

# The linguistic influence of French in the English language in the semantic field of Law

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## Abstract

In the following article, it will be analyzed the French influence in the English legislative area from the Middle Ages to the present day. To demonstrate this rootedness, it will be traced back to the Norman invasion and the subsequent introduction and adaptation of new vocabulary and its proper pronunciation. It will continue with the creation of new words through the French endings, to end with the preservation of French "petrified expressions" used in legal environments.

**Keywords:** French, English, Linguistics, Norman Invasion

**Título:** La influencia lingüística del francés en el idioma inglés en el campo semántico de la legislación.

## Resumen

En el siguiente artículo, será analizada la influencia francesa en el área legislativo de Inglaterra desde la Edad Media hasta nuestros días. Para demostrar dicho arraigo, se remontará a la invasión normanda y a la posterior introducción y adaptación de un nuevo vocabulario y su debida pronunciación. Se proseguirá con la creación de nuevos vocablos a través de las terminaciones francesas, para finalizar con la preservación de "expresiones petrificadas" francesas utilizadas en entornos legales.

**Palabras clave:** Francés, Inglés, Lingüística, Invasión Normanda.

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From ancient times, many civilizations have used a set of rules to maintain the social order within their communities. Nevertheless, they have evolved, expanded and influenced over the world. The reasons of their expansion can occur because of different reasons, the case I will discuss below was produced by the invasion of one country to another. In this essay I will focus on the French language expansion during the Medieval England period and the preservation nowadays of such influence in the area of legislation. To support this, I will introduce the historical context, the introduction of new vocabulary, the adaptation of French phonology to English inhabitants in order to adequate its pronunciation, the creation of new words thanks to the French ending particles and the preservation of French 'petrified phrases' used in legal environments.

To understand the influence of French in the English language we must first go back to the Norman invasion that occurred in 1066. Normandy was a region of the northwest of France, its duke, William (named later "the Conqueror"), was the second cousin of Edward the Confessor, king of England. Upon his death, there were a series of conflicts to elect a new monarch, however in the Battle of Hastings, the duke of Normandy acquired the throne of England. The acceptance of his arrival to the throne was not instantaneous, and William had to carry out a series of campaigns to impose order. Because of these confrontations, most of the upper English class died in the battlefield. Similarly, many of them fled, as they became enemies of the crown. This, along with his ignorance of the English language, were the reason why William placed in government positions close confidantes: individuals of Norman origin, a group he could communicate in his mother tongue with. However, this did not prevent the coexistence of the two languages at the same time, while the masses continued speaking in English, the upper class made use of French. Nonetheless, none of the two languages was unknown to the inhabitants of the British Isles.<sup>35</sup> To consolidate his power, he centralized the system of justice through the Royal Courts of Justice in Westminster, and later, the court of Chancery was created. Similarly, the judicial systems called Common Law and Equity were developed. The French language started then to monopolize the legislative language. The first French law was enacted in 1275, but in the 14th century is when it reaches its maximum usage. With the marriage of Henry III and Eleanor of Aquitaine another wave of French high class arrived in England, and this kept the

<sup>35</sup> Albert C. Baugh and Thomas Cable, *A history of the English language* (London: Routledge, 2002), p.109-116

French-speaking collective in the ruling class. This elite was also benefited because French was the language chosen for the legal issues, and in most cases their adversaries did not know the language. It was also taking the place of Latin since the cleric no longer occupied the positions of judges in the courts of the common law. And although its use was declining later, the French legal language was not supplanted by English due to the number of expressions of legal significance that existed previously<sup>36</sup>. Ingham differences the French used in legal fields as the “language variety called Law French, last vestige of French used in Mediaeval England”<sup>37</sup>. However, he also adds that it was only used in ‘communicative contexts’<sup>38</sup>. Examples of its vocabulary that were used in legal environments are:

*Cestui que* – Beneficiary.

*Pur autre vie* – For during the lifetime of some third party.

*Terre-tenant* – one who has the actual possession or occupation of land.

The influence of the old French is more than evident in other terms such as:

Assault – *Assaut*.

