

# Reflections on Affinal Kinship Terminology in Old French and Middle English

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## Reflections on Affinal Kinship Terminology in Old French and Middle English

Words advance and recede like waves on the shore.  
Their exact connotation changes in the process and too  
great popularity can be fatal to the life and status of a  
word. (J. Crosland, *FS* 1 [1947]. 149.)

In volume five of the Tobler-Lommatzsch dictionary of Old French is found the following partial entry under *loi*:

*en loi* (vgl. *engl. in law*): [de son (*ihren*) pere fai ton seignur,  
Guarde le bien, come en pere en lai; Espuse la, puis vien a moi!  
*Guimar*<sup>2</sup> 3715 (col. 587).

which in the critical edition published by Alexander Bell, *L'Estoire des Engleis*, by *Geffrey Gaimar* (Oxford: Blackwell [Anglo-Norman Texts XIV–XVI], 1960), reads as follows:

Quant tele est que avoir ne la dei,	
Jo la te duins od [tut] l'onur;	
De sun pere fai tun seignur,	3708
Gardez le bien cum pere en lei,	
Espuse la, puis vien a mei!	
Une verge [teneit] le rei,	
Si [li tendit] e fist l'otrei.	3712

The situation is as follows: Edgar, king of England, sought the hand of the fair Elftroed, daughter of Orgar, a powerful man of the realm. The king then sends his friend Edelwold to confirm the reports of Elftroed's great beauty. Upon discovering that she is indeed astonishingly beautiful, Edelwold is overcome with desire and resolves to tell the king that she is unworthy of his attentions. In consequence the king bestows the maiden on the traitor, advising him 'to make your father-in-law of her father (Orgar) and to keep and honor him as befits a father-in-law'. The context of this passage could not be less ambiguous in assigning the meaning 'father-in-law' to both *seignur* (3708) and *pere en lei* (3709), given the fact that Orgar will indeed stand in this relationship to Edelwold after the latter's marriage to Elftroed. The noun *seignur*, which Bell glosses 'lord', is a good example of the meaning 'father-in-law' unknown to me some

years ago when I studied this question<sup>1</sup>. But the editor of Gaimar, compounding further the error, translates *pere en lei* 'adoptive father'.

As I and others have shown<sup>2</sup>, French, unlike the other Romance languages (including Old Provençal) and their dialects, early on encountered a problem in designating mother- and father-in-law. This was the result of the regular phonological evolution of *SOCER* and its feminine *SOCRA* (*CL* *SOCRUS*) – terms employed exclusively in Imperial Latin and Proto-Romance for parents-in-law<sup>3</sup> – that conflated both into a single reflex, *sogre* and its numerous dialectal variants *suire*, *soivre*, etc. This means that no longer was it possible in Old French to make the gender distinction with *sogre* that was easily obtainable in the other Romance languages: Sp. *suegro-suegra*, OProv. and Cat. *sogre-sogra*, It. *suocero-suocera* (from *SOCERA* under the influence of the masculine), Rum. *socru-soacra* (from *SOCRUS-SOCRA*), etc.<sup>4</sup> This homonymic identity, while not entailing for some time to come the complete replacement of *sogre* (both genders), must have all the same caused enough hesitation to prompt a lexical shift in the language that led to the halting adoption of an alternate pair of terms, *seigneur-dame*, to restore the gender specificity in this affinal terminology. The choice was an easy one as both words were in widespread use as formulas of respectful address, and I have charted its

<sup>1</sup> «L'Article *Seignor* 'Schwieger Vater' dans l'*Altfranzösisches Wörterbuch*», *Studia Neophilologica* 54 (1982), 99–108. I summarize the findings of this article in the remarks that follow on the meaning *seigneur* = 'father-in-law' in Old French. The *FEW*, V, 292a, interprets correctly «beau-père» in the passage from Gaimar.

<sup>2</sup> For example, CLAUDE RÉGNIER, «Sur un emploi de *seigneur* qui manque à Godefroy», *Romania* 81 (1960), 522–24; *ib.*, «A propos de *sire, seigneur* 'beau-père'», *Romania* 83 (1962), 117–118; RICHARD O'GORMAN, «Encore anc. fr. *sire, seigneur* 'beau-père'», *Romania* 86 (1965), 393–394.

