

A Pragmatic Analysis of Modal Verbs in Chinese Legislative Texts Based on Parallel Corpora

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Abstract: *Illocutionary acts which produce legal effects are referred to as legal speech acts, serving to realize the normative function of the law. Modal verbs are the most commonly used regulative means of legal speech acts in legislative texts. From the perspective of speech act theory, this paper analyzes the modal verbs in Chinese legislative texts by investigating parallel corpora in PCCLD, aiming at revealing the legal speech acts and functions they indicate. The study found that these modal verbs indicated obligatory acts with illocutionary forces of imposing obligations, prohibitive acts with illocutionary forces of stating prohibitions and facultative acts with illocutionary forces of granting rights. On this basis, this paper provides suggestions for the translation of modal verbs in Chinese legislative texts.*

Keywords: Parallel corpora; Legislative texts; Modal verbs; Illocutionary acts; Performative function.

1. INTRODUCTION

1.1 Research Background

Legislative texts regulate the relationships and behaviors among legal subjects through mandatory norms, prohibitive norms, and permissive norms. Their manifestations are various legal speech acts, which express the illocutionary force of legal rules by using Illocutionary Force Indicating Devices (IFIDs) (Fan, 2016). Based on the presence/absence and strength of IFIDs, legal speech acts can be categorized into three types: explicit, implicit, and conventional (Zhang, 2000). Explicit legal speech acts refer to sentences with clear performative verbs; implicit legal speech acts lack obvious performative verbs or conventional means that indicate their nature; conventional legal speech acts use conventionalized linguistic devices, primarily modal verbs—such as "应当" (yīngdāng), "必须" (bìxū), "不得" (bùdé), and "可以" (kěyǐ) in Chinese, and shall, must, shall not, may, etc., in English—to indicate their nature. Therefore, modal verbs in Chinese legislative discourse belong to the indicators of conventional legal speech acts. So, which specific speech acts do these modal verbs indicate, and what illocutionary functions do they serve?

1.2 Research Significance

From the perspective of legislative techniques and norms, modal verbs need to be used as connectives to maintain the rigor, solemnity, and uniformity of legal texts (Fan, 2016). Both Chinese and English legislative texts tend to use performative sentences containing modal verbs to express illocutionary force. Therefore, clarifying the pragmatic meanings of modal verbs in different legal contexts helps us correctly understand and accurately translate Chinese legislative texts into English.

Among the legal terminology and basic legal expressions adopted in legislation, core words are the most important linguistic materials for expressing legal norms, supporting the main framework of legal texts. The four core modal verbs — "应当" (yīngdāng), "必须" (bìxū), "不得" (bùdé), and "可以" (kěyǐ) — respectively indicate prescribing obligations, expressing prohibition, and granting rights or powers in legal texts (Li, 2017). Through the perspective of speech act theory, this paper conducts a quantitative and qualitative study of modal verbs in Chinese legislative discourse, which can deepen the understanding of the pragmatic features of modal verbs in legal language and promote accurate comprehension of the English translation of Chinese legislative discourse.

2. REVIEW OF RESEARCH STATUS

2.1 Speech Acts in Chinese Legislative Discourse

Research on speech acts in Chinese legislative discourse is relatively limited. Some scholars have conducted detailed analyses of speech acts in Chinese legislative discourse from aspects such as classification, function, distribution, and frequency.

In *Analysis of Speech Acts in Chinese Legislative Discourse* (Zhang, 2000), based on the presence/absence and strength of Illocutionary Force Indicating Devices (IFIDs), legal speech acts are categorized into three types: explicit, implicit, and conventional. Explicit legal speech acts refer to sentences with clear performative verbs; implicit legal speech acts lack obvious performative verbs or conventional means that indicate their nature; conventional legal speech acts use conventionalized linguistic devices. Modal verbs are the most frequently used conventionalized linguistic device for indicating legal speech acts in legislative discourse, including shall, may, can, should, ought to in English legislative discourse, and “应当” (yīngdāng), “必须” (bìxū), “可以” (kěyǐ), “不得” (bùdé), etc., in Chinese legislative discourse. This paper analyzed the functions and classifications of legal speech acts and conducted a statistical analysis of the distribution of explicit and conventional legal speech acts in Chinese legislative texts through investigation. Through the research, the scholar attempted to identify all legal speech acts in Chinese legislative discourse by establishing a relatively comprehensive classification standard.

