

Citation: Jaskot, M. P., & Wiltos, A. (2017). An approach to the translation of deontic modality in legal texts. The case of the Polish and English versions of the *Charter of Fundamental Rights of the European Union*. *Cognitive Studies | Études cognitives*, 2017(17). <https://doi.org/10.11649/cs.1454>

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AN APPROACH TO THE TRANSLATION OF DEONTIC MODALITY IN LEGAL TEXTS. THE CASE OF THE POLISH AND ENGLISH VERSIONS OF THE *CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION*

Abstract

The co-existence of twenty-four legal languages in the European Union is guaranteed by the basic principles of EU language policy, stated in its founding treaty. Indeed, every EU citizen has the right to communicate with the EU in the official language of their choice, and to receive a reply in the same language. Such a situation is reflected in legal multilingualism, which presents challenges for both linguists and translators.

One of these challenges is the translation of deontic modality. This article focuses on how deontic modality is expressed in the Polish and English versions of the *Charter of Fundamental Rights of the European Union*. The form and usage of modal forms which express deontic *possibility* (i.e. *permission*) and deontic *necessity* (i.e. *obligation*) are highlighted, as well as the similarities and differences between the two parallel texts. The differences between the modal forms in the two versions of the text have consequences regarding the degree of both the subject's and addressee's commitment to norms and regulations.

This article aspires to contribute to the study of deontic modal language, which is considered to be one of the central linguistic phenomena most in need of explanation.

Keywords: deontic modality; confrontation of languages; legal multilingualism; legal translation; modal functor; European Union; Charter of Fundamental Rights of the European Union

1 Introduction

After the last enlargement of the European Union, when Croatia joined in 2013, the total number of official languages which enjoy equal status grew to twenty-four. The co-existence of these many

languages is guaranteed by the basic principles of EU language policy, stated in its founding treaty. Indeed, every EU citizen has the right to communicate with the EU in the official language of their choice, and to receive a reply in the same language.

The linguistic diversity of which the European Union is so proud is possible thanks to the equality of the official languages of the Community. Therefore, multilingualism “represents the recognition of the identity and equality of all member States, regardless of their economic power and the extent to which their languages are spoken” (Moratinos Johnston, 2000, p. 59). By guaranteeing multilingualism, the European Union also guarantees legal multilingualism, which

“[...] is based on the principle of the equal authenticity of all language versions of a legal act. [...] the principle presumes that all language versions have the same meaning and consequently the same legal effect. Hence, drafting multilingual law, which involves the search for identical equivalents in two or more languages, is a challenge for lawyers and legislators.” (Doczekalska, 2009, p. 116)

Indeed, multilingualism, understood as “the ability of societies, institutions, groups and individuals to engage, on a regular basis, with more than one language in their day-to-day lives” (*Study on the contribution of multilingualism to creativity: Compendium part one: Multilingualism and creativity*, 2009) has become a new dimension of the EU and one of the founding principles of EU Institutions. This is reflected in legal multilingualism, which, as mentioned above, presents various challenges for both linguists and translators.

One such challenge is the translation of deontic modality. This paper will focus on how deontic modality is expressed in the Polish and English versions of the *Charter of Fundamental Rights of the European Union*. The form and usage of modal forms that express deontic *possibility* (i.e. *permission*) and deontic *necessity* (i.e. *obligation*) will be examined. By identifying the modal forms, it will be possible to highlight the significant similarities and differences between the two parallel texts. The differences between the modal forms in the two versions of the same text have consequences regarding the degree of both the subject’s and addressee’s commitment to norms and regulations. Additionally, this paper argues, along with Charlow & Chrisman (2016, p. 2), that “the study of deontic modal language is interesting and important in its own right as a central linguistic phenomenon in need of explanation”.

2 Theoretical framework

2.1 On deontic modality

Initially, the issue of modality was mainly of interest to logicians (Nowak-Michalska, 2011, p. 48). It was first described by Aristotle, who distinguished it in his works *On Interpretation* (*De interpretatione*) and *Prior Analytics* (*Analytica Priora*), respectively the assertion of necessity and the assertion of possibility. This differentiation constituted the basis for the theory of assertoric, apodictic and problematic statements, which Kant later combined with three categories of modality, classified as possibility – impossibility, existence – non-existence, necessity – chance (Jodłowski, 1971, pp. 115–116).

