

DOI: <https://doi.org/10.18454/RULB.2020.24.4.12>**ТЕМПОРАЛЬНАЯ ХАРАКТЕРИСТИКА ДОГОВОРА КАК ТИПА ТЕКСТА
(НА ПРИМЕРЕ НЕМЕЦКОГО ЯЗЫКА)**

Научная статья

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Аннотация

Статья посвящена одной из важнейших проблем лингвистики текста – проблеме функционирования текстообразующих категорий. На примере немецкоязычного договора рассматривается роль категории темпоральности в создании текста как коммуникативной единицы и глобальной структуры, синтезирующей в себе языковые особенности разных уровней, дается обзор основных лингвистических исследований в данном направлении, выясняются принципы грамматического построения договора как типа текста и его типологические характеристики. Проведенный анализ позволяет определить инвариантные лингвистические признаки текста договора и набор языковых средств разных уровней для их репрезентации, а также отнести текст договора к монотемпоральному типу юридического текста.

Ключевые слова: темпоральность, монотемпоральный, политемпоральный, проспекция, ретроспекция.

**THE TEMPORAL CHARACTERISTICS OF THE CONTRACT AS THE TEXT TYPE
(ON THE EXAMPLE OF GERMAN LANGUAGE)**

Research article

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Abstract

The article is devoted to one of the most important problems of the text linguistics – the problem of functioning of the text-forming categories. On the example of the German contract the role of the temporality category is considered in the creation of the text as a communicative unit and global structure, synthesizing the linguistic features at different levels, an overview of the basic linguistic researches in this direction is given, the principles of grammatical construction of the contract as a text type and its typological characteristics are investigated. The analysis allows to determine the invariant linguistic features of the contract text and a complex of the language means of the different levels for their representation, as well as to refer the contract to the monotemporal type of law text.

Keywords: temporality, monotemporal, polytemporal, prospection, retrospection.

Introduction

The text as an object of linguistic research attracts the attention of scientists in various fields. Interest to this phenomenon can be explained by the fact that the text like the sentence has the status of the language unit, which allows to determine the features of its functioning, the principles of the construction and the typology. One of the important problems in the modern text linguistics is the problem of identifying and describing the text-forming categories. According to many researchers, they can reflect the most significant features of the text and define it as a structure combining the language features of the lexical, morphological and syntactic levels.

Despite the fact that currently there is a sufficient number of scientific works devoted to various categories such as the informativity, the modality, the locality, and the personality, the subject of this article is only one text — forming category, namely, the temporality. The choice of this category is explained by the fact that many scientists in the field of the text linguistics have assigned to it the status of the leading text-forming one.

Interest to the contract as a type text is explained by the desire to take a deeper look at the nature of this type of the legal text, as well as the necessity to study the principles of its grammatical construction in order to determine the typological status of the text-forming category of the temporality.

Discussion

A review of researches on the temporality category shows that it is a rather complex and diverse linguistic phenomenon. There are various points of view of the scientists, most of them, however, are devoted to the study of this category mainly in the literary text.

For example, the outstanding linguist I. R. Galperin considers the temporality category in the text as a triad consisting of a continuum, a retrospection, and a prospection [1, P. 28]. The continuum is represented as a certain sequence of the facts and the events occurring in time and space. By the retrospection, he understands the grammatical category of the text, which refers the recipient to the previous content-factual information. The prospection allows to imagine the connection and the conditionality of the events and the episodes. The recipient can understand the content-conceptual information better, having information about what will happen in the future [2, P. 105-113].

O. I. Moskalskaya notes that "the temporal attribution of an expression is included by modern linguistics to the category of the predicativity and is considered as one of the obligatory features of the sentence" [4, P. 98]. According to her research, in

addition to the grammatical time any expression can contain direct or indirect references to the objective time and place of the events talked about, and the local and temporal attributions form the united «local-temporal axis of the expression» [4, P.112].

In her scientific work on linguistics of the text Z. Y. Turaeva emphasizes that the features of the temporality category cannot be identified at the sentence level, and the structure of the temporal relations can be determined only at the text level. [9, P.88].

Studying the temporality category, L. A. Nozdrina introduces the concept of a temporal grid, which is used for the temporal orientation of the recipient in the text and includes a language means complex of different levels (morphological, syntactical, lexical, word-formative) [5, P.159].

M. N. Levchenko uses such a concept as temporal-local architectonics of the text, and defines the temporality category as a complex of all explicit and implicit indicators of the researched text based on their functional and semantic similarity [3, P. 21].

Considering the temporality category legally, T. L. Tenilova refers it to the special functional category of legal science and practice that can express the beginning, the duration and the end of any legal action, process, norm, condition, event [8, P.13].

G. I. Petrov adds to the temporality category in the law such indicators as dating, duration, recurrence, simultaneity, sequence and succession [6, P. 46].

