Illinois Supreme Court History:
Legal Doublets and Triplets

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Why do we have legal doublets and triplets such as “assault and battery,” “ordered, adjudged, and decreed,” “cease and desist,” “cancel, annul, and set aside,” “null and void,” and “will and testament?” Legal doublets and triplets are sets of near-synonyms that have been used in legal language for centuries. Their origins lie in the Old English, French, and Latin linguistic history of English law.

Prior to the Norman conquest of England in 1066, the primary spoken and written language was Old English, a Germanic language brought by the Angles, Saxons, and Jutes. After the Duke of Normandy William the Conqueror invaded England, he allowed many English customs to remain, but the legal authorities principally wrote and spoke in French and wrote in Latin.

Because the words in French, Old English, and Latin were often different (French is of course a derivation of Latin), but had nearly the same meaning, legal professionals used two or three of these words so that people who spoke only one of the languages could understand. Hence the creation of legal doublets and triplets. Legal doublets like “will and testament,” emerged with “will” from Old English “wille,” and “testament” from Latin “testamentum,” while “aid and abet,” combine Old English and French roots. Similarly, in “null and void,” “null” comes from Latin *nullus* and “void” from French *vuide*.

Over time, Old English faded in common parlance, but many of its words survived, and legal practitioners still needed to know all three languages. These three languages were often used interchangeably in the law and even turned into subsets. For example, the Old English words of “Murder” and “Manslaughter” became subsets of the French word “Homicide.”

Latin became the principal written language because of its precision and provided some of our legal words: *certiorari*, *habeas corpus*, *mandamus*, etc. Old writs could be quashed because of simple grammatical errors. A great example occurred in 1667, when a man brought suit for payment of four painted pictures. His lawyer wrote the Latin phrase *quatuor pictas pellices*, thinking *pellices* was plural for a coating on a painting. Unfortunately, *pellices* means prostitutes. The court ruled that a contract for paintings of prostitutes was illegal and dismissed the case.

By the early 18th century, English had largely replaced Latin as the language of record in British courts, but Latin terms persisted. These conventions carried into the common law that the United States and Illinois eventually inherited.

This raises the question in modern legal writing: are doublets and triplets still necessary? As a hybrid of German and Latin/French, the English language is robust in its descriptions, yet legal language can be difficult to understand with its unique vernacular. The use of doublets and triplets may serve more to confuse, complicate, and obfuscate rather than clarify, simplify, and illuminate. Is today's simple English enough to describe complex legal principles?