



MITIGATION IN LEGAL PRAGMATICS: THE INTERPLAY OF ILLOCUTIONARY FORCE, MODALITY, AND REGISTER IN INTERNATIONAL LAW

MITIGACIÓN EN LA PRAGMÁTICA JURÍDICA: LA INTERACCIÓN ENTRE FUERZA ILOCUTIVA, MODALIDAD Y REGISTRO EN EL DERECHO INTERNACIONAL

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ABSTRACT:

This study investigates the role and functional variation of mitigation strategies in international legal discourse, focusing on their impact on illocutionary force and modality within normative utterances. It demonstrates that mitigation operates not only through traditional hedging devices but also through a wider array of linguistic mechanisms, including syntactic transformations, nominalizations, generalized formulations, and reservations. These elements influence the force of directive and commissive speech acts, challenging traditional functional classifications of mitigators such as Caffi's tripartite model. Theoretically, the study extends the understanding of mitigation beyond conventional hedging, offering new insights into how illocutionary force is modulated in institutional legal contexts not only by hedges (traditionally related to the illocutionary scope) but also by bushes (interpreted in pragmatics as affecting the propositional scope). The findings emphasize the centrality of register parameters – Field, Tenor, and Mode – in shaping discursive strategies and pragmatic functions in international legal discourse. Field, anchored in the supranational goal of norm-setting, and Tenor, reflecting the collective communicative subject, mediate the Mode's structural and interactional dimensions. Mitigation

emerges as a discourse strategy that balances normative clarity with diplomatic flexibility, enabling the harmonization of divergent legal traditions within unified instruments. Practically, the paper offers guidance for legal drafters, translators, and interpreters, underscoring the strategic use of mitigation to achieve consensus, maintain legal adaptability, and enhance discursive cohesion in international law-making.

Keywords: International legal discourse, Mitigation, Register, Speech act.

RESUMEN:

Este estudio investiga el rol y la variación funcional de las estrategias de mitigación en el discurso jurídico internacional, centrándose en su impacto en la fuerza ilocucionaria y la modalidad dentro de los enunciados normativos. Demuestra que la mitigación opera no solo mediante mecanismos tradicionales de atenuación, sino también a través de una gama más amplia de mecanismos lingüísticos, incluyendo transformaciones sintácticas, nominalizaciones, formulaciones generalizadas y reservas. Estos elementos influyen en la fuerza de los actos de habla directivos y complacientes, cuestionando



las clasificaciones funcionales tradicionales de mitigadores, como el modelo tripartito de Caffi. Teóricamente, el estudio amplía la comprensión de la mitigación más allá de la evasión convencional, ofreciendo nuevas perspectivas sobre cómo la fuerza ilocucionaria se modula en contextos jurídicos institucionales no solo por los atenuadores ilusionarios (tradicionalmente relacionadas con el alcance ilocucionario) sino también por los atenuadores proposicionales (interpretados en pragmática como factores que afectan el alcance proposicional). Los hallazgos enfatizan la centralidad de los parámetros de registro – Campo, Tenor y Modo – en la configuración de las estrategias discursivas y las funciones pragmáticas en el discurso jurídico internacional. El campo, anclado en el objetivo supranacional de establecer normas, y el tenor, que refleja el sujeto comunicativo colectivo, median las dimensiones estructurales e interaccionales del modo. La mitigación surge como una estrategia discursiva que equilibra la claridad normativa con la flexibilidad diplomática, permitiendo la armonización de tradiciones jurídicas divergentes dentro de instrumentos unificados. En la práctica, el documento ofrece orientación a redactores jurídicos, traductores e intérpretes, destacando el uso estratégico de la mitigación para lograr consenso, mantener la adaptabilidad jurídica y mejorar la cohesión discursiva en la elaboración del derecho internacional.

Palabras clave: Discurso jurídico internacional, Mitigación, Registro, Acto de hablar.

