THE SUFFIX -*TRIX* IN FORMING FEMININE LEGAL TERMS

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Abstract

As a rule, derivational suffixes represent a highly productive category of word-forming morphemes. The suffix -*trix* is yet an exception by the fact that feminine nouns formed with this suffix have a low occurrence. The main purpose of this paper is to make a lexico-semantic and functional analysis of the legal terms derived in English with the suffix -*trix*, starting from the lexicographic definitions of these terms, as well as other specialist sources. The corpus-based analysis also presents etymological aspects relating to this suffix and the derived terms, investigating at the same time the meanings and uses acquired beyond the legal sphere.

Key words: *derivation, suffix* -trix*, legal terms, lexical-semantic analysis*, *functional analysis*

Résumé

Bien que les suffixes lexicaux représentent une catégorie productive de morphèmes à l'aide desquels on forme de nouveaux mots dans la langue, le suffixe -*trix* en constitue une exception par le fait que les noms du genre féminin formés à l'aide de ce suffixe présentent une faible occurrence. Le principal but de cet article est de faire une analyse lexico-sémantique et fonctionnelle des termes juridiques dérivés en anglais par le suffixe -*trix* à partir des définitions lexicographiques, ainsi que d'autres sources de spécialité. L'analyse, fondée sur ce corpus, présente également des aspects étymologiques concernant ce suffixe et les termes dérivés, en investiguant en même temps les sens acquis au-delà de la sphère juridique.

Mots-clés: *dérivation, suffixe* -trix*, termes juridiques, analyse lexico-sémantique, analyse fonctionnelle*

1. Preliminary issues

Derivational suffixes are generally considered a highly productive category of word-forming morphemes. The suffix -*trix* is yet an exception by the fact that feminine nouns formed with it have a low occurrence. After a brief presentation of this suffix, involving the meanings it provides in forming feminine nouns, as well as some etymological aspects meant to facilitate a better understanding of the evolution and present-day usage of words derived with this suffix, we aim to make a lexico-semantic and functional analysis of the legal terms derived in English with the suffix -*trix*, starting from the lexicographic definitions of these terms, as well as other specialist sources and not only.

2. The suffix -*trix*: general considerations

From both linguistic and legal perspective, it is quite difficult to find information on the suffix -*trix* and the derivatives containing it, due to their low frequency in usage.

Webster's Encyclopedic Unabridged Dictionary of the English Language

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defines *-trix* as "a feminine suffix of agent-nouns corresponding to masculine *-tor* [< L, fem. of *-tor*, equiv. to - *t(us)* ptp. ending + *-or*].

Marchand, the undisputed authority in matters of word formation, does not devote an entire section to this suffix, as does with other suffixes. He just mentions it while dealing with the suffix *-ess* and identifying several derivational patterns. The second such pattern, of the *dictatress* f. dictator type, was established in the 16th century, very probably under the influence of Latin (and French). The feminine nouns in *-ess* were directly connected with L *-trix* and F *-trice*[1].

According to the Bibliography we consulted, *-trix* [Middle English; < Latin *-trīx,* s. *-trīc-*] has been used since the 15th century and denotes agency. It is a suffix used to form feminine nouns corresponding to agent nouns ending in *-tor* (e.g. *administrator, administratrix; aviator, aviatrix; benefactor, benefactrix; dominator, dominatrix; executor, executrix; inheritor, inheritrix; legislator, legislatrix; orator, oratrix; proprietor, proprietrix; testator, testatrix,* etc.).

It also forms geometrical terms denoting a geometric line, point, or surface (*directrix, generatrix*).

Nouns like *aviatrix, benefactrix, legislatrix, oratrix,* and *proprietrix* are extremely rare at present. The forms in *-ess* are more common for some of these nouns: *benefactress, proprietress* (although quite rare, too), but the forms in *-tor* are preferred for both men and women (e.g. *She is the proprietor of a new restaurant*), the feminine gender being marked by other linguistic means whenever necessary (e.g. *Amelia Earhart was a pioneer woman aviator*).

Legal terms such as *administratrix, executrix, inheritrix* still occur in legal documents, although rarely, whereas the *-tor* forms have become commonplace.

The jocular meaning is preserved in *editrix*, and *dominatrix* has sexual connotations that would be hard to express otherwise.