<sup>3</sup> Unlike the avuncular degree of kinship, distinct terms for the parents of the wife with respect to the husband, and the parents of the husband with respect to the wife no longer existed in Imperial Latin. The ancient system is summarized by YAKOV MALKIEL, «Lexical Polarization in Romance», *Language* 27 (1952): «Characteristically, the prototype of *SOCRUS* in the parent language referred exclusively to the husband's mother in her relations to the bride and daughter-in-law; it was secondarily extended to include the wife's mother in her relations to the son-in-law» (p. 490, n. 12), as the wife fell under the authority of her husband's mother. With changes in the social structure, Latin extended the designations to embrace the wife's parents, a system bequeathed to the Romance languages (see A. ERNOUT et A. MEILLET, *Dictionnaire étymologique de la langue latine* [Paris 1951], p. 1114). In Western Proto-Indo-European no distinction was made between the appellations for parents-in-law with respect to the husband and the same relationship with respect to the wife (for both *\*swekuros*-*\*swekru*), but by the Homeric period the distinction is reflected in Greek in the affinal terms *hekurós* for the husband's father and *pentheros* for the wife's (see fig. 3.2 in H. PHELPS GATES, *The Kinship Terminology of Homeric Greek* [Baltimore 1971], p. 41). For the collapse of the quadrinomial avuncular system in Latin, see M. ROY HARRIS, «The Semantic Prehistory of the Romance Progeny of Latin *Avunculus-Amitia*», *Romance Notes* 7 (1965), 95–100.

<sup>4</sup> J. COROMINAS, *Diccionario crítico etimológico de la lengua castellana* (Madrid 1954), s.v. *suegro*, and ALIJANDRO CIORANESCU, *Diccionario etimológico rumano* (Tenerife – Madrid 1958–61), p. 772. See also MALKIEL, *art. cit.*, n. 16, and ERNST TAPPOLET, *Die romanischen Verwandtschaftsnamen mit besonderer Berücksichtigung der französischen und italienischen Mundarten* (Straßburg 1895), pp. 121–133. The many dialectal forms of Northern French are cited by Tappolet and the *FEW*, XII, 15–16.

progress in French texts—prose and verse, literary and notarial—from the late twelfth century well into the Middle French period.

But here too there was difficulty: these neologisms, having come into use as a result of the homonymic clash of *sogre*, masculine and feminine, were never exclusively or even abundantly employed by the language (to judge from the number of texts that transmit them) owing to what I have described as an unfortunate semantic overloading of *sire-seigneur* and *dame*. Not only did *seigneur* mean 'lord' in a secular as well as a celestial sense, but also 'husband', 'master', and even 'champion'. Add to this polysemy the pervasive practice of employing it as a term of respect without regard to rank and we see that, as a designation of persons related by marriage, it was doomed. This time the language had recourse to ancient and popular terms of endearment, the proposed adjective *beau-belle*<sup>5</sup>.

The development of this overlapping and shifting terminology has been traced with some cogency and is now convincingly documented in its broad outlines if not in every particular. What has not, to my knowledge, been examined in any detail is the evidence from Old and Middle French of a second attempt at gender distinction of parental affines, one which arose concomitantly with *seigneur-dame* and which is found in close proximity with the latter in those sequential verses of Gaimar's *Estoire* cited above. I refer, of course, to the designation of affines by the suffixation of *en loi*, a compound found in Old and Middle French with enough frequency to constitute unmistakable lexicalization. While it lacked the element of affectivity required to challenge successfully the *beau-belle* phrases of popular discourse—with perhaps their hypocoristic

<sup>5</sup> A usage attested as early as the Old French *Alexis*. By way of example, cf. Joseph's address to his nephew Alain in the prose version of Robert de Boron's *Joseph d'Arimathie*: «Biaus chiers niez, grant joie devez avoir ...» (I quote from my forthcoming edition of the text; cf. GEORG WEIDNER, ed., *Der Prosaroman von Joseph von Arimathia* [Oppeln 1881], 1278). See *T.-L.*, I, 907, for further examples of this usage. Early evidence of *beau-belle* compounds employed as affinal terms are found p. 107–108 of my article cited above, n. 1 (The *DÉAF*, s.v. *gendre*, dismisses as erroneous the evidence for this usage prior to the fifteenth century). The adoption of these adjectives to designate in-law relationships must have begun with the father-mother terms, subsequently spreading to those of son-in-law and daughter-in-law which slowly ousted over wide areas the gender-distinct *gendre-bru* (see the interesting distribution of *gendre* and *beau-fils* in map 634 of J. GILLIÉRON et E. EDMONT, *Atlas linguistique de la France* [Paris 1903–1910]). Consider the unexpected translation into Latin cited by DU CANGE from a document dated 1400: «BELLA-MATER, a Gallico *Belle-mere*» (I, 620); cf. MARANDA, p. 67–68.

