




# A Corpus-Based Analysis of Modality Shifts in English-To-Chinese Courtroom Translation

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## Abstract

Research on modality shifts in English-to-Chinese courtroom translation remains limited, despite the critical role of modality in shaping legal nuance, and speaker intentionality in judicial settings. This gap is particularly consequential in high-stakes contexts such as the International Military Tribunal for the Far East (IMTFE), where mistranslations of evaluative judgments could distort historical and legal accountability. To address this, the study explores the translation of modality, a linguistic device used to convey evaluative judgments on assertions or proposals, with a focus on the IMTFE trial records. Using a purposive sampling technique, the study focuses on a parallel corpus comprising authentic English trial records and their corresponding Chinese translations, ensuring a representative dataset that captures the complexity of modality in legal discourse. Adopting a corpus-based approach, the study employs a two-step coding procedure grounded in Systemic Functional Linguistics to analyze modality shifts in terms of modal orientation and value. Quantitative analysis identifies patterns in the distribution and frequency of shifts in the translation. Findings reveal that a small proportion of modality shifts occur, with notable changes in modal value followed by modal orientation. These shifts indicate a departure from the original speakers' modal intentions, particularly in the linguistic strength and manifestation of modal stance in the translated texts. Specifically, the distribution of shifts suggests that the source speakers' intended modal stance becomes weaker and more implicit in the translated texts, primarily due to the loss of high-value and median-value explicit modality. The findings of this study carry implications for translator training, legal translation practice, and institutional frameworks. Future research should explore original Chinese courtroom discourse to compare it with translated discourse, and investigate modality shifts in courtroom translations across diverse language pairs.

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**Keywords:** Courtroom translation, Modality shifts, Systemic Functional Linguistics.

## Introduction

The courtroom, as a site of high stakes spoken communication, is a critical arena where language directly shapes legal outcomes, rights, and justice (Yang & Wang, 2021). Central to this process is courtroom

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translation, which ensures equitable participation for individuals who cannot understand the language of proceedings—a right enshrined in international human rights law. Courtroom translation plays a crucial role in ensuring justice and legal clarity, particularly in cross-linguistic settings where precise interpretation of modality, expressions of possibility, necessity, and obligation, are essential. Depending on the text type, different linguistic constraints, insufficient cultural knowledge, and deviations from translation norms often lead to linguistic, pragmatic, cultural and text-specific translation errors. One of the key challenges in courtroom translation lies in maintaining the delicate balance between linguistic accuracy and legal intent. Unlike everyday conversation, legal discourse demands a high degree of precision, as even slight shifts in meaning can affect legal interpretations and judicial decisions. This complexity is further amplified when translating between languages with distinct grammatical and semantic structures, such as English and Chinese, where differences in modality can influence how legal authority and obligation are conveyed.

The translation of legal discourse, particularly between linguistically divergent systems like English and Chinese (James, Sean, & Amini, 2018), poses unique challenges. Subtle shifts in linguistic features such as modality—the grammatical and lexical means of expressing attitudes toward assertions, obligations, or possibilities (Halliday et al., 2014; Halliday & McDonald, 2004)—can alter the pragmatic force of legal claims, with profound implications for fairness and judicial integrity. Given the complexities of legal translation, even minor shifts in meaning can have significant consequences, particularly in courtroom settings where language precision is paramount. Modality, as a key linguistic feature in legal discourse, plays a crucial role in shaping the certainty, authority, and obligations conveyed in judicial proceedings. The interplay between linguistic structure and legal intent becomes even more intricate in English-to-Chinese translation, where systemic differences between the two languages (Jing & Amini, 2019) necessitate shifts in modality to maintain coherence and communicative effectiveness. Understanding these shifts is vital to ensuring that translated legal discourse remains both faithful to the source text and functionally appropriate in the target legal system.

While existing research has examined courtroom translation through the lens of accuracy (Al-Awawdeh & Al-Shamayleh, 2023; Galdia & Chan, 2023; Luo, 2024; Prieto Ramos & Guzmán, 2023; Sopjani & Hamiti, 2022), few studies systematically investigate modality shifts—defined as departures from formal correspondence between source and target languages (Catford, 1965, 2000)—in English-to-Chinese legal settings. However, modality serves as a cornerstone of legal meaning, enabling speakers to encode authority, obligation, doubt, or permission (Chaemsathong, 2018; Daniel & Unuabonah, 2021; Míguez, 2024; Mortensen & Mortensen, 2017; Su, Liu, & Cheung, 2023; Szczyrbak, 2021; Yang & Wang, 2024). Despite the centrality of modality to legal communication, existing research on modality shifts has predominantly focused on diplomatic settings (Fu & Chen, 2019; Li, 2018; Tian, 2022; Zhang & Cheung, 2022), and academic discourse (Huang & Li, 2023), leaving a gap in understanding how modality operates in institutionally constrained courtroom interactions.

Moreover, given the high-stakes nature of courtroom discourse, translation must preserve not only the literal meaning of statements but also their pragmatic force and legal implications. A key challenge arises from the fact that different legal systems conceptualize and express modality in distinct ways, requiring interpreters and translators to navigate both linguistic and judicial constraints. As a result, shifts in modality may occur either intentionally, to align with legal norms, or unintentionally, due to structural differences between English and Chinese. In courtroom settings, minor translational deviations in modal markers (e.g., *must* vs. *should*, *certainly* vs. *possibly*) risk distorting litigants' intent, misrepresenting witness credibility, or weakening the binding force of judicial rulings. Such shifts carry ethical and legal ramifications, particularly in contexts like the International Military Tribunal for the Far East (IMTFE), where historical accountability hinges on precise linguistic mediation.

To verify these ramifications, the following research questions were framed for this study: (1) How does modality shift in terms of orientation in English-to-Chinese IMTFE translation? (2) How does modality shift in terms of value in English-to-Chinese IMTFE translation? These two questions refer to two dimensions critical to decoding power dynamics in legal discourse (Thompson, 2013) namely the translation of modality through its orientation (explicitness of stance) and value (degree of certainty or obligation). This study addresses these issues by investigating the systematic examination of modality shifts between English and Chinese in high-stakes courtroom contexts, adopting the Systemic Functional Linguistics (SFL) framework (Halliday et al., 2014; Halliday & McDonald, 2004). This framework facilitated a critical examination of the evolving landscape of modality in legal discourse and courtroom translation, and explore the nuanced interplay between language, meaning, and institutional authority.

