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**PERIPHERICAL MEANS OF TRANSLATION ADAPTATION OF MODALITY IN UKRAINIAN  
TRANSLATIONS OF ENGLISH-BASED INTERNATIONAL LEGAL TEXTS  
ПЕРИФЕРІЙНІ ЗАСОБИ ПЕРЕКЛАДАЦЬКОЇ АДАПТАЦІЇ МОДАЛЬНОСТІ В УКРАЇНСЬКИХ  
ПЕРЕКЛАДАХ АНГЛІЙСЬКОМОВНИХ МІЖНАРОДНО-ПРАВОВИХ ТЕКСТІВ**

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**Abstract.** *The article analyzes the specifics of adaptation of deontic modality in the Ukrainian translations of English-based international soft law discourse. The purpose of the article is identification of the peripheral means of translation adaptation of modality resulting in de-intensifying the legal force of the international legal documents. The article applies the principal method of comparative translation analysis aimed at comparing peripheral means of de-intensification of deontic modality in the English-language output texts and in the target texts of the Ukrainian translation. Additional methods have involved componential analysis - to substantiate the translation transformations of lexical-semantic generalization, as well as the contextual-interpretive and speech acts analyses.*

*The research reached the following main results. The legal force of the international documents is primarily based on speech acts of directives and commissives differing in their illocutionary force, which conveys the deontic modality of orders / obligations, recommendations, and self-obligations. The adaptive tactics of mitigation are used in soft law target texts to implement the strategy of de-intensification of primarily directive and commissive illocutionary forces and their associating deontic modality. Adaptive tactics are implemented by peripheral adaptive techniques. The most common techniques include the transformations of adding the noun-mitigator "можливість" (possibility) as well as transformations of adding the hedges that are represented either in one-word or by expanded structure and transformations of adding semantically redundant phrases. The less frequent adaptive techniques, identified by the paper include the transformation of lexical-semantic generalization - with replacing the key verb-predicate to denote the actions to be performed by the parties, with a verb, characterized by semantic loss of the seme "obligation". Other adaptive techniques involve the marked theme, which distracts from the agent of action by placing the adverbial structure at the beginning of phrase as well as the syntactical transformations of transposition in combination with modulation.*

**Keywords:** *translation adaptation of modality, international legal discourse, peripheral adaptive techniques, mitigation tactics.*

**Introduction.** The relevance of the topic of the article is due to the focus of modern research in various fields of linguistic knowledge on establishing the influence of discursive factors on translation processes. Recently, translation studies have used an activity or discursive approach to the translation process, in contrast to the substitutive-transformational one, which is a system of searching for appropriate replacements and transformations.

The importance of translation studies of soft law discourse, including the texts of

international declarations, is determined by the specifics of their constitutive genre-creating features, which reproduce the complexity of the negotiation process on issues that require reconciliation of interests without imperative imposition of international conduct. As a result, the linguistic and pragmatic features of soft law iconically reproduce the pain points of harmonizing the text of a document, reaching consensus, and veiling controversy while taking into account the national interests of the Member States.

Approaches to institutional translation have become increasingly prominent and fruitful

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within Legal Translation Studies [19, p. 256]. At the international level, the significance of translation of legal instruments increases with the expansion of supranational and multilateral institutions. In this connection, the role of institutional translation services "in making international and supranational law accessible and reliable in multiple languages entails significant responsibilities and challenges, as well as a potential impact on national legal provisions and discourses" [20, p. 176].

One of the urgent problems of the present translation studies are features of rendering in translations of different types of deontic modality, which is a constitutive category of legal and international legal discourses. Accordingly, the specifics of translation and the applied translation tools can affect the legal force of the documents.

With that in mind, **purpose** of this article is to highlight the specifics of rendering in Ukrainian translations the peripheral means of deontic modality effecting the latter de-intensification.

The purpose is realized in a number of research tasks, including:

(1) to substantiate the peripheral means of adaptation of deontic modality into Ukrainian translations;

(2) to identify transformations involved in the translation of peripheral means of adaptation of deontic modality in target texts;

(3) to argue such transformations as the adaptive method of implementing the adaptive strategy of de-intensification of obligative modality.

**Analysis of recent researches and publications.** The theoretical basis of the article includes scientific studies that highlight the problem of deontic modality, inherent to legal discourse, the difficulties of legal and international-legal translation as well as the issues of translation adaptation, including one of the most controversial questions of pragmatic adaptation.

The paper is based on the legal translation studies, which "deals with the high variability of legal communicative conditions and conventions according to the legal orders, settings, branches, genres, and themes involved in translation. This multi-faceted legal dimension explains the marked interdisciplinarity of LTS, as it straddles TS, Law and Legal Linguistics" [20, p. 175; 21-23; 27].