Old French *serorge* 'brother- and sister-in-law' (cf. *T.-L.*, IX, 535–537, and *FEW*, XII, 119a) suffered the same fate as *sogre* in that it is a homonymic reflex of both *SORORIUM* and *SORORIAM*, hence also non-gender distinct (see my «L'Article *Seignor* ...», p. 108, n. 48). This designation survived well into the sixteenth century, in the masculine at least (cf. NICOT, s.v. *serourge*). For «Brother in Law» PALS-GRAVE (1530) gives both *seurourge* and *beau-frere*, while COTGRAVE continues to record *sororge* for 'brother-in-law' as late as 1611. On the other hand, the translation of *serorge* as «Schwiegevater» by the *T.-L.*, IX, 536, from the *Évangiles des domées* is an error in that text for *sogre* and should be so corrected. In the New Testament the high priest Annas is of course the father-in-law of Caiaphas (cf. JOHN: *Annam* ..., *erat enim socer Caiaphae* 18:13).

overtones—it became, nonetheless, the point of departure for and gave the impetus to the replacement of the whole terminological system of English in-law relationships.

But first let us look at the evidence from French, evidence sometimes no less difficult to interpret than are the attestations of ambiguous *seigneur*. I list in chronological sequence those few examples of unimpeachable *en loi* = 'in-law' that I have been able to discover while rejecting as erroneous several occurrences alleged to be so in the dictionaries and lexicons:

1) Geffrei Gaimar, *L'Estoire des Engleis* (1135–1140)<sup>6</sup>:

Gardez le bien cum pere en lei, 3709

The *T-L* (V, 587), the *Anglo-Norman Dictionary* (III, 291), and the *FEW* (V, 292 a) all cite two other examples of *en lei* from Gaimar's *Estoire* which they gloss 'brother-in-law', but all are in error (I cite the critical text of Bell again):

Entre nus dous la [departoms] 4332

E seiuns [dous] freres en lei.

Jo jurai vus, vus jurez mei,

De tenir tel fraternited

Cum d'une mere fuissum ned, 4336

Cum se fuissum ambedui frere

E de un pere e d'une mere,

Si ait hostages entre nus

E créez mei, jo crerai vus'. (*T-L* and *FEW*) 4340

and:

'Cestui aveit mun frere ocis,

Vengied en ai tuz mes amis.

4474

[Il esteit bien] mun frere en lei,

Ne voil metre altre pur mei. (*A-N. D.*)

The context of these statements is as follows: Edmund 'Ironside' and Cnut decide, rather than dispute the land, to divide it between themselves and to reign each over his own part. The relationship of the Englishman and the Dane is unmistakably that of 'sworn brotherhood' (*Jo jurai ... de tenir ... fraternited* 4334–35), and the oath is sealed traditionally by the exchange of hostages. Eadric Streona treacherously slays Edmund, only to be summarily beheaded by Cnut who thus avenges his 'sworn brother' whom he refers to as his *frere en lei* (4475), or merely *frere* (4473).

The meaning *loi* = 'oath' is well attested in Old French. Consider the following verses from the *Folie Tristan d'Oxford* (ed. Ernest Hoepffner):

<sup>6</sup> BELL, p. li-liii, discusses the date of Gaimar's *Estoire*.



Isolt, membre vus de la <i>lai</i>	
Ke feïtes, bele, pur mai!	818
Quant vus eisistes de la nef,	
Entre mes bras vus tinc suëf.	
Del serement e de la <i>lai</i>	
Ke feistes en la curt le rai <sup>7</sup> .	834

The glosses «in-law» for *en loi* in these dictionaries for the two passages from Gaimar should therefore be corrected to reflect the sworn-brother relationship of the two kings<sup>8</sup>.

2) *Guillaume de Palerne* (first half of the thirteenth century)<sup>9</sup>. Alphonse, restored to human form from the spell that changed him into a werewolf, addresses his benefactor Guillaume:

Or te requier, se il te plaist,	8290
Que tu me doignes ta seror	
Avoir a feme et a oïssor.	
-Hé! chiers amis, dis me tu voir	
Que tu vels ma seror avoir?	8294
Or par serons entier ami,	8302
Ami entier et <i>frere en loi</i> .	
Liés et joians la vos otroi,	
Et la moitie de m'onor	
Vos doins avecques ma seror	8306
En mariage.	

