

Commissive Modality of International Legal Discourse: An Implicit Mitigation of the Bindingness

Nataliia Kravchenko

Faculty of Translation Studies, Kyiv National Linguistic University, Kyiv, Ukraine

Oksana Chaika

Department of Foreign Philology and Translation, National University of Life and Environmental Sciences of Ukraine, Kyiv, Ukraine

Iryna Kryknitska

Faculty of Translation Studies, Kyiv National Linguistic University, Kyiv, Ukraine

Iryna Letunovska

Institute of Philology, Taras Shevchenko National University, Kyiv, Ukraine

Oleksandr Yudenko

Foreign Languages Department, National Academy of Fine Arts and Architecture, Kyiv, Ukraine

Abstract—This research focuses on the problem of the correlation between discursive modality and illocutionary force - with substantiating variations in illocutionary force as a pragmatic basis for the scale-paradigm of deontic modality, influencing the binding force of international instruments. Guided by the criterion of explicitness and implicitness of illocutionary force markers, as well as their localization in performative or propositional part, the paper categorizes five classes of commissives in relation to speech acts: direct commissives, hedged direct commissives, indirect commissives, indirect implied commissives, hedged indirect implied commissives. Direct commissives when hedged preserve the performative verbs of self-commitment in their illocutionary part, while contain hedge structures and means of generalization in propositional part, scaling down the strength of commissive illocutionary force and associating deontic modality of commitments. Indirect commissives are illocutionary bicomponent acts, combining either expressive-commissive or assertive-commissive illocutionary forces. Indirect implied commissives and hedged indirect implied commissives rank at the penultimate and last levels of the scale of commissive deontic modality. They are devoid of a phrase subject designating the subject of the implementation of obligations. Predicates with the meanings of ‘necessity’ and ‘requirement’ indirectly mark obligations assumed whereas passive structures, nominalization, hedges, generalization, and other markers of decreased illocutionary force and associated deontic modality de-intensify such in international legal discourse.

Index terms—deontic modality, illocutionary force, international legal discourse

I. INTRODUCTION

Correlation between modality meanings and illocutionary force is assumed by discourse-forming functions of these phenomena, which is especially evident in the international legal discourse. Deontic modality in international legal discourse is conveyed by directive and commissive speech acts, which various intensity may affect the intensity of such modality and, finally, the legal force of the document.

The problem of “modality – illocutionary force” correlation remains underexplored in both discursive and pragmatic studies. From a pragmatic perspective, this problem primarily deals with the grammatical differentiation of the purpose-based types of a sentence – with illocutionary types being associated with three grammatical illocutionary modalities, i.e. assertive, imperative, and interrogative (Palmer, 2001). Accordingly, each utterance either fits within the scope of one of these three illocutionary modalities, or possesses zero illocutionary force. Consequently, with such a “purely” grammatical approach, a discourse-forming facet of “modality – illocution” correlation remains unattended and open for thorough study and discussion.

In the discursive aspect, the correlation of modal and illocutionary meanings is fragmentarily touched upon in a few studies that focus on the means of expressing modality, thus, arising as the markers of illocutionary forces (Bybee & Fleischman, 1995; Šandová, 2015). From this perspective, “modality-illocution” correlation is vectored from modality

to illocutionary force conveyed by it. The novelty of this article lies in the reverse vector of specification for these categories, i.e. when illocutionary force is analyzed as a means of expressing modality. The illocutionary act, the minimal constructive unit of discourse, also constructs modality as a discursive category, which is of particular importance in international law since the choice and formal-structural arrangement of illocutionary forces directly affect the deontic modality of the document by strengthening, masking or de-intensifying its legal force.

II. THEORETICAL FRAMEWORK

The theoretical basis of the paper integrates research approaches underlying (a) discursive function of speech acts, (b) discursive function of modality, (c) the gradual nature of both phenomena, and (d) their interface.

Despite the lack of unanimity in differentiating the classes of modality, researchers reached a certain consensus on highlighting the following types: epistemic (modes of knowing), deontic (modes of obligation), alethic (modes of truth), existential (modes of existence), teleological (modes of purpose), volitive (modes of desire) (Hacquard, 2011; Hegarty, 2016; Nuyts, 2016; Palmer, 1986; Von Stechow, 2006). Deontic modality is traditionally understood as the modality of permission and obligation, covered by commands, demands, prohibitions, permissions, recommendation, advice, invitations, requests, wishes, etc., and correlative with directive illocutionary force. The commissive speech acts of commitments, which are the focus of research in this article, are also included in the deontic modality, based on Searle's attribution of the undertaken obligations, along with duties and rights, etc., to deontic forces, which create new forms of social reality (Searle, 1995).

The discursive potential of modality has attracted wide attention of scholars from various linguistic disciplines, who considered it as an aspect of interpersonal metafunction (in M. Halliday's *Systemic Functional Linguistics*) (Halliday 2004), a way of introducing attitudinal voice to discourse (Martins & David, 2003), or constructing discursive identity, attitude of the addresser regarding the proposition being presented (Fowler, 1985, p. 72).