## Literature Review

### *Modal Stance in Courtroom Discourse*

In legal discourse, modal stance has received a considerable amount of attention. Mortensen & Mortensen (2017) conducted a case study on the linguistic construction of certainty and uncertainty (epistemic stance) in Danish courtroom interactions. The study compared the pragmatic functions of epistemic stances taken by two participants, revealing that their stance styles were influenced by their roles and rhetorical objectives in

the trial. In another study, [Chaemsaitong \(2018\)](#) analyzed evaluative stances in the opening statements of five contemporary Anglo-American trials, focusing on boosters, hedges, attitude markers, and self-mentions. The study found that both prosecution and defense attorneys frequently used evaluative stance expressions, with boosters and hedges being more common than explicit attitude markers. These devices helped lawyers navigate legal restrictions on expressing personal opinions and commenting on evidence. In a similar way, [Daniel & Unuabonah \(2021\)](#) analyzed stance and engagement strategies in Nigerian Supreme Court judges' opinions using Hyland's model. They found that judges used stance features more often than engagement features, with frequent self-mentions to assert authorial presence. Directives were the most common engagement markers, reflecting the normative nature of the text and adherence to established norms.

Focusing on the contrasting embodied stances of the prosecutor and defense attorney during the opening statements of the *State of Minnesota v. Derek Michael Chauvin* trial, [Yang & Wang \(2024\)](#) investigated multimodality in forensic linguistics. Using the stance triangle and ideological square frameworks, they examined how repeated gestures function as stance-taking tools. The findings indicated that the prosecutor mainly used modal gestures to convey a strongly oppositional stance and increase persuasiveness, while the defense attorney preferred performative gestures. Additionally, a corpus-based study on stance expressions in data protection laws from the US, EU, and China using Hyland's stance model have analyzed hedging, self-mention, boosting, and attitude markers ([Huang & Li, 2023](#)). The study examined translatorial voices through modal stance to check modality shifts in Chinese-to-English translation of research article abstracts. These findings highlighted the modesty and flexibility of these laws, reflecting public ideologies and legislative values. These studies proposed a specialized model for analyzing stance in legal texts, suggesting that data protection laws often appear neutral through subtle stance expressions ([Sopjani & Hamiti, 2022](#)).

Overall, the aforementioned studies significantly contribute to the current research. However, they primarily focus on specific features and constructions, such as evaluative stances or epistemic modality, thus only partially mapping stance-taking in courtroom discourse. Additionally, no studies have examined the entire trial records, including opening statements and courtroom interactions. Therefore, this study aims to explore a range of modal stances in the complete trial records of IMTFE to provide a more comprehensive understanding.

#### *Courtroom translation between English and Chinese*

Recent advances in corpus linguistics have revolutionized the empirical study of translation practices. [Galdia & Chan \(2023\)](#) emphasized the value of parallel corpora in identifying recurring translation patterns and norm-driven strategies in legal texts. Similarly, [Luo \(2024\)](#) utilized a diachronic corpus of Chinese courtroom translations to reveal evolving trends in the handling of epistemic modals, highlighting the influence of sociopolitical contexts on translators' choices. These studies affirm the utility of corpus methodologies in uncovering systemic shifts in modality, particularly in institutionalized settings like courtrooms. Courtroom translation involves not only linguistic fidelity but also ethical and pragmatic considerations. [Al-Awawdeh & Al-Shamayleh \(2023\)](#) examined modality shifts in Arabic-English legal interpreting, noting that translators often attenuate or intensify modal force to align with target-culture expectations of legal authority. In multilingual courtroom contexts, [Sopjani & Hamiti \(2022\)](#) identified discrepancies in the translation of epistemic modals, which risk distorting the perceived certainty of evidence.

While existing studies have explored modality in legal translation across languages such as Arabic, Spanish, and Chinese ([Al-Awawdeh & Al-Shamayleh, 2023](#)), few have systematically examined English-to-Chinese courtroom translation through a corpus-based lens. The interplay between institutional power dynamics and modality choices remains underexplored, particularly in Chinese judicial contexts.

#### *Modality Shifts in English-to-Chinese Courtroom Translation*

While research has explored modality shifts in diplomatic and governmental translation ([Fu & Chen, 2019; Li, 2018; Zhang & Cheung, 2022](#)), courtroom translation—a domain requiring rigorous fidelity to legal force and pragmatic nuance—remains underexplored, particularly in English-Chinese language pairs. No study has synthesized findings on modality shifts in institutional translation and interpreting, though a few studies on Chinese-to-English institutional translation has consistently highlighted modality shifts as strategic choices shaped by power dynamics, cultural norms, and communicative goals. For example, [Fu \(2016\)](#) comparative analysis of interpreted and translated diplomatic texts revealed that translators and interpreters act as “policy endorsers,” amplifying modal force through active constructions (e.g., “will”) and first-person pronouns to align with state discourse. Similarly, [Li \(2018\)](#) corpus-based study of government press conferences, which identified frequent shifts toward “weakening,” “subjectification,” and “de-obligation” in Chinese-to-English interpretations, reflecting interpreters' mediation of power relations between institutional speakers and international audiences. In addition, [Tian \(2022\)](#) diachronic analysis of Chinese government work reports demonstrated systematic explicitation and diversification of modal markers in English translations, with high-value Chinese modals often rendered as lower-value equivalents. This trend was attributed to translation universals (e.g., explicitation) and cross-cultural differences in expressing authority, underscoring the tension between linguistic equivalence and target-culture pragmatics. Similarly, [Zhang & Cheung \(2022\)](#) observed a marked increase in modal verb frequency in English interpretations, suggesting that translators amplify modality to meet Anglophone

expectations of diplomatic clarity and assertiveness.

