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## The Ultimate Pledge: a Diachronic View of Performativity in Romanian Legal Documents

**Abstrakt.** Autorka bada performatywność w ramach procesu integracji pojęciowej (tzw. *conceptual blending*), zaproponowanego przez Fauconniera i Turnera (1997, 1998, 2000). Analizowany korpus obejmuje teksty, które powstały na przestrzeni 500 lat, i składa się z ograniczonego rodzaju tekstów prawnych. Performatywność przenika dyskurs prawny zarówno na poziomie indywidualnym (umowy, zobowiązania, darowizny itp. zawierane przez osoby fizyczne), jak i na poziomie instytucjonalnym (darowizny kościelne, traktaty międzynarodowe i sojusze/przymierza). W starszych dokumentach performatywność jest osiągana głównie za pomocą środków retorycznych i leksykalnych, takich jak powtórzenia i obszerne klątwy, mające na celu „wzmocnienie mocy performatywnej dokumentu jako autonomicznego aktu komunikacyjnego” (Danet & Bogoch 1992), natomiast w dokumentach z XIX i XX w. osiąga się ten cel za pomocą środków gramatycznych, takich jak czas gramatyczny. Performatywność rumuńskiego dyskursu prawnego nie jest również wolna od wpływów następujących języków: łaciny, staro-cerkiewno-słowiańskiego, francuskiego i (od niedawna) angielskiego.

**Abstract.** This is an investigation of performativity in the framework of conceptual blending developed by Fauconnier and Turner (1997, 1998, 2000). The corpus under investigation spans more than 500 years and consists of a limited range of legal text types. Performativity permeates legal discourse both at the individual level (contracts, pledges, donations etc. concluded between natural persons) and at the institutional level (church donations, international treaties and alliances). In earlier documents, performativity is achieved mainly by rhetorical and lexical means, such as repetition and elaborate curses meant “to enhance the performative potential of documents as autonomous communicative acts” (Danet & Bogoch 1992), while in 19<sup>th</sup> and 20<sup>th</sup> century documents it tends to be achieved by grammatical means, such as tense. Performativity in Romanian legal discourse may also be influenced by interference from Latin, Church Slavonic, French and (more recently) English.

### 1. Rationale

The reason for choosing this topic is twofold: on the one hand, “La diachronie n’est pas seulement un regard sur le passé lointain. C’est un point de vue évolutif qui suit les mouvements même récents” (Cornu 2000: 40). On the other hand, there

is an acknowledged need for comparative studies: “the portrait of the transitional legal document which emerges from the analysis is probably not unique to wills, or even to Anglo-Saxon materials [...] the drift to written documentation, and to the constitution of binding legal acts through writing, was taking place at different rates all over Europe” (Danet & Bogoch 1994: 128).

## 2. Theoretical assumptions

The theoretical underpinnings come from two distinct areas of pragmatics: one is the (by now classic) concept of performativity, as amended in recent developments of cognitive linguistics, and the other is the concept of blending, as proposed by Fauconnier and Turner (1997, 1998, 2000).

### 2.1. Performativity

In a broad definition, performative phrases “effect what they signify” (Michael Dummett, quoted in Miller 2000: 156). The contrast between depictive and performative uses of language involves the causal relationship between two mental spaces, one for the representation and one for the represented (Sweetser 2000). Thus, in the case of depictive utterances, there is a word-to-world direction of fit, and the represented space is ontologically prior to the representation space, while in the case of performative utterances, there is a world-to-word direction of fit, where the represented space is caused by the representation space. Performativity obtains when a form whose unmarked function is depictive is used with the opposite direction of fit, i.e. “the words bring about the described world state, and are thus ontologically and causally prior to it” (Sweetser 2000: 310). According to this revised framework, performativity is seen as “mental-space blending (in Fauconnier and Turner’s terminology) wherein structure is transferred from a representing space to the space represented” (Sweetser 2000: 305).