Cao (2009) conducted a study on the pragmatic features of laws and regulations in China and Taiwan, arguing that the illocutionary force of legal norms is divided into mandatory, prohibitive, and permissive. To convey these illocutionary forces in legislation, English legislative discourse typically uses modal verbs such as shall, must, may, and shall not, while Chinese legislative discourse usually employs modal verbs like “必须” (bìxū), “应当” (yīngdāng), “可以” (kěyǐ), and “不得” (bùdé). The performative modal verbs used in Chinese legal texts function in a way equivalent to the modal verbs in English legislative texts. She emphasized studying modal verbs in Chinese legislative discourse as IFIDs. This study not only compared these modal verbs in legislative texts from mainland China and Taiwan but also analyzed their similarities and differences as IFIDs.

Ni and Sin (2011) analyzed legislative speech acts in Chinese and English regulations and compared the realization methods of legislative speech acts therein. According to them, speech acts in legislative texts can be realized in two ways: performative verbs with legal effects and legislative sentences containing modal verbs; among these, modal verbs are more commonly used, so they focused on modal verbs in legislative texts.

Fan (2016) analyzed common modal verbs in the Copyright Law—“可以” (kěyǐ), “不得” (bùdé), and “应当” (yīngdāng)—from the perspective of speech act theory, revealing the illocutionary forces of permission, command, and prohibition in legal speech acts within Chinese legislative discourse. This paper evaluated the English translations of these three modal verbs to promote the accurate use of modal verbs in legislative translation in China. However, the scope of this study was relatively narrow, not extended to the entire level of Chinese legislative discourse, and thus lacks full explanatory power.

2.2 Modal Verbs in Chinese Legislative Discourse

Research on modal verbs in Chinese legislative discourse has mainly focused on the analysis and translation of individual words, without rising to a theoretical level for systematic analysis.

Although there has been no comprehensive and systematic study of modal verbs in Chinese legal language, some scholars have mentioned to varying degrees the usage of modal verbs such as “应当” (yīngdāng), “可以” (kěyǐ), “应” (yīng), and “不得” (bùdé). For example, Zhou (2003), in the edited volume *New Perspectives on Language and Law Studies*, examined the use of the word “可以” (kěyǐ) in China's Criminal Law and Criminal Procedure Law and put forward revision suggestions. Sun and Zhou (1997), in *Legal Linguistics*, expounded on the rules of word usage in legal language, which also mentioned the use of modal verbs “可以” (kěyǐ) and “应当” (yīngdāng). Liu (2007) pointed out in *Legal Linguistics* that “可以” (kěyǐ), “应当” (yīngdāng), and “不得” (bùdé) are core words in legislation, serving as the main framework supporting the entire legal text. Wei (2010), in *The Concept of Prohibitive Legal Norms*, conducted an in-depth analysis of “不得” (bùdé) and demonstrated the importance of linguistic analysis in jurisprudential research.

Du (2004), in his study of the ontology of legal language, mentioned that in legal provisions, there is a group of modal verbs with high recurrence rates and significant functions, such as “应当” (yīngdāng), “不准” (bùzhǔn), “禁止” (jìnzhǐ), and “严禁” (yánjìn). He classified the latter three terms as modal verbs as well. This group of words

reflects the clear intentions of legislators and judicial authorities, making directional provisions for behavior such as permission and prohibition. Modal verbs express the will and attitude of legislators.