Fu & Chen (2019) analysis of consecutive and simultaneous interpreting in press conferences revealed interpreters' active negotiation of interpersonal relations through modality. By modulating modal value and orientation (e.g., epistemic to deontic), interpreters reconstructed official stances to enhance diplomatic rapport or mitigate face-threatening acts. Additionally, Huang & Li (2023) study of academic abstracts, where translators' adjustments to modal value (e.g., omitting low-value implicit propositions) resulted in a stronger, more objectivized stance in English translations. Existing research on modality shifts in Chinese-to-English institutional translation (e.g., diplomatic, governmental, and academic contexts) reveals systematic strategies such as modal weakening, explicitation, and interpreter-mediated subjectification, driven by power dynamics, cultural norms, and target-audience expectations (Fu, 2016; Li, 2018; Tian, 2022; Zhang & Cheung, 2022). Studies emphasize interpreter agency in reshaping modal force to align with ideological or pragmatic goals, particularly in asymmetrical institutional settings (Fu & Chen, 2019; Huang & Li, 2023). However, the patterns of these shifts in Chinese-to-English courtroom translation remain under-researched. It requires scholarly investigation due to its importance in conveying speakers' modal stances effectively in courtroom context. Drawing on the framework of SFL, this study addresses these gaps by examining modality shifts in the translation of courtroom discourse, in particular the translation of trial records of the International Military Tribunal for the Far East (IMTFE) from English to Chinese (hereafter referred as English-to-Chinese IMTFE translation).

### *Orientation and Value of Modality in English*

**Table 1:** Realizations of Modality in Terms of Orientation and Value (Adapted from Cheng & Sin (2011) (Source: <http://mylib.nlc.cn>).

Orientation and value	Realizations
Implicit, subjective, low	It may be difficult to anticipate any striking changes as a result of the Battle of Suchow...
Implicit, objective, low	If the Tribunal will give us an indication of the number of motions they are short, perhaps among defence counsel they may have copies here so we can proceed.
Explicit, subjective, low	I doubt that the attitude of the Navy or the decision of the Council...
Explicit, objective, low	In such a case, there is a possibility that the formation of an Imperial Prince Cabinet...
Implicit, subjective, median	When the defendant and his cousin reached the land, it should/ought to be in the daytime.
Implicit, objective, median	I told him that it would probably result in a disturbance within the country, and that there was sufficient reason to fear that this would result in our nation's defeat
Explicit, subjective, median	I think you will find that the Japanese translation will be continuing long after you finished.
Explicit, objective, median	It is supposed that they give us the English words that convey the proper meaning.
Implicit, subjective, high	The defendant claims he must be at the scene.
Implicit, objective, high	There must be a crime set out by statute or existing by common law.
Explicit, subjective, high	I accept that past practice may be one factor to take into account.
Explicit, objective, high	...and the emperor should order the formation of a new Cabinet, it is certain that it would be impossible to form one.

Modality is used to express the attitudes of a speaker regarding the degree of assertion, denial, prescription, and prohibition (Halliday et al., 2014; Halliday & McDonald, 2004). Within the framework of SFL, modality can be categorized according to orientation and value dimensions. The basic distinction of how each type of modality will be realized is the orientation (Halliday et al., 2014; Halliday & McDonald, 2004). In terms of the dimension of modality orientation, it deals with two aspects: how much the speaker acknowledges that he/she expresses an attitude, and how much the speaker openly admits that he/she is making subjective judgments. Modality is implicit when it appears within the same clause as the main proposition (e.g., 'must', 'certainly') and explicit when it is in a separate clause (e.g., 'I'm certain that', 'it is possible that'). Subjective modality reflects the speaker's personal judgment or belief, often using first-person pronouns (e.g., 'I'm certain that', 'it is possible that'). Objective modality presents judgments as independent of the speaker, based on external evidence (e.g., 'it is possible', 'it is likely') (Thompson, 2013).

On the other hand, the other distinction of how each type of modality could be categorized is modality value (Halliday et al., 2014; Halliday & McDonald, 2004). In terms of the dimension of modality value, it refers to "the degree of belief a speaker has in the validity of a proposition" (Thompson, 2013). Modality can be categorized into low-valued (e.g., 'may', 'might', 'can'), median-valued (e.g., 'will', 'would', 'shall'), and high-valued modality (e.g.,



‘must’, ‘have to’) in terms of modality value, which respectively represent the meaning of ‘possible’, ‘probably’, and ‘certainly’ (Halliday et al., 2014; Halliday & McDonald, 2004).

Table 1 presents the modality shifts in terms of orientation and value in the English-to-Chinese IMTFE translation. These examples show how orientation and value of modality are represented linguistically in the corpus.

### Orientation and Value of Modality in Chinese

The following two sub-sections provide an explanation of modality and value in Chinese.

#### Orientation of Modality in Chinese

Regarding the orientation and value of modality in Chinese, Halliday & McDonald (2004) identify that modality in Chinese are also graded as that in English. Tables 2 and 3 illustrate the realizations of explicit/implicit modality, and subjective/objective modality in Chinese.

**Table 2:** Error! No text of specified style in document.: *Realizations of Explicit/ Implicit Modality in Chinese (Adapted from Cheng & Wang (2017)).*

Orientation	Example
Explicit modality	我认为他在家。(Wǒ rènwéi tā zài jiā) I think he is home. 我的看法是他在家。(Wǒ de kànǎ shì tā zài jiā) My opinion is that he is home.
Implicit modality	他可能/也许在家。(Tā kěnéng/yěxǔ zài jiā) He is probably home. 他恐怕不在家。(Tā kǒngpà bù zài jiā) He is probably not home.

Chinese modality allows for both subjective and objective orientations; unlike English, where subjective orientation is expressed through verbal or mental clauses, while objective orientation is conveyed via relational clauses (Cheng & Wang, 2017). Table 3 provides a summary of how subjective and objective modality are realized in Chinese.

**Table 3:** *Realizations of Subjective/ Objective Modality in Chinese (Adapted from Cheng & Wang (2017)).*

Orientation	Example
Subjective modality	我认为/我看他在家。(Wǒ rènwéi/Wǒ kàn tā zài jiā) I think he is home. 在我看来...Zài wǒ kàn lái... In my opinion, 有这个可能...(Yǒu zhège kěnéng...)
Objective modality	There is a possibility that 他可能/也许/说不定在家。(Tā kěnéng/yěxǔ/shuōbùdìng zài jiā) He is probably home.