### 2.2. Blending

Blending is defined (in Fauconnier & Turner 1997 and subsequent work) as a cognitive process that operates over mental spaces and whose operational value ranges over probably all cognitive phenomena, including categorization, inference, metaphor, analogy, counterfactuals, concept combination, and the generation of hypotheses (but see Bache 2005, Brandt 2005, for caveats regarding excessive recourse to this concept). Blending consists of the conceptual projection of two mental spaces (the input spaces) onto a third space called the “blended” space. “The blend *inherits partial structure* from the input spaces and *has emergent structure* of its own” (Fauconnier 1997: 149). The blend’s emergent structure is the result of three inter-related factors:

- **composition**: “taken together, the projections from the inputs make new relations available that did not exist in the separate inputs” (Fauconnier 1997: 150);
- **completion**: “knowledge of background frames, cognitive and cultural models, allows the composite structure projected into the blend from the Inputs to be viewed as part of a larger self-contained structure in the blend. The pattern in the blend triggered by the inherited structures is ‘completed’ into the larger, emergent structure” (Fauconnier 1997: 149–150);
- **elaboration**: “cognitive work performed within the blend, according to its own emergent logic” (Fauconnier 1997: 150).

In addition to the three spaces mentioned above, there is one further middle space called the “generic” space, which contains abstract information consisting of the roles, frames and schemas common to the source and target spaces. “Blending involves the establishment of partial mappings between cognitive models in different spaces in the network, and the projection of conceptual structure from space to space” (Coulson & Oakley 2000: 178, emphasis mine, I.C.).

### **2.3. Why blending *and* performativity?**

Leaving aside its applicability to multiple levels of analysis, blending theory, as a general theory of meaning construction, has become a useful way of enabling us to understand language within a broader picture of human thought and activity. Blending allows us to integrate pictures that do not co-exist in real life, which has implications for contexts where alternatives need to be considered. This framework turned out to be particularly useful in analysing the types of data presented in Section 4, for reasons having to do with the conceptual structure of the performative statements contained in them; the concept of blending lent itself perfectly to the analysis, since “performative statements recruit mappings between elements in the representation and the represented space based on identity, similarity, metonymy, and analogy” (Coulson & Oakley 2000: 185).

## **3. Performativity in legal documents: means of achieving it**

“Performativity and modality are the linguistic means which express the institutional ideology of the role relationship involved in legislative rule-making” (Maley 1994: 22). A distinction has been operated between first-order performatives, which can be either implicit or explicit (the classic Austin-Searle framework, with subsequent amendments), and second-order performatives: curses, ordeals, witnesses, writing, seal, signature, notarisational. Both categories are used extensively in legal interaction, the former as “operative verbs” or other types of utterances, as they are known by the legal profession, and the latter as additional means of reinforcing the content of a legally binding act.

#### 4. The corpus

The corpus is structured according to two ordering criteria: the type of (second-order) performatives employed, and chronology (with minor deviations from strict chronology).

##### 4.1. Curses: European “standard”, local variation

“Curses are... evidence of growing awareness of the performative potential of writing” (Danet & Bogoch 1992: 132). “Curses are mobilised to strengthen the performative potential of the *document*: they are second-order performatives mobilised in support of first-order ones” (Danet & Bogoch 1994: 115). There is a general pattern, at its most visible in the *si quis* (*whoever*) clause: whoever breaks the provisions of the legal document shall suffer the consequences described in the curse. Compare Anglo-Saxon wills (Danet & Bogoch 1992 and 1994), and Catholic excommunication formulas and books of curses:

- (1) “the company in eternal flames of Korah, Dathan, Abiron, Judas, Pilate, Ananias, Sapphira, Nero, Decio, Herod, Julian, Valerian, Simon Magus, and the devil” (Little 1993: 9)
- (2) “but if they are not willing to change, then let them accept from God and Saint Martial damnation with the devil and his angels in hell, and may they burn in eternal fires with Dathan and Abiron”<sup>1</sup> (curse from the French Abbey of St. Martial, late 10<sup>th</sup> century) (Little 1993: 13)
- (3) “drain out through their bowels like the faithless and unhappy Arius” (cathedral of Reims, end of ninth century) (Little 1993: 121)

Romanian data (year of the document in bold, examples in italics, translation in square brackets; diacritics have been omitted):

