Introducing a Local Legal Vocabulary in a Latin Context.
A Study of Two Swedish 17th Century Approaches

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Abstract In this article, the use and consolidation of legal vocabulary is investigated in two Swedish legal handbooks from the 17th century written by Clas Rålamb and Claudius Kloot respectively. Both handbooks were written in Swedish but include elements in Latin. These elements represent original Latin as well as modified Latin, i. e. words and phrases that have been adapted to Swedish morphology. Sections of the handbooks that deal with civil cases were analyzed from a lexicological starting point. The 106 legal concepts (LC) and 169 lexical units (LU) identified are sorted into four central semantic areas of the legal process: ACTIONS, ARENAS, PARTICIPANTS and TOOLS. Kloot uses more LCs and more LUs than Rålamb who, on the other hand, shows greater lexical differentiation than Kloot. Rålamb is also shown to use a greater number of Latin LUs than Kloot. The area of TOOLS has the closest connection to Latin. Both authors make use of Latin LUs that are still part of Swedish legal vocabulary. Kloot has a stronger tendency to use Swedish LUs when possible, while Rålamb more freely combines Swedish and Latin LUs. Rålamb's and Kloot's use of Latin and Swedish LUs is discussed as well as their policies regarding the use of Latin and Swedish. Finally, the lexication of Latin and Swedish LUs in the legal domain in Swedish is discussed.

Keywords legal handbooks, 17th century, Latin, Swedish, language use, language policy, lexication, professionalization, Clas Rålamb, Claudius Kloot

1 Introduction

The study reported in this article combines three research areas. The first one is the development of the use of a vernacular, in this case Swedish, instead of Latin in the legal domain. The second research area is the study of the origin and later lexication of legal vocabulary in Swedish. The third and final area is the comparison of two valuable texts in the legal domain, which so far have only attracted the interest of legal historians but not of linguists. The two texts are the first legal handbooks in Swedish, written by Clas Rålamb and Claudius Kloot respectively. Rålamb's book was titled *OBSERVATIONES JURIS PRACTICÆ, Thet är Åthskillige Påminnelser vthi Rättegångs Saker* […] ['OBSERVATIONES JURIS PRACTICÆ, Many reminders regarding legal issues […]', capital letters in the original title] (1674), and Kloot's book was titled *Then Swenska Lagfarenheetz Spegel* […] ['Reflections on Swedish Law […]' (1676).[1] In this

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article we report a comparative study of legal concepts and lexical units in the general field of Law, specifically Civil Law and Civil Procedural Law, based on sections in Rålamb (1674) and Kloot (1676).

This study is part of the research project *Swedish from a Latin basis. The first legal handbooks in Swedish* (Sw. *Svenska på latinsk grund. De första juridiska handböckerna på svenska*, supported by The Royal Society of Arts and Sciences in Gothenburg, 2016). The overall aim of the project is to fill an existing research gap concerning the use of Swedish in the field of law and to clarify the establishment of Swedish as an alternative to Latin in various subject fields in the 17th and 18th centuries. So far, results from the project are reported in Rogström/Landqvist (2015a), Landqvist/Rogström (2016), Rogström/Landqvist (2016), Rogström (2017) and Rogström/Landqvist (2018).

This article comprises eight sections. The first introducing section is followed by Section 2, where some theoretical remarks are presented. In Section 3, aims of and research questions for the study reported are stated. Section 4 provides the reader with a general socio-historical context for the linguistic analysis of the material studied. In this section we treat laws, courts and languages used in legal contexts in Sweden, focusing on the 17th century. Section 5 offers a more specific context for our study; we present Clas Rålamb and Claudius Kloot, their legal handbooks and their ways of dealing with Latin elements in the handbooks. In Section 6, the material used and the methods chosen are presented. Section 7 is dedicated to the results of the study as well as the discussion of them. In Section 8, we present our conclusions of the study.

2 Theoretical remarks

The overall aim for the project *Swedish from a Latin basis. The first legal handbooks in Swedish* is related to lexicological and terminological aspects of *Languages for Specific Purposes* (LSP). More specifically, the project aims to clarify: how does a certain vocabulary for a specific subject field develop when the vocabulary in question is not yet generally established in a certain language? We regard lexical properties as a crucial component to distinguish and describe various LSPs, even if there is "far more than a straightforward lexical distinction at the root of specialized discourse" (Gotti 2005: 18). *Legal language* is, however, an LSP where lexical properties are especially important to distinguish and describe legal language in relation to other LSPs (Mattila 2013: 1).

The phenomenon of *professional discourse* is complex, and the underlying concept has been defined by scholars with various theoretical backgrounds. We have chosen to follow Bhatia (2015: 9): "professional discourse operates simultaneously, at the very least, at four rather distinct, yet overlapping, levels, i. e., as *text*, *genre*, *professional practice*, and as *professional culture* […]" (our italics). Researchers can focus on different levels of discourse realization, and our study focuses on the first level, *discourse as text*, i. e. "surface level properties of discourse, which include formal, as well as functional aspects of discourse […]" (Bhatia 2015: 10). In our study, we focus on lexical properties of Rålamb's and Kloot's legal handbooks. Bhatia (2015: 10), however, stresses that "in order to have a comprehensive understanding of professional communication it is necessary to have some understanding of all levels of discourse realisation". Therefore, we attend to contextual factors which may bear importance for our study. The *contextual factors* observed are: legislation; judicial systems including courts and education of judges; language uses in the legal domain; the two authors as members of professional and

institutional cultures; the authors' goals with the handbooks; and the authors' comments on language use in the handbooks (cf. Section 4 and Section 5).