The tendency to use the masculine form for both sexes, especially in legal language, and to increasingly disregard the feminine forms in *-trix*, considered obsolete, might be a consequence of the heated debates in sociolinguistics (echoed in other walks of life and domains), those relating to sexism in language or sexist language.

Sexist language has been defined as "language that expresses bias in favor of one sex and thus treats the other sex in a discriminatory manner"[2]. Sexism at the level of language is "a reflection of sexism in social reality"[3]. According to these authors, one of the proofs of sexism in the English vocabulary is the use of suffixes leading to a perception of women as deriving from a male term. The use of feminine-forming suffixes mirrors gender discrimination, including linguistic discrimination, in a man-oriented and man-centred society. Language treats women as inferior to men.

The use of such suffixes as *-man, -ette, -ess, -trix* to form nouns denoting occupations and job titles are common forms of sexism in English, also covering "asymmetrical naming practices, and stereotyped images of women and men as well as

[1] M. Marchand, *The Categories and Types of Present-Day English Word Formation,* Second edition, München, Verlag, 1969, p. 287.

[2] Xiaolan Lei, *Sexism in Language,* in "Journal of Language and Linguistics", Vol. 5, No. 1, 2006, p. 87.

[3] Guimei He, *An Analysis of Sexism in English*, in "Journal of Language Teaching and Research", Vol. 1, No. 3, 2010, p. 332.

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descriptions of (mainly) women which trivialise or denigrate them and their status"[4].

Such opinions and the spreading usage of the masculine forms of legal terms for both male and female over the last years might suggest that, before the law and the institutions serving it, women are equal to men.

Apart from any sexist view, in this world subject to constant and rapid change, linguistic transformations and uses are dictated by pragmatic reasons[5].

On the other hand, some women might feel excluded, degraded, even annulled, to be referred to with a masculine term in a context where they want to acquire visibility in society and in language as well, they want to impose their status as independent and powerful women, even if this implies the use of a feminine form deriving from a masculine one. This could be an explanation for the survival of the legal terms formed by adding feminine suffixes.

In these postfeminist times, when "many people are jettisoning the feminine suffixes entirely"[6], Merrill Perlman advocates the use of such suffixes, finding that it is sometimes helpful to have a feminine version of a noun, especially when a person has a gender-neutral first name. Starting from the example of the legal term *executor*, for many states call "executor" both men and women performing this activity in the field of law, she argues that we should care more about the sex of the person carrying out the provisions of a will.

3. Legal terms formed with the suffix *-trix*: meanings and usage

Based on previous considerations, in this paper we will analyze the meanings and usage of the following legal terms: *executrix, administratrix, proprietrix, legislatrix, inheritrix, testatrix*.

As M. Perlman rightly notes, such terms are almost never heard in casual conversation and they are used "anywhere but in a legal document, or in stories about legal documents"[7].

Executrix

The term *executrix*, also *executress*, is defined either in relation to its male counterpart (*female executor, a woman who is an executor*), or without such reference (*a woman named in a decedent's will to carry out the provisions of that will, a woman appointed by a testator to execute the testator's will*). The feminine form is deemed archaic. Etymologically, it is attested from late 14th century (*executrice*).

The *Legal Dictionary* considers *executor* as unisex now.

Although dictionaries and the literature in the field mention this noun as out of general use or archaic, the corpus proves that it still occurs in the specialised language of law (cases and summaries of cases, memorandum decisions and other legal opinions, sites of attorney firms, etc.), therefore in formal legal language, as seen below:

"Respondent Teresa Fortin, as *Executrix* of the Estate of Robert K. Stuter and Trustee of the Aaron and Mason Stuter Trust, by counsel Christopher S. Smith, responds in

[4] Xiaolan Lei, *Sexism in Language,* in "Journal of Language and Linguistics", Vol. 5, No. 1, 2006, p. 88.

[5] C. Stanciu, *L'évolution de la terminologie et des réglementations juridiques en matière de promesses de contrat dans le système de droit roumain,* in "Studii şi cercetări de onomastică şi lexicologie" *(*SCOL*)*, year VI, no. 1-2, Craiova, Editura Sitech, 2013, p. 222.