Not only is *frere en loi* a clear, legal description of what the relationship of Guillaume to Alphonse will be after the marriage, but the mention of *amis* (8293), reinforced by an

<sup>7</sup> Cf. *Godf*: «serment en général» (V, 16–17), and the *FEW*, V, 292a. The second passage refers to Iseut's oath taken prior to the ordeal of the hot iron. On the legal implications of *LEGEM-loi* = 'oath' in Norman and Anglo-Norman, see KARL BRADEMANN, «Afr. *loi* 'Beweismittel'. Germanischer Inhalt in romanischer Form», *Romanistisches Jahrbuch* 31 (1980), 35–55. The author treats fully this entire lexical field including Old French *alaier* and Old Provençal *esleiar* 'swear an oath' (p. 38–40). Note the unusually clear example of this meaning cited by Brademann from the *Florence de Rome*: *ma loi en ai juree* (p. 47).

<sup>8</sup> Another error in this same terminology was made by GUNNAR TILANDER, *Lexique du Roman de Renart* (Paris–Göteborg 1924), s.v. *loi*, when he relates *mes conperes estes en loi* and *ele estoit en loi sa conmere* from the *Roman de Renard* (ed. ERNEST MARTIN, VI, 547, and VI, 309) to «angl. mother-in-law, father-in-law» (p. 98). These references then passed into the same *en loi* (English *in-law*) entry in the *T-L.*, V, 587, in spite of the fact that the characters are plainly not affines and that the meaning is 'godfather', perhaps merely 'friend'. Here *loi* is to be taken in its well-attested sense of 'faith', 'religion' (*FEW*, V, 292b). Indeed, *T-L.* had earlier (s.v. *compere*) glossed a similar example from the same work, *il est mes conperes en lai*, as «Gevatter» (II, 262), and *comparage* as «Gevatterschaft» (II, 618). One simply cannot interpret *compere en loi* in this text as anything but 'godfather', probably even nothing more than an expression of friendly affection.

<sup>9</sup> JOHN ORR, *Old French and Modern English Idiom* (Oxford 1962), p. 94, and *T-L.*, V, 587. I cite the edition of H. MICHELANT, *Guillaume de Palerne, publié d'après le manuscrit de la Bibliothèque de l' Arsenal à Paris* (Paris 1876).

even stronger repetition of *entier ami* (8302–03), buttresses this sense of affinal family ties. Well known to scholars is the special kinship meaning of the AMARE lexical family of words<sup>10</sup>. When, for instance, Ganelon, in a fit of rage, declares to Roland: *Jo ne vus aim nient* (vs 306), the outburst amounts to far more than an expression of disapproval, a withdrawal of affection—it is a formal dissolution of those bonds of kinship incurred as a consequence of the union of Ganelon with Roland's mother<sup>11</sup>. Cf. the following passage from the *Roman de Thebes*:

Ore est Parthonopeus ocis,  
 Qui deveit estre *mis amis*. 9446  
 Ma seror li cuidai doner:  
 Dolor en ai, nel quier celer<sup>12</sup>.

Obviously here *mis amis* could well mean 'my brother-in-law'.

3) The prose version of Robert de Boron's *Joseph d'Armathie* (ca. 1210–1220)<sup>13</sup>. The voice instructs Joseph regarding the duties of Alain, the elite son of Bron and leader of the Grail fellowship as it sets out for the Vales of Avalon:

<sup>10</sup> GEORGE FENWICK JONES, *The Ethos of the Song of Roland* (Baltimore 1963), p. 36–46. For *amistié*, the FEW, XXIV, 440b, glosses «ensemble des amis ou parents (déb. 13<sup>e</sup> s.)», and for *ami* the gloss «parent» is attested from the *Alexis* to the *Quinze joies de mariage* (XXIV, 446a). The author of the *Histoire de Guillaume le Maréchal* (ed. PAUL MEYER, 3 vols [Paris 1891]) obviously intended *amis* to be a collective noun embracing his entire family, *cognati et affines* (his *lingnage* and *parantage*):

Li Mar. en Engleterre  
 Vint a ses *amis* congié quere, 7260  
 A ses serors, a son lingnage,  
 A tot son autre parantage,  
 Kar ce esteit dreit e raison.

Already in Classical Latin AMICUS exhibited extensive polysemy where family relationships were concerned; cf. the *Thesaurus*, s.v. AMICVS: «*nomina necessitudinis*: adfinis: Plaut. Bacch. 380. Cic. inv. 2, 35 parentes, cognatos, amicos, affines, necessarios ...» (cols. 1911–12). DU CANGE (s.v. AMICUS) attests to the medieval survival of these usages: blood relations are referred to as *Ami carnal* (AMICI CARNALES), *Amis de char*, and *amis de ligne*, and the meaning 'heirs' is expressed as follows: *Se ilz avoient aucuns biens en ladite ville de Burrey, les Amis dudit homme ou femme y succederoient* (p. 24).