One of the foundational frameworks for this study, as well as for our project, is the idea of *language planning* put forward by Haugen (1987). Haugen describes a process in which standardization of language takes place through a process with four stages, one of which concerns the establishment of grammar and vocabulary, i. e. *grammaticalization* and *lexication* (Haugen 1987: 64). The model was used for lexicological studies of Swedish in the 18th century, performed by Hannesdóttir (2000, 2011), and it was also used in the project *Lexication behind the scenes* (Sw. *Lexisering bakom kulisserna*; cf. Rogström 2016 on *Lexication behind the scenes*). The purpose of lexication is to establish a vocabulary for a certain language in order to make that language valid in all official and social domains. In our project we seek to establish a vocabulary for Swedish in the legal domain.

In the sections studied in Rålamb's and Kloot's handbooks, we have extracted single words and phrases denoting *legal concepts* (often LCs). A legal concept is an abstract unit representing a semantic content, which is lexicalized by a single word or a phrase. We use the designation *lexical units* (often LUs) for the words and phrases in question (cf. Rogström/Landqvist 2015a: 200).

There are two reasons for our decision to use *lexical units* instead of *legal terms*. The first reason is the character of law as a subject field and legal language as an LSP. Law is a subject field that is more culturally bound and rooted in national traditions than a number of other LSPs for instance medicine and technology. In a European context law as a subject field can however be said to have a common super national basis – the Roman law – and a common linguistic basis in Latin. The language of Latin in the field of law is supplemented with linguistic resources from various local languages for instance English, German and Swedish (cf. Apathy/Klingenberg/Pennitz 2016: 18 on law, Roman law and Latin). The second reason for our decision to use the designation *lexical units* is that terminology in the field of law is not always a result of a systematic terminological work, which differs law from many other subject fields for instance medicine and technology (cf. Pilke 2000: 43–68 on the central concepts of terminology in general and Mattila 2013: 137–160 on legal terminology).[2]

3 Aims and research questions

The first aim of this study is to clarify how Clas Rålamb and Claudius Kloot use legal terms and other lexical resources in Latin compared with their use of legal terms and other lexical resources in Swedish. The Latin lexical resources represent original Latin as well as modified Latin, i. e. words and phrases that have been adapted to Swedish morphology. The second aim of this study is to discuss how Rålamb and Kloot seem to regard Latin and Swedish as communicative tools in their handbooks, which are the very first ones that were written in Swedish. To achieve the two aims stated, we have formulated three research questions:

- What kind of similarities and differences exist between Rålamb (1674) and Kloot (1676) regarding legal concepts (LCs) and lexical units (LUs)?

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2   Cf. Mattila (2013: 141) on the special character of legal terms: "a legal term can just as well be a word or a phrase that only appears in legal language […] as a word or a phrase that also forms part of ordinary language but that has a special meaning in legal language".

- What kind of similarities and differences do the handbooks show regarding LUs of Swedish (i. e. Germanic) and Latin (i. e. 'foreign') origin?
- What can Rålamb's and Kloot's use of LUs tell about early standardization of Swedish LUs in the legal domain in the 17th century?

4 Laws, courts and languages in legal contexts

Section 4 offers a general socio-historical context for the linguistic analysis of the material studied (cf. Section 2).

In the 17th century, Sweden was to a great extent a multilingual community as the kingdom consisted of many territories where other languages than Swedish were spoken, for example Danish, Estonian, Finnish, German, Latvian, Lithuanian and Russian (Battail 2010: 8 f., Andersson/Raag 2012). The wide expansion of the Swedish realm during the 17th century created a need for a generally applicable law that could be used in all parts of the realm. Attempts were made to compile an integrated law in the beginning of the 17th century (cf. Modéer 2010: 94–103, Korpiola 2014). The plan was, however, only fulfilled after the collapse of Sweden as a regional power and the loss of substantial territories in 1721; Estonia, Livonia, Ingria and Southeast Finland. In 1734, the Swedish parliament passed a general code of laws, *Sveriges Rikes Lag*. The code was formally ratified by the king in 1736 (cf. Laurén 2016: 45–48). Over the 100 years to bring about the law of 1734, interest increased in various legal matters, for instance in the formal qualifications of judges of various lower courts. The law of 1734 also cleared the way for some changes in the Swedish legal system.

One of the changes was the introduction of a new level of court in the court system, namely the court of appeal (Sw. *hovrätt*). Before the establishment of this type of court in 1614, a citizen could appeal only to the king, in the hopes for a change of a verdict from a local court. Svea Court of Appeal in Stockholm, established in 1614, was emulated by other courts of appeal in the 17th and 18th centuries; Åbo Court of Appeal in Turku, Finland, in 1623, Dorpat Court of Appeal in Livonia in 1630 (today Tartu in Estonia), Greifswald Court of Appeal in Swedish Pomerania in 1655 (the former Swedish province is today partly in Germany, partly in Poland), Göta Court of Appeal in Jönköping in 1634, and Vasa Court of Appeal in Vaasa, Finland, in 1775. A supreme court (Sw. *Högsta domstolen*) was not founded in Sweden until 1789 (cf. Korpiola 2014, Modéer 2014).

