Development of subordination in Early Modern English legal discourse

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Abstract

The aim of the study is to survey diachronically how different subordinate clauses are used in the genre of Early Modern English legal texts. The material consists of parliamentary acts in a corpus of legal texts ranging from 1491 to 1700. Subordination has been shown to become more common during the Early Modern English period, and as a result sentences became more complex. As opposed to the general pattern of subordination in the era, the paper shows that the frequencies of subordination in statutes alter considerably during the sixteenth century but become more stable in the seventeenth century. These differences are linked to the evolving genre conventions of legal writing and also to sociohistorical changes such as the beginning of printing of the acts and the growing importance of legislation in society.

1. Introduction

This paper studies subordination in parliamentary acts of the Early Modern English period. The analysis concentrates on the frequencies and distribution of different subordinators in historical legislation from the late fifteenth century to the end of the seventeenth century. In general, earlier studies have shown that both the importance and prevalence of subordination in English have grown diachronically, and that many new subordinators entered the language in the Early Modern English era (e.g. Görlach 1991: 122). The material of the study, however, suggests that the frequency of subordination in national legislation does not increase gradually but shows a more diverse development: subordination is more varied in the sixteenth century than in the seventeenth century. This development in the acts is related to the notion of linguistic complexity and genre conventions since established writing practices affect the reading and understanding of texts. In fact, the paper shows that syntactic structure in the acts is based largely on syntactic repetition, so that subordination and also coordination are used consistently to simplify the organization and sentence structure of the acts. In addition, the special uses and functions of subordinating clauses in legislation are examined. Hence, the study illustrates that different types of subordinating clauses have particular roles in statutes and that the uses change in the Early Modern era. The data of the study is a self-compiled Corpus of Early Modern English Statutes (1491–1700).

The theoretical framework of the study relies on genre studies but also on historical pragmatics and corpus linguistics. The term genre is used to refer to a set of extralinguistic features such as audience and purpose, and these factors are seen to influence the choice of linguistic text type features. Genres can hence be described as a set of recognisable and conventionalised communicative events, characterised by a set of communicative purposes

(Bhatia 2004; Swales 1990). In relation to historical material, the sociohistorical perspective is also significant to language change. Although genres are highly conventionalised, they are not stable, as communicative purposes and communicative practices change, e.g. the parliamentary texts faced a shift in their audience when the printing of the acts began (Gunn 1995: 188).

2. Definition of subordination and earlier studies

The terminology and definitions used in this study are based on the work by Quirk *et al.* (1985) that presents a comprehensive grammar of present-day English. Quirk *et al.* (1985) categorize sentences into simple and multiple sentences: simple sentences are composed of only one main clause, while multiple sentences can be further divided into compound sentences (that contain at least two coordinated main clauses with possible subordinate clauses) and into complex sentences (with one main clause and at least one subordinated clause) (Quirk *et al.* 1985: 987). The study of subordination hence concentrates on the compound and complex structures in the parliamentary acts. The legal texts offer a fruitful data for the study on subordination: only few sentences in the material are simple sentences, while complex and compound sentences dominate.

Subordination in sentences can be recognized by specific markers of subordination. Quirk *et al.* (1985: 997) classify five indicators found in subordinate clauses that typify the clause as a subordinate to a matrix clause:

1. The clause is initiated by a subordinating conjunction
2. The clause is initiated by a *wh*-element
3. Initial elements in the clause are inverted
4. The presence of certain verb forms in finite clauses is determined by the type of subordinate clause
5. The verb element of the clause is either nonfinite or absent

(Quirk et al. 1985: 997)

The present study comprises the two first types of subordinate clauses, i.e. clauses that are either marked by a subordinate or by a *wh*-element. Additionally, the clause types number four and five are included in the analysis in cases where they contain a subordinating conjunction. The third type, inversion of the initial elements (*Should you have…),* is not used in the legal texts. The study has been limited to subordinated clauses marked with subordinated conjunctions, because the corpus material has not been tagged yet (see section 3). Furthermore, subordinate clauses have various functions in sentences, as they can have a nominal, adverbial, relative or comparative relation to the matrix clause (Quirk *et al.* 1985: 1047). In the analysis, however, the subordinated sentences are typically not categorized according to their functions in the sentences, although comparative subordinators are distinguished from other subordinators, and relative *that* and a limited number of other relative *wh*-clauses are discussed separately.

Subordinating conjunctions vary according to the type of sentence that they mark as subordinated, e.g. subordinators for finite, nonfinite and verbless clauses. The subordinators occurring at the beginning of finite clauses can be categorized to simple, correlative and complex subordinators (Quirk *et al.* 1985: 998ff.). Simple subordinators include, for example, *after, if, that, whereas* and *while.* Correlative subordinators are, for instance, *such–as, so–as* and *if–then.* Complex subordinators end with *that: but that, in that, assuming (that)* and *providing (that).* Nonfinite clauses and verbless clauses are also sometimes marked with the subordinators *without* and *with* and bare infinitive clauses with

rather than and *sooner than*. Additionally, to-infinitive clauses, *-ed*-clauses and *-ing*-clauses can be marked with a number of subordinating conjunctions. In addition to the subordinators used in Present-day English, it is necessary to consider the subordinators used in the Early Modern English period. Kortmann (1997: 293) presents an inventory of adverbial subordinators in the history of English; he lists 97 different adverbial subordinators found in the Early Modern English period. The number of adverbial subordinators becomes more varied in the era since the inventory of adverbial connectors contains 74 different adverbial subordinators in the Middle English era and 97 in the following Early Modern period. New subordinators in the Early Modern period were, for instance, *albeit (that)* and *except (that)*. The meaning of some subordinators has also changed in the course of the linguistic periods. According to the *Middle English Dictionary*, *and* was used in subordinating clauses in addition to the additive use: it denoted among others contrast (*yet, but*) as well as condition or comparison (*if, even if, as if*).

