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CHAPTER 8

CASE STUDY IV: ASSERTIVE DECLARATIONS

8.1 Introduction

In our discussion of the epistolary past tense (chapter 7), we already noted a relationship between the use of the past tense and orality in certain instances. In the present case study, we shall continue our investigations into the use of past tenses (perfect and aorist) in cases that have been analyzed, by Zaliznjak (DND) and others, as performatives. I shall first present an example, on the basis of which a number of questions can be asked:

- (87) Ot Sьmьjuna. Sь vozjalo esmь u Xrarja zadnicju Šibьньсьvu. A boьь nь nadobě nikomu.
'From Sem'jun. Hereby I have taken from Xrar' the inheritance of Šibenec. And for the rest nobody has any claims over it.'
(N198 / 1260-1280 / DND: 492)

If this is indeed a performative (i.e. the action is performed by pronouncing the utterance), it should be interpreted as 'I hereby take the inheritance', or in other words 'I call it mine.' It would follow from this that it is a declaration, on the basis of which Sem'jun claims his rights over the inheritance. But this birchbark letter evokes a number of questions regarding the use of the past tense. We would probably expect a different verbal tense here. And what kind of a speech act is this? Is it really a performative? These are some questions that arise in connection with this letter; we shall see more examples of a similar kind in the rest of this chapter.

In the previous chapter (§7.6) we already touched on the concept of 'performativity'. We noted that performatives are *not* identical to instances of the epistolary past tense. The main principle of a performative utterance is that it establishes the act by uttering it, e.g. promising, baptizing, betting, etc. Interestingly, various ancient languages express performatives by a verbal form in the past tense (e.g. Rogland 2001: 244). So it remains to be seen whether our example (87) and further examples to be presented below should also be in-

interpreted as performatives. Does the past tense not prevent such an interpretation?

A claim has in fact been made by Zaliznjak that the perfect tense can be used for performatives (or near-performatives) in Old Russian:

“Специализированный частный случай исходного значения перфекта составляет перформативное (или близкое к таковому) значение, проявляющееся прежде всего в начальных формулах официальных актов” (DND: 175).

‘A specific, particular instance of the basic meaning of the perfect is the performative (or near-performative) meaning, which mainly appears in initial formulas of official documents.’

Zaliznjak (Ibid.) gives the following examples, first from documents on parchment, and then on birchbark:

- (88) † Se азъ Мѣстиславъ, Volodimirъ сынъ, дѣрѣа русьску земlju, въ свое knjaženie povelělъ esmь [PERF.M.SG] synu svoemu Vsevolodu otдати Bouičę svjatomu Georgievi [...]
 ‘Hereby I, Mstislav, son of Vladimir, ruling the Russian land, in my princely power have ordered my son Vsevolod to give Buice to [the monastery of] St. George [...]
 (GVNP 81, Mstislavova gramota / c. 1130 / Valk 1949: 140)
- (89) Se въdale-PERF.M.SG Varlame st̄mou Špsou zemlju i ogorodъ i [...]
 ‘Hereby Varlaam has given to [the monastery of] the Holy Saviour the land and the yard and [...]
 (Varlaamova gramota / 1192-1210 / DND: 458)
- (90) Ivanjaja molovila Fimь: ljubo kounъ vosoli, pak li dorgo prodaju.
 ‘Ivan’s wife has said to Fima: You either send the money, or I will demand that a large fine is imposed on you.’
 (St.R.11 / 1160-1180 / DND: 446)
- (91) Oto Petra ko Kouzme. Jazo tobe, bratou svojemu, prikazale pro sebe tako: ourjadilo li sja so toboju ci li ne ourjadilosja, ti ty so Dročiloju po somolove pravi. A jazo sja klaneju.
 ‘From Petr to Kuz’ma. I have instructed [i.e. hereby instruct] you, my brother, concerning ourselves as follows: whether he has made an arrangement with you or has not made an arrangement, you execute [it] with Dročila according to the agreement. And I bow down.’
 (N344 / 1300-1320 / DND: 526)

It remains somewhat unclear whether these examples really contain performatives in the strict sense of the term. If they do, that would be somewhat strange to our present-day minds. Zaliznjak also remains a bit vague when speaking about ‘near-performatives’. His claim might seem to imply that all performa-

tives are expressed by the perfect tense. All in all, the picture from which we start is anything but clear.

The question to be asked in this chapter is whether the reason for the use of the past tense in these instances should be sought in the area of orality and literacy. It can be hypothesized that the use of the past tense in these instances has to do with a different role of the written word than is customary in our modern use of writing. If it can be shown that this is the case, the topic will contribute towards answering the main research question by providing one more manifestation of an oral component in birchbark communication.

Let us first have a closer look at the available theories about the concept of performativity (§8.2). After that, we can start analyzing the use of verbal tenses in performatives on birchbark (§8.3) and in a few other ancient languages (§8.4), and we shall see whether we can analyze the abovementioned examples as performatives, too. Zooming in on the past tense examples, we shall consider most of them (such as (88-90)) to be ‘assertive declarations’ (from the theory of Searle (1975) which will be discussed in §8.2.2). §8.5 will provide a further discussion and elaborate on the question in what way the discussion of these examples (as assertive declarations) can contribute to our general topic of orality and literacy.

8.2 Theoretical considerations

Austin (1962) is often credited for the discovery of the concept of performativity; and indeed, the term ‘performative’ was coined by him. But many years before him, other researchers identified the same phenomenon, though describing it in somewhat different terms. Koschmieder (1930) is sometimes mentioned as the original discoverer of the phenomenon,¹ which he termed “*Koinzidenzfall*” and which he described as

“die echte Koinzidenz von Wort und Tat. Sie liegt dann vor, wenn die im Verbum ausgedrückte Handlung durch den Ausspruch des Verbums erfolgt, wenn Tun und Sprechen dasselbe ist” (Ibid.: 352).

‘the real coincidence of word and deed. It occurs when the act which is expressed by the verb takes place by uttering the verb, when doing and speaking is the same.’

Koschmieder (Ibid.: 353) gives the following example, and notes the connection of *Koinzidenzfall* with “das Wörtchen *hiermit*” ‘the little word *hereby*’:

¹ It is sometimes stressed (e.g. Wagner 1997: 62) that Koschmieder’s *Koinzidenzfall* and Austin’s performative, due to the different theoretical paradigms from which they proceed, cannot be said to represent the same phenomenon. Considerations like these are far beyond the scope of the present case study.

- (92) Hiermit bitte ich die Herrschaften zu Tisch.
 ‘I hereby ask the gentlemen [to sit down] at table.’
 [In more natural English: ‘Dinner is served!’]²

But before Koschmieder, Škrabec (1903: 555) already describes the “*praesens effectivum*”, which seems to boil down to the same concept, viz. a present tense “das die Handlung nicht nur bezeichnet, sondern eben durch das Aussprechen des betreffenden Verbums zugleich vollzieht” ‘which not only names the action, but which even performs it at the same time by uttering the verb in question’ (translation by Verschueren 1995: 300).³

Škrabec’s designation “*praesens effectivum*” indicates that he perceives a connection with the present tense. Indeed, in most present-day European languages, the performative is realized with a present tense form. ‘First person present indicative’ has often been regarded as a standard characteristic of performative verbs (e.g. Austin 1962: 61, Dickey 2000: 175–6, Hindelang 2010: 26). This may be true for English and the modern Slavic languages, but it is exactly the universality of present tense performatives that seems to be challenged by Old Russian data. This is the main topic of the present chapter, to be discussed in more detail below. But before doing so, we need to review some more theoretical considerations, mainly given by Austin (1962) and Searle (1975), which will serve as a basis for the further discussion.

8.2.1 Austin

The first distinction Austin (1962) makes is that between ‘constatives’ and ‘performatives’. When uttering a constative, a statement or description is made about a state of affairs that exists in the world. Performative utterances, on the other hand,

- A. [...] do not ‘describe’ or ‘report’ or constate anything at all, are not ‘true or false’; and
 - B. the uttering of the sentence is, or is a part of, the doing of an action, which again would not normally be described as saying something.
- (Austin 1962: 5)

According to Austin (1962: 57), a useful diagnostic criterion for a performative (in English) is that the word ‘hereby’ can be inserted (note that it does not

² Thus, in English this is normally expressed as an implicit performative (directive), whereas in German it is explicit (with a performative verb); see below for more about these terms.

³ But even Škrabec was not the first one. As Procházka & Bsees (2011: 1) state, “the Arab grammarians had developed a similar concept almost a millennium before Austin’s study appeared”. See §8.4.1 for a brief discussion of Arabic and other Semitic languages.

necessarily have to occur). Austin (Ibid.) mentions some performative utterances, which have become the most prototypical and classical examples:

- (93) I name this ship the *Queen Elizabeth*. (as uttered when smashing the bottle against the stem)
- (94) I give and bequeath my watch to my brother. (as occurring in a will)
- (95) I hereby pronounce you husband and wife.

The abovementioned examples (93-95) are all ‘explicit’ performatives, which means that they contain an explicit performative verb (underlined in the examples). Thus, in pronouncing the utterance, be it accompanied by a ritual act or not, the action is accomplished. The counterpart to these explicit performatives are ‘implicit’ performatives. Where (96) would be an explicit performative, (97) is its implicit (and more naturally occurring) equivalent (Austin 1962: 32):

- (96) I order you to go.
- (97) Go!

But in this way, any utterance can actually be labelled an implicit performative, which led Austin to finally give up the dichotomy constative-performative. The term ‘performative’ has remained to be widely used in linguistics (usually to refer to explicit performatives), though its counterpart ‘constative’ has largely been abandoned.

8.2.2 Searle

In its broadest sense, then, ‘performative’ would refer to *any* utterance, which would make the term redundant. Following Searle (1989: 536), when referring to ‘performatives’, I mean only those that Austin calls ‘explicit performatives’, i.e. those that contain a performative verb (underlined in the examples).

Searle (1975, 1979) provides a more sophisticated follow-up to Austin’s (1962) theory. He divides illocutionary acts into five basic categories, viz. assertives, directives, commissives, expressives and declarations (1975; 2010: 69).⁴ Crucially, he also distinguishes a sixth, mixed category, viz. the class of assertive declarations. In order to elucidate these concepts, it will be useful to cite a short definition and present an English example for each of the classes, both for explicit and implicit illocutionary acts.