The establishment of courts of appeal is an important part of the process that Modéer (2014: 401) labels "The Judicial Revolution and the Professionalization of the Judiciaries". The process in question is trans-European (Modéer 2014: 401). Korpiola (2014: 30) regards the establishment of the Courts of Appeal in the Swedish realm as a contribution to "the professionalization of lawyers […]" (cf. also Pettersson 2017: 46). The need for more formally competent judges also opened up space for a more profound legal education, which to a great extent came to be influenced by European judicial research (Modéer 2014: 402–404).

Up until the end of the 18th century, Latin was the natural language choice for both judicial education and research at the universities in the Swedish kingdom as well as in most other European states (cf. Stein 1999 on Roman law and Filip-Fröschl/Mader 2014 on Latin in legal contexts). However, Swedish laws have always been written in Swedish, and Swedish was the natural language choice both in trials as well as in legal protocols and various legal documents, even if elements from other languages, for instance German, occurred in such written texts (cf. Pettersson 2017: 54–56). These circumstances gave rise to a kind of bilingual judicial discourse

in the 17th century, where Latin words, phrases and expressions were used by highly educated judges and scholars. Meanwhile, the judges who ran the various lower courts (Sw. *nederrätt*, *häradsrätt*, *stadsrätt*) had to rely on Swedish as their professional language. These judges had no, or very little, access to what was discussed by legislators of the realm and by judges in the courts of appeal. Naturally, other citizens in the Swedish realm had varying amounts of knowledge in Latin, and their opportunities to engage in written texts about legal matters, formulated and published in Latin, were limited (cf. Helander 2012 on the use of Latin in general in Sweden and Mattila 2000: 273–281 on the use of Latin and Swedish in legal contexts).

5 Two authors, two legal handbooks and two language policies

Rålamb's and Kloot's handbooks were produced in a specific cultural and institutional context. Section 5 offers information about Rålamb and Kloot as members of professional and institutional cultures, their stated goals with the handbooks and their comments on language use in the handbooks (cf. Section 2).

One way of addressing the problematic linguistic situation in Sweden in the 17th century was to produce legal handbooks written in the vernacular and intended for use by judges operating in the lower courts and by ordinary citizens. However, up until the mid 17th century no such handbooks existed (cf. Björne 1995: 376). In the 1670's two such handbooks were published, the first one written by Clas Rålamb (1674) and the second one by Claudius Kloot (1676). There are no signs of the two authors being aware of each other, and the books show no obvious resemblance, apart from the fact that they handle the same subject(s), Civil Law and Civil Procedural Law (cf. Landqvist/Rogström 2016: 10–12). These handbooks can be regarded as tools for the professionalization of Swedish judges and lawyers operating in the lower courts in the Swedish realm in the 17th century.

Clas Rålamb (1622–1698) was a man of great importance in his time. He studied law in Sweden, Holland and France and was, among other occupations, a lawyer, a diplomat and a politician. Rålamb was appointed to the position Judge of appeal in 1655, and in 1678 he became Chief Justice of the Göta Court of Appeal. Later, in 1680, he was appointed Chief Judge in Finland. The writing process resulting in Rålamb's handbook could be traced back to the 1650's, but the book was not published until 1674. According to legal historians the book became very popular and much used. A second, almost unchanged edition was published already in 1679. The handbook contains four major sections, and one index with central legal terms and expressions in both Latin and Swedish. It runs to 374 numbered pages. Rålamb's handbook was much used in the 17th and 18th centuries and it is still regarded with high esteem by legal historians (cf. Almquist 1946: 150–162, Björne 1995: 35–37, Westerberg 2012, Landqvist/Rogström 2016: 10 f., 27, 36, 43–45).

The author of the second handbook was Claudius Kloot (approx. 1612–1690). He had studied law in Sweden and in Holland and worked as a civil servant and a judge in the district court of Gothenburg in western Sweden between 1635 and 1655. From 1660 to 1676 Kloot acted as judge mayor in the small town of Vänersborg in western Sweden. His legal handbook was published in 1676, but it can be estimated that Kloot started to write it already in the 1640's. In 1651 Kloot published two books in Latin on Criminal Law with second editions of these books published in 1676, the very same year when his handbook in Swedish was published. Kloot's legal handbook is his most renowned work and it, just like Rålamb's handbook, covers the field(s) of Civil Law and Civil Procedural Law. Similar to Rålamb's book, Kloot's handbook

is divided into four large sections which consist of in total 404 numbered pages. Kloot's book was moderately popular in his time, though legal historians are less positive towards Kloot's handbook than Rålamb's (cf. Hallberg 1934, Almquist 1946: 24–26, Björne 1995: 32–35, Landqvist/Rogström 2016: 11 f., 27, 36, 43–45).

Both Rålamb and Kloot were well acquainted with Latin but chose to write their handbooks in Swedish. Neither of them could manage to write their respective book without using Latin, although they employ rather different perspectives to the role of Latin in covering legal matters. Their perspectives can also be labelled as Rålamb's and Kloot's *language policies*, even if the concept 'language policy' often is defined with regard to speech communities, not to individuals belonging to speech communities (cf. Spolsky 2004: 5).

