



## Discourses Related to the Activities of Local Offices in the 16th—18th Centuries (The Case of Upper Silesia)

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**ABSTRACT:** A method of discursive analysis of archival official texts offers a comprehensive view of historical material, much more in-depth than stylistic analyses. The subject of this description are Polish-language official records created in Upper Silesia between the 16th and 18th centuries, illustrating a certain stage of the formation of institutional legal discourse, present in the Polish communicative space since the Middle Ages. The surviving collections represent various types of discourse, determined by the intentions of the people approaching the office and by the role assumed by the institutional entity both in a specific event and in the formulation of a legal

written document. The article outlines the two most common discourses in the collections studied: 1. the chancery discourse, that was aimed to produce documentation that would ensure the approaching parties the right to dispose of property in accordance with the established agreements and financial transaction; 2. the judicial discourse, that involved resolving disputes between community members and ensuring public order. The written forms documenting the actions of the court served a mainly informative and reporting function, and their role was extremely important in the current legal system, as they formed the basis for possible appeal proceedings.

**KEYWORDS:** history of language, Upper Silesia, official communication, chancery discourse, judicial discourse.

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**CONFLICT OF INTEREST STATEMENT:** The author declares that there were no conflicts of interest in this study.

**AUTHOR'S CONTRIBUTION:** The author assumes sole responsibility for: preparing the research concept of the article, the way it is presented, developing the method, collecting and analyzing data, formulating conclusions, and editing the final version of the manuscript.

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## 1. Introduction

Historical texts created as part of legal and administrative activities have often been the subject of analyses conducted from various research perspectives. Relatively the most attention has been devoted to the development of legal terminology [Zajda 2001, Lizisowa 1995, Szczepankowska 2004], with somewhat less focus on stylistic and genre determinants. The selective nature of diachronic stylistic analyses was due to the assumption that official texts follow pre-imposed patterns, reproduced over a long period of time, and therefore do not constitute very interesting research material for a processual description of linguistic phenomena. In synthesising studies, it is noted that a characteristic of the official style is the templated and schematic nature of linguistic structures, determined on one hand by legal requirements of unambiguity and clarity of the text, and on the other hand—by the repetitiveness and formalisation of legal actions [Wojtak 1993, Malinowska 2013]. The fact that texts created as part of legal and official activities are often based on fixed structural and syntactic templates, and are based on a large number of petrified phrases and formulaic elements, as well as precise, albeit complex, syntactic construction, results from the adoption of specific legal models, and the genesis of this phenomenon should be sought in the Middle Ages. The institutional frameworks introduced at that time were reflected in linguistic behaviours, repeatedly replicated in formalised legal actions. Official statements were later transformed in connection with the development of forms of linguistic expression and socio-civilizational changes. The fact that from the dawn of time official communication was strongly rooted in the framework of European statutory law, adopting not only the legal-administrative structure of governance, but also patterns of constructing written texts, made the research perspective of this area of human activity exceptionally extensive, covering several hundred years. For a researcher of linguistic past, it is particularly important to identify the constitutive factors for this type of communication and their manifestation in preserved sources.

## 2. Archival official records as a research subject

Valuable research material in the field of official communication includes archival municipal and court records, which allow for the reconstruction of situations related to the application of law, as well as the analysis of the principles of creating texts that reflect this activity. The maintenance of official documentation was a requirement stemming from the regulations of European locational law, which governed both urban and rural communities in the Polish (and more broadly, European) cultural area. During the Middle Ages, Latin (and to a much lesser extent, German) was the language of law, but from the 16th century

onwards, Polish gradually began to take over this role. The change in linguistic code was very slow, however, the creation of documents was associated with the transposition of Latin patterns, both in terms of formal structure and linguistic constructions used.

Archival municipal and court records illustrate the activities of institutions in former local communities. The members of these communities were subject to the action of the law both in the personal dimension (regulation of property, family and guardianship relations) and in the social dimension (observance of the rules of social order and legal protection against dishonest and criminal actions). The activities of the local authorities were necessary to carry out legal regulations between members of the local communities and to adjudicate disputes and punish offences against the existing order.