But first another of Searle’s notions needs to be introduced here, viz. ‘direction of fit’. It involves the idea that an utterance can either serve to match the

⁴ Austin (1962) also presents a classification into five categories, which differs from Searle’s (1975). Austin’s classification is not taken into account here, as it does not provide us with more insights than Searle’s classification, which is usually taken to have superseded Austin’s.

propositional content of the illocution (the word) to the state of affairs in the world (word-to-world direction of fit, indicated below by ↓), or vice versa, to make the state of affairs in the world match the propositional content of the illocution (world-to-word direction of fit, indicated by ↑). This is one of the parameters that Searle uses for distinguishing among his classes of illocutionary speech acts. Another characteristic is the *point* of the utterance, i.e. what it serves for. Both parameters will be mentioned below for each class of speech acts (based on Searle 2010: 69), together with an example of an explicit and implicit speech act.

The point of **representatives** (statements, descriptions, assertions, etc.) is “to represent how things are”; later on, Searle (1979: 12) changes the name of this class to **assertives** (without ever commenting on this change) and states that their point is “to commit the speaker (in varying degrees) to the truth of the expressed proposition” (Ibid.). It is this later term and definition that will be followed here. Assertives have the word-to-world direction of fit ↓:

- (98) a. I describe John as a Fascist.
b. John is a Fascist.

The speaker describes John as a fascist (word) because he believes him to be one (world). There is a certain situation in the world, to which the speaker conforms his utterance.

The point of **directives** (orders, commands, requests, etc.) is “to try to get other people to do things”; they have the world-to-word direction of fit ↑:

- (99) a. I order you to leave the room.
b. Leave the room!

The speaker orders the addressee to leave the room (word) because he wants to cause him to actually leave (world), i.e. the speaker wants to change the world by and towards his word.

The point of **commissives** (promises, vows, pledges, etc.) is “to commit the speaker to some course of action”; they also have the world-to-word direction of fit ↑:

- (100) a. I promise to come and see you.
b. I will come and see you.

The speaker promises the addressee to come (word) because he wants to commit himself to actually coming (world). Thus, he intends to make true in the world what he says in the utterance (word).

The point of **expressives** (apologies, thanks, congratulations, etc.) is “to express the speaker’s feelings and attitudes about a state of affairs that is in most cases presupposed to exist already”; there is no direction of fit:

- (101) a. I apologize for stepping on your toe.
 b. I'm sorry (for stepping on your toe)!

We cannot analyze these examples in terms of the influence they exert on the world or vice versa.

Declarations, “remarkably, have both directions of fit at once. In a declaration we make something the case by declaring it to be the case”:

- (102) a. I declare the meeting adjourned.
 b. The meeting is (hereby) adjourned.

Declarations have a double direction of fit $\uparrow$: both world-to-word and word-to-world. They fit the world and the word fully to each other, so that world and word coincide. Something is made the case by saying that it is the case, and therefore, it is the case. As Searle & Vanderveken (1985: 53-54) state, “[i]n a declarative illocution the speaker makes the world match the propositional content simply by saying that the propositional content matches the world”. This will turn out to be the most interesting and complicated category in our discussion.

Searle (1975: 360) realizes that there can be overlap between assertives and declarations, so that he coins the mixed class of “**representative declarations**” (1975: 361), which he later renames “**assertive declarations**” (1979: 20). This mixed class covers instances in which a statement can be made about a past event, which at the same time ratifies this event, i.e. lends it authority and makes it definitive. So this class has two directions of fit: the word-to-world and the double direction of fit $\downarrow \uparrow$:

- (103) a. I declare you guilty.
 b. You are guilty.

The addressee was guilty before the judge pronounced this utterance, but the judge's utterance now makes him institutionally guilty, i.e. it changes his status before court from a defendant to an offender or convict, due to the authority of the judge within the institution. When the judge declares him guilty, he is not only making an observation about a fact in the world, but by his utterance also creating a new situation that has consequences for the world, while at the same time defining the state of affairs in the world. In other words, the speaker tells what the facts are (assertive), but at the same time he declares authoritatively that these are the facts, and they *are* the facts because he says they are (declaration). In order to be invested with such authority, an institution is needed; we shall come back to this point below, applying it to the authority of the written word. The assertive declarations are a ‘mixed’ speech act class that occurs abundantly in the GVNP parchment documents, but also on birch-bark, as we shall see. This class will play an important role in our further dis-

cussion. In fact, most of our past tense examples will be analysed as assertive declarations.

Later on, Searle pursues his line of thought even further and abandons much of his erstwhile theory by stating that all explicit performatives are declarations (Searle & Vanderveken 1985; Searle 1989). Others, such as Harnish (2002) and Martinich (2002), provide convincing counterarguments to this claim. I will stick to Searle's original theory and disregard his later diversions from it. We shall see, however, that some tendency towards his later 'declarational' theory is indeed understandable and possibly even justified; his 'mixed class' of assertive declarations may have served as a step towards this later theory.

8.3 The data on birchbark

Now, to what extent can Searle's five classes of illocutionary acts in general, and assertive declarations in particular, be detected in the birchbark corpus? It may be good to repeat that we will stick purely to *explicit* performatives. A few examples will be put forward at this point, ordered by their class; more precise numbers will be presented later (§8.3.3). First of all, assertives, declarations and assertive declarations will be delineated. Following on that, examples from the other classes will be reviewed; this overview will serve to outline the extent to which examples on birchbark can be analysed as assertive declarations, and to place these examples into the broader framework of speech act theory as a whole.

8.3.1 Assertives and declarations

Assertives and declarations are sometimes difficult to distinguish categorically (judging from the mixed class of assertive declarations), so that some words need to be devoted to this issue. Some of the examples on birchbark can easily be identified, but others are hard to tell apart, and the present author hereby proposes that, crucially, considerations of orality and literacy play a role in this matter, too. Let us start the discussion by considering an example:

- (104) СѢ стаѣ бѣѣ [PPF.SG.M] Kouzma na Zdylou i na Domažirovica. Torgovala esta съломъ бѣзъ мѣнь, а ја за то съло пороуцнѣ. I rozvѣli естъ съѣадъ i skotinou i kobyľ i роѣъ, а Domažirъ робѣгль нѣ otkoupiвѣ ou Vjačeslava iz dolgou. [...]
 'Hereby Kuz'ma had accused [i.e. accuses] Zdyla and Domažirovič. You (two) have traded the village without me, but I am the warrantor of that village. You have divided the servants and the cattle and the mares and the rye, and Domažir has run away, without having ransomed [property] from Vjačeslav from the debt. [...]'
 (N510 / 1220-1240 / DND: 470)

This example is somewhat less typical, in that it shows the use of a pluperfect, rather than the perfect, as encountered above. Gippius (2004: 223) considers it a reflection of a legal procedure: “Настоящим Кузьма обвиняет Сдылу и Домажировича” ‘Hereby Kuz’ma accuses Sdila and Domažirovič’. On the basis of this, Zaliznjak concludes that “<стале бѣше> выступает здесь в перформативном употреблении, как *моловила* в грамоте Ст. Р. 11” ‘*stale běše* occurs here in performative use, like *molovila* in St.R.11’ (DND: 470).⁵ The present tense translation reflects their analysis of the pluperfect form as a performative.

But let us take a step back and analyse this utterance. Is it an assertive or a declaration? Is the utterance meant to change reality (world-to-word fit)? If it were just an assertive, not really. It might be just an explicit formulation of Kuz’ma’s opinion about the two gentlemen. But if the utterance functions as a declaration, within a social institution, it also changes the world. Because of this accusation, Zdyla and Domažirovič now find themselves as the subjects of a legal procedure. This is the double direction of fit. More remains to be said about assigning this and similar utterances to a class of illocutionary acts (cf. the following subsection).⁶

Declarations are the most prototypically performative utterances, which may be the reason why Searle & Vanderveken (1985) decided to view all performatives as declarations. They have a double direction of fit, i.e. they are uttered in accordance with a situation in the world, but at the same time are intended to change the world by the utterance. The ‘harvest’ of true declarations on birch-

⁵ Searle & Vanderveken (1985: 190) put the English verb *to accuse* under the heading of assertives. However, if the letter indeed functions in a legal procedure, it belongs rather to the category of declarations. What this teaches us is, among other things, that one and the same performative verb can belong to different classes of illocutionary acts when occurring in different contexts.

⁶ A radically different interpretation of this letter has been provided by Petruxin (2013). In his theory, one of the functions of the pluperfect (supercompound past) is that of anti-resultative, i.e. the result is cancelled. Crucially, it can also function performatively, so that the speaker not just asserts that a situation or action has been cancelled, but by making the utterance he actually cancels the action. Under such an interpretation, the first sentence of N510 ‘Hereby Kuz’ma had accused Zdyla and Domažirovič’ would be meant to imply ‘he hereby states that he lifts his accusation’. Thus, Kuz’ma declares that his former declaration is no longer valid, which comes down to a new declaration, viz. ‘hereby our case has been settled’. It settles institutionally that Zdyla and Domažirovič are freed from prosecution.

Note that this function is not in contrast to the traditional interpretation of the pluperfect, viz. as a “преждепрошедшее” ‘before-past’ (Kolesov 2009: 288). If the perfect is used for performatives, then it is logical that the pluperfect should be used for performatives that took place in the past. However, N510 lacks context, as Petruxin (2013: 86-87) also notes, so that a decisive consolidation of his theory for this particular instance cannot be made.

bark is quite meagre. It is often even unclear whether they are declarations at all. Some examples at least seem to come close:

- (105) Se kupilo Mixalo u knzja velikogo Boroce u Vasilija Odrejana Kuzneca i Tokovu i Ostrovnu i Rotkovici Kodracja i Vedrovo. Da 2 rublja, i 3 griny daste Jakovъ. Atno se zaměšete Mixaly bratu jeg daste srebro dvoje.