Rålamb is not at all explicit about his use of Swedish and Latin. Neither does Rålamb present any clear strategies about his use of the two languages. He changes very freely between Latin and Swedish, and he writes both quotations and technical terms in Latin, almost in a fashion that can be labelled *code-switching* (cf. Landqvist/Rogström 2016: 30–32, 73). This is not an un-familiar situation in Swedish written texts from the 17th century, for example texts dealing with administrative matters (cf. Helander 2012: 131 f.). An explanation for this kind of code-switching behavior is that Latin offered a specialized terminology, a more elaborated vocabulary and a more suitable phraseology than Swedish (cf. Helander 2012: 131). In this study, as well as in the project *Swedish from a Latin basis. The first legal handbooks in Swedish*, we define the concept 'code-switching' as 'all cases where lexical units from other languages than Swedish (i. e. Germanic) origin appear in the material studied' (cf. Blomqvist 2017: 26–57 on code-switching in general and code-switching in historical written materials specifically).

Kloot, in contrast to Rålamb, is very clear about his intention of trying to use Swedish legal terms as much as possible and to avoid Latin elements. In order to facilitate comprehension for the reader, and perhaps at the same time assure the reader that the author actually is in full command of his subject, Kloot sometimes puts the Latin equivalent to Swedish legal terms in the margins of the pages (cf. Landqvist/Rogström 2016: 30–34, 73). Kloot's decision to use Swedish as much as possible, but to include some Latin elements for certain reasons, can be regarded as a form of *audience design* (Bell 1984). Although Bell discusses oral communication, the use of two languages is included in his description of the phenomenon: "Audience design informs all levels of a speaker's linguistic choices – the switch from one complete language to another in bilingual situations […]" (Bell 1984: 161).

6 Material and method

The material for our study consists of two similar sections from each of the handbooks, covering the topic of lawsuits. Information about the material is summarized in Table 1.

Table 1: Material from Rålamb (1674) and Kloot (1676) studied: pages, number of words, headings of the chapters in questions, number of legal concepts and number of lexical units

Rålamb (1674)	Kloot (1676)
pp. 75–82	pp. 330–342
4,499 words (tokens)	1,970 words (tokens)
"Om Citationer och Stämbningar" ['On citations and lawsuits']	"Om Rätten, som hörer till Sakernes Lagsökning effter som then i Processen är begrijpen" ['On the law regarding lawsuits since it is a part of the process']
Legal concepts: 33	Legal concepts: 73
Lexical units: 64 (tokens)	Lexical units: 105 (tokens)

As stated in Section 2, the purpose of lexication is to establish a vocabulary for a certain language in order to make that language valid in all official and social domains, in this case the legal domain. In order to be able to clarify how lexical units are used to denote certain legal concepts, we have discerned four different semantic categories from the material studied. The categories represent the main parts of lawsuits: the ACTIONS performed, the ARENAS where the actions take place, the PARTICIPANTS who take part in the actions, and the TOOLS used to perform the actions (cf. Lindell 1998). Our starting point is thus the subject field of law, and the legal content of the sections in Rålamb (1674) and Kloot (1676), not a linguistic analysis of the lexical units used in that subject field (cf. Pettersson 2017: 71 f. on previous studies of Swedish legal documents). The four semantic categories, henceforth written with CAPITAL LETTERS, and examples of lexical units are shown in Table 2.

Table 2: Semantic categories and examples of Lexical Units

Semantic categories	Examples of Lexical Units
ACTIONS	*döma* ['to sentence'], *stämma* ['to take (someone) to court'], *svara* ['to answer in court']
ARENAS	*häradsting* ['district court'], *hovrätt* ['court of appeal']
PARTICIPANTS	*domare* ['judge'], *kärande* ['plaintiff'], *svarande* ['defendant']
TOOLS	*dom* ['sentence'], *rekvisit* ['requisitions'], *stämning* ['writ of summons']

By using the semantic categories for sorting and analyzing the extracted lexical units in our material, we hope that the evolving lexical patterns will give information about Rålamb's and Kloot's strategies of handling Latin and Swedish lexical units. These patterns may also offer some clues about their different uses of Latin and Swedish in dealing with – and presenting – legal knowledge. The designation *Latin Lexical Units* (*Latin LUs*) refers to original Latin (terms) as well as modified Latin (terms), i. e. words and phrases that have been adapted to Swedish morphology. Two examples of original Latin LUs found in the material studied are *citatus* (Sw. *svarande*) ['defendant'] and *judex* (Sw. *domare*) ['judge']. Two modified Latin LU examples are seen in *citation* (Lat. *citatio*) ['lawsuit'] and *peremptorie stämning* (Lat. *citatio peremptoria*) ['peremptory summons'].

In this article, the examples of legal concepts from the handbooks are presented in Swedish and English. One example is 'Den som stämmer någon (annan) inför rätta' ['The person

who summons someone (else) to court']. Due to the existence of different legal systems in Sweden and the English-speaking world, the translations into English are 'more or less' exact from a legal point of view. The legal concepts in the material are presented with single apostrophes regardless of the language used. The Swedish lexical units in the material are written in italics, and the English translations are written with apostrophes inside square brackets, for instance *kärande* ['plaintiff'], *actor* ['plaintiff'], *citans* ['plaintiff'], *personen som stämmer* ['the person who summons'], and *han som låter stämma* ['he who makes summons'].

