

LATINISMS IN LEGAL ENGLISH

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Autor jest wykładowcą w Katedrze Filologii Angielskiej Uniwersytetu Szczecińskiego oraz Wyższej Szkole Języków Obcych w Szczecinie. Obronił pracę magisterską z zakresu odmian języka angielskiego. Prowadzi zajęcia m.in. z translacji, gramatyki kontrastywnej, historii i odmian języka angielskiego. Jest tłumaczem przysięgłym języka angielskiego oraz członkiem komisji egzaminacyjnej dla kandydatów na tłumaczy przysięgłych.

“Non verbum e verbo, sed sensum exprimere de sensu”
(not word by word, but meaning for meaning)
St. Jerome, patron-saint of translators

In the Early Modern English period of the history of English, there was an expression synonymous to *interpreter*: *latimer*, derived from a corruption of the ancient Norman (Old French) word, *latinier*, denoting a speaker of Latin. That fact may serve as food for thought for those legal translators and interpreters of English who claim they can possibly get away with the ignorance of Latin in their professional work. As a matter of fact, numerous English words and phrases of legal nature are of Latin origin.

Compared to other languages, the vocabulary of English is of very diverse origins. Throughout its history, English has been open to borrowings from numerous languages, including classical ones: Latin and Greek. According to the Oxford English Dictionary, Latin has provided English with the highest number of loanwords, amounting to more than 50,000. They entered English either directly or via French. The bulk of Latinisms pertains to formal register.

Borrowings from Latin can be divided into four periods:

1. words borrowed while English speakers still lived on the continent (Germanic/Continental/Zero period);
2. words borrowed in Old English times (450-1100, First and Second Period);
3. words borrowed during the Middle English period (1100-1500, Third Period);
4. words borrowed in Modern English (from 1500, Fourth Period).

As far as types of Latin words and phrases are concerned, two basic types can be distinguished:

1. assimilated: all borrowings of the Old English and Middle English periods and most Renaissance borrowings; and,
2. unassimilated: recent borrowings or words and phrases fossilized in legal or scientific language. (Stockwell & Minkova 2001: 163)

The two types shall be looked upon.

1. Assimilated words and phrases in legal English

In the Germanic period, most Latin loanwords were confined to the spheres of plants, animals, household items, food and drink, military affairs, commerce and agriculture; in total, that was about 175 words, e.g. denoting *wine, chalk, kitchen, street* (Pyles & Algeo 1993: 287). Nevertheless, there were only a few legal words, e.g. *scritan* “decree” (Crystal 1995: 8).

During the time of Old English, there came relatively few borrowings, and the corpus was predominantly of native Germanic origin. In Roman Britain, before the Anglo-Saxon invasion (449), Latin had been the official language of government. One result of it was the subsequent introduction of a number of Latin loanwords into English. Christian missionaries from Ireland and Rome also brought with them a huge Latin vocabulary, and Latin became the language of the Church. Apart from ecclesiastical words, Latin also contributed biological, domestic and general words. Altogether, there were about 350 English loanwords from Latin in the entire period, possibly none of them to do with law as legal terminology was of Anglo-Saxon origin.

In Middle English, the bulk of borrowings into English came from French. It is often hardly possible to tell whether a particular word was borrowed from French or Latin. Following the Norman Conquest (1066), first French, then Latin (from 1362) was the language of the law. Out of thousands of Latin loanwords, those from the sphere of law include: *alias, apprehend, arbitrator, client, to commit, conviction, custody, homicide, legal, legitimate, malefactor, memorandum, prima facie, prosecute, proviso, subpoena, testament, testify, testimony* (Crystal 1995: 48).

Renaissance brought the revival of interest in classical culture and literature. Latin had great prestige as the language of international scholarship, a model of perfection. While English was establishing its supremacy over Latin, it was at the same time more under its influence than at any other time in its history. Learned men, accustomed to using Latin in their lives, incorporated its words and phrases into everyday usage. Owing to the

work of translators and lexicographers, thousands of Latinisms were adopted into English. Some words are only slightly changed from the originals; others have entirely kept the Latin or Greek form. This peak period of this greatest influx of Latin loans lasted from 1580 to 1660 (Barber 1993: 177). Legal terms borrowed in that period include words such as *affidavit*, *alibi*, *assassinate*, *caveat*, *codex*, *compensate*, *delirium*, *disregard*, *egregious*, *eradicate*, *insane*, *in fee simple*, *innuendo*, *jurisprudence*, *notorious*, *vindicate*.