‘Hereby Mixal has bought from Vasilij, the great prince’s tax collector, Odrejan the blacksmith and [the villages] Tokova, Ostrovna, Rokoviči Kodrača and Vedrovo. [Mixal] has given 2 roubles, and Jakov will give 3 grivnas. If any damage will occur, [the one who is guilty] shall pay the double amount to Mixal and his brother.’

(N318 / 1340-1360 / DND: 611)

We see the particle *se*, in combination with a past tense *kupilo*. Should it be concluded that *se kupilo Mixalo* ‘hereby Mixal has bought’ is a performative? If applying the strict criterion, saying has to be identical to acting. Is this the case? Does saying ‘I hereby buy’ actually execute the transaction of buying? And what if it is not said but written down? Does the utterance constitute the act itself (declaration), or is it merely a record of a previously executed act (assertive)? It is here that the extra, mixed class of assertive declarations can come in. In any case, answering these questions requires a more thorough investigation of the connection between this type of performatives and considerations of orality and literacy.

8.3.2 Assertives or declarations? Orality or literacy?

How can we decide about the assignment of examples to the class of assertives or declarations? Crucially, the instances in (104) and (105) should be seen as part of a greater institutional or ceremonial context. The accusation is part of a legal procedure, and the letter about the purchase of land is part of a transaction. Thus, an utterance as accompanied by an act together constitute the final act. The utterance and the whole act are interrelated: there is an initial action and its final ratification by the utterance.⁷ This statement is in need of some more discussion.

⁷ Hillers (1995) calls attention to a slightly different case in Ancient Hebrew. “In Exod[us] 21:5, *’hbtj ’t ’dny* ‘I love my master...’ should probably be considered a performative [...]. It perhaps qualifies as a performative because this is a declaration of loyalty, not simply a description of emotions, and it is a significant part of a legal transaction, initiating a rite of perpetual enslavement. We should understand it as the equivalent of something like: ‘I hereby pledge my allegiance to my master, wife and children; I do not wish to be freed’” (Hillers 1995: 764-765).

By pronouncing this formula, an act is accomplished. But it is not the same act as is actually described by the verb, so strictly speaking it is not performative. Its function is, however,

The function of the type of utterance we are considering is to ratify an act, which is done by pronouncing (or writing down) a formula. Note that the formula is not necessarily a literal rendition of the act; 'I hereby take' does not mean that you take it, but that you ratify an act of appropriation that has just been accomplished (cf. the past tense). The past tense seems best suited for these performatives (it has all three elements (a-c) that we identified in chapter 7 for the epistolary past tense, too).⁸ Let us come back to the initial example of this chapter:

- (87) От Семьјуна. Съ vozjalo esmъ и Xrarja zadnicju Šibъньсьву. А боъ нь nadobě nikomu.
 'From Semjun. Hereby I have taken from Xrar' the inheritance of Šibenec. And for the rest nobody has any claims over it.'
 (N198 / 1260-1280 / DND: 492)

The 'taking' could have taken place without writing it down, but this document serves as a ratification. Though strictly speaking it is not part of the act itself, it supports the act. In one sense, it is a standard use of the past tense, but in another sense, the act has become institutionally definitive only with the writing down of this message. These two aspects constitute the essence of the category of assertive declarations, so that this example can be compared to (103). This is a line of thinking that will be pursued further below (§8.5). As to this example, the document serves as proof for Xrar' that he is no longer liable and responsible for the inheritance.

So performatives can be accompanied by a (ritual) act, without which the performative would have been infelicitous. For example, when naming a ship ('I name this ship the *Queen Elizabeth*') without smashing the bottle against the stem, the performative is infelicitous. Thus, the performative is dependent on an accompanying act; but still, it is considered to be a performative.

Can we reason the same way in the case of purchasing? You can say 'I hereby purchase' (a declaration), but in order to take effect, the utterance has to be accompanied by the necessary financial transaction. Still, the utterance can be seen as performative, even though it does not constitute the only or even the main part of the act (payment). The chief function of the utterance is that of ratification.

reminiscent of performatives, whose definition we might stretch to accommodate instances like this one.

⁸ Recall that we identified the following reasons for the use of the past tense: a) the author looks back on his decision to send a person or goods; b) the author also looks back on the preparations that have been made towards the sending; c) by writing the letter, the author considers the act of sending finished; he ratifies it.

Now, what is the connection with orality and literacy? Let us stick to the purchase transaction connected with (105). If the transaction was executed before the document was written, it must have been an oral transaction. The document is then a record of the transaction, and the past tense is used in its prototypical meaning. The illocutionary act is then an implicit assertive: '(I inform you that) I have bought...' with the word-to-world direction of fit (cf. the Old English examples in §8.4.4). It is a record of a state of affairs that has come about in the world, independently of the document. In this respect, the use of the past tense is completely expected and understandable.

The other side of the coin is that because of the existence of the document the transaction takes effect and is ratified. This would point to a world-to-word direction of fit: the world is changed by the utterance. Because of the utterance in the document, the enumerated villages in (105) are henceforth Mixal's property. In that sense, uttering (writing down) 'I have bought' materializes the transaction. This would testify to a greater role of the written word in executing transactions like this. Without the document, the only way of ascertaining Mixal's title to the property is to summon witnesses of the oral transaction.

These are the two aspects that appear to play a role in instances like (105). We either presume the primacy of the prior oral transaction, or the primacy of the written utterance itself. The hypothesis is that over time the role of the written utterance became larger (*Verschriftung*). In Searle's terms, the world-to-word direction of fit became more important; we shall see later on (§8.5.4) whether this hypothesis comes true. But the two directions of fit do not necessarily exclude each other: they 'meet' in the class of assertive declarations. Thus, instances like these *can* function as mere assertives, but in the case of (105), it is more likely that we have to do with an assertive declaration.

8.3.3 Quantitative overview

Now, does the above mean that all past tense examples can be analysed as assertive declarations? That would be favourable, but it is not the case, at least it does not seem to be at first sight, though certain examples may turn out to have an assertive component after all. It is appropriate now to present a table with the instances of all explicit performatives that the present author has been able to detect in the birchbark corpus, in order to detect the position which is occupied by the past tense examples and the assertive declarations, as well as their mutual interrelation. As there is no real formal feature by which to select performatives, the only way of finding all instances is to go manually through the corpus and consider which verbs might qualify for a performative interpretation. Searle's categories serve as a guiding principle in this respect. Tense usage remains the crucial parameter, dividing the data into a present tense and past tense (perfect, aorist) part. A simple quantitative overview of Searle's classes and their division into present and past tense instances is given in Table 16:

<i>Class</i>	<i>Present tense</i>	<i>Past tense</i>
Assertives	0	0
Directives	2	3
Commissives	0	0
Expressives	55	0
Declarations	4	0
Assertive declarations	0	14

Table 16: Explicit performatives per class

Apart from the top-heavy class of expressives, which consists entirely of greeting formulae,⁹ this is a remarkably meagre result in terms of explicit performatives. This inevitably means that a chronological survey will be less than reliable. Due to the sparseness of the data, no representative selection can be made for each century.

Looking at this table, the first thing that strikes one is that there are also a number of present-tense performatives, such as the following example:

- (106) Vo imja Ōca i Šna i Stoġo Dxa. Se azъ, (raba Bžъja) Marija, otxodja se-go svѣta, pišju rukopisa(nije pri) svojemъ životѣ. Prikazyvaju ostatoko svoi ----- svojemu Maksimu, zando jesmъ pusta. Pusti jeho t[y](mъ) po mnѣ pomjan[e](tъ).
 ‘In the Name of the Father and the Son and the Holy Spirit. Hereby I, God’s servant Marija, leaving this world, write my testament at [the end of] my life. I bequeath my inheritance to my Maksim, because I am childless. Let him remember me by it.’
 (N692 / 1400-1410 / DND: 661)

So there is variation in tense usage. The second striking characteristic seen in Table 16 is that the past tense occurs not only in the class of assertive declarations, but also in other speech act classes (see example (91) in §8.1 for a past tense directive). Still, the vast majority of past tense examples occurs in the class of assertive declarations. We shall continue to consider this the key factor in understanding the use of the past tense. All instances of assertive declarations in the birchbark corpus are listed in Table 17.

⁹ Some of these may actually be directives. For example, the phrase *čelomъ bьju* ‘I beat the brow’ can function as a mere greeting, but in some instances it might also be interpreted as ‘I ask a favour’. The exact function is often hard to determine, due to the lack of context, and also not of much importance for present purposes. In any case, more extensive research will be likely to cause part of the 55 expressive instances to end up in the class of directives.

<i>Nº</i>	<i>Date</i>	<i>Performative formula</i>	<i>Tense</i>
N525 (?)	1100-1120	<i>Se ou Nasila jesmъ vъzjalъ...</i> 'Hereby I have taken from Nasil...'	Perfect
N384 (?)	1160-1180	<i>To ti esmъ dale Savě...</i> 'This is what I have given to Sava...'	Perfect
N211 (?)	1240-1260	<i>Na selo vo Jegijexo vdalo esomo...</i> 'For the village in Jeg'ja I have given...' <i>... i ot meže daxo sarati.</i> '... and gave to plough from the border.'	Perfect Aorist
N198	1260-1280	<i>Sъ vozjalo esmъ u Xrarja...</i> 'Hereby I have taken from Xrar'...'	Perfect
N197	1280-1300	<i>Se daja Ieve serebro Matfeju...</i> 'Hereby Iev has given (the) silver to Matfej.'	Aorist
N45	1320-1340	<i>Se socetesja Bobro so Semenomo.</i> 'Hereby Bobr has settled accounts with Semen.'	Aorist
N318 (2x)	1340-1360	<i>Se kupilo Mixalo...</i> 'Hereby Mixal has bought...' <i>Da 2 rublja i 3 griny daste Jakovъ.</i> 'He has given 2 roubles, and Jakov will give 3 grivnas.'	Perfect Aorist
N136	1360-1380	<i>Se dokonъcjaxu Myslově dětě, Trufane z bratъjeju, davati...</i> 'Hereby Mysl's children, Trufan and his brothers, have agreed to give...'	Aorist
N366 (3x)	1360-1380	<i>Sъ urjaděsja Jakovъ sъ Gjurgъmo i sъ Xarětonomъ...</i> 'Hereby Jakov has settled accounts with Gjurgij and Xariton...' <i>I vozja Gjurgъě za vъsъ to rubъlъ i trě grěvonu i korobъju pъšъněčě.</i> 'And Gjurgij has taken for all this a rouble and three grivnas and a measure of wheat.'	Aorist Aorist
N309	1410-1420	<i>A Xarětonъ vozja dъsjatъ lokotъ sukna i grěvonu.</i> 'And Xariton has taken ten cubits of cloth and a grivna.' <i>A se bilъ čelomъ Ivašъ s Simanomъ o žerebъčě.</i> 'And hereby Ivaš has beaten the brow with Siman about the stallion.'	Aorist Perfect

Table 17: Assertive declarations

We can now in passing only note the use of the perfect and the aorist. The significance of this variation will be discussed in §8.5.3. First of all, the discussion about assertive declarations will be continued along examples from other (ancient) languages (§8.4). The connection of assertive declarations to the topic of orality and literacy will then be investigated further (§8.5). On the way, we shall also return to the other speech act classes, and see in what way and to what extent those examples from the birchbark corpus can be incorporated into our analysis (§§8.5.1-8.5.2).