Manuscript Polish-language records from various local communities in the Middle Polish period have been the subject of research from different perspectives: traditional historical-linguistic [e.g., Kowalska 1986, Kuryłowicz 2005], sociolinguistic [Wiśniewska 1983, Kość 1993, Siuciak 2017], pragmalinguistic [Wyderka 1991, Hawrysz 2003], and the stylistic one [Wiśniewska 1977]. Undertaking more comprehensive research is fostered by the increasing publication of archival manuscript materials in the form of critical editions—this includes sources produced in Upper Silesia.<sup>1</sup> The archives made available in book form have become the basis for a monographic study on official communication in this region [Siuciak 2024].

It should be emphasised that the study of Polish legal and official discourse is often hampered by the fact that in many municipal chancelleries until the 19th century Latin was the official language and Polish appeared in an auxiliary function [Nawrocki 1998]. In Upper Silesia, especially in its western part bordering on Lesser Poland, the situation was somewhat different, as from the end of the 15th century Czech was becoming the language of official records,

1 Over the past thirty years, five large collections of such documentation have been published, as well as several pamphlet editions. These are, in order of publication: *Protokolarz miasta Woźnik*, ed. Ludwik Musioł, Stanisław Rospond, Wrocław 1972; *Akta miejskie Tarnowskich Gór od końca XVI wieku do roku 1740*, ed. Alina Kowalska, Katowice 1993; *Protokolarz albo „czerwona księga” Mysłowic*, ed. Alina Kowalska, Antoni Piwowarczyk, Antoni Barciak, Mysłowice 2002; *Protokolarz miasta Woźniki. 1598–1623*, oprac. Bernard Szczech, Woźniki 2002; *Protokolarz miasta Woźniki. 1624–1638*, oprac. Bernard Szczech, Woźniki 2002; *Transliteracja grafemiczna „Księgi protokołów sądu wójtowskiego miasta Opola z lat 1698–1721”*, oprac. Stanisław Borawski, Ilpo Tapani Piirainen, Astrid Dormann-Sellinghoff, Wrocław 2003; *Księgi sądowe wiejskie z Chorzowa i Dębu z lat 1534–1804*, ed. Zdzisław Jedynek, Andrzej Sośnierz, Chorzów 2015. This article utilises only three of the listed publications as exemplificatory material.

replaced by Polish from the middle of the following century. Thus, a partial emancipation of Slavonic languages in the official function, at the expense of Latin and German, is evident in the Upper Silesian chancery collections. This phenomenon does not apply to all sources produced in the area, but is significant enough to treat the preserved collections as specimens of the type of discourse in question, produced in the Polish communicative space.<sup>2</sup>

### 3. Basis for discursive differentiation of local official documentation

The overarching interpretative plane for the Upper Silesian archival collections is determined by the fact that they were created within the framework of an institutional discourse, implemented in a system of power and social subordination, requiring specific forms of linguistic contact. Adopting a discursive perspective in the analysis of historical materials seems more advantageous than a stylistic analysis, which typically focuses on identifying stylistic markers that are most typical and distinctive of a given domain of linguistic activity from other functional styles. As a rule, the stylistic approach tends to simplify and expose elements that are constant and repeatable in the long term, which, among other things, has led to the established opinion that official style is extremely stable [Skubalanka 1984: 181–186]. The change of research perspective—from stylistic to discoursological—provides an opportunity to step out of certain patterns of thought and interpretation and, above all, fosters a more complete diachronic description. By linking texts more closely to the intentions of the senders and the function of the messages in the social dimension, smaller discursive spaces can be singled out within the broadly conceived sphere of official communication (and more broadly the sphere related to the application of law).

