

Legal Opinions: The Effects of Textualization

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This paper will attempt to demonstrate the development of British Legal English used in the House of Lords. Specifically, it will focus on the language used in legal opinions, reflecting changes over the course of over 150 years. Special attention will be paid to the necessity of including historical data when examining language for special purposes.

Legal English is a variety of language that is an artificial creation, attempting to provide precision and accuracy. Opinions in the House of Lords are closely related to spoken language, having been originally scripted speeches. Early in the 20th century, the opinions were first directly published, rather than mere reports by independent third parties. Over time, the speeches were no longer held, and the opinions have become a written text variety, though still bearing many features of spoken language. Textualization brought with it many changes, some of which are unexpected. This paper will shed light on these changes and will isolate several examples.

A comparison will be made between the House of Lords opinions and their American equivalents, the opinions of the U.S. Supreme Court. The U.S. Supreme Court issued written opinions since the beginning of the 19th century. The effects of this textualization are readily apparent even at a cursory glance. The two varieties of this text type share a purpose, but have developed quite differently. By comparing the language used in these two varieties, conclusions may be drawn about the development of text types and language for special purposes during textualization.