- (4) **1435:**

*Iar cine dintre noi nu va sluji dupa dreptate lui Ilieas Voevod, pe acela Craiul, Domnitorul, il va pedepsi si inca sa fie blastamat de Dumnezeu si de Precurata Maica si de cei patru evanghelisti si de cei 12 sfinti fruntasi apostoli si de cei 318 sfinti purtatori de Dumnezeu parinti, cari au fost la Nicheia si de toti sfintii. Iar cine ar strica, acesta sa fie blastamat, sa fie asemenea lui Iuda si blastamatului Arie si sa aiba parte cu aceia, cari au strigat contra stapanului Hristos si sangele lui asupra lor si asupra copiilor lor.* (Costăchescu 1932: 690) [And whosoever shall not serve Prince Ilieas in fairness shall be punished by the King, the Lord, and furthermore he shall be cursed by God and by the Holy Virgin and by the four evangelists and by the 12 holy first-called apostles and by the 318 God-bearing fathers of Nicaea and by all the saints. And whoever does wrong shall be cursed to be like Judas and the accursed Arius, and shall share the lot of those who cried against Christ our Lord, and His blood shall be upon them and upon their children.]

<sup>1</sup> Num. 26: 9–10.

(5) **1439a:** donation by the prince to a monastery

*Iar cine ar vrea sa cerce si sa strice aceasta danie a noastra, acesta sa fie blastamat de Domnul Dumnezeu si de Preacurata lui Maica si de cei 12 sfinti fruntasi si apostoli si de patru evanghelisti si de 318 sfinti parinti, cari au fost la Nicheia si sa fie asemenea lui Iuda si blastamatului Arie si sangele lui sa fie asupra lor si asupra copiilor lor si in veacurile fara sfarsit, amin. (Costăchescu 1932: 33) [And whosoever should try and attempt to breach this our donation, may he be cursed by our Lord God and by his Holy Mother and by the 12 first-called apostles and by the four evangelists and by the 318 holy Nicene fathers, and may they be like Judas and the accursed Arius, and his blood shall be upon them and upon their children, from here to eternity, amen.]*

(6) **1439b:** donation by the prince to a monastery

*Iar cine ar strica aceasta danie a noastra si porunca sau ar calca-o, unul ca acela sa fie blastamat de Domnul nostru Isus Hristos si de toti sfintii. (Costăchescu 1932: 40) [And whoever breaks or breaches this our donation and injunction shall be cursed by our Lord Jesus Christ and by all the saints.]*

(7) **1443:** Ștefan cel Mare confirms a previous donation to a monastery

*Iar cine s-ar incerca sa le ia sau sa le strice orice din aceia ce scrie mai sus, acela sa fie blastamat de Domnul Dumnezeu atotitorul, facatorul cerului si pamantului si de Preacurata Nascatoare de Dumnezeu si de cei 12 apostoli si de cei 4 evanghelisti si de cei 318 purtatori de Dumnezeu parinti, asemanandu-se lui Arie cel fara de Dumnezeu, hulitorul sfintei Troite, si sa fie asemenea lui Iuda Iscarioteanul vanzatorul si sa aiba parte cu cei ce au strigat asupra lui Hristos, Domnul nostru si zisera: sangele lui asupra lor si asupra copiilor lor. (Costăchescu 1932: 189) [And whosoever should try to take away or to breach any of the above-written shall be cursed by the Lord our Almighty God, maker of heaven and earth, and by the Holy Mother of God, and by the 12 apostles and by the 4 evangelists and by the 318 God-bearing fathers, and shall be like the godless Arius, who defamed the holy Trinity, and shall be like Judas Iscariot, the traitor, and shall share the lot of those who cried against Jesus our Lord and said (that) his blood would be upon their heads and upon their children's.]*

(8) **1594:** Mihai Viteazul renews a previous document

*Si inca am intarit si am pecetluit acest asezamant al domniei mele, impreuna cu prea sfintitul parintele nostru vladica Mihail si am legat cu mare blestem si cu groaznica afurisanie, ca oricine s-ar ispiți a strica si a le lua, acela sa-i strice dumnezeu trupul lui si in veacul viitor sufletul lui, si sa fie blestemat de 318 sfinti parinti de la Nicheia. (Potra 1961: 81, 82) [And furthermore we (have) reinforced and we (have) sealed this decision of my highness, along with his holiness our metropolitan bishop Mihail, and we have bound it with a great curse and a terrible anathema, so that whoever should try to undo it and take them shall have his body undone by god and his soul undone in the age to come, and shall be cursed by the 318 holy fathers of Nicaea.]*