The method used can be classified as close reading of the sections from Rålamb (1674) and Kloot (1676), combined with a lexicological/terminological analysis of the legal concepts which are extracted in the form of lexical units. We also make use of four monolingual Swedish standard dictionaries to be able to decide if various judicial single words and phrases in the two handbooks can be considered to be lexicalized (cf. Landqvist 2006 and Rogström 2010 for a discussion of the method used). The three dictionaries of Sahlstedt (1773), Dalin (1850–1855) and SO (2009) are synchronic dictionaries from the 18th, 19th and 21th century respectively, while SAOB (1893 ff.) is the diachronic dictionary par préférence regarding Swedish (cf. Rogström/Landqvist 2015a: 201–203 about the dictionaries chosen).

7 Results and discussion

In this section, we present our results and discuss them, addressing one research question at the time in the subsections 7.1, 7.2 and 7.3. The results in Section 7 are reported as absolute numbers and, in some cases, as percentages. Due to the limited size of the material, no statistical significance calculations have been performed.

7.1 Legal concepts and lexical units

Our first research question concerns what kind of similarities and differences exist between Rålamb (1674) and Kloot (1676) regarding legal concepts (LCs) and lexical units (LUs). In order to answer the question, we examine each semantic category at a time to see how the authors treat the same legal content, and in what way they differ from or resemble each other. The categories are treated in alphabetical order, i. e. ACTIONS, ARENAS, PARTICIPANTS and TOOLS.

As we have already seen in Table 1, Kloot uses far more LCs and LUs than Rålamb does. This pattern is also seen in the semantic category ACTIONS, since Table 3 shows that Kloot uses more than twice as many LCs and LUs than Rålamb, although they both describe the same part of the lawsuit.

Table 3: ACTIONS: Number of LCs and LUs in Rålamb (1674) and Kloot (1676)

Handbooks	LCs	LUs
Rålamb (1674)	12	13
Kloot (1676)	25	36

The explanation for Kloot's higher number of LCs is that Kloot describes the lawsuit in greater detail, using verbs like *förhöra* ['to question'], *rannsaka* ['to cross-examine'] and *anklaga* ['to accuse'], which Rålamb does not. An explanation for Kloot's abundant use of LUs in this cat-

egory is that he tends to use two or more synonyms for the same LC, for example *döma* and *avdöma* ['to judge'], both words denoting the same ACTION. These two Swedish synonymous LUs, creating a word pair, have the same meaning and similar forms.

The use of word pairs is a lexical feature which deviates from modern standards of LSP, but it was quite common as a stylistic feature in texts during 17th century Swedish when both lexical and orthographical variation was appreciated. This stylistic feature could be traced to more formal genres in Swedish, as well as to more informal ones (cf. Bendz 1967: 16 f., 38 f., Pettersson 2017: 185–188). A parallel to Kloot's more abundant use of word pairs is presented in Pettersson's study of court records from the municipal court of Stockholm from 1476 to 1626 (Sw. *Stockholm stads tänkeböcker*). Pettersson (2017: 192) regards the use of word pairs as one of the lexical resources utilized by the scribes of these court records to "correspond with external requirements of a more specified prose during the beginning of the 17th century".

Compared to ACTIONS, the picture of ARENAS, the second semantic category, is somewhat different since we can see that both authors make use of the same number of LCs, only three each.

Table 4: ARENAS: Number of LCs and LUs in Rålamb (1674) and Kloot (1676)

Handbooks	LCs	LUs
Rålamb (1674)	3	7
Kloot (1676)	3	4

The limited number of LCs presented in Table 4 is due to the fact that the Swedish legal system of lower courts was established already in the Middle Ages, with the courts of appeal established in the 17th century (cf. Section 4). The notations of ARENAS were therefore set and offered no variation.

The number of LUs in Table 4 reveals that Rålamb is more detailed concerning the names of the different courts and that he uses more LUs than Kloot. Rålamb for example makes use of three different LUs for various types of low courts, while Kloot uses only one: *nederrätt* ['low court']; *häradsting* ['district court']; *lagmansting* ['processing judicial court'] versus *nederrätt* ['low court']. Kloot also uses two different LUs for the LC 'court', one that denotes the physical arena of the court, *rätten,* and the other one the judicial district, *domsaga.*

It seems as though Rålamb is more eager to explain the legal system itself by naming the different types of lower courts, while Kloot confines his writing to one LU for each LC. Rålamb seems to show more interest than Kloot in explaining the actual legal system. Kloot, on the other hand, puts more focus on the legal actions taking place in the courts – an impression which is confirmed when we consider how the authors describe the participants of the lawsuit, the third semantic category.

In the category PARTICIPANTS, we observe once again that Rålamb uses a greater variety of synonyms for a few LCs, while Kloot seems to make use of a one-to-one lexical annotation of his LCs. These exceed by far the number of Rålamb's LCs.

Table 5: PARTICIPANTS: Number of LCs and LUs in Rålamb (1674) and Kloot (1676)

Handbooks	LCs	LUs
Rålamb (1674)	4	21
Kloot (1676)	25	29

The basic participants of lawsuits are the same for both Kloot and Rålamb, i. e. the judge, the plaintiff and the defendant. Aside from the participants, Kloot is more particular about listing others who take part in lawsuits, which increases the number of LCs as well as the number of LUs in Table 5.

