

A DESCRIPTION OF NON-COOPERATIVES IN LEGAL ENGLISH IN
KENYA, BASED ON GRICE'S PRINCIPLE OF COOPERATION.

BY

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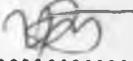
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DECLARATION

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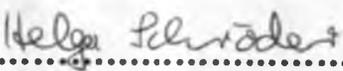
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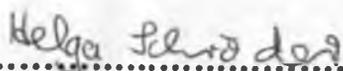
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DEDICATION

***This work is dedicated to
my beloved mother,
Pauline Wanjiru
And
my dear brother
Stephen Ndichu.***

ABSTRACT

This project investigates the features which characterize the register of the lawyers. And how this features make the jargon the most difficult to be understood by people outside the legal field.

A description is made of this jargon based on four features: wordiness, lack of clarity, pomposity, and dullness of the jargon. In addition, attention is given to the foreign words, which constitute much of this jargon. These words are interpreted to the understanding of the layman and their historical origin given.

The theoretical framework used, for the establishment of the inadequacy of this jargon is the Griceans principle, or the four maxims of conversation. The project applies the methodology of issuing questionnaires constitute two types of questions: open-ended questions and closed questions. Their responses are analysed and conclusions made based on the data.

The findings indicated that legal English is complex jargon that does not reach the layman since it is very different from ordinary English.

The response from the samples used showed that those outside the legal field vehemently support the simplification of legal English whereas those in the field showed a lot of conservatism, although a few agreed that legal English is a very complex jargon as the research was out to prove.

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DEFINITION OF TERMS

Legal English	this is the type of English that is used by the people who practice the law. It is also the one that is used in the written legal documents
Legal documents	These are the documents that are written for law purposes.
Constitution	It is the book in which the laws of a country are written down
Jargon	(oxford dictionary) defines the word jargon as technical words and expressions that are used mainly by people who belong to the same profession group and are difficult to understand.
Register	the words, style, and grammar used by speakers and writers or a particular type of writing.
Litigant	someone who is making a claim against someone in defending themselves against a claim in a court of law.
Statute	a la passed by a parliament council etc. and formally written down ; a formal rule
Maxim	well known phrase or saying especially one that gives a rule for sensible behaviour
Aberration	an action that is different from what is usually happens or what someone usually does
Plaintiff	someone who brings a legal action against someone in a court of law

- Layman** people outside any field and are not familiar with any thing that goes on and not trained in a particular subject or type of work
- Pomposity** use of very important words to make people think you are important especially by using very formal sounding words
- Wordiness** using too many formal words
- Ambiguity** having more than one meaning so that it is not clear which intended
- Violate** disobey or do something against an official agreement, law principle

ORGANIZATION OF THE STUDY

The study is organised into six chapters, and appendix I- V.

Chapter one entails, the background of the study, Introduction, statement of the problem, hypothesis, aims and objectives, rationale of the study, methodology, and the literature review.

Chapter two consists: Historical background of legal English, linguistic features of legal English, pomposity, lack of clarity, wordiness dullness of the jargon, linguistic aberration of legal English.

Chapter three is made up of: foreign words in legal English, statutes (foreign words) in legal English, list of foreign words in legal English, French words, and the role of foreign words in legal English.

Chapter four entails: Grice co-operation principle and legal English, the co-operative principle, the maxim of quantity, information contribution, maxim of quality, concept of truth, lack of evidence maxim of manner, obscurity, Bravity, orderliness and the maxim of relevance.

Chapter five is the data presentation student questionnaire interpretation, interpretations of students response court clerk questionnaire interpretations, court clerk interpretation, laymen's questionnaire interpretation, laymen's response lawyers questionnaire interpretation, lawyers response of all the samples based on the simplification and conservation of legal English and data analysis based on the conservatism graph of legal English.

Chapter six contains the summary, conclusion and recommendations to the study.

The last part is the appendixes: Appendix I is the questionnaire for the linguistic experts, Appendix II is the questionnaire for the lawyers, Appendix III is the questionnaire for the court clerks, Appendix IV is the questionnaire for the students and lastly questionnaire for the laymen (delegates)

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CHAPTER ONE

1.0 BACKGROUND TO THE STUDY

Language is perhaps the greatest of all human inventions. Most people think of it merely as the chief means of communication but it is more than that; it is the chief medium of thought. For lawyers, language has a special interest because it is the greatest instrument of social control. Lawyers are perhaps apt to regard law, as the sole or chief means of social control, forgetting that law is only a special department of language and that, whereas the application of law is limited, language is all pervasive.

Like most other human activities, law is both a product of and dependent on language. The relationship between law and language is in some ways special. Law employs statutes, regulations, codes and other instruments by which those in power attempt to order or control large numbers of future actions and events. It ignores the fact that language has rules that are neither speaker – nor situation – specific. Law has a special use for language shorn of many of the normal conversation and contextual embellishments ordinary discussed under the heading of pragmatics.

Language is part and parcel of most interpersonal transactions but removing language from an interpersonal context, puts particular weight on language in its own right, on what is called in the speech act tradition utterance meaning, rather than speaker's meaning.

Law is a shared concept between the people in the field of law and the laymen, but legal English has unique characteristics, which separate it from ordinary English. The principles of that law must comport with our shared understandings of proper conducts and thus with our “shared concepts” so that ordinary persons not trained in the law are not met with surprise when they come to court. But the truth cannot be turned upon its head to justify using some language other than the language of our daily lives for the language of the law

Fredrick (1991:16) says that

“... of the only reason to try to use some language in the law other than the ordinary language of people... is to enhance the mystery of the law”.

Since the law is for the society and not for the drafters, it should not be mystified by use of any language rather than a language for the ordinary man. Any type of language especially one that is not accessible to the layman, should be avoided Fredrick (op cit: 17)... says

“... that jury instructions necessarily are supposed to be in English, not in some language only lawyers can understand and are not to be replete with legal jargon or legal niceties”.

1.1 INTRODUCTION

We learn technical language as adjunct to the ordinary language. Some technical language we learn as we grow up, while other we learn by study, because we come to know, develop interest in and do things that not everyone or even most people do. Legal language is not learnt by everyone,

but the law should be known and be accessible to everyone, even those who have not learnt.

Legal English as a technical register for those in legal profession should not over took its social function, that its participants are not both competent in its technicality. The danger is that this technicality can lead to injustices when the law exists to maintain justice. As is true of dispositional definitions, defining technical language by cross-reference of how members of a discipline, occupation, or activity talk with one another raises some questions. Certainly, if someone who speaks technical language uses that language in speaking with someone who does not know the language, the conversation may never get off the ground. The other may not understand at all or may misunderstand.

Caton (1963: IX) says that “... *the language of the law constrains us because technical terms can become cut off from ordinary language but...requires that the law be available to each of us without the intercessional aid of someone who is trained in the law.*”

The courts and the lawyers are not the only participants grouping, businessmen and women and corporations and their customers out number and out vote lawyers of bench and bar concerning the discourse. Therefore, the law should be in a language accessible to them.

The courts cannot wait for our language to catch up and solve the problem; it must decide the case in resolving the issue before it. The judicial system should point the way for future development of ordinary English.

Legal English is a register, therefore not independent. The course of a linguistic variant in a community is not haphazard. It is consistently directed along the paths of social value, professions, age and even sex. The selection of any register is determined, by the social value assigned to it. The speaker's attachment to his variety and his language is symptomatic of the cultural load his language carries for him.

Without giving up varieties of language, people can adjust to each other's variety of languages. Legal English should try to adjust to the common man's language since this does not mean that it will give up its own unique features that distinguish it from the other varieties. Languages can be used to achieve numerous and diverse ends. That of social control is, however, the most significant, from an individual and societal point of view. Social control seems to be the main objective of legal English. The varieties of language that operate in different groups of people for different functions is what is called a register. Each different register has its own vocabularies which distinguish it from any other register and these vocabularies are relevant to the profession.

Legal English can be referred to as a register of English and the manner in which the legal professionals manipulate it form the legal jargon. The contemporary dictionary defines jargon as technical words and expressions that are used by people who belong to the same professional group, and the jargons are difficult to be understood by people outside the profession. The study will therefore look at legal English from a perspective of a jargon among legal people and describe the features that place it above the ordinary English.

1.2 STATEMENT OF THE PROBLEM

The task of the study is to describe the legal English and investigate if it violates the Gricean's principle of conversation; which makes it inaccessible to the layman and sometimes the justice the layman deserves is broken through the legal complexity of language.

The study will provide suggestions and recommendations on how the jargon can be simplified to the layman's accessibility.

1.3 HYPOTHESIS

It is our argument in this study that legal English violates the four maxims of conversation which advocate for quality, quantity, relevance and manner for any effective communication. The study will test the efficacy of the hypothesis through the collection of data, which will be analysed under the four maxims mentioned.

1.4 AIMS AND OBJECTIVES

The aims of the study are:

1. Describe the legal jargon of the lawyers.
Jargon of the lawyers is a very technical language, which is not accessible to any layman who has not gone to the school of law. The study will describe these technicalities and establish how it contributes to the complexity of legal English and interfere with effective communication.
2. The study will argue that the unnecessary wordiness, pomposity, lack of clarity and dullness of the legal jargon affect the communication between the layman and the legal expert.

1.5 LIMITATIONS AND SCOPE OF THE STUDY

The study will be limited to the non-cooperatives features of legal English like; wordiness, pomposity, lack of clarity and aberration.

It will also be limited to Kenyan legal English in terms of both written and spoken legal speeches.

The study faces the limitation of the investigator's competence in the interpretation of the archaic words, which characterize the legal English. In terms of literature review, there is limited information since the concern of legal language is just on the onset of being a major concern to the scholars.

Collection of data will also be limited since not many people possess legal competence to provide authentic data.

The study will also be very restricted to the language of the law and will not attempt any discussion of the legal content. There will be no attempt at analyzing the content of the law but only its jargon.