8.4 Other languages

Let us first take a look at other languages, because Old Russian does not stand alone in its variation in tense usage for performatives. Interestingly, the use of past tense forms for performative verbs seems to occur mostly in ancient languages. We shall see examples from Greek, some Semitic languages, and Old English. For each language, the reasons for the use of the past tense that have been given in the literature (if at all) will be briefly mentioned. In all cases, a diachronic shift from past to present tense can be seen. It will be attempted to establish whether any of these languages might provide us with insights that are applicable to the state of affairs in Old Russian.

8.4.1 Semitic languages

In Classical (Biblical) Hebrew, explicit performatives were at first expressed by a verb in the perfect (Rogland 2001: 104). One of the consequences of the perfect being used for performatives, as Wagner (1997: 98-99) notes, is that the context has to be relied on to determine whether a given instance is really a performative or whether the perfect should be interpreted as referring to a past event. In the later period, a shift can be seen towards the use of the participle for performatives (Rogland 2001: 114), until the “perfect has all but disappeared by the Mishnaic period” (Ibid.: 115), except in some formulaic contexts (2001: 117, fn. 71). The participle was originally a time-neutral verb form, but later it came to function as a present tense. The change in performative tense usage should be seen against the background of the development from a mode/aspect system towards a temporal system.

In Arabic, we can also see a diachronic shift from perfect to imperfect in the case of performatives, which Procházka & Bsees (2011: 2), surprisingly, ascribe to “the influence of European languages”. They explicitly exclude influence by the written medium, as papyrus letters were often read out aloud, so that they came close to a ‘normal’, oral speech act (2011: 3). Although the present author

is hesitant to accept the validity of these claims,¹⁰ he has not been able to find any other explanations in the literature for the shift from perfect to imperfect in Arabic.

In Modern Standard Arabic, we can see the use of the past (perfect) tense remaining especially in traditional, heavily institutionalized settings, such as ‘I accept’ (in a wedding ceremony) and ‘I divorce you’ (Khalil & McCarus 1999: 10). The occurrence of the past tense in such fixed formulae may testify to its long-standing use. The use of present tense performatives is an innovation, as in most other Semitic languages. The most heavily institutionalized contexts are most resistant to this change, so that relics of earlier performative usage are preserved (in a similar way as we shall detect below for English and Russian).

In Classical Ethiopic (Ge’ez), “the usual tense used in performative utterances was the perfect” (Weninger 2000: 99); imperfect (present tense) forms are interference from Greek, due to a literal translation (Ibid.). Such interference is unlikely to have played a role in Old Russian, especially in the birchbark letters, the vast majority of which are not translations from Greek or any other language. In Ethiopic, we can see a diachronic shift insofar as the modern descendant languages of Ge’ez, such as Tigrinya, use the imperfect.¹¹ The reasons for this shift can only be speculated about at present.

Generally speaking, the Semitic languages give us some interesting examples of (diachronic) variation in the use of verbal tense in explicit performative utterances, but they are not likely to provide us with any significant insights that

¹⁰ The claim about the influence of European languages is doubtful, since the shift from past to present tense in performative contexts is characteristic of most (ancient) Semitic languages; it can hardly be maintained that they were all influenced by European languages. Excluding all influence by the written medium is also unconvincing, for the new written medium can well have brought new habits with it; it can have made people feel unsure about the deictic temporal stance to be taken. This is, in fact, a line of reasoning that will be further developed later on in this chapter. This is not meant to imply that it is the only relevant factor in Arabic, for Diem (2004: 331) states that the perfect is also used in performatives outside of letters. Procházka & Bsees (2011: 9–10) also claim that the oral aspect of the letters is one of the reasons for the shortness of performatives. Kohnen (2012: 30), when discussing Old English performatives, also maintains the view that “oral cultures typically use more performative formulae than firmly established literary cultures”.

¹¹ Interestingly, another descendant language, viz. Amharic, uses the perfect if the addressee holds a lower status than the speaker, and the imperfect if vice versa (Weninger 2000: 100). We can reason in the following way: a person with higher status can make a decision independently of his inferior; in performative contexts, he does not require the inferior’s ‘uptake’ for the performative to be successful, and he can more easily consider the act to be finished just because of his own decision. An inferior is still in the process of carrying the action out, and is dependent on the uptake of the higher-ranking addressee for the performative to be felicitous, so that the continuous aspect of the act may be more prominent.

can be transferred to the situation in Old Russian. Greek will provide us with more food for thought.

8.4.2 (Ancient) Greek

“[Ancient] Greek has two ways to express performatives: with the (past tense) aorist and with the (imperfective) present tense” (Bary 2012: 34-35). Bary (2009; 2012) argues that the optimal form for a performative would have combined aoristic aspect with present tense (a non-existing form in Ancient Greek). Because an ‘aoristic present’ form does not exist in Greek,¹² two ‘suboptimal’ forms are used for performatives: either (present) tense or (aoristic) aspect is given priority. The latter case is referred to as ‘tragic aorist’ (presumably due to its frequent occurrence in tragedy) and occurs in “a restricted class of verbs (verbs of judgment, emotion, saying, ordering, advising)” (Bary 2012: 31).

- (107) {Ορέστης} ὅμοσον (εἰ δὲ μή, κτενῶ σε) μὴ λέγειν ἐμὴν χάριν.
 {Φρύξ} τὴν ἐμὴν ψυχὴν κατώμω, ἦν ἂν εὐορκοῖμ’ ἐγώ.
 ‘{Orestes} Swear you are not saying this to humour me, or I will kill you.
 {Phrygian} I have sworn [i.e. swear] by my life, an oath I would keep!’
 (Bary 2009: 121-122; 2012: 31)

Still, this explanation does not account for the variation between the two options: “two suboptimal forms are equally good” (2012: 50). So what is the distribution of the two forms? What determines the choice between them? I shall not attempt to delve into this question regarding Greek, but when discussing Old Russian, it will be shown that presupposing a ‘suboptimal’ form is problematic (§8.4.3).

In present-day Greek, only the present tense is possible for performative verbs. A discussion of the reasons for this later shift towards full predominance of the present tense in Greek falls outside the scope of the present study, but, of course, Russian has made a development in (roughly) the same direction. It may, therefore, be tempting to try applying Bary’s theory to the data on birchbark. However, this causes some considerable problems.

8.4.3 The optimal performative verb form?

Bary (2012) already provides some examples from various Slavic languages, while stating that the perfective present would constitute the optimal form for performatives in Slavic (i.e. from a temporal-aspectual point of view). This form is indeed encountered for performatives in Slovene and, to some extent,

¹² According to Bary (2012: 41), this is due to its limited usage potential, which is restricted to ‘coincidence’, i.e. performatives.

in Czech, and some remnants of it remain in certain Russian and Polish performative contexts (restricted to some *verba dicendi* in Russian and to *verba dicendi* in a broader sense in Polish; Dickey 2000: 179, 183):

- (108) Zahvalim se. (Slovene)
 ‘I thank [you].’
 (Mencej 1906: 48).
- (109) – Dovolte, pane! – Nu jo, já dovolím! (Czech)
 ‘Allow me, sir! Well, I allow [it].’
 (Seidel 1939: 17).
- (110) Ты дурак. Вот что тебе скажу. (Russian)¹³
 ‘You’re stupid. I[’ll] tell you that much!’
 (Dickey 2000: 178)
- (111) Jesteś głupi. Tyle ci powiem. (Polish)
 ‘You’re stupid. I[’ll] tell you that much!’
 (Koschmieder 1930: 355).

All four examples above have performatives verbs in the perfective present. Taking into account that this form is encountered in so many Slavic languages, as well as Bary’s theoretical claim about its optimality for performative usage, it might be assumed that at some point the perfective present was the common form for performative verbs in Slavic. But how is the situation in attested earlier stages of the Slavic languages? When looking at Old Church Slavonic, it will be observed that the perfective as well as imperfective present are used in performative contexts (Kamphuis 2012: 358). Although the extant texts are translations, and as such liable to interference from the source language (Greek), Kamphuis (Ibid.) shows that the choice of aspect is not always a slavish reproduction from Greek.

But the problem is that I have not encountered any instances of the perfective present among the performative occurrences on birchbark; this may well be taken as an argument that undermines the hypothesis. After all, why would the optimal form not have been available for performatives in Old Russian? Was it because of the future meaning which the perfective present had acquired (or was in the process of acquiring)? That might seem a plausible explanation, but we see in Byzantine Greek that future and performative meaning do not necessarily exclude each other (Kamphuis 2012); the same seems to

¹³ To get a more prototypical performative, it may be more appropriate to reverse the order of the sentences and put the performative verb before the asserted statement: Я тебе скажу, что ты дурак ‘I’ll tell you that you’re stupid’. The same goes for the Polish example (111): *Powiem ci, że jesteś głupi*.

be true of present-day Czech (cf. Dickey 2000). So is perfective present really the optimal form for performatives?

