

University of Maribor  
Faculty of Education  
Department of English and American Studies

Seminar paper

## **The Use of Passive Voice in the Constitution of the United States**

Graduate Program: English Language and Literature  
2005/2006  
Course: Temeljni jezikoslovni problemi v teoriji jezika  
Mentor: Dr. Dunja Jutronić  
Student: Tomo Kadilnik

## **Abstract**

The paper discusses the use of the passive voice in the Constitution of the United States. Chapter 1 focuses its attention on the syntax of the passive and on pragmatic factors favouring actives or passives. Chapter II analyses the constitutional text with reference to the frequency of different verb constructions (passive – active, finite – non-finite, long passives – short passives) and to pragmatic factors that favour the use of one construction over the others. The results show relatively high frequency of finite verb constructions, and a high share of passive verb constructions. The presence of non-finite long forms is even five times as high as in academic prose. The strongest factors that favour passive over the active voice are the nature of the legal register, the omission of the subject of the active verb, the organisation of the text, the capacity of non-finite passive constructions, which may carry additional information and restrictions of various collocations to either of the constructions.

## Contents

|   |           |
|---|-----------|
| <b>The Use of Passive Voice in the Constitution of the United States .....</b>                        | <b>1</b>  |
| <b>1. Passive voice.....</b>  | <b>4</b>  |
| <b>1.1 Active – passive, agent – patient, experiencer – stimulus .....</b>                            | <b>4</b>  |
| <b>1.2 Structural differences between active and passive clauses.....</b>                             | <b>4</b>  |
| <b>1.3 The tenses in the passive voice .....</b>  | <b>4</b>  |
| <b>1.4 Past participle inflection of the verb.....</b>  | <b>5</b>  |
| <b>1.5 Be-passives, get-passives, and bare passives .....</b>   | <b>5</b>  |
| <b>1.6 Finite and non-finite constructions .....</b>  | <b>6</b>  |
| <b>1.6.1 Finite constructions .....</b>   | <b>6</b>  |
| <b>1.6.2 Non-finite constructions.....</b>  | <b>6</b>  |
| <b>1.7 The internalised complement and the distinction between long and short passives</b>            | <b>7</b>  |
| <b>1.8 Externalisation of the object from the VP of the passive.....</b>                              | <b>8</b>  |
| <b>1.9 Adjectival passives.....</b>   | <b>11</b> |
| <b>1.10 Get-passives.....</b>   | <b>12</b> |
| <b>1.11 Pragmatic factors favouring actives or passives.....</b>                                      | <b>12</b> |
| <b>1.11.1 Long passives .....</b>   | <b>12</b> |
| <b>1.11.2 Short passives.....</b>   | <b>13</b> |
| <b>1.12 Register distribution of active and passive voice.....</b>                                    | <b>14</b> |
| <b>2. The use of passive voice in the Constitution of the United States .....</b>                     | <b>16</b> |
| <b>2.1 Introduction .....</b>   | <b>16</b> |
| <b>2.2 Aims .....</b>   | <b>16</b> |
| <b>2.3 Findings .....</b>   | <b>16</b> |
| <b>2.3.1 Frequency of active and passive verbs in the constitution .....</b>                          | <b>16</b> |
| <b>2.3.2 Distribution of short and long passives in the finite and non-finite constructions .....</b> | <b>18</b> |
| <b>2.3.3 Verbs in passive constructions .....</b>   | <b>20</b> |
| <b>2.4 Conclusion.....</b>  | <b>24</b> |
| <b>Bibliography .....</b>   | <b>25</b> |

## 1. Passive voice

### 1.1 Active – passive, agent – patient, experiencer – stimulus

The general term **voice** applies to a system where the contrasting forms differ in the way semantic roles are aligned with semantic functions, normally with some concomitant marking on the verb. The terms **active** and **passive** are applied on the basis of the alignment of roles with functions in clauses.

[1] i *Oswald assassinated Kennedy.*  
 ..... ii *Kennedy was assassinated by Oswald.*

[2] i *Most members of the cabinet hated the premier.*  
 ii *The premier was hated by most members of the cabinet.*

The issue of which clauses in English are active and which are passive is to be determined by their **syntactic properties**. Therefore examples [1i, 2i] are called active because syntactically [1i] belongs to [2i], and examples [1ii, 2ii] are called passive because [1ii] belongs to [2ii].

However, there is a significant difference between [1] and [2]:

- Example [1i] is called active because the subject, *Oswald*, is aligned with the **active role**, with the role of **agent**; *Oswald*, performed and action. Example [2i] is called passive because the subject, *Kennedy*, is associated with the **passive role**, the role of **patient**.
- It is not the same with [2]. Example [2i] is called passive, but the subject, *most members*, is associated with the role of **experiencer** rather than agent, while [2ii] is called passive where the subject, the premier, is associated with the role or **stimulus**.

### 1.2 Structural differences between active and passive clauses

[3] i Pat stole my surfboard. (active)  
 ii My surfboard was stolen by Pat. (passive)

- a) The subject of the active (*Pat*) appears in the passive as the complement of the preposition *by*.
- b) The object of the active (*my surfboard*) appears as the subject of the passive.
- c) The verb of the active appears in the passive in the past participle form (*stolen*).
- d) The passive contains an extra verb, the auxiliary *be*.