Research on modal verbs in Chinese legislative discourse mainly proceeds from the following aspects:

Lexical analysis from the perspectives of semantics and translation, such as Li (2017) and others;

Analysis from the perspective of comparative studies. For example, Li (2008) focused on the issue of the relationship between the “应当” (yīngdāng) in law and that in morality; Sun and Kong (2009) compared “应当” (yīngdāng) with “必须” (bìxū), pointing out that in legal language, both are legal terms denoting compulsion, sharing the same legal nature and equal legal effect. Zhou (2006), through comparing “应当” (yīngdāng) with “可以” (kěyǐ) and “应当” (yīngdāng) with “必须” (bìxū), put forward legislative suggestions, such as increasing the use of the word “应当” in legal texts.

Individual statistical analysis and induction of linguistic features from the perspective of jurisprudence, such as Liu (2007) and Zhou (2003). However, domestically, there has been no systematic compilation of modal verbs in legal language; studies all start from individual perspectives. Moreover, most researchers approach the summarization of legal texts from the perspective of jurisprudence using linguistic research methods.

2.3 Summary

Research on speech acts in Chinese legislative discourse is relatively limited. Studies focusing on modal verbs in Chinese legislative discourse have mainly concentrated on qualitative analysis and translation of individual words, without forming a systematic understanding. However, the aforementioned studies have laid a solid foundation for the pragmatic study of modal verbs in Chinese legislative language in this paper. They inspire me to explore modal verbs in Chinese legislative discourse from the perspective of speech act theory, adopting a quantitative corpus-based method, in order to uncover the legal speech acts they indicate and their respective illocutionary functions.

3. THEORETICAL FOUNDATIONS

3.1 Speech Act Theory

3.1.1 Austin's Speech Act Theory

The British philosopher Austin (1962) argued that language is not merely a tool for describing the objective world, but is itself a kind of action, namely a speech act. He divided sentences into constatives and performatives. The function of the former is to assert or state facts; the latter has the function of performing certain actions. Austin classified English performative verbs into five categories: verdictives, exercitives, commissives, expositives, and habitives. He believed that the first three categories all belong to legal speech acts.

Verdictives: Express a verdict or evaluation, such as a judge's or referee's verdict.

Exercitives: Express the exercise of authority, e.g., to vote, to order.

Commissives: Express a commitment or intention, e.g., to promise, to pledge.

Expositives: Used for explaining or demonstrating, e.g., to affirm, to state.

3.1.2 Searle's Classification of Illocutionary Acts

The American linguistic philosopher Searle (1969) systematically developed Austin's theory of speech acts and proposed a systematic theoretical basis and criteria. He classified illocutionary acts into five categories: directives, declarations, commissives, assertives, and expressives; among which the first three categories include legal speech acts. Performative verbs play a pivotal role in identifying legal speech acts.

Directives: Their illocutionary intent is for the speaker to direct the hearer to do something to varying degrees.

Verbs expressing such acts include command, allow, order (e.g., command, allow, order).

Declarations: Declarative speech acts can cause a change in the state of affairs, and their illocutionary intent is to make the propositional content consistent with objective reality. Verbs expressing declarative acts in English include enact, declare, resign (e.g., enact, declare, resign).

Commissives: Their illocutionary intent is for the speaker to commit to a future action to some extent. Verbs expressing commissive acts in English include commit, promise, offer (e.g., commit, promise, offer).

Assertives: Their illocutionary intent is to make a judgment on the truth or falsity of the proposition expressed in the utterance. Verbs expressing assertive acts in English include assert, claim, state (e.g., assert, claim, state).

Expressives: Refer to the psychological state related to the sincerity condition that the speaker expresses while conveying the propositional content of the utterance. Examples include apologize, thank, regret.

3.1.3 Habermas' Division of Speech Acts

Neither Austin nor Searle considered the normative regulatory function of legal speech acts, and their classifications of speech acts cannot be directly applied to the analysis of speech acts in legislative discourse. Habermas (1981), in view of the distinction between legal speech acts and general speech acts, divided speech acts into regulatives, expressives, and constatives. Legal speech acts belong to the category of regulative speech acts, which is the primary communicative function of legislative discourse, and its role is to regulate people's social behavior through laws and regulations. Legal speech acts mainly include enactment, repeal, amendment, command, requirement, authorization, permission, prohibition, commitment, and judgment.