**Table 4:** *Modal Values in Chinese and English (Adapted from Pei & Li (2018)).*

Value	Chinese	English	Chinese	English
High	得(dei), 必须(bixu), 务必(wubi), 须得(xudei), 须(xu) 要(yao); 我颁令(wo banling)....我肯定(wo kending)....我接受(wo jieshou)...	must, shall, need, I hereby make order..., I am certain..., I accept...	不能(buneng), 不可(buke), 不可以(bukeyi), 不可能(bukeneng), 不得(bude), 该(bugai), 不应(buying), 不 应该(buyinggai), 不应当(buyingdang)	mustn't, oughtn't to, shall not, cannot, couldn't, mayn't
Median	应该(yinggai), 应(yingdang), 该(gai), 应(ying), 当(dang), 肯(ken), 敢(gan), 想(xiang), 想要(xiangyao), 要(yao), 希望(xiwang), 乐意(leyi), 情愿(qingyuan), 愿意(yuanyi), 愿(yuan), 我认为(wo renwei)...., 本该(bengai)...., 我要(wo yao)...	should, ought to, will, would, I think..., It is supposed that..., I want...	不愿(buyuan), 不愿意(buyuanyi), 不肯(buken), 不 敢(bugan), 不想(buxiang), 不情愿(buqingyuan)	won't, wouldn't, shouldn't
Low	可能(keneng), 会(hui), 可以(keyi), 可(ke), 能(neng), 能够(nenggou), 我怀疑(wo huaiyi), 有可能(you keneng), 我批准(wo pizhun), 被允许(bei yunxu)	can, may, could, might, perhaps, possibly, I doubt..., There is a possibility that..., I permit..., be allowed to...	可能不(kenengbu), 不会(buhui), 无须(wuxu), 不须(buxu), 不能够(bunenggou)	needn't, doesn't, didn't need to

#### Value of modality in Chinese

As the other variable of modality, value is linked to moral judgment, which can be high, median, or low. Specifically, speakers can indicate varying levels of certainty about the truth of a statement or apply different degrees of pressure on someone to execute a command. The value of modality has been examined from various perspectives. Table 4 presents a comparative analysis of modal values across Chinese and English, categorized by degree of modality (high, median, low) and polarity (positive, negative). The Chinese modality markers are listed with corresponding English equivalents.

## Methodology

### Research Design

This study adopted a corpus method to explore the translation of modality, a linguistic device to convey their evaluative judgments on assertions or proposals, in the English-to-Chinese IMTFF translation. Using a two-step coding procedure based on SFL, the study examined the modality shifts in terms of modal orientation and value based on the parallel corpus comprising the English and Chinese translations of IMTFF trial records (later referred to as English-to-Chinese parallel corpus).

### Sampling and Research Procedure

The parallel corpus including the English trial records (ST) and Chinese translations of these trial records (TT) of the IMTFF (thereafter referred as the English-to-Chinese parallel corpus) were compiled. The study sampled the workflow of building the parallel corpus based on the adaption of the main steps in corpus construction proposed by Liang, Li, & Xu (2010) and the systematic flow in building a parallel corpus proposed by Chang (2004). To facilitate the construction of the parallel corpus in the whole process of the corpus construction, any text was first processed in the following ways after being collected and before being included in the parallel corpus.

**Table 5:** An overview of the English-to-Chinese IMTFF Parallel Corpus.

No.	Date	ST (tokens)	TT (tokens)	ST+TT(tokens)
1	24 January 1947	26105	40629	66734
2	27 January 1947	29231	44339	73570
3	28 January 1947	34282	52085	86367
4	29 January 1947	29164	45189	74353
5	30 January 1947	27809	44810	72619
6	31 January 1947	15185	23765	38950
7	3 February 1947	483	701	1184
8	24 February 1947	20679	31349	52028
9	25 February 1947	20166	30138	50304
10	26 February 1947	21062	31410	52472
11	19 March 1947	26354	40593	66947
12	20 March 1947	13378	19824	33202
13	21 March 1947	14990	20438	35428
14	24 March 1947	15896	20869	36765
15	25 March 1947	14268	19361	33629
16	2 April 1947	21223	29400	50623
17	3 April 1947	22244	30360	52604
18	4 April 1947	16781	24424	41205
19	8 April 1947	20965	31351	52316
20	9 April 1947	14873	21492	36365
21	10 April 1947	11910	15818	27728
22	11 April 1947	16410	23291	39701
23	14 April 1947	13728	20272	34000
24	15 April 1947	13731	20575	34306
	Total	460917	682483	1143400

The workflow of building the English-to-Chinese IMTFF parallel corpus includes the following main steps. First, purposive sampling was used to include two translations, which was commonly applied in corpus-based studies (Saldanha & O'Brien, 2014). Next, the scanned PDF of IMTFF English trial records and the machine-readable PDF of Chinese translations from two translators were obtained with permission. Then, the English trial records in scanned PDF format were converted to Word format using OCR, proofreading and texts-cleaning were conducted manually. Following this, segmenting and POS tagging Chinese translations were completed with Emeditor and CorpusWordParser, and segmenting English texts with Emeditor. Subsequently, parallel alignment of English and Chinese texts at paragraph and sentence levels was done using ParaConc, followed by human verification. Afterward, bilingual texts were encoded into XML format. Finally, the processed texts were indexed and compiled

for later use.

The investigation of the study was conducted with a parallel corpus comprising the English trial records of IMTFF as the source text (ST) and the Chinese translations as the target text (TT). The total size of the parallel corpus used in this study was 1,143,400 tokens, including a sub-corpus of English ST of 460,917 tokens and a sub-corpus of the Chinese translation of 682,483 tokens as the TT. An overview of the English-to-Chinese IMTFF parallel corpus is shown in Table 5.

To examine modality shifts in English-to-Chinese translation, the study extracted modality markers from the ST of the parallel corpus using AntConc 3.5.9 for word frequencies and n-gram distributions. It generated frequency lists for single words and 3- and 4-grams appearing at least three times. Modality markers were identified by referencing lists from Su et al. (2023), and Cheng & Sin (2011), followed by manual analysis to differentiate modality from non-modality markers. Building on Catford's notion of "translation shift" (Catford, 1965, 2000), it is defined as a 'departure[s] from formal correspondence in the process of going from source language (SL) to target language(TL)' (Catford, 1965, 2000; Li & Kim, 2021).

This study delves into this concept, specifically examining modality shift in courtroom translation between English as the SL and Chinese as the TL. The semantic coding of modality shifts in this study includes the following steps: 1) To design the tagging scheme of modality shifts; 2) To code modality shifts manually by reviewing the concordance.