But to move a step backwards: is Bary's theory applicable to Old Russian (and older stages of Slavic in general) at all? Are the aspectual systems of Ancient Greek and Old Russian similar to such an extent that the theory can accommodate both systems? It remains unclear what part Greek perfective aspect plays in Bary's theory, who opposes aoristic and imperfective aspect, whereas it is exactly perfective aspect (not aorist, which is usually connected to tense, rather than aspect in Slavic) that is opposed to imperfective in Slavic. In addition, in earlier stages of Slavic there was an aorist as well as a perfect tense. These considerations make the application of Bary's theory to Old Russian problematic. It may work for present-day Slavic languages, such as Slovenian, which Bary (2012) briefly touches upon, and which the present author has no intention of disputing, but its application to Old Russian seems to result in a dead end. Only a superficial application is conceivable, where a way has to be found to account for the fact that perfective present is not used for performatives on birchbark. It would require the auxiliary hypothesis that perfective present was used at an earlier stage, but that its use in performative contexts declined and disappeared. This hypothesis, in turn, would require a theory about how the temporal-aspectual system at the unattested earlier stage of East Slavic differed from that encountered in Old Russian sources, to such an extent that perfective present no longer constituted the optimal form for performative verbs which it once would have been. All this reasoning is far too laborious to be of any avail. A more natural solution is to discard Bary's theory—not for Ancient Greek, in which case the theory may be valuable—as it turns out to be unhelpful for the analysis of Old Russian data. At first sight it seems a suitable theory, but upon closer inspection it is typologically too tentative to be able to transfer it to Old Russian, even though Bary applies it to present-day Slavic languages.

8.4.4 (Old) English

In order to explain tense usage in performatives in Old Russian, the next step will be to briefly examine Old English performatives, which will provide us with a more useful line of argumentation than does Bary's analysis of Ancient Greek. A first glance at Old English data reveals the use of the present tense in explicit performatives:

- (112) Ic bidde eow þæt 3e 3ymon eowra sylfra, swa eowere bec eow wissiað.
 'I ask you to take care of yourselves, as your books teach you.'
 (Ælfric, Letter to Wulfsig / Kohnen 2008: 30)

However, Danet & Bogoch (1994: 111) note that there is inconsistency in tense usage in Anglo-Saxon wills. What do they mean by this? And are performa-

tives concerned by this inconsistency? The example they quote (Ibid.: 110) concerns a will in which a declaration (*geswutelige* ‘declare’) occurs in the present tense:

- (113) On godes ælmihtiges naman Ic Æþestan Æþeling geswutelige on þysan gewrite hu ic mine are and mine æhta geunnen hæbbe.
 ‘In the name of Almighty God I Æthelstan the Atheling declare in this document how I have granted my estates and my possessions.’
 (Will of Æthelstan / 1015 / Whitelock 1930/1986: 56-57)

But then *geunnen hæbbe* ‘have granted’ reminds one of the assertive declarations that we have encountered in Old Russian. Danet & Bogoch call it a “mixture of a narrative report with a second act of declaring” (1994: 110). This description exactly corresponds to Searle’s class of assertive declarations. Danet & Bogoch (Ibid.) regard the use of the past tense as evidence for the primacy of orality: “the second half reveals that Æthelstan has already bequeathed his property, in a previous oral ceremony.” To what extent the performative would have been infelicitous if the record of the grant had not been committed to writing, depends on the status of writing, and its performative power, or the “autonomy of the document”, as Danet & Bogoch (Ibid.: 130) call it. We can take a look at another example:

- (114) Ædward keening grett ælle mine wytan gehadode 7 lewede. Ænd ic cyþe eow þ[æt] ic hebbe bicweðen Portland. 7 eall þ[æt] ðerto bilyð in to Gealden Mynstre on Wyncheastre [...] Ðyss sint þera manna naman þe ætt þysan cwidan weren. Eadgið. se hlefdie. Stigand se archeb. Harold eorl. Rengebold cancheler.
 ‘King Edward sends his friendly greetings to all my counsellors, ecclesiastical and lay. And I inform you that I have bequeathed Portland and everything belonging to it to Old Minster at Winchester [...] These are the names of the persons who were at this bequest: Queen Edith, Archbishop Stigand, Earl Harold, Regenbald the chancellor.’
 (Cod. Winton. f. 7 / 1053-1066 / Harmer 1952/1989: 400)

Taking the past tense as a starting point, we can assume that the bequest of Portland had taken place orally before the written record was made. The counsellors etc. are now *informed* about it, so that the titleholder could use this document as proof. However, the document itself is apparently considered insufficient proof, because at the end of the document the names of the witnesses are mentioned, who were present at the oral ceremony and the drawing up of the document, which shows that the document itself was not fully performative as yet (cf. Danet & Bogoch 1994: 113). So the main act of performance, as well as its verification, took place before the document was written. Still, as Danet & Bogoch (Ibid.) note, there is a movement towards greater performativity of the documents, viz. when “witnesses were involved

in the confirmation of the document, as opposed to merely witnessing the oral ceremony.”¹⁴

In sum, present tense is the default form in Old English performative expressions. Past tense assertive declarations arose due to the primacy of the preceding oral ceremony, the outcome of which was recorded in writing. In more recent times, past tense assertive declarations seem to have become ever rarer. Nevertheless, this does not mean that they no longer occur at all, as can be seen in the following purchase deed:

- (115) [...] THE VENDOR has sold to the Purchaser in perpetuity a certain property called “Oxenways” with the horse, garage, outbuilding, conservatory, garden and appurtenances. [...] ¹⁵

However, the more usual way of phrasing a purchase deed in present-day English seems to be the present tense:

- (116) The Seller hereby sells to the Purchaser the Property, together with all permanent improvements, fixtures and fittings, [...].¹⁶

So we can suppose the following path of development: the first stage is ‘I inform you that I have sold’ (113–114), which is assertive with a developing declarational part. The second stage is the past tense ‘I have sold’ (cf. (115)), which is an assertive declaration. Finally, the third stage is the present tense ‘I (hereby) sell’ (cf. (116)), which is a declaration.¹⁷ In the subsequent stages we can see the increasing performativity of documents as such, i.e. their increasing context-independence. The preceding oral ceremony loses significance.

This means that the use of the past tense in instances like (115) harks back to the times when purchasing or granting privileges was the outcome of an oral ceremony. But even today purchasing a house is still mostly an oral affair. After all, you first make all arrangements, and it is only once you have reached an agreement that the documents are finally made up. So even present-day documents with past tense assertive declarations refer back to a preceding oral transaction. In our day, it is exactly the present tense declarations that treat the purchase as though there were no oral transaction, and as though the whole business were conducted in writing, so that the document is not only for future reference, but makes up the act of purchasing itself, rather than just

¹⁴ Cf. the Old Russian expression *u pečati stojali* ‘at the seal stood [+ names of witnesses]’, which occurs in GVNP; the witnesses witnessed the drawing up and sealing of the document, rather than just the oral transaction.

¹⁵ http://www.landregistryservices.com/samples/channel_islands/ci_purchase_deed_and_plan.pdf

¹⁶ http://louwrenskoen.co.za/index.php?option=com_content&view=article&id=106:book-a-free-insolvency-consultation&catid=37:sequestration-and-liquidation

¹⁷ The fact that in the latter two examples the third person is used, is ignored for now.

ratifying it. Thus, the oral aspect is ignored in our age of excessive literacy, though literacy seems to be on the decline again.¹⁸

8.5 Discussion

It now remains to be seen how these insights, gained from (Old) English, can be transferred to Old Russian. Can it be stated more broadly that there is a general connection of performatives with the past tense? At any rate, past tense performatives do not occur in the present-day Slavic languages.¹⁹ So if the past tense was ever used at an earlier stage, the transition must have been from past to present, never the reverse. But it is questionable whether there has been such a transition in each Slavic language, and whether the past tense was ever used at all for performatives in all these languages. The reasons for this statement will now be gone into, using the insights acquired from the Old English examples above.

Bary (2012) does not discuss the possibility of perfective aspect + past tense in the Slavic languages. Were it not for the claims made by Zaliznjak (DND: 174) about the occurrence of past tense performatives in Old Russian, the topic would never have arisen at all. So why do we have past tense? The crux of the argument lies in the fact that the reasons for the use of the past tense are of a pragmatic nature. It was mentioned already when discussing Old English (§8.4.4) that the past tense is perfectly suitable for assertive declarations. And indeed, it is exactly this class of performatives that is phrased in the past tense in Old Russian, too.

Now, if all this is true, an explanation is required as to why the past tense occurs not only in the class of assertive declarations, but also in other speech act classes. Not all examples considered hitherto are assertive declarations. Examples (88), (90) and (91) are directives, if we abide by Zaliznjak's interpretation. Table 16 also shows that there are more past tense examples apart from the assertive declarations.

The easiest way out would be to discard their performative character, and simply treat them as mere descriptions, but that is not necessary. Three possible reasons for the use of the past tense can be put forward: 1) The addressee's temporal perspective is implied; bearing in mind our conclusions about the epistolary past tense (chapter 7), this is a possible, albeit not very plausible, explanation. 2) There *is*, after all, an assertive component, e.g. because of the

¹⁸ Think of the massive explosion of digital means of communication in the past decade.

¹⁹ Except for one marginal instance in Polish, which may have more to do with verbal aspect than verbal tense, viz. *prawdę powiedziawszy* 'to tell you the truth', lit. 'having told the truth'. Imperfective *prawdę mówiąc* also occurs. Polish native speakers consulted by the present author were not able to indicate the functional difference between the two forms. The corresponding Russian expression *po pravde skazav* (lit. 'having said according to the truth') is much rarer than *prawdę powiedziawszy* in Polish.

procedure of dictation; we shall encounter this aspect in §8.5.1. 3) The use of the past tense spread from assertive declarations to other speech act classes without an assertive component; this issue is not as straightforward as it may seem and will be discussed in §8.5.3.