To sum up, only those speech acts that have legal validity and can produce legal effects are legal speech acts, whose main function is to realize the normative regulatory role of law in order to establish citizens' rights and obligations (Zheng, 2016). From the perspective of Searle's speech act theory, most of these verbs and the speech acts they indicate are directive (including command, authorization, permission, prohibition), as well as declarative (such as enactment, repeal, amendment, judgment) and commissive (mainly used in treaties and contracts, such as commitment). Based on legal functions, this paper further classifies legal speech acts into those that prescribe obligations (e.g., command, prohibition), those that express prohibition (e.g., command, prohibition), and those that grant rights (e.g., authorization, permission).

4. CORPUS AND STATISTICAL RESULTS

4.1 Data Collection

This study, based on speech act theory, adopts a corpus-based contrastive quantitative research method to analyze modal verbs in Chinese legislative language. According to the classification of legal speech acts, these modal verbs are classified into Illocutionary Force Indicating Devices (IFIDs) for obligatory speech acts, prohibitive speech acts, and permissive speech acts. The study aims to identify problems in the relevant English translations and propose some suggestions.

The parallel translation corpus is derived from a sub-corpus of the "Chinese Laws and Regulations Chinese-English Parallel Corpus" created by the School of Foreign Languages, Shaoxing University: The Corpus of Mainland China's Laws and Regulations (A Parallel Corpus of China's Legal Documents, hereinafter referred to as PCCLD). This corpus contains a total of 235 legislative texts of mainland China's laws and regulations and their English translations, including a Chinese sub-corpus of 1,427,777 characters and an English sub-corpus of 1,067,798 words (Sun & Yang, 2009)

4.2 Statistical Results and Analysis

Table 1: Frequency Distribution of Usage of Chinese and English Modal Verbs within PCCLD

Chinese Modal verbs	Usage Frequency	Proportion	English Modal verbs	Usage Frequency	Proportion
应当	6104	44%	shall	15181	65%
可以	2812	20.20%	may	3764	16%
不得	1713	12.30%	must	1188	5.11%
必须	1420	10.20%	shall not	1014	4.36%

需要	722	5.20%	should	997	4.30%
禁止	422	3%	may not	453	1.95%
不能	332	2.40%	can	304	1.31%
可能	260	1.90%	need	151	0.65%
能够	72	0.50%	must not	83	0.36%
严禁	24	0.17%	might	28	0.12%
务必	4	0.03%	could	21	0.09%
应该	3	0.02%	will not	21	0.09%
			ought	19	0.08%
			need not	11	0.05%
总计	13888			23235	

The modal verbs listed in the table are based on Halliday's (2014) classification of English modality and Peng's (2000) categorization of Chinese modal verbs. As can be seen from the table above, the Chinese modal verbs with the highest usage frequencies in PCCLD are, in descending order, “应当” (44%), “可以” (20.20%), “不得” (12.30%), and “必须” (10.20%); the English modal verbs with the highest usage frequencies are, in descending order, shall (65%), may (16%), must (5.11%), and shall not (4.36%). Based on legal speech acts, this paper classifies these high-frequency modal verbs in the legislative texts, which respectively indicate obligatory speech acts, prohibitive speech acts, and permissive speech acts, and possess illocutionary functions of prescribing obligations, expressing prohibition, and granting rights (Bowers, 2007).

Table 2: High-Frequency Chinese and English Modal Verbs Corresponding to Legal Speech Acts within PCCLD

Speech Act	Illocutionary Function	Chinese Legislative Discourse		English-Translated Legislative Discourse	
Obligatory Speech Act	Prescribe Obligations	应当	44%	shall	65%
		必须	10.20%	must	5.11%
Prohibitive Speech Act	Express Prohibition	不得	12.30%	shall not	4.36%
Authorizing Speech Act	Grant Rights	可以	20.20%	may	16%

This paper will mainly explore the legal speech acts indicated by the high-frequency modal verbs in these Chinese legislative discourses and their illocutionary functions.