A brief summary of previous research on subordination in historical statutes is also in order. Although, both coordination and subordination are current topics in corpus-based historical studies on English (see e.g. Lenker and Meurman-Solin 2007), comprehensive inventories of the distribution and use of different subordinating clauses in specific historical genres are nevertheless sparse. In fact, the Early Modern English statutes have mainly attracted the scholarly interest of historians, while linguistic attention on the acts has been limited. Historians such as Elton (1983) present detailed descriptions of the content and development of the parliamentary rolls and hence offer important extralinguistic information affecting the linguistic development. Only few earlier studies have been published on the linguistic properties of national statutes of the Early Modern English era. Hiltunen (1990) offers a preliminary look at the development of legal language from the Anglo-Saxon era to Present-day English. Similarly, Mellinkoff's (1963) work studies legislation and legal language diachronically from the Anglo-Saxon period onwards. Kohnen (2001) further analyses the language of fifteenth-century petitions and standardization. Corpus linguistics methods on historical statutes are rare within the studies. The legal texts in the *Helsinki Corpus* have, however, been analyzed at least in three earlier studies. Rissanen (1999a and 2000) focuses on standardization and the *Statutes of the Realm* (1488–1699) in the *Helsinki Corpus*. Additionally, Facchinetti (2001) includes an analysis of the *Statutes of the Realm* in her study on conditionals.

3. Material and method of studying the data

The material of the study is the Corpus of Early Modern English Statutes (1491–1700), compiled for the purposes of diachronically studying complexity features in Early Modern English. The corpus contains various subcategories of written national legislative texts: parliamentary acts, proclamations, Privy Council's orders and orders by the Houses of Commons and Lords. The analysis has been limited to the category of parliamentary acts in the corpus, containing approximately 179,000 words at the moment. The parliamentary acts in the corpus are selected by the principle that they cover the analyzed time period and reigns of different sovereigns thoroughly: the corpus contains at least one text from the first parliaments of each sovereign and one or more additional texts from the same era depending on the length of the reign. The parliamentary texts cover 18 parliaments altogether and they contain in total approximately 140 different acts. The corpus texts have been limited to 10,000 word text extracts in order to include material from as many parliaments as possible. The parliamentary texts are collected from the *Early English*

Books Online (EEBO), and they have been transcribed to text format. The current distribution of parliamentary texts over the centuries and monarchs in the corpus is presented in Table 1.

English monarchs	Reign	Parliamentary sessions included (1=session held at the first year of the king, 2=second year, etc.)
TUDORS		
Henry VII	1485-1509	1,3,4 (printed together), 11, 19
Henry VIII	1509-1547	1, 21
Edward VI	1547-1553	1
Jane Grey	1553	
Mary I	1553-1558	1, 2 (printed together)
Elizabeth I	1558-1603	1, 5, 14
STUARTS		
James I	1603-1625	1, 21
Charles I	1625-1649	1, 16-18
COMMONWEALTH		
Oliver Cromwell	1649-1658	1653 parliament
Richard Cromwell	1658-1659	
STUARTS (restored)		
Charles II	1660-1685	13-14
James II	1685-1688	1
William III & Mary II	1689-1702	1
Anne	1702-1714	(to be included until 1707)

Table 1. Distribution of parliamentary texts in the corpus.

As can be seen in the table, the corpus begins at the end of the fifteenth century: the first parliamentary text included in the corpus was printed in 1491 and contains the parliaments of 1485, 1487 and 1488. The year 1491 is a reasoned starting point for the corpus since this parliamentary document is the first printed parliamentary text in English. Until the turn of the sixteenth century, printing was however not routinely executed but after 1510 the acts were printed after every session of the parliament (Elton 1983: 92-110). Further, beginning from the parliament of 1485, all parliamentary acts were written in English instead of Latin and French. All texts in the corpus are printed acts since handwritten parliamentary texts were not distributed after 1509 (Baker 1999). The printed text hence quickly gained the status of an official legal document over the handwritten original.

Since the corpus compilation is still in progress, subordination was analyzed by performing lexical searches for different subordinators such as *until* and its different spelling variants *vntil, vntyl, vntill,* etc. This method, of course, finds only syndetic subordinated clauses, i.e. clauses that are marked with subordinators. Once the corpus has been normalized and tagged, it will be possible to locate asyndetic subordination as well. After all, asyndetic clauses were used already in the Old English period and became common in the Early Modern English era, especially in spoken language and in uncomplicated written sentences (e.g. where the subject of the subordinate clause is a personal pronoun) (Rissanen 1999b: 284). Because the corpus is untagged, participle forms used as subordinators are not included in the results unless followed by a subordinator, i.e. *providing that* is counted in the frequencies but *providing* or *provided* occurring without the subordinator are left out. The corpus searches were made with the corpus tool WordSmith 5.0, and the concordances were of course examined closely in order to exclude irrelevant instances, e.g. *that* can also occur as an adjective or pronoun. In the analysis, all

three clause types described in Quirk et al. (1985: 992, 995) were included in the results, i.e. finite, nonfinite and verbless clauses with the above mentioned exception that the clauses have to be marked with subordinators. This exception can rule out especially nonfinite clauses since they often leave out the subject and subordinating conjunction. The findings are scrutinized through frequency counts but collocation analysis and cluster analysis are used in the analysis as well (see e.g. McEnery and Wilson 2001). Moreover, the corpus linguistic findings are related to sociohistorical and linguistic changes of the Early Modern English period in order to consider the reasons why the described changes in subordination occur.

4. Overall development of subordination in the Early Modern English statutes

The parliamentary acts contain in total approximately 6,300 instances of subordinated clauses marked with subordinators. The normalized frequency of all subordinators in the data is 35.06 instances per 1,000 words. In the late fifteenth and sixteenth century, the normalized frequency is 36.7, and 33.47 in the seventeenth century. When the two centuries are compared in their frequencies, the occurrences of subordination appear to decline only slightly. However, when the material is split into shorter time periods of 25 years, a more distinguished development emerges during the two centuries (Figure 1):
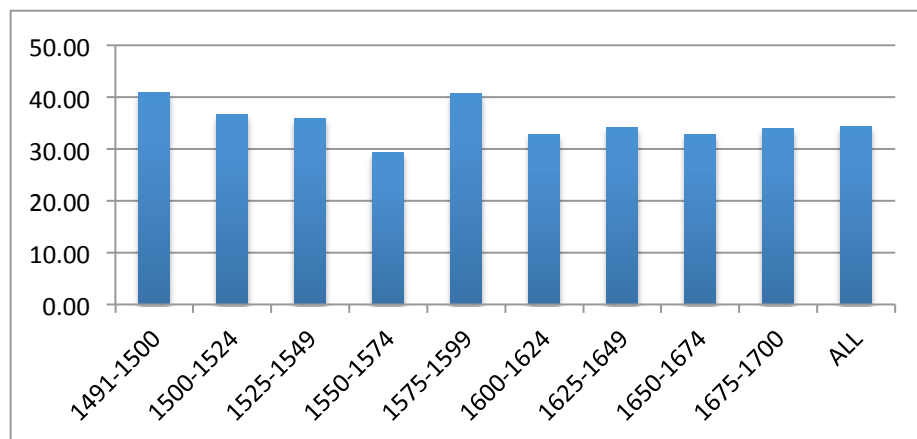

Figure 1. Normalised frequencies of all subordinators from 1491 to 1700 (per 1,000 words).