Damage – *Dommage*.

Heir – *Héritier*.

Authority – *Autorité*.

Chancellor – *Chancelier*.

Action – *Action*.

Bar – *Barreau*.

Counsel – *Conseil*.

Judge – *Juge*.

Verdict – *Verdict*.<sup>39</sup>

This inclusion of new words also affected their pronunciation. This variability is found in words like:

*Record*. When it is stressed on the first syllable is a noun. While if the second is a verb.<sup>40</sup>

At the time of adapting the vocabulary, we must take into account the importance of the respect of their original pronunciation. Norman French vowels’ complexity led to the English community to prevent the pronunciation of hiatuses. In phonology terms, ‘the diphthong [ei] developed from the vowel [é] finally and before palatals’, meanwhile in Norman French became in several cases as the long open [ɛ:].

If we take the words from the Normand French: *Leial, Reial and Vaiage*. We can see how their pronunciation developed into: *Leale, Real and Viage*. In order to adapt the Romance language pronunciation to the Isle.<sup>41</sup>

Another aspect that evolved thanks to Law French, and which have been collected in the book of Mattila, *Comparative Legal Linguistics*, is the formation of words in English:

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<sup>36</sup> Heikki Mattila, *Comparative legal linguistics* (Farnham, Surrey, England: Ashgate, 2013), p. 306-312

<sup>37</sup> Richard Ingham, *The transmission of Anglo-Norman: Language History and Language Acquisition* (Amsterdam: John Benjamins Pub. Company, 2012) p.24

<sup>38</sup> *Ibid.*, p.25

<sup>39</sup> Heikki Mattila, *Comparative legal linguistics* (Farnham, Surrey, England: Ashgate, 2013), p.318-319

<sup>40</sup> Seth Lerer, *The History Of The English Language*. (Chantilly, VA: Teaching Co., 2008.), p. 47

<sup>41</sup> Magdalena Bator and Jacek Fisiak. *Foreign Influences On Medieval English (Studies In English Medieval Language And Literature)*. (Peter Lang Publishing Group, 2011). P.304

The past participle was formed in French by adding at the end of the word: *-e /-ee*. Law French made use of this technic to make reference to the agent of a sentence, that is, the person affected by the action of the verb: '*arrestee, condemnee, acquittee*'. Equally, the subject of a sentence is formed by adding the suffix *-or*. It led to the creation of nouns with opposite meaning:

'*Trustor*: A person who puts property, rights, etc., into the possession of a trustee or trustees. Correlative to trustee'.<sup>42</sup>

'*Trustee*: A person into whose possession assets, property, etc., are put, to be held or administered for the benefit of another'.<sup>43</sup>

'*Vendor*: One who disposes of a thing by sale; a seller'.<sup>44</sup>

'*Vendee*: The person to whom a thing is sold; the purchaser'.<sup>45</sup>

The creation of nouns was produced by adding different particles:

The termination used in French to refer the verbs in infinitive is *-er*, but in English makes reference to nouns:

'*Interpleader*: One who interpleads'.<sup>46</sup>

'*Joinder*: spec. in Law, in various connections: see quotes. 1607 J. Cowell Interpreter sig. Oo2<sup>v</sup>/1, loynder, is the coupling of two in a suite or action against another'.<sup>47</sup>

The termination *-al / -el* to the end of a verb was also used to create substantives:

'*Trial*: Law. The examination and determination of a cause by a judicial tribunal; determination of the guilt or innocence of an accused person by a court'.<sup>48</sup>

'*Proposal*: Law. A written request submitted to a clerk of the Court of Chancery in certain circumstances'.<sup>49</sup>

'*Estoppel*: Law. An impediment or bar to a right of action arising from a man's own act, or where he is forbidden by law to speak against his own deed'.<sup>50 51</sup>

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<sup>42</sup> 'truster, n.' *Oxford English Dictionary*, 3rd ed. (2016).

<<http://www.oed.com.ezproxy3.lib.le.ac.uk/view/Entry/207012?redirectedFrom=trustor>> [Accessed 8 May 2016].