The peculiarity of medieval Poland's chancery books is their multifunctionality and the lack of a clear separation of the sphere of court and office activities (as these institutions are understood today). In the former legal and political reality, both town councils as well as village and lower town courts combined administrative, service, documentary, arbitration, penal-judicial, and other activities. This was often due to the fact that in smaller towns there was only one institution organising the legal and social life of the subordinate community. Consequently, terms such as *office* and *court* did not define the scope of

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2 Despite the loss of the formal connection of Silesia with the Polish state in the 14th century, the influence of the Polish model of official communication was quite strong in the border areas. Czech or German influences were mainly marked at the lexical level, but their share is not significant enough to cause communication disruption.

institutional activities,<sup>3</sup> and the overlapping of their competences is evidenced by the contents of the Upper Silesian collections, in which entries registering legal and ownership changes are mixed with documentation of citizens' complaints and judgments formulated by local authorities. The discursive differentiation marked in the collections in question is thus revealed at the textual level, i.e. the structure of entries implementing certain patterns based on speech acts obligatory for legal statements.

The external framework of the discourses reflected in the official collections is determined by pragmatic goals, arising from the roles of the institutional entity and the intentions of the members of the local communities reporting to the office. It even seems that the second point is paramount, as it is the expectations of citizens towards the institution that determine the official actions that will be carried out. For example, if the citizen's goal was to validate and enter into the official books transactions that had already been carried out, e.g. a purchase-sale, a donation or a will of a dying person expressed in the presence of witnesses, then the institutional entity undertook actions to legalise the legal acts and thus introduce changes in the legal and social reality. The documentation produced by the office determined the current legal state of affairs, which is why due to the primary role of written texts I propose to call this type of discourse chancery one. The situation was fundamentally different when members of the community approached the institution to adjudicate a dispute, to assert their rights in the name of justice. Then the institutional entity assumed the role of an arbitrator defined by the act of judging and issuing a verdict, with a wider social impact. Due to the roles of participants imposed in this discourse and the pragmatic functions of speech, it can be classified as judicial discourse.<sup>4</sup> Therefore, in order to identify the basis of communicative practices and linguistic rituals reproduced and at the same time modified throughout history, texts realised within the two types of discourse mentioned above should be analysed separately.

#### 4. Chancery discourse

Most of the entries recorded in the archival collections relate to the regulation of property relations, i.e. to such legal deeds that registered changes or approved

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3 This view is confirmed by legislative texts from the 18th century, in which the terms *court* and *office* were used interchangeably in some cases [Szczepankowska 2004: 198].

4 The notion of *judicial discourse* has been popularised by Irena Szczepankowska, who distinguishes several functional types in the widely understood legal discourse: a) legislative discourse—implemented in acts of lawmaking; b) judicial discourse—used in the investigation and trial process; c) administrative discourse—including all extra-judicial official actions; d) legal-related discourses—legal, scientific, media and others [Szczepankowska 2016: 14–15].

the facts of ownership, and these deeds were always based on declarations made by the parties concerned in the presence of institutional representatives. Therefore, initially, chancery entries usually took the form of accounts of official events, e.g.:<sup>5</sup>

My często mianowany burmistrz a rada znamo czyniemy i księgami naszymi protestujemy<sup>6</sup> że **jest przedstąpił przed nas uczciwy obywatel nasz Grygier Syguda** stary, dobrym a czyrstwym umysłem **wyznał jest**, że z dobrej woli swojej **darował zagrodę** własną z dziedzictwa sprawiedliwie nabytą wiecznemi czasy, która leży na kwarcie bliżej nad Podstawym, wedle Wojskowej roli z jednej a wedle Morawcowej z drugiej strony, **Annie wnuczce swojej** córce Bartosza Kiszki, któreż to zagrody **będzie miała moc a prawo przereczona Anna używać** takowej zagrody dziedzicznym obyczajem, jako swej własnej dać darować, zamienić, zostawić bez wszelakiej przekazki<sup>7</sup> jednego każdego, tylko **powinna będzie** od niej płać po 3 grosze [...]. [Woźn: 74]

The entire entry was constructed from the position of an institutional entity, revealing itself in the first sentence, which served not only to emphasise its participation in the event, but above all to give the statement a character of legalism. The legal essence of the entry is reduced to speech acts expressed by performative verbs: *wyznał jest* 'declared' *że darował* the expression of which resulted in the transfer of rights to the real property covered by the deed.<sup>8</sup> The final seal of the expressed change is the directive formula pronounced by the institutional actor *będzie miała moc a prawo*, projecting the legal state of affairs in force from now on (i.e. from the date of the entry).