5. SPEECH ACTS INDICATED BY MODAL VERBS IN CHINESE LEGISLATIVE DISCOURSE

5.1 Obligatory Legal Speech Acts

Obligatory legal norms are used to prescribe obligations and possess the commanding illocutionary force. Prescribing obligations means imposing legal obligations on the general public by some means. Obligations prescribed by law generally must be enforced, and intentional disregard of such obligations may subject one to legal sanctions (Jin, 2016). Therefore, this type of act generally carries a coercive and commanding tone. The speaker (the legislature) instructs to do something, while the hearer (legal subjects) must comply. The legal speech act of prescribing obligations is to impose legal obligations prescribed by law on the general public by some means, with coerciveness, commanding nature, and non-defiance as its main characteristics.

For this type of legal speech act, modal verbs “应当” (yīngdāng) and “必须” (bìxū) usually express the obligation of legal acts. According to the survey of Chinese modal verbs in the mainland sub-corpus of PCCLD, “应当” has a frequency of 44%, ranking first, and is a typical obligatory normative term highly representative of this category; “必须” has a frequency of 10.20%, ranking fourth, and is also a typical obligatory normative term second only to “应当”.

The legal speech act of prescribing obligations can be classified into strong obligations and weak obligations based on the strength of the imposed obligation, with the corresponding modal verbs mainly being “必须” (bìxū) and “应当” (yīngdāng). Strictly distinguishing the modal verbs “应当” (yīngdāng) and “必须” (bìxū) indicating obligatory speech acts clarifies that the normative term “应当” allows for alternative behavioral choices, and violating the “prescription of ‘should’” does not incur sanctions; whereas “必须” does not allow for alternative behavioral choices, and violating the “prescription of ‘must’” will result in legal sanctions. “应当” involves high probability and uncertainty, and is used to set weak obligations, while “必须” involves necessity or certainty and is only used to set strong obligations.

5.1.1 Strong-Obligation Modal Verb: "必须" (Bìxū)

Prescribing obligations means imposing legal obligations on the general public by some means, and the linguistic means of expression characterized by coerciveness, commanding nature, and non-defiance clearly reflect these traits. The conventional speech act of imposing obligations, which possesses coerciveness, commanding nature, and non-defiance, uses the modal verb "必须" (bìxū) to indicate this strong-obligation speech act (Chen, 2011). Legal norms constructed with "必须" (bìxū) and "应当" (yīngdāng) as normative terms pursue different goals. Legal norms reflecting strong obligations and constructed with "必须" (bìxū) have the main task of maintaining legal order (Qian, 2008, p. 48). For example, provisions in legal prescriptive norms of necessity such as "Citizens must abide by the Constitution and laws" and "Citizens must pay taxes according to law" are necessary conditions for the existence and maintenance of social order. What they pursue is the preservation of order.

5.1.2 Weak-Obligation Modal Verb: "应当" (Yīngdāng)

The value of "应当" lies in that, through obligatory norms using it as a normative term, it strives to establish higher social or policy goals for legislators. Most obligations established by legislators via "应当"—such as the duty of fidelity between spouses (excluding the duty of "not committing bigamy"), the duty of respect, the duties of respecting the elderly and caring for the young among family members, and the duty of mutual assistance—are weak obligations. Violating such obligations does not lead to any legal sanctions (Qian, 2008, p. 49).

The Modern Chinese Dictionary (2012) holds that "必须" indicates necessity in terms of reason and sentiment, emphasizing a firm requirement and strengthening the commanding tone; it defines "应当" as "should." It is evident that the meanings of these two words differ in everyday Chinese. In legal Chinese, the tone and degree of coercion of "必须" are stronger than those of "应当," although when conveying commands, the actual legal effect of the latter is not weakened.

5.2 Prohibitive Legal Speech Acts: "不得" (Bùdé)

The essence of "prohibition" is to stipulate things that are not allowed to be done—that is, the communicative addressee has the responsibility and obligation not to do something; otherwise, it constitutes a violation and will be subject to sanctions under relevant laws. Prohibitive legal norms are used to restrict behavior and possess the illocutionary force of prohibition (Huang, 2013). In conventional legal speech acts, the expression "不得做什么" (not to do something) conveys direct prohibitive requirements.

