Title : Are legal texts Grey Literature? Toward an understanding of GL that invites

the preservation of authentic and genuine originals.

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Legal, archival and textual-critical concepts help to clarify important elements of the relationships between author, text, and publisher, and also open an opportunity to discuss seriously the preservation of authentic and genuine originals of GL.

Primary legal texts – legislation and case law – are produced by governments, and are not controlled by commercial publishing. As such, they meet current definitions of Grey Literature. However, they are not normally considered GL due to a combination of factors. These include the perception of legal texts as different in kind due to their special status as expressions of law, and more specifically due to the large-scale publically-owned (or deeply influenced) publishing concerns that produce them, their wide distribution, and their commercial-style formats.

A pervasive quality of GL is that it is closely connected to the work and purpose of the issuing body, and it is not influenced by commercial publishing priorities. Thus, catalogues, press releases, and financial reports issued by a publisher about its own internal workings are GL, in spite of having been published by a 'commercial publisher.' Such documents are integral to the life of a publisher in a way that an individual title is not, and such materials are subject to different criteria when it comes to evaluating their content.

This contrast brings to light the fact that it is not the techniques, processes, materials, or distribution channels of commercial publishers that distinguish their works from GL, but rather the relationships that exist between the author, the text and the publisher.

The unbroken connection of GL with the purpose of the issuing body invites us to explore the concepts of Authenticity, Genuineness, and Originality developed in Archival Studies by Luciana Duranti. To further explore the relationships between author, text, and publisher more generally, concepts from Book History and textual criticism are used. Concepts from the law of evidence can be used to define other important elements of the question of these defining qualities of GL. It follows from these definitions that criteria can be established for the preservation of GL that do not compromise these qualities of the documents.