A chancery entry—even though it is always part of a larger collection (a book kept continuously)—can be treated as a legal document, because in illiterate local communities it served just such a function. The medieval official books

5 The spelling of quoted source material has been modernised, and there is also interference from the author of the article with any bold type and underlining introduced to highlight key textual elements.

6 *protestować*—in the sense of 'to announce, declare, indicate'.

7 *przekazka* 'obstacle', Czech: *překážka*.

8 A new legal reality concerning a particular person and the individuals connected to them with family or material ties is created by the expression of the sender's intention, and this function is performed by *explicit performatives* (a category taken from John L. Austin's theory of performatives), i.e. verbs denoting actions occurring with speech [Grodziński 1980: 50–55]. The presence of performatives naming legal actions is an essential element of any document [Grodziński 1980: 60].

recording legal and property changes between community members were often the only repository of the legal deeds contained, as the documents issued by the office could have been destroyed [Nawrocki 1998: 61].<sup>9</sup> Due to the legal-social importance of chancery entries, most of them reconstructed the situation of the notification/termination of a legal deed in quite a detailed manner, indicating the witnesses of the event and the involvement of the institutional entity, clarified the relations between the participants in the deed, often described in detail the topographical location of the real property that was the subject of the transaction/inheritance/donation.

The records kept by the office secured the rights of the participants in the deeds made to dispose of the real property, so the entries had to contain the most relevant formulas emphasising the participation of the institution. However, the evolution of this genre involved gradually reducing the textual presence of the institutional entity, while bringing to the forefront the legal deed itself and its subjects, for example:

Roku 1657 dnia 21 Septembris w Swobodnem Mieście na Górach Tarnowskich **stał się kup doskonały, cały, w niczym czasy potomnemi nienaruszony między szlachetnem a nauczonem panem Pawłem Ochmanem**, na ten czas Pisarzem miejskim tychże Gór Tarnowskich z jednej, **a panią Marianną Machnerową** z pozwolenim małżonka jej Jerzego Machnera z strony drugiej, na niżej opisany sposób. Mając **pani Marianna Machnerowa domek** swój własny, który po Rodzicach jej... przypadł... który z dobrym rozmysłem **panu Pawłowi Ochmanowi**, Erbom<sup>10</sup> i Potomkom jego odsprzedała za czterdzieści talarów śląskich. Którąż to opisaną sumę pieniędzy przy prezentowaniu tegoż kupu Sławnemu Urzędowi Radzieckiemu chnet do rąk swoich na Ratuszu przyjęła i odebrała. I **cesią**<sup>11</sup> podług zwyczaju z tegoż odprzedanego domu Panu kupicielowi zaraz uczyniła. Z którem kupionem domem i ogrodem Pan kupiciel, Erbowie i potomcy jego, ma moc i Prawo uczynić podle lubości swej [...]. [TarnG: 250]

9 Although the local offices issued documents to interested parties, the extent of this practice is not known today, nor is the content of these letters themselves. It is therefore impossible to determine whether it was identical to the entry in the books or whether it was cumulated to the most important elements of the legal act. It should be noted that in illiterate local communities, chancery books played a primary role in securing the property rights of the inhabitants [Nawrocki 1998: 61].

10 *erb* 'heir', German: *Erbe*.

11 *cesja* 'resignation, waiver', Latin: *cessio*.