According to the survey of Chinese modal verbs in the mainland sub-corpus of PCCLD, "不得" has a frequency of 12.30%, ranking among the top three, making it a typical prohibitive normative term highly representative of this category. The modal verb "不得," originating from ancient Chinese, indicates prohibitive legal speech acts, serves the illocutionary function of expressing prohibition, and demonstrates the authority of the law.

5.3 Authorizing Legal Speech Acts: "可以" (Kěyǐ)

In Chinese legislative discourse, the implementing subject for granting rights is generally the legislative bodies of the state or local governments (such as the National People's Congress and its Standing Committee). As the speaker in legal communication, they grant various rights and interests to communicative addressees (including courts, procuratorial organs, legal persons, and citizens) through specific laws and regulations. In conventional legal speech acts, the function of granting rights is realized by the modal verb "可以" (kěyǐ), which denotes permission, making it the most common conventional means of expressing the conferral of rights (Zhang, 2000, p. 292). The rights granted through "可以" can be either private rights of citizens or other social subjects, or public powers of state institutions.

(1) 律师可以设立合作律师事务所，以该律师事务所的全部资产对其债务承担责任。(Lawyers Law, Article 17)

The legislature grants a person the right to perform certain acts, meaning the relevant legal subject enjoys the freedom to "do or not do" something. In fact, whether one has the right to perform an act that can be realized depends on the subjective motivation to do so—that is, it does not command the legal subject to act, but rather

endows them with discretionary power, as citizens have the freedom to enjoy or waive rights. In legislation, the granted rights apply to all citizens, whereas in judicial texts or other legal documents (such as contracts), they target specific parties in special circumstances. For this type of speech act, modal verbs are typically used to indicate permission (Xue, 2014).

6. ENGLISH TRANSLATION OF MODAL VERBS IN CHINESE LEGISLATIVE DISCOURSE

6.1 Modal Verbs Indicating Obligatory Speech Acts

6.1.1 Strong-Obligation Modal Verb: "必须" (Bìxū) — must

For example:

(2) 第三十条 载运有毒 含腐蚀性货物的船舶, 排放洗仓水和其他残余物, **必须**按照国家有关船舶污水排放的规定进行, 并如实地记入航海日志。

Article 30 The discharge of hold-washings and other residues by vessels carrying noxious or corrosive goods **must** be conducted in compliance with the state provisions for vessel sewage discharge and **shall** be truthfully recorded in the Logbook.

In the above provision, the modal verb "必须" (indicating strong obligations) is used to restrict the pollution discharge of vessels and also mandatorily require truthful recording in the logbook. However, in the English translation, the translator rendered the first "必须" as *must* to indicate the stringency and obligatoriness of this provision, but switched to *shall* for the aspect of truthful logbook recording. This may lead the hearer to perceive the latter as a non-mandatory obligatory norm with a certain degree of discretion.

Legislative discourse requires rigorous, precise, and formal language to strictly define the meaning and scope of obligations, rights, and codes of conduct, "allowing no ambiguous wording whatsoever to prevent anyone from exploiting loopholes in the law" (Trosborg, 1997, pp. 13–15). Similarly, the translation of modal verbs in legislative discourse must adhere to the principles of consistency in modal wording and conceptual identity. Otherwise, it will lead to confusion of concepts such as obligations and rights regulated by legal provisions, requiring readers to speculate on the differences between different modal words, and ultimately affecting the precision, operability, and authoritativeness of the legal provisions. Therefore, when translating legislative discourse, one should prioritize ensuring semantic certainty and identity over sacrificing textual diversity. Avoid using synonyms or near-synonyms: "monotonous wording and rigid sentence structures are precisely one of the styles of legal documents" (Li, 2007, pp. 54–60). Thus, in the above example, the modal verb *must*—which indicates strong-obligation speech acts—should be used uniformly to ensure the rigor and precision of the provision.