P. M. Rabinovich highlights in the temporality category such characteristics as the regulation of timeliness, duration or time-limit, regulation of speed or temp [7, P. 20].

The diversity and ambiguity of the researched category shows the absence of the united definition of the temporality category on the text level. The authors of this article offer to understand under the category of temporality the category reflecting objective time in the text and is used for the temporal orientation with the help of the different levels language means [10, P. 36]. In the authors' opinion this definition can be considered as universal, because it is suitable for any text type.

Results

A contract as a type of the law text is closely connected with the temporality category. The time factor is one of those essential elements determining the moment that can lead to the certain legal consequences. The rules for the constructing of this text type require also the obligatory presence of the proper temporal indicators.

Analyzing the text of the contract from the point of view of the functioning of the temporality category, one can identify the main features of this category and a complex of language means representing these features.

As is generally known, the basis of the temporality category on the grammatical level is the tense system presenting in any type of the text. The German contracts contain such tenses as *das Präsens Aktiv*, *das Präsens Passiv*, *das Präsens Stativ*, *das Imperfekt Aktiv*, *das Perfekt Aktiv*, *das Futurum Aktiv*.

The present tense form (*das Präsens*) serves as a statement of the actions having a legal character.

Alle Änderungen oder Ergänzungen dieses Vertrages bedürfen der Schriftform. (Präsens Aktiv)

The past tense form (*das Imperfekt*, *das Perfekt*) is used to indicate the result of an action.

Die Firma..., im weiteren Auftraggeber genannt, und die Firma..., im weiteren Auftragnehmer genannt, haben den vorliegenden Vertrag abgeschlossen. (Perfekt Aktiv)

The future tense form (*das Futurum*) indicates the actions to be performed by the parties of the contract.

Die Verpachter werden den Pächter bei der Aberntung soweit wie möglich und zumutbar mit Rat und Tat unterstützen. (Futurum Aktiv)

Considering such a variety of the tense forms one could conclude at first sight, that the contract text is polytemporal. In the performed research it was found however, that not all of these tense forms are used so often. Many of them appear in the contracts only once or twice. The most commonly used form in this text type is the present tense (*das Präsens*), presenting in approximately equal amounts in both the active and passive voices. This phenomenon indicates that the contract text can be attributed to the monotemporal type of the texts with the present tense (*das Präsens*) as the main form of the narration, which allows for rare polytemporal inclusions.

In addition to the tense form, one of the important features of the temporality category in the contract text can be the temporal indicators, expressed by the autosemantic and synsemantic adverbial modifiers of time. The autosemantic adverbial modifiers of time do not need to rely on the pretext and have absolute meaning. The synsemantic adverbial modifiers of time have only relational meaning. They represent time relative to a given point and cannot be understood outside of this relation [4, P. 115].

The temporal indicators in the contract text can be used to fix the time range – a period of time having its beginning, duration, course and end.

In the German contracts time is used to indicate:

- date of signing (conclusion) of the contract;
- effective date (moment) of the contract;
- date (moment) of termination of the contract;
- period of completion of the contract;
- duration of the contract provisions;
- frequency of fulfillment of the terms of the contract.

The temporal markers in the contract texts can also be the words expressed by nouns (*die Verzögerung*, *die Erfüllungsfrist*, *das Versanddatum*, *der Versandtermin*, *die Rechtzeitigkeit*); adjectives (*wöchentlich*, *nicht termingerecht*); verb (*sich verlängern*); participle (*verzögert*); phrases (*für die gesamte Vertragsdauer*, *der Zeitpunkt der Unterzeichnung des vorliegenden Vertrags*).

As mentioned above the phenomena of the retrospection and the prospection as violations of the temporal continuum are closely connected with the temporality category. It is worth mentioning that the contract text is completely unusual for the

retrospective violations of the temporal continuum. There are no references to the past or retrospective digressions here. This is due to the fact that the contract involves an agreement between two or more parties on the occurrence of the civil relations for the current or upcoming period. As for violations in the form of the prospection, they are present in a small number, most often in the section "Terms of the contract", where you need to know what expects one of the contracting parties in case of a violation or non-fulfillment of a particular clause of the contract. Legally these are the so-called hypothetical and dispositive rules of the law, which are the regulator of legal relations. The prospective digressions are expressed by the subordinate clauses of the condition and have a virtual character. And the present tense (*das Präsens*) is the tense form for the realization of the prospection in German.

Conclusion

Thus, the performed analysis of the temporality category in the contract text allows us to determine its role in the creation of this text type and the features of its functioning. Having certain characteristics, it is able to identify the invariant linguistic features, as well as the language means representing them, and form by that the given type of the text as monotemporal.

Конфликт интересов

Не указан.

Conflict of Interest

None declared.

