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THE PRAGMATIC DIMENSION OF VOICE AND NON-FINITE VERB FORMS IN SPANISH LEGISLATIVE DISCOURSE

Summary. The article offers a pragmalinguistic and syntactic analysis of grammatical voice and non-finite verb forms (infinitive, gerund, and participle) in Spanish legislative discourse. Viewing legislative texts as a highly formalized channel of state-citizen communication, the study examines how morphological and syntactic choices influence the perspectival organization and communicative orientation of legal norms. The empirical base consists of a representative corpus of key Spanish legal documents, including the Spanish Constitution (1978), the Civil Code, the Criminal Code, Organic Laws and various Royal Decrees. This allows the identification of structural patterns across constitutional, civil, criminal, and administrative sub-genres.

The primary focus of this investigation is the linguistic and structural realization of the addresser's institutional identity, which is manifested through two pairs of core pragmatic categories: objectification/subjectification and categoricalness/non-categoricalness. The study addresses the fundamental pragmatic necessity of legislative texts to present information in an objective, depersonalized, and generalized manner, reflecting the nature of the state as a collective author. Through a combination of qualitative, structural-semantic, and text-statistical analysis, the paper examines how the strategic choice between active and passive verbal perspectives alters the cognitive-pragmatic focus of a legal utterance, drawing the addressee's attention to the legal action itself rather than its specific human participants.

Special attention is paid to the functional distribution of passive constructions in the text, highlighting that pronominal passive constructions (*se pasiva*) and participial passive structures appear with the highest frequency in the corpus, whereas resultative passive forms with the auxiliary verb *estar* occupy a limited peripheral position (approximately 5% of analyzed instances). The article demonstrates how placing these passive forms in the sentence-initial position highlights the pragmatic weight of definitions, prohibitions, and legal sanctions. Furthermore, the paper investigates the complex interplay within verbal periphrases, particularly those combining modal verbs like *poder* and *haber de* with non-finite extensions. The analysis reveals that the frequent deployment of the modal verb *poder* in the future indicative tense (prosimpler) functions as a primary stylistic tool to achieve "hidden categorialness" – a pragmatic effect that conveys strict legal obligation and binding force while softening the direct tone of an authoritative command.

Additionally, the research evaluates the pragmatic utility of conjunct and absolute non-finite clauses (infinitive and gerundial phrases), showing that they serve as mobile syntactic substitutes for cumbersome subordinate clauses.

By compressing circumstantial meanings of time, purpose, and condition, these non-finite tools establish a highly condensed, legally precise, and structurally conservative discourse. Ultimately, the article illustrates that the combination of passive voice, modal periphrases, and non-finite structures creates a multilayered pragmatic framework that ensures unambiguous interpretation while maintaining textual economy. The findings of this study offer valuable insights for text linguists, pragmalinguistics experts, legal scholars, professional translators, and legislative drafters seeking to optimize the communicative effectiveness of statutory language.

Key words: Spanish legislative discourse, pragmatic categories, verbal voice, non-finite verb forms, objectification, hidden categorialness, verbal periphrasis, depersonalization.

Problem statement. The communicative-pragmatic study of grammatical categories remains a central issue in contemporary text linguistics, especially in specialized legal discourse. In legislative texts, morphological and syntactic choices are never merely formal; they are directly determined by the addresser's communicative intention, the institutional character of the document, and the need to ensure legal compliance.

A key element of the pragmatic organization of such texts is their perspectival structure, which shapes how a legally binding situation is presented – from the viewpoint of the subject or the object of the action. In Spanish legislative discourse, this perspective is primarily realized through the choice between active and passive voice and the strategic use of non-finite verb forms (infinitive, gerund, and participle). Although Spanish offers considerable syntactic flexibility, the precise mechanisms by which different passive constructions (pronominal *se*-passive versus *ser* + participle) and non-finite clauses interact to create an objective, authoritative, and depersonalized legal environment still require systematic investigation.

