

## АСПЕКТОЛОГІЯ СЛОВ'ЯНСЬКИХ МОВ

DOI: 10.2478/lccc-2022-0001

UDC 811.162.1'367.625 : 81'42] = 111



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### IMPERFECTIVE AND PERFECTIVE VERBS IN POLISH LEGAL TEXTS. LINGUISTIC ANALYSIS AND RESULTS OF A SURVEY<sup>1</sup>

*The article presents factors influencing the choice of verbal aspects in Polish legal texts. The Polish legal language norm generally uses imperfective verbs (hereinafter: ipf) in the present tense. The reason is not only the universal directive function of the present tense but also a specific function of the imperfective aspect in Polish, i.e., its definitional meaning. Other Slavic languages use perfective verbs (hereinafter referred to as: pf) as a standard legal norm in codes. The first part of the text, based on Łaziński, Józwiak 2017 and Łaziński 2020, is a theoretical analysis with the use of linguistic and legal background.*

*In the second part of the article, the authors present the results of a survey using a fictional statute where respondents had to choose an appropriate verbal aspect. By applying such a strategy it is possible to evaluate the significance of different factors influencing the aspect choice described in the first part of the texts and other factors considered in the survey. In the authors' opinion, the conclusions of the survey and theoretical discussion have important consequences for both linguistics and law, especially for the grammatical interpretation of the law.*

**Key words:** verbal aspect, Polish, legal language, survey.

#### Theoretical background.

**1.1 Verbal aspect in Polish and Slavic languages<sup>2</sup>.** The verbal aspect is a lexically based grammatical category. The functions fulfilled by the perfective and imperfective aspects are affected by the encoded lexical meaning of a verb, i.e.,

<sup>1</sup> Research presented in this article was performed as part of the project "Development of the Polish Aspect System in the Last 250 Years" (<http://www.diaspol.uw.edu.pl>), funded by the German Research Foundation DFG (WI 1286/19-1) and the Polish National Science Centre NCN (2016/23/G/HS2/00922) in the joint Beethoven II programme.

<sup>2</sup> This part of the article uses the analysis presented in Łaziński, Józwiak 2017 and Łaziński 2020.

its belonging to one of the actional classes: achievements, accomplishments, states, or activities. According to Vendler (1957), all situations denoted by verbs in contexts can be divided into achievements, accomplishments, states, and activities. Achievements and accomplishments refer to a change of state aimed or achieved by the action. An accomplishment can be described as a telic situation (from Greek *telos* 'aim'). It comprises an event, generally denoted by a *pf* verb (e.g. *napisać* / to write) and a process leading to it, generally denoted by an *ipf* verb, e.g. *pisać list* / to write (to be writing) a letter, *splacać kredyt* / to repay (to be repaying) a debt (ongoing situation).

Achievement is an event without a preceding process, e.g. *umrzeć* 'to die' or *zabić* 'to kill'. A semelfactive is similar to achievement but no change of state takes place with the event, e.g. *mrugnąć* 'to blink' (semelfactives were added later to Vendler's classification as a category with equal status). An imperfective partner verb of achievements and semelfactives generally denotes repetitiveness of events: *umierać* (to die), *zabijać* (to kill), *mrugać* (to blink).

Other types of situations, namely states and activities, are not telic, they can last for a long time without leading to an event, and generally, they do not occur in the so-called aspect pairs, i.e. pairs of one *pf* and one *ipf* verb with the same meaning when translated into a non-Slavic language. States are thoroughly static, e.g. *spać* 'to sleep', *podlegać karze* 'to be subject to a penalty'. Activities are monotonously dynamic, not leading to a change, e.g. *tańczyć* 'to dance', *działać* 'to act'. The difference between activities and states was not considered distinct or important to this research. It must be noted that the actional classification divides entire predicates, i.e. verbs with subjects, objects, and circumstances. In aspectology, it is often simplified, and when referring to it, similarly to this case, we may simplify it and divide verbal lexemes into their typical uses.

Perfective verbs denote events, or holistically viewed situations interpreted as singular points on the time axis. They are physically indivisible in time, as *zabić* 'to kill', or may actually extend over a time period (e.g. the event *napisałem książkę* 'I write-past-pf a book includes the situation *писаłem książkę* 'I write-past-ipf a book'). In the narrative register, the aspect is not selected only based on the semantics of the situation. The perfective aspect refers to a situation (event) which is temporally definite and perceived as one in a narrative sequence.

The majority of verbs form verb aspect pairs, although there is also a group of perfectiva and imperfectiva tantum. The most frequent adapted condition of an aspect pair is the ability for the imperfective verb of the pair to be used in the iterative event sense or in the historical present, e.g. *napisał - pisze list/listy* 'he write-past-pf – he write-present-ipf letter(s)'. The primary aspectual meaning of an imperfective verb is processual. In the case of accomplishment verbs, the processual meaning will be enriched to telic meaning. Aspect pairs containing an accomplishment *ipf* verb can be proved by a special test of negated perfective (comp. Maslov 1948): *pisal list, ale nie napisał* 'he was writing a letter, but he did not write (complete) it'. However, verbs like *pisać* 'to write', which can express an accomplishment, may also denote a holistically viewed iterative event, a past event narrated in the historic present or a general fact.