In linguistics, the term modality is analyzed in the framework of semantics, the study of the meaning of phrases (Grzegorzczkowska, 2010, p. 17), and it has a broader scope than in logic (Jodłowski, 1971, p. 121). For Ligara (1997, p. 28), modality is a logical-semantic category in terms of language communication, which is related to the situation of speech act that produces the specified statement. Linguists often refer to the modality issue by enquiring about the relationship between the content of the speech and the real world. Modality is also defined in this way by Bartmiński and Niebrzegowska-Bartmińska (2009, p. 170), who add that relations between a text and the real world are always formed from the perspective of the speaker, whether explicitly or implicitly. The authors, in their description of the problems of expressing modality, distinguished two levels: logical modality (objectivist) and epistemic modality (intentional) (Bartmiński &

Niebrzegowska-Bartmińska, 2009, pp. 170–174). Grzegorzczkova has drawn attention to the fact that:

Modality, next to the structure of predicate-argument, is an essential component of a sentence. [...] It is not until modality is introduced that predication appears, giving the expression the nature of an act of thought, a statement, question, request or order. In a sentence, this position of the sender is expressed linguistically (encoded). The actual pragmatic (situational) intention of expression may overlap, in terms of modality, with the expressed intention or may differ from it. [...] Besides informing about the basic intentions of the speech sender, modality includes other information, such as the sender's image of reality or unreality of the event being communicated [...] with an indication of the hypothetical degree in the case of unreal events and the information about volitional attitudes of the sender (Grzegorzczkova, 2010, pp. 115–116).

In one of her works, Grzegorzczkova (2010, pp. 144–159) distinguishes the following types of modality: intentional modality, epistemic modality and deontic modality. As Jodłowski has noted:

“Grammar takes into account both the language signs of objective relations, as well as signs of subjective relations and psychological processes. And it is not just about the intellectual processes, which are reflected in the modalities of the judgments, but also signs of emotional states, and acts of will”. (Jodłowski, 1971, p. 121)

The author quotes, among others, the definition of modality proposed by Bally, according to which intellectual, emotional and volitive modality can be distinguished: “La modalité est la forme d'un jugement linguistique intellectuel, d'un jugement affectif ou d'une volonté qu'un sujet pensant énoncé à propos d'une perception ou d'une représentation esprit de son” (Bally, 1942, p. 3 as cited in Jodłowski, 1971, pp. 121–122).

A slightly different approach to the problem of modality has been suggested by Polański (1969, pp. 281–288), who talks about verbal and propositional modality. Verbal modality is achieved with morphological agents, and therefore by modal and lexical means such as modal words. It refers to semantic categories such as reality and unreality, optativity, necessity or possibility. Propositional modality, however, refers to the objective of what is communicated and is implemented by way declarative and interrogative sentences, as well as through greetings, appeals and exclamations (Polański, 1969, pp. 281–288 as cited in Kryzia, 2005, p. 17). Palmer, trying to define the difference between *mood* and *modality*, has noted that: “Modality is not [...] necessarily marked in the verbal element, nor is there any obvious reason why it should be, apart from the fact that the verb is the most central part of sentence” (Palmer, 1986, p. 45). In his work devoted to this issue, Palmer analyzes the two types of modality which he identifies: epistemic modality and deontic modality (Palmer, 1986, pp. 51–125). A slightly different classification of modality has been proposed by Bybee, Perkins and Pagliuca: they define agent-oriented modality, speaker-oriented modality, epistemic modality and subordinating moods (Bybee, Perkins, & Pagliuca, 1994, pp. 177–181). A starting point for their distinction was the definition of modality (proposed by Palmer (1986) and based on Lyons (1977)) understood as the grammaticalization of the subjective attitudes and opinions of the speaker (Bybee et al., 1994, p. 176).

The *Nueva gramática de la lengua española* (Real Academia Española, 2009, p. 793) understands the issue as follows:

“En el enunciado, entendido como la unidad mínima capaz de construir un mensaje verbal, se han distinguido tradicionalmente dos componentes: el contenido al que alude, llamado *dictum*, y el *modus*, que aporta actitud del hablante ante él. [...] El concepto tradicional de *modus* se relaciona con el moderno de *modalidad*”.