One distinctive feature of Kloot's treatment of his lexical material in the category of PARTICIPANTS is his arrangement of the LUs in a semantic field, using hypernyms for each group of LCs in relation to their semantic denotation. Kloot distinguishes three main groups of participants: "*De personer som bekläda rätten: domare*" ['The people who judge in court: judges']; "*De personer som komma för rätten: åklagare, sakförare, kärande, svarande, vittnen*" ['The people who act in court: prosecutor, lawyer, plaintiff, defendant, witnesses']; "*De personer som tjäna rätten: notarier, skrivare*" ['The people who work in court: clerks, scribes']. By using this systematic method, Kloot arranges semantically related LUs into three semantic categories held together by a hypernym, "*De personer* […]" ['The people […]']. This clearly expresses both content as well as form for the LUs. Kloot's systematic approach concerning the three categories has a clear resemblance to the systematic organization of the Svea Court of Appeal as organized in 1614–1615, described in detail by Jägerskiöld (1964: 127–225). It is possible that Kloot's way of dealing with the semantic category PARTICIPANTS was inspired by the model for organizing this court.

As can be seen in Table 5, Kloot comes closer to using one LU for one LC, while Rålamb is more prolific in his use of synonyms. Rålamb has, for example, both Swedish and Latin LUs denoting the same LC: *domare* and *judex* ['judge']. He also makes use of phrases in Swedish and Latin to explain what kind of judge he is referring to: *behörig domare* and *judice competente* ['qualified judge']. Rålamb does not show the same systematic description of his LUs as Kloot does.

Kloot's way of presenting the semantic category PARTICIPANTS also reveals a pedagogical intention aimed at readers without formal knowledge in the field of law. Such an intention is clearly expressed by Kloot (cf. Landqvist/Rogström 2016: 32 f.). We would like to think that this ambition is a result of Kloot's many years of experience from working in the lower courts, which might have given rise to his interest in describing the more practical side of the lawsuit.

The numbers of LCs and LUs found in Rålamb (1674) and Kloot (1676) in the fourth semantic category TOOLS are presented in Table 6.

Table 6: TOOLS: Number of LCs and LUs in Rålamb (1674) and Kloot (1676)

Handbooks	LCs	LUs
Rålamb (1674)	14	23
Kloot (1676)	20	36

The category TOOLS is made up of LUs denoting LCs that are needed for a trial to be able to take place. Examples of LUs are *rättegång* ['trial'] itself and *stämning* ['writ of summons'].

In the category of TOOLS, both authors use quite a lot of Latin equivalents, which explains the great number of LUs compared to the number of LCs in Table 6. Kloot also uses long phrases in Swedish to translate Latin LUs that probably did not have a lexicalized Swedish equivalent at that time. It is worth noticing that in doing so, Kloot uses one set format for these phrases in the same way as he does for the semantic category PARTICIPANTS. The pattern Kloot uses consists of a headword (*begynnelse*) preceded by a genitive attribute (*processens*) followed by a prepositional phrase (*igenom saksens inför rättens föreställande*): *processens begynnelse igenom saksens inför rättens föreställande* ['the opening of the process by presenting the cause list']. Two other phrases of the same kind are *processens framgång igenom saksens laglige skäl och bewis* ['the success of the case through legal causes and evidence'] and *processens utgång igenom ändtlig dom och execution* ['the result of the case through final sentence'].

Both Rålamb and Kloot apparently have problems finding appropriate Swedish equivalents for a number of the LCs in the category TOOLS. Therefore, both authors end up using both Latin LUs and explanatory phrases in Swedish due to the lack of lexicalized Swedish LUs. Some of these LUs seem to be used as true synonyms although they are both Latin and Swedish, such as *process/rättegång* ['trial'], *citation/stämning* ['lawsuit'] and *dilation/uppskov* ['delay']. A similar pattern in English legal language is described by Gotti (2005). According to Gotti (2005: 50), "interchangeable terms for the same concept […]" can be used in English legal texts. The terms in question are neo-Latin and Anglo-Saxon. Other LUs for LCs in the semantic category TOOLS are only given in Latin by Rålamb and/or Kloot, and one example is *reqvisitum*.

7.2 Swedish and Latin Lexical Units

As presented in Section 7.1, the way in which the two authors treat LUs in Swedish and Latin might be an important clue in revealing the process of how Swedish was established as the main language for various legal purposes in Sweden (cf. Rogström 2017). This leads us to the second of our research questions where we would like to clarify what kind of similarities and differences the handbooks show regarding LUs of Swedish (i. e. Germanic) and Latin (i. e. 'foreign') origin.

As we have already hinted at in Section 5, Rålamb has a more casual approach towards Latin than Kloot, and he seems to use Swedish and Latin indiscriminately. Kloot gives the impression of being more conscious about language use, and also reveals a more systematic view in his lexical use. Table 7 lists the number of LUs of Swedish (i. e. Germanic) and Latin (i. e. 'foreign') origin in the semantic categories ACTIONS, ARENAS, PARTICIPANTS and TOOLS in Rålamb (1674) and Kloot (1676).

Table 7: Number of LUs of Swedish and Latin Origin in Rålamb (1674) and Kloot (1676): semantic categories and total

Semantic categories	Rålamb (1674): Total number of LUs (Latin LUs)	Kloot (1676): Total Number of LUs (Latin LUs)
ACTIONS	13 (3)	36 (1)
ARENAS	7 (1)	4 (0)
PARTICIPANTS	21 (9)	29 (2)
TOOLS	23 (4)	36 (8)
Total	**64 (17)**	**105 (11)**

The total sum of LUs in our material is of course too small to make any conclusions about the two authors' lexical behavior in general, but there are still a few things which are worth mentioning. The numbers in Table 7 show that both authors rely primarily upon Swedish LUs, although Rålamb uses more Latin LUs than Kloot: 17 of 64 LUs versus 11 of 105 LUs. These numbers also reveal that Rålamb has a greater total ratio of Latin LUs than Kloot with 26.6 % vs. 10.5 % respectively. However, the category of TOOLS is an exception, since Kloot has a somewhat higher ratio of Latin LUs than Rålamb with 22.2 % vs. 17.4 % respectively.