**1.2 Aspect in legal texts.** In legal texts, such as criminal law codes, and other rules and regulations, the use of language units and categories should not only conform to their intuitive understanding within the general register but should also yield their non-ambiguous interpretation as legal terms and quasi-terms. The grammatical construction of a legal text and the values of grammatical

categories used are important to both the naïve (direct) interpretation of the norm and its interpretation in the court of law. This also applies to the use of imperfective and perfective verbs in such types of texts in Polish and other Slavic languages.

Much has been said and written about the importance of the grammatical gender of the noun. Many legal documents in Poland and abroad were recently altered to comply with gender-fair language use. Less attention is paid, however, to the similar problem of other grammatical categories, and no attention at all – to verbal categories.

The most obvious case of special Polish use of aspect against the background of other Slavic languages is the imperfective in the provision of sanction in a penal code. The formulation present in the Polish Penal Code uses the imperfective verb *Kto zabija człowieka, podlega karze* ‘Whoever kills-ipf a human being, shall be subject to penalty...’<sup>1</sup> (art. 148 of the Polish Penal Code), and this has been so for the last 150 years. All the other West and South Slavic languages, on the other hand, apply a perfective verb in analogous contexts, e.g., Czech and Slovak *Kdo jiného úmyslně usmrtí...*, Bulgarian *umàrtvi*, Serbian *liši života*. In East Slavic languages, the subject of the sentence is the name of the crime expressed as an aspect-free form of a deverbal noun, e.g., the Ukrainian *vbivstvo [...] karajet’sja...* or Russian *Ubiystvo nakazyvayetsya...* ‘Murder shall be punishable...’.

The grammatical difference between the structure of Russian and other Slavic penal codes reflects the different legal traditions and different balance between three main elements of a legal norm: the hypothesis, the dispositions, and the sanction. The hypothesis of a legal norm specifies the addressee and the conditions of application of the norm, e.g., Whoever / any person or a soldier, public official. The disposition, which is of most importance to us, describes the behaviour (prohibition, injunction, or permission). The sanction sets consequences prescribed by law if an addressee carries out the action described in the disposition. The descriptive model of a penal code, adopted in the English, German, West and South-Slavic tradition, contains an elaborate disposition and only the subject who (*kto*) is shared with the hypothesis: *kto zabija, podlega karze*. The nominalised model of penal code, adopted in French and East Slavic tradition, conceals the hypothesis since the addressee or the special circumstances are not defined: *vbivstvo [...] karajet’sja, ubiystvo nakazyvaetsja*.

The prevalent opinion among most Polish legal professionals is that the imperfective aspect of the Polish code is necessitated by the requirement of a present tense interpretation, as the use of perfective forms would render a future time reference (see: Gizbert-Studnicki 1982, Przetak 2014, Zieliński 2002). However, the perfective forms do not obligatorily imply a future-reference interpretation, and theoretically, they could be used with a universal time reference as in Czech. A similar use of the imperfective aspect can be also observed in Polish proverbs: *Kto sieje wiatr, zbiera burze* ‘He who sows-ipf wind, reaps-ipf whirlwind’, while their Ukrainian or Russian counterparts deploy the perfective aspect: *Xto sije viter, požne-pf burju, Kto poseet-pf veter, požnet-pf buryu* (this common proverb has a Biblical origin).

The use of the *ipf* aspect in Polish criminal law codes may actually pose the danger of implying the interpretation of an ‘attempt’ rather than an ‘accomplished deed’. In the case of achievement verbs, it is impossible to interpret the imperfective aspect as an attempt, e.g. *zabija (ipf)* as ‘attempts to kill’. The other verb classes, however, do not exclude such an interpretation, cf. Article 18.2 of the Penal Code:

(1) *Odpowiada za podżeganie, kto chcąc, aby inna osoba dokonała czynu zabronionego, nakłania ją do tego.*

‘Whoever, desiring for another person to commit a prohibited act, persuades-  
ipf that person to do so, is guilty of incitement’.

Here, lawyers are not unanimous on whether the punishable act should be understood solely as successfully inducing in another person an intention to commit a prohibited act (an intention which was subsequently fulfilled), or as a mere attempt to induce such an intention. The Supreme Court of Poland has ruled in favour of the former interpretation. Of course, the Polish Penal Code, like other criminal-law codes, does explicitly distinguish between a criminal act as a deed and as an attempt and preparatory steps, but as the above-mentioned example suggests, the boundaries are not always clear-cut.