At the same time, modality as a discourse-forming category in international legal communication has not been the subject of scientific research. Considering the specificity of such a discourse as the collective will of the parties to an international document, that have undertaken to implement it, the deontic modality of self-obligation, based on commissive acts, becomes discourse-forming.

With that in mind, a new aspect relating to a discursive study of modality, specified in this paper, is the impact of commissive acts, differing in degree of their strength, on intensifying or de-intensifying the modality, underlying the legal force of the document.

The idea of the discursive function of speech acts as the basic constitutive unit of discourse, which constructs the contexts of social interaction, is not new. Thus, at the end of the previous century, J. Searle emphasized that in his later works (Searle, 1983, 1995); then, more researchers and scholars developed it further in their numerous studies, including those that deal with legal (domestic) and international legal discourses. Such specially attributed illocutionary forces pertaining to creation, modification, or termination of rights and responsibilities in connection with individuals or institutions (Kone, 2020; Kravchenko, 2006; Kravchenko et al., 2020) characterize this discursive function of speech acts as the basic constitutive unit of discourse.

Furthermore, discourse-constructive properties of illocutionary acts extend to the construction of discursive categories, including modality, which in its deontic mode is a key category of international legal discourse. Taken as described, it would be reasonable to expect that the degree of strength in a relevant speech act directly affect the scale of the corresponding modality.

In this regard, in its theoretical premises the paper relies on the notions of 'force of illocutionary acts', or 'illocutionary force', introduced by Austin (1962, p. 100); 'degrees of strength' in such speech acts (introduced by Holmes, 1984); and the idea focusing on the 'strength of modality', often referred to as the modal "force".

Of core importance for our conceptual premises is research, which specifies some relationship between illocutionary force and mitigation and/or reinforcement. Among the features of the speech acts that affect their variations in the degree of strength are "matters of power, the speaker's status within the ongoing interaction" (Diamond, 1996). In this vein, illocutionary force and mitigating or reinforcing strategies work together in defining or redefining the kind and level of the speaker's power (Sbisa, 2001, p. 1793). Among the studies, which examine the relationship between mitigating and/or reinforcing devices and illocutionary force (Blum-Kulka, 1985; Sbisa, 2001; Caffi, 1999), of primary interest to our article is an attempt to describe conventional illocutionary effects in terms of 'deontic modality', considering the matters of degree. Thus, Sbisa states that deontic modal notions are in many respects matters of degree, displaying varying degrees of strength, as well as qualitatively different shades of meaning, in particular: "So, obligations can be legal or moral, and more or less binding; rights may be competencies, capacities, or authorities; the scope of their contents may vary, too" (Sbisa, 2001, p. 1798).

Apart from the studies connected with phenomena of mitigation and/or reinforcement, from the point of view of 'degrees of strength' in relation to illocutionary force, the concept of different modal strengths made a definite contribution to the problem of "modality—illocution" correlation (Palmer, 1986, p. 57-58). That also includes the modality variations associated with the degree of commitment and inclination (Quirk et al., 1985), as well as the scale-paradigm of modal meanings within the framework of functional grammar, for example, the scale-paradigm of 'probability' (Halliday, 2004, p. 148).

Therefore, first, accounting for the connection highlighted between the type of speech acts / illocutionary force and a particular modality, and second, given the gradation of both the illocutionary and modal meanings, the paper assumes that a change either in the type of act or in its illocutionary intensity will directly affect the characteristics of modalities in a discourse structured by such acts, and international legal discourse, in particular.

III. METHODOLOGY

The different scale of deontic commissive modality in the texts of international law depends on the degree of strength of illocutionary force expressed either by direct or indirect commissives. The main criterion for distinguishing direct acts from others is the presence in their performative part of indicators of illocutionary force, i.e. the verbs with the meaning 'to put oneself under obligation to perform some actions'.

The data corpus showed that the means of de-intensification of the commissive illocutionary force are centered either on illocutionary / performative part or focus on propositional content. In accordance with the hypothesis of this paper, in the first case, there is a transformation of a direct act into an indirect one, and in the second, it is de-intensification in the illocutionary force of the act, which remains direct, though hedged.

The underlying in the paper is the method of speech act analysis, applied in its traditional aspect and as proposed by Searle (1969) and Austin. (1962), and such acts are commitments, promises, orders, expressions of emotions and feelings, institutional acts of declarations. A new aspect in the method, proposed in this article, is the introduction into scientific circulation of the two concepts: 'indirect indicators of illocutionary force' and 'de-intensifiers of illocutionary force', emphasizing the differentiation of these categories. Another novelty is the use of the criterion 'compliance / non-compliance, with felicity conditions for commissive acts as a contextual intensifier or de-intensifier of the deontic modality.

The stages of analysis are as below.

The first step in identifying implicit means of mitigating the deontic modality of documents relies on distinguishing between nuclear and peripheral means of expression of illocutionary force, which depends on the position of relevant markers in the structure of the speech act.

The second stage includes analysis of the mitigating and/or reinforcing markers of illocutionary force, centered in the performative part of commissives (commissive speech acts), in terms of their interaction with the deontic modality.

Finally, the third stage focuses on mitigation procedures centered in the propositional content and their peripheral impact on de-intensification of deontic modality in the international legal discourse.

