"Be it enacted...: English Legal Discourse in Focus"

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With the words of David Mellinkoff, "[t]he law is a profession of words" as the starting point, the paper surveys some of the distinctive characteristics of English legal language as seen in vocabulary, syntax and discourse. It also discusses some of the approaches currently applied to account for the use of the English language in various legal settings.

1. Introduction

Law as a social institution concerns everybody in society. This special relationship between the individual and the community is actuated most prominently in legal actions processed in court. In an organized democratic society it is fortunately only a minority of citizens that come in contact with the law in such a concrete manner. However, even those who never become involved in any legal proceedings at all will still be aware of the existence of the law and its control function. We only need to think of the great number of documents of legal nature that people encounter on a daily basis when dealing with their business in a modern society, such as guarantees, warrants, certificates, as well as banking and insurance documents.

The law, as codified in legal documents, constitutes a verbal expression of the rules and regulations of the community. As the scope of the law is both comprehensive and complex, a special infrastructure is needed for the administering of justice. Most commonly, this task is entrusted to a special group of people, the legal professionals, who are responsible for the implementation of the legal
code on the practical level. What is significant for the present purposes is that throughout the process, from the drafting of a law by legal experts to its enforcement in court, the system operates through language. It is the link between form and content, on the one hand, and language and society, on the other, that makes the law such a fascinating issue for linguistics, the scientific study of language.

The complex relationships between language, law and society may be studied from many perspectives, and this paper will address a few of them. More specifically, the purpose is twofold: (a) to discuss some aspects of the above interface between language, law and society that linguists have found particularly interesting; and (b), to provide basic bibliographical information about studies dealing with these issues.

Today, the study of legal discourse is a dynamic branch of applied linguistics. There is already a substantial body of published research available, and the literature is rapidly growing. Many of the items in the Bibliography are recent publications, and several of them contain further references to articles and books which space does not permit to be mentioned here. A considerable number of the most recent titles have appeared in the United States, where the interest in the questions of language and law is particularly strong at the moment. But even elsewhere these questions are topical. In Finland, for instance, a new professorship for legal linguistics has recently been created at the University of Lapland in Rovaniemi. The founding of the chair is an indication of, among other things, the importance of studying the linguistic issues of different legislative systems comparatively, especially in the context of the European Union. In future, the significance of the linguistic dimension of law will be further increasing as a result of on-going processes of European and global integration. This, in turn, will create a growing demand for 'lawyer-linguists', i.e. people who have both legal and linguistic training and are knowledgeable about legal and linguistic systems.
The expansion of the field of language and law to include new dimensions of legal discourse in the last few years is quite remarkable considering that it has only a relatively short history: the first major publications on the subject appeared only some thirty years ago. How, then, did linguists become interested in legal discourse in the first place? Perhaps the strongest stimulus came from a change in linguistics itself, whereby the study of language variation was brought into the focus through the work of sociolinguists in the 1960's with William Labov as the main advocate of the approach. As a consequence, a broad range of parameters governing language variation began to be investigated in detail using real-language data. In the domain of social variation, one line of research was directed towards so-called 'stylistic registers' and, somewhat later, to the language of the professions, including that of the legal profession.

Within legal discourse itself, the interest was first focused on the written variety, i.e. the language of the law and legal documents. But before we move on to look at some of the findings of this research, a word about the terminology and organization for the rest of this paper will be in order. As for the terminology, there is still a fair amount of variation in the use of the terms for different varieties of 'language in legal context' (written and spoken), although this is not usually a problem (for a summary of current terms, see Trosborg 1995 and Kurzon 1997). Here I will make use of the following notions: 'legal discourse' as an umbrella term to refer to 'language in legal contexts' (for the present purposes, synonymously with 'legal language') and 'the language of the law' to refer specifically to legislative language, such as that of British Parliamentary Acts. For practical reasons, the latter term is occasionally used synonymously with 'legislative language', and, as the case may be, with 'legal English' and 'legal discourse'.

As regards the organization of the discussion below, we will consider some of the trends in the research of legal discourse in a
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roughly chronological order. It will not be possible to cover all relevant areas; for example, I will not discuss here the pedagogical aspects of legal English (for references, see Bhatia 1987). In the preparation of this paper, I have benefited from two earlier surveys of the field, in particular, viz. Stygall (1994) and Kurzon (1994). Both cover much the same ground but from a slightly different angle. Stygall looks at the earlier studies in terms of whether they are concerned with legal language as 'object' ('LSP'), as 'part of the legal process', or as an 'instrument' within the legal profession. Kurzon, on the other hand, is more concerned with legal discourse in relation to developments in linguistic theory. I will also emphasize this aspect, for – as already indicated – the growth of the field is closely connected with the progress made in linguistics over the past few decades. I will discuss the material under two main headings: (a) the legal code, and (b) the legal processes, a division I borrow from Gibbons (1994: 3).