Summarising the accomplishments of linguists within the research of modality, Jędrzejko notes that scholars agree on

“the need to distinguish two spheres of the phenomenon: on the one hand, the sphere associated with the type of formal expression [...] entitled to all propositions (such modality is a mandatory feature of the sentence); and, on the other hand, the sphere related to the expression of the speaker's attitude [...] to the spoken content, a content recognized by the speaker as intended, desirable, necessary or possible” (Jędrzejko, 1987, p. 14).

The various approaches to modality in linguistics have derived into various distinctions of modality itself, proposed by individual researchers. Deontic modality, which is the subject of this study, has also been discussed by logicians, who, in their classic division proposed by G.H. von Wright, distinguished alethic, epistemic, temporal and deontic modality (Kryzia, 2005, p. 13). The last of these is associated with the concept of obligation and its name comes from the Greek word δέον, δεοντος meaning duty. The permanent characteristics of deontic logic, as quoted by Kryzia (2005, p. 15), are: *is mandatory that* (deontic obligation); *is allowed that* (deontic permission) and *is prohibited that* (deontic prohibition). The author also notes that what distinguishes deontic modality from other types of modality is not the element of the utterances' veracity, but "the need or possibility to make a specific act by a morally responsible person" (Kryzia, 2005, p. 16). These distinctive elements of deontic modality have already been identified out by Lyons, who claims that:

"When we impose upon someone the obligation to perform or to refrain from performing a particular act, we are clearly not describing either his present or future performance of that act. There is a sense in which the sentence we utter can be said to express a proposition; but it is not a proposition which describes the act itself. What it describes is the state-of-affairs that will obtain if the act in question is performed". (Lyons, 1977, p. 823).

Distinguishing deontic modality from other types of modality (e.g. logical modality or epistemic modality), Lyons shows the internal relation of deontic modality to the future and to the source or cause of deontic need, which should result from something. Lyons claims that "if X recognizes that he is obliged to perform some act, then there is usually someone or something that he will acknowledge as responsible for his being under the obligation to act in this way". (Lyons, 1977, p. 824). This obligation, understood as an order or prohibition, on its own is often not enough to impose obedience. The addressee of a deontic-modified sentence "[...] must acknowledge that the speaker has the authority or power to impose his will upon him; and whatever it is that is acknowledged as establishing the speaker's authority to issue the directive is what was described above as the source or cause of the obligation or deontic necessity in the particular instance" (Lyons, 1977, p. 827). What is noteworthy is the fact that sentences containing the trait of deontic modality should be directed at people, as only a person can decide to voluntarily submit to commands and prohibitions (Lyons, 1977, p. 827). According to Lyons, deontic modality is not limited to obligation, understood as command and prohibition. Deontically modified utterances may also be carriers of "permission, which is related to possibility in same way that obligation is related to necessity". (Lyons, 1977, p. 832). To illustrate the problem, the author gives the following examples:

- a) *You must open the door,*
- b) *You mustn't open the door,*
- c) *You may open the door,*
- d) *You needn't/don't have to open the door.* (Lyons, 1977, p. 832).

On the other hand, with regard to deontic modality, Grzegorzczkova has outlined two conceptualizations: a broader one and a limited one. In terms of the broader conceptualization, she claims that deontic modality "includes not only declarative sentences, but also, in a way, statements about other intentional attitudes, e.g. requests (and questions), which express the will of the sender and put the addressee in a state of commitment" (Grzegorzczkova, 2010, p. 157). According to the limited conceptualization, "deontic modality is typical of statements postulated within intentional declaratives, and therefore statements indicating the volitional-evaluation attitude of the sender" (Grzegorzczkova, 2010, p. 157). In order to illustrate the problem, Grzegorzczkova gives the following examples:

- a) *Trzeba (należy) pomagać słabszym*, ('One should/It's necessary to help the weaker')
- b) *Nie wolno deptać trawników*, ('Do not trample the grass')
- c) *Chodzimy lewą stroną*. (literally 'We walk on the left side'). (Grzegorzczkova, 2010, p. 157)

Normative statements have been distinguished by Grzegorzczkova (2010, p. 158) as a special kind of postulative sentences defining situations such as command, prohibition and permission.

In this study, priority is given to the linguistic descriptions of modality, assuming as the theoretical basis of our study of modality the concepts proposed by Grzegorzczkova and Lyons, as they are the most suitable for describing how deontic modality is expressed in legal texts.