#### *Step 1: Design the Tagging Scheme of Modality Shifts*

The coding method in this study focuses on the semantic shifts of modal orientation and modal value, analyzing modal semantics instead of grammatical forms during translation. It began with general coding to identify semantic shifts in modality markers based on Li's (22) scheme, categorizing shifts as follows: (1) "SST-C" for shifts with corresponding expressions in the target text; (2) "SST-ZC" for shifts without corresponding expressions; and (3) "ZSST" for no shifts. Specific coding addressed two dimensions: (1) SHIFT of ORIENTATION (SO) and (2) SHIFT of VALUE (SV).

Shifts in modality orientation occur when corresponding markers in the ST and TT express different types of modality (Li, 2018). The SHIFT of Orientation is coded as "SOE" for explicitation (when an implicit modality marker in the ST is translated into a more explicit one), "SOI" for implicitation (explicit to implicit), "SOO" for objectivization (subjective to objective), and "SOS" for subjectivization (objective to subjective). Additionally, the variable SO is coded as "E" for equivalence when the ST-TT pair has the same modality orientation, or "NA" if the modality marker is omitted.

The SHIFT of VALUE (SV) considers values such as low (L); median (M) and high (H), focusing on differences in modality value between the examined markers in the ST and TT. This shift includes "SV+" for strengthening (low to high value) and "SV-" for weakening (high to low value). Similar to SO, the variable SV is coded as "E" for equivalence or "NA" when the clause containing the modality marker is omitted.

#### *Step 2: To Code Modality Shifts Manually by Reviewing the Concordance*

**Table 6: The Tagging Scheme of Modality Shifts (Adapted from the coding scheme suggested by Li (2018)).**

Variable	Code	Description
Semantic Shift (SST)	SST-C	The semantic shift that takes place when the researched modality marker has a corresponding expression in the TT
	SST-ZC	The semantic shift that takes place when the researched modality marker doesn't have a corresponding expression in the TT
	ZSST	Zero semantic shift
	SOE	Explicitation
Shift Of Orientation (SO)	SOI	Implicitation
	SOO	Objectification
	SOS	Subjectivization
	E	Equivalence (no shift of modality type)
Shift Of Value (SV)	SV+	Strengthening
	SV-	Weakening
	E	Equivalence (no shift of modality value)
Uncertainty	U	Modal expressions whose orientations cannot be determined
Other	O	Modal expressions that are not used to appraise behaviors

With the aid of ParaConc, any parallel concordance lines in the corpus that contain the examined English modality markers were retrieved and entered in an Excel sheet for semantic coding. The coding of modality shifts was conducted manually for each modal expression after reviewing the concordance. It is possible for a modal phrase to fit into more than one category. For instance, the modal verb "must" convey both probability and obligation. As a result, the context must be considered when coding modal expressions. Furthermore, not all modal expressions are employed to convey judgment (evaluation of behavior) (Li, 2018). For example, (i) It

would possibly be entitled to fees. (ii) The probability that the potential injury will occur. In (i), the word “possibly” is not used to assess behavior; in (ii), the word “will” is employed to express future tense rather than inclination (Li, 2018). Modal expressions that are not utilized to assess behavior were categorized as Other and are therefore not included in this study.

The following tags, as shown in Table 6, were used in the coding of modality shifts, which was adapted from the coding scheme suggested by Li (2018). All modal expressions were coded at the general and specific levels. The general level was coded as whether there was a semantic shift in the translation.

At the specific level, semantic shifts of the examined modality markers were coded in terms of modal orientation and modal value following Halliday’s modality system (Halliday et al., 2014; Halliday & McDonald, 2004). The following table Table 7 provides an example of coding in an Excel sheet.

**Table 7:** *Tagging Examples in Excel Forms.*

ST	TT	Semantic Shift (SST)	Shift Of Orientation (SO)	Shift Of Value (SV)
...answer. An answer having been given, we 【must】 be told what his answer was. ...	.....回答。既然已经给出了答案，[应该]告知我们他的答案是什么。 (.....huídá. Jìrán yǐjīng gěi chūle dá'àn, yīnggāi gàozhī wǒmen tā de dá'àn shì shénme.)	SST	/	SV-
MR. BROOKS: I have sent one of the attorneys around to the various offices and the members of the defense will be in there, 【I think】 , as soon as Court recesses, your Honor.	布鲁克斯 先生：庭长 先生，我已经派了一名 律师到各个 办公室，法庭一休庭， 辩方成员就会到那里。(Bùlǔkèsī xiānshēng: Tíngzhǎng xiānshēng, wǒ yǐjīng pài le yī míng lǚshī dào gège bàngōngshì, fǎtíng yī xiūting, biānfāng chéngyuán jiù huì dào nǎlǐ.)	SST	SOI	/

## Results

**Table 8:** *High-Frequency Modality Markers Extracted for Coding of Modality Shifts.*

Expression	Frequency	Percentage
should	597	19.7%
may	416	13.7%
must	295	8.5%
shall	256	9.7%
might	220	7.3%
I think (that)	214	7.1%
have to	142	4.7%
of course,	121	4.0%
I believe (that)	118	3.9%
I would like to	94	3.1%
perhaps	71	2.3%
impossible	57	1.9%
certainly	55	1.8%
probably	46	1.5%
apparently	43	1.4%
clearly	37	1.2%
possible	36	1.2%
be permitted to	43	1.4%
be allowed to	33	1.1%
I want	30	1.0%
need	25	0.8%
We think (that)	24	0.8%
It appears that	20	0.7%
be supposed to	20	0.7%
We want	15	0.5%
Total	3028	100.0%

To answer the research questions, high-frequency modality markers was used to code the shifts of modality



in the English-to-Chinese IMTFF translation. Table 8 shows the list of high-frequency modality markers, and general features of shifts of modality. These modality markers are identified as high-frequency modality markers to be investigated and coded for modality shift in the E-C translation in this study. A total number of 3,028 parallel concordance lines containing modality markers ( $n > 15$ ) were extracted to code modality shifts in the English-to-Chinese IMTFF translation. This distribution of valid modality markers is presented in Table 8.

Following the coding scheme outlined in Table 7, all parallel concordance lines containing the 3,028 high-frequency English modality markers were manually coded for semantic shifts in modality. This coding process considered both the first-level variable SEMANTIC SHIFT (SST) and the second-level variables SHIFT of ORIENTATION (SO) and SHIFT of MODALITY VALUE (SV) attended to. The coding of the sample data (500 concordance lines) achieved a 90% inter-coder agreement, indicating that the coding process is reliable for this study.