2. The legal code

The legal code is a natural starting point for the study of legal discourse, for the statutes encompass the primary function of the law, that of controlling human behaviour. The term is here used somewhat loosely to refer to statute law, which forms an obvious starting point for the examination of legal language. The statutes represent legal discourse at its most prototypical. The legal code exerts its control function by expounding the system of penalties for breaking the law. Paradoxically, the law has to be at the same general enough so as to cover a wide range of contexts within the scope of the law, and specific enough to be applicable to particular instances and contexts. We can say, following Gibbons (1994: 3), that the main problem in the drafting of laws is saying neither too much, and thus having an oppressive legal code, nor too little, and so licensing instances of behaviour that are unacceptable. Reconciling these two positions is a linguistic problem, and an issue of making the means
meet the ends in terms of, especially, precision, clarity and order in the organization of the text. Achieving such an objective is a demanding task and necessitates careful advance planning at the drafting stage of the law. The difficulties of this process are reflected in the numerous idiosyncratic linguistic characteristics of which the language of the law is notorious.

2.1. Lexis

The criteria of precision, clarity and order are second to none in importance for the drafting of the law, and their impact is evident on every level of the structure of the text, including the vocabulary. As the law aims at explicitness, it follows that it must possess a comprehensive repertoire of terms. The result is, once again, paradoxical, in the sense that along with fulfilling this objective the vocabulary becomes something of a burden for anyone consulting the text and not acquainted with the conceptual background. It is a common criticism that in this case lexical richness does not serve the purpose of precision and clarity, but instead makes the text unduly verbose, tedious and pompous, to use some of Mellinkoff's adjectives (1963: passim).

On the level of lexis a further problem is the heterogeneity of English legal vocabulary, which preserves a number of terms acquired from Latin and French in the Middle Ages. The older strata of lexical borrowing can be seen in English legal language perhaps more clearly than in any other kind of prose. A summary of the situation, as described by Mellinkoff (1963: 11–23), is given below (see also O'Barr 1981: 389–390, and Finegan 1982: 114). English legal vocabulary is characterized by:

1. Frequent use of common words with uncommon meanings (e.g. action ‘law suit’);

2. Frequent use of Old and Middle English words once in common
use, but now rare (e.g. aforesaid, forthwith);
(3) Frequent use of Latin words and phrases (e.g. corpus delicti, res judicata, nisi prius);
(4) Use of Old French and Anglo-Norman words that have not been taken into the general vocabulary (e.g. demurrer, fee simple, voir dire);
(5) Use of terms of art (e.g. contributory negligence, judicial note);
(6) Use of jargon (e.g. inferior court, issue of fact, pursuant to stipulation);
(7) Frequent use of formal words (e.g. approach the bench, the deceased);
(8) Deliberate use of words and expressions with flexible meanings (e.g. adequate, approximately, undue interference);
(9) Attempts at extreme precision of expression; wordiness; and lack of clarity.

The terminology is an interesting aspect of legal discourse in any period because it is so closely connected with the political, social and cultural structures of the society at the time. This can be seen most clearly in the change of legal vocabulary as a result of the Norman Conquest (1066), and contemporary legal English still bears ample evidence of its aftermath. There is no doubt that legal language is also undergoing lexical changes at the present time, although not as radical as in the Middle Ages. Still, new terms are constantly being introduced into legislation as a result of social change. A good example of an area of change in Europe is the legislation of the European Union.

2.2. Syntax

The way words are put together to form sentences in legal English constitutes another striking feature of the genre. One of the early studies drawing attention to this dimension of legal texts is
Crystal and Davy (1969), where the authors discuss various stylistic characteristics of written contracts (pp. 193–217). But the first lengthy study specifically to discuss the syntactic complexity of the language of the law is Gustafsson (1975), a quantitative analysis of syntactic structures in the British *Courts Act 1971*. This study provides a wealth of information about the distribution of the basic syntactic parameters in legislative language, including sentence structure, sentence and clause type, sentence length, and the position of adverbial elements in the sentence.