1.6 RATIONALE OF THE STUDY

The study aims at helping the layman by raising a finger against the legal English and its complexities which sometimes break communication between the layman and the legal experts and sometimes he feels denied justice.

The study will also benefit the law students because if the legal English can be simplified it can become easier to study without all the foreign words, archaic words, ambiguous words and the wordiness of the

legal documents. The students find it difficult to assign special meaning to ordinary words as the legal jargon does. This makes these words very different from the ordinary words.

Chitty (1972:24) says that

“ ... a difference in the mere words does in several cases make a difference in law since the ordinary meaning of words is not what is communicated in similar ordinary words used in legal contexts...”

The study will also benefit the court clerks because if a simpler jargon can be advocated for lawyers, they can have an easier time writing notes for them.

Meetings between legal experts and the laymen will benefit from the study. For instance, during any constitutional review meetings. If a common language can be established such meetings can be a big success due to effective communication between the two groups.

1.7 METHODOLOGY

The method that will be used in the study for data collection will be the issuing of questionnaires to different samples. The samples will be divided into two: those in the legal field and those outside the legal field. The sample selected as those outside the legal field include: the laymen, and the linguistic experts from the university of Nairobi. And those in the legal field include lawyers, law students and the court clerks. Court clerks, as a sample is half in the law and half in the layman category. The data will be presented in form of tables, which will be interpreted in a bar graph.

1.8 LITERATURE REVIEW

Legal English has come under serious criticism from scholars due to its use of technical terms and foreign words, which have been adopted from the original drafters of the English law. This combination brings a lot of vagueness and obscurity in the expressions found in legal English.

Fredrick (1979:67) notes that

“...legal English as a technical language often operates in a context that makes legal terms have different meanings from those they bear in non-legal contexts of use. ...legal English must remain attached to ordinary English since the former is parasitic on the latter”

Legal matters involve the layman as much as it involves the legal experts. Therefore the language that operates should be a common one to both parties. Legal English should not detach itself from ordinary English since in doing so it detaches the ordinary man from the legal matters, which concern him. Some of the words that are used in legal English are substanceless since they are archaic and their meaning outdated. The jurisprudence should be updated and the substanceless words removed

Cohen (1935:815) says

"... sweep away the magical but substanceless words that make up the jurisprudence so that we will have an unobstructed view of the situation and a problem to which we can address ourselves..."

Much of the legal speeches obstruct the layman since most of the vocabularies are inaccessible to him in terms of meaning. A simple language should be used so that any layman can participate fully during proceedings in a courtroom. Or if not so, at least follow the development of a case.

Fredrick (1991:15) puts it

"... the language of injunction should be in all cases clear and explicit that unlearned man can understand it without the necessity of employing a counsel to advice him."

Therefore legal English being an injunction language should reach the layman as clearly as possible so that he can take his part fully during case proceedings without paying any lawyer to represent him.

Fredrick (ibid: 16) says that

"... the only reason to try to use some language in the law other than the ordinary language of the people is to generate income for the lawyers or to enhance the mystery of the law"

This mystery of the law should be shed off from the legal English since it causes all the confusion and the breakdown that arises between the layman and the legal system.

In law, language is very important since it involves grave matters and there is a great need of understanding between the legal system and the layman. The language in the legal system operates differently from the other professions.

Fredrick (op. cit: xii) says that

"... language plays an important role in the operation of the law that is different from, even if not necessarily greater than , the role it plays in facilitating many other forms of human interactions."

Therefore it is very important to have a successful communication exchange during any legal proceedings.

Glanuile(1946:61) says

"... Jurisprudence too is in my opinion badly in need of semantic analysis"

Semantics as a study of meanings of words can help greatly in establishing a simpler legal jargon, which is accessible to the layman. The meaning of most of legal words needs updating in terms of their meanings.

As society changes, the language of the law should change to adjust to the law outcomes. Many people are getting enlightened and this has opened new ways in which the society is taking. Lawyers and the judges should change the language of the system to the level of the ordinary man who is not competent in legal matters.

Posner et.al. (1991:14) supports this argument and says that

“... as the society changes judges within the broad limits set by the legislators and the makers of the constitution must adapt the law to the altered environment”

This is the only way the layman can receive the justice that he deserves from the legal system. Therefore the study is part of the beginning of the big revolution being anticipated in the legal system concerning legal English for the benefit of the layman. Such movements have already started abroad like “sui juris’ and the plain English movement in America.

CHAPTER TWO

2.0 HISTORICAL BACKGROUND OF LEGAL ENGLISH

The legal system was highly influenced by the conquest from the Normans and this determined the whole future of English law. The conquerors installed their language into the legal matters, the government and their influence diverted the current legal development and this influence is still felt even today in the English legal system. Gradually but firmly, important branches of the administration of justice were drawn into the hands of the Royal authority.

The strangest effect of this conquest was the introduction of the official Latin and Anglo Norman, into the legal system. Courts records and the official documents were kept in Latin after the conquest. It is only in 1730, under the protector Cronel, the documents have been kept in English. The Anglo-Saxon Doms were largely written in Anglo Saxon, though there were some in Latin probably of Norman period. The yearbooks were kept in Anglo Norman, a language from old French.

After the yearbooks came to an end, the reports were written in a very garbled form of Anglo Norman. Pre rolls used to signify particularly the records of courts were written in Latin and Italian. English became the new language of enrollment only after a very late date. Even after the English speaking nations attained their independence, and adopted the legal system of their conquerors, they also did not translate their legal system wholly into English, since they thought that the language of their colonizers

was superior to theirs. The legal English was mixed with the foreign words to make its users have a kind of jargon that is different in form and status from the ordinary English. Even phrases like my lord, referring to the judge or the learned judge continues to be used upto date.

The archaic words that are present in legal English can be traced back to this Anglo-Saxon time or old English compared to the present Modern English. These words are very common in the constitution. Words like thence, hence, forthwith, whence and many more in this category. These words should be updated to suit the intended modern layman who does not know their origin or meaning.

2.1 LINGUISTIC FEATURES OF LEGAL ENGLISH.

Any given register of language portrays unique features that distinguish it from any other register and also from ordinary form of that language. A registry unites its members in a kind of priesthood, which is not open to anyone outside the profession. Legal English exhibits very technical linguistic features, which make it one of the most complex registers among many. Unlike other professional registers, legal English serves a very important social function that demands its accessibility to even those outside the legal profession.

Legal matters involve those outside, more than those inside. Therefore, its linguistic features should not create a barrier to the layman in terms of its accessibility. On the contrary legal English is characterized by language features that make it very inaccessible to the layman. Some of these features

include: use of alliteration, metaphors, symbols, ambiguity of words and words which acquire different meanings from the ordinary ones.

The vocabulary of legal English entails very technical terms, which give special effect to legal speeches as listened to, by a layman in the courtroom. The overall aim of using these features is to place the jargon of the lawyers above the ordinary English and above the layman. Fredrick (1990:4) says that

“ ... no one can say that the language of the law is a technical language accessible to all speakers of English , lawyers and laymen alike. The language of the law must simultaneously function for the professionals who work within the system and for the citizens who live within it... ”

The study will discuss four of the most salient features, which characterize legal English and make it inaccessible to the layman. Examples will be cited from legal proceedings and legal materials.

These features are:

- Pomposity
- Lack of clarity
- Wordiness
- Linguistic abberration
- Dullness of the jargon

2.2 POMPOSITITY

This is the use of pompous sounding words in a conversation, speech, or an argument. This is a salient feature highly utilized in the jargon of the lawyers. The lawyers purposely select vocabularies in English and

incorporate them in their arguments. These vocabularies are not commonly used in the ordinary talks since they have similar words that are not as pompous sounding. The meanings of these vocabularies are not easily accessible since they sound strange.

These vocabularies make the lawyers speeches sound very unique from ordinary English. The pomposity makes their arguments very complex and not easily interpretable. Derivations of uncommon words make legal speeches and argument sound pompous since in the ordinary English, these derivations are not common. An extract like the one below from a seminar by a lawyer would throw a layman off balance due to the underlined derivations.

"... the thing that counts most is that the rules be understood in instrumental terms implying contestability, revocability and mutability"

Moreover, the consecutive arrangement of these words makes them create alliteration which makes the words sound more pompous. Even when the lawyers get involved in cases concerning other professions, they select and utilize the most pompous words from that field. They do not select the simple words that are usually utilized in every day conversation. They pick very technical words, which even the professionals in that field would not use in the presence of the layman. Below is an argument of a lawyer in a courtroom. In his description of the victim involved in an accident, he utilizes very technical biological terms which can only be understood by a professional in medical field, or the lawyer himself, even the judge might find it difficult to understand.

“There was a large area of oedema in the loin ... with extravagated blood. Swelling from the lower cervical vertebrae to the sacrum with a lacerated wound on the forehead”

(E. A . Year book 1965: 1165)

The underlined words could catch the judge unawares since this is not his field and the pomposity in the words makes interpretation even harder.

Legal English is full of foreign words like Italian and Latin. These words sound pompous since their pronunciation is quite different from the one of English. Therefore when these words are used together with the English pompous ones, this adds pomposity to legal speeches. To the layman the legal English sounds very detached from ordinary English of the ordinary man. This breaks communication and it becomes very hard for the layman to follow the proceedings.

Below is an extract from *criminal law review* of (1959:360) the litigant could not have understood what the Latin words meant since they are strange sounding

“ ... the court of appeal had that it made no difference because the marriage was voida da intio...”

It is not very easy for any layman to understand these terms in an instant. Lawyers make their arguments in courtrooms completely ignoring the litigant and completely shutting him off with their pompous language.

The extract below from the *George Town Journal* the lawyer uses the underlined words, which the negotiator cannot comprehend. One wonders whether this is justice on the side of the layman involved.