Within the scope of the legal translation studies of paramount importance for our article are the investigations focused on the categorization of all international legal texts into genres based on criteria of their principal legal functions: law- and policymaking, monitoring, and adjudication [19; 10; 17]. Declarations that are under consideration in this paper belong to policy-making genres subdivided into soft law and other policy formulations [19, p. 257].

Despite their optional nature, the quasi-legal documents of soft international law are important value guidelines for the development of international cooperation in its most important aspects: environmental, economic, human rights, animal rights, space exploration, the sharing of related water resources, and so on.

The problem of modality [6;12; 18] including the legal texts is understudied in both linguistic and translation research. Some studies consider the deontic modality of the laws of domestic legal systems [7; 11], including in translation facet [25]. Under the deontic modality, researchers understand different modes of obligation, which correlate with illocutionary force of either explicit or implicit directives and encompass compulsives, commands, demands, permissions, prohibitions, requests, wishes, warnings, recommendations, etc. [18; 13].

At the same time, the problem of the modality adaptation in translations of international legal texts the problem was touched upon in the only study that proposed the original hypothesis of illocutionary pragmatic adaptation when translating English texts into Ukrainian. It is important to note that such a hypothesis, substantiated in an authoritative English-language journal, was put forward by Ukrainian scientists [13].

The notion of pragmatic adaptation was first defined by Canadian linguists J.-P. Vini and J. Darbelne [28] as a modification of the source text in order to adapt it "to the needs of the audience of target language" [12, p. 34]. Among the techniques of local pragmatic adaptation, scientists identify the changes in illocutionary force of particular speech acts [13]. This paper conceptualizes such changes as the adaptive strategies of intensification or de-intensification of deontic modality in the target text compared to the source text.

An important theoretical premise of this

article also involves the studies, focused on modality- illocutionary force correlations, including in international legal discourses which has been addressed to some extent in a few papers [4; 5; 15; 16; 25], as well as the observation of individual scholars on the variation of the “strength” of modality. Some contributions in this aspect belong to F. Palmer [7, p. 57-58] and M. Halliday, who expressed the idea of a scaled paradigm of modal meanings in the framework of functional grammar [18, p. 148].

Our paper distinguishes between nuclear and peripheral means of adapting deontic modality in soft law documents. In their highlighting, the article has been based on the criteria of the importance of such tools to change, intensify or weaken the illocutionary force. The maximum illocutionary load, in this connection, falls on the markers of illocutionary force or performative verbs, which are located in the performative / illocutionary part of the speech act. Accordingly, the translation transformations of such components should be allocated to the group of nuclear means of pragmatic adaptation of modality in the translated texts. However, nuclear modality adaptation devices have recently been the focus of a study on the modality adaptation of international legal discourse [13].

Given that the intensification or de-intensification of modality may also be partially influenced by translation transformations in the propositional part of speech acts, the article hypothesizes the existence of, in addition to nuclear, peripheral means of adapting modality. Such transformations, however, do not affect the change of the type of act and the corresponding type of modality and on this basis, they are referred in the work to the group of peripheral means of adaptation of modality.

**Methods of research.** As a research material, the article has used English-based texts of three international declarations: UN Declaration against Corruption and Bribery in International Commercial Transactions, 1997 (hereinafter – UNDACBICT) [29], Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992 (hereinafter – DRPBNERLM) [9] and Declaration of Principles of Tolerance, 1995 (hereinafter – DPT) [8] as well as their

translations into Ukrainian.

The article uses an integrative **methodology** that combines the methods of linguistic and translational analysis. In particular, the comparative translation analysis is applied as the main method - to compare peripheral methods of modality de-intensification in the English-language output text and in the target text of the Ukrainian translation.

As an additional method the article has applied the method of componential analysis – to substantiate the translation transformations of lexical-semantic generalization, and the method of contextual-interpretive analysis – to determine the impact of mitigators, hedges, marked theme and other adaptive techniques on the weakening of the deontic modality in the target text compared to the original text. Besides, the paper applies some explanatory tools of speech acts theory aimed at identification of the type of speech act being adopted in Ukrainian translations [14; 24].

**Results of the research and their discussion.** One of the common methods of translation adaptation of deontic modality in Ukrainian-language translations of English-language soft law texts includes transformations with the addition of mitigating components - in particular, the noun «*можливість*».