### 1.3 The tenses in the passive voice

The Passive voice is formed by means of an appropriate tense of the verb *be* as an auxiliary verb and the past participle of the verb required:

| Tense | Indefinite | Progressive |
|-------|------------|-------------|
|-------|------------|-------------|

|                     |                          |                   |
|---------------------|--------------------------|-------------------|
| Present             | I am asked               | I am being asked  |
| Present perfect     | I have been asked        | —                 |
| Past                | I was asked              | I was being asked |
| Past perfect        | I had been asked         | —                 |
| Future              | I shall be asked         | —                 |
| Future perfect      | I shall have been asked  | —                 |
| Present conditional | I should be asked        | —                 |
| Past conditional    | I should have been asked | —                 |

(Blaganje and Konte, 1995, p. 294)

#### 1.4 Past participle inflection of the verb

The passive represents one of the two uses of the past participle form of the verb. The perfect use is normally found in the complement of auxiliary have as in:

*Pat has stolen my surfboard.*

There are certain places, however, where perfect and passive uses are in immediate contrast:

- i Considered by many overqualified for the post, she withdrew her application.*
- ii...Now fallen on hard times, he looked a good deal older.*

The passive (i) can be recognised by the internalised complement *by many overqualified for the post* and by the fact that the VP lacks the object that we have in active *Many considered her overqualified for the post*.

The active (ii) can be recognised by the interpretation *He had fallen on hard times*.

There is one construction of the passive in which the verb appears in the gerund-participle form:

*This draft needs checking carefully by the editor.*

This sentence can be paraphrased as *This draft needs to be checked by the editor*. The paraphrase contains by phrase in internalised complement function, which is sufficient to establish it as passive. It is referred to as a '**concealed passive**'.

#### 1.5 Be-passives, get-passives, and bare passives

Not all passive clauses contain *be*; some have *get* instead, while there are also passives that contain neither of these verbs. These latter we call **bare passives**.

- i Kim was mauled by our neighbour's dog. (be-passive)*
- ii Kim got mauled by our neighbour's dog. (get-passive)*
- iii He saw Kim mauled by our neighbour's dog. (bare passive)*
- iv The guy mauled by our neighbour's dog is in intensive care. (bare passive)*

Bare passives usually have no overt subject, as in (iii) where *Kim* is syntactically an object in the *see* clause.

Some examples where a bare passive does have an overt subject:

*All things considered, we're lucky not to have been sued for a lot more.* (short)  
*My house wrecked by a tornado is something I don't ever want to see.* (long)

Because the verb is in the past participle form, such clauses are always **non-finite** and hence restricted to subordinate position; passive main clauses always contain either *be* or *get*.

**Expanded passives** contain either *be* or *get* as catenative verbs taking non-finite complements. Such expansion enables the passive clause to occur in any syntactic context instead of being restricted to dependent position like bare passives.

## 1.6 Finite and non-finite constructions

Biber, Douglas, et al. (1999, p. 935-937) provide a list of types of finite and non-finite constructions of passives.

### 1.6.1 Finite constructions

#### a) Short passive with stative verb

Stative passives describe the state resulting from an action, rather than the action itself:

*Andy may be adopted or something like that.*  
*Of course the phone was smashed.*

This structure forms a cline with the copular verb + past participial clause pattern.

#### b) Short passive with dynamic verb

Dynamic passives describe an action rather than the resulting state:

*It was stolen from my car. My car was broken into.*

#### c) Get-passives

*You're getting spoiled, he says.*

#### d) Long passives

*I'm influenced by all kinds of things.*

### 1.6.2 Non-finite constructions

#### a) Postmodifier of noun, short passive

*That would be the cause of death, I think, heavy blow from a piece of lead piping wrapped in a sock.*

The major weather factors involved are apparently temperature and precipitation.

**b) Postmodifier of noun, long passive**

If further, he feels that the free market policies and values embraced by Mrs Thatcher have done much to create a divided nation, dominated by Pharisees, he should feel free to offer his opinion.

Let us look at an example given by Baillieul et al.

**c) Infinitive or ed-clause complement of a verb, short passive**

My dad's having all the locks changed.

We know with some confidence that if greenhouse gases continue to be emitted with their present quantities, we will experience unprecedented rates of sea-level rise.

**d) Infinitive or ed-clause complement of a verb, long passive**

That the windscreen wipers started to work can properly be said to have been caused by a set of things.

**e) To-infinitive complement of an adjective, short passive**

But there is no debate, and any decisions are likely to be taken.

**f) Supplementive adverbial ed-clause, short passive**

He looked like a man born with the Tory party in mind, his patrician head set on an aristocratic frame, a mane of hair combed meticulously into place.

**g) Ing-clause complement of a preposition, long passive**

Senhora Neto-Kiambata had the honour of being received by The Prince of Wales and The Prince of Edward.

**h) Supplementive adverbial ed-clause, long passive**

The club looked like a palace, a heavy Baroque building writhing with nymphs and naians, its portals supported by a quartet of Herculean pillars.

**1.7 The internalised complement and the distinction between long and short passives**

a) The PP *by Pat* in [3ii] we refer to as the **internalized complement**: in the active *Pat* is the subject and hence external to the VP

b) With a small number of exceptions, the internal complement is omissible, and we accordingly distinguish between **long passives** and **short passives**.

[4]

LONG PASSIVES

SHORT PASSIVES

- i a. My surfboard was stolen by Pat.      b. My surfboard was stolen.  
 ii a. His plan was rejected by the board.      b. His plan was rejected.
- c) Short passives have no exact active counterpart.
- An active clause will encode some information about the subject that is not explicitly encoded in a short passive even if part or all is implied or suggested.
  - The preposition *by* has numerous uses other than of marking the internalised complement. *This result was achieved by dubious means* is thus a short passive with a *by* phrase functioning as a **means adjunct**, just as it does in the active *They achieved this result by dubious means*.

## 1.8 Externalisation of the object from the VP of the passive

Just as the external complement of the active, the subject, appears internal to the VP in the passive, so the internal complement of the active, the direct object, is external to the VP in the passive.