The complexity of legal syntax is a result of the objective to make each sentence a self-contained, context-free unit. The consequences of this strategy for legal drafting are reflected in, for example, the overriding preference for the passive voice to the active and the lack of conventional cohesive ties between sentences. The ubiquitous qualifying clauses, typically organized in elaborate syntactic patterns, constitute another characteristic feature. The qualifying clauses may be found in three principal positions in the sentence: initially, medially and finally, i.e. we may have left- and right-branching, as well as nested patterns, or any combination of the three in the same sentence (cf. Hiltunen 1984). Examples (a)–(c) below from *Electronic Communication Act 2000* illustrate the three types (with the main clause indicated in boldface):4

(a) *Left-branching syntax*:

In the case of any matter which is not one of the reserved matters within the meaning of the Scotland Act 1998 or in respect of which functions are, by virtue of section 63 of that Act, exercisable by the Scottish Ministers instead of by or concurrently with a Minister of the Crown, **this section and section 8 shall apply to Scotland subject to the following modifications** – – – [Part I, 9 (7)]
(b) *Nested syntax*:

Subject to the following provisions of this section, the powers conferred by section 8, so far as they fall within subsection (3), shall be exercisable by the National Assembly for Wales, as well as by the appropriate Minister. [Part I, 10 (2)]

(c) *Right-branching syntax*:

Subsection (1) shall not prohibit the imposition by an order under section 8 of —

(a) a requirement to deposit a key for electronic data with the intended recipient of electronic communications comprising data; or

(b) a requirement for arrangements to be made, in cases where a key for data is not deposited with another person, which otherwise secure that the loss of a key, or its becoming unusable, does not have the effect that the information contained in a record kept in pursuance of any provision made by or under any enactment or subordinate legislation becomes inaccessible or incapable of being put into intelligible form. [Part I, 14 (4)]

In syntactically less marked styles, the end position is the usual one for the qualifying clauses because it involves fewer processing problems for the reader. In legal language, on the other hand, the positioning of qualifying clauses almost anywhere in the sentence constantly interrupts the linear progress of information. As a consequence, the text requires a reading strategy that will take such syntactic considerations into account. The reading process will inevitably become more fragmented. On the other hand, one has to bear in mind that what to a lay person may appear a difficulty may to the professional be an aid for understanding the text. For the lawyer, the code of law is a source of reference, which is normally consulted
with a particular point and its details in mind. In the process, such syntactic characteristics as mentioned above may even be seen as helpful devices in that they make legislative texts highly standardized and syntactically predictable.

2.3. Discourse

So far, we have approached legal language as an object of study in its own right. This line of enquiry tends to rely on the independent status of the sentence as the basic unit of the legislative text, and it is less concerned with contextual factors. However, subsequent developments in linguistics were soon to alter this situation and bring the contextual parameters into the foreground of research. As the first step, text-linguists began to call attention to passages longer than the sentence in the analysis of (written) language data. In such a perspective, it is the functional role of the linguistic units of the text that becomes the interesting issue. But there was also another trend in linguistics that was to prove influential, viz. the analysis of authentic conversation. This approach also stimulated the study of legal discourse by encouraging scholars to look for parallels for natural interaction also in texts of the legal domain. Such a framework entails a view of texts as instances of communicative acts, where the individual features of the text can be related to the context for which it is produced.

In the published literature, an important paper by Danet (1980) paved way for a more comprehensive view of legal discourse involving the context and its functional interpretation (cf. Kurzon 1994: 6). A few years later, Bhatia (1983) applied a discourse-functional model to the language of the law. In this work, the qualifying clauses of the legal sentence are shown to be organized in particular ways in the text depending on their communicative functions. Bhatia found out, for example, that the qualifications ‘describing cases’ (e.g. Where a secure tenant has claimed to exercise the
right to buy and that right has been established... p. 34) and ‘specifying conditions’ (e. g. If any person ... fails to perform any duty imposed on him by this Schedule...; p. 48), are usually placed at the beginning of the sentence, while those assigning ‘textual authority’ (e. g. ... the tenancy vests by virtue of this section in that person or, if...; p. 80) or ‘textual mapping’ (e. g. ... except in the case mentioned in subsection (2) below; p. 96) are typically placed at the end of the sentence.