*Member States (...) commit themselves / Держави-члени (...) зобов'язуються:*

4. *To deny, in countries that do not already do so, the tax deductibility of bribes (par. 4, UNDACBICT) - не допускати у країнах, які ще не зробили цього, можливість відрахування з обкладених податком сум хабарів (4, ДООНБКХМКО).*

7. *To examine establishing illicit enrichment by public officials or elected representatives as an offence (par.7, UNDCBICT) - вивчати можливість визнання незаконного збагачення державних посадових осіб або обраних представників злочином (7, ДООНБКХМКО).*

Comparing the text of the translation with the original text has shown that the translation of the commitment formulated in the propositional part of the normative statement involves the transformation of the addition of the noun-mitigator “*можливість*” (possibility), thus reducing the categoricalness of actions specified in the

propositional part. Accordingly, the transformation of the addition of a lexeme-mitigator is viewed in the study as an adaptive technique of mitigation tactics, which, in turn, implements an adaptive strategy of de-identification of the commissive illocutionary force of the states-parties.

In addition to the mitigator «можливість», mitigation tactics is implemented by such an adaptive technique as transformation of the addition of hedge words that are not related to the semantic core of the utterance and which function is to make concepts more or less "vague". In this vein, hedging may be defined as a deliberate weakening of the illocutionary force of speech when the speaker / addressee "demonstrates" his detachment from the object in question or from the illocutionary force of his own utterance. The use of hedge markers can be both intentional and unintentional by speakers / addressees.

Consider, in this connection, another fragment of the English text and its Ukrainian translation.

*No disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights set forth in the present Declaration (3 (2), DRPBNERLM).*

*Використання або невикористання прав, викладених у цій Декларації, не призводить до яких би там не було негативних наслідків для становища будь-якої особи, що належить до меншини (3 (2) ДПОНУРММ).*

In the given fragment of the Ukrainian translation the paper has identified such peripheral adaptive techniques, as transformations of addition of hedges: No disadvantage (shall result for any person belonging to a minority) - (не призводить) до яких би там не було негативних наслідків для становища (будь-якої особи, що належить до меншини). Such additional lexical units contribute to the "blurring", reducing the categorical normative content of the statement. In addition, the semantic scope of the phrase "негативних наслідків" is more generalized in the target text compared to the lexeme disadvantage (harm) in the source text.

Consider other adaptive techniques based on the transformations of adding semantically redundant phrases:

*States **should** consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country (4 (5), DRPBNERLM).* – *Держави розглядають питання про вжиття належних заходів для того, щоб особи, що належать до меншин, могли повною мірою брати участь у забезпеченні економічного прогресу та розвитку своєї країни (4 (5), ДПОНУРММ).*

Peripheral adaptive techniques, which further mitigate the directive illocutionary force at the propositional level, are based on the transformation of the addition of the semantically redundant phrase "питання про вжиття" (without this transformation, the translation would look like this: Державам слід розглянути відповідні заходи) as well as the transformation of the addition of the verb noun "у забезпеченні". Moreover, the translation of the adverb could be done by an equivalent interlingual synonym «повноцінно» (брати участь) instead of reproducing it by adverbial phrase.

In addition to the tactics of mitigation, the peripheral means of pragmatic adaptation of the deontic modality of soft law texts include such adaptive tactics as generalization, which is usually provided by several adaptive techniques.

*Tolerance at the State level **requires** just and impartial legislation, law enforcement and judicial and administrative process (article 2 (2.1), DPT) – На державному рівні реалізація принципу толерантності передбачає існування справедливого та неупередженого законодавства, дотримання правопорядку, судово-процесуальних та адміністративних норм (2 (2.1), ДПТ).*

In particular, in the given fragment the tactics of reducing the categoricalness of requirements is realized in the Ukrainian translation by the lexical-semantic transformation of generalization - by replacing the English verb *requires* with the Ukrainian verb *передбачає*. If we compare the definition of these verbs in dictionaries, we can see that the meanings of such lexemes differ in their denotative and connotative semantic components.

Thus, all lexical-semantic variants of the verb *requires* contains the seme of obligation: to need something, or to make

something necessary; to order or demand something. At the same time, the meaning of the lexeme *передбачає* varies in its denotative senses, which are "to assume", "to mean" and "to plan".

Thus, the lexical-semantic transformation carried out in the Ukrainian translation replaces the key verb-predicate to denote the actions to be performed by the parties to the document, with a verb, characterized not only by more generalized semantics, but also by semantic loss of the sense "obligation" that is associated with deontic modality of the legal text.

Since the denotative sense in the transformed word of the Ukrainian target text varies in comparison with the original text in its categoricity and intensity of the envisaged action (towards reducing such characteristics), this lexical-semantic transformation can be considered, in our opinion, as an adaptive technique of de-intensification of the commissive illocutionary force self-commitment (of the states-parties) and the corresponding weakening of deontic modality based on such illocutionary force.