The semantic categories which hold the least amount of Latin LUs are the categories that describe content which rests upon a long judicial tradition in Swedish legal history: ACTIONS, ARENAS and PARTICIPANTS (cf. Rogström/Landqvist 2015a: 204). The exception is the category TOOLS, where both authors seem to have difficulties in finding accurate Swedish equivalents to the Latin LUs used. The reason for this might be that the category TOOLS was more open to influences from other legal traditions described in Latin and had no obvious Swedish lexicalized equivalents at the time (cf. Rogström/Landqvist 2015a: 204).

7.3 Standardization of Swedish lexical units

What can the results presented in Sections 7.1 and 7.2 tell about early standardization of Swedish LUs in the legal domain, i. e. our third research question?

First of all, we can establish that Swedish LUs are more frequently used in the material studied as compared to Latin LUs, although the ratio between Latin and Swedish varies somewhat between the four different semantic categories ACTIONS, ARENAS, PARTICIPANTS and TOOLS (cf. Table 7).

We can also see that some Latin LUs seem to be established as 'normal' LUs in the material studied, while other LCs are denoted with both Latin and Swedish LUs. We would like to believe that the use of Latin LUs in the handbooks reveals something about their degree of terminological standardization, and that they also tell us something about language use in relation to profession.

The study shows that Latin LUs are used in two different ways by Rålamb and Kloot: as the 'normal' LU for a certain LC and as a 'second choice' LU, due to the lack of more accurate Swedish LUs, at least in the 17th century.

Latin LUs which were regarded as the 'normal' LUs by Rålamb and Kloot are often accommodated to Swedish morphology in the material studied regarding number, definite forms, genitive forms, and agreement in nominal phrases. Examples of modified Latin LUs

are *citation – citationer* ['citations', 'lawsuits'], *process – processer* ['processes']; *processen* ['the process']; *processens* ['the process']; *laglig citation* ['legal summons'], *peremptorie stämning* ['peremptory summons'] respectively (cf. Battail 2010: 11 on accommodation of Latin terms to Swedish morphology in the 18th century). The accommodated Latin LU could also be used with Swedish words in regular word formation processes, such as compounding, for example *rättegång + process = rättegångsprocess* ['lawsuit'].

Quite a few of the Latin LUs in our study are fully adjusted to Swedish morphology and used in the same way as Swedish LUs. Many of these Latin LUs originally made their way into Swedish vocabulary as loanwords and became integrated. Therefore, they had a better chance of ultimately becoming Swedish legal terms. There are also examples of Latin LUs that have existed and still exist parallel to Swedish LUs for the same LC for instance *contumacia/olydnad/tredska* ['contumacy', 'contempt of court'] (cf. Rogström 2010, Rogström 2014 and Rogström/Landqvist 2015a for more examples).

In connection with the accommodated category of Latin LUs, it should be mentioned that other Latin LUs, which were once used in parallel use to Swedish LUs, no longer exist as legal terms. Some of these pairs of LUs are mentioned earlier in this article – one such example is *dilation* versus *uppskov* ['delay'] (Rogström 2014: 394 f.). Two other examples are the Latin LUs *actor* and *citatus*, which are replaced by the Swedish LUs *kärande* ['plaintiff'] and *svarande* ['defendant'] respectively (Rogström/Landqvist 2015a: 205 f.).

The second category of Latin LUs identified in this study is the one consisting of Latin legal terms used due to a lack of Swedish LUs, at least in the 17th century. These LUs belong for the most part to the semantic category TOOLS. Since Kloot is the one of the two authors who refers to the highest number of LCs in this category, his ratio of Latin LUs is larger than Rålamb's (cf. Table 7). Kloot also tries to explain the Latin words and phrases with explicit Swedish phrases using a fixed pattern, presumably based in Latin syntax.

8 Conclusions

Rålamb's and Kloot's use of lexical units (LUs) offer information about early standardization of Swedish (i. e. Germanic) LUs in the legal domain. Both Rålamb and Kloot use more Swedish than Latin (i. e. 'foreign') judicial LUs (cf. Section 7.2). As stated in Section 6, Latin LUs include both original Latin LUs like *judex* ['judge'] and modified Latin LUs like *process* (Lat. *processus*) ['process']. Both authors rely on the reader to understand Latin, at least to some extent. Rålamb weighs especially heavily upon Latin legal tradition and has a more relaxed approach to the use of Latin. His ratio of Latin LUs is larger than Kloot's, and Rålamb alternates more frequently between Latin and Swedish equivalents for the same LC without any obvious systematic pattern.

Kloot is more verbose than Rålamb in that sense that he uses a larger number of LCs than Rålamb and is therefore also noted for more LUs in total (cf. Section 7.1). On the other hand, Kloot seems to be more consistent in his use of LUs than Rålamb. Kloot operates with an intention to fulfill his aspiration to be able to use Swedish legal terms in his handbook instead of Latin legal terms, which he puts in the margins of the pages (cf. Section 5). Important to notice is that Kloot also relies on Latin, and that he could not function totally without it. Kloot's 'need for Latin' is especially significant in the semantic category TOOLS.