6.1.2 Weak-Obligation Modal Verb: "应当" (Yīngdāng) — shall

(3) 第三十条 图书出版者出版图书**应当**和著作权人订立出版合同, 并支付报酬。

Article 30 A book publisher who intends to publish a book **shall** conclude a publishing contract with, and pay remuneration to, the copyright owner. (Copyright Law)

This legal speech act clearly stipulates the obligations that "book publishers" should fulfill when publishing books through the use of "应当," which is translated as *shall*. *Shall* is a typical modal verb expressing obligations to be fulfilled, used to convey the illocutionary force of command: the speaker (legislator) instructs the hearer to do something, and the latter has no choice but to comply (Trosborg, 1991). It can serve as a mutually equivalent term with "应当."

In current legislative translation practice, there are two different approaches to translating "应当" and "必须": one translates both indiscriminately as *shall*, and the other translates the former as *shall* and the latter as *must* (Jiang, 2014). The author agrees with the latter approach for the following reasons: According to the consistency principle

of legal speech acts, wording across different legislative texts should remain consistent, and subordinate laws must comply with superior laws—this also applies to legal translation. Must is typically a commanding word indicating mandatory effect (Xue, 2013, p. 938). In the translation of authoritative laws and regulations (such as the Constitution of the People's Republic of China and the Basic Law of the Hong Kong Special Administrative Region), "必须" is consistently translated as must (Li, 2007, p. 56). Although China's General Principles of Civil Law (Article 6) and Contract Law (Article 272) each use "必须" only once, they are also translated as must. In accordance with the principle that subordinate laws comply with superior laws, their English translations should be consistent with the latter, and even more so with the Constitution.

6.2 Modal Verb Indicating Prohibitive Speech Acts: "不得" (Bùdé) — shall not / no...shall

In prohibitive legal speech acts, the expression "不得做什么" (not to do something) conveys direct prohibitive requirements. The main modal verb used in Chinese legislative discourse to indicate this legal act is "不得." Originating from ancient Chinese, "不得" demonstrates the authority of the law. The illocutionary force expressed by "不得" is the legislator's intention to prohibit the actor from performing a certain act. It is used to set prohibitive and negative guiding requirements, reflecting the legislator's subjective expectation of prohibition and non-permission. In legal English, this is expressed using the negative form of shall.

As a deontic norm word of primary rules in Hart's (2011) classification, shall implies the existence of an internal perspective and internal point of view. It indicates that people comply with legal norms not due to external oppression or coercion, but take legally permitted actions based on a sense of obligation. Its negative form means "has a duty not to," referring to having an obligation not to do something (where the negation applies to the action, not the obligation itself).

(4) 第四条 著作权人行使著作权，不得违反宪法和法律，不得损害公共利益。(Copyright Law)

Article 4 Copyright holders **shall not** violate the Constitution or laws or jeopardize public interests when exercising their copyright.

6.3 Modal Verb Indicating Authorizing Speech Acts: "可以" (Kěyǐ) — may

In conventional legal speech acts, the function of granting rights is realized by the modal verb "可以" (kěyǐ), which denotes a permissive meaning. "可以" has become the most common conventional means of expressing the conferral of rights. For example, the modal verb "可以" used in the Copyright Law.

(5) 第八条 著作权人和与著作权有关的权利人可以授权著作权集体管理组织行使著作权或者与著作权有关的权利。著作权集体管理组织被授权后，可以以自己的名义为著作权人和与著作权有关的权利人主张权利，并可以作为当事人进行涉及著作权或者与著作权有关的权利的诉讼、仲裁活动。

Article 8 Copyright owners or owners of the rights related to the copyright **may** authorize collective copyright administration organizations to exercise their copyright or rights related to the copyright. Upon authorization, a collective copyright administration organization **may** exercise the copyright or the rights related to the copyright in its own name for the copyright owner or the owner of the rights related to the copyright and participate as a party in legal or arbitration proceedings concerning the copyright or the rights related to the copyright.