Subordination is most frequent at the end of the fifteenth century (40.81) and at the end of the sixteenth century (40.75). Overall, the sixteenth and seventeenth centuries show a difference in their development. During the sixteenth century, the frequency of subordination declines, reaching its lowest frequency (29.26) between 1550 and 1575 before a sharp increase at the end of the century. The development levels at the seventeenth century, as the frequencies stay consistently close to the average frequency of 33.47. This trend is shown even more clearly when the frequencies of individual texts are surveyed: the frequencies of single texts range from 26.22 to 46.29 during the fifteenth and sixteenth centuries, while in the seventeenth century they vary only from 32.48 to 35.58 instances per 1,000 words. The genre of statutes manifests itself as more conventional in the seventeenth century acts, while in the late fifteenth and sixteenth centuries the writing conventions seem more varied. The dissimilar course of development in the centuries can further be related to sociohistorical and other linguistic developments that took place in the

Early Modern English period, viz. the language change from Latin and French into English and the printing of acts that influenced the drafting of statutes, as will be discussed in section 5.

All in all, the data contains 54 different subordinators. The most common subordinating clause in the data is *that* with the frequency of 10.31. This subordinate is followed by *as* (4.26), *which* (3.56) and *where* (1.75) in their frequencies. In the groups of correlative subordinators and complex subordinators, the most often occurring clauses are *such–as* (2.41), *if–then / in that case* (1.57), *but that* and *as long/much as* (0.40). The most common subordinators in the data with frequencies above 0.2 per 1,000 words are listed in Table 2:

Simple subordination		when	0.41	so – as	0.49
that	10.31	after	0.38	as well as	0.47
as	4.26	before	0.34	either – or	0.29
which	3.56	until	0.27	as – as	0.26
where	1.75	wherein	0.27	in case–then	0.25
if	0.82	whereby	0.26	so – that	0.21
whereof	0.71	except	0.25		
whatsoever	0.69	whose	0.20	**Complex subordination**	
whom	0.66			but that	0.74
who	0.51	**Correlative subordination**		as long/much as	0.40
what	0.41	such as	2.41	than	0.35
whereas	0.41	if – then / in that case	1.57	as if	0.29

Table 2. Most common subordinators in the parliamentary texts (per 1,000 words).

In general, almost all of the subordinators occur both in the sixteenth- and seventeenth-century texts. Some marginally used subordinators, including *whereon, whereat* and *whensoever*, are found only in the seventeenth-century documents, and *while* occurs only in the sixteenth- and fifteenth-century statutes. As noted, Kortmann (1997) records almost 100 adverbial subordinates that were used in the Early Modern English era; most of these subordinators can also be found in the statutes, although the present study does not include participle forms appearing without a subordinator, e.g. *appearing* (*that*) and *seeing* (*that*). Nevertheless, many subordinators are only occasionally used in the acts such as *although* (0.03)*, because* (0.03)*, albeit* (0.03)*, whensoever* (0.03)*, whereupon* (0.03)*, while* (0.02)*, whosoever* (0.02) and *though* (0.02). Further, examples of subordinators that do not occur at all are *why, save that* and *now that*. The frequencies of the generalizing subordinators (*whosoever, whensoever, whatsoever*) are low, but in legal language, these subordinate conjunctions emphasize the all-inclusiveness of the law: the act refers to all persons regardless of the situation. The development of some other subordinators that are typical to the statutes (e.g. *that*) or show a distinctive development or use in legal language (e.g. *because*) are discussed below.

When the two centuries are compared, it can be noted that the frequency order of the subordinators stays relatively similar throughout the studied era. This statement applies to the most common subordinators as well: *that* is most recurrent in all of the studied centuries followed by *as* and *which,* although *as* and *which* become more even in their frequencies during the latter century. Some differences can be seen with *who*, which is the twelfth most common subordinator in the sixteenth century but climbs to the fifth place in the seventeenth century, illustrating the growth of relative clauses in the era. The

parliamentary acts indicate that national statutes of the period did not adopt any new subordinators into established use and none of the subordinators completely vanished either, although in general many new adverbial subordinators entered the English language during the Early Modern English period (e.g. Görlach 1991: 122, Kortmann 1997: 293). This stability is expected since most of the central subordinators were introduced into the language already during the Middle English period as a result of a developing literary language and standard English that needed clause connecting elements (Kortmann 1997: 302). Some new subordinating clauses, however, appear in the legal texts at the end of the era, viz. *wheresoever* (0.05)*, whereat* (0,05)*, whereon* (0,06) but their frequencies are low. Some subordinating clause types become more common during the sixteenth century against the general line of development, e.g. *such–as, before* and *until.*

The frequencies and inventory of the subordinators do not alone succeed in indicating how the subordinating clauses are used in the data. Therefore, the next example (1) from the parliamentary acts of 1625 illustrates a typical extract from the statutes. The example demonstrates how the statutes rely on long sentences and on multiple coordinated and subordinated clauses. The coordinated main clauses are underlined and subordinators are marked in bold.