"... understanding these two strategic goals will not make the novice the negotiator as expert as the grizzled veteran overnight. The construct does not provide filth algorithm for selecting negotiating tactics... .."

The objective of lawyers' pomposity is not a credible one. There is no good reason for its presence since all it does is to break down communication between the practitioners and the layman. Sometimes it also breaks down communication between the practitioners themselves since the range of pomposity differs from one individual to the other. The judge might not understand all the pompous words the lawyers use in their argument. The extract below from the *Lawyer magazine* (Feb. 2003: 18) was a quoted instance, when a judge failed to comprehend the pompous words used by a counsel in his argument.

... " the quintessence of our supplication is the defendant's oxymoronic disposition... .."

2.3 LACK OF CLARITY

There are various characteristics of legal English that lead to lack of clarity in legal discourse. Most of these characteristics are not present in the ordinary English of the layman.

They include:

Ambiguity: Most of the well known English words don't have similar meanings in legal field as they are known by the ordinary man in ordinary English. They acquire special meanings in legal contexts and therefore, the

ordinary man with his ordinary interpretation will find the words wrongly used. And fail to get clearly the intended message.

Experts in law find it difficult in constructing and preserving a moderately precise technical language due to ambiguity. Most terms have two interpretations; the legal one and the non-legal. For instance the word 'right' can talk of ownership of things or ownership of rights. 'Estate' ordinary meaning is some land, but it can mean an 'estate of rights'. The latter interpretation of these words can bring confusion. This confusion makes everything very unclear. The ambiguity of words gives trouble to lawyers not only manipulating their own technical language, but also the construction of non-legal documents. This results into unclear expressions by the lawyers and hence, what reaches the layman can be termed as very unclear.

Punctuation in most of legal document contains very long sentences that are not properly punctuated. The Acts or the laws contained in the constitution are expressed in paragraphs called clauses, without full stops or simple clear sentences. When something is expressed this way, it lacks clarity since it does not give the listener ample time to absorb or follow the meaning of the words in the construction coherently. The Laws / Acts contain very crucial part of human life. They are a matter of life or death for the layman involved. Therefore, they should be expressed in a very clear and precise language to pass a clear message.

For instance, the paragraph below from the draft constitution of the republic of Kenya, Daily Nation 2002: 27

(k) "... May provide for constitutional commissions and constitutional office holder to recommend the president that an inquiry be held to determine whether there are grounds for the suspension of a devolved government on the devolved government on the basis that the devolved government has failed to discharge its function fairly, honestly or efficiently in accordance with the constitution or the Act."

The ungrammaticality of the above paragraph is that, it is punctuated as only one complex sentence. It is too long to be called a sentence. It should have full stops and simple sentences to make it clear. When it is like this, the message in it reaches the layman very unclearly. Proper punctuation should be administered to most of the Acts in the Kenyan constitution.

Repetition: Legal expressions can be regarded as containing unnecessary wordiness. And it becomes very unclear when the repeated words have similar referents or different referents. For instance, the Act quoted above, the term 'devolved government', is repeated twice close to each other creating confusion. It is not easy to decide if the referent is the same or a different one.

In the clause below the definition of a legatee, the repetition of the word 'wife' make it very unclear and it makes the whole clause very unclear. It is not very clear the 'wife' is one person or different people.

" a gift to the wife of the third person prima facie , is a gift to the person who was the wife of that person at the date of the will and not after the taken wife... .. "

When something is said in precise words it passes a very clear message. Therefore, the repetition in the constitution should be removed.

Use of foreign words: Legal English is mixed with a lot of foreign words, most of them Latin ones. The message in them does not reach the layman. Therefore when included in legal arguments the message in them does not reach the layman it is kind withheld from him. He will not understand clearly, what is going on. For instance, the above quoted Act on legatee, the information in the foreign phrase, 'prima facie' can make the whole Act very unclear to any layman since the information in them does not reach the layman.

For easier accessibility of the law and effective communication, in legal fields, these phrases should translate or simplified. In any communication, the speaker and the listener need to share a common language. If one side fails to understand the other, the result is communication breakdown. A clear expression from both sides is important for both sides to participate fully in the exchange. Lack of clarity from either side is a great disadvantage to effective communication taking place. Legal matters involved the layman more than they involved the legal experts. Therefore they should be expressed in a very clear terms from layman's perspective.

2.4 WORDINESS.

Wordiness refers to the repetition of the same word over and over again. It is the most salient feature, which characterizes the legal jargon. In

other words, it is called tautology. It is a common occurrence in both spoken and written materials. This creates a lot of confusion since the repeated words sometimes refer to different entities and at the same time, they could be ambiguous.

For instance, a clause from CAP 385 of the Kenyan forests reads like this: (Laws of Kenya vol. VIII caps 360- 410)

“... Any person without authority marks any forests affixes or produces upon any forest officer to indicate that such forest produce is the property of the government or it may be lawfully cut or removed.”

The repetition of the phrases ‘forest’ can be regarded as tautologies. The whole paragraph is meant to be one sentence. These two combined make the whole CAP very difficult to comprehend. The adjective ‘any’ is also unnecessarily repeated. The clause can be written in simpler words to make it clearer than it is.

When such clauses are read to litigants who have broken such a law, it will not be clear to him which law he has broken. Considering the awareness sweeping the whole nation about their own justice, it will only be fair for the laws to be expressed in a simpler language which not only the legal experts can understand but that can be understood by the layman. Same repetition in Kenyan railway corporation Act, chapter 397 sect. 31

“...The corporation shall not be liable for any loss arising from delay to, deviation, or detention in the carriage of goods unless the delay, detention or deviation is caused by the want of reasonable foresight and can on the part of the corporation or any employee... ”

Delay, Deviation or Detention together can be avoided from the clause just one of them, the second one is enough, used together with the pronoun 'they' to replace the other two.

In the draft of the constitution of the republic of Kenya 2002 Daily Nation Wednesday October 2002 regarding THE BILL OF RIGHTS tautology was overlooked during the review such as the one below is really confusing due to the use of the repetition of word 'right'.

"... Provision in the registration shall not limit a right or freedom set out in the Bill of rights so as to derogate the core or the essential content of the right..."

It is a long, complex sentence and the repetition of the word three times does not make it any clearer. Language communicating important issues like the above should be made clearer to make sure that the message has reached the intended audience.

Wordiness in legal jargon is also seen in use of words which have lost meaning or which can be said to be archaic. For instance, in the draft of the constitution of the republic of the Kenya 2002 (Daily Nation Wednesday October 2 2002) regarding Kenya- Uganda International Border, the use of thence and all the italicized words can be quoted as unnecessary wordiness.

“... Thence by a straight line still northerly to the most westerly point of Kiringiti island; thence by a straight line still northerly to the most westerly point of Magere island...”

All the underlined words create a lot of confusion in that clause. Some of these can be omitted to reduce the wordiness of that clause. It is not easy to understand the exact location of the border in question.

Simple verbs are also used with a lot of repetition in legal English. For example, a motorist is usually charged with ‘overspeeding’. The phrase ‘over speeding’ does not exist. But the verb ‘speed’ means move along or go quickly. ‘Over speeding’ seems to be unacceptable tautology. ‘Speeding’ is actually the idea meant to be communicated by the one who talks of ‘over speeding’.

The whole of legal jargon is full of this feature of tautology. It is something that can be done away with. It is not a must to say something in so many words. Much tautology will only result to a lot of confusion

2.5 DULLNESS OF THE JARGON

A listener of any conversation speech or argument likes to follow the progression and flow with whatever the point is being made. If he happens to get lost along the way due to the above discussed features, he becomes bored and finds the argument dull to listen to. Since the layman fails to follow legal speeches and constructions, from his point of view it becomes a dull jargon.

Use of uninteresting archaic words instead of the modern ones can also make this jargon very dull. On the contrary, very pompous technical words will not make it either interesting to the layman. For any communication to be interesting, the language in operation needs to be precise, to the point and one that is shared by both parties of the participation.

This will make the exchange livelier and there will be no communication breakdown. Many laymen refer legal jargon as a very boring jargon since they don't follow what legal experts say. That is why not many people get involved in legal matters.

2.6 LINGUISTIC ABERRATION IN LEGAL ENGLISH

The word aberration means grammatical mistakes. In legal English, a lot is assumed about grammar. Grammatical rules are broken, even lack of consistency in spelling of some words. Punctuation is another grammatical error in written legal documents as already discussed.

Below are some examples of aberrations in legal English;

- 1. An injunction to restrain the defendant from disposing off the plaintiff's property.**

The grammatical error here is the misuse of the phrasal verb 'dispose off'. The phrasal verb means getting rid of something, quite contrary to what the phrasal verb is meant to mean. It is supposed to mean that the defendant sell for compensation the plaintiff's property. Therefore the information passed here is misleading. That is why it is advisable to use a simple language without phrasal verbs, since there is a

contradiction between the legal interpretation and the ordinary interpretation.

The layman will get this information in his own way, contrary to what the judge means. There should be a code of interpretation of such grammatical features as phrasal verbs, which should be accessible to the layman involved in legal matters and legal experts to avoid confusion.

2. In another case quoted by the lawyer magazine of (Feb. 2002: 19) an advocate argued that a certain affidavit be 'struck off' on the grounds that the deponent used 'he' pronoun instead of swearing the affidavit in the first person 'I'. A high court judge 'struck off' the affidavit on the grounds that the verifying affidavit the deponent purported to verify not the correctness of the averment in plaint, as required by the rules, but facts in the plaint. The grammatical error present of using, 'we' instead of 'I' changed the judge's final verdict.
3. The legal profession likes to appropriate particular spelling of words and leaves the rest to the laymen. For example, legal English is not consistent on the spelling of word judgment. They alternate it with judgement. The statutes and law reports use the spelling judgment while the recent Amendment the Civil procedure Rules Order III 9A use the spelling judgement.