The functional analysis is useful also for illustrating the network nature of legislative texts. Although explicit cohesive ties between the sentences are scarce, there is usually a dense network of referential ties between different parts of the same Act and between different Acts, expressed by qualifications, as in the example below from Electronic Communication Act 2000 (9; 7):

In the case of any matter which is not one of the reserved matters within the meaning of the Scotland Act 1998 or in respect of which functions are, by virtue of section 63 of that Act, exercisable by the Scottish Ministers instead of by or concurrently with a Minister of the Crown, this section and section 8 shall apply to Scotland subject to the following modifications –

(a) subsections (1) and (2) of this section are omitted;

(b) ...

Such chains of references to other sections (subsections (1) and (2) of this section) and other parts of the legislation (the Scotland Act 1998) are not uncommon. Naturally, mastering this highly technical aspect of the law requires training and expertise.

Among the studies anticipating the interest in the process aspects of legal discourse (to be discussed in the next section), there are those dealing with speech acts in legal texts (e. g. Kevelson 1982; Kurzon 1986). Kevelson’s paper discusses speech acts in legal decisions, while Kurzon is essentially concerned with the statute as a speech act. The
notion of 'speech act' goes back to the work of the philosopher J. L. Austin, and the theory is extensively discussed in many textbooks of semantics and pragmatics (e.g. Levinson 1983). The law inherently implies 'doing things with words'. According to Kurzon (1986: 15), "[n]ot only may the entire statute be seen as a speech act with the illocutionary force of enactment but many of the sentences in the statute may also have a status as speech acts." Legislative texts turn out to be rich in speech act phenomena, including both performatives and illocutionary acts. The enacting formula of British Parliamentary Acts is an example of the former:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows.

The formula contains the performative verb *to enact*. It is here used in the third person, but may be paraphrased in the first person, which is the more typical form for the performative verb (Kurzon 1986: 9). Examples of the illocutionary forces most characteristic of statutory language include those of permission (commonly conveyed through *may*), ordering (*shall*) and prohibition (*shall not*).

3. Language in legal proceedings

From statutes as communicative acts there is but a short step to language in the legal process. The Anglo-American courtroom is familiar to millions of viewers through film and television, but only recently has there been any systematic research into the rules of linguistic behaviour in the courtroom. However, a great deal of progress has been made in this area in a short time, and today the study of the language of legal proceedings is the most active area of legal discourse research. This is as much a result of the developments
in linguistics mentioned above, as of considerations of the so-called 'real world'. That research into legal discourse ought to be relevant not only to the community of linguists but also to the community at large has become an increasingly pertinent issue, stimulating various applied approaches.

The courtroom is the place where legal cases are argued and decided. Gibbons (1994: 3) expresses an essential aspect of courtroom proceedings by saying that they are concerned with testing the applicability of the generalizations found in the legal code to individual instances of behaviour or to particular cases. As this happens through language, the proceedings constitute linguistic events — spoken events, more specifically, for courtroom discourse is spoken and interactive. In this view, the courtroom is, indeed, the most central arena for the study of legal discourse.

The institutional nature of the proceedings is underlined by the fact that they are conducted in a specific setting, a building reserved the purpose. Both the building and the courtroom itself are marked by certain physical characteristics that distinguish them from all other contexts, and the external circumstances have their own semiotic meaning to communicate to the people involved (see Lakoff 1990: 92ff.; Gibbons 1994: 32). The actual proceedings are also characterized by certain specifics, especially rituals, that have to be observed if the process is to be conducted appropriately. The process may involve a number of stages, from the preliminary hearing of the witnesses to the actual trial proceedings in court and the passing of the verdict. The language of the parties, including that of the defendant, plaintiff, witnesses and judge, are all relevant for the study of courtroom discourse as a communicative process.

There are two principal approaches to the trial situation, both of which involve looking at the process metaphorically (cf. Maley 1994: 33–34). In the more traditional view, the trial is seen as a 'battle' between the parties, where the discourse is organized in terms of
strategies such as 'defense', 'resistance', 'aggression' and 'attack'. The more recent interpretation, on the other hand, involves the metaphor of storytelling. The party that is able to come up with the more convincing story will also be the likely winner of the trial. From the discourse-analytic point of view, the interesting question is concerns the linguistic correlates of a convincing case. The issue is one of credibility, i.e. finding out which linguistic features are likely to support credibility, and which are likely to undermine it. One distinction that is often made on this point is that between 'powerful' and 'powerless' speaking styles, both characterized by certain phonological, syntactic, semantic and lexical features (Levi 1990: 18). In actual performance, a powerful presentation is characterized by narrative unity, as against a fragmented narrative in the powerless one. The most likely conclusion will be that powerless speech is judged to be less intelligent, convincing and trustworthy than powerful speech. But also the questioning strategies may be of decisive importance for the outcome of the trial. They are important, because they can be exploited in various ways by the interrogator, for instance, with the purpose of diminishing the credibility of the witness.