INTRODUCTION

The pragmatics of international legal discourse (hereinafter – ILD) is shaped by the unique nature of this form of communication – one that occurs between states which, while legally equal as sovereign entities, in practice differ significantly in terms of development, resource and economic capacity, influence on international relations, and, consequently, in their interests and needs. Balancing these interests often comes down to what Cheng and Cheng (2012, p. 427) describe as “power negotiation and interest weighing,” which frequently determines the linguistic and pragmatic characteristics of international legal discourse. The more sensitive the issues are for the states involved, the more likely the legal text will include hedges, softening expressions, and other linguistic tools that help “distance” the parties from direct or strict obligations.

In this case, the concept of register, developed within the framework of systemic functional linguistics, offers a useful methodological approach for explaining the specific linguistic and pragmatic resources used to reconcile the differing interests of states within shared norms of international conduct. M.A.K. Halliday interprets register as the linguistic features typically associated with a configuration of situational variables, that is, features that depend on the social and contextual environment and are determined by

three key parameters: field, mode, and tenor (Halliday & Hasan, 1976, p. 353). Field refers to the activity focus and the subject matter of communication – the type of information, associated with the purpose and topic of communication. It can be understood as the “why and what” dimension. Mode refers to the means of communication – the “how” dimension – including the channel, medium of transmission, and discourse genre. Tenor refers to the process of negotiating social relationship among participants. It refers to their relationships, including roles, status, and level of formality, and corresponds to the “to whom” dimension.

In the context of international legal discourse, the field reflects the substantive domain of international regulation, which directly influences the degree of legal force (deontic modality) of documents and, accordingly, the linguistic means by which this modality is realized – that is, the mode of the text. For instance, texts that regulate particularly “sensitive” areas such as environmental and climate issues, cyberspace and digital security, or migration and refugees, tend to avoid overt imposition to reach consensus. These areas require a specific type of modality, involving particular speech acts – often with implicit directive or commissive illocutionary force – and corresponding underlying linguistic resources.

The tenor, or the type of relationship between participants in international legal discourse, is shaped not only by their formal legal status (i.e., horizontal equality as sovereign entities), but also by de facto inequalities in their capacity to implement norms (e.g., non-spacefaring states, landlocked countries, or those without significant cyber capabilities). It is also influenced by the unique nature of participation in the communicative process: states function simultaneously as both authors and recipients (destinators) of the norms, essentially creating legal norms for themselves. These characteristics of the communicators in ILD affect, to varying degrees, the performative force of norms, increasing the flexibility and variability of their legal strength through strategies such as hedging, reservations, references to domestic legislation, and other linguistic devices.

From a theoretical and methodological perspective, this article is based on studies of the pragmatics of international legal texts that address the issue of deontic modality in ILD and the speech acts through which it is realized (Boginskaya, 2022; Kravchenko et al., 2022), as well as the factors and linguistic means that contribute to the weakening of modality and its associated legal force (Kravchenko, Pasternak & Korotka, 2022). Scholars have repeatedly emphasized the relationship between speech act realization and mitigating strategies, which aim to reduce the communicator’s “vulnerability” and to minimize potential communicative risk (Caffi, 2006, p. 171). The softening function of mitigation has been noted for its ability

to lessen the anticipated negative effect of a speech act to make it more acceptable to the addressee (Haverkate, 2010, p. 510; Holmes, 1984, p. 346; Kravchenko et al., 2023).

In this regard, the article focuses on identifying mitigating means that affect such a key component of the illocutionary force of directive and commissive acts in ILD as the degree of such force, which impacts the deontic modality and associated legal force of the document. The novelty of this study, which determines its significance for contemporary pragmatics and discourse analysis, lies in its treatment of mitigating pragmatics in connection with the three dimensions of register in ILD – field, tenor, and mode – which shape the specificity of the document's modality and its underlying direct and indirect speech acts with varying illocutionary force. To our knowledge, there are no comprehensive studies of ILD from the perspective of systemic functional analysis. At the same time, a number of works correlate with this approach – in particular, research in the field of legal semiotics, especially in the study of how legal meanings are constructed and communicated, and the role of context, reference to which, and to the associated semiotic systems, is essential for legal reasoning (Wagner & Marusek, 2023, p. 1-9). In continuation of Halliday's tradition, interpersonal metafunction has been studied through the lens of mood and modality (Halliday, 1973, p. 361; Cheng, 2024). In legal discourse, this relates to deontic modality, which is associated with the performativity of legal language – its capacity to impose obligations.