The VP of the passive lacks a complement that is present in the corresponding active – complement that appears as subject of the passive clause; or if the clause has no overt subject, one that represents the understood subject.

The kind of the complements that can be externalised this way, identified by their function in the active counterpart:

### a) Direct object of monotransitive clause

- a. The hail damaged the car.      b. The car was damaged by the hail.

Most verbs taking just one object permit passivisation. But there are restrictions. Some examples of actives that in the sense illustrated, do not occur in the passive voice:

- verb *befall*: *A strange adventure befell him*.
- verb *fail* in the sense of “let down”: *He failed her*.
- *Do you think [this behaviour becomes you]?*
- *This resort boasts the best beaches on the coast*.
- *This bottle contains the milk you need for your breakfast*.
- *A packet of cigarettes costs around seven dollars*.
- *Three squared equals nine*.
- *These shoes fit me perfectly*.
- *Jill has the best qualifications*.
- *This auditorium holds about a hundred people*.
- *Most people lack the energy that she has*.
- *I don't think [they mind your criticism]*.
- *The enemy numbered over 5,000*.
- *They're talking politics again*.
- *This suitcase weighs exactly that amount*.

With some verbs the direct object cannot be externalised when it combines with some other complement – a catenative or predicative complement:

- *They want Paul to resign*. (to resign – a catenative complement)
- *People here like beer lukewarm*. (predicative complement)

### b) Indirect and direct objects in ditransitive clauses



- ia. My father gave me this watch.                      b. I was given this watch by my father.  
 iia My father gave me this watch.                     b. This watch was given me by my father.

In principle, ditransitive actives have two passive counterparts depending on whether it is the direct or the indirect object that is externalised.

The version (i) with the indirect object externalised is called the **first passive**, while the version (ii) with the direct object externalised is called the **second passive**.

The first passive is much more common; the second is hardly possible in AmE, and Even in BrE is acceptable in only a limited range of cases.

### c) Object of a preposition – prepositional passives

Here the NP in the active is an object not of the verb but of a preposition. In the passive this NP functions as a subject, with the result that a preposition which is transitive in the active is intransitive in the passive – hence the term **prepositional passive**.

#### Type I: preposition is specified by the verb or verbal idiom

The preposition may be specified by a prepositional verb such as *approve of*:

*My mother approved of the plan.                      The plan was approved of by my mother.*

It may be a part of a verbal idiom with the form verb + preposition + preposition (*face up to*):

*The committee didn't face up to these problems.  
These problems weren't faced up to by the committee.*

Or verb + NP + preposition (*lose sight of*):

*The organisers seem to have lost sight of the main goal.  
The main goal seems to have been lost sight of.*

The occurrence of a preposition as the final component of a verbal idiom is one factor that may facilitate its standing in a prepositional passive.

However, prepositional passives are not permitted with transitive prepositional verbs as in:

*They accused Kim of the murder.  
 She explained the problem to me.*

There are also cases where the same sequence of words beginning with a verb and ending with a preposition can occur in a prepositional passive when it has an idiomatic interpretation but not in the literal interpretation:

*A First World War uniform was easily come by. (idiomatic)  
 She was a fine manager, one who was looked up to by them all. (idiomatic)*

However, the fact that a preposition is specified by a verb or verbal idiom is no guarantee that it can be stranded in a prepositional passive. It is not something that can be predicted by a general rule, it has to be recorded in a dictionary as a particular property of the verb or idiom concerned.

## **Type II: locative preposition not specified by verb**

Prepositions that are not specified by the verb (or verbal idiom) have locative meaning. Compare:

*My hat has been sat on.*      with      *\*Sundays were never worked on.*

### **d) Subordinate clause complements**

Complements with a form of a subordinate clause rather than a NP can also be externalised.

*Her son suggested that we should call the police.*  
*That we should call the police was suggested by her son.*

Nevertheless, where an active contains an object as well as a subordinate clause complement, it is the NP object rather than the subordinate clause that is externalised in the passive:

*My solicitor assured me that we would win the case.*  
*I was assured by my solicitor that we would win the case.*

while extraposition of gerund-participials is severely restricted.

- **Declarative content clauses**

For the most part, subordinate clauses of this kind can be externalised. Nevertheless, there are a fair number of verbs that do not permit this, e.g. *complain, rejoice, snarl*.

There are others that permit the passive only in extraposition, e.g. *charge, object*.

*It was charged that they had used the funds for private purposes.*

- **Interrogative content clauses**

Verbs taking interrogative complements usually allow passivisation:

*They haven't yet determined whether this is feasible.*

*Whether this is feasible hasn't yet been determined.*

but there are a few that do not, e.g. *care, mind, wonder, think*.

- **Gerund-participials**

Passives with gerund-participials are uncommon:

*You can't avoid paying taxes.*

*Paying taxes can't be avoided.*

A fair number of catenative verbs that take complements of this form do not allow passivisation:

*Taking out a mortgage wasn't considered/recommended/ suggested.*

*\*Painting the house was begun/kept/hated/intended/remembered by Sam.*

The difference is in the interpretation of the corresponding actives.