1.1 Latin roots and affixes

Latin has provided English with numerous productive affixes. Getting acquainted with the meaning of Latin-based roots and affixes may help translators understand the meaning of many words and, consequently, translate them into Polish. An exemplary listing follows, compiled from the list by Funk (1950: 368-391), aided by translations into Polish from Jaślan & Jaślan (2001).

1.1.1 Roots

- *leg* “law, charge” as in: legal, legislate, allege, delegate, legitimate, privilege.
- *bene* “well” as in: benefactor (*facio* – “do”).
- *cedo* “yield, give up” as in: to cede.
- *dictum* “the thing said” as in: dictum (*orzeczenie sędziego nie mające mocy prawnej*), obiter dictum (*incydentalna opinia sędziego lub sądu*), verdict (*vere* – “truly”).
- *do* “give” as in the form *don* in: pardon = forgive (*par* – through) *prze-baczyć*.
- *frango* “break” as in the form *fring* in: to infringe upon something – break in upon something.
- *jacio* “throw, cast” as in the form *ject* of: to object, objection (*ob* – against) *od-rzucić*.
- *mitto* “send, let go” in the forms: *mit*, *miss* as in: remittance, admissible evidence.
- *salio* “jump” in the forms: *sail*, *sault* as in: assail, assault.
- *teneo* “hold” in the form: *tain* as in “to detain.”
- *test* “bear witness, give evidence” as in: to attest to the truth, to die intestate (not having made a will), to testify.
- *tort* “twist, turn” as in: to extort money = twist it out; also, tort itself (*delikt*) - a wrong or injury not involving breach of contract.
- *venio* “come” as in: convention, covenant (*con* – together).
- *video* “see, look” in the form *vid* as in: evidence.

1.1.2 Prefixes

- *con-* “together” as in: conjugal = marital (*jungo* – “join”)
- *contra-* “against, opposite” as in: to contravene (*naruszać*) the law.
- *counter-* “against, opposite” as in: counterfeit money - made in imitation with intent to deceive; not genuine; forged (*fero* – “make, do”).
- *dis-* “apart, away, not” as in: disincentive, synonymous with *deterrent* (*de-* “away”).
- *extra-* “outside the scope of” as in: extramarital.
- *il-* “negative” as in: illegal.
- *inter-* “between, among” as in: to interpret, intercede (with a judge) – plead or speak on behalf of another, mediate (*cede* – “go”).
- *mal-* “ill, evil, wrong” as in: malpractice, malefactor, malfeasance – doing something which is illegal.
- *mis-* “badly, wrongly” as in: misfeasance – improperly doing something which a person has the legal right to do; also, misdemeanor, misconduct.
- *non-* “not” as in: nonfeasance – not doing something that a person should be doing.
- *para-* “beside, along with” as in: paralegal.
- *post-* “after” as in: postmortem (*mors* – “death”).
- *pre-* “before” as in: preamble (*ambulo* – “walk”).
- *pro-* “forth, forward” as in: proceed (*cedo* – “go, move”).
- *re-* “back” as in recourse (*prawo regresu*, *uciekanie się*) (*curro* – “run”).
- *se(d)-* “away, apart” as in: seduce - to lead astray, as from duty or principles; corrupt (*duco* – “lead”).
- *tress-* “across, surpassing” as in: trespass - wrongful entry upon the lands of another.

1.1.3 Suffixes

- *-ant* "one who performs" as in: defendant.
- *-cida* "killer" as in homicide, infanticide, matricide, patricide, uxoricide (*žonobójca*)
- *-ese* "belonging to a place" as in: legalese – language containing an excessive amount of legal terminology or of legal jargon.
- *-esque* "having the style of X" as in: lawyeresque – new coinage (with some 60 hits in Google search engine), often with negative connotations.
- *-trix* "feminine agent." Most English nouns with *-trix* have dropped from general use and occur rarely or not at all in modern English. The forms in *-tor* are applied to both men and women. Legal documents still use administratrix, executrix (a woman appointed by a testator to carry out the terms of the will / *wykonawczyni testamentu*), inheritrix / inheritress, prosecutrix (female accuser in case of rape), etc., but these forms too are giving way to the *-tor* forms.