The central linguistic problem is the tension between the functional demands of legal norms – which require absolute clarity, completeness, and adherence to Grice's cooperative principles – and the need to mitigate direct subjective commands in order to maintain an objective and universal tone. Legislators must frequently express strict obligations, conditions, or sanctions without introducing emotional coloring or individualizing the actors involved.

While foundational works in Spanish pragmatics have established general frameworks for speech acts and discourse analysis, there remains a noticeable gap in research that integrates voice alter-

nations, non-finite clauses, and verbal periphrases in the realization of such pragmatic categories as objectification and hidden categoricity across various sub-genres of Spanish legislation. Filling this gap is essential not only for a deeper understanding of statutory language but also for improving legal translation and legislative drafting practices.

Purpose of the article. The primary purpose of this study is to explore the functional-pragmatic potential of verbal voice, non-finite verb forms, and modal periphrases within Spanish statutory discourse. Specifically, the article aims to deconstruct how these morphological and syntactic mechanisms operate to establish the pragmatic categories of objectification and hidden categoricity. By analyzing perspective shifts from active to passive forms and the deployment of absolute or conjunct clauses, the research seeks to map the specific linguistic strategies through which the legislator eliminates individual subjectivity, achieves textual condensation, and projects institutional authority.

Analysis of recent research and publications. The communicative-pragmatic study of specialized legal discourse has received considerable attention in contemporary text linguistics. Since legislative texts serve as a highly formalized institutional channel of state authority, scholars have focused on identifying the structural and semantic mechanisms that ensure their precision, objectivity, and binding force.

In the broader field of Spanish pragmatics, foundational contributions were made by Escandell Vidal [1], whose work established key principles of textual perspective and speech acts, providing a solid theoretical basis for the analysis of specialized discourses.

In the domain of legal and legislative Spanish (*el español jurídico*), comprehensive structural and sociolinguistic studies have been conducted by Alcaraz Varó and Hughes [2]. Alcaraz Varó, in particular, emphasizes that legal language relies heavily on prescriptive and highly formulaic syntax to achieve clarity and institutional distance. More recent research, such as that of Pérez Román [3], has further explored these features, highlighting the frequent use of the pronominal passive (*pasiva refleja*) and impersonal constructions as key tools for depersonalization and the maintenance of an objective, authoritative register.

Spanish scholars specializing in legal text typology, including Orts [4] and Borja Albi [5], have stressed the inherently functional nature of statutory grammar. They argue that the syntactic density characteristic of codes, decrees, and constitutional texts is a deliberate pragmatic strategy. In a comparative perspective, Vázquez y del Árbol [6] has examined the phraseological and syntactic features of Spanish procedural and statutory texts, demonstrating how formulaic structures contribute to objectivity and emotional neutrality.

Despite this substantial body of research on Spanish pragmatics and legal phraseology, a significant gap remains in the integrated analysis of how voice alternations (*se pasiva*, *pasiva perifrástica*, and *pasiva de estado*), non-finite clauses, and modal periphrases interact to realize the pragmatic categories of objectification and hidden categoricity in modern Spanish legislation (Constitución Española, Código Civil, Código Penal). The present study aims to address this gap by proposing a dedicated pragmatolinguistic framework.

Presentation of the main material. The communicative and pragmatic organization of a text is intrinsically linked to its perspectival structuring, which reflects the directional orientation of cognitive processing. A dynamic situation formulated in the mind

of the legislative addresser is filtered through an institutional lens and projected from different angles: either from the stance of the active subject or the affected object. Within Spanish statutory discourse, these differences manifest primarily through variations in the distribution of semantic roles across syntactic positions. The choice between active and passive verb forms is directly governed by the addresser's pragmatic intent to highlight the exact fragment of reality that holds the greatest cognitive, legal, and regulatory significance.