- **Infinitivals**

Infinitival clauses can occur as subject or extraposed subject in passive clauses in which they are related to a predicative complement:

*Not to go would be considered rude.*

*It would be considered rude not to go.*

In other types of clause, infinitivals are restricted to just a few catenative verbs, and only in extraposed position, e.g. *decide, desire, hope, prefer*). *It was decided to accept the offer.*

**d) Verbs restricted to the passive**

A couple of verbs appear only in the passive:

*Pat is reputed to be very rich.*

*It is rumoured that there will be an election before the end of the year.*

*She was born in Bristol. but She borne three daughters.*

**1.9 Adjectival passives**

Since the verb *be* can take complements headed by either adjectival or the past participle of the verb, we find a significant resemblance, and often an ambiguity, between a **verbal passive** and a **complex intransitive clause**.

|   |                                    |
|---|------------------------------------|
| The kitchen window was broken by the thieves. | (verbal: be passive)               |
| They were very worried.                       | (adjectival: complex-intransitive) |
| They were married.                            | (ambiguous)                        |

There are terminological differences.

Huddleston et al. (2002) distinguish between **be-passive (verbal)** and **adjectival passive** while

Blaganje and Konte (1995) distinguish between **passive voice** and **copula + subject complement**. We will continue to use Huddleston's terminology for the purpose of our study.

**Tests for adjectival/verbal status**

**a) Modification by very**

Adjectives differ from verbs in that (if gradable) they can be modified by *very* and *too* (in the sense "excessively").

**b) Occurrence with other verbs taking predicative complements**

Adjectival predicative complements are not restricted to occurrence with *be*, but are found with such verbs as *seem, look* and *remain*.

**c) Semantic interpretation**

Adjectival passives always have a stative interpretation. The clearest contrasts are between verbal and adjectival passives that differ as to whether they are interpreted dynamically or statively:

*They were injured when the platform they were standing on collapsed.* (verbal)

*She is injured and will have to miss the next two matches.* (adjectival)

However, some verbal passives may have a stative meaning:  
She is loved by everyone.

Blaganje and Konte (1995) provide some other tests:

**d) With some past participles**

Past participles such as *alarmed, amazed astonished, disappointed, distressed, frightened, irritated, surprised, vexed* etc. which denote mental states usually form the subject complement even if there is an object introduced by the preposition *by*.

**e) When the doer of the action is expressed in the sentence**

and is introduced by the preposition **by** – then verbal passive

**f) When the verb is in the progressive form** – then verbal passive

**g) When the verb is in the future tense** – then verbal passive

**h) When the verb is used in the present perfect or past perfect tense** – then verbal passive

**i) With some non-terminative verbs**

e.g. *admire, hate, like, love*

### 1.10 Get-passives

As get passives tend to be avoided in formal style (they do not occur in the Constitution) the specification of get-passive will be omitted.

### 1.11 Pragmatic factors favouring actives or passives

When both active and passive versions are formally permitted, there arises a question which one to favour over the other.

#### 1.11.1 Long passives

**a) Major constraint is that the subject must not be less familiar in the discourse than the internalised NP.**

*The major's term of office expires next month. She will be succeeded by George Hendrix.*

She (the subject) is discourse old.

George Hendrix (the internalised NP) is discourse new.

*A press conference will be held by the President at 3 p.m. today.*

A press conference (the subject) is not less familiar than the President (the NP).

But

*\*A press conference will be held by me at 3 p.m. today.*

Here the subject is discourse new and less familiar because the speaker is always discourse old, therefore the passive is not an appropriate decision.

The constraint is a matter of relative discourse familiarity of the two NPs.

It allows: old + new, old + old, new + new.

It excludes: new + old.

### b) We want to avoid a change of subject

There are situations in which the passive structure is used in preference to an active one.

We are interested in *the elderly woman* and what happened to her; that is the reason for turning the second clause into passive form, thus retaining *the elderly woman* the subject of both cases.

*An elderly woman collapsed in the street and was taken to hospital by a passing motorist.*

### c) The subject of the active clause is a heavily modified nominal phrase

The passive structure is thus clearer as the subject is shorter.

*The jewels were stolen by one of the tallest and most handsome men I have ever seen.*

### d) The subject of the active clause is an inanimate noun.

*The ship has been delayed by bad weather.*  
*The congregation was disturbed by the noise in the street.*

## 1.11.2 Short passives

They do not have internalised complements and therefore 'relative familiarity constraint' does not take place.

The most important difference between a short and an active clause is that the information expressed in the subject of the active is omitted in the passive.

There may be a variety of reasons for doing so:

#### a) The active subject is not known (Blaganje and Konte, 1995)

*The house was built in 1924.*  
*My wallet has been stolen.*  
*She was killed in a road accident.*

Likely reasons for the use of short passive are that the subjects of the active counterparts are not known or they are difficult to specify.

#### b) The active subject is not important

*The house was built in 1924.*  
*The wall has been made of bricks.*

It is not important who built *the house* and *the wall*. The focus is on the time and on the material respectively.

#### c) The active subject is a body in general

*Very little is known about the cause of the disease.*

**d) The active subject is unimportant or may be understood from the context**  
(Blaganje and Konte, 1995)

*John was crowned king.*

*The doctor was sent for.*

The subject of a sentence usually attracts the main interest; each option, either passive or active, concentrates interest on its subject.

**e) The subject of the active can be anybody**

*Application forms can be obtained from the Department Secretary.*

**f) The speaker does not want to mention the active subject** (Blaganje and Konte, 1995)

*I am told that she has left Cambridge.*

*I have been punished for something I did not do.*

**g) The active subject is generally known**

*The alleged bombers were arrested yesterday evening.*

It is usually the police who arrest people.

**h) The passive transform is felt to be less personal and more objective**

This is most obviously the case when the active subject is the first person of the personal pronoun (I, we). Thus, the passive is used when we wish to make a statement sound impersonal:

- We have something unpleasant to say:  
*I have decided to cancel all classes on Friday.* or  
*It has been decided that in the future there will be no classes on Friday.*
- The inclination to keep one's personality in the background:  
*I have said enough here of the subject.* or  
*Enough has been said here of the subject.*
- In scientific writing we are chiefly concerned with what happens to things rather than what people do:  
The magnetization of a piece of metal can be continued to any desired degree.