IV. SAMPLING

The corpus of the texts analyzed includes eight international legal documents, including both hard and soft law texts: five Conventions and three Declarations. The double data selection criterion included (a) the commissive illocutionary force indicating devices – (commissive) IFID, both explicit and implicit, as well as (b) de-intensifying markers of illocutionary force, which indicate a decrease in the degree of deontic modality in relation to the fragments that include them.

V. DISCUSSION AND MAJOR FINDINGS

A. *Non-canonical Commissives as Acts of Collective Will*

The commissive modality is a subcategory of the deontic modality, found in international legal discourse and identified via direct and indirect commissives (commissive acts). Both the latter refer to speech acts, by means of which the parties to the document undertake to perform the action described by the propositional content of the act. Thus, the structural formula of the commissives includes, on the one hand, the performative / illocutionary part, which introduces self-obligation. That embodies into the speech act by means of using such illocutionary verbs as *(to) undertake*, *(to) commit [oneself]*, *(to) promise*, etc., or other markers of the commissive illocution. On the other hand, the structural formula of the commissives contains the propositional part, which formulates the normative content, for example:

The Parties undertake (illocutionary or performative part) *to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity* (propositional normative part) (Article 6 (2), FCPNM).

Despite the deviation from the canonical formula '*I/We + x*', '*I/We + x + Inf*', and '*I/We + x that ...*', the acts still remain explicit commissives, built according to the paradigmatic set of admissible manifestation of the formula. Instead of a personal pronoun as a deictic marker of the performative, the phrase subject in the performative part is presented by the nomination of the *Generalized Addresser = Addressee* of normative utterances, designated as the Parties, Member States, etc. A variation in the international legal text of the canonical formula *first person pronoun + performative verb* into *Generalized Addresser = Addressee + IFID* endows the commissive act with the institutional significance of an act of collective will in connection to the states that are parties to the document.

The commissive illocutionary force of non-canonical commissives is evidenced by their consistency with a basic felicity condition for this type of acts, which wraps into the ability and authority of the subject to secure their own obligations, as such are undertaken by participating States, vested with sovereign power in their implementation.

In this vein, it is appropriate to refer to the opinion of E. Benveniste, who, insisting on the strictness of the criteria for distinguishing acts that are not performatives (i.e. actions), however, attaches paramount importance to the condition of the authority of the speaker / addresser. In particular, the scientist points to official documents, which are usually signed by persons endowed with power, and which are acts of expression of individual and collective will (Benveniste, 1971, p. 274).

The commissives identified in the international legal discourse are characterized by the different scale of illocutionary intensity, which directly affects the deontic modality of documents and their binding force. Based on the explicitness and implicitness of the markers of illocutionary force, as well as their localization in performative or propositional parts, the paper categorizes five classes of commissives as displayed in Table 1 below.

TABLE 1
CLASSES OF COMMISSIVES FOR THE CRITERION OF DECREASING ILLOCUTIONARY INTENSITY

Speech act	Formula	Examples
Direct commissives	Addresser = Addressee + commissive IFID + propositional (informative) part	<i>States Parties undertake</i> (illocutionary part) <i>to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures</i> (propositional part) (Article 3 (2), CRC)
Hedged direct commissives	Addresser = Addressee + commissive IFID + propositional (informative) part with lexical-semantic and syntactic hedges that reduce the illocutionary force of commissive obligations	<i>The Parties undertake</i> (illocutionary part) <i>to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities</i> (propositional part) (Article 4 (2), FCPNM) >> hedge (<i>where necessary</i>) + generalization marked with semantically vague idioms <i>take due account, adequate measures, full and effective equality</i>
Indirect commissives	Addresser = Addressee + expressive or assertive IFID + propositional (informative) part marked by felicity conditions for commissives	<i>States Parties recognize</i> (illocutionary part with assertive IFID) <i>the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development</i> (propositional part) (Article 27 (1), CRC)
Indirect implied commissives	Object / patient of action + predicate with a sense of 'necessity / requirement' + propositional (informative) part + contextual markers of felicity conditions for commissives	<i>Such protective measures should</i> (illocutionary part) <i>as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child</i> (propositional part) (article 19 (2), CRC)
Hedged indirect implied commissives	Object / patient of action + predicate with obligative meaning + propositional (informative) part with hedged normative context + contextual markers of felicity conditions for commissives	<i>No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others</i> >> modal verb + extended multicomponent hedge (Article 15 (2), CRC)

To briefly sum it up, considering the first two classes of commissives, these are direct speech acts, including that de-intensified by lexical-semantic and grammatical means of the propositional part of the acts.

B. Hedged Direct Commissives: Implicit Weakening in Commissive Modality of Obligations

The deontic modality scale in international legal discourse (ILD) varies from direct to hedged indirect implied commissives. In turn, direct commissives are subdivided into direct unhedged and direct hedged acts as in (1) and (2):

(1) *States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference* (Article 8, CRC),

(2) *The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system* (Article 11 (1), PCPNM).

The first type of direct commissives can be explicated by the following formula: ILD Addresser = ILD Addressee + commissive IFID + propositional (informative) part.

