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Visitors to Japan can now hire a device which translates on the spot using a speech-to-speech technology developed by NEC. 'Papero' is the first all-hearing, all-seeing robot to be able to talk in conversational colloquialisms.

According to the Chinese Newspaper People's Daily Online, the Chinese translation market turns over 1.6 billion US dollars a year "...and is crying out for more".

Dundee, Scotland: A computer system that generates simple word-play jokes could help children with disabilities develop better language skills. The system is designed for use by children who must communicate via a computer and voice synthesiser.

A small grammatical error has had big consequences for Rogers Communications. The misplacement of a comma in a contract may force them to pay out an extra \$2.13 million. Needless to say, they weren't using Temple Translations!



Pardon my French

13th Century lawyers were paid by the word. Does that begin to explain the intricacy of modern legal documents? The campaign for the use of plain English in law kicked off in 1362 and has been grumbling on ever since. Broadly, supporters claim that lawyers deliberately use tortuous grammar and archaic jargon to make the law as incomprehensible as possible, preserving their professional monopoly. Opponents argue that their specialised language has the necessary 'terms of art' that evolve in any technical discipline. Peter Tiersma, in his forensic study 'Legal Language', claims that lawyers are unusually linguistically conservative. Just as the Catholic Church kept the Mass in Latin, lawyers, he suggests, use fossilised language to preserve their mysteries. Certainly oddities, like spelling judgement with a single e, could be seen as tribal markers – the 'masonic handshakes' of the legal brotherhood. But, other legal conventions may have their origins in the development of the English language itself.



Modern English evolves from a tongue already called English by its speakers, the Angles, when they filled the gap left by the departing Romans sometime in the 5th century. Old English was poetic and rhythmic. Words, especially legal words, had an almost magical quality. Many of those words are still in use: writ, ordeal, oath, witness, deem, moot, and murder all came from the Angles.

Around 600AD Latin re-entered the language along with the Christian brothers. They had a virtual monopoly of literacy at the time and although few people actually spoke it, Latin gave us a universal standard for writing.

Anglo-Saxon England was swept away by the Norman cavalry at Hastings in 1066. Norman French arrived with the new ruling elite but they kept English as the language of the courtroom and of course; Latin as the language of record.

The Normans brought their own legal procedures with them. In criminal and civil cases they sought the truth through painful ordeals or bloody combat, a hazard mostly avoided by common folk! Legal documents at that time were a record of what was done in court rather than what was said. One modern equivalent is the wedding – we don't record the actual speeches (phew!) just the signatures to the oath.

In that sense, the practice of law hadn't yet become the practice of language.

In 1166 Henry II introduced trial by jury in his own 'royal courts', the Assizes. Those twelve good men and true began the evolution of what would become the Common Law. The Assizes spoke French and were so popular that English was slowly forced out of the courtroom.

It's from this linguistically complicated period that lawyers developed a predilection for synonyms: 'cease and desist', 'will and testament', 'peace and quiet', etc. These conjoins loop through each language in turn. So: 'cease' is Latin, 'desist' is French; 'will' is Old English, 'testament' is French; 'peace' is Latin, 'quiet' is French. Occasionally all three languages jostle together: 'give, devise and bequeath', (Eng,Fr,Lat); 'rest, residue and remainder', (Eng,Fr,Lat). Rather than simply being wordy, texts were crafted to ensure that everyone understood.

Many legal terms have become common figures of speech – especially with those inclined to be pompous. The duty sergeant on 'The Bill' perhaps? "It's only fit and proper we raise a hue and cry about that breaking and entering else the blokes what done it'll get off free and clear."

As law evolved it began to be enacted as a form of the words rather than of deeds. (Though trial by combat was only actually abolished in 1818 after a presumably muscular litigant stumped the judge by asserting his ancient right.)

As pleadings changed from oral to written testimony, their texts would be subjected to the minutest scrutiny. Those which didn't conform to a rigidly prescribed form would be thrown out. Cases failed because of tiny linguistic errors. As a result, a new class of professional arose – the lawyer. A paragon of legal vernacular in all three languages. The lawyer was a guarantee of the precise phrasings on which the success of a case would rest. This new breed charged by the word and naturally, casebooks grew thick.

Coincidentally, just as French was established as the language of law its everyday use began to decline. In 1272 Edward I ascended the throne with an English name and speaking English at least as fluently as he spoke French. From that moment onward the French language was steadily marginalised as an argot peculiar to lawyers, or 'Law French' as it became known.

cont. over...

metalexis

technical translation

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Juicy Apple's 'n' horrible apostrophe's

Why are we so confused about how to use the apostrophe? Is there something so irresistible about that curly little tail that we can't help but sprinkle it around willy nilly?

Greengrocers, apparently, are the worst offenders, though if that's true then most other retailers went to the same college. It's not greengrocers who 'OPEN SUNDAY's, and they don't normally sell TV's or Radio's or offer MENU's PRINTED. All horrible examples of a possessive apostrophe used to pluralise a perfectly straightforward noun.