It should be apparent that the prevalence of the imperfective aspect in the Penal Code is not necessitated by the present time-reference interpretation, which could also be afforded with *praesens perfecti*. It is not an iterative use of the imperfective aspect either since the code penalizes a single occurrence of a criminal act. That said, an alternative explanation is offered for this phenomenon. Namely, the use of the imperfective verbs in the criminal-law code exploits a certain function thereof, i.e., the definition of a certain situation which is subject to legal sanctions. This definitional or illustrative function of the imperfective aspect occurs in all Slavic languages, where it is deployed in encyclopaedic and dictionary entries, with Polish being the only language which extends this use to legal codes and nearly all proverbs. This may be due to a relatively weakly represented exemplary function of perfective verbs.

The situation types presented in 1.1 can be illustrated by verbs from codes or general legal context:

- States: *obowiązywać* ‘to be in force’, *zamieszkiwać* ‘to reside’
- Activities: *nawoływać* ‘try to incite’, *handlować* ‘to trade’
- Accomplishments: *splacać (ipf)/splacić (pf)* ‘to repay’, *nakłaniać (ipf)/nakłonić (pf)* ‘to persuade’, *niszczyć(ipf)/zniszczyć(pf)* ‘to destroy’
- Achievements: *zabijać (ipf) /zabić (pf)* ‘to kill’, *znieważać (ipf) /znieważzyć (pf)* ‘to insult’

According to the basic interpretation of accomplishment verbs, the difference in aspect can be generalised as an opposition between an event (*pf*) and an ongoing process. See:

(2) *Mój ojciec splacił (pf) w końcu kredyt.* ‘My father has finally repaid his loan.’

(3) *Mój ojciec długo spłacał (ipf) kredyt.* ‘My father repay-past-ipf his loan for a long time’ (It is not clear whether the loan has been completely paid off).

The verb form *splaca (ipf)* ‘repays’ in the article 302 of the Polish Penal Code refers to the iteration of finished or partial repayment of many loans and creditors, not to gradual repayment of a single loan.

(4) *Kto, w razie grożącej mu niewypłacalności lub upadłości, nie mogąc zaspokoić wszystkich wierzycieli, spłaca (ipf) lub zabezpiecza (ipf) tylko niektórych, czym działa na szkodę pozostałych [...]*

‘Whoever in the event of threatened insolvency or bankruptcy is not able to satisfy all his creditors, repays or satisfies only some of them, thereby acting to the detriment of others [...]. [translation from [www.imolin.org](http://www.imolin.org)]

The Polish penalty code, like the Czech, German, and English codes, is based on the grammatical structure of a subject clause with the culprit as the subject: “Whoever does X, is punishable with Y”. Norms taking the form *Kto X, podlega karze Y* make up 188 of the 226 chapters in the special part of the code; repetition of this construction is an important factor for the code’s text cohesion and genre identity. Such a structure was used back in ancient law: in the Code of Hammurabi or in the biblical norms (Book of Leviticus). In all Polish translations of the Bible, the perfective verb is usually used in the sanction’s provision, e.g. *Ktokolwiek zabije (pf) człowieka...* ‘whoever kills a man (Book of Leviticus 24,17). Polish Penal Code uses predominantly imperfective aspect here (compare *kto zabija (ipf)...*).

There are 1553 imperfective verbs and only 215 perfective verbs (tokens) in the special part of the Polish Penal Code. The most frequent *ipf* verb is *podlega karze* - ‘is subject to punishment’) repeated in 1888 chapters, but the rest are various achievement or accomplishment verbs denoting punishable deeds in sanction’s provisions.

While imperfectives in the present tense denote all kinds of offences and their circumstances, the perfectives in the Polish Penal Code are generally used to specify extenuating and exempting circumstances, such as compensation paid to the victim by the perpetrator, etc.:

(5) *Kto bierze (ipf) lub przetrzymuje (ipf) zakładnika [...] podlega karze [...]. Nie podlega karze za przestępstwo [...], kto odstąpił (past pf) od zamiaru wymuszenia i zwolnił (past pf) zakładnika. (art. 252)*

‘Whoever takes or holds a hostage..., is subject to the penalty... [...] Whoever abandoned the intention to extort and released the hostage shall not be subject to the penalty for the offence...’

This role of perfectives in the code can be explained by the main narrative function of this aspect value as temporally definite. The event denoted by a perfective becomes foregrounded against the background of the macro-situation expressed by imperfectives. Such use of perfectives is more common in the Polish Civil Code which – contrary to the Penal Code – describes situations more vividly and “tells stories” using perfectives as a standard narrative form:

(6) *Za szkodę odpowiedzialny jest nie tylko ten, kto ją bezpośrednio wyrządził (past pf), lecz także ten, kto inną osobę do wyrządzenia szkody nakłonił (past pf) albo był jej pomocny, jak również ten, kto świadomie skorzystał (past pf) z wyrządzonej drugiemu szkody. (art. 122)*

Liability for damage is borne not only by the direct perpetrator but also by any person who incites or aids another to cause damage and a person who knowingly takes advantage of damage caused to another person.