It slightly varies for the second type of acts in its propositional component, i.e. by including lexical-semantic and syntactic hedges that reduce the illocutionary force of commissive obligations: ILD Addresser = ILD Addressee + commissive IFID + propositional (informative) part with lexical-semantic and syntactic hedges that reduce the illocutionary force of commissive obligations.

As this research deals with de-intensified modality, which is also distinguished by different degrees of 'strength', it makes sense to go straight to the analysis of modality, based on the second type of direct commissives.

The propositional part of the act contains modality markers based on hedged direct commissives and, therefore, they do not change their illocutionary force. Not transforming the direct commissive into an indirect one, such markers, nevertheless, weaken the commissive illocutionary force and the associated deontic modality. Among such means, the paper identified several: (i) hedges, (ii) means of generalization, (iii) mitigation, (iv) passivation, (v) objectification, (vi) marked theme, and (vii) nominalization as in (3), (4), (5), for instance.

(3) With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, *where needed*, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights (...) (Article 4 (2), CRPD),

(4) The Parties, with a view to the reduction and eventual elimination of doping in sport, undertake, within the limits of their respective constitutional provisions, to take the steps necessary to apply the provisions of this Convention (Article 1, ADC), and

(5) States Parties undertake to make the principles and provisions of the Convention widely known, *by appropriate and active means*, to adults and children alike (Article 42, CRC).

In the above acts, the markers of weakening the commissive illocution, affecting the de-intensification of the ILD deontic modality, include a set of de-intensifiers. First, these are hedge structures – both punctuated parenthetical constructions and semantic hedges, different in scope and structural complexity: *to the maximum of its available resources; where needed; where necessary, within the limits of their respective constitutional provisions*. Such structures provide an implicit possibility of alternative compliance / non-compliance with the undertaken commitments, especially in the absence of the circumstances specified in the hedge (*where needed; where necessary*). Therefore, hedge structures introduce into the commissive-based deontic modality contextual connotations of permissive modality (imply the possibility of non-compliance with requirements) and dynamic modality (the execution of an action under certain circumstances), de-intensifying the core modality meaning.

Accordingly, the degree of alternativeness increases, and, on the contrary, the degree of the binding force of the document decreases. Idiomatically hedged acts, which de-intensify commissive illocutionary force although they are an integral feature of any international document, include *as far as possible and within the framework of...; taking into account...; where appropriate, where relevant, as appropriate*, etc.

Another group of devices, scaling down the strength of commissive illocutionary force and its associating deontic modality of commitments, includes the means of generalization, based on vague semantics of words and/or idioms. In particular, in (3), the adverbial modifier progressively (with a view to achieving progressively the full realization of these rights) due to its denotative, ontological seme ‘gradually’ (Cambridge Dictionary) presupposes the gradualness of the realization of rights in “blurring” unspecified chronotopic framework. An additional marker of generalization in the given local context is the gerund achieving (progressively) – as a means of nominalization, structurally complicating a phrase and, accordingly, distancing the subject of the phrase from the “promised” actions.

Generalized semantics with a wide range of vague meanings is also characteristic of the idioms *to take the steps* in (4), *by appropriate and active means* in (5), etc.

Such “general phrases”, on the one hand, refer to the peculiarities of the implementation of norms, and on the other hand, their vague conceptual scope negates their function as an action modifier: rather than indicating how an obligation is being fulfilled, they perform the opposite function of somewhat detaching subjects from the action, thereby softening the deontic modality.

De-intensification of commissive illocutionary force is often carried out by a complex use of mitigating means, centered in the propositional part, i.e. nominalization, passivation, hedges, formal-structural complications, including repetition and semantic redundancy, abstract words and idioms with “vague” denotatum as exemplified by (7) and Table 2.

TABLE 2
ILLOCUTIONARY FORCE DE-INTENSIFIERS IN HEDGED DIRECT COMMISSIVES

(7) <i>The Heads of State and Government of Latin America and the Caribbean (...)</i> (5) <i>Commit to develop and / or strengthen policies and programs aimed at preventing and fighting corruption in their respective countries and promoting the exchange of information and best practices in preventing and fighting corruption with the objective of evaluating the possibility to be recognized and incorporated by country members of CELAC, according to their practices and respecting the laws of each country (SDTFC)</i>	
De-intensifier	Example
Nominalization (gerund)	<i>(aimed) at preventing and fighting; promoting; in preventing and fighting; of evaluating</i>
Passivation	<i>to be recognized and incorporated</i>
Extended hedge	<i>according to their practices and respecting the laws of each country</i>
Mitigator	<i>(of evaluating) the possibility</i>
Generalization: idiom with “vague” denotatum	<i>best practices</i>

All above means “distancing” of phrase subjects from their own actions, associated with self-obligations on the document, which results in mitigating its deontic modality. The correlation between the structural complication and length of the utterances, which “iconically” distances the subjects from their commitments, was specified by both critical discourse analysis of ideological discourses (Fairclough, 2003) and some pragmatic research (Kravchenko & Zhykharieva, 2020). The accumulation of devices, implicitly reducing the responsibility of the subject for their own

commitments also correlates with the concept of non-preferential speech moves in conversational analysis (Heinrichsmeier, 2020; Kravchenko & Zhykharieva, 2020; Kravchenko & Blidchenko-Naiko, 2020; Pomerantz, 1984). Such moves iconically reproduce the delicacy of the situation: the more complex / delicate the designated situation is, the more structurally complex is the utterance denoting it.