[6] Merrill Perlman, *Women's Suffixes – Making some nouns more feminine,* in "Columbia Journalism Review", March 7, 2011.

[7] Idem, *ibidem*.

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support of the circuit court's order". (*Memorandum* Decision, June 24, 2013, http://www.courtswv.gov/supreme-court/memo-decisions/spring2013/12-1185memo. pdf, accessed June 23, 2016)

"Usually, when a person leaves a Will designating an Executor or *Executrix*, the Executor is a person that the decedent was close to or trusted. However, there are times when the trusted Executor or *Executrix* may fail to perform his or her duties, has a conflict of interest, has become incapacitated, or has committed gross misconduct involving the estate. When this occurs, the Executor or *Executrix* may need to be disqualified or removed". (*Disqualifying or Removing and Independent Executor in Texas*, http://farrensheehanlaw.com/probate/disqualifying-or-removing-independent-executor/, accessed June 23, 2016)

"In March of 2007, the named *executrix* under the will of a woman who died in January of 2007, retained the respondent to settle the estate. The respondent agreed to probate the estate for a flat fee of $1,000.00, which the *executrix* paid". (Summary of *S.J.C. Order of Term Suspension entered by Justice Cordy on April 1, 2011, with an effective date of May 2, 2011*, available at http://www.mass.gov/obcbbo/bd10-125.pdf, accessed June 23, 2016)

"EVANGELINE UPSHUR FREEMAN v. Shirley G. FREEMAN, *Executrix* of the Estate of Garman P. FREEMAN, Deceased". (*Freeman v. Freeman*, 20 Ark. App. 12 (1987) http://opinions.aoc.arkansas.gov/WebLink8/0/doc/237511/Electronic.aspx, accessed June 23, 2016)

The term *executrix* also occurs in a less formal context, although in connection with a legal topic, e.g. on blogs providing legal advice, or in newspaper articles:

"Originally, the land belonged to my mother, but she died without a will. My father remarried. Their lawyer said my stepmother is the *executrix*". (*My father died in Hawaii in 2007, His executrix/executor refuses to allow us to have a look at his papers. What can we do?*, https://www.avvo.com/legal-answers/my-father-died-in-in-hawaii-in-2007---his-executri-525425.html, accessed June 23, 2016)

"Investigators allege that they conspired after Mr. Fewlas' death to draw up a fake will that appointed Ms. McKnight as *executrix* and made her the sole beneficiary, (…)". (*Feds claim executrix drew up fake will to steal fortune*, 5 August 2013, http://www.toledoblade.com/Police-Fire/2013/08/05/Feds-claim-executrix-drew-up-fake-will-to-steal-fortune.html, accessed June 23, 2016)

Administratrix

The term *administratrix* is commonly defined in relation to its male parallel form in *-or*: *a female administrator, a woman who is an administrator especially of an estate.* It originates in Medieval Latin (1620-30) *administrātrix*.

The term *administrator* is now generally used to refer to someone of either sex, but the feminine form *administratrix* is still found in legal opinions, cases, etc. For instance:

"Appellant, Tillie F. Fulton, as Administratrix de bonis non cum testamento annexo1 ("*Administratrix*") of the estate of her mother-in-law, Fern O. Fulton ("Decedent"), appeals from the January 22, 2014 order of the Fayette County Court of Common Pleas dismissing this case on the basis of laches". (*Appeal from the Order Entered January 22, 2014, In the Court of Common Pleas of Fayette County, Civil Division, at G.D. No. 545 of 2011*, 5 December 2014, http://www.pacourts.us/assets/opinions/Superior/out/J-S50028-14o.pdf, accessed June 23, 2016)

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"Thirteen years after the death of Paul H. Beckner, (…) his *administratrix* brought this action for damages for breach of contract, breach of trust, and misappropriation of trade secrets". (*LAINE A. CONNORS, administratrix, vs. HOWARD JOHNSON COMPANY*, 30 Mass. App. Ct. 603, April 9, 1990 - May 16, 1991, Suffolk County, http://masscases.com/cases/app/30/30massappct603.html, accessed June 23, 2016)

Proprietrix

The term *proprietrix* (origin: 1830-40) can be simply defined in relation to its masculine counterpart, i.e. *a woman proprietor*, or by its *-ess* variant, i.e. *proprietress*, which is: 1. a woman who has legal title to something; an owner; 2. a woman who owns or owns and manages a business or other such establishment.