2.2 Characteristics of legal texts and legal norms

Regarding the characteristics of legal texts, it must be mentioned that the particularities of legal texts are connected with the specificity of the language used in the process of writing them, which is known as 'legal language'. Legal provisions, which contain legal norms, take the aspect of statements, which are composed of three essential elements:

1. the addressee of the norm (the person, to whom the legal norm orders / prohibits / allows to do something);
2. the designated pattern of conduct designated to the addressee;
3. the circumstances that determine the behavior foreseen in the norm, that is to say, the circumstances in which the addressee must act according to a determined model.

In legal texts, the object of the description is therefore facts (understood as acts by action or facts by omission) or future events, about which there is no certainty that they will be realized. Therefore, the legal norms expressed in legal texts do not refer to specific situations or events, but to hypothetical or potential situations. These norms are general and abstract. This distinguishes them from, for example, acts of the application of the law. This generality and abstraction of legal norms stems from the fact that legal norms must be able to be used repeatedly and that they become effective means of social persuasion only through the possibility of their repeated application (Chauvin, Stawecki, & Winczorek, 2009, pp. 52–54).

A legal norm determines a behavior model, and it responds to the questions of who is affected, under what circumstances they are affected, and how they should behave, i.e. what a person is ordered, prohibited or allowed to do. For this reason, each legal norm consists of two parts: the hypothesis and the provision. The hypothesis of the legal norm shows the recipient of the rule and the conditions or circumstances in which the recipient is ordered, prohibited or allowed to do something. On the other hand, the provision of the legal norm determines the content of the ordered, prohibited or permitted conduct, or even the content of the decision to be made regarding the existence of certain facts (Chauvin et al., 2009, p. 55). It would be impossible to analyze legal norm, their construction and their types without mentioning the problem of statements. In the theory of law, following such branches of science as linguistics or legal logic, the term "statement" is understood as a linguistic communication or a smaller linguistic unit of the text which exerts the communicative function, and which has an exact significant function, meaning that it has a descriptive, expressive, suggestive or performative function. It is possible to identify, among others, descriptive, evaluative, normative or performative statements (Chauvin et al., 2009, p. 44). Wronkowska, with regard to the same problem, divides utterances into two basic groups: descriptive statements and non-descriptive ones. Then, within the latter group she differentiates between directival, estimative and interrogative statements. In the subgroup of directives, according to the author, the norms of conduct, directives of purpose and the logical rules of conventional actions appear (Wronkowska, 2005, p. 8).

For the purposes of this article, only one of the types of linguistic statements mentioned above, normative statements (according to the terminology proposed by Chauvin, Stawecki, Winczorek) or the rules of conduct (in line with the terminology given by Wronkowska), will be analyzed.

Since the purpose of such statements is to show a model for the subject's behavior, they perform a persuasive function. Generally, normative statements have the aspect of legal norms. The logical scheme of normative statements is presented as follows: X must / Y can.¹ Obligation or permission can also be expressed with other deontic operators such as has to, must, should, etc. It is also worth mentioning that in the process of analyzing the linguistic exponents of deontic modality in legal norms, it is very important to recognize that normative statements often have the appearance of apparently descriptive statements (Chauvin et al., 2009, pp. 46–47).

3 The study

All the normative statements found in the Charter of Fundamental Rights of the European Union have been divided into four groups, taking into account the type of situation determined by each legal norm, i.e. order, prohibition, right and permission. Presented below are some examples of each of the types of situations mentioned. Highlighted in bold are the expressions which function as markers of deontic modality. Section 3.5. presents problematic sentences, which will be commented on afterwards.

At this point, it is important to remember that both texts, i.e. the Polish and the English versions of the Charter of Fundamental Rights of the European Union – which are the basis of the study material – are equally authentic, which means that to neither of them can be given priority over the other. This is based on the theoretical and legal assumptions underlying EU law (see 1. Introduction).

Due to the limited size of this study, only a part of the pattern of conduct designated to the addressee has been subjected to analysis. Consequently, in this study we have not considered the issue of modal adverbs.

3.1 Order

Art. 1

Godność człowieka jest nienaruszalna. **Musi być szanowana i chroniona.**

Human dignity is inviolable. It **must be respected and protected.**

Art. 8.3

Przestrzeganie tych zasad **podlega kontroli** niezależnego organu.