(9) **1629:** Prince Alexandru confirms ownership of a plot of land

*...pre acela domnul dumnezeu sa-l zdrobeasca aici cu trupul, iar in veacul viitor sufletul lui, si sa fie proclat si anatem, de Tatal si de Fiul si de Sfantul Duh, Troita sfanta de o fiinta si nedespartita, si de 318 sfinti parinti de la Nicheia, si parte sa aiba cu Iuda si cu Aria la un loc. (Potra 1961: 91) [...his body shall be broken by god here in this world, and in the age to come his soul shall be broken, he shall be a traitor and anathema shall be on him, in the name of the Father, the Son and the Holy Ghost, a holy and undivided Trinity, and by the 318 holy fathers of Nicaea, and his lot shall be that of Judas and Arius.]*

(10) **1650:** act issued by the Patriarch of Jerusalem

*...la sfarsenie sa ia cu paganie si la ziua infricosatei judecati sa nu-i fie milostiv dumnezeu, si foc, spuza, vant si vifor sa-i fie partea paharului lui, impreuna cu Iuda si cu Aria si sa dobandeasca*

*bubele lui Gheezi, sa-l bata Dumnezeu ca pe Datan si Aviron, si acestea sa i se intampleze lui a le neneri in valea maicii focului, sa fie afurisit de 318 sfinti parinti de la sabor Nicheii.* (Potra 1961: 107) [...on Doomsday may he be cast aside with the heathens, may god be merciless to him at the last judgment, and may fire, ashes, wind and blizzards be his lot, along with Judas and Arius; may he be plagued, may God strike him as he struck Dathan and Abiron; may all these come upon him in the valley of the mother of fire, may he be anathemised by the 318 holy fathers of the Nicene council.]

(11) **1463:** Stefan cel Mare makes a donation to a monastery

*Iar cine s-ar incerca ca peste aceasta carte a noastra sa se amestice, ori in ce, in hotarul manastiresc, acesta este protivnicul nostru si al cartii noastre si va vedea asupra sa pedeapsa noastra.* (Costăchescu 1933: 46) [And whoever should try to go against this act of ours, and in any way to change the milestones of the monastery, shall be our enemy and the enemy of our act and shall see our punishment come upon him.]

(12) **1670:** Theodosius, Metropolitan Bishop, issues a “curse letter” (an aside on curse letters: these were coercive instruments used in extreme cases in order to prevent perjury; ironically, although they were issued by the church, they came to be prohibited by the same church, on the grounds of being clear instances of “the Lord’s name being taken in vain”).

*Deci cine va sti pentru aceste locuri ce scriu mai sus si cu dreptu le vor marturisi, sa fie ertati si blagosloviti, iar cine le vor sti si le vor tagadui si cu dereptul nu le vor marturisi, unii ca aceia sa fie proclerti, afurisiti, anathema de domnul nostru Is. Hs. si de 318... Nechiia, asijderea sa fie si de vladicia mea; ceriul, pamantul sa sa treaca, fierul, pietrile, leamnele sa sa topeasca si sa putrezeasca, iar trupurile unora ca aceia sa stea intregi, neagre, unflate si nedezlegate dupa moarte in veaci, parte sa aiba cu Iuda si cu Ariia la un loc. Si de casele lor si de bucatele lor sa nu se aleaga ca prahul. Aceasta scriem, intarim, pecetluim. Intr-alt chip nu va fi.* (Potra 1961: 151) [So whoever knows about these things written above and confesses in earnest, may they be forgiven and blessed; and whoever knows and denies them and fails to make true confession, may they be (deemed) traitors and cursed and anathemised by our lord Jesus Christ and by the 318... Nicaea, and by myself the metropolitan bishop; the heaven and earth shall perish, iron, stone and wood shall rot and decay, but may the bodies of such traitors remain whole, black, swollen and forever bound after death, and may they share the lot of Judas and Arius. May their homes and crops turn to less than dust. This we write, reinforce and seal. So be it, and in no way otherwise.]

