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LEGAL ENGLISH : A FUNCTIONAL STUDY

Language is a very complex human phenomenon for which research over language has been going on since time immemorial. The progressive nature of language is the chief cause for variations in languages. Now-a-days there are more than 10,000 languages in the whole world. The inexhaustible effort of linguistics has discovered many new regions in the field of sociolinguistics like dialects, idiolects, diglossia, pidgins, creoles & registers etc. Among the registers of language the most prominent one is legal language. It is the language used in the field of law by lawyers, jurists and legislative draftsmen by their professional capacity. However, the language of law in India is English which is basically known as Legal English and it is quite different from general English. Certain characteristics of Legal English have made it mysterious in nature. The present paper analyses the history, characteristics, importance and problems of Legal English. It also focuses on simplifying Legal English into plain English.

It is impossible to fully appreciate the nature of legal language without knowing something about its history. All the odd characteristics of the speech and writing of lawyers have some historical basis. Knowing the reasons for these features may help us determine their usefulness today. If they no longer serve any communicative function, it may be time to relegate them to history books. The history of Legal English begins in ancient Britain and develops as successive waves of invaders: Anglo-Saxons, Scandinavians, Norman and French left their marks not only on the English Society in general but on English Language in particular. The conversions to Christianity, the development of a centralized system of justice, the rise of a Legal Profession, Writing and Printing were also instrumental. Eventually, when Britishers invaded India, they established courts in India and introduced their own Legal System. After independence Indian Judicial System is largely influenced by British Legal System for which at present most of laws in India are based upon British Legal System. Legal English, however has traditionally been a special variety of English. It is mysterious in form

and expression. N.R. Madhava Menon has rightly pointed out that the language of the law is not just as ordinarily understood in English but a variable system of technical terms, situational meanings, complicated procedural arrangements etc, which communicate of least among the law men in a unique style. (Azad-4)

The chief characteristics of Legal English are (1) use of words and phrases from Latin, French and other foreign languages e.g. *ab initio*, *suo mottu*, *ex-officio*, *de jure* etc. (ii) use of legal maxims e.g. *Actus non facit reum nisi mens sit rea* (iii) use of rhetoric e.g. "the truth, the whole truth nothing but the truth" (iv) use of jargons e.g. *tort*, *felony*, *post mortem* etc (v) use of verbosity e.g. *heir*, *executor*, *administrator*, *assignee* etc. (vi) use of doublets and triplets e.g. 'acknowledgement and confession' and 'ordered, adjudged and decreed', (vii) use of technical and old English e.g. *aforsaid*. Some other features of Legal language also make it mysterious like use of literary words, ambiguous terms, gobbledygook, equivocal words, lawyerism and formalism etc.

The importance of Legal English in the field of law is very high for the lawyers and jurists. It is also highly essential for the common people. The essence of Legal English in legal field is (i) offering legal advice and assistance to clients (ii) drafting petitions, memos, deeds, wills and other documents relating to the profession (iii) preparing arguments and ground for cases (iv) discussing and arguing the legal points in the High Court and subordinate courts and helping in the administration of justice (v) reading books, law reports and professional journals (vi) interpreting statutes and constitution. Undeniably Legal English is a problematic issue which for ages has been the object of complaints. Because of its complexity and mysterious nature it has become a headache for common people. The present Legal English is so complex that it is beyond understanding of common people for which now-a-days they fear to go to court. They take the assistance of lawyers and become victims of their outstanding knowledge in Legal English. Lawyers also play humpty dumpty with words and take the benefit as the common people are ignorant

of the language of law. So it has become a blessing in disguise for the lawyers and jury because with the help of Legal English they can befool the laymen and earn easy money. It is the main cause of the ill reputation of legal profession in many countries which is often regarded as the hermetic group of professionals using obscure language in order to baffle and control the masses.

Considering the matter, too much attempts have been made to simplify Legal English. All the activities of Government and organizations for simplification of legal discourse aiming at its improvement can be jointly referred to as the plain English movement. Following are the reformative measures for plain English : * Use of technical legal words where it is essential. * Eschew jargons, euphemism and archaism. * Use of popular and well known words, terms and phrases. * Avoid long and

involved sentence. * Use of language keeping in view the common litigant and not well-read lawyers. * Avoid satirical language and equivocation.

* Prefer familiar word to the far-fetched. * Prefer concrete word to the abstract. * Prefer single word to the circumlocution. * Prefer short word to long.

* Prefer Hindustani word to Roman. Language is a tool which helps us in expression of our thoughts and feelings, ideas and views to others, but if we use language as a weapon against the laymen by befooling them, then there will be miscarriage of justice and the world will face war and revolution. According to Lord Mansfield, one of the most famous English judges "Most of the disputes in the world arise from words" (Weeramantny-63). So attempt should be made to make Legal English simple and intelligible for common people, to maintain justice in the society.

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