### *Overall, Degree of Modality Shifts in the English-to-Chinese IMTFF Translation*

In examining the general features of shifts of modality in the English-to-Chinese IMTFF translation, Table 9 shows the overall degree of modality shifts in the English-to-Chinese IMTFF translation. The data presented in the table reveals that a substantial majority, specifically 84.7% (2566/3028 occurrences), exhibit no semantic shifts. This indicates that the original meanings are effectively conserved in the English-to-Chinese IMTFF translation. Conversely, semantic shifts are observed in a minority, amounting to 15.2% (458 occurrences) of the translations. Additionally, 0.1% of cases where the concept is not applicable.

**Table 9:** Overall, Degree of Modality Shifts in the English-to-Chinese IMTFF Translation.

Semantic shift (SST)	Frequency	Percentage
ZSST	2566	84.7%
SST-ZC/SST-C	458	15.2%
NA	4	0.1%
Total	3028	100.0%

In analyzing modality shifts in the translation of English modality markers, the shifts could be categorized into two types: those with corresponding forms in the TT and those without corresponding forms in the TT. According to Table 10, the majority of these shifts (81.2%) include semantic shifts without corresponding forms in the TT, while a smaller portion (18.8%) occur with Chinese corresponding forms in the translation. Table 10 shows the number of semantic shifts (SST) observed in the E-C IMTFF translation. It shows that modality shifts occurred with 18.8% (86 out of 458 instances) having corresponding forms (SST-C), and 81.2% (372 out of 458) without corresponding forms (SST-ZC) in the TT, which is caused by the omission of modality makers in the E-C IMTFF translation.

**Table 10:** Modality Shifts Occurring with and Without Corresponding forms of the Modality Markers in the TT.

Semantic shifts (SST)	Frequency	Percentage (%)
Semantic shifts with corresponding forms (SST-C)	86	18.8%
Semantic shifts without corresponding forms (SST-ZC)	372	81.2%
Total	458	100.0%

### *Modality Shifts in Terms of Orientation and Value*

Table 11 shows the distribution of modality shifts in terms of modality orientation and value in the English-to-Chinese translation of modality markers. It indicates that most semantic shifts of modality occurred with shifts of modality value, accounting 91.3%. While only 8.7% occurred with shifts of modality orientation in the English-to-Chinese translation of modality markers.

**Table 11:** Modality Shifts in Terms of Modality Orientation and Value the English-to-Chinese IMTFF Translation.

Shifts of modality type	Frequency	Percentage
Shifts of modality value (SV-/SV+)	418	91.3%
Shifts of modality orientation (SOE/SOI)	40	8.7%
Total	458	100.0%

### *Modality Shift of Value (SV)*

Translation shift of value (SV) could be considered in terms of values: low (L); median (M) and high (H). It involves the possible difference in modality value between the examined modality markers and their corresponding expressions between the ST and TT. The SHIFT of VALUE involves two types of shifts: “strengthening” (shift from low-value modality marker to higher-value modality marker) and “weakening” (shift from high-value modality marker to lower-value modality marker). The two types of SHIFTS of VALUE were coded as “SV+” and “SV-”.

#### *(1) Strengthening (SV+)*

In Example 1 below, low-value modal verb might in the ST is translated into 要 (yao), a median-value modal verb in Chinese TT. Example 2 in the below shows that be expected to, a median-value modal phrase

in the English ST, is translated into a high-value modal verb 必须 (bixu) in the TT.

### Example 1

ST	Low value	If they deem it of sufficient importance and of probative value to them in their case it would seem to us ... that far from Japan's seeking to acquire additional rights I 【might】 point out that these rights were lawfully obtained under treaties and further, that when these rights were sought to be relieved from Japan, thereafter these powers instead endeavored to take over those rights.	SV+
TT	Median-value	如果他们 认为 这对 他们的 举证 具有 足够 的 重要性和 证明 价值， ..... 日本 根本 没有 寻求 获得 额外 的 权利， 正如 我【要】 指出 的 那样， 这些 权利 是 根据 这些 条约 合法 获得 的。 还有， 在 试图 把 这些 权利 从 日本 手里 夺走 时， 后来， 这些 国家 费尽心力 拿走了 那些 权利 [Rúguǒ tāmen rènwéi zhè duì tāmen de jǔzhèng jùyǒu zúgòu de zhòngyàoxìng hé zhèngmíng jiàzhí, ..... Rìběn gēnběn méiyǒu xúnqiú huòdé éwài de quánlì, zhèngrú wǒ [yào] zhǐchū de nàyang, zhèxiē quánlì shì gēnjù zhèxiē tiáoyuē héfǎ huòdé de. Hái yǒu, zài shìtú bǎ zhèxiē quánlì cóng Rìběn shǒu lǐ duózǒu shí, hòulái, zhèxiē guójiā fèijìnlǐ ná zǒu le nàxiē quánlì.]	

### Example 2

ST	Median-value	By 'solving the Manchurian problem' it is meant that Chang Hsueh-liang shall 【be expected to】 fulfill present treaties to the letter.	SV+
TT	High value	“解决 满洲问题” 意味着 希望 张学良【必须】 不折不扣 地 履行 目前 的 条约 规定。 [Jiějué Mǎnzhōu wèntí] yìwèizhe xīwàng Zhāng Xuéliáng [bìxū] bùzhébùkòu de lǚxíng mùqián de tiáoyuē guīdìng.]	

#### (2) Weakening (SV-)

In Example 3 below, median-value modal verb should in the ST is translated into 可以 (keyi), a low-value modal verb in Chinese TT. Example 4 in the below shows that must, a high-value modal phrase in the English ST, is also translated into a low-value modal verb 可以 (keyi) in the TT. In addition, the high-value modal phrase has to in Example 5 is translated into 会 (hui), a low-value modal verb in Chinese.

### Example 3

ST	Median-value	On this ground minister Golunsky said we 【should】 omit this group of documents with the understanding that we should have an opportunity of presenting them at a later date.	SV-
TT	Low value	在此基础上， 戈伦斯基（Golunsky, Sergei Alexandrovich） 部长说 我们 可以 省略 这组 文件， 条件 是 我们 应该 有 机会 稍后 提交 这些 文件 [Zài cǐ jīchǔ shàng, Gēlúnsījī (Golunsky, Sergei Alexandrovich) bùzhǎng shuō wǒmen kěyǐ shěnglüè zhè zǔ wénjiàn, tiáojiàn shì wǒmen yīnggāi yǒu jīhuì shāohòu tíjiāo zhèxiē wénjiàn.]	