Compliance with these rules **shall be subject to control** by an independent authority.

Art. 23

Należy zapewnić równość kobiet i mężczyzn we wszystkich dziedzinach, w tym w zakresie zatrudnienia, pracy i wynagrodzenia.

Equality between women and men **must be ensured** in all areas, including employment, work and pay.

¹Obviously, not every utterance with “can” or “must” is a normative statement, as in: “It cannot rain today”.

3.2 Prohibition

Art. 2.2

Nikt nie może być skazany na karę śmierci ani poddany jej wykonaniu.
No one shall be condemned to the death penalty, or executed.

Art. 5.3

Handel ludźmi **jest zakazany**.
Trafficking in human beings **is prohibited**.

Art. 19.2

Nikt nie może być usunięty z terytorium państwa, wydalony lub wydany w drodze ekstradycji do państwa, w którym istnieje poważne ryzyko, iż może być poddany karze śmierci, torturom lub innemu nieludzkiemu lub poniżającemu traktowaniu albo karaniu.
No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.

Art. 21.1

Zakazana jest wszelka dyskryminacja w szczególności ze względu na płeć, rasę, kolor skóry, pochodzenie etniczne lub społeczne, cechy genetyczne, język, religię lub przekonania, poglądy polityczne lub wszelkie inne poglądy, przynależność do mniejszości narodowej, majątek, urodzenie, niepełnosprawność, wiek lub orientację seksualną.
Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation **shall be prohibited**.

Art. 49.1

Nikt nie może zostać skazany za popełnienie czynu polegającego na działaniu lub zaniechaniu, który według prawa krajowego lub prawa międzynarodowego nie stanowił czynu zabronionego pod groźbą kary w czasie jego popełnienia. Nie wymierza się również kary surowszej od tej, którą można było wymierzyć w czasie, gdy czyn zabroniony pod groźbą kary został popełniony. Jeśli ustawa, która weszła w życie po popełnieniu czynu zabronionego pod groźbą kary, przewiduje karę łagodniejszą, ta właśnie kara ma zastosowanie.
No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national law or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed. If, subsequent to the commission of a criminal offence, the law provides for a lighter penalty, that penalty shall be applicable.

Art. 53

Żadne z postanowień niniejszej Karty **nie będzie interpretowane** jako ograniczające lub naruszające prawa człowieka i podstawowe wolności uznane, we właściwych im obszarach zastosowania, przez prawo Unii i prawo międzynarodowe oraz konwencje międzynarodowe, których Unia lub wszystkie Państwa Członkowskie są stronami, w szczególności przez europejską Konwencję o ochronie praw człowieka i podstawowych wolności oraz przez konstytucje Państw Członkowskich.
Nothing in this Charter **shall be interpreted** as restricting or adversely affecting human rights and fundamental freedoms as recognised, in their respective fields of application, by Union law and

international law and by international agreements to which the Union or all the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Member States' constitutions.

Art. 54

Żadne z postanowień niniejszej Karty **nie może być interpretowane** jako przyznające prawo do podejmowania jakiegokolwiek działalności lub dokonywania jakiegokolwiek czynu zmierzającego do zniweczenia praw i wolności uznanych w niniejszej Karcie lub ich ograniczenia w większym stopniu, aniżeli jest to przewidziane w niniejszej Karcie.

Nothing in this Charter **shall be interpreted** as implying any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms recognised in this Charter or at their limitation to a greater extent than is provided for herein.

3.3 Rights

Art. 2.1

Każdy **ma prawo** do życia.

Everyone **has the right** to life.

Art. 15.3

Obywatele państw trzecich, którzy posiadają zezwolenie na pracę na terytorium Państw Członkowskich, **mają prawo** do takich samych warunków pracy, z jakich korzystają obywatele Unii.

Nationals of third countries who are authorised to work in the territories of the Member States **are entitled** to working conditions equivalent to those of citizens of the Union.

Art. 24.1

Dzieci **mają prawo** do takiej ochrony i opieki, jaka jest konieczna dla ich dobra. Mogą one swobodnie wyrażać swoje poglądy. Poglądy te są brane pod uwagę w sprawach, które ich dotyczą, stosownie do ich wieku i stopnia dojrzałości.