<sup>11</sup> In the case of the ties that link Roland and Oliver, the use of such terms as *ami* (1975), and especially *frere* (1456), might well be rendered 'brother-in-law' in view of the fact that Roland is betrothed to Oliver's sister Aude, and the betrothal based on an oath is a more important formality than is the marriage ceremony. Oliver attempts to void this betrothal in his fury at Roland's decision to sound the horn (1719–1721). In reference to Philippe I, GEORGES DUBY writes: «Employant le term *uxor*, Yves [de Chartres] reconnaît que Philippe et Bertrade sont déjà mari et femme: pour lui la cérémonie nuptiale n'est qu'une solemnité complémentaire» (*Le chevalier, la femme et le prêtre: Le mariage dans la France féodale* [Paris 1981], p. 13).

<sup>12</sup> LÉOPOLD CONSTANS, ed., *Le Roman de Thebes*, 2 vols (Paris, 1890).

<sup>13</sup> Robert's verse version of his *Joseph* is usually dated ca. 1200, and the prosification sometime before 1220. The verse version has been edited under the title *Le Roman de l'Estoire dou Graal* by WILLIAM NITZE (Paris 1927). For the prose version see my «La tradition manuscrite du *Joseph d'Ar-*

Et quant tu avras ce fet, si li balle et coumande la garde de ses freres et de ses *serors en loi* (Weidner, 1322–23)<sup>14</sup>.

Bron, addressing his assembled children, further admonishes them to submit to the will of their brother Alain:

–Vos estes tuit mi fil et mes *filles en loi*, et vos sanz obedience ne poëz avoir la joie de paradis (Weidner, 1380–81).

The corresponding passage from the verse *Joseph d'Arimathie* mentions only the *sereurs* of Alain (vs 3099) and *filles* of Bron (vs 3238). The prose redactor of the romance must have sensed the possibility that Bron and Enygeus had daughters in addition to their twelve sons, whereas these references are explicitly to the wives of the eleven nephews of Joseph destined to embrace the secular life. In the first passage the voice instructs Joseph regarding the disposition of Alain and his brothers and 'sisters-in-law', and in the second it is Bron who enjoins his sons and 'daughters-in-law' to submit to Alain's will. Note that a third reference to *serours* in the prose version does not contain the qualifier *en loi*:

–Cist (= Alain) sera garde en terre de ses freres et de ses serours (Weidner, 1352–53), although one manuscript (siglum *S*) does add independently *ses serors en loy* doubtless in order to dispell any possible misunderstanding.

4) The *Chronique* of Monstrelet (ca. 1450)<sup>15</sup>. The author reports the proceedings of a royal council where John Petit, doctor of theology in the University of Paris, pronounces his famous defense of the murder of the Duke of Orleans in 1407. In reference to the honors bestowed by the king on the Duke of Burgundy, the theologian declares:

Et qui plus est, le Roy lui a fait si grand honneur et monstre si grant signe d'amour qu'il l'a fait *per[e]*, *en la loy de mariage*, de très noble et très puissant seigneur monseigneur le duc de Guienne, Daulphin de Viennois, son ainsné fils et héritier, d'une part, et l'ainsnée fille de mondit seigneur, d'autre part (p. 180)<sup>16</sup>.

*mathie* en prose de Robert de Boron», *Revue d'Histoire des Textes* 1 (1971), 145–181, «The Prose Version of Robert de Boron's *Joseph d'Arimathie*», *Romance Philology* 23 (1970), 449–461, and «The Middle French Redaction of Robert de Boron's *Joseph d'Arimathie*», *Proceedings of the American Philosophical Society* 122 (1978), 261–285. An early attempt at a critical edition of the prose version was made by GEORG WEIDNER (cited above, n. 5).

<sup>14</sup> Note that the Middle French redactor was even more explicit: *mes filles en la loy de Dieu* (283b). The scribe of the Estense manuscript (siglum *E*), reputed to be a careful worker, dropped out the phrase *et de ses serors* from his copy with the result that his text reads: *la garde de ses freres en loi*, clearly nonsense in that these eleven are the blood brothers of Alain (see WILLIAM ROACH, ed., «The Modena Text of the Prose *Joseph d'Arimathie*», *Romance Philology* 9 [1956], 1039).

<sup>15</sup> L. DOUËT-D'ARCO, ed., *La Chronique d'Enguerran de Monstrelet*, I (Paris 1857). The author died in 1453.

<sup>16</sup> See LA CURNE, VII, 190–191, *Godf*, V, 17, and the *OED*, s.v. *law*, which places it in the sixteenth century.