In order to give a more tangible account of the reasons for the use of the past tense in the categories other than assertive declarations, we shall go ahead on the basis of examples. Now, in what cases apart from assertive declarations do we find past tense? Recall from Table 16 that we have to do with the class of directives.²⁰ Let us enumerate the five potential examples that I have been able to find in the birchbark corpus, again in chronological order, so as to have a systematic overview:

<i>№</i>	<i>Date</i>	<i>Performative formula</i>	<i>Tense</i>
N955	1140-1160	<i>Rěkla ti takъ Miloušja: vѣdai 2 grivene vecěrašenei...</i> 'Miluša has spoken thus: Give the 2 yesterday's grivnas.'	Perfect
St.R.11	1160-1180	<i>Ivanjaja molovila Fimъ: ljubо kounъ vosoli, pak li dorgo prodaju.</i> 'Ivan's wife has said to Fima: You either send the money, or I will demand that a large fine is imposed on you.'	Perfect
N510	1220-1240	<i>Sъ stalъ bѣsѣ Kouzma na Zdylou i na Domažirovica.</i> 'Hereby Kuz'ma had accused Zdyla and Domažirovič.'	Pluperfect
N344	1300-1320	<i>Jazo tobe, bratou svojemu, prikazale pro sebe tako...</i> 'I have instructed you, my brother, concerning ourselves as follows...'	Perfect
N368	1360-1380	<i>Se blǫvi pope Maksime...</i> ²¹ 'Hereby the priest Maksim has blessed...'	Aorist

Table 18: Potential past tense performatives (non-assertive-declarational)

²⁰ The one possible past tense example (N510) from the class of declarations has been gone into already (104); it is a special case due to the use of the pluperfect. It may also belong to the class of assertive declarations, independently from the question whether or not Petruxin's (2013) theory is accepted.

²¹ N368 may contain a fixed formula, but again, there is a lack of context; only a fragment of the document has come down to us. It may well be that *blagosloviti* 'to bless' has to be interpreted here in the sense of 'to grant, bequeath' (this meaning of the verb is allowed in SRJa XI-XVII (1: 218), in which case this example should be analysed as an assertive declaration, functioning in the context of the priest's last will.

What we see is a heterogeneous lot, in any case at first sight. In order to create some order, let us first try to see what they have in common. It then remains to be seen whether we can really be so confident as to assign these examples to Searle's speech act classes.

8.5.1 Directives

If we stick to Zaliznjak's (DND) interpretation, which we will do at first, a number of examples will belong to the class of directives. We already encountered one of these examples in (91) above; let us have a closer look at it and see whether this letter really contains a performative, as is assumed by Zaliznjak (DND: 175, 526):

- (91) Oto Petra ko Kouzme. Jazo tobe, bratou svojemu, prikazale pro sebe tako: ourjadilo li sja so toboju ci li ne ourjadilosja, ti ty so Droci loju po somolove pravi. A jazo sja klaneju.
 'From Petr to Kuz'ma. I have instructed [i.e. hereby instruct] you, my brother, concerning ourselves as follows: whether he has made an arrangement with you or not made an arrangement, you execute [it] with Dročila according to the agreement. And I bow down.'
 (N344 / 1300-1320 / DND: 526)

Zaliznjak views *prikazale*-PERF.M.SG 'ordered' as a performative, to be interpreted as "приказываю этим своим письмом" 'instruct by this letter of mine' (DND: 175), i.e. it is to be rendered by a present tense form in present-day Russian. This is also what Zaliznjak does in his translation (DND: 526). Interestingly, when he discusses the letter itself in more detail, he translates *prikazale* with a past tense form: "приказал именно самим этим письмом" 'have instructed by this letter itself'. Now, first of all, is this performative interpretation justified? And if so, what about the past tense? After all, a past tense rendering with the addition 'by this letter itself' would seem awkward.

To start with, a by now well-known caveat has to be mentioned, viz. the data problem. We simply do not know whether Petr had already given this or a similar instruction to his brother before he wrote this letter. If he had, the letter is a repetition of the earlier order, or a reminder, because Kuz'ma may not have complied with it. In that case, *prikazale* would be a 'normal' past tense in its standard use. However, habits of efficient communication on birchbark would make this suggestion less plausible. After all, communication on birchbark was generally characterized by a sparseness of information, often even by the absolute minimum that was thought to suffice for communication. In that sense, a repetition of an earlier command would be unusual, so that a non-standard, performative use of the past tense would indeed appear to be a reasonable option. But nevertheless, the circumstances surrounding the letter could still make a repetition or reminder possible or necessary, so that this is certainly not the right example from which to draw hard and fast conclusions.

Still, it should be noted that the vast majority of occurrences of the same verb in the GVNP documents is phrased in the present tense; one example is the following:

- (117) Vo imja otca i syna i svjatego duxa. Se jazъ rabъ božii Ostafei spisaxъ rukopisanъ pri svoemъ životě. A prikazyvaju životъ svoi gospože svoei materi Ontonъi i synovi svoemu Fedoru, otcynu svoju i dědinu, zemlju i vodu, po otca svoego rukopisanъju i po voloděnjju. [...]
 ‘In the Name of the Father and the Son and the Holy Spirit. Hereby I, God’s servant Ostafii, have written my testament at [the end of] my life. And I bequeath my living to madam my mother Ontonija and to my son Fedor, my father’s and grandfather’s inheritance, land and water, according to my father’s testament and possession. [...]’
 (GVNP 110 / 1393 / Valk 1949: 166)

The same goes for two other examples on birchbark (N519/520 and N692, which are not directives, however, but, like all examples from GVNP, declarations in a testament, where the verb *prikazati* should be translated as ‘to bequeath’).²² N692 has already been quoted as example (106) above (§8.3.3).

There is, then, not much reason to assume a non-standard use of the past tense in examples like (91). However improbable it may be, we may need to stick to the scenario that the instruction had already been made before the letter was written.

It is easy to discard the performative interpretation, but still, a few things have to be considered. Is it possible that this speech act contains an assertive (word-to-world) component? Such an interpretation may mean two things: 1) it is a reminder; 2) it refers to a previous oral instruction given to the scribe, who transfers it to his own temporal perspective, but retains the author’s personal deixis.

This example shows us that a pragmaphilological account, however elegantly formulated, should not be taken to its extreme. One example is not enough for a whole theory to be built on. If it is valid at all, it remains to be consolidated by future findings. For the time being, though, it should be treated with caution.

The next example, which we already stumbled upon above, has also been considered a directive:

²² This discrepancy in class confirms at least two different meanings of the word *prikaz(yv)ati*, as is supported by Sreznevskij (2: 1408-1410) and SRJa XI-XVII (19: 170, 173), viz. ‘to order/inform’ and ‘to entrust/bequeath’.

- (90) Ivanjaja molovila Fimъ: ljubo kouпъ vosoli, pak li dorgo prodaju.
 ‘Ivan’s wife has said to Fima: You either send the money, or I will demand that a large fine is imposed on you.’
 (St.R.11 / 1160-1180 / DND: 446)

Gippius (2004: 213) interprets *molovila* as “послала (настоящую) грамоту, написав” ‘sent (the present) letter, having written’. This is in line with Zaliznjak’s interpretation as “говорит этим своим письмом” ‘says by means of this letter’ (DND: 175). It is unlikely that Ivan’s wife would have said this to Fima before, in which case this letter would be a mere reminder. The only way that the letter gets communicative relevance is to assume a performative interpretation of the perfect tense.

Interestingly, Gippius (2004: 208) also hints at an underlying connection with the procedure of dictation. Thus, Ivan’s wife may have instructed a scribe to write this message down.²³ In that case, from the scribe’s perspective, Ivan’s wife has already said this, though not directly to Fima, but by dictating it to the scribe.²⁴ As far as Ivan’s wife is concerned, however, the action is completed. It is this connection with dictation that will turn out to be important for our discussion.²⁵

The same way of reasoning can be applied to another example (cf. Collins 2011):

- (118) [...] Rěkla ti takъ Miloušja: vъdai 2 grivene vecěrašenei.
 ‘[...] Miluša has spoken thus: Give yesterday’s 2 grivnas.’
 (N955 / 1140-1160 / NGB XII: 55)

Miluša gave this message orally; we do not know to what extent she dictated it verbatim, but in any case, the scribe wrote it down after Miluša had said it.

²³ Additional evidence for this procedure in this particular instance may be provided by the unusual self-designation *Ivanjaja* ‘Ivan’s [wife]’. If this letter were an autograph by Ivan’s wife herself, she would have used her own proper name, as do so many other women on birchbark. However, if she instructed a scribe orally to write down a message of this purport, the scribe may have designated her from this slightly unusual perspective.

²⁴ On a more speculative note, might it be possible that Fima is not the addressee of the message, but the messenger (letter-bearer)? In that case, Ivan’s wife instructed Fima to deliver this message to the addressee, whose name is not mentioned, because it follows from the situation anyway.

²⁵ As an aside, it becomes clear from this example that performative verbs in themselves cannot give a decisive answer about the class of illocutionary acts to which the utterance belongs; we need to look at the function of the utterance as a whole. If we look at the verb *molviti* ‘to say’, we might expect an assertive. The real function of this illocutionary act is, however, a directive. Lists of performative verbs in a specific language are often given, e.g. by Searle (1989), subdivided into his five classes of illocutionary acts. ‘To say’ is too general to fit into such a list, because of its more general meaning.

In sum, the early examples from Table 18 (12th century, N955 and St.R.11) can be connected to the procedure of dictation, which would make them at least partly assertive, in the sense that the past tense form makes reference to a preceding oral speech act, of which the scribe makes a written fixation. Does this mean that we should invent another mixed class, viz. ‘assertive directives’, in the same vein as assertive declarations? That is hardly worth the theoretical load for the sake of just a few marginal examples. Lumping them together with the assertive declarations is also problematic, as it would stretch the definition of declarations too much. For the time being it seems sensible to just keep viewing them as directives (taking their function into account), though a possible assertive component should explicitly be allowed (taking the direction of fit into account). Maybe the conclusion should be drawn that Searle’s classes are not exhaustive. In any case, positing the presence of an assertive component seems to be the best way of explaining the use of the past tense. A connection with the procedure of dictation, obviously, connects these examples to the topic of orality and literacy, too.

