalisant.

The present analysis will show "the tracing-out of the history of individual words and elements. From words, the investigation rises higher: to classes, to parts of speech, to whole language" (Malkiel 1993: 20). It shows how the meaning of words evolve from concrete to abstract, but it cannot however "reconstruct the lost parameters" (Sweetser 2001: 25).

3.2.1 Situational shifts of the meaning of the word "woman"

In Old English, there were two ways, quite similar, of designating a woman. *Queen* derived from the Old English *cwēn*, which is very close from the Old Saxon *quan*, the Old Norse *kvaen*, and the Gothic *qens*. *Cwēn* arose during the Middle-English period (Mossé 1966: 174.).

There also existed *cwēne*, which, in Old English, took the meaning of a "woman" as a female human being. It developed into the English word *quean*, being archaic, having the meaning of "a female serf". Within the Middle-English period, this word had a pejorative meaning[4], akin to "a prostitute, a slattern".

What's more, the word *quean* had various connections to other languages such as *quena* in Old High German, *qino* in Gothic, *kona* in Old Norse. And in the Indo-European language, *queen* and *quean* are similar to the Greek *gune* (so, to *gynaecology*).

But how can we explain notions which are diametrically opposite and which deal with the word "woman"? One of the best explanations relies on the fact that words are in a permanent state of transition, adapting and developing according to the social climate in which they are used.

In the present case, the elements of the woman's semantic field are distributed as follows. The part which derives from nature, *woman,* is distinctive to the one recognized as the sacrament of marriage (*wife*)[5] and to the one which is prohibited (*quean*) (Bacquet 1969: 33).

Eventually on the social scale, the word *queen* takes on a noble and aristocratic importance. It is the highest level of the notion "woman":

> "A woman who is sovereign of a kingdom. The queen regent, regnant, or sovereign is she who holds the Crown in her own right, and such a queen of England has the same powers, prerogatives, rights, dignities, and duties as if she had been a king" (Burke 1977).

[4] However, we will note that *quean* has never become pejorative in Scottish whose meaning is "(young) girl".
[5] At the beginning *wife* meant "woman" in general, whether or not married; see *fishwife* "female fishmonger".

In legal cases, the word *Regina*, "queen" is often given under its abbreviated form *Reg* or *R*. Today, it insists upon legal proceedings which can be instituted under the Queen's behalf, under the Crown's name against any private or moral individual. Thus, there is a close link to a specific court, the *Queen's Bench*. When it was founded, the Queen sat there; so the word *bench* which derived from the Old English *benc* meant:

> "properly applied to the justices of the Court of Common Pleas, because the justices of that court sit there as in a certaine place: .... and legall records tearme them *justiciarii de banco*"(Burke 1977).

Today, the term *bench* is applied so as to introduce either the judges as a whole, or a single judge:

> "a judge or judges, are spoken of as the "bench" when sitting in the discharge of judicial functions" (Burke 1977).

3.2.2 Situational shifts of the meaning of the word "Parliament"

The origin of the word *parliament* derives from the English mediaeval Latin *parliamentum*, formed from the Old French *parlement*. This word finds its origin in the fact that French, following the Norman conquest, and lasting for more than two centuries, was the official language of the realm where Norman people imported their own political administration. That is why this word is still an important one in the English vocabulary.

However before that period, the noun, which, in Old English, signified an assembly or a meeting, was *gemōt*. It could have proceeded from the plural genitive *witena*, "wise men"; and so arose the notion of the "assembly of wise men". These meetings of the *witenagemōt* were open.

The Saxon period distinguished four types of assemblies held by people: the *folc-gemōt* met every year, the *sćir-gemōt* twice a year, the *burg-gemōt* three times a year and the *hundred-gemōt* twelve times a year.

Today, the word *gemōt* has been replaced by *moot*, which has no longer anything to do with its original meaning. It is, however, often combined with words such as *court*, *case* or *hall*. *Moot court* means a court at which students argue imaginary cases so as to practice the art of pleading and to understand the internal functioning of a lawsuit or a trial. If we add *moot* to the noun *case*, it will specify a hypothetical, doubtful case; a study being carried out from scratch. *Moot-hall*, in a local area, sometimes means *town hall* such as the one in Keswick (Cumbria).

There is also another similar noun - *thing* -, which refers to the Noble Institution, i.e. the Parliament. It derives from the Old English *þing*, similar to the Old Norse *þing*, to the Old Saxon and Old Frison *thing* and to the Old High German *ding*. This

semantic richness can be explained through a Latin legal loan translation (Bynon 1977: 216-239) where *causa*, "cause", "had the meaning of "thing" and had eliminated the popular Latin *res*" (Dauzat 1971). *þing* still refers to the Parliament in Iceland (*Alþing*), and *Ting* is also used in the rest of Scandinavia. In Norway, *Storting* means the "great assembly", i.e. the Parliament.

Icelandic people too remain loyal and are still using the word *þing*. Not only does it mean "parliament, assembly, meeting, court of Justice" but also "thing" or "object". The meaning of *thing* as an assembly can be traced back in toponymy. The Old Icelandic compounded noun *þingvōllr* signifies "field (*vōllr*) of the assembly (*þing*)".