### Example 4

ST	High value	From this and other facts it 【must】 be evident that the foreign and domestic policy of Japan towards Germany varied, as the different Cabinets which directed the destiny of Japan while the accused was in Europe, rose and fell.	SV-
TT	Low value	从这一点 和 其他 事实 可以 明显 看出， 日本 对 德国 的 外交 和 国内 政策 有 变化， 因为 当 被告 在 欧洲 时， 指导 日本 命运 的 不同 内阁 起起落落 [Cóng zhè yīdiǎn hé qítā shìshí kěyǐ míngxǐǎn kànchū, Rìběn duì Déguó de wàijiāo hé guónèi zhèngcè yǒu biànhuà, yīnwèi dāng bèigào zài Ōuzhōu shí, zhǐdǎo Rìběn mìngyùn de bùtóng nèigé qǐqǐluòluò.]	

### Example 5

ST	High value	MR. MATTICE: I am not informed as to that and will 【have to】 make inquiry.	SV-
TT	Low value	马蒂斯 先生： 我 还 不 知道， 但 我 会 问 一 问。 [Mǎdisī xiānshēng: Wǒ hái bù zhīdào, dàn wǒ huì wèn yī wèn.]	

By further examining the shifts of modality value, as shown in Table 12, the distribution patterns of shifts of modality value indicated a preference for weakening (65.6%) over strengthening (34.1%) in the

translation of the English modality markers.

**Table 12:** Shifts Of Modality Value in the English-to-Chinese IMTFE Translation.

Shifts of modality value	Frequency	Percentage
Weakening (SV-)	274	65.6%
Strengthening (SV+)	144	34.4%
Total	418	100%

Table 13 reveals that 74.8% of the weakening shifts are caused by the omission of English modality markers in the Chinese TT, and 25.2% occur with corresponding forms in the TT. Therefore, the English modality markers have a tendency of undergoing a weakening shift in terms of modality value when they are translated into Chinese, no matter with or without corresponding forms in the TT.

**Table 13:** Shifts of Modality Value Occurring with and Without Corresponding Forms in the TT.

	Weakening (SV-)	Percentage	Strengthening (SV+)	Percentage
With corresponding forms in the TT (SST-C)	69	25.2%	15	10.6%
Without corresponding forms in the TT (SST-ZC)	205	74.8%	127	89.4%
Total	274	100.0%	142	100.0%

### Modality Shift of Orientation (SO)

Translation shift of orientation indicates that when the corresponding modality markers between the ST and TT do not express the same type of modality, shifts of modality orientation occur (Li, 2018). In specific cases, the SHIFT of ORIENTATION was coded as “SOE” (explicitation) when a relatively implicit modality marker in the ST is translated into a more explicit one, and it was coded as “SOI” (implication) when a relatively explicit modality marker is translated into a more implicit one in the TT.

In Examples 6 and 7 below, the TT omits I think, and I believe in the ST, which are used to indicate explicit orientation. The two examples below are also instances of shift of orientation when a relatively explicit modality marker in the ST is translated into a more implicit one, and it was coded as “SOI” (implication).

#### Example 6

ST Explicit	MR. BROOKS: I have sent one of the attorneys around to the various offices and the members of the defense will be in there, <b>[I think]</b> , as soon as Court recesses, your Honor.	SOI
TT Implicit	布鲁克斯先生：庭长先生，我已经派了一名律师到各个办公室，法庭一休庭，辩方成员就会到那里。 [Bùlǔkèsī xiānshēng: Tíngzhǎng xiānshēng, wǒ yǐjīng pài le yī míng lǚshī dào gègè bàngōngshì, fǎtíng yī xiūting, biànfāng chéngyuán jiù huì dào nàlǐ.]	

#### Example 7

ST Explicit	Q- <b>[I believe]</b> you testified to the effect that you did not have any direct conversations with the members of the Lytton Commission. Did you or did you not have direct conversations with the members thereof?	SOI
TT Implicit	问：你的证言说你沒有同李頓調查團的成員進行任何直接對話。 [Wèn: Nǐ de zhèngyán shuō nǐ méiyǒu tóng Lǐdùn diàochá tuán de chéngyuán jìnxíng rènhe zhíjiē duìhuà.]	

With regard to the shifts of modality orientation in the translation of English modality markers Table 14, all the shifts occur with implication from explicit modality to implicit modality in the translation of English modality markers.

**Table 14:** Shifts of Modality Orientation in the E-C IMTFE Translation.

Shifts of modality orientation	Frequency	Percentage
Implication (SOI)	40	100%
Explicitation (SOE)	0	0%
Total	40	100%

In addition, Table 15 shows that all shifts of implication are caused by the lack of Chinese corresponding forms of modality, which is expressed by the English modality markers including I think, we think, and it appears that.

**Table 15:** Shifts of Modality Orientation Occurring with and Without Corresponding Forms in the TT.

	Implication (SOI)	Percentage
With corresponding forms in the TT (SST-C)	0	0%
Without corresponding forms in the TT (SST-ZC)	40	100%

Total	40	100%
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In the following section, the shifts of modality orientation and value are discussed with particular modality markers to explore the influences of modality shifts on the interpersonal functions in the translation.

## Discussion

Regarding the general distribution patterns of modality shifts in the English-to-Chinese IMTFF translation, findings showed that a substantial majority of the modality occurrences exhibit no semantic shifts, while semantic shifts are only observed in a minority of cases in the translation. The findings align with the results of Li (2018) according to which the general degree of modality shifts is significantly lower than that of zero-shifts in the translation of diplomatic discourse due to the institutional norm of “fidelity first and acceptability second”. Similarly, the substantial majority of zero-shifts in this study could be attributed to the translation instructions given by the project initiators, translation purpose of the translation project. Furthermore, the study also aligns with Sattachai & and Kenny’s (2024) investigation of the translation of English epistemic modal expressions into Thai, according to which the translations generally followed their English counterparts very closely

However, these findings are inconsistent with the patterns of modality shifts in the translated academic discourse from Chinese to English reported by Huang & Li (2023). The study revealed a significant proportion of translation shifts in modal value, followed by shifts in modal type and orientation, which indicated that the linguistic expression of the author’s modal stance in the translated academic discourse diverges from its original manifestation. The differences may be attributed to the nature of the texts: diplomatic and legal discourse versus academic discourse.