The pragmatic goal of legislative texts is to transmit normative instructions while strictly adhering to Grice's cooperative principles, which dictate a clear, unambiguous, coherent, and truthful presentation of facts. To achieve this, legal language operates within two core pairs of pragmatic categories: objectification/subjectification and categoricity/non-categoricity. Spanish statutory texts demonstrate a powerful stylistic gravitation toward objectification, meaning a deliberately detached, impersonal, and generalized delivery of information. This tendency stems from the institutional nature of laws, where the state acts as the ultimate, collective legislator. Every legal rule acts as an abstracted reflection of extensive social complexes rather than individual cases. Consequently, the primary pragmatic trend is the radical exclusion of any personal or highly individualized linguistic units, such as personal pronouns or expressive syntax.

The effect of absolute objectification is predominantly achieved through the deployment of the passive voice, which enables the addresser to omit the human agent completely. The passive functions as an ideal pragmatic vehicle when the author intends to conceal individual subjectivity behind a generalized, indefinite-personal framework dictated by the communicative context. In the modern Spanish legislative corpus, the functional-semantic field of the passive voice comprises pronominal passive constructions (*se pasiva*), participial passives (*ser + participle*), resultative passives (*estar + participle*), and peripheral forms utilizing auxiliary verbs such as *quedar* or *hallarse*.

Quantitative evaluations of the investigated corpus reveal that pronominal (*se*) and participial passive constructions appear with the highest frequency, whereas resultative configurations with *estar* represent a marginal peripheral group, accounting for approximately 5% of the analyzed data. Crucially, all passive structures within Spanish codes are strictly restricted to the third person singular or plural. This structural feature eliminates individual presence, reinforcing the generalized and universal applicability of the legal norm.

In the process of text formulation, the legislative addresser shows a marked preference for pronominal passive constructions (*pasiva refleja*). This choice is motivated by the need to position the action itself as the absolute communicative core of the utterance. By using this structure, the focus is placed entirely on the legal process or event, completely backgrounding its human participants:

"Las leyes penales no se aplicarán a casos distintos de los comprendidos expresamente en ellas" [9, p. 4].

"Los nombramientos se publicarán en el Boletín Oficial del Estado y se comunicarán a los Presidentes de las Audiencias Territoriales" [10, p. 12].

An even greater pragmatic emphasis on the legal action is achieved by shifting the pronominal passive structure to the sentence-initial position. This inversion draws the reader's attention instantly to the legally recognized act or right:

“Se reconoce el derecho a la propiedad privada y a la herencia” [7, p. 14].

Syntactically, the pronominal passive in Spanish legislative texts is subject to strict constraints, operating almost exclusively with inanimate subjects. However, the addresser occasionally introduces agentive or instrumental prepositional phrases (*por...*) into pronominal passive constructions, which deliberately highlights both the legal action and the specific institutional instrument or authority executing it:

“La filiación se acredita por la inscripción en el Registro Civil, por el documento o sentencia, por la presunción de paternidad matrimonial” [8, p. 28].

“Las medidas de seguridad se aplicarán por el Juez o Tribunal” [9, p. 23].

Another highly frequent syntactic device is the use of verbal structures combining a modal auxiliary with a reflexive infinitive form. Within the analyzed legislative data, the modal verb *poder* (to be able to / may) serves as the first component in 85% of such combinations:

“Pero podrán compensarse y renunciarse las pensiones alimenticias atrasadas, y transmitirse a título oneroso o gratuito el derecho de demandarlas” [8, p. 34].

“No podrá ejecutarse pena ni medida de seguridad sino en virtud de sentencia firme dictada por el Juez o Tribunal competente” [9, p. 3].

Placing this passive complex at the absolute beginning of the sentence, coupled with the use of the modal verb *poder* in the future indicative tense (*futuro simple*) used in a timeless sense, establishes a powerful pragmatic layer of implicit obligation. When combined with the negative particle *no*, this structure shifts from a simple statement of potentiality to a strict, indisputable prohibition, creating a highly effective legal barrier.

In contrast, peripheral participial passive constructions (*ser* + *participle*) convey passive meaning with explicit clarity due to the inherent semantic properties of the past participle. The legislator deploys this participial structure when the focus on the action itself is slightly secondary to the subject or object affected by it, especially when the sentence is expanded via an agentive complement:

“Los actos del Rey serán refrendados por el Presidente del Gobierno y, en su caso, por los Ministros competentes” [7, p. 22].