(1)
      (1) <u>Prouided also, and your said Prelates and Clergie</u>
      (2) <u>doe most humbly beseech your Highnesse,</u> **that** it may
      (3) be enacted by your Maiesties authoritie, & your High
      (4) Court of Parliament, **that where** certaine Lands,
      (5) Tenements, Rents, Spirituall Promotions, Tithes,
      (6) Pensions, Portions, Fruits, and other Hereditaments,
      (7) lately belonging to diuers Cathedrall Churches,
      (8) and to other places and persons Ecclesiasticall
      (9) within the said Prouince of Canterburie**, which** were
      (10) giuen and assigned to bee bestowed and spendt, in, and
      (11) on finding and maintaining of certaine Chantries,
      (12) Anniuersaries, Obites, Lights, Lampes, and other
      (13) like charges, intents, and purposes, of late came into
      (14) the hands and possessions of the late King of famous
      (15) memorie, Edward the sixth, by force of a Statute thereof
      (16) made in the first yeere of his reigne, **as** by the said
      (17) Statute more plainely appeareth: **that** the Cathedrall
      (18) Churches, and the Bishops, Deanes, or Presidents,
      (19) and Chapters, and Prebendaries of the same, and all
      (20) other places and persons Ecclesiasticall, and euery of
      (21) them, **to whom** the sayd Lands, Rents, and other the
      (22) premisses, or any of them did lately appertaine, shall
      (23) not during the time appointed by this Graunt for the
      (24) payment of the said three Subsidies, be charged to and
      (25) with any payment of Subsidie, of, and for that part
      (26) and portion of Lands, Tenemets, Rents, Spirituall
      (27) promotions, and other Hereditaments, or any of
      (28) them, **whereunto** the said late King by force of the said
      (29) Statute was intituled or possessed of, nor of any yerely
      (30) Rents or payments going out of the said Cathedrall
      (31) Churches, and other the places and persons Eccleasiasticall
      (32) aforesaid: **And that** deduction and allowance…
          (1 Charles I, 1625, An acte for the confirmation of the subsidies, granted by the clergie, f. C1v; line numbers added.)

The example begins with two coordinated main clauses. The first clause states that this section of the law is a provision, while the second main clause repeats a shortened version of the enacting clause (*Be it enacted by the authority of…*) that is mentioned at the

beginning of each section of the acts. The second main clause is followed by a subordinating *that*-clause on line 2, which in turn is defined by another *that*-clause on line 4. In a shortened form, the act states that *Prelates and clergie beseech that it may be enacted that*. The orders are hence expressed in the subordinating *that*-clause beginning from line 4. This subordinate clause is in turn initiated by a *where*-clause that pushes the beginning of the orders even further in the sentence. After defining the situation where the law is valid, the *that*-clause continues several lines later on line 17 with a repetition of the subordinate *that*. This construction is often used in the statutes and is discussed further in sections 4.1 and 4.4 in relation to *that* and the *if-then* structure respectively. As can be seen in the example, several coordinated clauses and phrases as well as definitions are inserted between the subjects, verbs and objects that make the act more difficult to interpret in one – or even two or more – readings. A common phenomenon in the acts is further seen at the last line of the example, where a new subsection of the same act is inserted in the *And that*-clause that is in a coordinating relation to the *that*-clause that follows the enacting clause on the fourth line of the act (*it may be enacted that.. And that*).

Next, the developments of different subordinators, including *that,* relative *that*- and *wh*-clauses*, as, such–as, if–then, if* and *because* in Early Modern English legal language are discussed in more detail.

4.1 *That*

As mentioned earlier, the most common subordinator in the material is *that* with the frequency of 10.31 in the whole studied era. Its frequency in the late fifteenth- and sixteenth-century texts is 12.34 and 8.27 in the seventeenth century. The raw frequency of *that* in the data is 1,882. Although the frequency of *that* decreases during the sixteenth century, the distribution of *that* only partly follows the overall development of subordination in the century. The frequency of *that*-clauses fails to peak at the end of the sixteenth century and in fact stays lower than in the turn of the sixteenth century. In the seventeenth century, the frequency is again quite level, as shown in Figure 2:
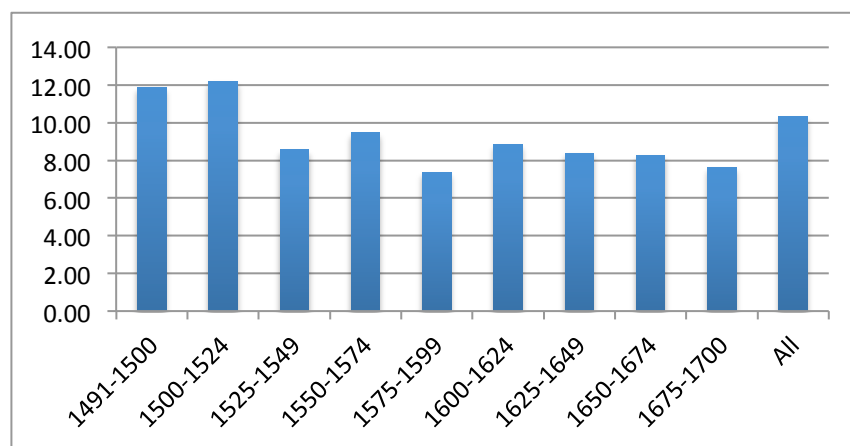

Figure 2. Development of *that* in the EModE parliamentary acts (frequencies per 1,000 words).

The subordinator *that* is hence most frequent before 1525 and becomes less common in the later time periods. This subordinator has a special usage in the acts; the typical place where

that appears is after the enacting formula and it indicates the beginning of a new subsection in the act (example 2). Another common place where *that* is found is after the provision statement that appears at the beginning of provisions (example 3):

(2)   And for the better execution of this Acte in all the branches thereof, **Be it enacted that** euery such Treasurers in their seuerall Counties, shal keepe a true booke of Computation, of all such summes as they leuie,   (1593, 35 Elizabeth I, f. B4v)

(3)   **Prouided always, that yf** it shall chaunce, anye suche adiudged apprentice, seruaunt, or ilaue, as is before rehersed, to haue inheritaunce desseended vnto hym, or her, or any other wayes, be, by the lawes of thys realme,   (1504, 19 Henry VII, f. A3v)

In relation to these examples, *that* is typically found in clusters that refer to the enacting formula (*be it enacted that*) or that signal the beginning of a provision (*provided that*); examples of these clusters are PROUIDED ALWAYES, THAT and AUTHORITY AFORESAID THAT as well as FURTHER ENACTED, THAT. Similarly, some of the typical collocates preceding *that* are *enacted* and *authority*.