In the projection on the International Legal Discourse, such a correlation can be formulated as follows: lexically and grammatically complex propositional part of the acts reflects the difficulties in reaching consensus between the parties to the document at the stage of document discussion. On the other hand, de-intensifiers can also be considered the means of negative politeness (Brown & Levinson, 1987) as the politeness, which “distances and reduces “pressure” on the addressee - implementer of the norms” (as indicated in 3.1, the addressee of ILD coincides with its addresser, forming the category of a generalized communicator). Structural complications, generalization, etc. correlate with strategies of negative politeness of non-imposition strategies, for instance, use of hedging, minimization in the degree of pressure and coercion, and nominalization of the statement.

C. Indirect Commissives: Volitive / Epistemic vs. Deontic Modalities

The next on the scale of weakening the deontic modality are ranked indirect commissives, which modify the basic formula of commitment in two variants:

(a) performative part [Addresser = Addressee < marker of expressive illocutionary force / markers of felicity condition of sincerity for commissives] + propositional part [markers of other felicity conditions for commissives];

(b) performative part [Addresser = Addressee < marker of assertive illocutionary force] + propositional part + contextual “register” actualizers of commissive illocutionary force.

In the first case, the bicomponent expressive-commissive illocution underpins the intersection of the volitive and deontic modality. In the second case, the assertive-commissive illocutionary force underlies the correlation of epistemic and deontic modalities, which in any case weakens the obligative modality and legal force of the document.

The most common marker of indirect commissive is the coordination of a phrase subject - the pronoun *We*, which nominates the Parties to the document, with a verb or other words that do not contain the denotative seme of “commitment”, but contextually connote it in a local or wide context of the international document.

Let us analyze the speech act of the indirect commissive, which represents the first version of the model - with a marker of expressive illocutionary force in the “right” part of the act.

(8) ***We are determined to:*** 22. *Intensify efforts and actions to achieve (...)*; 24. *Take all necessary measures to eliminate (...) and remove*; 25. *Encourage*; 26. *Promote (...)*. 27. *Promote (...)*; 28. *Take positive steps to ensure (...)* (BD).

On the one hand, definitions of the adjective *determined* in Cambridge dictionary points to such connotative semes as *strong* (desire) and *very much*: wanting to do something *very much*; showing the *strong desire* to follow a particular plan of action even if it is difficult. As these semes are associated with the maximum degree of desire / wish, they mark an expressive illocutionary act and its corresponding volitional modality.

On the other hand, the above speech act also contains commissive illocutionary force, which puts it in the category of indirect commissive. First, the utterance matches the world-to-words direction of fit, i.e. the speaker wants the world to be changed to fit his / her words, which is typical for directives and commissives and is not inherent to expressive speech acts.

Second, the speech act satisfies a set of felicity conditions for the commissives, i.e. (a) the propositional content condition as it focuses on acting in the future that is evident in the “left” informative part of the act; (b) sincerity condition as an intention to perform the action. In the latter case, the sincerity condition is indexed by an adjective “determined”; (c) essential condition: addresser intends to make addressees recognize that the utterance counts as a wish that certain action be done. The essential condition is supported by both verbal expression “to be determined to...” and infinitives of propositional part, explicating the ways of realizing the commitment: ***Intensify efforts and actions to achieve the goals of***, ***Take all necessary measures to (...)***, etc.

The same two-intentional speech act with implicit commissive illocutionary force is presented in (9):

(9) ***We reaffirm our commitment to:*** (...) 9. *Ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms*; 10. *Build on consensus and progress* (BD).

Expressive illocutionary point is marked by conventional connotative seme *emotionally impelled* in the componential structure of the meaning *commitment* (the state or an instance of being obligated or *emotionally impelled* - CD). At the same time, rather than making words fit the world or feeling, which is typical of expressives, the Addresser intends to make the world fit the words. Such world-to-word direction of fit is expressed by propositional content of the speech act - its infinitives, specifying the Parties’ commitments to some future course of action, and points to commissive speech acts, underpinning deontic modality of the document.

In addition, the above speech act falls into the class of implicit commissives as it also satisfies the Essential felicity condition for this class of illocutionary acts, if to base on Austin’s definition of commissives, i.e. assuming of an obligation or ***declaring of an intention*** (Austin, 1962, pp. 151-163). Both the illocutionary and propositional parts of the act confirm the illocutionary point of “declared intention”. Moreover, the former, due to their “high style” stylistics,

equalize the meanings of the verbs “reaffirm” and “declare” as contextual synonyms, and at the same time, convey the same “intention” using infinitives, which denote the intended actions of the Addressee.

In (8) and (9) both the expressive illocutionary force and the sincerity felicity conditions for commissives are marked by the same means – the words with the same of emotions, feelings, exaggerated intensification, as well as the grapho-stylistic marker of highlighting the illocutionary part in bold.