(13) **1694:** donation by an individual to a monastery

*...s-ar ispiti si ar sparge aceasta danie, unii ca aceia sa fie afurisiti de domnul nostru Is. Hs. si de 318 sfinti parinti de la sabor de la Nichiia si sa aiba parte cu Iuda si cu afurisirul Ariia la un loc.* (Potra 1961: 207) [...(whoever) attempts to breach this donation, may people like those be anathemised by our lord Jesus Christ and by the 318 holy fathers of the Nicene council, and may they share the lot of Judas and of Arius the anathemised.]

(14) **1794:** will

*Iar care din rudele mele au din neamul meu, au din neamul barbatului meu s-ar scula si ar strica si ar stramuta aceasta adevarata diata a mea, si ar face alta suparare, unii ca aceia sa fie neertati, si sa fie sub blestemul sfinților parinti de la Nicheia si sa n-aiba unde veni dupa mine.* (Potra 1961: 589) [And whoever of my relatives or of my husband’s relatives were to come forth and break or change this true will of mine, or cause any other trouble, may people like those be unforgiven, may they come under the curse of the holy fathers of Nicaea, and may they have nowhere to come after me.]

(15) **1797: will**

*Iar oricare va indrazni, ori din partea bisericeasca, ori din partea politiceasca a strica acest diataxis al meu, sa fie supt blestemul celor sapte soboara si la infricosata judecata sa dea seama.* (Potra 1961: 609) [And whoever shall try, either on the church side, or on the political side, to breach this will of mine, may he come under the curse of the seven councils and may they be held accountable on the day of the last judgment.]

**4.2. Suzerainty and faith: an aside on the binding ritual**

“Frequently there was manipulation of physical objects. For example, the transfer of land might involve the symbolic transfer of a clod of dirt from the property in question” (Danet & Bogoch 1994: 101). There used to be a similar Romanian custom described by historians in relation to disputes regarding milestones and boundaries: the so-called judgment “with the ground (literally, ‘furrow’, ‘swath’) on one’s head”, in which the parties covered their heads in dirt when stating their case.

(16) **1433: Prince Ilieas promises King Wladislaw of Poland loyalty and help against his enemies**

*...assumpsimus et pollicemur tacto dominice crucis ligno, obligantes nos, more et adinstar aliorum dominorum ducum katolicorum, consuetudinaria lege fidei ortodoxe ... fideles nos esse attenda constancia.* (Costăchescu 1932: 649) [...we promise, touching the wood of the Lord’s cross, binding ourselves according to the custom and manner of other, Catholic rulers, and according to the customary law of Orthodox faith... to be constantly loyal.]

**4.3. A modern touch: informed consent, free will, witnesses, seals**(17) **1393: Roman, ruler of Moldavia, pledges to accept the suzerainty of King Wladislaw of Poland**

*...de buna voe, de nimene nesilit, ci din bun si intept sfat al slugilor noastre si al panilor nostri credinciosi si cu invoirea intregii Tari a Moldovei, fara nici o sila, am fagaduit si fagaduim si dam inscris vecinic, fagaduind cu credinta si dreptate curata, sa slujim slujba credincioasa si cu copiii nostri, cari sant acuma si vor fi in viitor; si cu boerii nostri si slugile noastre si cu toata Tara Moldovei, neinvinsului Vladislav, din mila lui Dumnezeu, craiu al Poloniei [...] Iar pentru mai mare credinta am poruncit sa se atarne pecetea noastra catra aceasta carte a noastra.* (Costăchescu 1932: 608) [of our own free will, not under duress, but following the good and wise advice of our loyal *pans* and with the consent of the entire country of Moldavia, under no constraint, we promised and we promise and we give perpetual record, promising in faith and untainted justice, to be loyal servants, both we and our children that we have now and those we may have in the future, with our boyars and our servants and the entire country of Moldavia, to Wladislaw the unvanquished, by the grace of God king of Poland [...]. And for greater faith we have ordered our seal to be appended to this act of ours.]

(18) **1433: Prince Ilieas grants trading privileges to the Saxon and Szekely population of Sibiu, Sighisoara, Locrih, Sebes, Sinca, Varhias and Miercurea**

*... sigillum nostrum... iussimus supappendi.* [we have ordered our seal to be appended.]