(translation from [supertrans2014.files.wordpress.com/2014/06/the-civil-code.pdf](http://supertrans2014.files.wordpress.com/2014/06/the-civil-code.pdf))

To sum up: the primacy of the imperfective verb in the present tense in Polish codes can be explained in terms of a tendency for making legal norms increasingly

generalized, e.g. *kto zabija (ipf)*. However, there are more factors which play a role here: The perfective verb in formal present tense *kto zabije* with the default meaning indicating the future would present the omnitemporal rule as a predictable, albeit untypical situation. The perfective is used in the Penal Code and Civil Code to build a narration of “short stories” specifying the circumstances and the situation to which a legal norm refers. Polish Penal Code uses imperfectives in general rules much more often and without fear of a possible ‘attempt’ of a misinterpretation. Nonetheless, the case of the Polish verb *nakłania (ipf)* shows that such fear is not entirely groundless. The last factor is the Polish illustrative function of the imperfective aspect, also used in proverbs and regulations. The interpretation of the *ipf* aspect in the codes also depends on the semantic class of the verb whether it denotes an event, a process, or a state.

### Methods.

**2.1 Survey**<sup>3</sup>. In order to verify the significance of various factors influencing the choice of aspect in legal texts, the authors have conducted a survey questionnaire. The choice is understood as, first of all, the influence of the arrangement of linguistic factors on the grammatical form, which is not realized by the speaker or much less frequently, the speaker’s (writer’s) conscious decision whether to use the *ipf* (imperfective) or *pf* (perfective) verb in a given text and context. The survey prompts the respondents to decide which aspect value to choose. The survey also provides space for reflection and theoretical justification for the respondent’s decision.

**2.2 Interpretation of aspect choice in the survey.** The survey examines the choice of aspect value in the charter of the Elementary School named after Zeno Vendler. The school and its charter are fictional. Zeno Vendler, unknown to the general public, was a philosopher of language who laid the foundation for the action classification of verbs, see bibliography. Individual sentences, identical or similar, can be found in the statutes of various schools, the discontinued numbering is to give the impression that this is an extract of an authentic document. The authors tried to make the verbs represent different action classes, and contexts typical for legal and quasi-legal texts.

There were 328 individuals taking part in the survey, out of which 119 had a legal background (law students were included), and the remaining participants were mostly students of philology studies. The authors did not assume that lawyers would generally choose a different aspect value than the other respondents, but some contexts in the statute are formalized in legal language, and some verbs have corresponding interpretations in law.

The dependent (explained) variable in the study was the aspect value. Its value had to be selected as *pf* or *ipf* in 19 contexts. The independent variables were education (see above) and actional class. The verbs in which aspect had to be chosen, and the predicates they represented, belong to different classes: six to the accomplishment class and thirteen to the achievement class, cf. examples below (limited to *ipf* verbs):

- Accomplishment, eg. *sekretariat wykonuje-ipf/wykona-pf polecenia, komisja rewizyjna ocenia-ipf/oceni-pf wywiązywanie się, biblioteka gromadzi-ipf/zgromadzi-pf podręczniki,*

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<sup>3</sup> This questionnaire, along with another aspect questionnaire, is also described in Łaziński, Józwiak, Krajewski (in print).

e.g., the secretary follows instructions, the audit committee evaluates performance, the library collects textbooks,

• Achievement (non-divisible event), eg. *biblioteka udostępnia-ipf/udostępnia-pf uczniom podręczniki, dyrektor decyduje-ipf/zadecyduje-pf o dniach wolnych, dyrektor ustanawia dzień wolny*

e.g., library makes textbooks available to students, the principal decides on days off, the principal establishes a day off

• In some of the examples, the verb allows for an additional state interpretation (cf. analysis of sentences 28a and b).

**Results and discussion.** Below are all the questions of the test, i.e., the items of the statute with the alternative *ipf* and *pf* verbs, which were the objects of choice. The letter symbols denote the action class: accomplishment - D, achievement - Z, state or activity - S.

22. *Sekretariat wykona-pf/wykonuje-ipf (D) [14/28] polecenia dyrekcji dotyczące administrowania danymi osobowymi uczniów zgodnie z Ustawą o ochronie danych osobowych (Dz. U. 2018 Nr 157)*

The Secretariat follows (D) [14/28] the instructions of the management regarding the administration of students' personal data in accordance with the Personal Data Protection Act (Journal of Laws 2018 No. 157)

23. *Wywiązywanie się nauczycieli z obowiązku prowadzenia dokumentacji szkolnej oceni-pf/ocenia-ipf (D) [32/296] Komisja Rewizyjna raz w semestrze.*

Teachers' fulfilment of their obligation to keep school records is evaluated (D) [32/296] by the Audit Committee once a semester.