4.2 Relative *that* and *wh*-clauses

The above survey of *that* included all subordinate clauses with *that* in the material, except for the occurrences where *that* is used with correlative or complex subordinators. In order to observe the development of *that* more carefully, the relative uses of *that* are explored separately. The normalized frequency of relative *that* in the material is 1.78, and its raw frequency is 332 instances. The frequency of relative *that* clauses, however, decreases diachronically in the acts (Figure 3):
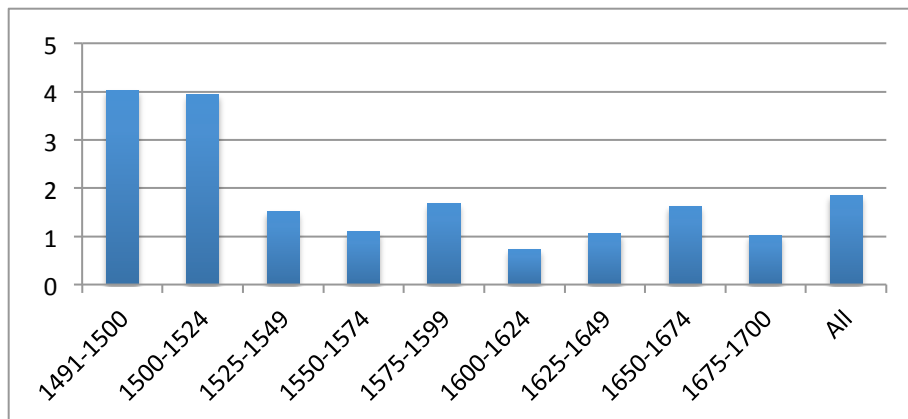

Figure 3. Distribution of relative *that* clauses over the EModE period (frequencies per 1,000 words).

Until 1525, relative *that* clauses are twice as high in their frequency than in all texts. This finding can be partly explained by the overall development of relative clauses: in the Early Modern English period, relative *that* was replaced by relative *wh*-clauses that were new to the era (cf. Blake 1996). In the Middle English period, *that* relative clauses were most common but during the sixteenth century non-restrictive *wh*-clauses became in general use and also restrictive *wh*-clauses gained ground in the seventeenth century (Rissanen 1999b:

293; Dekeyser 1984: 67). The increase in the relative *which-, who-, whom-* and *whose-* clauses can be seen in the parliamentary acts as well (Figure 4):
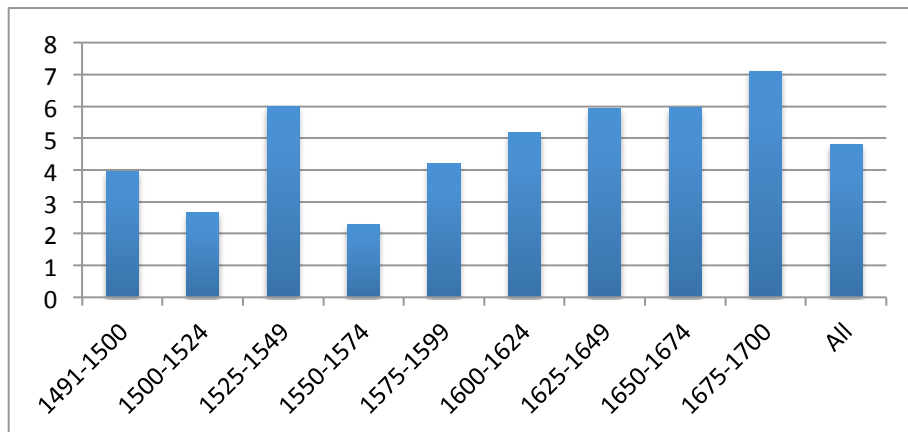

Figure 4. Development of the relative subordinators *which, who, whom* and *whose* in the EModE parliamentary acts (frequencies per 1,000 words).

Relative *wh*-clauses are lower in their frequency before 1525 but begin to become more common after 1575, except for a sudden peak between 1525 and 1549. The development is shown in the frequencies of *which* in the two centuries: in the sixteenth century its frequency is 2.91 and 4.21 in the seventeenth century. When relative *that* and *wh*-clauses are compared, it can be noticed that the relative clause *that* is more often used until 1525 but after this time period relative *wh*-clauses become more common. The overall decrease of relative and non-relative *that*-clauses treated in 4.1 is hence partly the result of the overall development of all subordinators becoming less common but partly reflects the change from relative *that* to *wh*-clauses.

In the legal texts, relative clauses are important in defining and specifying general concepts. The legal texts tend to favor hypernyms over hyponyms and hence these unspecific wordings are then particularized by relative clauses. Typical practice in the statutes is to use the nominal phrase *person and persons,* which is then defined more carefully in the following relative clause to narrow the reference to certain types of persons referred to in the act. This usage is illustrated in example 4:

 (4)   that euery person & persons **that** shall offend against the tenour and intent of this Acte
(1593, 21 Elizabeth I, f. A5r)

At times, the use of specifying relative clauses ends up in somewhat repetitious content, as in the next example (5) that contains a relative *which*-clause:

(5)   all goods, chattels, jewels and ornaments of Churches and Chappels **which** have been ordained and used in Churches and Chappels for the honour and service of Almighty God
(1640, 1 Charles I, f. C2v)

Relative clauses are hence used to describe legal actors and actions more carefully, and they specify the hypernyms typical to legal vocabulary. The use of hypernyms with specifying descriptions in legal language aims to balance the requirements of all-inclusiveness and unambiguousness in legal drafting, viz. legal texts need to be general enough to encompass all situations relevant to the act but also to be as specific as possible in order to avoid wrong interpretations of the orders.