“El militar que no empleare los medios a su alcance para contener la rebelión en las fuerzas de su mando, será castigado con las penas de prisión de dos a cinco años” [9, p. 114].

Furthermore, participial passives frequently utilize the modal verb *poder* to modulate the absolute force of the legal command:

“La acción caducará al año del reconocimiento o desde que cesó el vicio de consentimiento, y podrá ser ejercitada o continuada por los herederos de aquel” [8, p. 31].

The integration of *poder* within these structures generates a pragmatic phenomenon of “hidden categoricalness”. While a direct phrase like *deben ser aplicadas* (must be applied) carries an open, explicit command, the modal variant *pueden ser aplicadas* (may be applied) maintains an objective, non-imperative tone on the surface while structurally carrying the exact same binding legal necessity within the statutory framework. The factual data is thus presented without emotional coloring, ensuring that the collective identity of the institutional addresser remains completely neutral.

Finally, the resultative passive, expressed via the *estar* + *participle* construction, occupies the periphery of the passive field,

appearing in only 5% of cases. Its primary communicative function is to state the permanent result of an action that occurred prior to the timeline of the text, rendering the original agent entirely irrelevant:

“Toda la riqueza del país en sus distintas formas y sea cual fuere su titularidad está subordinada al interés general” [7, p. 39].

When an agentive complement is attached to *estar* + *participle*, the structure shifts closer to the core of the passive field, functioning similarly to a dynamic participial construction while retaining its structural focus on institutional organization:

“Las Cortes Generales representan al pueblo español y están formadas por el Congreso de los Diputados y el Senado” [7, p. 23].

Beyond voice alternations, the modern Spanish legislator relies extensively on non-finite verb forms – infinitives, gerunds, and participles – to compress statutory information, accelerate syntactic flow, and enhance the text’s depersonalized register. Operating as nominal-verbal hybrids, non-finite forms function within both conjunct syntactic positions and absolute clauses, providing a vital tool for textual condensation and communicative economy.

The infinitive is predominantly deployed within prescriptive structures to establish objective conditions, procedural steps, or behavioral boundaries without attributing the action to a specific individual. It frequently appears in independent introductory phrases or syntactically dependent clauses that frame administrative prerequisites:

“Para integrar las aportaciones de las distintas administraciones públicas se podrá crear una Comisión Interadministrativa” [10, p. 45].

By using the objective prepositional construction *para* + infinitive, the addresser defines the functional goal of the legal system while remaining completely detached from the physical executioners of the task.

The gerund acts as a highly specialized instrument for expressing simultaneous actions, internal legal conditions, or structural methods within Spanish codification. Syntactically, it often introduces adverbial modifications that outline how a specific regulation must be practically observed. Pragmatically, the gerund isolates the process from human agency, focusing entirely on the systematic progression of legal procedures:

“El Gobierno regulará la composición y funciones de dicha Comisión, garantizando la participación de las Comunidades Autónomas” [10, p. 16].

In this context, the conjunct gerund *garantizando* functions as a tool for logical elaboration, allowing the legislator to merge secondary administrative duties into a single syntactic block, thus avoiding repetitive structural arrangements.

Participles, especially when organized into absolute participial constructions (*construcciones absolutas de participio*), offer the highest degree of textual condensation available in legal Spanish. Positioned predominantly at the very beginning of a sentence, absolute clauses establish a completed prerequisite that must be fulfilled before the primary legal command becomes active:

“Cumplidos los requisitos exigidos por la ley, el Juez acordará la inscripción correspondiente” [8, p. 54].

The absolute clause *cumplidos los requisitos* functionally replaces a lengthy conditional sentence (such as *cuando se hayan cumplido los requisitos...*), facilitating immediate information processing. From a pragmatic standpoint, this structure completely

eliminates subjective temporal variables, presenting the completed legal fact as a rigid, objective reality.