This is lamentable in the alteration detail on the parts of Rules committee in a matter so grave as the legislation. The correct spelling of the

word should be judgment without 'e' after 'g'. This error should be corrected and consistency established in all the legal documents.

4. **Summons have not been served.** In this statement, the first grammatical error is the omission of the article 'the' and using the plural form of the verb 'has'. The last letter 's' does not indicate plural as thought here but it is part and parcel of the word. The word is summons. Therefore, using the plural verb 'have' is a great grammatical mistake. The advocates should have a clear complete consciousness of the grammar before appearing in courts to avoid such errors.

5. **I do appear for the plaintiff.** This is a first introduction. No doubt has been expressed that the particular advocate is representing the plaintiff. The need for emphasis through the use of the verb 'do' does not exist.

6. **Counsels for the parties.** The problem here is similar to the one with the word summons. The assumption is that the plural of the word counsel is counsels. But the plural form of the word counsel remains unchanged. So the correct way should be 'Counsel for the parties'

The above named grammatical errors are just but a few in legal English. There so many more that need attention to avoid confusion on the side of the layman and the judge, since whatever argument the lawyer makes may shape the decision the judge is going to make and determines the life of the litigant. Justice can only be done if such corrections and seriousness is shown for the sake of the litigant.

Legal Experts like to create, out of ordinary English, a jargon that is detached from ordinary English and cannot be understood by any layman, without having gone to a law school. If this is the case, they should not create a jargon that violates the rules of ordinary English for its survival. They should do so following the set universal rules that govern any language for effective communication.

Issues such as the ones discussed in this chapter, which characterize the legal English, should be avoided completely. Since legal matters concern the layman more than they concern the legal experts, legal English should strive hard to attach itself to ordinary English rather than detaching itself. It depends on ordinary English for its survival and it cannot be regarded as an independent form of English. Therefore, features of legal English, which keep the layman at bay in legal matters and deny him a chance to participate fully during proceedings, should be done away with in legal English.

CHAPTER THREE

3.0 FOREIGN WORDS IN LEGAL ENGLISH

Many foreign words and phrases exist in legal English as part of the language used by the lawyers and judges. The legal terminology used to refer to these foreign words is 'statutes'. These statutes mostly originate from Italian with a few from German, and French. They are widely used as part of the language that operates in the legal field and this complicates the English of legal practitioners.

Latin /Italian was the language of power and the legal English has been borrowed from Latin. Therefore the retaining of some Latin/Italian words in the legal English is a sign of giving legal English some power over the ordinary English of the people outside the legal field.

These legal English does not give the layman an easy time when participating in legal matters since it is not even easy to identify their origin. This is another additional complexity of legal English, and it further widens the gap between the layman and the legal system. It makes it a kind of a private language which is meant to be understood by only the lawyers and the judges. Fredrick (1998:6) observes that

"... only lawyers can exploit the capabilities of the language of the law, he alone recognizes some of its limitations...and the language of the law depends for survival upon those it unites in priesthood-the lawyers."

For here we arrive at the bud of a claim that there is something the lawyers know about the language of the law and do with it that which non-lawyers do not do exactly because lawyers are lawyers. Use of foreign terms together with English is one of these things lawyers do with legal language that non-lawyers cannot do. The foreign words mystify legal English, and the layman has to depend on the lawyer for translation. Fredrick (ibid: 7) suggest that

“... legal English can be reduced to ordinary English, but only in translation.”

The foreign expressions that exist in legal English should be translated for the benefit of the layman during proceedings. These foreign terms are not incorporated into legal English systematically. They can be said to have been incorporated haphazardly. Posner. et. al. (1990:69)supports this and says that

“... when the law takes up foreign concepts it often does so in a crude and sloppy ways, failing to avail itself to the up-to-date techniques and formulations.”

For instance, the foreign words present in legal English are not from a selected foreign language but from different foreign languages. There are Latin words Spanish words, and French just to mention a few. Any layman who does not know these languages cannot tell which is which.

Some of these words are archaic and their meanings are no longer in use. Therefore, they are a kind of unsubstantial and contribute to a lot of wordiness. These foreign words should be translated and at the same time updated, and the archaic ones scrapped off.

3.1 STATUTES (FOREIGN WORDS) IN KENYAN ACTS

Kenya borrowed its laws from English law after independence but there was no much change that was made to make the law suit the needs of the Africans. The law remained supreme both in language and status. The legal experts retained the language in the constitution that was used by their predecessors. The legal English has borrowed a lot Latin words since these were the framers of English legal system and by then it was the world's strongest tongue.

French words are also present in the English legal system. But the greatest number of the foreign words are in Italian. Kenyan constitution and the Acts are full of these foreign words and phrases.

Below is the Kenyan Acts concerning the Narcotic Drugs and Psychotropic substances on forfeiture of land use for cultivation of prohibited plants section 4 (a)

"... any land is forfeited to the government there holder of any mortgage or change on such land so forfeited shall, where such mortgage or change was created bona fide and for valuable consideration of..."

The statute underlined cannot be understood by just any layman accused of breaking the law related to this Act. The same statute is repeated in section 9(b) of the same Act. In these statutes, the information does not reach the layman since the language used is foreign to him. Therefore, he might feel as if justice has not been done because he did not understand the whole information regarding the law convicting him.

On the same Act on Narcotics Drugs on Psychotropic substances, section 86 concerning the valuation of goods for penalty on the Narcotic a different statutes appears.

“... the market value of such Narcotic Drugs or Psychotropic shall be accepted by the court as Prima facie evidence value thereof.. ”

Another different statute is in the Application of provisions of Acts to Corporations section (44)

“... The provision of this Act shall subject to subsection (2) be applicable mutatis mutandis to the corporation. ”

The same is repeated in the Banking Amendment and many other Acts. These phrases are in Latin and it is not an ordinary language for ordinary people who have not gone to the school law. Almost in every area of the constitution, theses foreign terms are applied. The Act of the parliament to make better provisions for the advancement of university education in Kenya and for connected purposes (sect 4) [3], also has a different statute.

“... *The members of the commission other than the ex-officio member or member appointed under section 4(1) may resign his appointed by alter in writing addressed to the parliament.*”

The Acts in the laws of Kenya are mostly made for the layman and they concern the lives of the laymen more than the legal experts. For instance, an Act to do with the insurance deals with crucial transactions between the insurance company and its client the layman.

The law is like a third party, who gets involved, in the later stages of the matter. Therefore an Act like this one should be very clear to the layman lest he loses his money to the company. Inclusion of these statutes can be a great disadvantage to the layman. Below is the Kenyan Act on the insurance.

The Kenyan Insurance Act. 94

... an insurable shall be demanded to be heard by:

- (1) *A parent or a child under eighteen years of age or a person in loco parents of such a child, in the life of the child to the extent of funeral expenses which may be incurred by him on the death of the child.*

The parent is at a loss here because he has to depend on a lawyer or an expert in the field of law to interpret the meaning of the Act. If only, the statute could be translated he could not waste his money on the lawyer. In Banking the Acts are also dominated by these foreign words. For instance the finance Act below has them in both sections (a) and (c) Finance Act relating to banking NO. 3 states:

(a) *In the case of the ad volorem duty, to an additional ten- percent increase on the stated percentage rate.*

(b) *In a case where both the ad volorem percentage rate and specific rate are provided to an increase or.....*

The inclusion of these statutes is only for mystifying legal English. For instance, something like the definition of terms that are used in the constitution should be defined in a simple language.

In the legal field these are defined using the biological species and classes, which are in Latin. To the layman instead of defining these terms, they have been complicated further. For instance, the terms used in the Act 5 of the Narcotic Drugs and Psychotropic Substances have been defined thus:

'Coco Bush' means the plant of any species of genus erythroxylon from which cocaine can be extracted.

'opium poppy' means the plant of the species papeuer sominiferum from which opium of any perianthrene can be extracted

. similarly , on Act of National Cereal and Produce Board Act 1985:

'wheat' means the grain of the plant triticum vulgare and tricum durum

'maize' means the seed of the plant zea mays and includes maize on the or off the cob crushed.

The terms above should be defined in a language accessible to the layman involved. The legal jargon applied is too technical for any layman's

interpretation. The only person who can be conversant with such kind of technical language is the lawyer. Even the judge might not understand these biological terms.

This results to communication breakdown since the language operating is not common to all the participants.

Harrod Barret (1973: 154) supports this and says;

"... rhetorical values have to do with audience acceptability and responses with the effect that language is suitable and adoptive in a given speaking situation... it means "talking the listener's" language ... language which is pedantic or highly scientific, unfamiliar or ungrammatical... may prevent identification therefore interfere with communication..."

If it is the farmer, to him, 'wheat' is 'wheat' it does not fall under the two legal definitions given in the Act. These statutes create a lot of difference in the legal English and the ordinary English. Simple cases are delayed in courts unnecessarily, due to the lack of understanding on the side of the litigant.

These statutes should be translated to the understanding of the ordinary 'Mwananchi' who is not learned to understand foreign languages. This is because words have meaning in relation to the actual lives of individuals. By themselves are simply abstractions of the meaning, which there is little agreement. The way to control such words is in the world of real life. Unless the speaker and his listener can agree and share a common language a proposition cannot be intelligently discussed. Therefore it is

important for legal English to translate all those words called statutes from other languages into English.