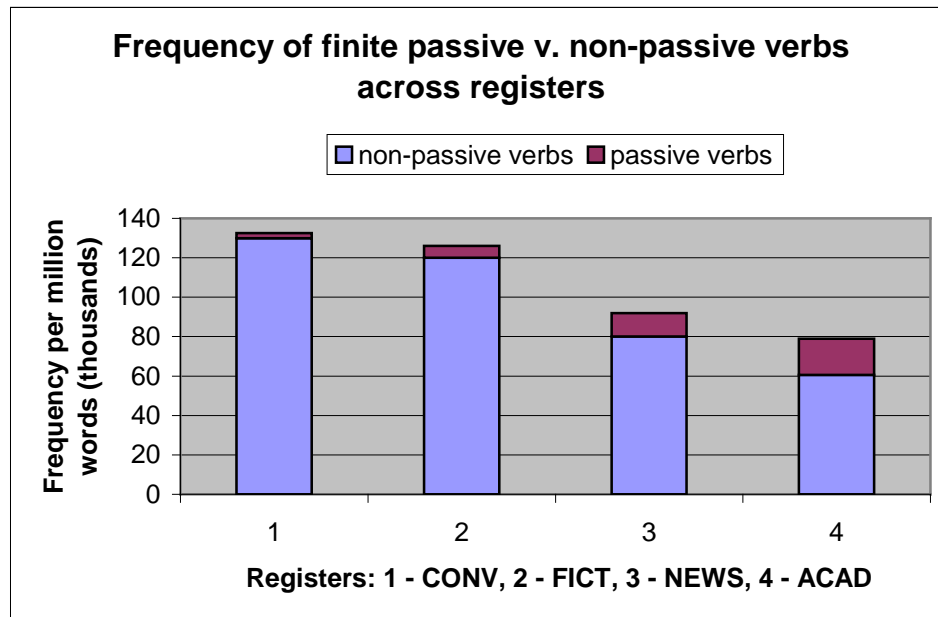
## 1.12 Register distribution of active and passive voice

(Biber, Douglas, et al., 1999, p. 477-483)

The chart below presents the general register distribution of active and passive verb phrase.

- Passives are most common by far in academic prose, occurring about 18,500 times per million words.

- Passives are also common in news, occurring about 12,000 times per million words.
- Passives are most common in the registers that have the fewest total number of finite verbs.
- Proportionally passives account for c. 25% of all finite verbs in academic prose and c. 15% in news.
- At the other extreme, passives account for only c. 2% of all finite verbs in conversation.



## 2. The use of passive voice in the Constitution of the United States

### 2.1 Introduction

*The Constitution of the United States* consists of seven articles and twenty-seven amendments, most of them having several sections. The first ten amendments are known as *The Bill of Rights*, and were ratified in 1791, while the twenty-seventh and the most recent one was ratified in 1992. The constitutional text itself is relatively short and to the point, having just 7365 words including the preambles to the original constitution and to *The Bill of Rights*.

Constitutional language demands from the writer carefulness in the choice of register in order to avoid ambiguity and achieve high explanatory level. Its characteristics are terminological uniformity, planned organisation of the text and high level of objectivity.

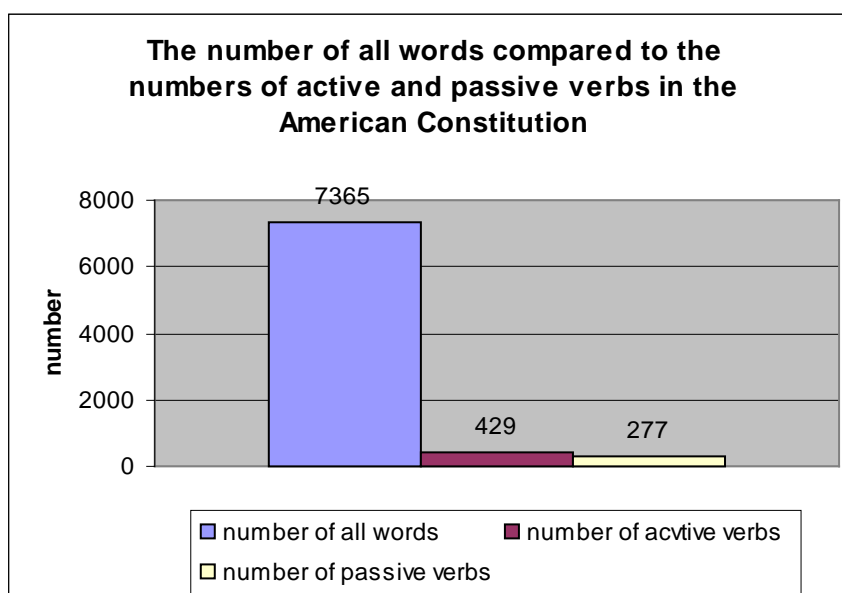
### 2.2 Aims

The principal aim of this seminar paper was to analyse constitutional text in order to determine quantity of different passive voice constructions (finite, non-finite, short, long). Another aim was to find out what factors favour the choice of one construction over the others in the text.

### 2.3 Findings

#### 2.3.1 Frequency of active and passive verbs in the constitution

The chart below presents the numbers of all active and passive verbs and all tokens in the constitutional text.