At the same time, the fact that such utterances are implicit commissives is evidenced by other felicity conditions they satisfy, i.e. essential condition and preparatory ability condition, presupposed by the status of the parties, implicated under “we” as the sovereign agent of the document implementation, as well as world-to-word direction of fit indicative of a commissive illocutionary point.

Accordingly, in the multi-intentional indirect acts, combining both expressive and commissive illocutionary forces, the formation of discourse is provided not only by the volitional modality associated with the expressives, but also by the commissive-based deontic modality, albeit de-intensive.

Indirect commissives may also be conveyed under the formal-structural arrangement of assertive acts as in (10) and (11).

(10) *The Parties **recognize** that comprehensive non-price measures are an effective and important means of reducing tobacco consumption* (Article 7, FCTC)

(11) *States Parties **recognize** the rights of the child to freedom of association and to freedom of peaceful assembly* (Article 4, CRC).

(12) *States Parties **agree** that the education of the child shall be directed to:* (Article 21 (1), CRC).

Assertive illocutionary force in the above acts is primarily associated with factitive presuppositions based on the factitive verbs **recognize** and *agree*, which imply that their object (the complement) is true. Such meaning of presupposition constitutes the essential felicity condition for direct assertives (Kravchenko, 2017). In addition to the factitive verbs, such an illocutionary marker as a declarative type of a sentence suggests the assertives.

At the same time, the illocutionary force of the indirect commissive is indicated by the nomination of the parties to the document, which is a structural part of the commissive performative formula, as well as presuppositions, association with the “register” of international legal documents. That relates, in particular, to the below:

(a) A speech act is a part of legal discourse, where the “complement” part of the act relates to normative provision presupposing their implementors, and

(b) Implementors are the parties to the document, which are vested with sovereign power, that is, the very fact of their participation in the document presupposes their subsequent actions to implement it in one way or another.

Maximum de-intensification of deontic modality is provided by the use of indirect implicit commissives and hedged indirect implied commissives, which, respectively, rank at the penultimate and last levels of the scale of mandatory deontic modality.

Indirect implicit commissives fit the following formula:

Implicit performative part [Action object / patient < illocutionary marker of indirect commitment / obligation] + propositional part [contextual markers of felicity conditions for commissives] as in (13) and (14):

(13) ***Strong political commitment is necessary** to develop and support, at the national, regional, and international levels, comprehensive multisectoral measures and coordinated responses* (Article 4 (2), FCTC),

(14) ***Tolerance** at the State level **requires** just and impartial legislation, law enforcement and judicial and administrative process* (Article 2 (2.1), DPT).

The main difference between implicit commissives and indirect commissives is that in the former the subject of the action responsible for the undertaken commitments, is excluded from its own discourse. Accordingly, the place of the phrase subject is “occupied” by the object (patient), to which the legal actions of the actual “excluded” subject should be directed: *political commitment, tolerance*. As a result, the utterance takes the form of an affirmation, statement, etc., expressing the intention to “fit the world to words”, which is characteristic of the assertive illocutionary force and the epistemic modality of the speaker’s confidence in the communicated message. Commissive illocutionary force is marked with predicates, that contain the semes of “necessity” and “requirement”, which altogether only indirectly refers to the obligations assumed by the participating States.

The minimum intensity of commissive illocution and their associated deontic modality is conveyed by speech acts, which contain in their implied performative part the meaning of “obligation”, being then scaled down in the propositional part by the markers such as a passive state, nominalization, and a compound predicate with no nomination of the subject-performer as a phrase subject.

(15) *For this purpose, **the child shall** in particular **be provided** the opportunity **to be heard** in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, **in a manner consistent with the procedural rules of national law*** (Article 12 (2), CRC) – passivation, hedge structure, the patient as a phrase subject;

(16) *The exercise of this right **may be subject** to certain restrictions, **but these shall only be such as are provided by law and are necessary**;*

(a) *For respect of the rights or reputations of others; or*

(b) *For the protection of national security or of public order (ordre public), or of public health or morals* (Article 13 (2), CRC) – modal verb of possibility, one-word hedge (*only*), extended multicomponent hedge (in bold).

VI. CONCLUSION

The article examines the controversial problem of the correlation between discursive modality and illocutionary force - with substantiating variations in illocutionary force as a pragmatic basis for the scale-paradigm of deontic modality, influencing the binding force of international instruments. Based on the theoretical premises about discursive functions of speech acts and modality, their gradual nature and facets of correlation, the paper has reached the main findings about the classes of commissives in ILD, differently affecting the deontic modality.

Guided by the criterion of explicitness and implicitness in the markers of illocutionary force, as well as their localization in performative or propositional part, the paper categorizes five classes of commissives: direct commissives, hedged direct commissives, indirect commissives, indirect implied commissives, hedged indirect implied commissives.

Hedged direct commissives preserve the performative verbs of self-commitment in their illocutionary part, while they contain the markers of de-intensification of illocutionary force in the propositional part. Such acts remain direct though with a weakened degree of strength, affecting a decrease in binding deontic modality of the documents in ILD. Illocutionary force de-intensifiers include hedge structures, different in scope and structural complexity, nominalization and means of generalization, based on semantically vague words or idioms, which negate their function as an action modifier, thus, scaling down the strength of commissive illocutionary force and its associating deontic modality of commitments.