While it is true that throughout his work the chronicler employs affinal kinship designations constructed with *beau-belle*, here he clearly intends to stress the close family ties between Charles VI and John the Fearless; these are not only those of blood, but also those, no less binding, established according to Church law that make the Duke of Burgundy, for all practical purposes, the 'father' *en loi de mariage* of the dauphin. In the rhetoric of maître Jean, 'beau-père' would doubtless have been too weak (and familiar?) a term to describe this relationship.

What accounted for and facilitated the affinal use of *en loi* was, in all probability, the practice in Old French of designating the institution of marriage *per se* as *loi*<sup>17</sup>. Consider the following usages from the twelfth and thirteenth centuries:

*Erec et Enide* (ed. Mario Roques):

onques deus si beles ymages	
n'asanbla <i>lois</i> ne mariage.	1496

*Escoufle* (ed. Franklin Sweetser):

si com <i>lois</i> assamble	7506
Les laies gens par mariage.	

*Roman de la Rose* (ed. Félix Lecoy):

quant el sunt affiees,	
par <i>loi</i> prises et mariees <sup>18</sup> ,	13860

This is, of course, a truncated form of the expression *loi de mariage*, that institution established in the Garden of Eden, 'in law of wedlock' or, in the words of Joseph's Middle French redactor, *en la loy de Dieu* (283 b). This is the sacrament instituted by God (and the only one not traced to Christ in the New Testament) when he bestowed on Adam a mate of his own flesh, the reciprocal duties of which are prescribed by Figura in the *Mystère d'Adam* (ed. Paul Aebischer):

Jo la plasmai de ton cors;	
De tei eissit, non pas de fors.	20
Tu la gouverne par raison.	
N'ait entre vus ja tençon,	
Mais grand amor, grant conservage:	
Tel soit la <i>lei de mariage</i> !	24
Adam aime, et lui tien chier.	
Il est marid, e tu sa mulier:	34

<sup>17</sup> A meaning not recorded for Old French in the *FEW*, V, 292a. In *T.-L.*, V, 586, *loi* is glossed «Ehevertrag» in spite of the fact that the examples given there more readily translate simply 'marriage'. Cf. the gloss «Ehesakrament» in WENDELIN FOERSTER, *Wörterbuch zu Kristian von Troyes' sämtlichen Werken* (Halle 1933; rpt Tübingen 1966), s.v. *loi*.

<sup>18</sup> Other examples of this meaning from the *Roman de la Rose* are found at vss 13846, 14060, and 14062.

A lui soies tot tens encline,  
 Nen issir de sa discipline!  
 Lui serf e aim par bon coraje,  
 Car ço est droiz de mariage<sup>19</sup>.

38

This law, codified in the Decretals of Gratian in the twelfth century and in the *Corpus juris canonici* of later date, outlines the Church's precepts regarding affinal relatives of marriage partners. In the eyes of the canonists this relationship was as binding 'in the law' as a consanguineous one where obstacles to wedlock existed<sup>20</sup>; to marry within the prohibited degrees was to incur the charge of incest<sup>21</sup>. In regard to marriage, the new morality preached by Urban II came into sharp conflict with the older Carolingian practices: the excommunication of Philippe I was pronounced not because he repudiated his first wife, not even because he took a woman already wed to another, his first cousin Fulk of Anjou—he was declared anathema because of the incestuous union with his «kinswoman», Bertrade, kin by virtue of her marriage to his cousin (Duby, pp. 10–26). The point is that the Church strove to exercise control over the institution by insisting on exogamous marriage and through the application of its laws, thereby preempting older, Germanic customary usage. In the course of the evolution of Church law down to the twelfth century, the period when classical canon law was taking shape, legal prohibition to marriage within certain degrees of blood relationship was extended to affinal kinship<sup>22</sup>; this created a complicated network of impediments

<sup>19</sup> Cf. also the *Ovide moralisé* (cited by Godf, X, 90): *Me pren par loy de mariage*.

<sup>20</sup> The principle underlying the Church's law regarding affines is in force even today in Canon 109: § 1. *Affinitas oritur ex matrimonio valido, etsi non consummato, atque viget inter virum et mulieris consanguineos, itemque mulierem inter et viri consanguineos*. § 2. *Ita computatur ut qui sunt consanguinei viri, iidem in eadem linea et gradu sint affines mulieris, et vice versa*.