Finally, the complex interaction between these non-finite units and modal-aspectual verbal periphrases establishes the core of regulatory categoricity. Verbal periphrases such as *haber de* + infinitive, *tener que* + infinitive, and *deber* + infinitive are employed to convey undeniable legal duties, while structures containing *poder* + infinitive modulate the degree of institutional enforcement. These combinations work in tandem to optimize the communicative effectiveness of Spanish legislative discourse, satisfying the complex functional requirements of statutory communication by balancing strict normative dictates with absolute institutional objectivity.

Conclusions. The selection of verbal voice alternations and non-finite forms in Spanish legislative discourse is a deliberate pragmatic strategy designed to maximize objectification and hidden categoricity. By suppressing individual human actors, pronominal passives (*pasiva refleja*) and participial passives project absolute institutional authority and position the legal action as the primary communicative focus.

Concurrently, non-finite forms and absolute participial clauses compress complex conditional and temporal parameters into dense syntactic blocks, accelerating information processing and ensuring textual economy. Finally, the integration of modal verbs within these passive structures allows the legislator to maintain an objective, non-imperative surface tone while preserving the strict binding necessity of the statutory norm.

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Власенко М. Прагмалінгвістичний потенціал дієслівного стану та неособових форм дієслова в іспанському законодавчому дискурсі

Анотація. Статтю присвячено комплексному аналізу функціонально-прагматичного потенціалу дієслівного

стану, неособових форм дієслова та модальних перифраз у сучасному іспанському законодавчому дискурсі. Матеріалом дослідження слугує корпус офіційних нормативно-правових документів Іспанії, зокрема Конституція Іспанії, Цивільний кодекс, Кримінальний кодекс та Королівські декрети. Актуальність дослідження зумовлена необхідністю глибокого вивчення морфосинтаксичних інструментів, що забезпечують прагматичні категорії об'єктивізації, деперсоналізації та прихованої категоричності в інституційному комунікативному просторі.

У роботі встановлено, що вибір граматичних архітектонік автором закону ніколи не є випадковим чи суто традиційним; він підпорядкований прагматичній інтенції репрезентувати державну волю як об'єктивну, позбавлену суб'єктивного чинника дійсності. Головна увага приділяється механізмам реорієнтації пропозиційної перспективи речення шляхом усунення або розмивання фокусу на суб'єкті дії (агенті). Доведено, що прономінальний пасив (*pasiva refleja*) виступає найбільш частотним та ефективним прагматичним засобом, який дозволяє повністю виключити людський фактор і винести саму правову дію або юридичне право у комунікативний центр висловлення. На противагу йому, перифразистичний пасив із дієсловом *ser* використовується тоді, коли адресату важливо зберегти чіткий зв'язок з об'єктом, на який спрямована дія, або розширити конструкцію через інституційні агентивні додатки. Результативні конструкції з дієсловом *estar* займають периферійну позицію та слугують для констатації сталих юридичних станів, які є наслідком попередніх процесів.

Окрему увагу в статті приділено номінативно-дієслівним гібридам – інфінітиву, герундію та дієприкметнику. Встановлено, що неособові форми дієслова функціонують як потужні інструменти синтаксичної компресії та комунікативної економії законодавчого тексту. Абсолютні дієприкметникові звороти, розташовані на початку речення, дозволяють згорнути розлогі підрядні умови чи часу у місткі синтаксичні блоки, що значно прискорює когнітивне сприйняття тексту рецептором права та усуває мовну надмірність. Поєднання пасивних конструкцій із модальними дієсловами (зокрема, *poder*) створює унікальний прагматичний феномен «прихованої категоричності»: на поверхневому рівні текст зберігає нейтральний, неімперативний та об'єктивний тон, проте в межах загальної статутної системи він несе абсолютну юридичну обов'язковість і репрезентує непорушний наказ колективного законодавця. Узагальнено, що взаємодія категорії стану та неособових форм створює збалансоване комунікативне середовище, де чіткість приписів гармонійно поєднується з інституційною нейтральністю.

Ключові слова: іспанський юридичний дискурс, прагмалінгвістика, дієслівний стан, прономінальний пасив, неособові форми дієслова, синтаксична компресія, об'єктивізація, прихована категоричність.

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