Indirect commissives in ILD are illocutionary bicomponent acts, combining either expressive-commissive or assertive-commissive illocutionary forces. They are based on an incomplete part of the performative formula, which includes the nomination of the parties to the document, coordinated with expressive or assertive IFID.

Indirect commissives are identified in variants that further weaken the commissive illocutionary force and deontic modality, such as indirect implied and hedged indirect implied commissives, ranked at the penultimate and last levels of the scale in the mandatory deontic modality. Both classes of indirect implied commissives are deprived of the phrase subject, that designates the subject of the action, responsible for the undertaken commitments, although the latter are indirectly referred to by predicates with the semes of “necessity” and “requirement”.

Hedged indirect implied commissives additionally scale down the commissive deontic modality by incorporating in its propositional part the passive structures, nominalization, hedges, generalization, and other markers of de-intensification.

REFERENCES

- [1] *Anti-Doping Convention Strasbourg*, 16.XI.1989. Retrieved August 10 from CETS 135 - Anti-Doping Convention (coe.int)
- [2] Austin, John L. (1962). *How to do things with words*. Oxford: Oxford University Press.
- [3] Beijing Declaration 1995. (1995, September). *Fourth World Conference on Women Beijing Declaration*. Retrieved Sept 12 from <https://www.un.org/womenwatch/daw/beijing/platform/declar.htm>
- [4] Benveniste, E. (1971). Analytical Philosophy and Language. In M. E. Meek (trans), Coral Gables (FL), *Problems in General Linguistics*. University of Miami Press. [Original work published 1963].
- [5] Blum-Kulka, S. (1985). Modifiers as indicating devices: The case of requests. *Theoretical Linguistics*, 12, 213–229.
- [6] Brown, P. & Levinson, S. (1987). *Politeness. Some universals in language usage*. Cambridge: Cambridge University Press.
- [7] Bybee, J. and Fleischmann, S. (1995). *Modality in grammar and discourse*. In: Bybee, J. and Fleischman, S. (eds). Amsterdam and Philadelphia: John Benjamins.
- [8] Caffi, Claudia. (1999). On mitigation. *Journal of Pragmatics*, 31, 881–909.
- [9] *Cambridge Dictionary*. Retrieved Sept 18 from Cambridge Dictionary English Dictionary, Translations & Thesaurus
- [10] Cone, N. (2020). Speech Acts in UN Treaties: A Pragmatic Perspective. *Open Journal of Modern Linguistics*, 10(6), 813–827.
- [11] *Convention on the Rights of the Child*. General Assembly resolution 44/25 of 20 November 1989. Retrieved Sept 12 from OHCHR Convention on the Rights of the Child
- [12] *Convention on the Rights of Persons with Disabilities (CRPD)*, 2006. Retrieved Aug 10 from OHCHR Convention on the Rights of Persons with Disabilities
- [13] *Declaration of Principles on Tolerance* (1995, November 16). Retrieved Aug 17 from <http://portal.unesco.org/en/ev.php>
- [14] Diamond, Julie. (1996). *Status and power in verbal interaction*. Amsterdam: Benjamins
- [15] Fairclough N. (2003). *Analysing discourse: Textual analysis for social research*. London: Routledge.
- [16] Fowler, R. (1985). ‘Power’. In T.A. Van Dijk (ed.), *Handbook of Discourse Analysis* (Vol. 4, pp. 61–82). Academic Press.
- [17] *Framework Convention for the Protection of National Minorities*. Council of Europe. (1995, February 1. Retrieved Sept 20 from <https://rm.coe.int/16800c10cf>
- [18] Hacquard, V. (2011). Modality. In: Maienborn, (edited) Claudia; von Heusinger, K.; Portner, P., *Semantics: An international handbook of natural language meaning*. Berlin: Mouton de Gruyter.
- [19] Halliday, M. (2004). *An introduction to functional grammar* (3rd ed.). London: Edward Arnold.
- [20] Halliday, M.A.K. (2002). Modes of Meaning and Modes of Expression: Types of grammatical structure and their determination by different semantic functions. In J. Webster (ed.) *On grammar* (pp. 196–218). London: Continuum.
- [21] Hegarty, M. (2016). *Modality and propositional attitudes*. Cambridge: Cambridge University Press.
- [22] Heinrichsmeier, R. (2020). *Ageing Identities and Women's Everyday Talk in a Hair Salon*. New York: Routledge.