The results show that Kloot is more eager to explain the legal process in detail, whereas Rålamb seems to give a more general outline of the legal process with more references to Latin tradition. Rålamb seems to be more comfortable with Latin and uses Latin almost in a

code-switching fashion, being free to change from Swedish to Latin wherever he feels that he has a need to do so. Kloot seems to rely on Swedish in a more systematic way although he is apparently well acquainted with Latin (cf. Section 5).

We would like to think that the two authors' different approaches to Latin and Swedish in their handbooks could be traced back to their different professional experiences, described in Section 5. Rålamb could be said to represent a more learned and theoretical approach to the subject field of law, whereas Kloot had a more practical point of view. Kloot seems to have been more aware of the importance in promoting the Swedish language during a situation where more people with poor knowledge of Latin had to be acquainted with a reformed legal system including yet another level of courts, the Court of Appeal (cf. Section 4). Maybe this standpoint was not as obvious to Rålamb, already being a judge of a higher court, having total command of both Latin and the legal tradition.

As commented upon in Section 5, the difference between Rålamb's and Kloot's approaches could also be framed of an audience design motive, most clearly formulated by Kloot. In the same section, we also mention that legal historians assess the quality of Rålamb's handbook as higher than the quality of Kloot's. Is this standpoint based only on the judicial content of the handbooks? Have legal historians also pondered about the two authors' possible different audience design motive/s and their ambitions to reach other readers than university trained judges, lawyers and prosecutors? From such a point of view, Kloot seems to be more praiseworthy than Rålamb.

As shown in Section 7.3, the use of Latin and Swedish LUs in Rålamb's and Kloot's handbooks also offers information about lexication of Latin and Swedish LUs in the legal domain. Some of these Latin LUs are still the 'normal' Swedish LUs. Other Latin LUs, which were once used parallel to Swedish LUs, no longer exist as legal terms in Swedish.

Our study foreshadows a change in the use of Latin as the sole cultural, scientific and educational language in Sweden was about to take place at the end of the 17th century. One reason for this change might be the national cultural movement called "Göticismen" that strived to elevate the glorious past of Swedish history, drawing lines back to the mysterious "goths" (Sw. *göter*) (cf. Lindroth 1997: 249–251, 374, Battail 2010: 9). An important side of this work was to show that Swedish language could be just as useful and versatile as Latin, not only in cultural environments but also in administrative settings.

One of the more important presidents of Svea Court of Appeal in the 17th century, count Per Brahe, strongly urged the members of the court to use Swedish, to avoid Latin expressions and phrases and to avoid unnecessarily elaborate formulations (cf. Jägerskiöld 1964: 129). Both Rålamb and Kloot chose Swedish as their main language. But president Brahe's urge can be said to be taken up more seriously by Claudius Kloot, whose LUs and description of the semantic category PARTICIPANTS also correspond to the conditions of Svea Court of Appeal (cf. Section 7.1). By doing so Kloot foreshadowed a more intense debate on the use of Swedish vs. Latin in scientific language(s) during the 18th century (cf. Hannesdóttir 2011). This debate regarding Swedish vs. Latin is part of a more general discussion about languages in sciences, a debate which is still going on in the 21th century, focusing on national languages like Dutch, Finnish, German and Swedish versus English (cf. Gordin 2015).

Rålamb's and Kloot's rather different ways of dealing with Latin elements in their handbooks can be said to reflect variations in language policy (cf. Section 5). Clas Rålamb's individual language policy is rooted in a language policy of a speech community in Sweden in the 17th century. This policy could be described in the following way; authors, educated at universities

and more or less bilingual Latin–Swedish, would use Latin elements in Swedish written texts whenever they have a need for it, since their intended readers are more or less bilingual (cf. Helander 2012). Claudius Kloot's individual language policy is also rooted in a language policy of a speech community in Sweden in the 17th century. This policy could be described as such; Swedish should be used in all communicative situations and Latin linguistic resources should be avoided, since Swedish is equal to Latin and written texts in Swedish are accessible to a larger number of members of the Swedish society (cf. Hansson 1984).

Rålamb's and Kloot's handbooks can also be regarded as tools for the professionalization of persons acting in lower courts in the Swedish realm – primarily judges, prosecutors and lawyers. The handbooks might also have been of help to ordinary citizens seeking information in legal matters in Swedish instead of Latin, even if Rålamb's more abundant use of Latin elements presumably might have been a challenge for many readers with a weak, or a non-existent, knowledge of Latin.

Rålamb's and Kloot's handbooks, and the two authors' use of Swedish and modified Latin LUs as well as original Latin LUs, can also be regarded in a more general judicial context. A transition from Latin to vernacular languages in legal settings took gradually place in various parts of Europe from the Middle Ages and onwards, a transition aptly labelled "The triumph of the vernacular" by Peter M. Tiersma (2012). Just like Rålamb and Kloot, other legal professionals faced the challenges of creating lexical units in various vernaculars and making the terminology used understandable for persons in need of legal knowledge and accessible to those lacking formal legal studies at universities. To clarify the transition from Latin to various vernaculars in legal settings in Europe, a number of studies is required. Hopefully, this study of Clas Rålamb's and Claudius Kloot's use of Swedish and Latin legal vocabulary in the 1670's can function as an inspiration for such future studies.

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