<sup>43</sup> 'trustee, n.' *Oxford English Dictionary*, 3rd ed. (2016).

<<http://www.oed.com.ezproxy3.lib.le.ac.uk/view/Entry/207008?rskey=LRNE8a&result=1&isAdvanced=false#eid>> [Accessed 8 May 2016].

<sup>44</sup> 'vendor, n.' *Oxford English Dictionary*, 3rd ed. (2016).

<<http://www.oed.com.ezproxy3.lib.le.ac.uk/view/Entry/222075?redirectedFrom=vendor#eid>> [Accessed 8 May 2016].

<sup>45</sup> 'vendee, n.' *Oxford English Dictionary*, 3rd ed. (2016).

<<http://www.oed.com.ezproxy3.lib.le.ac.uk/view/Entry/222057?redirectedFrom=vendee#eid>> [Accessed 8 May 2016].

<sup>46</sup> 'interpleader, n.2' *Oxford English Dictionary*, 3rd ed. (2016).

<<http://www.oed.com.ezproxy3.lib.le.ac.uk/view/Entry/98162?rskey=QUuTEL&result=2&isAdvanced=false#eid>> [Accessed 8 May 2016].

<sup>47</sup> 'joinder, n.' *Oxford English Dictionary*, 3rd ed. (2016).

<<http://www.oed.com.ezproxy3.lib.le.ac.uk/view/Entry/101533?redirectedFrom=joinder#eid>> [Accessed 8 May 2016].

<sup>48</sup> 'trial, n.1' *Oxford English Dictionary*, 3rd ed. (2016).

<<http://www.oed.com.ezproxy3.lib.le.ac.uk/view/Entry/205662?rskey=9Kng61&result=1&isAdvanced=false#eid>> [Accessed 8 May 2016].

<sup>49</sup> 'proposal, n.' *Oxford English Dictionary*, 3rd ed. (2016).

<<http://www.oed.com.ezproxy3.lib.le.ac.uk/view/Entry/152791?redirectedFrom=proposal#eid>> [Accessed 8 May 2016].

<sup>50</sup> 'estoppel, n.' *Oxford English Dictionary*, 3rd ed. (2016).

<<http://www.oed.com.ezproxy3.lib.le.ac.uk/view/Entry/64600?redirectedFrom=estoppel#eid>> [Accessed 8 May 2016].

Equally, many word endings that prevail today also come from French:

*'-ei, ey, oi: joy*

*-ion: retention, extension*

*-ment: condiment*

*-ence, -aunce: existence*

*-or, our: honor, color<sup>52</sup>*

Finally, there is a series of 'petrified phrases' dating from the era of Law French in which, in contrast to the actual English, place the adjective after the noun: '*accounts payable*', '*attorney general*', '*court martial*', '*fee simple*', '*letters patent*'<sup>53</sup>

Although the French culture was on its rise throughout Europe, in England it began to emerge a nationalist sentiment, binding all the citizens who lived there. The opposition against King Henry III, who was considered a foreigner in his country, and the loss of Normandy in 1204, provoked that the French influence lost its importance. With regard to the French language, the fact that they did not coexist with native French communities, resulted in the declining of French language, and grammatical and semantic errors were more than evident in legal documents.<sup>54</sup>

In short, the inclusion of the French language in England changed the English language that prevails nowadays. This essay has tried to explain the importance of historical events to find the cause of such penetration and as a result of that, the introduction of new vocabulary, the adaptation of French pronunciation to the English, the formation of new words through French endings and the existence of 'petrified phrases' used in legal areas.

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<sup>51</sup> Heikki Mattila, *Comparative legal linguistics* (Farnham, Surrey, England: Ashgate, 2013), p.318-319

<sup>52</sup> Seth Lerer, *The History Of The English Language*. (Chantilly, VA: Teaching Co., 2008.) p.49

<sup>53</sup> Heikki Mattila, *Comparative legal linguistics* (Farnham, Surrey, England: Ashgate, 2013), p. 318-319

<sup>54</sup> Albert C. Baugh and Thomas Cable, *A history of the English language* (London: Routledge, 2002), 130-132

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