#### 4.4. Past and present: the blending of tense

This is one characteristic which can be traced back to the earliest records and whose regular re-emergence is probably due to the influence of various languages used for legal purposes (from Latin to Church Slavonic, then French and English).

- (19) **1387:** Petru, ruler of Moldavia, pledges allegiance to Wladislaw, King of Poland

*In nomine dei amen. [...] omagium prestitimus et prestamus [...] promittimus et spondemus* (Costăchescu 1932: 599) [In the name of God, amen. We have brought and we bring homage [...] we have promised and we solemnly promise]

- (20) **1393:** Roman, ruler of Moldavia, pledges to accept the suzerainty of King Wladislaw of Poland

*... am fagaduit si fagaduim [...] Si am fagaduit si fagaduim sa fim cu credinta si sa nu cautam, nici sa avem pe alt domnitor* (Costăchescu 1932: 608) [we promised and we promise [...] And we promised and we promise to be loyal and neither seek, nor have another liege]

- (21) **1395:** Stefan cel Mare and the Moldavian boyars pledge allegiance to King Wladislaw of Poland and promise him help against his enemies

*...am fagaduit si fagaduim iubitului nostru Domn, Craiului Poloniei ... ca vom fi credinciosi* (Costăchescu 1932: 613) [we promised and we promise our beloved Suzerain, the King of Poland... to be faithful]

- (22) **1859:** decree issued by Prince A.I. Cuza

*Am ordonat și ordonăm: Am numit și numim...* [published in the *Official Gazette (Monitorul Oficial* no. 95, 10 August 1859)] [we ordered and we order: we appointed and we appoint]

- (23) **1861:** *Monitorul Oficial* no. 271, 11 December 1861

*am decretat și decretăm* [we decreed and we decree]

#### 4.5. Overt performatives (“operative words”)

- (24) Circa **1444:** Stefan cel Mare makes peace with the population of Brasov

*Nunc, Dei per gratiam, sumus in regno nostro pacifice. Quere Vestre Universitatis petimus Amicicias et Fraternitates...* (Costăchescu 1932: 724) [Now, by the grace of God, we are at peace with you. Therefore we ask of you friendship and fraternity.]

- (25) **1460:** Stefan cel Mare renews a previous donation

*am dat si am intarit* (Costăchescu 1933: 35) [we gave and we reinforced]

- (26) **1463:** Stefan cel Mare makes a donation to a monastery

*dam si intarim* (Costăchescu 1933: 46) [we give and we reinforce]

- (27) **1594:** Mihai Viteazul renews a previous document

*am socotit si am ales* (Potra 1961: 81) [we pondered and we chose]

*am dat si am miluit* (Potra 1961: 81) [we gave and we bestowed]

*asa am tocmit si am dat* (Potra 1961: 82) [thus we settled and we gave]

- (28) **1626:** Prince Alexandru confirms a document  
*Da domnia mea aceasta porunca [...] Am cautat si am judecat dupa dreptate si am adeverit domnia mea* (Potra 1961: 83) [My highness gives this order [...] My highness inquired and judged according to justice and certified]
- (29) **1626:** contract of sale between natural persons  
*si l-am vandut noi de a noastra buna voie* (Potra 1961: 85) [and we sold it of our own free will]
- (30) **1659:** contract of sale between natural persons  
*Adeca eu Rada lui Mihai, fata lui Antonie croitorul ot Bucuresti, scriu si marturisesc...* (Potra 1961: 120) [Namely I, Rada, wife of Mihai, daughter of Antonie the tailor, from Bucharest, write and testify that...]
- (31) **1669:** contract of sale between natural persons  
*Adeca eu Stan ot Bucuresti scris-am si marturisesc cu acesta al meu zapis...* (Potra 1961: 146) [Namely I, Stan from Bucharest, wrote and testify by this deed of mine...]
- (32) **1708:** pledge between natural persons  
*...noi neavand banii ca sa-i dam, ne-am legat cu acest zapis al nostru ca sa-i dam banii da acum intr-un an si am pus zalog pentru acesti bani din locul nostru* (Potra 1961: 244) [...not having money to give him, we bound ourselves by this deed of ours to give him the money in a year's time, and we pledged our plot of land for this money that we owe]
- (33) **1792:** Prince Mihai Constantin Sutu grants privileges to a modern mill  
*...inzestram aceasta fabrica ce noua nascocita iaste intr-aceasta tara, cu cele din jos privileghiuri* (Potra 1961: 567) [...we grant to this mill, which is the first of its kind in our country, the privileges below]
- (34) **1794:** agreement between natural persons concerning land ownership  
*...dau adeverinta mea de incredintare... dau incredintare... adeverez* (Potra 1961: 579) [I testify for assurance... I assure... I certify]
- (35) **1807:** a clerk is given a pension by the prince  
*facem Domnia Mea mila* (Diculescu 1970: 67) [my highness takes pity on...]
- (36) **1819:** a parish priest commissions a carpenter to work on a new church, and the carpenter binds himself to meet the priest's requests  
*Deci ma leg cu tarie printr-acest zapis* (recurrent formula, Potra 1961: 726) [So I strongly bind myself by this deed]
- (37) **1832:** act issued by Paul Kisseleff, President Plenipotentiary of the Assemblies, Aide-de-Champs General  
*J'approuve le contenu des dispositions arrêtés dans le sus-dit procès verbal; en conséquence le Conseil est autorisé à procéder à la mise à exécution.* (M.Of. 1932: 3)
- (38) **1833:** contract between the Council of Bucharest and the butchers' guild  
*ne fagaduim* (Potra 1961: 730) [we promise]  
*ne indatoram* (Potra 1961: 730) [we take it upon ourselves to...]