The table below presents the distribution of finite and non-finite verbs in active and passive constructions:

|                      | finite | non-finite | all together |
|----------------------|--------|------------|--------------|
| <b>active verbs</b>  | 284    | 145        | 429          |
| <b>passive verbs</b> | 190    | 87         | 277          |
| <b>all together</b>  | 474    | 232        | 706          |

- Passives account for c. 40% of all finite verbs in the text, which is much higher than the figures in academic prose (c.25%) presented in 1.12.
- The ratio between the number of tokens and the number finite passive verbs is c. 39, while in academic prose (1.12) the ratio is 54<sup>1</sup>. Proportionally the frequency of finite passive verbs is much higher (one on 39 tokens) than in academic prose (one on 54 tokens) presented in 1.12.
- One passive non-finite construction occurs in every 85 tokens in the constitution, while in every 181 tokens in academic register (Biber et al., 1999).

General reasons for relatively high frequency of finite passive verbs can be sought in the nature of the legal language, which tends to be condensed and uniform.

Another reason can be sought in the organisation of the constitutional text. In the Preamble of the constitution the people of the United States for various reasons “do ordain and establish this Constitution for the United States of America.” They renounce their rights in favour of the body of representatives and regulate necessary formal procedures. However, most of the regulations necessary for the life of such organisation are not set by the Constitution, the text just provides the path how it shall be done.

There are a number of examples of finite passive constructions with *shall* that express the will of the people and obligation and necessity on the side of the representatives and officials to perform according to the written ‘rules’. Most of them are short passive constructions.

The writers make use of **passive constructions**, because it seems appropriate to begin a section by the object of the potential active verb for the distinctness sake:

*All the legislative powers herein granted shall be vested in a Congress ... (1.1.1)*

*The house of the representatives shall be composed of members ... (1.2.1)*

*Representatives shall be appointed among the several States ... (1.2.3)*

*No bill of attainder or ex post facto shall be passed. (1.9.3)*

*No tax or duty shall be laid on articles exported from any state. (1.9.5)*

The most likely reason for the use of **short passives** lies in the lack of need to mention the subject of the active verb, because it is either already known or not important or the subject may be any of still not defined officials or institutions.

---

<sup>1</sup> In other words it means one active passive on fifty-four tokens.

*The judicial power of the United States, shall be vested in one supreme court ...* (3.1)

*Full faith and credit shall be given in each state to the public acts ...* (4.1)

*No soldier shall in time of peace be quartered in any house.* (A3)

*No person shall be held to answer for capital, or otherwise infamous crime ...* (A5)

The initial clauses, remain, however, active for a couple of reasons:

a) The verb is restricted to active voice or has a copular function:

*When vacancies happen in the representation from any state ...* (1.2.4)

*The Congress shall have the power to lay and collect taxes ...* (1.8)

*The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.* (A14)

*No person shall be a senator ...*(A14.3)

Individual sections of the Constitution are devoted to a particular field of regulations. Thus the clause begins with the nominal phrase that denotes the body to which the article is devoted:

*The Senate of the United States shall be composed of two senators from each state ...* (1.3.1)

*No person shall be a Senator who shall not have attained to the age of thirty years ...* (1.3.3)

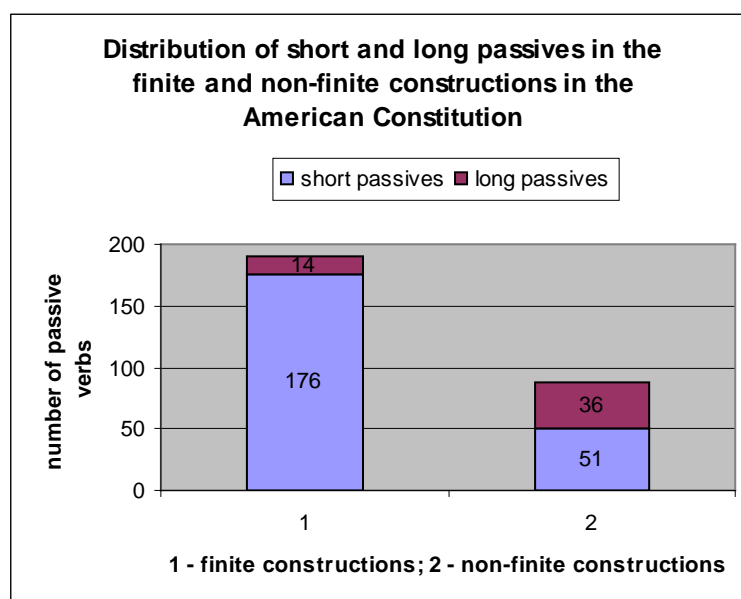
*The Senate shall choose their other officers ...* (1.3.5)

*Each house shall be the judge of the elections ...* (1.5.1)

*Each house may determine the rules of its proceedings, punish its members ...* (15.2)

*Each house shall keep a journal of its proceedings ...* ( 1.5.3)

### 2.3.2 Distribution of short and long passives in the finite and non-finite constructions



The chart above shows much higher presence of long passives in non-finite passive constructions (c. 41%) than in finite constructions, where it reaches just c.7%. It also shows that the number of finite constructions is twice as high as of the non-finite ones.