Such a constructed chancery entry only appears to be reportorial in nature. Its essence is not the description of successive official events, but rather the indication of a new legal reality concerning changes in real property ownership. The signal of the performed legal deed is the prominent predicative phrase<sup>12</sup> *stał się kup* with clearly identified transaction participants. The institutional illocutionary power of this deed is reinforced with value-laden adjectives (*cały, doskonały*), which emphasise the legality, and the formula referring to the future *w niczym czasy potomnemi nienaruszony*, confirms the effectiveness of the legal deed. In the next textual segment introduced by the construction *na niżej opisany*, there follows elaborating and detailing of the terms of the transaction, delineated by verbs, of which the performative verbs are the most relevant for this deed: *odsprzedała* (it expresses the essence of the legal deed performed), *cesję uczyniła* (it introduces a change in the legal relationship in terms of ownership), between them there is also information about the financial settlement of the transaction. The final act, in which the operation of the institution is noted, is the sanctioning of the change of ownership by means of the directive formula *ma moc i Prawo uczynić podle lubości swej*. It is noteworthy that the text is a closed unit in the structure of the entire collection, with a clearly marked delimitation frame and numerous exponents of coherence between individual constituent sentences. The sentences' connecting function is performed by the pronoun *który* and the lexical indicators of reference to the already mentioned elements: *tegoż kupu, z tegoż odsprzedanego domu, którąż to opisaną sumę*.

In both entries cited, legal deeds involving a change of ownership were expressed with performative verbs (*odsprzedać, cesję uczynić, darować*)—it is them that determine the genre varieties of the chancery entry, which have developed into such contemporary forms as the contract of sale, or deed of donation. The range of legal acts was quite wide in the chancery collections, and the type of legal act could be indicated by metatextual terms such as *zmowa* 'contract', *ugoda, postanowienie, odewzdanie // odewzdawek* 'transfer of ownership', *wyrzeczenie* 'waiver of all claims', *kupienie // kup, przedanie, kontrakt, umowa ślubna, testament*. Most of them have specialised in the course of development into stabilised forms, which are sometimes treated by researchers as independent genres [Malinowska 2001] or as genre variants of the notarial deed containing a number of elements describing the situation in which the legal act was terminated [Dunin-Dudkowska 2010].<sup>13</sup> The non-obligatory but quite frequent use

12 The phrases (sentences) *stał się kup // targ, stała się zmowa // umowa* are performative in that they report a change made in the legal and social reality.

13 Anna Dunin-Dudkowska believes that the contemporary notarial deed, as a genre of expression characterised by a peculiar, schematic structure and a clearly defined pragmatic goal,



of metatextual terms in Middle Polish collections indicates, on the one hand, the reflection and discursive awareness of those making the entry, and, on the other hand, the repetitive nature of official acts that can be put into ready-made structural and naming templates.

### 5. Judicial discourse

The communication situation reflected in the court reports may initially appear to be similar to that which was recorded in the chancery entries. The similarity boiled down to the fact that someone approached the office with a case at a certain time and place. However, what distinguished the communication situation embedded in the judicial discourse was the expectations of the petitioner from the institution, and these boiled down to obtaining a resolution of a dispute with another member of the community in the name of the law and the principle of justice. It was the citizen's intentions that projected the functions and ritual behaviour of the various participants in the court proceedings: the person filing the case always acted in the role of the complainant, demanding some action from the defendant (e.g. repayment of a debt, compensation for material or moral losses suffered, cessation of illegal actions, apology, etc.). In such a sender-receiver arrangement, the institutional entity acted as a mediator, who, by the power of law, summoned the accused to appear before the court and express their stance, wielding the coercive means at its disposal as an authority. On the other hand, by assuming the role of an arbitrator assigned to it within the prevailing legal system, the entity became the recipient of the parties' statements in the proceedings. After hearing them, the institutional entity transformed into the most crucial issuing authority in the entire event by formulating a verdict. This verdict obliged the participants in the proceedings to engage in specific behaviours, enforced through legal sanctions. Therefore, the arrangement of roles was inherently determined by the relationship between the authority and its subordinate disputing parties, who were required to comply with its arbitrary decisions.

The analysis of Upper Silesian sources has shown that the type of discourse associated with adjudicating contentious situations and enforcing prevailing legal-ethical norms was already established in the 16th century. Its institutional framework was defined by medieval municipal law, which not only regulated social coexistence norms through legal provisions but also set out the principles for conducting court cases according to a specific scheme, in which all

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can include various types of legal action (e.g. contract, declaration, power of attorney, or will), which take the form of genre sub-varieties [Dunin-Dudkowska 2010: 91].

participants were assigned strictly defined roles. The procedural communication situation was later reflected in the recorded accounts (minutes), which were constructed according to accepted models containing obligatory textual elements.