Список литературы / References

1. Гальперин И. Р. Членимость текста / И. Р. Гальперин // Сборник научных трудов Московского государственного педагогического института иностранных языков имени М. Тореза. – 1978. – №125. – С. 26–35.
2. Гальперин И. Р. Текст как объект лингвистического исследования / И. Р. Гальперин // – М.: Издательство «Наука», 1981. – 140 с.
3. Левченко М. Н. Темпорально-локальная архитектура художественных текстов различных жанров / М. Н. Левченко // – М.: Издательство «Народный учитель», МГОУ, 2003. – 391 с.
4. Москальская О. И. Грамматика текста / О. И. Москальская // – М.: Издательство «Высшая школа», 1981. – 184 с.
5. Ноздрин Л. А. Взаимодействие грамматических категорий в художественном тексте: дис. ... доктора филол. наук: 10.02.19, 10.02.04 / Ноздрин Людмила Александровна. – Москва, 1997. – 475 с.
6. Петров Г. И. Фактор времени в советском праве / Г. И. Петров // Правоведение. – 1982. – № 6. – С. 46 – 52.
7. Рабинович П. М. Время в правовом регулировании (философско-юридические аспекты) / П. М. Рабинович // Правоведение. – 1990. – № 3. – С. 19–27.
8. Тенилова Т. Л. Время в праве: дис. ... канд. юрид. наук: 12.00.01 / Тенилова Татьяна Львовна. – Нижний Новгород, 1999. – 210 с.
9. Тураева З. Я. Лингвистика текста. (Текст: структура и семантика) / З. Я. Тураева // – М.: Просвещение, 1986. – 127 с.
10. Широкова Л. П. Юридические тексты: опыт грамматико-типологического исследования (на примере немецкого и русского языков): дис. ... канд. филол. наук: 10.02.20 : защищена 13.04.2007 : утв. 19.10.2007 / Широкова Любовь Павловна. – Москва: МГОУ, 2007. – 177 с.

Список литературы на английском / References in English

1. Galperin I. R. Chlenimost' teksta [Segmentation in the text] / I. R. Galperin // Sbornik nauchnykh trudov Moskovskogo gosudarstvennogo pedagogicheskogo instituta inostrannykh jazykov imeni M. Toreza [Collection of scientific works of the Moscow State Pedagogical Institute of Foreign Languages named after M. Torez]. – 1978. – № 125. – P. 26–35. [in Russian]
2. Galperin I. R. Tekst kak objekt lingvisticheskogo issledovaniya [Text as an object of the linguistic research] / I. R. Galperin // – М.: Izdatelstvo «Nauka», 1981. – 140 p. [in Russian]
3. Levchenko M. N. Temporalno-lokalnaja arhitektonika hudozhestvennykh tekstov razlichnykh zhanrov [Temporal-local architectonics of the literary texts of various genres] / M. N. Levchenko // – М.: Izdatelstvo «Narodnyj uchitel'», MGOU, 2003. – 391 p. [in Russian]
4. Moskalskaja O. I. Grammatika teksta [Grammar of the text] / O. I. Moskalskaja // – М.: Izdatelstvo «Vysshaja shkola», 1981. – 184 p. [in Russian]
5. Nozdrina L. A. Vzaimodejstvie grammaticheskikh kategorij v hudozhestvennom tekste [Interaction of the grammatical categories in the literary text]: dis. ... of PhD in Philology: 10.02.19, 10.02.04 / Nozdrina Ljudmila Alexandrovna. – Moskva, 1997. – 475 p. [in Russian]
6. Petrov G. I. Faktor vremeni v sovetskom prave [Time factor in the Soviet law] / G. I. Petrov // Pravovedenie [Jurisprudence]. – 1982. – № 6. – P. 46 – 52. [in Russian]
7. Rabinovich P. M. Vremja v pravovom regulirovanii (filosofsko-juridicheskie aspekty) [Time in the legal regulation (philosophical and legal aspects)] / P. M. Rabinovich // Pravovedenie [Jurisprudence]. – 1990. – № 3. – P. 19–27. [in Russian]
8. Tenilova T. L. Vremja v prave [Time in law]: dis. ... of PhD in Jurisprudence: 12.00.01 / Tenilova Tatjana Lvovna. – Nizhnij Novgorod, 1999. – 210 p. [in Russian]
9. Turaeva Z. Y. Lingvistika teksta. (Tekst: struktura i semantika) [Linguistics of the text. (Text: structure and semantics)] / Z. Y. Turaeva // – М.: Izdatelstvo «Prosveshhenie», 1986. – 127 p. [in Russian]
10. Shirobokova L. P. Juridicheskie teksty: opyt grammatiko-tipologicheskogo issledovaniya (na primere nemeckogo i russkogo jazykov) [Law texts: the experience of the grammatical and typological research (on the example of German and Russian languages)]: dis. ... of PhD in Philology: 10.02.20: defense of the thesis 13.04.07 : approved 19.10.07 / Shirobokova Ljubov Pavlovna / – Moscow: MGOU, 2007. – 177 p. [in Russian]