

LEGALESE 1

Using Latin in legal English

Modern legal English still uses many Latin words and phrases. This is because Latin was the language of formal records and statutes in England until the 14th century. Later, it was still used to make texts appear more sophisticated. When you read some legal documents, you may find they use grammar which you are not familiar with. This is because they were originally written using Latin grammar.

While you do not need to learn Latin now in order to study law, there are a few words and expressions which are still used in modern day law. It is essential to become familiar with this area of legal language.

The following Latin words are used in the administration of the courts.

- a) *stare decisis* / ˌstɑː'reɪ de' siːsɪs /
- b) *ratio decidendi* / reɪ'ʃiːəʊ deɪsɪ'dendɪ /
- c) *habeas corpus* / ˌheɪbɪəs 'kɔːpəs /
- d) *mandamus* / ˌmæn 'dɑːməs /

➤ **Match the definition (i-iv) with the above expressions (a-d)**

- a.i. A remedy which allows a person who has been detained to challenge the lawfulness of the challenge. This is done by applying to the High Court for a writ. _____
- ii. The legal reasoning for the decision in a particular case _____
- iii. An order from the High Court to a tribunal or public official to perform a public duty e.g. hold an election _____
- iv. The basis of the doctrine of judicial precedent in which points of law decided in previous cases are applied by judges to later cases. _____

Answers

- i. A remedy which allows a person who has been detained to challenge the lawfulness of the challenge. This is done by applying to the High Court for a writ. _____ c
- ii. The legal reasoning for the decision in a particular case _____ b
- iii. An order from the High Court to a tribunal or public official to perform a public duty e.g. hold an election _____ d
- iv. The basis of the doctrine of judicial precedent in which points of law decided in previous cases are applied by judges to later cases. _____ a