2. Unassimilated words and phrases in legal English – pronunciation

While it is relatively easy to pronounce words and phrases perceived as English words, the pronunciation of fossilized items may cause numerous problems. A major difficulty concerns the extent to which "authentic" Latin pronunciations are to be reproduced or simulated. There are five traditional methods of pronunciation of Latin in modern times:

1. the classical Ciceronian
2. the Italian
3. the Continental
4. the British
5. the American (Stockwell & Minkova 2001: 163).

In the British system, both consonants and vowels are pronounced as they would be in a similar English word, e.g. *a priori* [e prai 'o rai], *sine die* ['saini 'daii]. However, those anglicized vowels are gradually falling into oblivion, and Britons tend to revert to "new", continental pronunciation of vowels.

In the American system, there is one general rule: English consonants, Continental vowels. Thus, *a priori* would be there [a pri 'o ri], *sine die* – [sini diei]. It must be pointed out, though, that neither of the two systems is thoroughly consistent. Let us take a closer look at the pronunciation of consonants and vowels in unassimilated classical words.

As Stockwell and Minkova (2001: 164) write, "it is generally accepted that the consonants of any classical words in English should be pronounced in accord with the standard values associated with those letters in English orthography. In most cases, . . . the values of the consonant letters in Latin and in English have remained the same." For instance:

- *prima facie* in the classical Ciceronian method would have sounded [pri ma 'fa ki e]; in modern English, it is pronounced [prai ma 'feʃ i i]
- *ex officio* would have been [eks o 'fi ki o], now it is [eks o 'fiʃ i o]
- *sui generis* was [su i 'ge ne ris], is [swi 'dʒe ne rWz]
- *v* was pronounced [w] in ancient Rome, so *volenti* ("to a consenting person") was [wo len ti], but now is [vo len ti].

The chief differences between the classical and the Anglicized pronunciation of consonants are provided in the table below (Stockwell & Minkova 2001: 164):

Letter	Classical sound	Anglicized sound	Example
C	[k]	[s] before i,e	<i>pace, et cetera</i>
G	[g]	[dg] before i,e	<i>Ab origine, genius</i>
T	[t]	[ʃ] before iV,e	<i>Ab initio, ratio</i>
V	[w]	[v]	<i>verbatim, modus vivendi</i>

As regards vowels of unassimilated words, they can be pronounced according to two distinct systems:

- British, i.e., with the pronunciation typical in English for that position in a word,
- American, i.e., with the pronunciation typical of European languages such as Spanish, German or French (Continental / European system). (Stockwell & Minkova 2001: 165)

Following the European values of the vowels enables one to be consistent in the pronunciation of the vowels of classical words. Thus, e.g., [a] has 3 main values in English: [æ], heard in *caveat, magnum opus, lapsus* etc.; [a], as in *tabula rasa, pater familias, alma mater*; finally, [ei] as in *prima facie, habeas corpus*.

Many Latin words and phrases have a fossilized, widespread pronunciation that is divergent from the principles provided above. For instance, ['pri mW 'fe ši] would be recommended for *prima facie* on the grounds of those principles, but [prai mW ...] is well-established. The pronunciation of the letter *i* at the end of borrowed

words very often is [ai], as in *alumni*, *a priori*, *loci*, *nuclei*, yet sometimes [i] is heard, as in: *advocatus diaboli*, *anno Domini*, *memento mori*, *modus vivendi*, *vox populi*, *lapis lazuli*, etc.

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SUMMARY

In the paper, the author undertakes to outline the presence of Latin in the realm of legal English. The approach adopted is diachronic, that is, loan words from Latin into English are presented from the historical perspective, starting with the ones borrowed in the Continental period of borrowings until the recent ones. Both assimilated and unassimilated words and phrases are looked at. In particular, in the first part of the paper, Latin roots and affixes of assimilated borrowings are listed and their meanings explained, which is followed by an exemplification of words containing the roots and affixes provided. In the second part, the author presents some issues regarding the pronunciation of unassimilated words and phrases. Useful Internet sources pertinent to the issues discussed are provided at the end of the paper.