The form *proprietress* seems more common than *proprietrix*, although it has also dropped from general use.

It is interesting to see the usage of the noun *proprietrix.* It is used as an archaic term especially in non-legal contexts, in newspaper articles, history or literature books and articles, in order to revive the characteristics or atmosphere of an earlier period. As a legal term, it is no longer used (unless extremely rarely) in the UK or USA, but in other English-speaking countries like India or Guyana, where the idea of gender equality and gender marking may be slightly different.

"INDIRA Rahaman, the *proprietrix* who lost millions after her storage bond went up in flames and her house suffered extensive water damage last week Sunday, was discharged from a medical institution late yesterday afternoon. (*Proprietrix of razed storage bond discharged from hospital – almost had heart attack*, Guyana Chronicle, 2 June, 2016, http://guyanachronicle.com/proprietrix-of-razed-storage-bond-discharged-from-hospital-almost-had-heart-attack/, accessed June 23, 2016)

"Chandramathi Rao, *proprietrix* of M/s Shubha Mangala, a textile showroom in Carstreet, has dual masters in Kannada and Konkani". (*Chandramathi Rao - Proprietrix of M/s Subha Mangala, A Preferred Destination for Sarees at Carstreet!* 28th August 2015, http://claretmendonca.blogspot.ro/2015/08/chandramathi-rao-proprietrix-of-ms.html, accessed June 28, 2016)

"On Wednesday afternoon, murder accused Kwabena Barker, also known as Alex Barker, was freed after a jury found him not guilty of the murder of his ex-wife and *proprietrix* of Alpha Hotel, Roselaine Pearl Hall". (*ALPHA HOTEL PROPRIETRIX MURDER…Ex-husband freed on no case submission*, Kaieteur News, May 25, 2014, http://www.kaieteurnewsonline.com/2014/05/25/alpha-hotel-proprietrix-murder-ex-husband-freed-on-no-case-submission/, accessed June 28, 2016)

"I, DOROTHY MARGARET LITTLE formerly residing at Seven Strathearn Place, Edinburgh and now at Thirty Four Mansionhouse Road, there, heritable *proprietrix* of the subjects (…)'. (*PAPER I CONVEYANCING WITH TRUSTS & SUCCESSION,* 4th May 2009, https://www.lawscot.org.uk/media/225490/2009May PaperI.pdf, accessed June 28, 2016)

"The defendant No. 2 admitted that he is the husband of Smt. T M Saroja, the *proprietrix* of defendant No. 1 firm". (*REGULAR FIRST APPEAL No. 300 OF 2009,* 22 July 2014, http://judgmenthck.kar.nic.in/judgmentsdsp/bitstream/123456789/9941/1/RFA300-09-22-07-2014.pdf, accessed June 28, 2016)

"*Laena McCarthy, proprietrix* of Greenpoint-based *Anarchy in a Jar*, grew up making jam and other preserves with her mother (…)". (*Food Artisans: Anarchy in a*

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Jar, Mar 14, 2011, http://newyork.seriouseats.com/2011/03/food-artisans-anarchy-in-a-jar.html, accessed June 28, 2016)

Legislatrix

A *legislatrix*, also *legislatress*, is a woman member of a legislature, a woman who makes or promulgates laws.

The feminine form *legislatrix* dates back to 1670-80, whereas *legislatress* is from 1711.

Apart from its use as an archaic term, *legislatrix* can hardly be heard or seen at present. We have managed to find it in an article with political content, where it is meant to highlight the feminine gender, but with negative connotations:

"First" Muslim *Legislatrix* Committed Election, Tax Fraud to Run: Lied About Residency (*"First" Muslim Legislatrix Committed Election, Tax Fraud to Run: Lied About Residency, Debbie Schlussel*'s blog, March 11, 2010, http://www.debbieschlussel.com/18886/first-muslim-legislator-committed-election-tax-fraud-to-run-lied-about-residency/, accessed June 28, 2016)

Inheritrix

The term *inheritrix* is archaic. It refers to a female inheritor. The form in *-ess* is *heiress.* Etymologically, it is from 1475-85, and it occurs extremely rarely at present, its use mainly pertaining to literary style or journalistic language.