And, it's all so simple! There are only two rules:

1. You use an apostrophe to signal a missing letter or letters: You won't if you shouldn't and you haven't because you can't!

2. And you use an apostrophe to signal what belongs to whom: It's the vicar's tea party and he intends to present the committee's president with the church's restoration plans.

The possessive apostrophe has a couple of other minor considerations where some confusion seems to arise.

Let's say you've got more than one owner. I mean more than one vicar, several churches and multiple committees in your area (Let's hope you have a removals firm as well!).

In these cases the apostrophe doesn't go before the s, but after it, like so:

It's the vicars' tea party and they intend to present the committees' president with the churches' restoration plans.

The other consideration is about what happens when the owner's name already ends with an s. There is no hard and fast rule here.

You can add an apostrophe and another 's'; Dickens's novels, for instance, but it just as correct to leave just an apostrophe at the end; Dickens' novels, like so.

What you must never, ever do, (it's worth being didactic sometimes!), is to add a possessive apostrophe to an it – Its can't own things! So you should never write 'the church and it's restoration plans' for instance.

The only time an apostrophe should go anywhere near an 'it', is when it indicates a missing 'is', like in 'It's a very expensive plan vicar', or, 'It's clear the committee have all buggered off to the pub vicar'.

Finally, if you do intend to go into retailing, ignore the grammar module at training college and never, ever add apostrophes to apples, pears or any other plural noun.



Pardon my French
continued...

If the evolution of English explains some of the complexity of our modern legal language, does parsimony provide some clues to its structure?

Lawyers emerged from the relatively lowly ranks of the scribes. (From scribe and scribble.) It was poorly paid. It's been argued that the absence of paragraph indentations may have been the result of the cost of parchment, 3d a sheet in the middle ages. But, there are practical reasons as well. Writing a solid block of text would also secure an exact form of words from tampering. It was 700 years before Parliament began to use section breaks and headings in its statutes!

As legal documents became longer clerks were prone to make more mistakes. The most common errors tended to be with punctuation rather than the words themselves. It was good practice then, for lawyers to use as little punctuation as possible and best practice to use none at all. Texts were drafted so that the words alone carried the meaning, whether punctuated correctly, incorrectly, or not at all.

That tradition is alive and well. The Plain English Campaign's 'longest sentence ever' was drafted by a lawyer and runs to over 500 words.

The constant repetition of the subject of a legal clause may also be a stylistic legacy of the missing comma. So too might be the odd capitals that pepper legal documents. They may have originated simply to help readers grasp the structure of a legal text in the absence of proper punctuation.

Legal documents do carry a unique linguistic legacy. The Anglo-Saxon hereins and hereafters, The latin mandamus' and certiorari. As for French; of 10,000 words loaned from the Normans 7500 are still in common use and 1000 in specialised use by lawyers. Why are they still so popular?

George Orwell wrote, "...writers, are nearly always haunted by the notion that Latin or Greek words are grander than Anglo-Saxon ones."

Textual analysis of Jane Austen confirms Orwell's theory. Her heroes use a welter of Frenchified words to signal their elegance, intelligence and charm. The earthier folk just grunt away in Anglo-Saxon. So who amongst us then, would merely write when we could inscribe, or merely talk when we could converse?

Legal Language
Prof Peter Tiersma
University of Chicago Press 1999

English—Its life and times
Robert Claiborne
Bloomsbury

Politics and the English Language
George Orwell 1946

History of English Law
Pollock & Maitland
Oxford University Press 1996

A History of the English-Speaking Peoples
Winston Churchill 1956



Judge: The charge is the theft of frozen chickens. Are you the defendant?

Defendant: Me sir? No, sir, I'm just the one who stole the chickens.

We're speechless

Be careful what you say to yourself. NASA's research into sub-auditory, sub-vocal speech reports that when you speak to yourself silently, your vocal cords receive speech signals from the brain, even if you don't move your facial muscles. Small sensors can gather these signals into a computer program and turn them into speech, written text, or even sign language.

Letters to the Editor

There was a gratifyingly warm reception for the first issue of speechmarks which looked at the differences between American and British English. Amongst the emails we received was this one.

Dear Ed.
Thanks for speechmarks, I really enjoyed your first issue. I'm a native of Sydney and I wonder whether you'll be producing a similar catalogue of differences between British and Australian English?

Streuth no! Australian and NZ English hasn't diverged nearly as much as it has in the US. There's a lot of colourful colloquialisms but the written forms are unlikely to cause any confusion. Sorry!
PE.

More speechmarks?

If you'd like extra copies of this issue of speechmarks or if you'd like more copies on a regular basis please call our Head of Marketing, Victor Garcia on 020 7842 0174.

Next Issue

Jargonification

The city is a rich source of new words and phrases. In the next issue we explore the lexicography of business.

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