Maintaining credibility is equally important for all parties in the courtroom. In view of this, O'Barr (1982) has provided list of recommendations for the lawyer and the witness, according to which, for example, lawyers should vary the way in which they ask questions, and witnesses, correspondingly, the way in which they give answers. Similarly, both lawyers and witnesses are advised to remain poker-faced throughout and not reveal surprise even when an answer or a question is totally unexpected. When considering the relevance of such recommendations, we have to bear in mind that there are cultural differences in legal practices and they may also have consequences for linguistic practices. Research has so far been focused on the Anglo-American scene and we probably know more
about it than other cultures. It would be interesting to pursue this line of research in a more comprehensive cross-cultural perspective with comparative data.\(^5\) Highly interesting as the issues of courtroom discourse are, the availability of data may be a problem for the researcher. In contrast with materials such as the British Parliamentary Acts, which are available on the Internet, access to authentic courtroom data, e. g. taped records of actual trial proceedings is more restricted.\(^6\)

Before leaving the courtroom, mention should be made of forensic linguistics. As explained above, one way of approaching the language of the courtroom is through such macro-level notions as power and credibility. A forensic linguistic analysis, on the other hand, refers to a micro-level investigation that seeks to establish whether a given piece of evidence is, in fact, what it is claimed to be. As defined by Gibbons (1994: 319), forensic linguistics is, in principal, concerned with evidence of both comprehension and production of language on the grapho-phonic, lexical, grammatical and discoursal levels. Most studies published on the subject are concerned with the question of voice identification or disputed authorship. If the identity of the speaker or writer is at issue, linguists may be invited to provide an expert's opinion about the matter. Forensic linguistics has become an increasingly important tool in aid of the judicial process in recent years as a result of a better understanding of how linguistic processes are structured and how they work in different situations. Advances in the technical methods of speech recognition and the analysis of linguistic data generally have also contributed to this development. Yet, in many cases even forensic evidence may remain inconclusive for a number of reasons, e. g. because the available data may not be sufficiently representative, it may be of poor quality, or some of the essential contextual parameters remain too obscure for reliable conclusions.\(^7\)
4. Changing legal language

As the final point we will take a look at two further perspectives into legal discourse, both concerned with change. One is relevant for the context of the present day, while the other deals with change in a historical perspective.

According to Stygall (1994: 20), "[c]onsidering legal language as an instrument is to take language as the means through which a social goal is accomplished or through which a contested social site may be glimpsed." The definition refers to language in the internal working of the legal community and the uses of language as an instrument of power. In addition, it can perhaps also be applied to the issue of transforming the language of the law in such a way as to make it easier for the public at large to understand. The demand for introducing 'Plain language' into legal documents became an issue with the consumer movement in the United States in the 1970's. The agenda for simpler legal language included specific instructions of how to replace the traditional variety with the new standard (see Hiltunen 1990: 104–105). One should, for instance, avoid long words and sentences, as well as Latin and French words. Likewise, the active voice should be used instead of the passive, and concrete vocabulary instead of abstract terms. Instructions concerning the organization of the text in terms of effective document design were also provided among the guidelines for writing in plain language.

Quite apart from being a most interesting process socially and culturally, the 'Plain language movement' as it came to be called, is also interesting linguistically, for the question of how to simplify a complex text without losing content is in itself a most complicated issue. The prevailing view is nowadays that the mere replacement of surface complexities with 'simpler' alternatives rarely gives a satisfactory result. Instead, a complete rewriting of the text from the perspective of the new audience is required. Considering that the target group is a vast one, it is understandable that the Plain language
agenda has so far been mostly concerned with such legal texts that the public is most likely to encounter frequently, e.g. insurance documents, consumer contracts, and the like.

Converting actual legislative language into Plain English is another matter and more controversial. Many lawyers, in particular, have doubts about the feasibility of the project. They question, for example, what happens to the content of the legislative sentence if the traditional conventions drafting are relaxed in favour of less stringent practices. Likewise, they are concerned that the explicitness of the law might suffer and, as a consequence, the result might turn out more confusing than the original. The debate continues, but the movement to introduce the principles of plain language writing into legislative drafting keeps exerting its influence both directly and indirectly.