The Modern English word *thing* designates other distinctive aspects. They either concern inanimate objects, cases or individuals. Its survival in the English language can also be found in toponymy; i.e. *Thingwall* in Lancashire, *Dingwall* in Scotland and *Tingwall* in the Shetlands. *Tynwald*[6] is also the name of the Parliament on the Isle of Man. Any of the above-cited examples testify to the meaning of *ðing* as the "parliament". In the compounded noun *ðing-gewrit*, meaning "charter", *ðing* still retains its original meaning: a written or constitutional document delivered by an assembly duly accredited to draft it.

The Channel islands however still refer - as a source of law - to the Norman customary law which was written in Old French and whose two assemblies, the Jersey and Guernsey ones, are still designated *States* (see "les Etats généraux"[7]).

3.3 The legacy of drafting in legal discourse

From the XIX Century, a slow but clear process of change towards the simplification of legal English (Bhatia 1987a) began, but the distinction between legal discourse and common discourse has remained an important one. Indeed, legal language in English has particular and highly distinctive, specialized features. The register is not at all uniform even though Law English comes from Common English.

Since Bentham criticized the complexity and difficulty of legal language, the goal has been a simpler and more concrete language.

But paradoxically, the result is not always the one expected. Indeed, legal language often remains obscure and complex. Several governmental commissions tried to reform the written legislation, but nothing much has changed yet. Syntax and rhetorical organisations remain very complex. The well-known consultation paper

[6] « An annual assembly of this at which the laws which have been enacted are proclaimed to the people » in Brown 1990.

[7] "In France before the Revolution, the States represented three estates, viz. the clergy, the nobility and the common people" in Brown 1990.

Renton (1975) stated the following characteristics of the language of the Common Law:

1. Legislative discourse is obscure and complex, its meaning is elusive and its effect uncertain
2. The desire for 'certainty' in the application of legislation leads to an excess in its elaboration
3. The internal structure and the sequence of the clauses are illogical and confusing for the receptor
4. There is a clear gap within the chronological disposition of distinct statutes of similar content, making it difficult to have the clear answer on a specific theme at a specific time.

Thereafter, various attempts of reform were carried out through drafting manuals. This type of manual is very common in Anglo-Saxon law. More recently, the manual of Plain Language for Lawyers (1996) by Michèle M. Asprey claims that legal language should be learned and written in the clearest way and be simplified even though there will always be some need to maintain particular legal or specialized features.

Indeed, the pressure in favour of a reform of the drafting of legal language has always been very important in England and Wales and has led to the *Plain English Campaign*. The idea was to have a language "*written in a clear and coherent manner using words with common everyday meaning*". In the Renton Committeee Report (1975), Sir Charles Davis explained that statute law "*is drafted with almost mathematical precision, the object (not always attained) being, in effect, to provide a complete answer to virtually any question that may arise*". All this has contributed and still contributes to the complexification of legislative acts which are more and more difficult to understand for any non-professional in the field. According to Bhatia (1983b : 9), "*legislative writing is designed to avoid litigation, rather than to communicate the law of the land to the general public*".

As explained above, current legal language is a mixture of Latin, Old English and Norman French and has evolved within space-time. It has been subjected to normalisation processes over the centuries and has now to comply with specific rules being drafted thanks to the *Plain English Campaign*.

4. Conclusion

Legal language involves a complex aggregate of legacies and rules. In part, they derive from history, from past or current conventions. However, legal language always encounters an opposing tide of popular language that tends to disregard rules and create new words, forms, constructions and usages. Legal language is still trying to merge these two trends. It is an "organic whole whose vital essence is change" (Gény a).

In this flux, rules are useful in promoting clarity. Many professionals of the field have tried to make legal language more respectful of 'international' rules and usages that they consider both correct and desirable. However, this movement to promote the simplification of legal language evolves differently and with a different pace from one country to another. France seems to be lagging well behind other countries such as Australia, USA, UK. The French movement for the simplification of legal discourse, especially directed toward administrative forms, dates only from 2000, whereas a similar movement in the UK, "Clarity", began in early 1983. Its aim is to show lawyers and people working in law-related areas that legal language can be clarified and simplified without loss of precision or legal effect.

It should, thus, be useful to make all these organisations connect with one another in order to have international and codified rules valid for all countries. One organisation (http://www.clarity-international.net) is trying to gather all available information and to circulate it worldwide.

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ABSTRACT

Origins and Use of English Legal Terms through History

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The language of the Common Law, like any other specialized topic, needs a particular language for its understanding. The legal discourse of the Common Law gathers a set of theoretical and customary mechanisms subject to internal or external intrusions into its directions for use. Two ideas are highlighted: the rigidity of the overall regulating structure of the law, and the use of 'fuzzy sets' to provide flexibility to legal discourse. This unsteady or fuzzy discourse production proves this language to be the result of a long and complex historical process of socialisation.

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