Frequency of short and long passive constructions in the constitution compared to the one in academic register (Biber et al., 1999):

- One finite long passive construction occurs in every 527 tokens in the constitution, while in every 666 tokens in academic register.
- One finite short passive construction occurs in every 42 tokens in the constitution, while in every 86 tokens in academic register. (factor 2)
- One non-finite long construction occurs in every 204 tokens, while in every 1000 tokens in academic register. (factor 5)
- One non-finite short passive construction occurs in every 144 tokens, while in every 285 tokens in academic language. (factor 2)

One of the reasons for unusually high factor of non-finite long passives (5) lies in the repetition of initial sentence in each Amendment:

*Passed by Congress March 23, 1971. Ratified July 1, 1971.*

In most of the cases the non-finite long passive postmodifies the nominal phrase in order to specify it, without which the phrase would remain unclear. Thus the subject of the active as the complement of the preposition *by* plays a vital role in specifying the nominal phrase:

*The House of the representatives shall be composed of members chosen every second year by the people of the several states. (1.2.1)*

*... and the authority of training the militia according to the discipline prescribed by Congress. (1.8.16)*

*... and all other powers vested by this constitution in the government of the United States. (1.8.18)*

*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. (A10)*

As for the short non-finite constructions, they do not contain the subject of the active verb, which has already been specified, but usually provide some other additional information:

*Ratified June 15, 1804. (A12)*

*He shall hold office during the term of four years, and together with the Vice President, chosen for the same term, ... (2.1.1)*

*... the laws of the United States, and treaties made, ... (3.2.1)*

*A person charged in any state with treason, felony of other crime, ... (4.2.2)*

*... they shall name in their ballots the person voted for as President ... (A12)*

*... which list they shall sign and certify, and transmit, sealed to the seat of the government ... (A12)*

### 2.3.3 Verbs in passive constructions

Lexical verbs in the passive voice (finite, non-finite) that occur in the American Constitution:

| Verb         | number of occurrences (1) | number of occurrences (2-3) | number of occurrences (4-5) | number of occurrences (more than 5) |
|--------------|---------------------------|-----------------------------|-----------------------------|-------------------------------------|
| abridge      |                           |                             | ■                           |                                     |
| add          | ■                         |                             |                             |                                     |
| admit        | ■                         |                             |                             |                                     |
| affect       |                           | ■                           |                             |                                     |
| alter        | ■                         |                             |                             |                                     |
| appoint      |                           |                             |                             | ■                                   |
| approve      |                           | ■                           |                             |                                     |
| ascertain    |                           | ■                           |                             |                                     |
| assemble     |                           | ■                           |                             |                                     |
| attain       | ■                         |                             |                             |                                     |
| authorize    |                           | ■                           |                             |                                     |
| bear (born)  | ■                         |                             |                             |                                     |
| begin        | ■                         |                             |                             |                                     |
| bind         |                           | ■                           |                             |                                     |
| call         | ■                         |                             |                             |                                     |
| charge       | ■                         |                             |                             |                                     |
| chuse/choose |                           |                             |                             | ■                                   |
| commence     | ■                         |                             |                             |                                     |
| commit       |                           | ■                           |                             |                                     |
| compel       | ■                         |                             |                             |                                     |
| compose      |                           | ■                           |                             |                                     |
| concern      | ■                         |                             |                             |                                     |
| confront     | ■                         |                             |                             |                                     |
| consider     | ■                         |                             |                             |                                     |
| construe     |                           |                             | ■                           |                                     |
| contract     | ■                         |                             |                             |                                     |
| convene      | ■                         |                             |                             |                                     |
| convict      | ■                         |                             |                             |                                     |
| count        | ■                         |                             |                             |                                     |
| create       | ■                         |                             |                             |                                     |
| deliver      | ■                         |                             |                             |                                     |
| deny         |                           |                             | ■                           |                                     |
| delegate     | ■                         |                             |                             |                                     |
| deprive      |                           | ■                           |                             |                                     |
| derive       | ■                         |                             |                             |                                     |
| determine    | ■                         |                             |                             |                                     |
| diminish     |                           | ■                           |                             |                                     |
| disapprove   | ■                         |                             |                             |                                     |
| discharge    | ■                         |                             |                             |                                     |

|            |   |   |   |   |
|------------|---|---|---|---|
| divide     |   | ■ |   |   |
| elect      |   |   |   | ■ |
| employ     | ■ |   |   |   |
| enter      |   | ■ |   |   |
| entitle    |   |   | ■ |   |
| erect      | ■ |   |   |   |
| establish  | ■ |   |   |   |
| execute    | ■ |   |   |   |
| export     | ■ |   |   |   |
| find       | ■ |   |   |   |
| fix        | ■ |   |   |   |
| give       |   | ■ |   |   |
| grant      |   | ■ |   |   |
| hold       |   |   | ■ |   |
| impose     | ■ |   |   |   |
| increase   |   | ■ |   |   |
| incur      |   | ■ |   |   |
| inflict    | ■ |   |   |   |
| inform     | ■ |   |   |   |
| infringe   | ■ |   |   |   |
| interline  | ■ |   |   |   |
| invade     | ■ |   |   |   |
| lay        | ■ |   |   |   |
| impose     | ■ |   |   |   |
| make       |   |   |   | ■ |
| mention    |   | ■ |   |   |
| modify     |   |   |   | ■ |
| oblige     | ■ |   |   |   |
| pass       |   |   |   | ■ |
| pay        | ■ |   |   |   |
| prescribe  |   |   | ■ |   |
| present    |   | ■ |   |   |
| preserve   | ■ |   |   |   |
| privilege  | ■ |   |   |   |
| prohibit   |   | ■ |   |   |
| propose    |   |   | ■ |   |
| prosecute  | ■ |   |   |   |
| prove      | ■ |   |   |   |
| provide    |   | ■ |   |   |
| publish    | ■ |   |   |   |
| punish     | ■ |   |   |   |
| purchase   | ■ |   |   |   |
| put        | ■ |   |   |   |
| quarter    | ■ |   |   |   |
| question   |   | ■ |   |   |
| ratify     |   |   |   | ■ |
| reduce     | ■ |   |   |   |
| reconsider | ■ |   |   |   |

