The Russian subjunctive complementizer $\check{c}toby$ can be analyzed as the declarative complementizer $\check{c}to$ plus the conditional particle by. Brecht (1977), for instance, has pointed out that, when two subjunctive predicates are coordinated, $\check{c}toby$ is present in the first one, while the second one can be introduced only by by.

(1) Ty velel, *čtoby* ja uekhal v Minsk odin, a Vasja *by* ostalsja s toboj?
you ordered that-SUBJ I go to Minsk alone and Vasja BY remain with you
'Did you order that I leave for Minsk alone and Vasja remain with you?' (Brecht 1977, 35-36, (6e))

Notice that in similar constructions, the particle by can occur in different positions in the second clause, and, in colloquial speech, can appear multiple times, which are properties of the independent conditional particle by (Franks & King 2000, 190-192):

(2) Ty velel čtoby ja uekhal v Minsk odin, a Vasja (by) ostalsja (by) s toboj?

If the *by* in *čtoby* is the independent conditional marker, why has it to be attached to the complementizer *čto* if this is spelled out?

We will assume that *by* encodes a [+mood] feature and can be merged in different positions in the clause structure. The most common positions of *by* are after the verb or the "Wackernagel" second position:

(3)	a.	Ja s udovol'stviem pošel by zavtra v teatr.
		I with happiness go BY tomorrow to theater
		'I would happily go to the theater tomorrow.'
	b.	Ja by s udovol'stviem pošel zavtra v teatr.
		(Franks & King, 2000, 191, (11a-b))

Other, less common, orders are derived by the activation of Topic and Focus positions. In (3a) *by* is merged in the IP layer, in (3b) it is merged in CP:

- (4) a. $[_{\text{TOPICP}} \text{ Ja} [_{\text{TOPICP}} \text{ s udovol'stviem} [_{\text{IP}} \text{ pošel} [_{\text{MOODP}} \text{ by } \dots]]]]$ (3a)
 - b. [_{TOPICP} Ja [_{MOODP} by [_{TOPICP} s udovol'stviem [_{IP} pošel ...]]]] (3b)

This analysis is based on the claim that [mood] features in IP are copied onto functional projections inside the CP layer (the *Mood Concord* principle, as originally proposed by Rivero (1988)). In Russian *by* can be spelled out in one (or more than one, in colloquial Russian) of the positions involved in the Mood Concord relation.

When a verb or predicate selects a *čtoby* complement, that is a [+mood] complement, *by* must be spelled out in the highest possible position inside the complement CP. This position is higher than left dislocated topics (5b-c):

(5) a. Ja velel čtoby ty uekhal v Minsk odin.

I ordered that-SUBJ you go to Minsk alone

b. *Ja velel v Minsk čtoby ty uekhal odin.

c. *Ja velel ty čtoby uekhal v Minsk odin.'I ordered that you leave for Minsk alone.'

Notice that both the declarative complementizer *čto* and the subjunctive/modal complementizer *čtoby* are higher than left dislocated topics:

- (6) a. Ja dumaju čto on uekhal v Minsk odin. I think that he go to Minsk alone
 - b. *Ja dumaju v Minsk čto on uekhal odin.
 - c. *Ja dumaju on čto uekhal v Minsk odin.'I think that he left for Minsk alone.'

We will assume that the position of $\check{c}toby$ is Force[°] in Rizzi's (1997) framework. Although the final positions of the declarative complementizer $\check{c}to$ and the subjunctive/modal complementizer $\check{c}toby$ are the same, the derivations of the two structures are different. In particular, $\check{c}toby$ is derived by moving $\check{c}to$ (which is possibly merged in Finitiness[°]) through the Mood head in CP and then to Force[°]. Declarative $\check{c}to$ is directly merged in Force[°] or, if it is merged in Finitiness[°], is moved directly to Force[°]:

- (7) a. $[Force \check{c}to [Topic [Fin \check{c}to [IP]]]]$
 - b. [Force čto-by [Topic [mood by [Fin čto [IP]]]]]

Comparative data from Italo-Romance show that complementizers can move through the left periphery (Ledgeway 2003 and works cited there). The difference between Russian and Italo-Romance is that Russian has only one complementizer in the lexicon. When the matrix verb selects a [+mood] complement, Mood of the embedded clause can be spelled out only in the higher position and it is "visible" only if *čto* moves through Mood^o. This a sort of Locality constraint on mood selection. Russian lacks a true morphological subjunctive and a separate modal complementizer in the lexicon, thus it builds up a modal marker in CP by the means of syntactic movement, by incorporating the declarative complementizer with the modal particle.

This analysis gives a unified account of the conditional marker *by* and the modal complementizer *čtoby*. Moreover, it explains why *by* cannot appear in IP when a matrix verb selects a modal complement and why *čtoby*, contrary to modal complementizers in other languages, occupies a high position in the CP layer.

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