From a pragmatic perspective, this approach has been explored mainly in translation studies, focusing on the speech act structure of legal texts, where deontic modality is manifested through directives, commissives, and constitutives (Boginskaya, 2022; Kravchenko et al., 2022). Nevertheless, the problem of speech act analysis of mitigation strategies that reduce the legal force of documents, taking into account the discursive register of legal discourse, remains insufficiently explored. This article seeks to address this gap. Moreover, the significance of the study lies in its contribution to the classification and functional understanding of mitigators. Contrary to the prevailing view that hedges primarily affect the illocutionary component of an utterance, while bushes influence its propositional or informational content (Caffi, 1999, p. 883), this article aims to show that illocutionary force is modulated by mitigators operating not only within the illocutionary part – through markers of illocutionary strength – but also within the propositional part of speech acts, the mitigators of which are traditionally associated with bushes.

The objectives of the article include:

To examine the influence of register parameters – Field, Tenor, and Mode – on the discursive strategies and

pragmatic functions of mitigation in multilateral legal documents.

To investigate the role of mitigation strategies in modulating illocutionary force and modality in international legal discourse.

To identify and analyze the range of linguistic mechanisms employed for mitigation in normative utterances.

To challenge and refine traditional functional classifications of mitigators, particularly Caffi's tripartite model, by demonstrating the interplay between propositional and illocutionary scopes in ILD and the role of different types of mitigators in this.

To elucidate the strategic function of mitigation in harmonizing divergent national legal traditions and facilitating consensus within supranational legal instruments.

The article is structured as follows. First, it outlines the theoretical background on mitigation strategies, illocutionary force, and modality, with particular attention to their treatment in legal pragmatics. Next, it presents the methodological framework, including the criteria for selecting and analyzing examples from international legal discourse. The subsequent sections offer a detailed analysis of the linguistic mechanisms of mitigation, their functional classification, and their role in reducing the illocutionary force of directive and commissive acts. The pragmatics of mitigation strategies and devices are discussed in relation to the register parameters of Field, Tenor, and Mode. Finally, the paper discusses the broader theoretical and practical implications of the findings and concludes by summarizing the contributions to legal discourse analysis and suggesting directions for future research.

MATERIALS AND METHODS

The material for this study consisted of excerpts from 8 international legal documents representing various genres of both hard and soft law, selected from different time periods. This selection was made in order to identify consistent patterns in the use of mitigating markers of obligatory modality and their associated speech acts. The criteria for selecting fragments for analysis included the presence of explicit markers of deontic modality – such as modal verbs – as well as markers of de-intensification of obligatory modality. These included semantic substitutes for deontic modal verbs, hedging strategies, passivation, nominalization, generalization, and the use of lexical mitigators and de-intensifiers.

The article draws on several methodological premises. The analysis is centered on the tools of speech act theory, in particular (a) the idea of 'illocutionary force' and 'degrees of its strength' (Holmes, 1984); (b) the distinction between direct and indirect acts (Searle, 1969, p. 178), (c) the identification of the structural components of the 'canonical act' as consisting of the performative/illocutionary

part and the informative/propositional part; (d) the justification of the role of mitigators as de-intensifiers of the illocutionary force of acts affecting modality variations. The idea of the relationship between speech acts and modality is fundamental to the study.

In contemporary linguistics and translation studies, the issue of the relationship between modality and illocutionary force is addressed with the understanding that “speech acts serve as a mediating link between grammatical means and forms of modality, on the one hand, and the communicative and, more broadly, the discursive function of modal meanings, on the other” (Kravchenko et al., 2022, p. 269).