The general distributional pattern of modality shifts further reveal that a substantial majority of the modality occurrences exhibit no semantic shifts. This finding was similarly reported in several language pairs and directionalities (Chinese to English, Polish and English) in diplomatic and legal discourse by Fu & Chen (2019), Ge & Wang (2019), and Li (2018). However, it differs from the considerable share of modality shifts found in academic discourse by Huang & Li (2023). The findings of the study thus may point to a variable in modality shifts, i.e., a decision-making mechanism distinguished between different types of text. The variable shall be further substantiated by comparative studies of modality shifts between different types of text.

Among the modality shifts in the translation of English modality markers, the majority occur without corresponding forms in the TT, while a smaller portion of shifts occur with corresponding forms. In addition, the modality shift shows the feature of weakening over strengthening in terms of value, which suggests a tendency to soften the forcefulness of statements in translation. The findings of this study are consistent with the results reported by Li (2018), according to which a much stronger tendency towards “weakening” than “strengthening” was identified within shifts of modality value in the translation of Chinese modality in the diplomatic setting. Furthermore, these findings align with Zhao and Xue’s (2023) investigation of the translation of deontic modality of Chinese legislation, through which the primary functions of legislation to impose duty and to confer power were realized, and legal translators tended to mitigate strong deontic modality when translating from Chinese to English.

However, these findings differ from Pei & Li’s (2018) investigation of the modal verbs in the Chinese and the corresponding English version of the Chinese civil-commercial legislation. Pei & Li (2018) reported a higher frequency of modal verbs in terms of high value, median value, low value in the English versions, which indicated a tendency of “strengthening” in the translation of Chinese modal verbs. In addition, the results are inconsistent with Huang & Li’s (2023) observation in the modality shifts in the translated academic discourse from Chinese to English. The distributional pattern of modality shifts in their study revealed “strengthening” modal value, and “objectivization” in modal orientation, which were mainly caused by the loss of low-value implicit position.

Furthermore, modality shift also shows a tendency of “implication” from explicit to implicit modality in the translation, which was mainly caused by the lack of corresponding equivalents in the Chinese TT for certain English modality markers such as I think, we think, and it appears that. These findings align with Zhao & Xue’s (2023) investigation of the translation of deontic modality of Chinese legislation, according to which legal translators tended to transform implicit modalities into explicit ones when translating from Chinese to English for the purpose of striking the right note in the target language. However, these results are inconsistent with Huang & Li’s (2023) observation in the modality shifts in the translated academic discourse. The distributional pattern of modality shifts in their study revealed “explicitation” in modal orientation, which were mainly caused by the loss of low-value implicit position.

To summarize, modality shifts overserved in the study can undermine the speakers’ intended interpersonal and evaluative stance in the courtroom, which should be approached with caution. A constant

battle of credibility is central to trial proceedings, with the modality used by courtroom speakers potentially playing a crucial role in either establishing or undermining the speaker's credibility in the perception of the audience (Mortensen & Mortensen, 2017). To persuade the audience, the courtroom participants express their judgement and construct interpersonal relationships with the audience by employing varying linguistic devices. Conveying appropriate modal positions to the target audience is therefore essential in the original English IMTFF trial records, as they play a key role in informing, engaging and persuading the audience the value of the information (Huang & Li, 2023; Li, 2022). In addition, the English-to-Chinese IMTFF translation requires faithful translation to ensure the accuracy and fidelity to the ST, as the IMTFF trial records are of great historical significance. Therefore, the small portion of weakening implicature of the original English modality may undermine the original speakers' interpersonal and evaluative intentions in the translated Chinese version.

## Conclusion

Drawing on SFL, the translation shifts on two dimensions of modality system, namely modal value and orientation were examined. The study observed a small share of modality shifts in the English-to-Chinese IMTFF translation. Among the modality shifts, this study found a noticeable share of modality shifts in value, followed by modal orientation, suggesting a departure from the original speakers' modal intention in the linguistic strength and manifestation of speakers' modal stance in the translated IMTFF trial records. The distribution of modality shifts further implies that the source speakers' intended modal stance becomes weaker and more implicit in the translated texts, mainly due to a loss of modality on high-value and median-value explicit modality.

The findings of this study carry implications for translator training, legal translation practice, and institutional frameworks. It underscores the need for enhanced training programs that emphasize the importance of preserving modal force and intentionality in legal contexts, equipping translators with the skills to navigate cross-linguistic asymmetries in modality systems. For legal translation practice, the findings highlight the necessity of developing standardized guidelines to ensure that translations maintain the binding force and precision of judicial discourse, particularly in high-stakes courtroom settings. Additionally, the findings may shed light on broader interdisciplinary questions, such as how modal shifts influence power dynamics in courtroom interactions or how they intersect with comparative legal interpretations across common law and civil law traditions.

Despite its limitations, the study presents findings that could lead to future research. The current study examined modality in the original English and the translated Chinese courtroom discourse. Future studies could be conducted to include an original Chinese courtroom discourse, which could provide a better understanding of how translated Chinese courtroom discourse differ from the original Chinese courtroom discourse. In addition, comparative studies across different legal systems and languages could be conducted to understand how legal concepts and modalities are expressed differently, which could inform cultural and legal nuances. By examining how different legal systems articulate concepts like obligation, permission, and necessity, researchers could identify unique linguistic and cultural patterns that influence legal discourse.

In addition, future studies could be conducted to investigate modality shifts in courtroom translations involving various language pairs. A wide range of languages could be included to help us to understand how different linguistic and cultural contexts influence the translation process in legal settings. By examining modality shifts across diverse language pairs, researchers could gain deeper insights into the complexities and challenges faced by translators in the courtroom. Such studies could reveal whether certain language pairs present unique difficulties or patterns in translation, thereby contributing to the development of more effective translation strategies and training programs for legal translators and interpreters. Furthermore, by applying Critical Discourse Analysis as a theoretical framework, future research could examine modality shifts to highlight the further socio-political implications behind translators' choices, particularly how these choices shape legal meanings and influence judicial outcomes.

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