3.2 A LIST OF FOREIGN WORDS USED IN LEGAL ENGLISH

3.2.1 LATIN

TRANSLATION

In terrorem	by way of threat
Inter se	between among them
In toto	in whole completely
Intestato	without a will
Intra	within
Intra vires	within the powers; persons Scope of authority
Invaduate	to pledge mortgage land
Intra fidem	within belief credible
Judex ad quem	a judge to whom an appeal is taken
Infra civitem	within the state
In fidelitas	faithlessness
In facto	in deed
Ex legibus	according to the law
Male facio	tortious
De chimino	a writ to enforce a right of way
In est de jure	It is applied as of right or by law
Fabula	a contract or covenant

EAST AFRICANA COLLECTION

Contrahere	commit a crime
Conjuncta	civil law
Ex post facto	from a thing done afterwards or after the fact
Extus	children\offspring
Escapium	comes by chance or accident
De vicinto	from neighbor hood
De verbo in verbum	word for word
Doll in capax	incapable of committing a crime
Dum	provided that
Escheccumm	a jury of inquisition
Ex re nata	according to a case that has risen
Interrese	a legal interest in property
In ex-amblo	this phrase appeared in deeds of exchange
Infra annum	within a year
In omnibus	in all things, on all points
In principio	at the beginning
Inscriptiones	title deeds written, instruments by which rights or interest are granted.
Infuturo	in future

3.2.2 FRENCH

De certificado	a writ requiring something to be certified
De conflictu legum	concerning the conflicts of laws
De fames	infamous

Defendour	a defendant; the party accused in an appeal
Droit de quit	a right of payment required
Droit de suite	a creditors right to recover a debtor's property after it passes to a third party
Droit civils	private right not connected to a person's civil right
Droit naturel	natural law
Droit e' crit	the written law; the civil law
Droit digite	right of lodging
Droit	a legal right or crime
Escroquerie	fraud; swiddling ; cheating;
Hors de son fee	out of his fee
Deny a' die	earnest money exchanged by contradicting parties
De peage	a court of application different state laws to different issues in a legal dispute
Enheritance	inheritance
En masse	in mass\ altogether
En mort magne	"in deed hand" the conditions of land or tenements held in ably by an ecclesiastical or other corporation
Dol	deceit; fraud committed inducing another to enter into a contract

Darrein continuance	every entry of a pleading after the first pleading on the record
Eyde	aid; assistance; relief
Darrein seisin	a tenant's plea in a writ of right
Dation en paiement	an exchange of something instead of money to satisfy a debt

3.2.3 SPANISH

TRANSLATION

Epiqueya	an equitable principle calling for the benign and the prudent interpretation of the law according to the time, place and person
Hurto	judiciary
Enjicio	bad or mischievous
Dolo	design

3.3 THE ROLE OF THE FOREIGN WORDS IN LEGAL ENGLISH

The law holds a supreme position in the society. Every person adult or a child is under the law. The people involved in the legal matters concerning the law feel they are above the law. This is why they have a language that suits their status and the social status of the legal experts. Legal English is far much above the ordinary English since it is the language of those who know the law.

The various characteristics, which contribute to the complexity of legal English, are incorporated only for the purpose of elevating legal English. The presence of foreign words plays a great role in mystifying legal

English since the layman is unfamiliar with the foreign language. These languages are also the mother tongues of the colonizers who were regarded with a lot of respect and fear since everything about them was regarded as superior. Therefore legal English becomes a jargon that can only be spoken by the few who have been in the school of law.

A language like Italian, which is the language of most foreign words in Legal English, was a superior tongue, when the English law was being drafted. It was the language of the elite in the society, the educated, the merchants and all those people who held important positions in the society.

Therefore, its inclusion in the legal English made legal English acquire a higher status compared to the ordinary English.

It also made legal English become a jargon that can only be spoken by a few elite people of the society who are judges and the lawyers and their people who were in high positions concerning the matters of the law

CHAPTER FOUR

4.0 GRICES COOPERATIVE PRINCIPLES AND LEGAL ENGLISH

4.1 THE COOPERATIVE PRINCIPLE

Grices cooperative principle is an assumed concept in pragmatics. The cooperative principle entails four maxims which act as guidelines to an effective communication.

These are:

THE MAXIM OF QUANTITY

- Make your contribution as informative as required
- Do not make your contribution more informative than is required

THE MAXIM OF QUALITY

- Do not say what you believe to be false
- Do not say that for which you lack adequate evidence

THE MAXIM OF RELEVANCE

- Be relevant

THE MAXIM OF MANNER

- Avoid obscurity of expression
- Avoid ambiguity
- Be brief (avoid unnecessary prolixity)
- Be orderly

Grice (1975)

It should be noted that these maxims are not grammatical rules, since speakers can break them during an exchange. They help in bringing cooperation between the speaker and the hearer as the name suggests. They also assume a shared world between the speaker and the hearer, and so guide them towards a successful communication where they are both satisfied.

An atmosphere of cooperation which is the central issue of Grice's cooperative principle should prevail in courtrooms, most importantly between the litigant and the judge, to enhance understanding of any progression. Legal English breaks this cooperation with its complexity and alienates the litigant from the verbal exchange that takes place in the courtroom.

Grice (1975) suggests

"...that human by nature, cooperate with one another and they assume that this cooperation is taking place even when it is not".

This assumption is what the lawyers and the judges work on since they assume that the litigant gets everything that is said, while in reality they know that he does not.

The cooperation that is needed between the layman and the legal system can only exist if a shared level of language prevails.

The legal English should climb down to the level of ordinary English for the ordinary man. All its complexities should be simplified to avoid the obscurity that exists and hinders the layman from full participation in communication in courtrooms. The complexity does not also agree with the

cooperation principles idea of a shared world created by a common language between the speaker and the listener.

Legal English is very different from ordinary English. Most of its words don't have similar interpretation with layman's interpretation, and therefore the litigant and the legal system seem to come from two different worlds.

Conversational implicature is another component of the cooperative principle. It works through the assumption that, the participants are following the cooperative principle, they are familiar with the context and they can deduce the intended meaning through reasoning. It is not easy for the litigant to deduce most of the meanings intended by the legal English vocabularies through reasoning.

This is because his reasoning is quite different from the reasoning of the legal system. The meaning of legal English vocabularies is not explicit for the litigant to deduce it that easily. For instance, the meaning of foreign words, which are a part of the legal English, cannot be deduced without an interpreter. Therefore, the legal English does not fall in alignment with this part of the cooperation principle.

The four maxims mentioned earlier will be employed to show clearly how the legal English violates the whole principle of Gricean cooperative principle.

4.2 THE MAXIM OF QUANTITY

This maxims states that:

- (a) The speaker should make his contribution as informative as possible
- (b) The speaker should not make his contribution more informative than is required.

4.2.1 INFORMATIVE CONTRIBUTION

The English that operates in the legal system does not provide the layman with the enough information required by the layman involved. This is because the layman does not understand all the terminologies utilised in legal English. For instance, the inclusion of foreign words in the lawyers' speech or the judges' utterance hides their intended meanings.

He has to depend on the lawyer to interpret such foreign words for him. This is not effective communication since the message would not reach him, as it would have if it were first hand. Use of pompous words and archaic words by the lawyers poses similar problem for the layman

Fredrick (1991: 15) points out that...

"...the language of the litigant should in all cases be so clear and explicit than unlearned man can understand its meaning without the necessity of employing a counsel to help him".

The legal should be simplified and foreign terms interpreted so that the layman can participate in legal matters without lawyers. Archaic words are also present in legal English; their message does not reach the layman in

the courtrooms since these words are no longer in use. Therefore these terms should be replaced by modern terms so that their message can be as informative as required.

Pomposity should also be regulated in lawyers' speeches so that the layman present during a proceeding will not depend on court interpreters, who might not be competent enough to provide proper information in pompous terms.

4.2 The second part of this maxim suggests that the participants should not be more informative than is required. Law being a profession of words these words are sometimes substanceless and provide unnecessary information, which confuses and misleads the layman involved. This is a deliberate violation of this maxim by the lawyers. An utterance like the one below, some of the information is not required for the ongoing case.

Kimaiyo (2002: 18) "*...the quietness of our supplication is the defendants oxmoric disposition*"

From the above utterance the case is not about the defendant's state of mind but the lawyer, want to show his masterly and command of legal English and confuses any layman present.

Ibid Kimaiyo (2002:18) Provide another example how lawyers provide information more than is needed in their legal introductions.

"In the matter, my name is Kamau for the plaintiff"

In the above introduction, the advocate means that in a case different from this one the advocates name will be different. A different form of

introduction is required since, the issue of lawyers name being different in another cases is not important in his introduction of every case. An example of a simple introduction according to Kimaiyo is: “... my name is Kamau for the plaintiff”.

Speerber and Wilson (1986: 162) points out that

“...it seems to us as a matter of experience that the degree of cooperation described by Grice is not automatically expected of communicators. People who don't give us all the information we require they would and don't answer our questions as well as they could are no doubt to blame”

To close the maxim of quantity the speaker should provide enough information through a language that is clear enough to reach his listener. He should not provide more that would confuse the listener.

4.3 MAXIM OF QUALITY

This maxim has to do with the truth of the contribution, from both the speaker and the listener. Grice breaks down the maxims in the following parts:

- Try to make your contribution one that is true.
- Do not say what you believe is false
- Do not say that for which you lack adequate evidence

4.3.1 The concept of truth in legal profession is an elusive concept for discussion. Purists know that legal profession is a profession that uses words to kill the truth, especially for the litigant. When the speaker violates a maxim, he may mislead the listener. The legal system, through the use of its

complex jargon misleads litigants to say things they don't understand. This is misuse of language, which sometimes hides what is being said.

Gregory(1978;34) says that

"...a specialised language can of course be misused and become a mode of concealing what is really being said or the fact that there is nothing being said".

Legal English is a strong mask used by lawyers to conceal the truth since the plaintiff or the defendant does not have much access to what most of the words mean. Therefore, the lawyers and the judges can say things of which they don't have evidence and definitely it will not be true.

For instance, most of the terminologies they utilize in their speech borrowed from other disciplines, they use them to impress, not knowing what they mean. A lawyers uttering something like below could be said not have inadequate evidence about the defendants state of mind since he is not a psychiatrist and has not examined the defendants state of mind to describe it as oxmronic.

The next part of this maxim has to do with lack of evidence.