Building on a range of linguistic and translation studies (Holmes, 1984; Kravchenko et al., 2022; Thaler, 2012; Wiemer, 2026), we attempt to present the correlation between modality, speech acts, their linguistic realizations, and the markers of de-intensification of illocutionary force. This correlation serves as a key methodological component in the analytical part of the study that follows. Table 1

Table 1: Modality-Speech Acts Correlations

Type of Speech Act	Type of Utterance	Markers of Illocutionary Force	Markers of Mitigation of Illocutionary Force
		modality	
Directive	Mandative mood Indicative mood	Shall Must Should	Urge Desirable, necessary Passive voice Hedging Nominalization Impersonal constructions
		Deontic modality (obligation, recommendation)	Epistemic (possibility, necessity)
Commissive	Indicative mood	Undertake Commit to	Hedging Nominalization Impersonal constructions
		Deontic modality (self-obligation) of varying intensity	
Assertive	Indicative mood		
		Epistemic modality (certainty, factuality)	
Expressive	Indicative mood Optative mood	Proclaim, Declare, Solemnly announce, Condemn Wishing to, A strong wish, A strong desire	
		Volitive modality	

The table shows that directive acts, which are expected to dominate legal texts by underlying their deontic modality, can vary in their degree of illocutionary force due to multi-level mitigation strategies. The reduction of illocutionary force directly affects the type of speech act and the associated modality of the documents, transforming the deontic modality of obligation into a modality of recommendation, and even into an epistemic modality of possibility and necessity, through the transformation of a direct directive into an indirect one with assertive illocution.

According to the table, the deontic modality of promises (self-imposed obligations), based on commissive illocution, cannot be transformed into assertive acts, since modal verbs introducing voluntarily assumed (commissive) obligations are not differentiated by the degree of such obligation, unlike the spectrum of modal verbs of directive obligations with varying degrees of legal force. Nevertheless, without changing the commissive illocutionary type, mitigators and hedges within the propositional part of the norm can still lead to its de-intensification (for more information, see Kravchenko et al., 2022).

The research algorithm includes three stages:

Stage One focuses on identifying the register parameters of international legal discourse, which define its invariant and variable characteristics.

Stage Two examines the impact of the field parameter of the register on the linguistic and pragmatic components of international legal texts. It identifies correlations between such “field-related” characteristics as, on the one hand, the regulatory domain to which the document belongs and the type/genre of the document, and, on the other hand, lexical and syntactic markers of intensification and de-intensification of illocutionary force, the modality based on them, and the degree of legal force of the document.



Stage Three is devoted to analyzing the impact of the tenor parameter of the register, which manifests in the “blurring” of normative content in international texts through the use of mitigators-insertions. This stage identifies the types and subtypes of such devices, as well as the correlations between them, the speech acts in which they are incorporated, and the modality, considering how particular types of mitigators affect the degree of reduction of legal force.

RESULTS AND DISCUSSION

Despite the interconnection and mutual influence of register parameters in international legal communication, it is possible to identify various vectors of their influence on the *mode* of documents. This section examines in greater detail the impact of dimensions such as tenor and field on the linguistic and pragmatic features of ILD, as well as on the modality associated with these dimensions.

Field and pragmatics of de-intensification of the legal force of documents

Field influences the linguistic and pragmatic aspects of documents in the sense that a specific regulatory area may be more or less sensitive for signatory states in terms of balancing their interests and the complexity of developing universal norms. For instance, issues such as the environment, shared watercourses, etc. often pose such challenges. Using the “field” parameter, Table 2 illustrates correlational links among lexical markers of illocutionary force, the modality associated with a given illocution, the degree of legal force of the document, its domain of regulation, and the document's type or genre.