24. *Biblioteka szkolna zgromadzi-pf/gromadzi-ipf (D) [14/314] i udostępni-pf/udostępnia-ipf (Z) [14/314] uczniom podręczniki ze wszystkich przedmiotów objętych podstawą programową dla klas 1-8.*

The school library collects (D) [14/314] and makes available (Z) [14/314] to students' textbooks in all subjects covered by the core curriculum for grades 1-8.

25.

a. *Dyrektor w porozumieniu z Radą Rodziców i Radą Pedagogiczną zadecyduje-pf/decyduje-ipf (Z) [54/274] o dniach wolnych od zajęć szkolnych ponad liczbę 13 dni ustawowo wolnych od pracy. Limit takich dni wynosi 5 w skali roku.*

The Principal, in consultation with the Parent Council and the Pedagogical Council, decides (Z) [54/274] on days off beyond the number of 13 public holidays. The limit of such days is 5 per year.

b. *W szczególnych przypadkach, na wniosek Rady Rodziców, dyrektor ustanowi-pf/ustanawia-ipf (Z) [82/245] dodatkowy dzień wolny od zajęć ponad wskazany limit.*

In special cases, at the request of the Parents' Council, the Principal establishes (Z) [82/245] additional days off beyond the specified limit.

26. *Raz w miesiącu odbędą-pf/odbywają-ipf (Z) [46/282] się spotkania rodziców z wychowawcami.*

Once a month parent-teacher meetings are held (Z) [46/282].

27.

a. *Dyrektor w porozumieniu z Radą Pedagogiczną sporządzi-pf/sporządza-ipf (D) [61/267] Wewnątrzszkolny System Oceniania (WSO).*

The Principal, in consultation with the Pedagogical Council, prepares (D) [61/267] an Intra-School Grading System (IGS).

b. *Na podstawie WSO zespoły przedmiotowe określają-pf/określają-ipf (Z) [74/254] Przedmiotowe Zasady Oceniania.*

Based on the IGS, subject teams determine (Z) [74/254] Subject Grading Rules.

28.

a. *Nauczyciele i pracownicy niepedagogiczni oraz kadra zarządzająca stworzą-pf/tworzą-ipf (D) [18/310] w szkole przyjazną atmosferę.*

Teachers and non-teaching staff and management create (D) [18/310] a friendly atmosphere at the school.

b. *Starają się również wspomóc-pf/wspomagać-ipf (Z) [17/311] rozwój intelektualny, emocjonalny i moralny uczniów.*

They also strive to support (Z) [17/311] students' intellectual, emotional, and moral development.

29. *Uczeń ze specjalnymi potrzebami edukacyjnymi otrzyma-pf/otrzymuje-ipf (Z) [147/181] wsparcie terapeuty pedagogicznego oraz szkolnego psychologa.*

A student with special educational needs receives (Z) [147/181] support from an educational therapist and a school psychologist.

30.

a. *Uczeń, który złamie-pf/łamie-ipf (Z) [178/150] postanowienia kontraktu o porozumieniu bez przemocy (przyjętym przez Radę Rodziców i Radę Pedagogiczną uchwałą z 25.03.2015 r.), podlega-ipf naganie.*

A student who breaks (Z) [178/150] the provisions of the non-violent agreement (adopted by the Parents' Council and the Pedagogical Council with a resolution dated 25.03.2015) shall be reprimanded.

b. *Uczeń, który uporczywie łamie-ipf ww. postanowienia, zostanie-ipf/zostaje-pf (Z) [184/144] zawieszony w prawach i obowiązkach na czas, który określi dyrektor po konsultacji z wychowawcą oddziału i psychologiem szkolnym.*

A student who persistently breaks the aforementioned provisions is (Z) [184/144] suspended from his/her rights and duties for a period of time to be determined by the Principal after consultation with the class teacher and the school psychologist.

c. *Okres zawieszenia określi-pf/określa-ipf (Z) [64/264] dyrektor po konsultacji z wychowawcą oddziału i psychologiem szkolnym.*

The period of suspension is determined (Z) [64/264] by the Principal after consultation with the classroom teacher and school psychologist.

31.

a. *Zabrania się uczniom używania telefonów komórkowych na terenie szkoły.*

Students are prohibited from using mobile phones on school premises and grounds.

b. *Uczeń, który skorzysta-pf/korzysta-ipf (Z) [132/193] z telefonu bez wyraźnego polecenia nauczyciela, otrzyma-pf/otrzymuje-ipf (Z) [184/144] punkty ujemne z zachowania, których liczbę określi WSO.*

A student who uses (Z) [132/193] a mobile phone without clear instruction from a teacher receives (Z) [184/144] negative conduct (penalty) points.

32. *Mottem szkoły jest „Pomóc-pf/pomagać-ipf (Z) [28/300] innym zbudować-pf/budować-ipf (D) [42/286] lepszy świat”.*

The school motto is “Help (Z) [28/300] others to build (D) [42/286] a better world”

The number of selected *pf* and *ipf* verbs separated by a slash is given in square brackets. The analysis of these results can be found further.