In a recent study of British legislative language during the past twenty-five years (Hiltunen 2001), it was found that some important changes have taken place. For example, the average sentence length has dropped considerably from what it used to be. Even more importantly, the proportion of qualifying clauses inserted in the middle of the sentence has gone down. This position, it will be remembered, is the most problematic from the point of view of processing. The finding indicates a syntactic change in progress and its connection with social change. It may also point to a development, whereby, in the years to come, the syntactic complexity of legislative language may not be significantly higher than that of other professional genres, as suggested by Kurzon (1997: 132). Nevertheless, although the trend is obvious, the process is likely to advance slowly, for law is essentially a conserving institution and inherently resistant to change.

From change in progress, let us briefly turn to the history legal discourse. As observed above, law is essentially a conserving element in society leaning heavily on history and tradition. This is
particularly true of the British context. English legal history goes back to the early Middle Ages, the time of the laws of the Anglo-Saxon kings. The common law system began to develop in the twelfth century, and it continues to be an essential feature of the English legal system. It is also noteworthy that there are legal texts in English from all periods since the earliest records. The content and form of the documents are, naturally, shaped by the social and political circumstances of the period in question. Thus, for example, the early Anglo-Saxon laws are very different from those of the later Middle Ages, where the French influence is at its strongest, and from those of the early Modern period, when English is reinstated as the language of the law. All these phases of development are equally interesting, for we can ask similar questions about the relationships between language, law and society independently of the period. The study of legal discourse need not be restricted to the contemporary scene but there are equally interesting issues to be investigated in the historical dimension ever since the earliest records. Historical study is sometimes possible even in the case of courtroom discourse on the basis of transcripts. A good example is the material of the witchcraft trials of Salem Village, Massachusetts, 1692 (edited by Boyer & Nissenbaum 1977). These records, comprising documents such as indictments, warrants, witness depositions, testimonials, verbatim transcripts of examinations, and confessions, provide fascinating data for studying the use of language in the process that lead to a large-scale persecution in Salem three hundred years ago.9

5. Conclusion

In this paper I have stressed the point that language and law are inseparable from each other. For the linguist, the law provides an interesting environment for testing how natural language behaves in a setting that is rigorously controlled by the pragmatic objectives of the text. The fact that the law aims at precision and inclusiveness
simultaneously may lead to conflicts that have to be settled in court. In these, like other legal issues, language plays a crucial role. Since the law deals with the behaviour of human beings and since it is human beings who interpret the law, there are always bound to be conflicting readings of the text of the law. Legal discourse may be approached from a number of perspectives. These range from the printed text of the law code to the verbal interaction of the parties in court; and from the jargon of professional lawyers to the cognitive processes of laymen, who are trying to make out what a particular legal point is all about. It is, indeed, a field that has much to offer for anybody interested in discourse and society.

NOTES

* This paper was given at the general meeting of the Modern English Association of Japan on Friday 18 May 2001 at Aoyama Gakuin University in Tokyo. An earlier version of the text appeared in Hiltunen (1998).
1. Mellinkoff 1963: vii
2. A most helpful, and the most recent, comprehensive discussion of the properties of legal language is Tiersma (1999).
3. In the British context, 'legal code' in the technical sense of “a complete written formulation of a body of law” (CDL, p. 64) is something of a misnomer for such a code of English law does not exist. Statute law refers to the body of law contained in Acts of Parliament. The other part of English law consist of case law, i.e. the body of law as set out in juridical decisions, recorded in a law report, used as an authority (precedent) for reaching the same decision in subsequent cases (see CDL, p. 272). This aspect of law will not be discussed in this paper.
5. For examples of more specific aspects of courtroom discourse, see Maynard (1994), and O’Barr and Conley (1994), published in Levi and Walker (1994), an important recent collection of papers on language in legal proceedings.
6. In the United States, authentic legal proceedings are sometime shown on television, as in the case of the O.J. Simpson trial, but these may not be
entirely comparable to standard legal proceedings.

7. For further reading on forensic linguistics, the papers published in Part III of Gibbons (1994) provide a good introduction to the methods, possibilities and limitations of the approach. For speaker recognition, see Nolan (1983). The recent book by Roger W. Shuy (1998) on the language of interrogation and confession also gives a view into the practical work of the forensic linguist.

8. For further discussion of relevant research and the success of the campaign in different countries, see Kimble (1992).

9. The material has previously been investigated extensively by historians of witchcraft and early New England, but it also provides very interesting data for a linguistic analysis (for examples, see Hiltunen 1996).

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