4.3.2 LACK OF EVIDENCE

(Kimaiyo 2002: 18) *"...the quintessence of our supplicanos is the defendants oxmronic disposition"*

In a case like the above, the lawyer violates the maxim of quality. This and many other pompous words lack evidence for their use.

Lawyers also use words to contradict the evidence and argue on their own views. They manipulate the words to fit what they want and not usually the evidence. Fredrick (1991: 142) points out that

“...if a lawyer writes, the proper meaning of ‘implied contract’ is ‘contract implied’ he simply states what in his view should be the usage. The writer thus dresses up an expression of emotion to make it look like a proposition of facts”.

The lawyer expresses his own emotion but not what he has evidence on.

The breaking of this maxim leads to a lot of unfair sentences or punishments on the side of the litigants. Therefore the language of the lawyers, should be one that is understood by the laymen involved so that they can understand when things are being said may be against them without evidence.

4.2.3 MAXIM OF MANNER

The maxim of manner can be regarded as the most violated maxim in legal English since its content is what lacks in legal English.

It entails the following principles:

- (a) The speaker should avoid obscurity of expression.
- (b) He should avoid ambiguity
- (c) Be brief
- (d) Be orderly in his contribution.

Legal profession is a profession of words. In these words, there is more than what meets the eye. Since their interpretation is more than what

any layman expects. This creates a lot of obscurity in the jargon that operates in courts. For instance, the jargon is characterized by use of metaphorical language. This is not any layman's language. If a judge tells a litigant or a witness to "approach to bench", he might not understand right away. Therefore, it will not be clear to him of what the judge expects of him.

4.3 OBSCURITY

The tautology, which characterizes legal English, also contributes to its obscurity. When something is said in so many words, it never comes out clearly. For instance, consider the following part of Kenyan law concerning the definition of who is a legatee of a gift.

"... a gift to the wife of the third person prima facie is a gift to the person who was the wife of that person at the date of the will and not after taken wife"

So much repetition of the underlined words brings confusion. The interpretation needs a second look and most of the times the court does not have this second chance for the litigants.

The foreign phrase also in the same extract obscures the meaning intended since the layman cannot interpret it. Below are some phrases in frequent use in courts with such foreign terminologies:

"This court cannot offer you a writ of habeas corpus; file for a writ of certiorari" such phrases hide completely what the judge is telling litigant or the plaintiff and the lawyer has to come in, to interpret for him. This

obscuring is what Grice says should be avoided for effective communication. Cooperation in the use of language should prevail to avoid misunderstanding. Finch (2000:159), also supports Grice and says

“... Grice principle assumes that people cooperate in the process of communication in order to avoid misunderstanding”.

Therefore, if this cooperation principle is violated, the conversation can result into a misunderstanding.

In the same maxim of manner, Grice points out that the speakers should avoid ambiguity so that the hearer can comprehend fast and easily what is said. This prevents the breakdown of communication since the hearer gives the right and the expected feedback without haste. Most of legal English words are ambiguous and the legal interpretation differs greatly with the one that a litigant expects. Legal interpretation is based on two terms.

Patents ambiguity: This is the ambiguity upon deed or instrument.

Latens ambiguity: ambiguity without anything that appears upon the deed or instrument.

These are not layman's terms and they are evidence that ambiguity exists in legal English. For instance, the word 'execution' could mean signing, sealing and delivering a document or carrying out a death sentence.

The meaning of this term, which the layman is familiar with, is the one for carrying out a death sentence. Therefore, execution of a document is mostly likely to leave him confused.

'Asylum' is another term that has raised a lot of controversy due to its different definitions. It was originally defined, as any refuge. It now means a particular refuge for those mentally diseased, which is the old meaning and has not disappeared from the legal documents. 'Accident' definition becomes ambiguous when it is etymologically defined and judiciary defined. Etymologically it means anything that happens.

This definition is preserved in the remarkable judicial determination that murder is a an accident within the workman's compensation Act, but generally the word means only damage not caused by fault. 'Committee' in the jurisprudence field originally meant one individual to whom something was committed. Recently it means a body of persons.

Clark et al (1996) argues that

"...Compliance within the maxim of quantity, and manner would demand that speakers would produce minimal non- ambiguous referring expressions. This ambiguity according to Grice breaks down communication since the hearer is not sharing a world in terms of word interpretation".

4.4 BREVITY

The maxim of manner also advocates brevity, in the way the speakers expresses themselves. Legal documents and speeches are full of tautology. Something very short is said in so many words, which leaves the litigant in confusion. This has been discussed in the previous chapters as one of the complexities of legal English. For instance, below is the Kenyan Act of Railway Corporation on Transport and can be termed as tautologies due to repetition of many similar words.

"... the owner of engines carriages used on the railway is answerable for any trespass or damage done by such engines or persons employed by such owners and such persons employed may be preceded against such damages."

The word 'such' has been repeated unnecessarily.

Another Act with repetition is like the one below.

"The court does not and cannot grant writ of habeas corpus to people who are in execution."

One of the two underlined words can be avoided without altering the meaning of the statement. This kind of tautology is condemned by the Griceans maxim of manner.

4.5 ORDERLINESS

The last part of the maxim argues that orderliness is a very important aspect in communication. A beginning should be distinguishable and predictable. With all the tautology, obscurity and ambiguity, orderliness is not likely to emerge in legal English. The conversation that goes on in the courtroom cannot flow smoothly since there are a lot of differences between the legal English and the ordinary English.

For instance, things have to be said over and over again, translations, interpretations of foreign words and the interruption of the lawyers break all the orderliness in courtroom proceedings.

Orderliness is noticed only when the judge is talking to the lawyers since they share the same jargon and this alienates the litigants from the proceedings in a courtroom. Grice points out that order in communication

enhances cooperation, which in turn results to an effective communication from both the side of the speaker and the hearer.

If such cooperation existed in courtroom, injustices and unfair trial and judgment would never be something common in courtrooms. Therefore, legal English should minimize all the above-mentioned characteristics so that at least it can slowly close the gap that exists between it and the ordinary English.

4.6 MAXIM OF RELEVANCE

Relevance in any kind of communication is very important to avoid confusion on the side of the listener.

Grice in this maxim suggests that the participant should try as much as possible not to stray from their contribution since this can break concentration and at the end, there is no effective communication. One of the discussed characteristics of legal English is dullness, since it contains a lot of irrelevances, which contributes to a lot of irrelevances in legal speeches and arguments.

Legal English loses its relevance through borrowing of terms from other disciplines and languages. The borrowed words are usually technical words, which the litigant cannot relate to a proceeding case. These terminologies are then planted into legal English and any use of them is a deviation from ordinary English.

The speeches of the lawyers deviate from ordinary English a lot, since they use a lot of terminologies which are not parts of ordinary English. For

instance, an extraction like the one below from East African report, the lawyer has deviated a lot from the law profession into medical field, and used technical terms unfamiliar with the ordinary folk.

This lawyer is giving a description of an accident victim and the terms that he has used can be regarded irrelevant since they are very technical and at the same time from a different field. Even sometimes, these terms can be unfamiliar with the judge since he was not aware that they were going to be used in the case and they don't belong to his area of specialization.

(East African Law Report 1960: 639)

... “ *there was a wide area of oedema in the loins... with extravasated blood... swelling from lower cervical vertebrae to the sacrum with elacerated wound on the forehead”*

A description like the one above is more of a biological context than the one that is required for a legal progression. Use of such vocabularies pushes legal speeches further from the ordinary man.

Another lawyer makes his argument about a novice negotiator thus:

...*Understanding those two strategic goals ill not make the novice negotiator as expert as the grizzled veteran overnight. The construct does provide a pithy algorithm for selecting negotiating tactics”*

The simile applied here is irrelevant to the people present in the court. It does not make any sense to them. But since the lawyer is looking for pomposity and an exhibition of his mastery of legal English, he uses the simile.

Grice advises that such information will only lead to communication break down and confusion on the side of the listener. He condemns such irrelevances. He points out that the participants should remain relevant in all areas of exchange.

The cooperation principle guides the participant toward a cooperation, which sustains communication and partnership between the participants. Dewey supports this partnership and cooperation and says ... Dewey (1929: 179)

“ ...Its communication; the establishment of cooperation in an activity where there are partners, and in which the activity of each is modified and regulated by that partnership.”

Legal English does not give both partners a chance to establish this partnership since it only favors the legal group. Therefore, the activity is neither modified nor regulated, resulting to breakdown communication. This breakdown sometimes leads to unfair verdicts.

Legal practitioners should consider Grice's cooperative principle to help regulate legal English to the level of the ordinary English in a reasonable manner, which will not strip it all its legal characteristics.

CHAPTER FIVE

5.0 DATA PRESENTATION.

The data will be analysed in the form of tables for all the samples that have been used in the research. The results will be interpreted according to the results reflected on tables.

5.1 STUDENT QUESTIONNAIRE INTERPRETATION

The questionnaires administered to the students were in two groups. The first group was first year students and the second was fourth year students.

TABLE 5.1

THE FIRST YEAR STUDENT RESPONSE

Characteristics under test	No. of students	Response	
		YES	NO
Lack of clarity	10	8	2
Pomposity	10	7	3
Dulness of the jargon	10	1	9
Wordiness.	10	7	3

Table 5.2

FOURTH YEAR STUDENTS RESPONSE.

Characteristics under test	No. of students	Response	
		YES	NO
Lack of clarity	10	-	10
Pomposity	10	-	10
Dullness of the jargon	10	-	10
Wordiness.	10	-	10

5.2 INTERPRETATION OF THE STUDENT'S RESPONSE

From the above results, it is clear that the first year students agree that legal English lacks clarity; it is pompous and full of wordiness. 80% of the first year students agree that legal English lacks clarity, and 20% disagree, 70% agree that lawyers and other legal experts utilize a lot of pomposity in their speeches during a case proceeding. Similarly, 70% agreed on the wordiness of legal English and 30% disagreed. It was a very small percentage (10%) that agreed that legal English is a dull jargon. The majority of the students stated that lack of effective communication is legal English does not make it a dull jargon.