**3.1 Analysis of survey variables.** As could be expected based on the general trends of the use of the *ipf* aspect in the codes (Section 1.2), also in our survey the verb *ipf* was chosen more often than *pf*. 328 respondents were asked to choose the aspect in 19 verb forms. In sentence 24, we unintentionally placed two verbs from different action classes so that the aspect of the first one: *gromadzi-ipf/zgromadzi-pf* (collects) affected the aspect of the second one *udostępnia-ipf/udostępnia-pf* (makes available). The authors have realized that this was the case during the analysis, so they excluded both pairs from the statistical calculation and were left with 17 *pf/ipf* pairs. Since there were 328 respondents, this amounts to 5576 single-choice options.

0.76 of the selected forms were *ipf* verbs, and 0.24 - *pf* verbs. The prevalence of the *ipf* aspect over the *pf* aspect depends significantly on the action class. In the case of events, respondents chose the *pf* aspect in 27 per cent of verbs, and in the case of accomplishment in only 10 per cent. Based on the logistic regression model, which also included random effects of respondent and sentence, it can be assumed that the probability of choosing the *pf* form for accomplishment verbs is only 0.05 and for achievement verbs, it amounts to 0.19. This difference is statistically significant,  $B = 1.5$ ,  $z = 2.85$ ,  $p = 0.004$  (test probability is significantly less than 0.05).

The respondents' decisions were influenced by their legal education or lack thereof, with this influence concerning not the choice of aspect in general, but the relation of that choice to the class of action described above. If the average respondent chose the *pf* aspect of the verb for events with a probability of 0.19 and for accomplishment with a probability of 0.05, then lawyers chose the *pf* aspect with a probability of 0.15 for events and 0.06 for accomplishment, and non-lawyers chose the *pf* aspect with a probability of 0.21 for events and 0.04 for accomplishment. The difference in the non-lawyer group is statistically significant,  $B = 1.78$ ,  $z = 3.31$ ,  $p < 0.001$ , and in the lawyer group it is nonsignificant or on the borderline of significance with a p-value just above 0.05,  $B = 1.05$ ,  $z = 1.93$ ,  $p = 0.053$ . The interaction of (lack of) legal education and action class is statistically significant,  $B = 0.72$ ,  $z = -3.3$ ,  $p < 0.001$ .

A possible, though probably not the only, explanation for this tendency is that the group made up of non-lawyers was dominated by students of philology (most often Polish philology studies). Although action classes are mentioned only occasionally in university didactics programs, they are more comprehensible and institutionally operationalized concepts for philologists than for lawyers. The few legal analyses of the use of aspect ignore the distinction between semantic classes of predicates (cf. Gizbert-Studnicki 1982, Łazinski 2020, 114).

**3.2. The choice of aspect in individual contexts.** Having determined the influence of macro-level factors, let us look at the answers to specific questions, i.e., aspectual choice in individual examples (the numbers of selected *ipf* and *pf* verbs are given next to the survey text). All *ipf* verbs have an illustrative function, such as the one included in the penal code.

In six examples, the share of *ipf* verbs selected by respondents is higher than 90%. Four examples contain accomplishment verbs, respectively: *wykonuje polecenia* 'follows instructions' (sentence 22, 314 *ipf*), *ocenia wywiązywanie się* 'evaluates the fulfilment of' (sentence 23, 296 *ipf*), *gromadzi podręczniki* 'collects textbooks' (24, 314 *ipf*), *tworzą atmosferę* 'create an atmosphere' (28a, 310 *ipf*). (The verb *create* in this sentence can be interpreted as accomplishment or state). The high proportion of *ipf* verbs allows for a telic interpretation of the examples

discussed. The statute states that the library should collect more and more books. There are three sentences with the verb achievement: *udostępnia podręczniki* ‘makes textbooks available’ (24, 314 ipf) and *(starają się) wspomagać rozwój* ‘(strive to) support the development’ (28b, 311), *(mottem jest) pomóc* ‘(the motto is) to help’ (32, 300). In example 24, the idea is that the library makes books available concurrently with its collection; that is, it makes available each addition to the collection. In example 28b, *wspomagać* ‘support’ can be interpreted as an achievement or as a state, or rather a relation, just as *tworzą atmosferę* ‘create an atmosphere’ in 28a. *Pomagać* ‘help’ in sentence 32 does not allow an interpretation related to the verb describing a particular state, it is clearly a goal-directed action: *zbudować lepszy świat* ‘to build a better world’, but it is not telic in the sense of Maslow’s test - impossible: *pomagał, ale nie pomógł!* was helping but failed to help.