4.3 *As* and *such–as*

The second most common subordinator in the data is *as*, which has the frequency of 4.26 instances in 1,000 words. This subordinating clause shows a contrasting development to the general pattern of subordination in the data. The frequency of *as* varies on each 25-year time period and does not form any specific line of development (Figure 5):
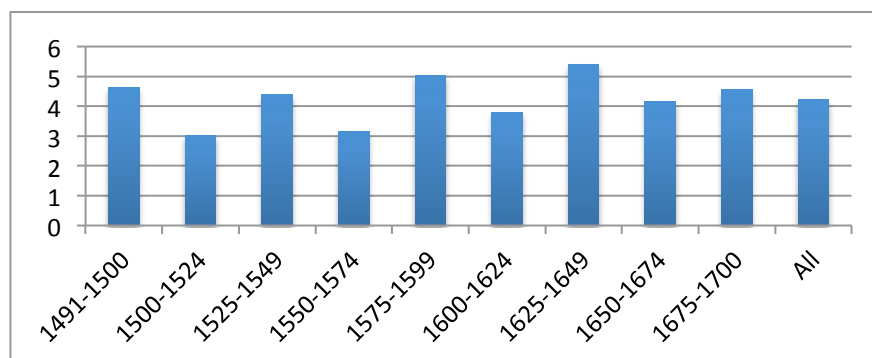

Figure 5. Development of *as* in the acts (frequencies per 1,000 words).

The frequencies of *as* shape a zigzag pattern over the acts of the Early Modern English era, and the frequency of *as* is only slightly higher in the seventeenth century than in the sixteenth century, 4.04 and 4.48 respectively. This development takes place because *as* is used typically in anaphoric references in the material and its frequency varies highly in each text. Thus, *as* is often found in clusters including AS IS AFORESAYD and AS AFORE MENTIONED. In other words, the use of *as* varies in reference to how much text-internal references are made in the particular act. An example of this is the next extract (6) from the parliamentary acts of 1625:

(6)   Prouided alwayes, that if any person or Iucumbent, chargeable by this Act or graunt, to any payment of these three Subsidies or any part therof, shall proffer and tender payment of any summe due to the Arch-Bishop or Bishop, or to the Deaue and Chapter where the See is void, or to any Under-Collector, or Under Collectors, Deputie or Deputies, of any Arch-Bishop, Bishop, or Deane and Chapter *aforesaid*, at any time before the Certificate exhibited into the Exchequer, **as is aforesaid**, that then, notwithstanding the Certificate made, **as is aforesaid**, against any such person, the said Incumbent, or person against whom the Certificate was so made, shall and may euerre the offer and tender of his payment, **as is aforesayd**, and of the same shall be tried, either by sufficient…
(1625, 1 Charles I, f. B2v)

By referring to the original definition stated earlier in the act or to a whole subsection in the act, legal language aims at avoiding repetition and to ensure maximal precision at the same time.

In addition to appearing as a one-word subordinator, *as* is used together with various complex subordinators and correlative subordinators, e.g. *such–as, as–much as* and *so–as*. Of these, the correlative subordinator *such–as* is especially common in the statutes, and similarly to *as,* this subordinator has a specific role in the genre of statutes. The next example (7) shows how *such–as* is used comparably to relative *that-* and relative *wh*-clauses: in the extract, the correlative subordinated clause defines the hypernym *person*. In example (8), *such–as* is likewise used instead of a relative *that*-clause:

(7)   are ready for iucre, & game, to become bound by Recognizance, as sureties for **such** persons **as** shall procure themselues to be bound to the Peace or good behauiour, as aforesaid,   (1624, 21 James I, f. D2r)

(8)   vnlesse such Processe be granted likewise, vpon motion in open Court, first made, as aforesaid, & vpon **such** sufficient Sureties **as** shall appeare vnto the Iudge, or Iudges of the same Court respectiuely,   (1624, 21 James I, f. D2r)

In addition to *such–as*, its synonymous *like–as* is occasionally encountered in the data, as in example (9):

(9)   wherein every Twenty pounds in Money, Stock or other personal Estate, shall bear the **like** charge **as** shall be laid upon every Twenty shillings yearly (1653 Parliament, p. 308)

Diachronically, the correlative subordinator *such–as* becomes more frequent, beginning from the 1550's onwards: its average frequency increases from 1.65 to 2.87 after 1550. As an example of an opposite development of complex subordinators with *as,* the complex subordinator *as long/much as* conveys a reverse trend, as it becomes less common after 1525.

4.4 *If–then* and *if*

The correlative subordinators *if–then* and *in case–then* are worth considering in the parliamentary acts since they not only represent a particular type of subordination but also exhibit a convention of constructing legal orders. The first part of the construction describes a possible situation when the law is valid and the following *then*-construction states the legal actions. Crystal and Davy (1969: 203) state that this structure *if X, then Z shall do/be Y* is the most often used construction in legislation. Schwyter (1996: 56) and Hiltunen (1990: 32) mention that this method was already used in legal texts of the Anglo-Saxon period. It has nevertheless been illustrated that the *if–then* construction is not common in preset-day acts since most sentences begin with a subject (Gustafsson 1975). In the data of the present study, the frequency of *if–then* and *in case–then* is 1.83, and the distribution over the time periods somewhat follows the overall frequency of all subordinators. Hence, the frequency is highest at the end of the fifteenth and sixteenth centuries and lessens in frequency towards the middle of the sixteenth century. In the seventeenth century, the frequencies are not that constant: after a drop early in the century, the construction becomes gradually more popular (Figure 6):
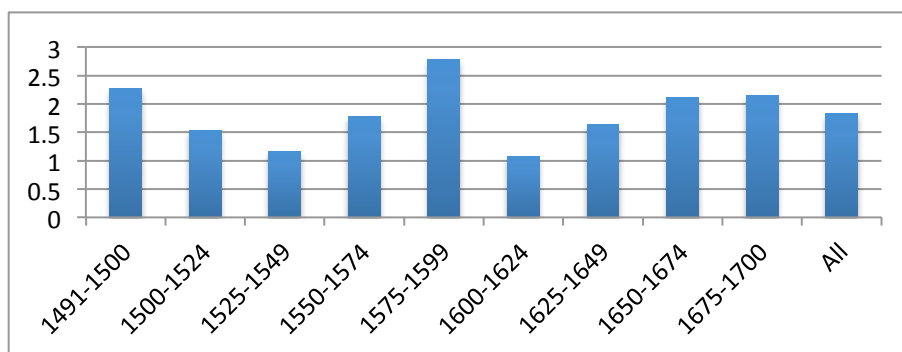
Figure 6. Development of *if–then* and *in case–then* (frequencies per 1,000 words).