Table 2: Correlation Between Illocutionary Force, Modality, Legal Strength, and Regulatory Sphere in ILD

Lexical Marker	Illocutionary Force	Modality	Degree of legal force	Example; scope of regulation	Type / Genre
Shall / must	Direct directive act with maximum illocutionary force	Deontic (obligatory)	8	Each State Party shall establish and maintain a national control system to regulate the export of ammunition/munitions fired, launched or delivered by the conventional arms covered under Article 2 (1), ATT (2013) (International Security Law)	Treaty Strict law
Undertake Commit themselves	Direct directive act with high illocutionary force (intention framed as voluntarily accepted obligation)	Deontic Commissive (promises)	7	States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being (art. 3(2), CRC 1989) (Human rights law)	Convention Strict law
Should	Direct directive with low degree of obligation	Deontic (recommendation)	6	The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects (Article 3, United Nations Framework Convention on Climate Change UNFCCC 1992) (International environmental law)	Framework Convention: a hybrid form, combining soft and hard law
Adjectives expressing immediate necessity: It is required It is urgent It is necessary, etc.	Indirect directive in the form of an assertive act	Assertive modality (confidence that the action must be performed) combined with weak deontic (obligative) modality	5	To ensure that present and future generations are able to meet their needs, it is urgent that all States and pertinent actors: (a) promote the implementation of the United Nations 2030 Agenda for Sustainable Development (Article 5, DEPRCC 2017) (International environmental law)	Declaration of Principles, soft law
Phrases expressing non-binding intention: We are determined to; We reaffirm our commitment to...	Assertive act with implicit weak commissive illocution	Assertive modality combined with weak deontic (commissive) modality	4	We are determined to: 22. Intensify efforts and actions to achieve the goals of the Nairobi Forward looking Strategies for the Advancement of Women by the end of this century (BDPA 1995)	Declaration soft law
Passive constructions (object/goal as grammatical subject)	Indirect directive in the form of an assertive act	Assertive modality combined with weak deontic (obligative) modality	3	For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child (Article 12 (2), CRC)	Convention: insertion of soft law into a hard law document



Nominalization	Direct assertive act	Assertive modality	2	The Purposes of the United Nations are: [...] to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace. (Article 1, Paragraph 1, UNC 1948):	Charter: insertion of soft law into a hard law document
Combined effect of nominalization and generalization	Direct assertive act	Assertive modality	1	Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child (article 19 (2), CRC)	Convention: insertion of soft law into a hard law document

The table illustrates the impact of the field dimension on the linguistic realization and pragmatic structuring of modality in international legal discourse, as evidenced by the correlation between lexico-pragmatic strategies (such as lexical markers and their associated illocutionary force), types of modality, and the legal force of documents across various normative domains of ILD. The parameter of “field” – understood as the communicative context within specific normative areas – determines the type of modality, ranging from deontic to permissive, thereby shaping both the type and intensity of the speech acts employed. Mode captures the lexico-syntactic mechanisms through which obligation, recommendation, or permission is expressed. Notably, the presence of hedges and indirect constructions facilitates the mitigation of illocutionary force, shifting modality along a continuum from strict obligation toward weaker recommendation or epistemic possibility, with a gradation of legal force on a scale from 8 to 1.

It should be noted that soft law can be incorporated into hard law in those parts of the document that are either “sensitive” to regulation or formulate a broad format for joint actions. For this purpose, nominalization and generalization are often used, which function similarly to passive or impersonal constructions: they soften the illocutionary force by moving away from clear subject-action relationships. At the same time, in terms of the degree of illocutionary force, nominalization and generalization, as well as their combined effect, occupy the last two places in the table, since, unlike the passive and impersonal constructions, they do not contain words with the semantics of obligation that can serve as markers of indirect directive illocution. Thus, in the given example from the UN Charter, nominalization is used – the transformation of actions or processes into nouns. Instead of prescribing a clear action (“states must adjust or settle disputes...”), the nominalized forms abstract the actions into “objects” (*adjustment, settlement*). It creates distance between the subject (states) and the action, blurring the directness of the normative prescription. The illocutionary force becomes more diffuse: it’s a general goal, not a direct obligation. The phrase “for the establishment of social programs” in CRC nominalizes the act of “establishing” (turning the verb into a noun). Instead of directing states to “establish” social programs, it describes the establishment as a kind of detached object. The same goes for generalization, which broadens subjects or conditions and creates a more abstract, less immediate normative statement. The phrase “effective procedures” in the last example from the table does not specify what procedures, by whom, in what timeframe, or under what mechanisms. The expression is broad and abstract, diluting the immediacy and concreteness of the normative command. The combination of generalization (“effective procedures”) and nominalization (“for the establishment of social programs”) leads to a significant attenuation of illocutionary force. The abstraction of agency and action renders the normative content less prescriptive and more aspirational, moving away from a direct imposition of duties upon states.