Important roles, both at the level of the procedural situation and in the written text, were played by speech acts expressed through predicates that marked the successive phases of the trial. Both the verbs themselves, as well as the procedural actions and roles of individual subjects derived from them, had Slavic provenance, as they were adopted from ancient customary law [Kość 2012]. In Upper Silesian collections, practically until the end of the 18th century, Old Polish names of litigation parties were used, formed from the verbs *żałować* ‘sue’, *obżalować* ‘accuse’, sometimes with corresponding Latin equivalents:<sup>14</sup> *żałobnik* // *żałobnica* ‘complainant’—*actor* // *actrix*, *obżalowany* // *obżalowana* ‘defendant’—*reus* // *rea*. The names of participants in court actions played an important role in the written text as entities setting the syntactic structure, e.g.:

Żaluje Jan Kabat na miejscu<sup>15</sup> Antoniego Ficentego na Jerzego Waidlera, że z okazji Gołębi łajał Żalobnika za Szelmę<sup>16</sup> w przytomności Mistrzów i Towarzyszów. **Reus** odpowiada, że go Żalobnik uderzył w twarz, a potem z drugim za nim pobiegł, a tak mu **Obżalowany** rzekł: nie mam cię za cnotliwego póki się ze mną nie zgodzisz. [Opole: 187]

The fundamental speech act for initiating procedural actions, expressed by the verb *żałować* was an obligatory component of any judicial accounts. Following this, subsequent steps were determined by the adjudicating authority, which directed the entire hearing: it summoned statements from the parties involved in the proceedings, called witnesses, could adjourn the hearing for valid reasons, and ultimately formulated the verdict. However, the recorded accounts do not reflect all the procedural events, but indicate the three most essential components of the trial, referred to in court proceedings by the terms given in brackets: the complaint (*żałoba*)—the defendant’s response (*odpór*)—the court’s ruling (*nauczenie, wypowiedź, dekret*). In the description of the case, these elements were usually appropriately distinguished by the speech actions of the main litigants, for example:

14 An intensification of the use of Latin terms is noticeable from the mid-17th century onwards, which is linked both to the secondary (partial) Latinisation of official statements and to the phenomenon of macaronisation, common in Polish writing at that time.

15 *na miejscu* ‘as a substitute, as a legal representative.’

16 *łajać za szelmę* ‘to scold someone, to call someone a pest, a bad person.’

Andrzej Brąmisz contra Francowi Brąmiszowi

**Actor żałuje** o 20 talarów długu podle Reversu d. d. 19 Marty przeszłego 1699 roku za Ojczyznę<sup>17</sup> jemu od **obżałowanego** powinowatego.

**Reus zna się**<sup>18</sup> do takowego długu, tylko prosi, aby podle Saskiego Prawa zachowany był, a firstu<sup>19</sup> jemu udzielono.

#### **Nauczenie**

Poniewadz się **obżałowany** do długu zna, a terminom przejść dał, **tedy mu się nakazuje**, aby w Mniejszym Saskim firście, id Est w 6 Niedzielach, a 3 dniach żalobnika należycie uspokoił, a podle zapisania swego jemu zadości uczynił. [TarnG: 54]

The tripartite structure of the minutes was determined by successive speech acts uttered by the litigants (*żałuje*, *zna się*) and the institutional entity (*tedy mu się nakazuje*, *aby...*). The tangible result of the procedural actions was a court ruling with official effect on the conflicting parties (by means of a clearly formulated injunction, the ruling influenced their future conduct). As an overarching directive act, the ruling was identified not only by means of the relevant verbal units, but also by other formulative or nominative signals (*nauczenie*, *wypowiedź*, *dekret*). These were not obligatory, but were used quite frequently. In many cases, the ruling of the judicial authority was opened with constructions referring to the statements of the litigants, and their intention was to emphasise that the case had been dealt with fairly, in accordance with all procedures, and that the verdict had been formulated after reviewing all the testimony and evidence [Hawrysz 2003: 145]. Often, the court's rulings were opened with extensive recapitulation of testimonies, but they could also be limited to standard formulations referring to earlier procedural steps, for example., e.g.:

**Zrozumiawszy Żalobę i Odpór cokolwiek od stron przedłożono było** i widząc, że te wszystkie kłopoty ze samej krewkości poszły, które ze sobą mieli i tak jeden drugiemu zgoła równych słów nadał, **tak się Stronom nakazuje**, żeby jedna drugiej odpros<sup>20</sup> uczyniwszy, za cnotliwe się zeznały, takowych kłopotów się wystrzegaly, żeby potym ostrego karania uszły.

The descriptions of court cases recorded in the old official books are carefully drafted, highly structured in terms of syntax, demonstrating the important

17 *ojczyzna* 'patrimony, inheritance from a father.'

18 *znać się* 'to admit'.

19 *First*—German: 'postponement of the deadline.'

20 *uczynić odpros* 'apologise', Czech: *odpros* 'apology'.

role of the court writers in transforming the oral statements of the participants in the trial into a coherent document-like text that could later be used in appeal proceedings. Attention is also drawn to the maintenance of the rigour of the official style, with appropriate legal terminology and numerous formulaic structures.

In the judicial discourse of the medieval period, it is possible to identify already stabilised genres demonstrated in written form. The record of a court case, traditionally classified as trial minutes is the basic, most frequently used genre [cf. Kość 1999: 36, Hawrysz 2003], yet it should be emphasised that the accounts were selective and limited to the most essential statements for the course of the trial (speech acts). An equally important genre was the court judgment, which usually formed the final part of the minutes, but could also appear as a stand-alone text in the macro-structure of the official book. Even if it was part of a procedural account, it was distinguished by both a pragmatic function (of a directive nature) and a specific textual structure, which makes it possible to formulate a thesis of its genre independence. Occasionally, other genre forms can be found in the collections studied, such as oaths (of a witness or litigant) or witness statements. These statements, characterised by their specific speech acts, were never included in the trial record but formed separate textual units.

## 6. Summary

An analysis of past official texts makes the modern researcher realise that many of the communicative practices occurring today in relation to the application of law have their origins in the distant past. This is because discursive continuity stems from the pursuit of pragmatic goals that have remained unchanged for centuries—the need for legal regulation of property (and other) issues between citizens, as well as the just resolution of disputes and the provision of public order for communities organised into urban or rural communities. All these needs are realised in an arrangement of power and civic subordination. The overarching feature of this arrangement is the institutional framework imposed by the applicable law and the rituals of linguistic behaviour that have been shaped since the early adoption of the European legal system. On the basis of the surviving official records from the 16th to 18th centuries, it is possible to reconstruct an important stage in the spread of these rituals in terms of judicial, arbitration and sanctioning activities of legal acts and transactions carried out between members of local communities.

It seems most important from the point of view of a diachronic view to indicate a certain evolution in the documentation of legal changes concerning ownership relations. Originally, the communicative situation of an official event was reproduced quite meticulously, in which the participants in a legal

act declared its occurrence in the presence of institutional representatives, and the documentation produced by the office sanctioned and introduced changes in legal reality. The development of the office forms consisted in reducing the elements of the situational background in favour of exposing the legal act itself and its participants, and in introducing a number of formulaic elements that emphasised the legitimacy of the changes made. This, in turn, resulted in the standardisation of documents in an increasingly schematised form [cf. Wojtak 1993], and in subsequent stages—extending beyond the period under study—led to the formation of formalised genre forms, such as the sale and purchase agreement, the donation deed and many others.

The documentation produced by the judicial discourse, in turn, illustrates the course of the most important phases of the litigation process: the filing of the complaint—the defendant's response—the court judgment. All these activities are reflected in contemporary procedural forms, but more importantly, the communicative practices of naming litigants and the speech acts constituting court proceedings have in principle continued from the Middle Ages to the present day. Only the lexemes with which these concepts and actions are expressed have changed.

*Translated by Ewa Kisiel*

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