Fourth year students are on the defensive side of the jargon since there is no number that agreed that legal English possesses any of the characteristics under investigation. This is a clear indication that the fourth year students have already acquired the aura of lawyers and they cannot

agree that legal English creates any problems to the layman, as he has to interpret. First year students are closer to the layman's point of view of legal English and they are not used to the technicality that is present in the discourse. It shows they would like legal English to come to the level of the ordinary English.

5.3 COURT CLERKS' QUESTIONNAIRE INTERPRETATION

The questionnaires administered to the court clerks were uniform for all the samples. Samples were collected randomly from all areas. Sex was not considered as an influencing variable in the research.

5.3.1 COURT CLERKS RESPONSE.

Table 5.3

Characteristics under test	No. of court clerks	Response	
		YES	NO
Lack of clarity	10	10	-
Pomposity	10	10	-
Dulthood of the jargon	10	10	-
Wordiness.	10	10	-

5.3.2 COURT CLERKS INTERPRETATION

All court clerks (100%) gave a positive response about the four characteristics of legal English under investigation. They all agreed that it has a lot of wordiness, features like ambiguity, presence of foreign words e.g. Latin, lack of punctuation make it lack clarity. They also agreed that the speeches that are used in courtrooms from the lawyers and judges are full of

pompous words. They said that since they don't understand these pompous words easily, they find legal English a dull jargon. Since court clerks are not full trained members of legal profession that is why their response showed an indication that legal English possesses the characteristics under investigation. They don't fully acquire the technicality of legal English, which is possessed by the legal experts like the lawyers. Again they have not familiarised themselves fully with the ambiguity of legal terms or the meaning of most foreign words like the Italian ones.

5.4 LAYMEN'S QUESTIONNAIRE INTERPRETATION

Laymen's questionnaires were divided into two groups. One group targeted was the members of the public who are slightly familiar with legal matters. Or who have had cases in the courtroom or those who have got a chance to visit a courtroom during a case proceeding.

The other group of the laymen was the members of the public attending the constitution review process at the Bomas of Kenya. This group had a good experience of legal English as they participated in the constitution review process and encountered the speeches of the lawyers and the complexity of legal documents in terms of Language. Their responses were the ones that were highly considered by the researcher although, there was a full similarity compared to the laymen who were not in attendance of the meeting at the Bomas of Kenya.

5.4.1 LAYMEN'S RESPONSE

Table 5.4

Characteristics under test	No. of laymen	Response	
		YES	NO
Lack of clarity	10	10	-
Pomposity	10	10	-
Dullness of the jargon	10	10	-
Wordiness.	10	10	-

5.4.2 INTEPRETATION OF THE LAYMEN REPSONSES

The whole percentage (100%) of the laymen agreed that legal English possess all the characteristics under investigation. They said that legal English lacks clarity as they experienced it at Bomas of Kenya during the constitution review meting. This was mostly as a result of ambiguity and the presence of foreign words, as also indicated by the court clerks.

The whole percentage (100%) agreed that the lawyers present at the meeting utilized a lot of pomposity in their speeches and arguments, where most of the vocabularies were in accessible to the laymen present. They all (100%) also agreed that the constitution contains a lot of wordiness which they found unnecessary. They said that this wordiness could be done away with, to make the constitution more accessible to the laymen.

All the laymen (100%) from the Bomas of Kenya meeting agreed that since legal English does not reach the layman easily from his perspective it is a dull jargon.

5.5 LAWYERS QUESTIONNAIRE INTERPRETATION

The questionnaires administered to the lawyers in one group only. The sample was chosen randomly and sex was not considered as an influencing variable. The lawyers came from all over the country not a specific area.

5.51 LAWYERS RESPONSE

Table 5.5

Characteristics under test	No. of lawyers	Response	
		YES	NO
Lack of clarity	10	20%	80%
Pomposity	10	-	100%
Dullness of the jargon	10	10%	90%
Wordiness.	10	10%	90%

5.52 LAWYER'S RESPONSE INTERPRETATION.

The lawyers are on the defensive side of legal English. Very small percentage agreed that legal English possess the characteristics under investigation. Those who agreed that legal English has these characteristics tried to justify their presence.

For instance 80% disagreed with the fact that legal English lacks clarity. They said that the presence of foreign words like Latin and use of pompous words whose message is not clear to the layman, is necessary to

give the jargon its unique characteristics, which make it different from ordinary English.

The 20% who agreed that legal English lacks clarity did so but were not sympathetic to the layman who is affected most by this.

None of the lawyers agreed that legal English is a dull jargon. They said that the people outside the field find it dull because, it is different from ordinary English.

90% agreed that legal English is pompous. They said that from a layman's perspective it might sound pompous, but this is again another unique characteristic of legal English.

10% agreed that legal English is pompous and the lawyers utilize very uncommon vocabularies in their speeches which sound strange to the ears of a layman. They agreed that these pompous words can be done away with and simpler words used instead.

90% of the lawyers disagreed that there is a lot of wordiness in the constitution and other written legal documents. They argued that all the words used in any written legal document are necessary and removing them, would mean the distortion of legal documents.

10% agreed that there is unnecessary wordiness in the constitution since one word can be repeated, or instead of using pronouns, words can be replaced by pronouns instead of being repeated.

5.6 DATA ANALYSIS

After the data presentation and interpretation based on the agreement and disagreement that legal English possess the characteristics under investigation, the researcher analyses the data on the responses of the samples of those who agreed and those who disagreed on the simplification of legal English.

The table below reflects the responses from all the samples about the simplification and conservatism of legal English.

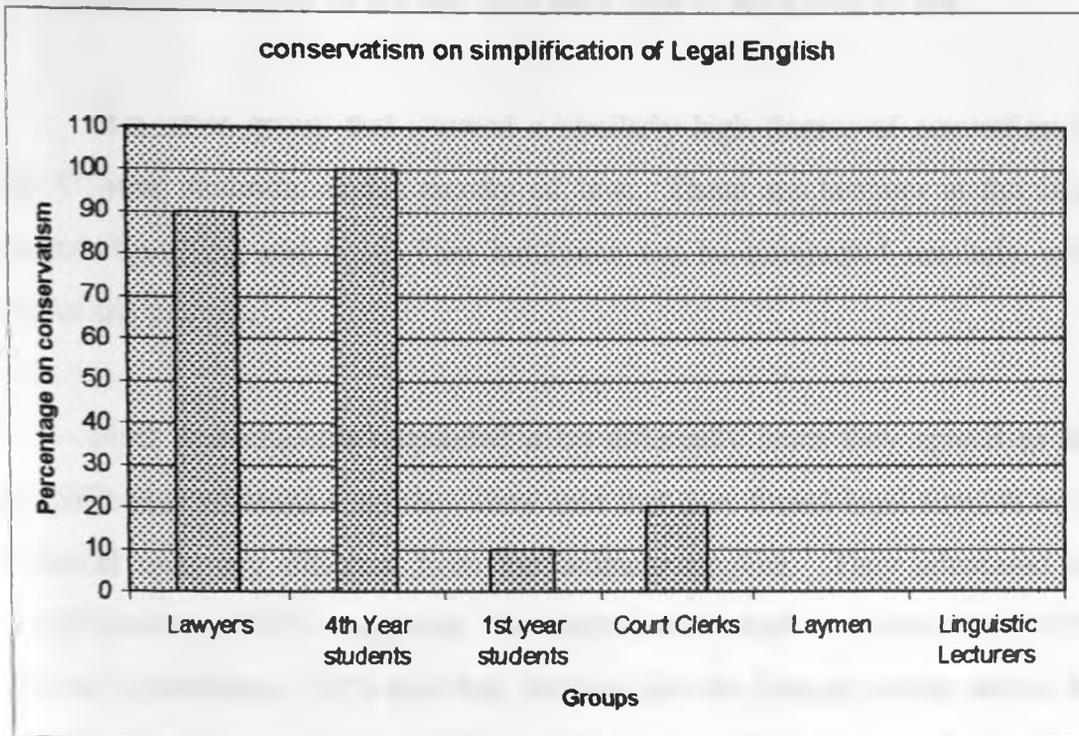
5.61 TABULATION OF ALL SAMPLES ON THE SIMPLIFICATION AND CONSERVATISM OF LEGAL ENGLISH

Table 5.6

GROUPS OF SAMPLES	RESPONSE ON THE SIMPLIFICATION AND CONSERVATISM OF LEGAL ENGLISH	
	YES	NO
Lawyers	10%	90%
Court clerks	80%	20%
4 th Year students	-	100%
1 st year students	90%	10%
Laymen	100%	-
Linguistic Lecturers.	100%	-

The above information can be interpreted in a bar graph as follows.

Graph 1



5.62 DATA ANALYSIS BASED ON THE CONSERVATISM GRAPH OF LEGAL ENGLISH.

From the graph, the lawyers showed the highest degree of conservatism, which is 90%. This is because they defended the simplification of legal English on the basis that it is 'their' language and their tool of trade. Simplifying it, they said would make the language accessible to the laymen such that they will not need their services during case proceedings.

From the layman's perspective this claim is not true because, all that they are asking for is only an access of what goes on in the courtroom through the language. But they are not asking to do what lawyers do. The

lawyers defended legal English further and said that, it should be a language that is understood only by the few who have gone to the school of law.

The other group that showed a similarly high degree of convertism is the 4th year students, at the faculty of law. These are lawyers in the final stages of making and hence their behaviour can be interpreted similarly with that of the lawyers.

First year students responded a bit differently since they agreed to the simplification of legal English. They said that they found legal English very technical and very different from the ordinary English. They advocated its simplification. 90% supported its simplification and a minority of 10% showed convertism. 90% said that, features like the foreign words should be translated, and the pomposity utilized by most lawyers replaced by simpler words. They supported the idea that legal English should be accessible to the layman since this does not make him a lawyer. The idea is only to follow the proceedings and enhance effective communication.