As can be expected by the low frequencies, the structure *if–then* is not the most usual manner of expressing legal situations and actions in the data. Most legal sentences begin with the enacting clause or are initiated with the legal subject or with some other subordinating sentences. An example of the *if/in case–then* structure is presented in example 10 (see also example 6):

(10)   And **in case** the said Lord Chancellour, Lord Keeper, Commissioner or Commissioners aforesaid, shall not issue forth the said Writs as aforesaid: or **in case** that the Parliament do not assemble and be held at the time and place before appointed, **Then** the Parliament shall assemble and be held in the usuall place at Westminster, in such manner, and by such means onely, as is hereafter in this present Act declared and enacted, and not otherwise, on the third Monday which shall be in the moneth of January then next ensuing.

(1640, Charles I, f. B1r)

The *if–then* and *in case/then* structures are still characteristic of the acts of the Early Modern English period and they can be said to belong to the genre conventions of statutes. Although the structure attracts multiple clauses in between the *if-* and *then*-clauses, the construction *in case* or *if* at the beginning of a sentence indicates a certain fixed structure. The reader knows to expect that the beginning of the sentence explains when the law is valid and that it is most likely followed by a *then*-structure that contains the orders. Another version of this structure is constructed by some of the initial *where*-clauses since they similarly list the conditions before giving the actual rules in the main clause.

If the correlative constructions of *if* are not counted, the one-word subordinator *if* is the seventh most common subordinator in the material: it appears 0.82 times in 1,000 words. The frequency of *if* in the data corresponds to studies carried out in the legal genre in the *Helsinki Corpus*. Facchinetti (2001) studies all instances of *if* in the *Helsinki Corpus*, and its frequency in this study was 2.5 in statutes written between 1509 and 1603, while in the seventeenth-century acts the frequency was 1.85. When all the instances of *if* are counted in the material of the present study, the frequency amounts to 2.68 which is in line with Facchinetti's findings. Further, the frequencies are 2.92 in the sixteenth century and 2.45 in the seventeenth century. The line of development is hence analogous, although the frequencies do not decrease as much in the material of the present study. Further, Claridge (2007: 233) analyses *if* in the *Lampeter Corpus* (1640–1740), allowing comparisons of this subordinator to other registers of the Late Modern English period. In the *Lampeter Corpus*, the frequency of *if* is 3.4 in political and 3.3 in scientific writing. Hence, legal language does not seem to favor conditions as much as scientific and political writing.

4.5 *Because*

The subordinators *because* and *since* are examples of subordinators that are only rarely encountered in legislation. The frequency of *because* is 0.03 (5 instances) and *since* does not appear as a causal conjunction at all. Causal subordination is rare because legislation enjoys certain prestige in society, so that the reasons for enacting laws do not have to be explained. As Rissanen (1998: 398) notes, legal language favors a "condition-consequence strategy" over a "reason-consequence" method. However, the organization of the Early Modern English legal texts allows a place where the reasons for constructing the law can be explained, even though the reasons are not expressed with the subordinators *because* or *since*. The laws of the sixteenth century often contain an explanatory part at the beginning of the act that states why the act has been made. In most of the later acts, this part has been reduced into a *for*-clause:

(11) [}An Acte to retaine the Queenes Maiesties Subiects in their due obedience.}]

> **FOR** the preuenting and auoiding of such great inconueniences and perils as might happen and growe by the wicked and dangerous practises of seditious Secretaries and disloiall persons, **Be it enacted** by y=e= Queens most excellent Maiestie, and by the Lords Spirituall and Temporal, and the Commons in this present Parliament assembled, & by the authoritie of the same**, That if any person or persons** aboue the age of sixteene yeeres which shall obstinately refuse to repaire to some Church, Chappell, or vsuall space of Common praier to heare diuine seruice, established by her Maiesties lawes and Statutes in that behalfe made, and… (1593, 35 Eliz. 1, f.A2r)

The example shows the *for*-clause at the beginning that briefly justifies the need for a new order. The *for*-clause is then followed by the main clause *Be it enacted* and this is followed by the subordinate *that*-clause, which states the actual regulations. The parliamentary acts thus offer a place for some considerations of why the act has been drafted, although these are expressed more as goals (*for the preventing*). In some acts, the reasons are communicated through reported speech of the king at the beginning of the act, and further, some acts begin with the parliamentarians' address to the king explaining the need to enact a new law (example 12):

(12) [}An Act for a Grant to Their Majesties of an Aid of Two shillings in the Pound for One Year.}]

> WE Your Majesties most Dutiful and Loyal Subjects, the Commons Assembled in Parliament, having entred into a Serious Consideration of the Extraordinary Occasions which Engage Your Majesties into a great and present Expence for the necessary Defence of Your Realms, for the Reducing of Ireland, and for the Uigorous Prosecution of the War against France both by Sea and Land, and being desirous to Raise proportionable Aids and Supplies, Do humbly Present Your Majesties with the Free Gift of the Rates and Assessments herein after mentioned; And beseech Your Majesties, That it may be Enacted:
> (1689, William III & Mary II, pp. 3–4)

The address further underlines that the decisions and new laws are based on serious considerations. After the explanatory part, the act continues with the enacting clause on the last line of the example. The beginning of the acts therefore provide a place for expressing some of the reasons for making the acts. Many of the orders still begin straight with the enacting clause and do not contain the explanatory part.

5. The sociohistorical context and genre conventions

The survey of the sociohistorical context of the Early Modern English era and genre conventions of the parliamentary acts aims at considering why the development of subordination described above takes place, i.e. why subordination peaks at the ends of the fifteenth and sixteenth centuries and why it levels in the seventeenth century. In addition to the corpus linguistics methods that center on changes in frequencies, the extralinguistic elements are necessary to be analyzed within the frameworks of historical pragmatics and genre studies. The notion of genre is in this study understood to comprise extralinguistic features including function, audience, occasion and purpose that affect the choice of linguistic text type features (Taavitsainen 2004: 75-76; 2001: 139). Historical pragmatics further adds a historical perspective to genre studies by placing the texts in their historical setting while at the same time acknowledging the genre conventions (Jacobs and Jucker 1995, Fitzmaurice and Taavitsainen 2007). Additionally, legal language can be analyzed as language for professional purposes used in institutional context (Bhatia 2004: 29).