In the eight examples, the proportion of indications of the verb *ipf* ranges from 0.5 to 0.9. Most of them are achievement verbs: *dyrektor decyduje o dniach wolnych* ‘the principal decides on days off’ (25a, 274 ipf) and *ustanawia dzień wolny* ‘establishes a day off’ (25a, 245), *odbywają się spotkania rodziców* ‘parent-teacher meetings are held’ (26, 282), *uczeń otrzymuje wsparcie* ‘the student receives support’ (29, 181), *korzysta z telefonu* ‘uses the telephone’ (31a, 193). There are also accomplishment verbs: *dyrektor sporządza system oceniania* ‘the principal prepares a grading system’ (27a, 27), *zespoły określają systemy oceniania* ‘teams determine grading rules’ (27b, 254), *dyrektor określa czas* ‘the principal determines time’ (30c, 264), *(pomóc) budować lepszy świat* ‘(help) build a better world’ (32, 286).

In the three examples, the share of the selected verbs *ipf* is smaller than *pf*. For the interpretation of the quasi-legal text, this choice is unique in terms of the tradition of interpreting the time/tense and aspects of legislative technique (see 1.2). Here are the contexts: *uczeń łamie-ipf postanowienia* ‘the student breaks the provisions’ (30a, 150 ipf, 178 pf - *złamie*), *uczeń zostaje-ipf zawieszony* ‘the student is suspended’ (30b, 144 ipf, 184 pf - *zostanie*), *uczeń otrzymuje-ipf punkty karne* ‘the student receives negative conduct (penalty) points’ (131, 144 ipf, 184 pf - *otrzyma/receives*). To explain the choice of the *pf* verb, it is useful to extend these contexts. The verb *pf* is chosen in the superordinate sentence specifying the punishment from the offence presented in the subordinate appositive sentence: *uczeń który łamie-ipf postanowienia...* ‘the student who violates the provisions...’, *zostanie-pf zawieszony...* ‘is suspended...’; *uczeń, który korzysta-ipf z telefonu...* ‘the student who uses the phone...’, *otrzyma-ipf punkty karne...* ‘will receive penalty points...’. Comparing this to the structure of the penal code of the *pf* verb, we consider these contexts as a sanction of a specific penal norm, not a disposition. In the criminal code, the sanction is most often expressed with the *ipf* state verb: *podlega karze* ‘is subject to punishment’. The sanction in the regulation forms together with the disposition a logical sequence of two events, so the *pf* aspect is preferred here, just as *pf* verbs are used for sequences of events in the criminal and civil codes (see 1.2).

Let us now compare the verbs in the dispositions of the two norms under discussion: sentence 30a: the student who breaks ‘*złamie-pf* (more often than *łamie-ipf*)’ the provisions, sentence 31a: the student who uses the phone ‘*korzysta-ipf* (more often than *skorzysta-pf*)’. One of the primary functions of the *pf* aspect is to emphasize the distinctiveness of the events in the sequence. This separateness is more pronounced in the case of unexpected, unusual events. This is undoubtedly the case with breaking the rules. Using the phone is not a surprising event in itself,

only the context of the ban makes it so. This is probably why the respondents more often chose the *pf* aspect: *złamie postanowienia* ‘breaks the rules’, and more often the *ipf* aspect: *korzysta z telefonu* ‘uses the phone’.

**3.3 Comments from respondents.** About 17 per cent of the responses were accompanied by additional comments. Respondents with and without legal training commented just as frequently. The comments on the choice of aspect *ipf* often repeat arguments that have already been made in the aspect analysis in the codes (cf. 1.2):

(7) The content of general norms of conduct is formulated using the grammatical present tense.” (Treść generalnych norm postępowania formułuje się używając czasu gramatycznego teraźniejszego.) (ref.: sentence 22)

(8) The form appropriate to the legal act; present not future tense; does not refer to a single future event, but to every event occurring at the time of the legal act being in force. (Forma odpowiednia dla aktu prawnego; czas teraźniejszy nie przyszły; nie dotyczy jednego przyszłego zdarzenia, tylko każdego zdarzenia występującego w czasie obowiązywania aktu prawnego.) (ref.: sentence 23)

The interpretation of the *ipf* verb as representing repeated action often appears in the commentaries - in our opinion, such a conclusion is incorrect because the offence does not have to be committed repeatedly for the sanction to be imposed. Cf. the commentary on the choice of aspect *pf* breaks/ *złamie* in the disposition of sentence 31a:

(9) Łamie-ipf represents multiple occasions/repeated actions and złamie-pf refers to a single case/occasion. (Łamie to wiele a złamie wystarczy raz.)

(10) In such a case it is clear that each breach of the contract results in a reprimand. (Wówczas wiadomo, że każde złamanie kontraktu skutkuje nagana.)