80% of the court clerks did not support the convertism of legal English. They supported its simplification and reported that they experience a lot of difficulties in their work as they write down notes for the lawyers. They said that the technicality of most legal words and their ambiguity further complicates their work. They advocated a simpler jargon without pomposity with foreign words translated. 20% showed convertism but they were not able to say why they didn't support the simplification. The court clerks who supported simplification said that from their experience legal

English involves the laymen more than the legal experts since he is the one whose life is at stake.

All laymen (100%) did not support convertism but supported the simplification of legal English into a language that can access them to the proceedings during any case. The laymen who participated in the meeting of constitution review at the Bomas of Kenya said they experienced a lot of difficulties in following most of the lawyers' arguments. They claimed the technicality of legal English denied them an equal chance in participating fully in the constitution review since it contributed to some communication breakdown.

Therefore, they vigorously supported the simplification of legal English. They said the complexity of legal English placed the legal experts at an advantage during the discussion which was not fair since they had gone to the meeting to fight for the rights of the laymen. They claimed that similar occurrences prevail in the courtrooms where the layman present feels cut off completely from legal matters.

It is clear from the graph that those inside the legal system would not like their language simplified, since they have shown the highest convertism. The few who are inside and support the simplification are not courageous enough to come out and say so. The layman gets enlightened day by day in legal matters and will continue to fight for a simpler jargon that will access him to the proceedings in a courtroom.

CHAPTER SIX

6.1 SUMMARY

The study has described legal English, and from the information acquired, it has established that legal English violates the four maxims, which are contained in the Grice's principle of communication, which are a kind of guideline to effective communication.

The data collected from the sample selected further supported the fact that legal English is complex and inaccessible to the layman.

The maxims contained in the Gricean principle of conversation are: maxim of relevance, maxim of manner, maxim of quality, and the maxim of quantity. It has been established that legal English violates all these maxims. The ambiguity of legal terms was established as one of the features, which violates these maxims. One word is assigned several meanings, which are also special and quite different from the ordinary meanings of the words and the phrases.

It was established that the foreign words obscure the meanings in the since the meanings of these words are not in English This should be translated and the ambiguous words their meanings specified to avoid confusion. Legal English is a technical language and it is a big disadvantage to the layman. The study does not call for the elimination of this technicality it is only calling for a little simplification to help it reach the layman

It is evident from the data collected that the constitution needs a lot of simplification and updating. The foreign words that are present in the legal English should at least be translated.

The wordiness should be reduced and the archaic words updated. It is also very clear from the responses of legal experts that they wouldn't like any clarification or simplification on the legal English.

Most legal professionals argued that legal English is a register like any other register, which is only meant for professionals involved. Fredrick argues that unlike other professional jargons, legal English involves the layman more than the other jargons.

Again law is a concept of every body therefore it should be understood clearly by every body.

Law rules the lifes of all, and the language communicating its needs should be a language that is clear to everyone involved, even those who are not in the legal profession.

The meeting of the constitution review which was at the Bomas of Kenya is a good example that the law is not only for the legal experts the layman who were present reported experiencing serious difficulties in the discussion due to the technicality of the legal language utilized in the meeting.

And also, in the constitution which they were issued with and they were supposed to understand.

This made their task very difficult and the breakdown of the communication between the legal experts wasted a lot of time. Foreign words in the legal speeches and the legal documents, their meanings proved very inaccessible to the layman.

This is the reason why legal English as jargon of the lawyers cannot be compared with other professional jargons.

The layman involved in the legal field needs to understand his side of the argument for a successful operation. The expert here is not the sole operator, therefore, the ordinary man who is sometimes the witness needs to understand the proceedings to give his contribution effectively.

The claim that the lawyer acts on the behalf of the layman is not wholly true since he also relies on him to make his argument. This is why it is important for the layman to be reached by the proceeding through an accessible language so that he can make his contribution more effectively. In the courtroom, there is the chance given to the layman to give his side of the story.

At this juncture, he cannot do so effectively, if he had not been following the proceedings. This further proves that legal jargon is not like any other professional jargon since the layman plays a great role inside the legal system. Therefore, it is important he also has his share of the language in operation.

6.2 CONCLUSION

The main aim of the study was to describe the legal English and prove that the features present affect effective communication between the legal experts and the laymen. From the data collected, features of legal English like wordiness, pomposity, lack of clarity and the dullness of the jargon affect the communication which prevails in proceedings to the disadvantage of the layman.

Though the legal experts defend their jargon, from the public point of view legal English needs to be accessible to the layman so that the law can also be easily accessible to him.

Movements are coming up to help the layman get access of the courtroom "Sui juris" is a movement in America calling the public to fight for their own rights in the courtrooms. A quote from one of their copies says

"...a large part of the exploitation is the lack of understanding average people who are not attorneys have of the process of a court, or what a lawful process is supposed to be".

Mostly this is because the language that operates in the courtroom mystifies the whole process of legal proceedings. This study, therefore, concludes that though legal professionals defend the simplification of legal English, it is important for it to be simplified as suggested by the whole percentage of the laymen who responded to the questionnaires and the linguistic experts who supported that its linguistic features contribute to a lot of communication breakdown since it hinders effective communication.

It is important for both the legal experts and the laymen to have a common ground in terms of language, for justice to be felt from the layman's point of view.

School of law supported the simplification, though in small numbers and this was a great hope that the simplification will take place some time in the future.

The following suggestions were provided:

- The foreign words and phrases, which are in Latin, French, and Italian, should be translated into current English.
- The Archaic words that are present in the legal documents should be updated.
- Lawyers should avoid pomposity in their arguments.
- The wordiness in the constitution should be eliminated and as the new constitution is drafted, drafted briefly for easier understanding.
- Seminars should be organized publicly to educate the laymen on their rights, so that they can have a better access of the law.
- Legal awareness clinics should be conducted in schools, colleges and meanings of the complex Latin words explained.
- Legislation documents should use simple legal terms with ordinary meanings.
- The language of instruction in the school of law should be simplified.
- The court of law should provide interpreters for the layman.

- The court clerks should be educated in seminars to enable them perform their duties fluently and correctly.
- Lawyers should brief their clients after every proceeding.
- The Acts should be written with the layman in mind.
- Qualified linguistics should be employed to simplify the legal English.
- Some books in simple law terms should be introduced.

APPEDIX III

DEPARTMENT OF LINGUISTICS QUESTIONNAIRES FOR COURT CLERKS

1. Do you face difficulties sometimes interpreting pompous and foreign words present in legal English?

Yes.

No.

2. Would you agree that this pomposity and foreign words obscure communication between the legal system and the layman?

Yes.

No.

3. Are you familiar with all the meanings of all the foreign words present in legal English?

Yes.

No.

4. What do you do if a foreign word is used in courtroom and you don't know its meaning?

5. Do you think the layman (plaintiff/ defendant) involved in a case is able to grasp the meaning of this foreign word?

Yes.

No.

6. Do agree that the pomposity and the foreign words interfere sometimes with judgments made in courts?

Yes.

No.

7. Do you agree that legal English need to undergo some simplification to make it more accessible to the laymen who get involved in legal matters?

Yes.

No.

8. Do ambiguity and circumlocution present in legal English complicate your work during a proceeding?

Yes.

No.

9. Overall, is legal English appropriate for the laymen (plaintiff/defendants) involved in legal matters?

Yes.

No.

10. Give three suggestions on how legal English can be simplified for the benefit of the layman.

APPEDIX IV

DEPARTMENT OF LINGUISTICS QUESTIONNAIRES FOR STUDENTS

1. Do you think that legal English is complex and difficult compared to ordinary English, which is used by laymen?
Yes. No.
2. Do circumlocution and tautology that surround legal English spoken by lawyers and the written legal documents necessary?
Yes. No.
3. Do think there is enough clarity in most of the expressions made by the lawyers and also in written legal documents?
Yes. No.
4. Do you think the ambiguity of most of legal terms affect effective communication between the legal people and layman?
Yes. No.
5. Do you think the complexity of legal English, use of foreign words, and the ambiguity of most of the terms make it a dull jargon?
Yes. No.
6. Does the pomposity used by the lawyers obscure communication or sometimes break communication all together?
Yes. No.
7. Should the foreign words present in legal English be interpreted to easy communication and enhance easier following of legal matters by the layman?
Yes. No.
8. Do you agree that the nature of legal English creates a gap between itself and the layman?
Yes. No.
9. Would you advocate for a simpler, clearer, and a straightforward legal jargon?
Yes. No.
10. Give three suggestions on how legal English can be simplified.

APPEDIX V

DEPARTMENT OF LINGUISTICS QUESTIONNAIRES FOR THE LAYMAN (DELEGATES)

1. Do you think that legal English is appropriate or is too technical for a layman like you involved in these legal matters?
Yes. No.
2. Are you sometimes experiencing any difficulties in understanding some of the pompous words that are being used by the lawyers and the law experts present?
Yes. No.
3. Would you describe legal English and the ordinary English that you are used to similar?
Yes. No.
4. Do you think that the foreign words like the Italians ones present in legal speeches and legal documents should be translated?
Yes. No.
5. Do you think the tautology that characterizes the constitution and lack of proper punctuation is necessary?
Yes. No.
6. Do think that the common mwananchi would have any difficulties in comprehending the constitution due to its technical language?
Yes. No.
7. Do you think the archaic words present In the constitution like thence, hereforthwith and archaic meaning of words should be updated?
Yes. No.
8. Due you agree that the ambiguity of legal words breaks the communication between the legal system and the layman?
Yes. No.
9. Would you support the simplification of legal English so that a common mwananchi can be able to comprehend legal matters or the constitution without the help of legal experts?
Yes. No.
10. Give three suggestions how this can be done.

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