<sup>21</sup> See the long article in the *DDC*, s.v. *affinité*. The author notes that originally the Church had no doctrine regarding prohibition of marriage among affines, but did early adopt some Roman judicial concepts regarding relatives of the marriage partner. By the time of Augustine (*Contra Faustum*, XXII, c. LXI), the principle of *unitas carnis* of spouses was invoked to prohibit marriage between sister-in-law and brother-in-law, a precedent that led to the complete assimilation of in-law and blood relatives. This was fixed in the twelfth century by Gratian who considered as kin nothing less than the entire family of the conjoint, and prohibition to wedlock to extend to the same seven degrees of kinship of the first genus as would obtain in the case of consanguines. «Then with relentless logic the church had been pressing home the axiom that the sexual union makes man and woman one flesh. All my wife's or my mistress's blood kinswomen are connected with me by way of affinity» (FREDERICK POLLOCK and FREDERIC MAITLAND, *The History of English Law before the Time of Edward I*, II [Cambridge 1968], 388). Evidence for the blurring of the distinction between blood and marriage kinship is still found in Spanish *cuñado-cuñada* 'brother- and sister-in-law' from *COGNATUM-COGNATAM* 'related by blood'.

<sup>22</sup> A. ESMEIN, *Le mariage en droit canonique*, I (Paris 1891), 374–383: *Primum genus (affinitatis) habet septem gradus prohibitos, unde dicitur quod aequis passibus ambulat cum consanguinitate* (I, p. 377, n. 2). This prohibition was binding on both sides right from the oaths of betrothal (the *desponsatio*): «par le fait seul des fiançailles, chacun des fiancés devenait incapable de contracter mariage avec tous les parents de l'autre fiancé, jusqu'au septième degré de parenté» (ESMEIN, I, 88).

to a valid marriage bound by the law (as we have seen, *la loi de mariage*)<sup>23</sup>. This impediment 'in law of wedlock' was relaxed somewhat by the Fourth Lateran Council (1215), but it remained binding to the same four degrees of collateral affinity as those limits to permissible marriage now regularly placed upon consanguines<sup>24</sup>; that is to say *cognati* and *adfinēs* were still treated in identical fashion and came under the same restrictions where incest was concerned.

In Old English 'father- and mother-in-law' were expressed by the terms *swēor*-*sweger* in accordance with their Indo-Germanic origins (Ger. *Swiegervater*; Dano-Norw. *svigerfar*, etc., with the exception of Dutch *schoonvader* which developed in imitation of French [cf. Middle Dutch *zwager* 'brother-in-law'])<sup>25</sup>. In the fourteenth century the Old English vocabulary of inlawship began to be replaced: under the influence of Anglo-French, and owing especially to the popularity of French in the legalistic thought of English jurisprudence, French in-law phrases began, in imitation of *en loi* usage on the continent, to be «Added to names of relationships to indicate that, for contracting a marriage, the person designated has in canon law that same relationship or degree of affinity» (*MED*, V, 194b). Presumably, this replacement first followed the French form of the word, *in lei* (*lay*), subsequently translated into English *in laue* (*lawe*)<sup>26</sup>. The *MED* (s.vv.) lists the first occurrences of terms involving in-law compounds as follows: *fader-in-laue* (c 1375: Chaucer), *moder-in-laue* (a 1382: Wycliffite Bible), *suster-in-laue* (1440: *Lexicon*), *brother-in-laue* (early 14th cent.: *Kyng Alisaunder*), *doughter-in-laue* (a 1382: Wycliffite Bible), *son-in-lei* (*-lai*) (a 1350: Castelford, *Chron. Lear*). None predates roughly the middle of the fourteenth century, in other words a good two hundred years after its appearance in Gaimar<sup>27</sup>.

<sup>23</sup> Consider the marriage of Bron's sons in the prose *Joseph: Lors pourchaça Brom et loing et pres qu'il eüssent fames qui avoir les voudroient lez la loi Jesucrist et au coumandement de sainte Yglise* (WEIDNER, 1261–1262), and Joseph's prior appeal to the 'law' regarding his nephews' future: *Je te proi que tu les atornes en leu terrien et a la loi maintenir en tel maniere qu'il aient fames et enfanz si coume autres gens doivent avoir* (WEIDNER, 1246–1247).

<sup>24</sup> Cf. the *DDC*, I, 281–282. In the *Elucidarium* of Honorius Augustodunensis the answer to the question *Licet duobus fratribus duas sorores ducere?* is *soror uxoris meae fit mea cognata per ejus sanguinem. Rursus meus frater cognatus efficitur uxoris meae per meum sanguinem* (YVES LEFÈVRE, *L'Elucidarium et les lucidaires* [Paris 1954], 425).

<sup>25</sup> JOSEPH BOSWORTH and T. NORTHCOTE, *An Anglo-Saxon Dictionary* (Oxford 1898), s.vv. The oldest Anglo-Saxon glossary, *The Corpus Glossary* (ed. W. M. LINDSAY [Cambridge 1921]), gives the following entry: «Socrus: \*sueger, Socer: \*sur (for sweor)». JAN DE VRIES, *Nederlands etymologisch Woordenboek* (Leiden 1971), s.v. *schoon*.