Children **shall have the right** to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.

Art. 46

Każdy obywatel Unii **korzysta** na terytorium państwa trzeciego, w którym Państwo Członkowskie, którego jest obywatelem, nie ma swojego przedstawicielstwa, **z ochrony** dyplomatycznej i konsularnej każdego z pozostałych Państw Członkowskich na takich samych warunkach jak obywatele tego państwa.

Every citizen of the Union **shall**, in the territory of a third country in which the Member State of which he or she is a national is not represented, **be entitled to** protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that Member State.

3.4 Permission

Art. 17

Każdy ma prawo do władania, używania, rozporządzania i przekazania w drodze spadku mienia nabytego zgodnie z prawem. Nikt nie może być pozbawiony swojej własności, chyba że w interesie

publicznym, w przypadkach i na warunkach przewidzianych w ustawie, za słusznym odszkodowaniem za jej utratę wypłaconym we właściwym terminie. Korzystanie z mienia **może podlegać regulacji** ustawowej w zakresie, w jakim jest to konieczne ze względu na interes ogólny.

Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss. The use of property **may be regulated** by law in so far as is necessary for the general interest.

Art. 19.2

Nikt nie może być usunięty z terytorium państwa, wydany lub wydany w drodze ekstradycji do państwa, w którym istnieje poważne ryzyko, iż **może być poddany karze** śmierci, torturom lub innemu nieludzkiemu lub poniżającemu traktowaniu albo karaniu.

No one may be removed, expelled or extradited to a State where there is a serious risk that he or she **would be subjected** to the death penalty, torture or other inhuman or degrading treatment or punishment.

Art. 47

Każdy ma prawo do sprawiedliwego i jawnego rozpatrzenia jego sprawy w rozsądnym terminie przez niezawisły i bezstronny sąd ustanowiony uprzednio na mocy ustawy. Każdy **ma możliwość** uzyskania porady prawnej, skorzystania z pomocy obrońcy i przedstawiciela.

Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone **shall have the possibility** of being advised, defended and represented.

Art. 52.5

Postanowienia niniejszej Karty zawierające zasady **mogą być wprowadzane** w życie przez akty prawodawcze i wykonawcze przyjęte przez instytucje, organy i jednostki organizacyjne Unii oraz przez akty Państw Członkowskich, gdy wykonują one prawo Unii, korzystając ze swoich odpowiednich uprawnień. Można się na nie powoływać w sądzie jedynie w celu wykładni tych aktów i kontroli ich legalności.

The provisions of this Charter which contain principles **may be implemented** by legislative and executive acts taken by institutions, bodies, offices and agencies of the Union, and by acts of Member States when they are implementing Union law, in the exercise of their respective powers. They shall be judicially cognisable only in the interpretation of such acts and in the ruling on their legality.

3.5 Problematic sentences

Art. 9

Prawo do zawarcia małżeństwa i prawo do założenia rodziny są gwarantowane zgodnie z ustawami krajowymi regulującymi korzystanie z tych praw.

The right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights.

Art. 10.2

Uznaje się prawo do odmowy działania sprzecznego z własnym sumieniem, zgodnie z ustawami krajowymi regulującymi korzystanie z tego prawa.

The right to conscientious objection **is recognized**, in accordance with the national laws governing the exercise of this right.

Art. 11.2

Szanuje się wolność i pluralizm mediów.

The freedom and pluralism of the media **shall be respected**.

Art. 20

Wszyscy **są równi** wobec prawa.

Everyone **is equal** before the law.

Art. 22

Unia **szanuje** różnorodność kulturową, religijną i językową.

The Union **shall respect** cultural, religious and linguistic diversity.

3.6 The contrastive aspect

Table 1: Polish and English forms: contrastive aspect

Polish	English
musi	must
należy	must
nie może	1. no one shall 2. nothing shall 3. no one may
jest zakazane	1. is prohibited 2. shall be prohibited
ma prawo	1. has the right 2. pseudo-descriptive sentence expressing action; verb in present tense without negation, passive voice 3. shall have the right
może	1. may 2. would
ma możliwość	shall have the possibility
pseudo-descriptive sentence expressing action; verb in present tense without negation, active voice	shall
pseudo-descriptive sentence expressing action; verb in future tense with negation, passive voice	nothing shall
pseudo-descriptive sentence expressing non-action; verb in present tense without negation, active voice	1. pseudo-descriptive sentence expressing non-action; verb in present tense without negation, active voice 2. shall
pseudo-descriptive sentence expressing non-action; verb in present tense without negation, passive voice	1. pseudo-descriptive sentence expressing non-action; verb in present tense without negation, passive voice 2. shall