The Early Modern English period experienced various extralinguistic changes. At the end of the fifteenth century, the printing of laws was initiated and the language of the law changed. It can be estimated that the language change caused more variation into the genre conventions of the acts. The linguistic situation at the end of the fifteenth century was affected by Latin and French traditions and models of writing down the law. The language change likely caused French and Latin construction to interference with the English sentence structure that was only beginning to be used for the drafting of acts. It should be noticed, however, that English was already earlier used in legal language since petitions written in English were at times entered into the parliamentary roll without translation. English was also strengthening its position in other official documents. The Chancery English that was used in administrative writing developed during the fifteenth century. This standardized form of written language is associated with Chancery since apart from Exchequer, the Chancery was responsible for all administrative pursuits until the end of the fifteenth century (Fisher 1977: 872; 1996: 39). Between 1420 and 1460, the Chancery's main language became English instead of Latin and French; before the change, Latin was the previous official language of the offices and French was used in law and in the Parliament (Fisher 1977: 874, 877–878). English was therefore already well established in the writing of official documents. In the seventeenth century, English had already been the main language of legislation for over hundred years, forming and stabilizing its own genre conventions. The development of subordination is most level at this century and corresponds to the extralinguistic situation of the seventeenth century.

The printing of acts was also important to the evolution of legal language since printing allowed the texts to be distributed to larger audiences and the documents were not tied to the context of writing. Parliamentary rolls were initially meant as record keeping for administrative use but as the printing began the acts came to be addressed to people outside the parliament (Gunn 1995: 188). In historical perspective, the audience and purpose of the parliamentary texts changed. This shift also aroused more interest in the language of the laws in the turn of the sixteenth century. Baker (2003: 77) notes that printing made every word count in the statutes and "draftsmen recognized this, taking increasingly elaborate care to furnish bills with preambles setting out their objects, and to ensure that they provided for every contingency in the operative provisions, piling clause upon clause and qualifying them with provisos, savings, and exceptions". This is related to the larger setting of cultural movements, as humanism changed legal thought in the sixteenth century. Laws became more important in society, as they were seen crucial in

maintaining social order (Baker 2003: 17). As a result, interest in legal expression grew and drafters started to pay more attention to how laws were expressed.

The analysis of subordination showed that the legal texts from the end of the sixteenth century experience a peak in the number of subordinating clauses. This time frame corresponds to the Elizabethan era. The corpus contains parliamentary texts from three different sessions from the Elizabethan parliaments (1559, 1576, 1593) that consistently use subordination more frequently, increasing from 32.30 and 35.21 to the highest frequency of 46.29 at the 35th parliament of Elizabeth I in 1593. The parliamentary texts from the year 1593 has the highest frequency of subordination in the corpus. The Elizabethan era hence strongly affected legal language in relation to subordination. This period has been described as an era of change in legal thought when the need for social order was at its highest. Brooks (2008) states that the "Elizabethan age in particular seems to have been obsessed with general fears of social and political chaos, and this was reflected in common law thought by a striking emphasis on obedience and law enforcement". Brooks lists that the fear was caused by the possible invasion of Spain in England, religious controversy in the society and the growing number of inhabitants in England with problems of employment. It can be estimated that the political insecurities again caused extra requirements for all-inclusiveness in the drafting of laws.

Legal language is further a language used for professional purposes (Bhatia 2004). Although legal texts bind all people, laws are not written for laid audiences but for the use of other professionals (e.g. Bhatia 1993: 102-103). For the trained legal professional, the texts are easier to understand even with high numbers of subordinating sentences and other complexity features. Comprehension of the genre conventions of acts aid in understanding the texts, as the reader is familiar with the typical structure and organization of the documents. Legal language further tends to be conventional and repetitious; it often employs conventional syntactic structures and lexis that make it easier to interpret as the writing is more predictable (Bowers 1989: 343). The repetitious wording in the data is seen, for example, in the recurrent phrase *as aforesaid* and in the enacting clauses that are followed by subordinated *that*-clauses. Legislation often repeats earlier wordings since they are seen as adding prestige to the documents, and further they have been successfully used in previous laws (Mellinkoff 1963: 295-301). As was discussed, individual subordinators can offer a clue on what part of the text is on hand and what follows: the acts usually begin after the enacting clause in the following *that*-clauses and the beginning of *And that* denotes the opening of a new subsection (see last line of example 1). Still, it has been shown that complex clauses and long-distance dependencies are more difficult to acquire and require more processing in the brain (see Givón 2009: 297).

The decline in subordination does not by itself signal a lessening complexity. Other linguistic features in the statutes affect the readability as well. Subordinating clauses can be replaced by participle forms and even by coordinated clauses.[1] The place where subordinated clauses are positioned in the sentences also affect legibility since final subordination is usually more readable than initial or middle subordination.

6. Conclusion

Subordination is in general a common feature in the parliamentary texts. The most common type of subordinating clauses in the material is *that*, and its use is highly

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[1] My doctoral thesis focuses on a more varied set of complexity features in Early Modern English legislation, ranging from participles and coordinated clauses and phrases to passives and nominalizations. In addition, complexity is considered on the levels of textual structure and lexis (e.g. specialised terminology).

conventional, as it appears after the enacting clause and begins the actual orders and subsections in the acts. Other common subordinators in the corpus are *as* and *which* that also show a particular line of development in the data. The number of relative *which* and other relative *wh*-clauses increases because they replace relative *that* clauses, following the general development in the Early Modern English period. The subordinator *as,* in contrast, shows a more varied use according to the style of particular acts: some texts favor anaphoric references to earlier definitions in the text more than others. The analysis of the *if–then* structure further showed that although this construction is common in the documents, it is not the most typical method of constructing legal sentences.

In general, the Early Modern English period provided an increasing number of subordinators and adverbial clauses that developed especially for literary purposes. Against this expansion of subordinators, it is noteworthy that syndetic subordination in the statutes becomes less frequent in the later periods. This development can be related to the extralinguistic changes that included the invention of printing and language change. Further analysis of a more numerous set of complexity features in the Early Modern acts will shed more light onto the linguistic development of national statutes.

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