<sup>26</sup> Even though the two examples of *in lei* (*in lay*) attested in the *MED* are contemporary with or later than those of *in laue*. In a letter, ROBERT E. LEWIS, editor of the *MED*, writes: «If I were doing the volume over, I would list two phrases: *in-laue* and *in-lei*, since the nouns are different, the latter going back to *lei* from Old French.»

<sup>27</sup> *suster-in-laue* and *son-in-lei* were taken from a forthcoming fascicle of the *MED*. The Middle English translator of *William of Palerne* (ca. 1375) clearly interpreted *en loi* of his model as the in-law relationship when he translated vss 8302–03 of the *Guillaume de Palerne* quoted above as follows: [*We*] *schul be samen hole frendes, lelli brepern in lawe* (II, 1203).

Despite the phenomenal success of the 'in-law' borrowing for the entire English affinal system, the halting attempt to adopt *en loi* in French to designate this same relationship met with failure. This was surely due to the same cause as the ousting of *seigneur-dame*—the semantic overloading of both the noun *loi* and the phrase *en loi* as a result of their increasing polysemy, a semantic drift going far beyond the original LEX. To the primary acceptance of 'law' (in the sense of 'a law' and 'the law', both human and divine) and 'right' were joined an array of possible interpretations: 'jurisdiction', 'judgment' (then a 'fine', a monetary judgment), 'condition', 'faith', 'rule', 'religion'<sup>28</sup>, 'marriage', 'oath', 'testament', 'scripture', 'company' (e.g. *la loi de Judas*), 'manner' (e.g. *a loi de*), 'custom', 'conduct', 'country or region' (e.g. *la loi de Rome*), 'permission'<sup>29</sup>, and doubtless others. In expressions of kinship, intolerable plurivalence is also marked: in addition to designating affines, we have seen that *en loi* could function as 'godfather', 'step father' (a 'father' by virtue of marriage to one's mother), and 'sworn brother' (ties incurred as a result of an oath). The phrase was called upon to express too broad a range of meanings<sup>30</sup>, some spilling over into the semantic domain of others and resulting in an ambiguity not always easy to resolve by context. Thus the popular and affectionate *beau-belle* formations already making steady inroads by the Middle French period, replaced definitively, for 'father-in-law' at least, *sogre*, *seigneur*, and *pere en loi*.

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<sup>28</sup> Consider the very popular expressions of marriage *selon la loi*: *Hawis... fu dunee sulunc la lei / al duc (Roman de Rou, ed. A. J. HOLDEN, III, 266)*; *espoisoient selonc la loy que lors tenoient* (Adenet le Roi, *Cleomadés*, ed. A. HENRY, 16957–16958).

<sup>29</sup> A. BURGER, «V. FR. *loi* 'licence'», in *Etymologica: Walther von Wartburg, zum siebzigsten Geburtstag* (Tübingen 1958), pp. 123–128. This *loi* is not, however, a reflex of LEGEM, but a deverbal from *loisir* (LICERE).

<sup>30</sup> Expressions involving *loi* could function in yet other ways: e.g., when, in the *Miracle de Theodore*, Theodore asks whether a certain cleric is a *maistre en decrez*, 'learned in canon law', the answer is: *Oil, dame, et sire de loy* (GASTON PARIS et ULYSSE ROBERT, *Les Miracles Nostre Dame*, III [Paris 1878], XVIII, 276), which we might translate: 'and a true master of the law'. In the prose *Joseph, (il) se faisoit plus sires de la loi qu'il* (= the emperor) (WEIDNER, 583) is the charge of the Jews against Christ, that he set himself above the law. The idea of 'learned, instructed in the law' is also implicit in the rare adjective-noun *loiduit* < LEGE DOCTU, which W. MARY HACKETT, «Remarques sur le vocabulaire de *Girart de Roussillon*», *Recueil... Brunel* (Paris, 1955), p. 568, found only in the *Girart* and the *Roman de Thebes* (see T.-L., V, 594). It is actually more widely attested (see *Godf.* V, 18, and *Li Fet des Romains* [ed. L.-F. FLUTRE et K. SNEYDERS DE VOGEL], pp. 634, 13, and 719, 1) and seems to provide the basis for the Latin surname recorded by DU CANGE as *Legisdoctus* and *Legisdocta* (cited by HACKETT, p. 569), which is translated «disciplina cristiana eruditus».

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