In addition to the analyzed adaptive techniques, the level of deontic modality is slightly decreased due to such transformations as syntactic transformation of transposition (change of word order) in combination with modulation (*tolerance* is replaced by the phrase *реалізація принципу толерантності*, which is a certain logical and semantic development of the meaning of

the source text) as well as the transformation of addition.

Due to such a set of transformations the lexeme *tolerance* to denote the main object of regulation loses the position of the phrasal subject, which is replaced by the verb noun *реалізація*: ***Tolerance at the State level requires – На державному рівні реалізація принципу толерантності передбачає.***

It is identified that the transformation of transposition by moving the adverbial construction to the beginning of the phrase further reduces the degree of the norm categoricity, as such the beginning becomes a marked theme (when the phrase subject denotes not an agent or even an object of action, but is replaced by a subordinate clause or adverbial phrase), which distracts from the action itself and increases the degree of declarativeness instead of obligation.

Thus, in addition to the transformation of lexical-semantic generalization, the paper has identified another adaptive technique that marks the tactics of reducing the categorical nature of obligations, namely, marked theme - syntactical transformation of changing the position of the phrase subject to denote the subject or object of action on the adverbial structure.

The function of adaptive techniques for implementing mitigation tactics can be illustrated in Table 1.

Adaptive strategy of de-intensification of deontic modality
Adaptive tactics of mitigation
Adaptive techniques
Transformation of addition of noun-mitigator "opportunity"; of a one-word and expanded hedges; of semantically redundant phrases; transformations of lexical-semantic generalization and marked theme

**Table 1. Adaptive techniques for implementing mitigation tactics in international soft law texts**

**Conclusions and future perspectives.** The adaptive tactics of mitigation used to implement the strategy of de-intensification of primarily directive and commissive illocutionary forces and connotative strengthening of the modality associated with such forces is implemented by such peripheral adaptive techniques as: transformation of adding the noun-mitigator "можливість"; transformations of adding hedges – a one-word and expanded; transformations of adding semantically

redundant phrases. Other adaptive techniques, identified by the paper include transformations of lexical-semantic generalization and marked theme, which distracts from the agent of action by placing the adverbial structure at the beginning of phrase.

The prospect of further research will focus on the problems of adaptation in Ukrainian translations of epistemic, volitive and teleological types of modality of the source English-based texts.

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**Анотація.** У статті аналізуються особливості адаптації деонтичної модальності англійськомовного дискурсу міжнародного м'якого права в українських перекладах. Метою статті є ідентифікація периферійних засобів перекладацької адаптації, яка послаблює юридичну силу міжнародно-правових документів. Як базисний стаття використовує метод порівняльного аналізу перекладу – з метою порівняння периферійних засобів послаблення деонтичної модальності в



англійськомовному тексті оригіналу та в тексті перекладу українською мовою. Додаткові методи включають компонентний аналіз – для обґрунтування перекладацької трансформації лексико-семантичної генералізації, а також методи контекстуально-інтерпретаційного аналізу і теорії мовленнєвих актів.

**Головні результати дослідження.** Юридична сила міжнародних документів головним чином базується на мовленнєвих актах директивів та комісивів, які відрізняються своєю іллокутивною силою і виражають деонтичну модальність наказів / зобов'язань, рекомендацій та самозобов'язань. У перекладних цільових текстах м'якого права використовується адаптивна тактика мітігації задля реалізації стратегії деінтенсифікації ілокутивної сили деонтичної модальності директивів та комісивів. Адаптивні тактики впроваджуються за допомогою периферійних адаптивних технік. Серед технік, які найчастіше використовуються, виокремлені трансформація додавання іменника-мітігатора "можливість" (possibility), трансформація додавання хеджів, як однослівних, так і структурно складних, а також трансформація додавання семантично надлишкової фрази. Найменш поширеною адаптивною технікою, виявленою у нашій роботі, є трансформація лексико-семантичної генералізації, а саме заміна головного дієслова – присудку на позначення дій, що мають виконуватися сторонами, на дієслово, яке позбавлене семи «зобов'язання». Інші адаптивні техніки включають марковану тему, у якій дієприслівниковий зворот локалізується на початку фрази, у такий спосіб відволікаючи від агента-виконавця дії, а також синтаксичні трансформації транспозиції у поєднанні з модуляцією.

**Ключові слова:** перекладацька адаптація модальності, міжнародно-правовий дискурс, периферійні адаптивні техніки, тактика мітігації.