Tenor and gradation of hedging strategies

While the impact of the field parameter on the legal force of the document is more related to the strategy of achieving balance and engaging maximum participants by reducing imposition and applying formulations of soft law, then the tenor, as related to the specifics of the ILD participants influences the legal force by specifying those aspects of norm application that expand the rights of sovereign entities. The impact of the tenor is manifested, first of all, in a certain ‘blurring’ of the normative content of international texts through inserted constructions of varying syntactic complexity. They introduce reservations that expand the sovereign rights of signatory states in applying norms and simultaneously imply the possibility of their variable application, acting in this sense as certain mitigators of illocutionary force. Thus, the tenor, through specific linguistic means, strategically modulates the flexibility of legal obligations in international legal discourse. An example is an idiomatic phrase like “taking into account their (i.e., Parties) specific national and regional development priorities, objectives and circumstances” (article 4.1 (a) UNFCCC).

By the criterion of impact on the modality and legal force of the document, mitigators-insertions can be conditionally divided into two types and subtypes, as illustrated in Table 3: those that modify the illocutionary-performative part introducing the normative statement, and those that affect the propositional content of the norm. An example of the first



possibility is the modal verb *may*, which is associated with permissive modality and introduces elaborate reservations that expand the flexibility of applying the norms of a specific treaty: ‘A Party may declare that: (a) It shall not apply this Convention to investor-State arbitration under a specific investment treaty, identified by title and name of the contracting parties to that investment treaty’ (article 3, UNCTTBISA 2015).

In the second case, two groups of idiomatic mitigators are used: (a) in the form of maximally generalized idiomatic insertions without reference to factors that may affect the alternative of norm application, for example, *where appropriate, where relevant, where needed, as appropriate, as far as possible, where necessary, as may be necessary, if necessary, as the case may be, as may be required, as may be appropriate*, and (b) in the form of elaborate syntactic constructions conventionally referring to domestic law, traditions of the parties, their capabilities, etc., such as *in a manner consistent with the procedural rules of national law; to the maximum of its (i.e. each State Party) available resources, according to their capabilities, taking into account their specific national and regional development priorities, objectives and circumstances, taking into account the national adaptation strategies*.

The influence of tenor on the legal force of norms through the incorporation of different types of introductory and insertional constructions is shown in Table 3.

Table 3: Impact of tenor on the legal force of norms: mitigators-insertions providing alternative of norm application

Type of mitigators-insertions	Type of speech act	Type of modality	Impact on reduction of legal force
Idiomatic references to domestic law, traditions, sociocultural norms	Hedged directive or commissive acts	Combination of deontic modality of obligation or recommendation and dynamic modality (conditionality of action performance)	1 - Minimal impact
Introductory words and constructions without reference to national law circumstances			2 - Insignificant
Modal verb ‘may’ introducing elaborate reservations	Assertive acts	Permissive modality	3 - Maximum impact

Table 3 illustrates the gradation of mitigating strategies based on their impact on the legal force of international norms. It effectively demonstrates how different types of mitigators-insertions, which range from idiomatic references to domestic legal systems to generalized introductory constructions and modal verbs like *may*, serve to decrease the binding nature of normative provisions. The table highlights a spectrum of legal attenuation: from minimal impact, where insertions only slightly modify the directive or commission force, to maximum impact, where permissive modality allows for broad interpretive leeway.