The above provision not only authorizes copyright owners and owners of related rights to delegate their rights to collective copyright administration organizations for exercise but also regulates the rights conferred upon the latter. "可以" is translated as may, which means "has discretion to; is permitted to." It indicates that the subject has discretionary power, allowing action rather than mandating it as a non-compulsory obligation, and is pragmatically equivalent to "可以." Therefore, the use and translation of "可以" in this speech act are free from ambiguity or ambiguity.

Private law regulates relationships between equal subjects, and the vast majority of authorizing speech acts confer private rights, including a small number of public powers (i.e., official authority). For example:

(6) 第五十一条(三) 人民法院可以责令申请人提供担保, 申请人不提供担保的, 驳回申请。(Copyright Law)

Article 51(3) The People's Court **may** order the applicant to provide a guarantee, and **shall** reject the application where the applicant fails to do so.

The function of authorizing the People's Court in this speech act is realized through the conventional linguistic device "可以," and the translation also renders "可以" as may, which is correct. However, the translation of "驳回申请" (reject the application) is debatable. The subject of "驳回申请" is clearly the same as that of "责令申请人提供担保" (order the applicant to provide a guarantee)—both are "人民法院" (the People's Court). The preferred translation would maintain consistency with the original text: either ellipsis of the modal verb by reference to the preceding context or keeping the same modal verb (may) already used earlier.

(7) 第十八条 下列商品和服务价格, 政府在必要时可以实行政府指导价或者政府定价。(Price Law)

Article 18 The government **shall** issue government-set or guided prices for the following merchandises and services if necessary.

In Chinese, "可以" is non-mandatory and denotes permission. In this legal provision, it grants the government discretion to implement or not implement guided prices. Translating this permissive degree with shall excessively increases the government's obligatory nature. Here, "可以" is more appropriately translated as the modal verb may. The reasons are as follows:

Authorizing legal norms are rules that instruct people to perform or request others to perform certain acts. Their function is to endow people with certain rights to establish or alter their legal status and relationships, thereby establishing or regulating the legal order required by the state (Shen, 2004, p. 44). Private rights of citizens may be exercised or not, whereas official powers of state organs and their staff must be exercised, possessing a dual nature of power and obligation. In other words, once a state organ is authorized to exercise a power to realize a right, it is difficult for it not to do so. The clauses cited above that confer public power (i.e., official authority) also impose obligations on relevant organs and personnel, but their primary purpose is to grant power rather than impose obligations. Since the main goal is to authorize, may should be used instead of shall in translation.

7. CONCLUSION

Based on the perspective of speech act theory and using the Chinese-English Parallel Corpus of Chinese Laws and Regulations, this paper analyzes modal verbs in Chinese legislative discourse, aiming to reveal the legal speech acts they indicate and their illocutionary functions. The study finds that within PCCLD, the Chinese modal verbs with the highest usage frequencies are, in descending order, "应当" (yīngdāng), "可以" (kěyǐ), "不得" (bùdé), and "必须" (bìxū); the English-translated modal verbs with the highest usage frequencies are, in descending order, shall, may, must, and shall not. Based on legal speech acts, this paper classifies the high-frequency modal verbs in Chinese legislative discourse, finding that these modal verbs respectively indicate obligatory speech acts, prohibitive speech acts, and authorizing speech acts, possessing illocutionary functions of prescribing obligations, expressing prohibition, and granting rights. On this basis, this paper provides suggestions for the English translation of modal verbs in Chinese legislative discourse.

The results show that "应当" and "必须" are typical Illocutionary Force Indicating Devices (IFIDs) for obligatory speech acts, "不得" is used to indicate typical prohibitive rules, and "可以" is used to clearly indicate the authorizing nature of speech acts. They should be translated in sequence as shall, must, the negative form of shall (i.e., shall not), and may. The translation suggestions proposed based on the study of relevant modal verbs in Chinese legislative discourse can promote the accurate use of relevant illocutionary words in China's legislative translation. As long as we carefully examine the use and translation of relevant words in current laws, we will still find some debatable examples, and their existence further demonstrates the direct practical value of this study.

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