The comparison of the linguistic means of expressing deontic modality reveals irregularities in the analyzed fragments at both the semantic and syntactic levels (Tab. 1, p. 10). In the English text, the vast majority of sentences contain modality expressed directly by an appropriate modal verb, with the complement being a verb in the present tense in the passive voice. In the Polish

text, there is a tendency to use pseudo-descriptive sentences whose modal value is related to their conventionalization (Grzegorzczkowska, 2010, p. 145). The carrier of modal value in these sentences is usually a verb in the present tense, in both the active and the passive form.

It is also noteworthy that there are certain shifts within the modal verbs observed in both texts. In order to express prohibition, the modal verb *może* with a negation is essentially used in the Polish text, while in the English text negated forms of the verbs *shall* and *may* are used. It is particularly worth noting that the modal verb *shall* is used very frequently in the English text. It occurs in sentences that in Polish are used in different legal situations. Accordingly, English sentences with the verb *shall* in the Polish version of the Charter were expressed by pseudo-descriptive sentences expressing order, prohibition (a negated *shall*), entitlement and permission. Additionally, the verb was used in expressions, which seemingly already have a modal value. Such expressions are those with *have the right* (expressing modality permission) and *have the possibility* (expressing permission). Within the sentences which express permission, attention is drawn to the fact that in sentences in which the Polish version features the modal verb *może*, the English version uses the modal verbs *may* and *would*. The use of the former, as already mentioned, has been observed, along with a negation, to express prohibition. With regards to the use of tenses, only in Polish is the use of a different tense than the present to be observed. In some sentences the future tense was used. Such use, which is permitted by the Polish legislative technique, is sporadic in contemporary Polish legal texts, however.

4 Conclusions

The need to investigate deontic modality has arisen because of concern over two aspects of the linguistic confrontation between Polish and English. Firstly, in the legal field one can find semantic discrepancies between some expressions in the two linguistic variants of the same text. The translation of such discrepancies is a challenge for both the linguistic and the legal aspect of the analyzed text.

Secondly, it is clear that deontic modality in legal texts plays a crucial role in the interpretation of the law itself, and the law should be neither ambiguous nor inexplicit.

When contrasting Polish and English expressions of deontic modality, it can be observed that: There is a greater diversity of modal verbs in the English text, which is to be expected when considering the particularity of Germanic languages.

There is a clear tendency to construct sentences with directly expressed modality in English.

In Polish, a tendency to construct pseudo-descriptive sentences (whose modality is the result of conventionalization) is observed. These sentences, it would seem, are more ambiguous when it comes to their interpretation. The lack of a clear modal functor leaves ample room for possible interpretations.

The possible differences in meaning between functors expressing obligation, *musi, powinien, należy* (in Polish) and *shall, must* (in English), have yet to be resolved.

There is no doubt that the analysis conducted in this paper does not lead to the solution of all the problems raised. In fact, it is more of a first step in the field of linguistic confrontation between Polish and English within the framework of deontic modality. While analyzing the Polish and English texts of the *Charter of Fundamental Rights of the European Union*, many questions have appeared which, hopefully, will be starting points for further research.

All of these unanswered questions pose a challenge and encourage the exploration of the topic of deontic modality (which has been a topic of a very vivid academic discussion in Europe (Biel, 2014; Gęborys, 2012; Rydzewska-Sięmiątkowska, 2016; Vanden Bulcke, 2013)) in the framework of the linguistic confrontation of English (and other languages) with Polish.

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Acknowledgment

This work was financed by the Polish Ministry of Science and Higher Education.

The authors declare that they have no competing interests.

The authors' contribution was as follows: concept of the study: Maciej Paweł Jaskot & Agnieszka Wiltos; data analyses: Maciej Paweł Jaskot & Agnieszka Wiltos; the writing: Maciej Paweł Jaskot & Agnieszka Wiltos.

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Publisher: Institute of Slavic Studies, Polish Academy of Sciences, University of Silesia & The Slavic Foundation