DISCUSSION

The findings indicate that register dimensions such as Tenor and Field exert differentiated influences on the Mode of international legal discourse, particularly with respect to its speech act pragmatics and the underlying linguistic mechanisms that contribute to the modulation of the rigidity or flexibility of legal obligations. The Field determines such invariant features of ILD as deontic modality, which is intrinsically linked to its legal nature – namely, the establishment of behavioral norms for participating states – and favor the use of directive (both direct and indirect) and commissive speech acts. The variable parameters are manifested in the distribution and variation of direct, indirect, and hedged speech acts, as well as in the modulation of illocutionary strength within individual act types. These variable features are conditioned by the substantive domain of regulation and the degree of complexity involved in reaching consensus and balancing competing interests – parameters associated with field. This is particularly salient in relation to oppositional constructs that are highly relevant for ILD, such as “equal sovereigns vs. power asymmetries,” “legal justice vs. compensatory justice,” and “common good vs. sovereignty” (Kravchenko, & Pasternak, 2020).

Additionally, field shapes the evidential subtype of epistemic modality, marked by referential signals: (a) to economic, political, and social conditions of global relevance, which serve to justify the necessity of adopting a specific legal instrument, and (b) to universal and domain-specific legal norms that underscore the instrument’s consistency with the broader semiosphere of international law, its “general systemic and subsystem values” (Kravchenko, Soshko, Markova, 2022, p. 777), and the invocation of a shared discursive identity of ILD participants, metonymically conceptualized as the “generalized communicator” (op. cit., p. 782).

This concept of the “generalized communicator” represents a point of intersection between Field and Tenor, the latter being associated with the interactional parameters of ILD. The term denotes a dual-layered identity of the participants in ILD. On one level, it reflects the supranational character of the sender, shaped through the harmonization of diverse state interests within a unified legal text – an aspect reflected in the terminological designations employed for this



discursive construct, such as Member States, Parties, and Contracting Parties. On another level, the notion of a “generalized communicator” encapsulates the plural identities of the sovereign states that collectively constitute the communicative subject.

Tenor is reflected in mitigation strategies aimed at minimizing imposition and concealing divergences in the interests and objectives of the various parties involved. This is typically achieved through dialogization with national heterogeneous semiospheres, enabling the anticipation and resolution of potential interpretative variability that may emerge during the process of incorporating international legal instruments into domestic legislation. The tenor dimension manifests through parenthetical constructions of varying idiomaticity, which serve to harmonize international norms with national legal frameworks, stakeholder interests, and related factors, as well as through extended reservations, each affecting in different ways the binding character of normative provisions. Such linguistic devices are associated with dynamic modality – the performance of actions under specific conditions – and, indirectly, with permissive modality, insofar as they permit deviation from universal norms in favor of nationally specific adaptations in support of consensus-building strategies for the document as a whole. At the micro-level of individual provisions, parenthetical constructions contribute to scaling down the directive illocutionary force and the associated deontic modality, which, in turn, may de-intensify the legal force of the norm in which they are embedded.

The results of the present study corroborate prior findings regarding the role of mitigators in the modification of illocutionary force across different types of discourse (Boginskaya, 2022; Holmes, 1984; Kravchenko et al., 2023; Thaler, 2012), including international legal discourse. The study has demonstrated that mitigation processes in ILD operate as manipulations of one of the key components of illocutionary force: the degree of its strength.

The results obtained in this article, based on the analysis of ILD, allow for a more nuanced understanding of the relationship between the degree of illocutionary force and the use of mitigating devices. In particular, the category of hedges – which directly influence the strength of illocutionary acts, their associated modality, and, by extension, their legal force – is extended in this study to include modal verbs and their substitutes that appear within the illocutionary component of normative utterances. These include *should*, which weakens obligation into recommendation; impersonal constructions such as *it is urgent* or *it is necessary*, which feature adjectives denoting necessity; *may*, associated with permissive modality; and verb phrases denoting resolve or intention to act, such as *to be determined*. These hedges can significantly reduce the illocutionary force of directives and commissives,

potentially transforming them into assertives, and shift the associated deontic modality toward an assertive modality of probability or possibility.

At the same time, the study showed that attenuation of directive and commissive illocution is also achieved through mitigators embedded in the propositional content of speech acts – that is, in the substantive part of the norm that follows the illocutionary component. These include both simple and extended parenthetical constructions as well as detailed reservations, which introduce variability in the normative scope to accommodate nationally specific legal applications; passive constructions functioning as syntactic downgrading strategies; the use of nominalizations; and various means of generalization. Functionally, such mitigators align with the category of bushes, which, as Caffi (1999, p. 890) notes, are concerned with propositional softening and do not target the illocutionary function of the speech act, while reducing the precision of its propositional content.