"The *inheritrix* of his mind': Sara Coleridge (re-)presentation of her father" (*The inheritrix of his mind': Sara Coleridge (re-)presentation of her father,* https://www.academia.edu/1726228/The_inheritrix_of_his_mind_Sara_Coleridge_re-_presentation_of_her_father, accessed June 23, 2016)

"China's last *inheritrix* of the Nushu language, probably the world's only single-sex writing system, died at her Pumei Village home in central China on September 20. She was in her 90s". (*Last Inheritrix of Single Sex Language Dies*, 24 September 2004, http://china.org.cn/english/2004/Sep/108039.htm, accessed June 23, 2016)

Testatrix

Testatrix (attested from 1590s) means "a female testator" or "a woman who has died leaving a valid will", and is deemed an antiquated term. The form *testator* is usually interpreted as applying to both sexes.

As a legal term, *testatrix* is rarely used in the UK or USA, and it occurs in other English-speaking countries, for instance India, South Africa, or Zimbabwe, and incidentally in other contexts.

"In this case the Claimant, Lorraine, was the step-granddaughter of the *testatrix*, who was a wealthy elderly woman". (*A solicitor's duty to make enquiries where the testator's capacity is in doubt,* 23 October 2013, Mills & Reeve, http://www.mills-reeve.com/solicitors-duty-oct2013/, accessed June 28, 2016)

"Lindstedt could not remember this particular event, but she testified as to her normal procedure for notarizing wills at the bank, which included: (1) first, verifying the identity of *testatrix*; (2) second, having the *testatrix* read aloud the attestation or notarization clause; (…)". (*Will Survivers Challenge for Improper Execution,* 2016 Margolis & Bloom, http://www.margolis.com/articles/will-survivers-challenge-for-improper-execution, accessed June 28, 2016)

"It has also been stated in the application that the husband of the *Testatrix* is one of the ate"sting witnesses of the said Will under probate (…)". (*Hari Prakash*

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Gupta vs Sri Raja Ram Shaw on 29 November, 2013, Calcutta High Court, https://indiankanoon.org/doc/149369227/, accessed June 28, 2016)

"The testator/*testatrix* must sign the will at the end thereof by the making of a mark, or the will must be signed by some other person in the presence and by the direction of the testator/*testatrix*".(*What are the requirements for a valid will if I cannot sign my name?,* The doj & cd, Department: Justice and Constitutional Development, Republic of South Africa, http://www.justice.gov.za/master/m_deseased/deceased_wills.html, accessed June 28, 2016)

"On 22 January 2004 the *testatrix* executed a third will". (*Rogers v Rogers and Another (Civil Appeal No. 333/06),* 27 May 2008, Zimbabwe Legal Information Institute, http://www.zimlii.org/zw/judgment/supreme-court/2008/7, accessed June 28, 2016)

"Can a beneficiary of a will witness the signature of the *testatrix* of the will in the State of Queensland and if not what happens to that beneficiary's inheritance?" (*Can a beneficiary of a will witness the signature of the testatrix,* 4 years ago, http://www.justanswer.com/australian-law/6k40w-beneficiary-will-witness-signature-testatrix.html, accessed June 28, 2016)

4. Conclusions

In this paper we have tried to make an analysis of the legal terms derived in English with the feminine-forming suffix *-trix* from a lexico-semantic and functional perspective, mainly based on lexicographic definitions. We have also investigated whether these legal terms are still in use. From the specialised literature it results that the suffix *-trix* is not productive and there has been a tendency to refer to certain legal professions, activities or status with the masculine counterpart of *-trix*, but the corpus proves that, although rarely, *executrix* and *administratrix* still occur in legal documents after the year 2000, as well as in current use, more precisely in journalistic language. The forms in *-ess* (*legislatress, proprietress*) seem more common than the forms in *-trix*, but they are out of general use, too. *Proprietrix* and *inheritrix* are more often encountered in literary or journalistic language at present. According to our text corpus, *proprietrix* and *testatrix* are still, though seldom used in the legal sphere in English-speaking countries including India, Guyana, South Africa, Zimbabwe, etc.

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*** *Black's Law Dictionary,* St. Paul, Minn., West Group, 1999.
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