|           |   |   |   |  |
|-----------|---|---|---|--|
| reexamine | ■ |   |   |  |
| remove    |   | ■ |   |  |
| repass    | ■ |   |   |  |
| repeal    | ■ |   |   |  |
| require   |   | ■ |   |  |
| reserve   | ■ |   |   |  |
| resolve   | ■ |   |   |  |
| retain    | ■ |   |   |  |
| return    | ■ |   |   |  |
| say       | ■ |   |   |  |
| search    | ■ |   |   |  |
| seize     | ■ |   |   |  |
| select    | ■ |   |   |  |
| send      | ■ |   |   |  |
| state     | ■ |   |   |  |
| supersede | ■ |   |   |  |
| support   | ■ |   |   |  |
| suspend   | ■ |   |   |  |
| take      |   | ■ |   |  |
| tax       | ■ |   |   |  |
| try       |   | ■ |   |  |
| vacate    | ■ |   |   |  |
| vest      |   |   | ■ |  |
| violate   | ■ |   |   |  |
| write     | ■ |   |   |  |

Some verbs occur several times in both constructions active and passive. The likely reasons for favouring one construction over the other in a couple of examples are given below.

The verb **abridge** appears in two active and in five passive constructions.

*All persons born or naturalized in the United States, and subjects to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. (A14.1)*

Any law, which is modified by a relative clause, is semantically the subject of the clause. This is the reason for the clause to be in active voice. If it was the object of the active clause, passivisation would be appropriate.

*The right of citizens to vote shall not be denied or abridged by the United States. (A14.1)*

Here the section emphasises *the right of the citizens*, which is the object of the active verb, thus passivisation is favoured.

The verb **appoint** appears in two active and in eight passive constructions.

*The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they by law appoint a different day.* (1.4.2)

Here passive construction would be unusual since *they* as the subject of the active verb should not be omitted; passive would have two *by* phrases.

*No Senators or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States.* (1.6.2)

Here the section emphasises *Senators and Representatives* by abridging two governmental offices in one person. The subject of the active verb is not important, the sentence just abridges the Senators and Representatives to hold two offices at the same time.

The verb **chuse/choose** has ten active and nine passive constructions.

*The Senate shall choose their other officers, and also a president pro tempore ...* (1.3.5)

The section vests in the Senate the right to make their choice on some officials, thus the active construction is accepted.

*This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.* (A17.3)

In the section above the non-finite passive construction beginning in *chosen* modifies the nominal phrase *any Senator*, by giving a vital piece of information, while the subject of the potential active clause is already known.

The verb **hold** has 11 active and 5 passive constructions.

*The Executive power shall be vested in a President of the United States of America. He shall hold office during the term of four years, ...* (2.1.1)

The first sentence is in passive voice to avoid mentioning the subject of the active verb. It is *the people of the United States*, as we know from the Preamble. The second clause is active, beginning in *he*. Its passivisation would set a discourse new nominal phrase *office* before the discourse old *he*.

The collocation *hold + office* (DO) is in the text restricted to passive constructions.

*The office shall be held (by him) during the term of four years.*

The text also avoids using personal pronouns, especially objective ones, as would be *him*.

*The trial of all crimes, except in cases of impeachment, shall be by jury; and such trials shall be held in the state where the said crimes shall have been committed.* (3.2.3)

The collocation *hold + prepositional phrase*, on the other hand, is restricted to active constructions in the text.

We have seen that the verb *hold* occurs with two different collocations, each having its own semantic value, and the most important for us, each of them is restricted to the use to either the passive or the active voice.

The table provides lexical verbs that occur in passive constructions most frequently:

| verb         | number of passive c. | number of active c. |
|--------------|----------------------|---------------------|
| abridge      | 5                    | 2                   |
| appoint      | 8                    | 2                   |
| chuse/choose | 9                    | 10                  |
| construe     | 4                    | 0                   |
| deny         | 5                    | 2                   |
| elect        | 9                    | 0                   |
| entitle      | 4                    | 0                   |
| hold         | 5                    | 11                  |
| make         | 9                    | 12                  |
| modify       | 6                    | 0                   |
| pass         | 18                   | 3                   |
| prescribe    | 4                    | 1                   |
| propose      | 5                    | 1                   |
| ratify       | 24                   | 1                   |
| vest         | 4                    | 1                   |

## 2.4 Conclusion

The results show very high presence of passive constructions as compared to the active ones in the text of the Constitution of the United States; also finite verbs occur more frequently in the constitutional text than it is the case in academic prose. General reasons for this can be sought in the nature of the legal language, which should possess qualities of objectivity, accuracy and economy; the items once specified do not need any additional specification.

The most frequent factors that favour the choice of passive construction over the active one are:

- the omission of the subject of the active verb, which has been already specified in one of the previous sections;
- the organisation of the text; in each section, the writers of the Constitution focus their attention on a specific field of legal life, thus the lines usually begin with the nominal phrases in question, which determine the choice between passive and active;
- the capacity of non-finite passive constructions, which can be either short or long, and may or may not carry additional information, e.g. adverb of time, adverb of place.
- restriction of verbs with a particular type of complementation to one of the options, as is the case with *hold*.



**Bibliography**

- Biber, Douglas, et al. *Longman Grammar of Spoken and Written English*. Harlow: Pearson Education Limited, 1999.
- Blaganje, Dana, and Ivan Konte. *Modern English Grammar*. Ljubljana: DZS, 1995.
- "Constitution of the United States." *The U.S. National Archives & Record Administration*. 6. April 2006. <<http://www.archives.gov/national-archives-experience/charters/constitution.html>>.
- Huddleston, Rodney, et al. *The Cambridge Grammar of the English Language*. Cambridge: Cambridge University Press, 2002.