- [23] Holmes, Janet (1984). Modifying illocutionary force. *Journal of Pragmatics*, 8, 345–365.
- [24] Kravchenko, N., Pasternak, T., & Davydova, T. (2020). Institutional eco-pragmatics vs. anthropo-pragmatics: problems, challenges, research perspectives. *Cogito. Multidisciplinary research journal*, XII(2), 24–39.
- [25] Kravchenko, N. (2017). Illocution of direct speech acts via conventional implicature and semantic presupposition. *Lege artis. Language yesterday, today, tomorrow. The Journal of University of SS Cyril and Methodius in Trnava*, II(1), 128–168.
- [26] Kravchenko, N. (2006). *Interactive, genre and conceptual modeling of international legal discourse*. Kiev, Ukraine: Referat (in Russian).
- [27] Kravchenko, N., & Blidchenko-Naiko, V. (2020) Multifaceted Linguistic Pragmatics of Justification (Ukrainian Speech-Based Study). *Open Journal of Modern Linguistics*, 10, 11-22.
- [28] Kravchenko, N., Zhykharieva, O. (2020). Sign-like Pragmatic Devices: pro et contra. *Kalby studijos/Studies about Languages*, 36, 70–84.
- [29] Martin, J. R., & David, R. (2003). *Working with Discourse: Meaning beyond the Clause*. London: Continuum.
- [30] Nuyts, J. (2016). Analyses of modal meanings. In Jan Nuyts & Johan van der Auwera (eds.), *Oxford handbook of modality and mood*, (pp. 31-49). Oxford: Oxford University Press.
- [31] Palmer, F. R. (2001). *Mood and Modality*. Cambridge: Cambridge University Press.
- [32] Palmer, F.R. (1986). *Mood and Modality*. *Cambridge Textbooks in Linguistics*. Cambridge: CUP.
- [33] Quirk, R., Greenbaum, S., Leech, G., & Svartvik, J. (1985). *A comprehensive grammar of English language*. London: Longman.
- [34] Šandová, J.K. (2015). Intersubjective positioning in political and economic interviews. *Discourse and Interaction*, 8(1), 65–81.
- [35] Sbisá, M. (2001). Illocutionary force and degrees of strength in language use. *Journal of Pragmatics*, 33, 1791–1814.
- [36] Searle, J. (1995). *The Construction of Social Reality*. New York: Free Press.
- [37] Searle, J. (1969). *Speech acts*. Cambridge: Cambridge University Press.
- [38] *Special Declaration of the Community of Latin-American and Caribbean States on Transparency and Fight against Corruption*. Belén, Costa Rica, January 29th, 2015. Retrieved Sept 2 from 11. DE TRANSPARENCY AND CORRUPTION EN.pdf (cancilleria.gob.bo)
- [39] Von Fintel, K. (2006). Modality and language. In: BORCHERT, Donald. *Encyclopedia of Philosophy*. Detroit: MacMillan Reference.
- [40] *WHO Framework Convention on Tobacco Control* (2003) – FCTC. Retrieved Sept 10 from <http://apps.who.int/iris/bitstream/handle/10665/42811/9241591013.pdf?sequence=1> –

Nataliia Kravchenko graduated from Taras Shevchenko National University of Kyiv, Ukraine, in 1985. Obtained PhD in 1990 and DrSc Degree in General Linguistics in Taras Shevchenko University of Kyiv, Ukraine in 2007.

She is a Professor at Kyiv National Linguistic University, Ukraine. The author of 5 monographs, 2 textbooks, more than 150 articles. The current research interests include: cognitive studies, discourse-analysis, pragmatics, stylistics, cultural studies, etc.

Ms. Kravchenko is a scientific supervisor of PhD and Doctorate students.

Oksana Chaika graduated from Drohobych State Teacher Training University after Ivan Franko, Ukraine, in 1999, and acquired relevant competencies in the areas of foreign language instruction and acquisition, methodology of teaching foreign languages, and world literature; the same year graduated from Cherkasy Engineering and Technology University, MSc in Audit and Accounting; in 2001-2002 successfully completed a program at University of Aveiro (Portugal), certified by CAPLE in Advanced Portuguese, Lisbon University (Portugal); in 2014, graduated as BA in Law from Academy of Advocacy of Ukraine (Ukraine). Obtained PhD in 2008 at Drahomanov National Pedagogical University (Kyiv, Ukraine).

She works as an Associate Professor at National University of Life and Environmental Sciences of Ukraine, Ukraine; has authored 3 textbooks, 5 manuals, and 75+ articles. The current research interests include cognitive and cultural studies, discourse analysis, pragmatics, LSPs and translation studies, etc. Dr Chaika supervises research of master and PhD seeking students.

Iryna Kryknitska graduated from Karazin Kharkiv National University, Ukraine, in 2004, as Master of Philology. Obtained PhD at Kyiv National Linguistic University in 2019.

She is a Senior Lecturer at the English Language Department, Faculty of Translation Studies, Kyiv National Linguistic University, Kyiv, Ukraine. The author of 11 articles. The current research interests include English phraseology, cultural studies, cognitive studies, discourse analysis, etc.

Iryna Letunovska graduated from Taras Shevchenko National University of Kyiv, Ukraine, in 1983.

She is an Associate Professor at Taras Shevchenko National University of Kyiv, Ukraine. PhD in Philology. The author of 2 textbooks, more than 50 articles. The current research interests include literary studies, cultural studies, ESP, etc.

Oleksandr Yudenko graduated from Drahomanov National Pedagogical University, Kyiv, Ukraine in 1992 as Master of Philology. Graduated from the National Academy of Fine Arts and Architecture, Kyiv, Ukraine in 2015 as Master of Fine Arts.

He is an Associate Professor and Head of Foreign Languages Department at the National Academy of Fine Arts and Architecture, Kyiv, Ukraine. The author of 2 textbooks and more than 20 articles. The current research interests include history of languages, history of art, methods of teaching languages at fine arts departments, etc.