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# CONCISE AUSTRALIAN LEGAL DICTIONARY

Sixth Edition

*Dr Peter Nygh – a tribute*

We pay tribute to the work of the late Dr Peter Nygh, one of the joint Editors of *LexisNexis Australian Legal Dictionary* and of the many dictionaries drawn from it. Dr Nygh was a prolific legal author whose career spanned the roles of academic, Professor of Law, Family Court Judge, and international lawyer. His deep learning, which came from a lifetime in the law, contributed enormously to earlier editions of this Dictionary.

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# Preface

This sixth edition of *LexisNexis Concise Australian Legal Dictionary* continues with its effort to present the core elements of the Australian legal lexicon in a concise, approachable format. It also seeks to be both scholarly and practical. This edition contains over 11,000 terms, presented in an Australian context and supported by Australian legislative and judicial authority.

The list of terms for *LexisNexis Concise Australian Legal Dictionary* was compiled by surveying a wide array of law reports, statutes from all Australian jurisdictions, and leading legal texts. We divided the terms into over 100 subject areas, and engaged the help of a large team of splendid lawyers to provide definitions. The contributors came from backgrounds as diverse as judges, academics, barristers, solicitors, economists and environmentalists. As General Editors, we then reviewed every entry for content, style, and consistency.

Our Specialist Area Editors, Rod Howie and Samantha Hepburn, also brought their expertise to bear in reviewing the terms in the areas Criminal Law, and Real Property and Auctions, respectively. We thank them for their dedication to and enthusiasm for this project. Their reviews have contributed enormously to the authoritative nature of this work.

To the contributors, we express our sincere appreciation. Their painstaking efforts have ensured that *LexisNexis Concise Australian Legal Dictionary* is a work of genuine quality.

The LexisNexis editorial team, led by Sharon Szeto, worked tirelessly to ensure consistency, accuracy and completeness. Each term was edited and reviewed many times, with authorities and citations checked for relevance and accuracy. The aim was to provide a work that was both comprehensive and current.

*LexisNexis Concise Australian Legal Dictionary* includes translations and explanations for many Latin words and phrases still used in modern law. These were reviewed by Justice Arthur Emmett of New South Wales Court of Appeal. Transcriptions of the Latin terms into the international phonetic alphabet, provided by Emeritus Professor Pam Peters, have also been included in this edition.

**Ray Finkelstein David Hamer**  
General Editors November 2020



# Pronunciation of Latin Legal Terms

The consistency with which Latin words are still written in modern English belies considerable changes in their pronunciation over the course of time. The divergence between medieval and classical Latin pronunciation was the focus of strenuous debate in Renaissance times, confirming the existence of alternative traditions, and highlighting for some protagonists the need for reform. Pronunciations still used in the Roman Catholic Church represent one evolutionary strand, while those enshrined in English legal practice represent another. Add to those the hypothetical classical pronunciation, and there can be three alternative pronunciations to recognise, as for *pace*: in /pakeɪ/ (the classical), /patʃeɪ/ (the Italian), and /persi/ (the English). The symbols of the International Phonetic Association (IPA) have been used as a common code for representing all pronunciations in this dictionary. See page xxx for the IPA symbols used for Australian English.

Strictly speaking there is a blend of classical and English Latin in many of the pronunciations given. This is pragmatic recognition of the fact that most English-speaking lawyers will anglicise their pronunciation of Latin terms, even those which fall strictly within the ambit of Roman law. Thus the postvocalic ‘r’ (as in *persona* and *quaestor*) will not be pronounced as a consonant, any more than in the non-rhotic dialects of modern English such as Australian English. The consonant written as ‘v’ was pronounced as /w/ in classical Latin, but takes the sound /v/ in modern English, as in *verba*, *via* and *vocatio* as. Latin consonantal ‘i’ now written as ‘j’ as in *injuria* is now usually pronounced as the affricate /dʒ/ which it has become in modern English, rather than the /j/ glide which it was in classical Latin. Other consonants often anglicised in modern pronunciation are ‘s’, which becomes /z/ between vowels, and ‘c’ which changes from /k/ to /s/ when followed by ‘e’ or ‘i’.

Anglicisations of Latin vowels are even more pervasive. Because stress is more strongly polarised in modern English than in classical Latin, unstressed vowels are quite often reduced to the indeterminate vowel /ə/, though they were probably distinct vowels originally (more like those in their spelling). The effects of the Great Vowel Shift can be seen in the diphthongisation of sounds which were pure vowels in classical Latin, for example ‘a’ to /eɪ/, ‘i’ to /aɪ/, and ‘o’ to /ou/. The raising of ‘e’ to /i/, and the lowering of ‘u’ to /ʌ/ are further anglicised elements, often providing alternative pronunciations as in ‘sub’ /sʊb/, /sʌb/. A list of occasional and frequent anglicisations is on page xxxi.

With so many variable elements, it is impossible to render all potential pronunciations for Latin terms used in modern English. Where space permits, alternative pronunciations are given for the individual headword, as with *ad nauseam*. Many other words and stems with alternative pronunciations, eg *bene*, *claus-*, *non*, are shown in the reference list of Variant Latin Pronunciations, also on page xxxi. Wherever more than one pronunciation is given, the first is the most fully anglicised, and the second or last is closest to the hypothetical classical pronunciation.

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