(39) **1881:** *Monitorul Oficial* no. 15(27), March 1881

*Art. I. România ia titlul de regat. Domnul ei, Carol I, ia, pentru Sine și moștenitorii Sei, titlul de Rege al României* [Romania adopts the title of kingdom. Its ruler, Charles I, adopts for Himself and his heirs the title of King of Romania]

(40) **1887:** trade and navigation treaty between Romania and Turkey

*Art. I. Guvernul imperial otoman declara ca...* (Ionașcu et. al. 1971: 476)

[Art. I. The Imperial Ottoman Government states that...]

*Art. II. Guvernul regal al României declara ca...* (Ionașcu et. al. 1971: 476)

[Art. II. The Royal Government of Romania states that...]

Since the 18<sup>th</sup> century, the Romanian legal jargon has been influenced by Greek, Russian, French, and (currently) EU conventions. In 20<sup>th</sup> century performative formulas, there is a marked preference for the future tense replacing the present (*the law shall enter into force / shall be enacted; the Seller shall forfeit all claims* etc., instead of *enters, is enacted, forfeits*).

## 5. The evolution of blended performative spaces

In curses we can detect the following pattern, consisting of two depictive input spaces and a performative blended space:

- input space 1: depictive, someone breaches some provision of the act
- input space 2: (?depictive), Biblical scenarios of betrayal and subsequent punishment
- generic space: the concept of justice
- the blend: the inputs are projected onto/into a space that enhances the performative potential of the written record (or, in the case of “curse letters”, validates the testimony and allows it to be used as evidence in court)

Binding formulas and the touching of ritual objects (the cross, the sword etc.) fit into the same general pattern:

- input space 1: depictive, a man speaks while touching a wooden or metal object
- input space 2: symbolic, a vassal accepts his (and his country’s) subordinate status by uttering the specific performative formula and making a commitment before God
- the blend: performative, change of status

In the transition to a modern format (involving seals, witnesses, free will, informed consent), we can trace the development of the generic space of “justice (and its administration)” as we know it, by the blending of tenses:

- input space 1: depictive, past tense
- input space 2: depictive, present tense
- the blend: performative

## 6. Conclusion

Reference should be made again to Bache (2005) and Brandt (2005), who warn against excessive recourse to the blending framework. The method developed above does not purport to be incontestable, and the analysis has no claim to infallibility. However, this approach to diachronic data opens new avenues for research: to what extent can blending account for the performativity of current enacting formulas? Is this framework appropriate for investigating other phenomena pertaining to the language of the law? Can translation be viewed as blending? (E.g., in the translation of the *acquis communautaire*: the source and target language / the source and target law systems as input spaces, law as the generic space, etc.). The application of blended space theory to genre analysis would probably yield equally interesting results – or lead to equally challenging questions.

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