8.5.2 Expressives

One past tense example from our corpus (N309) may at first sight be recognized as an expressive. Expressives are mainly concerned with the feelings and attitudes of the interlocutors, including fixed social patterns. The only, and abundantly available, examples on birchbark are greetings (phrased in the present tense):²⁶

- (119) Poklonъ ot Smenka ot Korēlina. Prišle, gnē, t kobē na selo na Pytarevo. Cīmъ jeho žaluješъ i ty, ošpdne, prikaži vsjakoje slovo. A jazъ tobě, svojemu gnū, colomъ bēju.
 ‘Greetings from Smenko the Karelian. [He] has come to you, lord, to Pytar’s village. If you will grant him anything, then you, lord, give all the instructions. And I beat [my] brow to you, my lord.’
 (N243 / 1420-1430 / DND: 674)

The explicit performative *colomъ bēju* ‘I beat [my] brow’ is a typical letter ending for the later period of birchbark literacy.

Pardee & Whiting (1987: 28-29) discuss the question whether the Ugaritic and Akkadian prostration formula ‘I hereby fall’ (which occurs in the perfect tense) should be seen as performative or as instances of the epistolary past tense. The discussion revolves around the question: did the author really fall when writing or dictating the letter? If so, it is an epistolary past tense. But that is rather unlikely, so that it is more probable to be a polite ‘fiction’: by writing

²⁶ For present purposes, we can, obviously, leave the nominal greeting formulae aside, although they can also be regarded as implicit expressives (*poklonъ*, *čelobitiže*, etc.).

the formula down, the greeting takes place, without a prior or simultaneous physical bow made by the author. The same holds, of course, for the instances of ‘brow-beating’ in birchbark letters, so that they should be seen as performatives. Table 16 shows that they are typically phrased in the present tense. However, there is one instance of beating the brow in the past tense on birchbark:

- (120) A se bilъ čelomъ Ivaš s Simanomъ o žerebьсѣ.
 ‘And hereby Ivaš has beaten the brow with Siman about the stallion.’
 (N309 / 1410-1420 / DND: 685)

It should be noted that this is the complete text of a short document. Is this a past tense expressive, then? If we start considering the possible function of this little document, is it likely to be just a greeting? Zaliznjak supposes that it might have served as “ярлычок при челобитной, указывающий на ее основное содержание” ‘a label attached to a petition, referring to its general content’ (DND: 685). In another vein, it may rather have had a symbolical function in the sense of Bulanin (1997), who regards the symbolical function of the birchbark letters as primary and sees any functional content as secondary (cf. §2.5 and §4.5.4). In that case, it should be concluded that the real petition took place orally, whereas this document serves as a ratification of that oral petition, without making it explicit. This interpretation is in line with one of the possible meanings (‘to petition’) of the expression *biti čelomъ* that are distinguished in the dictionaries.²⁷ It also allows us to regard the example as an assertive declaration, rather than a directive: the petition is declared to have taken place.

8.5.3 Spreading of the past tense

So the use of the past tense in performative contexts arose due to pragmatic reasons: it points either to the primacy of a preceding oral transaction, or, more generally, to a broader spectrum of oral habits. The consensus is that oral habits diminished over time and were replaced by literate ones. Consequently, it is to be expected that, with the decrease of oral habits, the use of the past tense would also disappear from performative contexts. But why is it, then, that in spite of the increasing role that was played by documents, the past tense formulation remained until the end of the birchbark era, and further until well into the seventeenth century, and in some contexts, such as

²⁷ SRJA XI-XVII (1: 188) distinguishes “a) кланяться, приветствовать; б) жаловаться; в) благодарить” ‘a) to bow down, to greet; б) to petition; в) to thank’. Sreznevskij (3: 1488-9) is less specific: “просить, жаловаться” ‘to ask, to grant’. *Biti čelomъ* ‘to beat the brow’ in the sense of ‘to greet’ usually combines with a dative form. In this letter (N309) it combines with the preposition *s* ‘with’ + instrumental case. This construction is a hapax on birchbark. It probably testifies to a different meaning and usage compared to the greetings, which belong to the expressive class.

purchase acts, even up to the present time? The answer is simple: it became a fixed formula, thereby testifying to a process of *Verschriftlichung*. This explanation is reinforced by the fact that in the later birchbark period, the aorist was increasingly employed for assertive declarations (see below), though it was no longer in use in the spoken language. This shows that people were aware of the stylistic implications and tried to create an elevated, 'high style' register for executing written performative acts. The spread of the past tense from assertive declarations to the other classes of performatives may have occurred for exactly the same reason.

We have now discussed the second of the three possible reasons for the occurrence of the past tense in categories other than assertive declarations (viz. the presence of a 'hidden' assertive component due to dictation). The third option was that the past tense spread from assertive declarations into the other speech act classes. In Table 17, an overview has already been given of all examples that can be analysed as assertive declarations. Some of the earliest examples are doubtful, due to the 'bad data problem'. They may just as well be simple implicit assertives. It may have been noted from Table 17 already that the aorist seems to be taking over towards the end of the period. This development of an increasing use of the aorist, ousting the perfect, in assertive declarations is worth some more attention. The process can be traced in the following chronologically arranged table:

<i>Nº</i>	<i>Date</i>	<i>Perfect</i>	<i>Aorist</i>
N525	1100-1120	✓	
N384	1160-1180	✓	
N211 (2x)	1240-1260	✓	✓
N198	1260-1280	✓	
N197	1280-1300		✓
N45	1320-1340		✓
N318 (2x)	1340-1360	✓	✓
N136	1360-1380		✓
N366 (3x)	1360-1380		✓
N309	1410-1420	✓	

Table 19: Distribution of perfect and aorist forms in assertive declarations

The increasing use of the aorist cannot have stemmed from its original semantic properties. It was seen at that stage as a stylistically higher equivalent of the perfect tense (DND: 174), having fallen out of use in the living language long before. This serves as an indication that past tense assertive declarations had rather become fixed formulae. Still, the aorist never entirely supplanted the perfect in assertive declarations. In the parchment documents of the 15th century, the perfect remains to be used, too.

The use of the aorist (or past tense in general, for that matter) cannot stem from performative usage in Old Church Slavonic either. Petruhin (2004: 75) says that “его употребление было обусловлено ориентацией на образцовые книжные тексты” ‘its use was determined by an orientation towards exemplary bookish texts’. This may go for the use of the aorist as such, which had disappeared from the spoken language already in the 11th century (Ibid.), but not for its occurrence in exactly this (performative) context. The aorist was not chosen because Old Church Slavonic also had aorist performatives. Old Church Slavonic uses present tense for performatives, as was briefly mentioned above already (§8.4.3). The only realistic assessment is that the aorist in Old Russian was an additional stylistic element, whose usage in performative contexts stemmed from an experimental vernacular use of writing.

The aorist disappeared from the spoken language earlier than e.g. Bjørnflaten (2013) is willing to acknowledge. It persisted, among other things, in performative-like contexts in writing. Thus, a qualitative study into the pragmatic use of a grammatical construction is useful in that it can add insights to a merely quantitative chronological survey. The use of the aorist on birchbark is so different from its use in e.g. chronicles, due to the profoundly different nature of both text types. For instance, Matthews (1995: 303) states that “the Aorist is typically in the company of other Aorists.” This may be true for narrative texts, but it does not apply to documents on birchbark. Thus, text type and use are important variables. It is not simply a question of whether the aorist pertains to the spoken or written medium. It can be encountered in some written genres, but hardly or not at all in others. In part, this can be attributed to a difference in nature between texts (e.g. whether they are narrative or not, or in terms of the different genres to which they belong), but it also depends on whether the language of immediacy or distance is used. Due to its increasing formality, the aorist came to be associated with the language of distance.

The next question in the discussion runs as follows: might it be possible that the past tense assertive declarations became fixed formulae to such an extent that the past tense was no longer taken at face value, so that the use of the past tense could be generalized to other speech act classes? In other words, the preceding (oral) element that gave rise to the use of the past tense was no longer prominent enough to remind people of this preceding component, and the past tense became associated with the element of performing, rather than ratifying. In more theoretical terms: assertive declarations were reanalyzed as ‘pure’ declarations, without a hint at a preceding (oral) act, and thus without an assertive component. In even more abstract terms, implicit performatives were reanalyzed as explicit performatives (more about this in §8.5.5 below).

8.5.4 Diachronic considerations

Unfortunately, there is no clear and unequivocal path of development in performative tense usage that can be traced chronologically. It would have been

very nice to be able to provide a graph showing the decline of the use of the past tense and the reappearance of the present tense. But throughout the period, both appear side by side. This means that the whole period of birchbark and parchment literacy must have been one of transition. In other words, people kept experimenting with literacy. The results of these experiments were then fossilized and became more or less conventionalized.

The hypothesis is as follows. At first, the past tense was used to refer to the preceding oral transaction, but later on the past tense forms may have been reinterpreted as declarations, where their past tense value was no longer taken at face value. But this reminds one of Bary's theory that either the tense or aspect value of a form was ignored in favour of the other. The development would have been that at first past tense was used for its past time reference, but over time the role of the documents (as opposed to the role of a preceding oral ceremony) grew larger and the past tense forms were reinterpreted as explicit performatives, while being retained and even reinforced as fixed formulae. It can be that both attitudes co-existed for centuries, and to different degrees for different actions. Some of them have never lost their past tense orientation up till now (such as purchase deeds).

8.5.5 The status of the verb: Performative or not?

Some more needs to be said about the status of the verbs in assertive declarations, i.e. whether they are performative verbs or not. But first of all we need to describe the difference in status between performative and non-performative verbs in the past tense. It may be illuminating to give an overview once more of the way in which the present author envisages the matter of tense usage in performatives on birchbark.

A past tense phrase is most likely to be a plain assertive. It has no institutional value, it is just a plain statement that some action took place in the past. It is obvious that the past tense is appropriate to be used in such cases. An assertive declaration looks basically the same, with the significant difference that it not only makes an assertion about a past action, but it also ratifies it within the confines of an institution. This institution may be a legal or administrative one, but the practice of writing is also an institution.