The fear of interpretation of the *ipf* form *łamie* ‘breaks’ is the most common argument for choosing the form *złamie-pf*. A question arises whether respondents with legal backgrounds would also be apprehensive of the use of a standard *ipf* aspect in the criminal code. *Uczeń, który złamie postanowienia, zostanie zawieszony.../ A student who breaks-pf the provisions will be suspended...* (sentence 31) and *Kto zabija człowieka.../Whoever kills-ipf a person..., shall be punished* (article 148 of the CC) are two sentences with similar structure. Although the first is a subordinate appositive, the second a subjective, both similarly link the disposition to the sanction. Such a reflection appears rarely in our survey:

(11) It sounds more suggestive of a threat, although an imperfect form is always used in the Penal Code. (Brzmi bardziej sugestywnie, jak groźba, chociaż w kodeksie karnym jest zawsze forma niedokonana). (ref: złamie-pf ‘break’ in sentence 31).

**Conclusions.** The respondents’ choices of the *ipf* verbs or (much less frequently) *pf* verbs confirm the general rule of using the *ipf* aspect and the present tense in rules and regulations. However, in certain situations, the likelihood of choosing the *pf* aspect increases, e.g. “*uczeń, który złamie-pf postanowienia Regulaminu, [...] zostanie-pf zawieszony w prawach ucznia.../ A student who breaks-pf the provisions of the School Regulations, [...] is suspended...*”. Breaking the rules and suspension are exceptional events, that is why they probably choose the *pf* aspect. The probability of using the *pf* form was generally higher for events

not preceded by actions (achievements) and this relation was more clearly perceived by respondents with legal education than other survey participants. However, the conclusion concerning the marked influence of legal education on the choice of the aspect in all situations cannot be justified in all situations.

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#### Резюме

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### **ДІЄСЛОВА НЕДОКОНАНОГО ТА ДОКОНАНОГО ВИДІВ У ПОЛЬСЬКИХ ЗАКОНОДАВЧИХ ТЕКСТАХ. ЛІНГВІСТИЧНИЙ АНАЛІЗ ТА РЕЗУЛЬТАТИ ОПИТУВАННЯ**

**Постановка проблеми.** У статті представлено фактори, що впливають на вибір дієслівного виду в польських правових текстах. У польській правовій нормі дієслова недоконаного виду (далі: *ipf*) зазвичай вживаються в теперішньому часі. Інші слов'янські мови використовують дієслова доконаного виду (далі: *pf*) як стандартну правову норму в кодексах.

**Мета статті.** Підготовлено та проведено опитування з метою оцінки значущості різних факторів, що впливають на вибір дієслівного виду, описаного в теоретичній частині тексту. Опитування мало форму вигаданого статуту школи, який респонденти мали заповнити, обираючи видові форми дієслів.

**Результати.** Загалом респонденти обирали дієслова *ipf* набагато частіше, ніж дієслова *pf*. Це підтверджує загальне правило використання форми *ipf* і теперішнього часу в правилах і положеннях польської мови. Імовірність вибору аспекту *pf* зростає, коли статут говорить про порушення правил або про виняткові події. Вірогідність використання форми *pf* була загалом вищою для подій, яким не передували дії (досягнення), і цей зв'язок чіткіше усвідомлювали респонденти з юридичною освітою, ніж інші учасники опитування.

**Дискусія.** Різні фактори вибору виду дієслова мають різну вагу та значення. Висновки опитування та теоретичної дискусії мають важливі наслідки як для лінгвістики, так і для права, особливо для граматичного тлумачення закону.

**Ключові слова:** дієслівний вид, польська мова, юридична мова, опитування.

**Abstract**

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**IMPERFECTIVE AND PERFECTIVE VERBS IN POLISH LEGAL TEXTS.  
LINGUISTIC ANALYSIS AND RESULTS OF A SURVEY**

**Background.** The article presents factors influencing the choice of verbal aspect in Polish legal texts. The Polish legal language norm generally uses imperfective verbs (hereinafter: *ipf*) in the present tense. Other Slavic languages use perfective verbs (hereinafter referred to as: *pf*) as a standard legal norm in codes.

**Purpose.** A survey has been prepared and conducted in order to evaluate the significance of different factors influencing the aspect choice described in the theoretical part of the text. The survey had the form of a fictional school statute which respondents had to fill in choosing aspectual forms of a number of verbs.

**Results.** The respondents were generally prone to choose the *ipf* verbs rather than *pf* verbs. This fact confirms the general rule of using the *ipf* aspect and the present tense in rules and regulations in Polish. The likelihood of choosing the *pf* aspect increases when the statute mentions breaking the rules or exceptional events. The probability of using the *pf* form was generally higher for events not preceded by actions (achievements) and this relation was more clearly perceived by respondents with legal education than other survey participants.

**Discussion.** Different factors of aspect choice have different weight and significance. The conclusions of the survey and theoretical discussion have important consequences for both linguistics and law, especially for the grammatical interpretation of the law.

**Key words:** verbal aspect, Polish, legal language, survey.

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Надійшла до редакції 15 липня 2022 року

Прийнято до друку 15 серпня 2022 року