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In re Words: You Won't Be Haled if You're Haled

By Juliette Gillespie

As a lawyer, would you rather be hailed into court, or hailed into it? Perhaps you will be hailed as your client is hauled away. Or maybe you yourself will be hauled down the court's hallowed halls.

When I first got to law school, I wasn't sure if a party was *haled* into court, or *hailed*, or *hauled*. And I'm fairly certain many of my peers didn't know either. There was a glimmer of uncertainty in their eyes as they hesitated—for just a fraction of a second—before uttering the phrase.

In fact, almost 20 years later, I'm still not 100% sure.

So, I write this column for my own edification, as well as that of the reader.

If I needed to use this dreaded expression, I usually resorted to “hauled,” even though, deep down, I suspected that was not the proper term. But I knew that, literally, somebody could be *hauled* somewhere. A person could be carted, like an archive box full of overstuffed Redwelds, to a place, like a courtroom.

In other words, using the word *haul* was not technically *wrong*.

But that seemed so crude. Lawyers like to use scholarly language and nifty Latin phrases. Talking about forcibly dragging a grown adult into court, like a tantruming child out of a toy store—was our profession not more dignified than that?

So I looked it up.

First, the adjective *hale* means “free from defect, disease, or infirmity ... retaining exceptional health and vigor // a *hale* and hearty old man.” OK, good for him (and perhaps a worthy life goal), but not what I was looking for.

Then came the definition of the verb. To hale is to “draw slowly or heavily // synonyms: cart, drag, haul.”

Let me repeat that last bit: “synonyms: cart, drag, *haul*.” (Emphasis added.)

Hale and haul are synonyms! All this time I was agonizing over which of these two words to use (or at least vaguely wondering and never bothering to look it up), and *they mean the same thing*.

My research then led me to this insight, on the website of Professor Paul Briens at Washington State University: “One old meaning of the word ‘hale’ is ‘to drag,’ especially

by force. In modern usage it has been replaced with ‘haul’ except in the standard phrase ‘hale into court.’”

OK, got it: Nobody uses *hale* to mean *haul* any more—except in this one pesky phrase.

So I turned my attention to hale’s homophone: *hail*.

The noun *hail* refers to a form of solid precipitation, consisting of small lumps of ice. You can remember this because it has the “i” for “ice.”

As for the verb *to hail*, Professor Brians went on to note:

People who can’t make sense of this form [“hale into court”] often misspell the phrase as “*hail* into court.” To be hailed is to be greeted enthusiastically, with praise. People hailed into court normally go reluctantly, not expecting any such warm reception.

To hail means to cheer, salute, welcome, acclaim, approve. “The joyous crowds hailed the conquerors.” “The doctors hailed the advances in medical research.”

One might use the term as an interjection. Think: “Hail, Cesar!” and “Hail to the Chief!” And there is, of course, the Hail Mary. But it’s best to avoid politics and religion, so let’s move on.

To hail can also mean to call out to, in order to stop, attract attention, ask aid, etc., as in “to hail a cab.”

Or it can be a way to tell people of your homeland: “I hail (proudly) from New Jersey.”

An erudite friend brought to my attention this old compound-adjective creation: “hail-fellow-well-met.” It’s an archaic English idiom describing a person who is friendly, enthusiastic, congenial, or showing excessive familiarity—a sort of Shakespearean schmoozer.

That's a new one for me. Your challenge: Work it into the conversation at your next virtual cocktail hour.

The bottom line is that the word *hail* has numerous meanings, none of which has anything to do with bringing people to court, except when it's used in error by people who don't have a thorough understanding of the phrase "to hale into court."

Fortunately, you will never fall into that category again. You're welcome.

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