Declarations, finally, have nothing to do with an action in the past. They do not assert or ratify an action which took place in the past, but they effect an action in the present, by uttering the declaration. Though some languages (such as Ancient Hebrew and other Semitic languages) can use past tense forms here, most languages, including Old Russian, use present tense forms for performative verbs in declarations. Verbs forms in the past tense are interference from assertive declarations. This class, which is in itself mixed, thus testifies of a mixed attitude towards the role of writing. If reference is made to a prior action, which is ratified by the document, this means that writing is not the prime part of performing the action. The main part has already been

established orally. But apparently, the oral agreement is no longer enough: the document does have some function in the whole procedure, viz. that of ratifying the action. As such, writing is not insignificant, and we cannot state that people had a totally oral mindset. They were aware of the advantages of a written ratification. Still, the oral agreement was kept in mind.

Again, what about past tense usage in performatives that belong to classes other than that of assertive declarations? In order to flesh this matter out theoretically, let us try to illustrate it by an English example. Take a look at the following four sentences:

- (121) a. I have bought the estate.
- b. I hereby declare that I have bought the estate.
- c. I hereby have bought the estate.
- d. I hereby buy the estate.

Now, we do not find all four hypothetical cases attested in Old Russian, either on birchbark or on parchment. But the aim in putting them forward is of a theoretical kind, viz. to see in which of these four cases we have an explicit performative. To put it differently, the issue at stake is in which of these cases the form of 'to buy' can be called a performative verb.

(121a) can be a pure assertive about a previous act, i.e. there does not have to be a performative power here. In that case, it has the word-to-world direction of fit: it just describes a state of affairs in the world. But it can also be an assertive declaration, a truncated version of (121b), depending on the status of writing. Still, the verb can never be called an explicit performative.

(121b) is an explicit declaration about a past act, which makes it an assertive declaration. It has a twofold direction of fit, i.e. the word-to-world as well as the double direction of fit. What if we consider (a) a truncated version of (b) in which the performative verb is left out? It then still describes a situation in the world, but at the same time it strengthens and ratifies this situation. This depends on the function of the document in which the speech act occurs. Type (b) is, by the way, the kind of expression which we find quite frequently in Old English documents. The performative verb in the main clause has present tense, whereas the verb in the subordinate clause has past tense; cf. the Old English examples (113) and (114).

The speech act in (121c) sounds odd in English, of course, but this is a construction that is encountered quite commonly in GVNP (though phrased in the third person), for example the following:

- (122) Se kupilъ Rodivonъ Timofěevicъ u svoego brata u Sidora loskutъ zemli na Jurmoli oramoi, Uskuju vĕrĕtĕju. [...]

‘Hereby Rodivon Timofeevič has bought from his brother Sidor a piece of land on the Jurmola pasture, a narrow mound (or: [the village] Uskaja Vereteja). [...]’

(GVNP 229 / 2nd half of the 15th c. / Valk 1949: 250)

Other examples are GVNP 106, 116, 134, 233, 247, and at least 50 more. They show a transitional form; the word-to-world direction of fit is losing ground. The assertive part is becoming less prominent. Functionally, it is becoming more and more like a declaration. If that is so, the verb is more and more likely to be analysed as a performative verb, even though it is still phrased in the past tense, as a relic from the time when the assertive part was still more important. The role that *hereby* plays in this respect (the particle *se* in Old Russian) remains to be determined.

In (121d) we have a pure declaration with a double direction of fit. Obviously, the verb is explicitly performative here.

So not all of the above constructions are explicit performatives. If we analyse (121a) as an assertive declaration, the past tense verb form is not a performative verb. In that case, we have to do with an implicit performative. This must mean that past tense usage spread from implicit to explicit performatives, from non-performative verbs to performative verbs. Searle does not contemplate the possibility of a performative verb in the case of assertive declarations. The past tense verb in an assertive declaration is not performative and just stems from normal past tense usage. We can assume that with the growth of the institutional function of these formulae, they came to be reanalysed as performative verbs, so that the past tense started to be associated with performatives. This can have given way to the use of the past tense in performative verbs that never had an assertive component.

But as has been mentioned already (§8.5.1), most of these examples must have started out with an assertive component anyway, e.g. because of the procedure of dictation. Consequently, the assertive component, referring to a previous oral action, is to be seen as the primary factor in the use of the past tense.

Due to the absence of a formal characteristic, we cannot draw a red line as to if and when these verbs became explicitly performative (i.e. pure declarations, without assertive interference). At that point, their past tense value was only a relic of an earlier pattern of use, a petrified remnant from times when orality was still more prominent.

Whether or not to regard the assertive declarations as explicit performatives depends totally on the degree to which they were perceived as performing the act independently from a preceding oral transaction. If that is the case, they are explicit declarations, and cease to belong to the mixed class of assertive declarations. But this is improbable due to the nature of most of the actions, even up to the present day (cf. the modern purchase deeds).

So, ultimately, for the instances that were identified above as assertive declarations, the answer to the question whether they contain a performative verb or not depends on their functional status, i.e. whether or not they rely on a preceding oral transaction. This is a factor that does not immediately emerge from the data, but rather from theoretical reasoning.

8.5.6 Some additional considerations

To briefly return to our first option for the occurrence of past tense examples in other speech act classes: what can be said about the possibility that decoding time was taken in past tense performatives, just like in certain instances of the epistolary past tense? Even then, the use of the past tense can be taken as a strategy to adapt one's communicative habits to the new realities of the written medium. In our case study about the epistolary past tense, we had to conclude that there are cases in which decoding time is taken. In the same way, it is possible that, at least in a number of performative instances, the prospective reader's perspective was the reason for the use of the past tense. In such a case, the speech act would have been an assertive declaration for the reader. In my theory, it is an assertive declaration for the author as well as the reader. But an assertive declaration for the reader would also have been a reflection of oral habits, because even then the document itself would not be seen as 'performative': the assertive part would refer to the time when the document was made up (written, witnessed and sealed), as having some priority (more performative potential) over the mere words in the document itself.

When stating that the use of the past tense stems from a transition towards literacy, we take for granted that the normal form for performatives in spoken language would have been the present tense. Do we have evidence for this? Of course, we have no spoken data. The birchbark letters are probably the closest we can get to spoken language. But still, their language is 'contaminated' by the transition towards literacy. In that sense, the birchbark letters are not purely oral.

Evidence may be found in documents that explicitly describe an oral procedure. For Ancient Hebrew, for example, there is ample such evidence that the past tense was also used for performatives in spoken discourse, and as such was independent from orality and literacy. But for Old Russian, there are indeed indications that present tense would have been the norm in spoken language. Take, for example, the phrase: *jemlju tja* 'I accuse you' (Gippius 1996: 51). This is a present tense performative, and part of a sentence that had to be pronounced in a legal procedure. It shows that the present tense could certainly be used in oral discourse. Further research would be needed to consolidate this preliminary result.

As an aside, all present tense performatives on birchbark turn out to be *verba dicendi*. Without going into another problem now, a question can be raised as to the status of 'to write', viz. whether it is a performative or an in-

stance of the epistolary past tense. This is an issue that calls for further research.

The parchment documents contain some more elements which cause problems, even at first sight. This study first and foremost concerns the birchbark corpus, but we cannot entirely ignore data from other sources. A first glance at the GVNP parchment documents may seem to undermine the proposed theory. There is variation in GVNP in tense usage in performatives (e.g. ‘to give’) all throughout the period. This also indicates that the status of the written document was unstable; people were unclear as to whether it functioned as a declaration in its own right, or rather as an addendum to a preceding oral ceremony. Nevertheless, the fact that it was written down shows that there was an awareness of the added value written documents had for the ratification of a transaction, and the possibility it created for future reference.

8.6 Concluding remarks

We can now return to the question formulated above: Should the reason for the use of the past tense in the aforementioned instances be sought in the area of orality and literacy? Taking into account the above discussion, seeing the past tense examples as assertive declarations positions them on the road from orality towards literacy. So in the end, the assertive declarations should be seen as an intermediate category: not only as a mix between two of Searle’s theoretical classes, but also as a step halfway on the road from orality to literacy, and also as a point halfway between implicit and explicit performatives. Orality, because of the reference to a preceding oral transaction; literacy, because of the ratifying function which the document fulfills. They are neither implicit nor explicit performatives, because of the unstable (performative or non-performative) status of the verb (§8.5.5). This, in short, is the paradoxical position of the assertive declarations.

Two factors play a role in the use of the past tense: 1) the author refers to a previous oral act which is ratified by the document; 2) the author considers the act finished by writing the document, independently from the addressee’s ‘uptake’. These two aspects are reminiscent of the phenomenon of ‘epistolary past tense’. The three factors are, again: (a) the decision has been made, (b) the arrangements have been prepared and carried out, and (c) the document finally ratifies them (see e.g. N45 in Table 3).

So the use of the past tense in this context is a feature that can be traced back to oral habits, but these became fixed and became a literate feature. In other words, they are oral characteristics that exist only in the written medium. Past tense performatives arose due to the rise of the written medium, but the reason why they arose is of an oral nature. This again underlines the validity of Koch & Oesterreicher’s (1985) distinction between medium and conception. We shall return to this point in chapter 9.

This case study also illustrates how a linguistic phenomenon can be traced back to social practice. Tense usage can be related to the amount of trust placed in writing and the role reserved for written documents. For those who used past tense assertive declarations, the oral ceremony was primary. However, writing was acknowledged to play a role in the ratification of the oral transaction. This is a first step towards the acknowledgement of the full performative potential of the written medium. Variation arose due to the unstable status of the written word.

A second step on the road towards the language of distance is that the past tense phrases became fixed formulae: this is a case of conventionalization, which is part of a movement towards literacy (*Verschriftlichung*).

Finally, let us return to where we began this chapter, viz. Zaliznjak's statement about the performative or near-performative function of the perfect tense (DND: 175; cited in §8.1). We can only assume his examples (2-5) to be explicit performatives if the role of writing was significant and the oral component had phased out. In the birchbark period we are still in a period of transition, however, so that these examples are, strictly speaking, not performatives, nor 'near-performatives', but 'developing' performatives struggling towards full performativity; they are in the process of throwing off the 'shackles' of orality.