Yet, within international legal discourse, propositional content itself constitutes the substance of the norm, often manifesting directive or commissive illocutionary force. Therefore, any vagueness or indeterminacy in this content inevitably affects the strength of that force to a certain extent.

CONCLUSIONS

This study has examined the role and functional variation of mitigation strategies in international legal discourse, with particular attention to their impact on the illocutionary force and modality of normative utterances. The analysis demonstrates that mitigation in this discourse domain operates not only through canonical hedging devices – traditionally associated with illocutionary softening – but also through a broader range of linguistic mechanisms, including syntactic transformations, nominalizations, generalized formulations, and elaborate reservations. These elements, while often classified as propositional-level mitigators, are shown to exert a significant influence on the strength and interpretability of illocutionary force, especially in directive or commissive speech acts. The findings challenge conventional classifications, such as Caffi's tripartite model, by highlighting the complex interdependence between propositional precision, modality, and normative effect in multilateral legal documents. In this context, mitigation serves not only as a face-saving or politeness strategy, but also as a means of harmonizing potentially conflicting interests, national legal frameworks, and interpretative traditions within a unified international legal instrument.

The study confirms the centrality of register parameters – Field, Tenor, and Mode – in shaping the discursive strategies and pragmatic functions of international legal texts.

Field, defined by the domain, specific goal of norm, setting in the supranational legal space, gives rise to recurrent features such as deontic modality, evidential grounding, and reference to shared legal frameworks. It thereby anchors the invariant features of the Mode. Where the Field concerns contentious areas of regulation, this gives rise to variable features in ILD – a blend of modal expressions – obligative, recommendatory, epistemic – alongside features of both hard and soft law. Tenor introduces variability through its reflection of the plural communicative subject of ILD – the “generalized communicator” – which encapsulates the dual identity of sovereign states and their collective role as unified senders of the legal message. The harmonization of divergent national interests within a single legal instrument necessitates mitigation strategies that mask asymmetries and anticipate legal interpretative pluralism. The tenor dimension is manifested through introductory constructions of various idiomaticity, as well as through extended reservations clauses, introducing connotations of dynamic and permissive modality into the normative content.

Together, Field and Tenor mediate the Mode of ILD, both in its structural and interactional dimensions, shaping the degree of rigidity or flexibility with which legal obligations are formulated. They influence whether a speech act retains its full normative force or undergoes modulation toward an assertive or permissive reading. Thus, mitigation in ILD should be understood not merely as a linguistic or stylistic phenomenon but as a functionally motivated discourse strategy, embedded within the broader institutional logic of international law-making and its inherent need for negotiated consensus, legal adaptability, and discursive cohesion.

The findings of this study have both *theoretical and practical implications*. Theoretically, they contribute to a more nuanced understanding of mitigation in legal pragmatics by extending its scope beyond traditional hedging to include structurally embedded and functionally driven mitigation strategies. This challenges existing models and invites reconsideration of how illocutionary force is modulated in institutional contexts. Practically, the study offers insights for legal drafters, translators, and interpreters involved in the formulation and negotiation of international legal instruments, highlighting how mitigation can be strategically employed to balance normative clarity with diplomatic flexibility.

Limitations and recommendations for future research

While the study provides a detailed account of mitigation strategies in international legal discourse (ILD), its scope is limited to textual analysis of multilateral legal instruments and does not account for intertextual dynamics across legal negotiation phases. Additionally, the analysis does not differentiate mitigation patterns across specific legal

domains (e.g., environmental law vs. trade law), which may exhibit distinct discursive strategies due to differing consensus thresholds. Future research could expand the corpus to include draft versions, negotiation transcripts, and national implementation documents to trace how mitigation evolves across legal lifecycles. Comparative studies across institutional genres (e.g., treaties vs. resolutions) would also help refine our understanding of how field, tenor, and mitigation interact in shaping legal meaning and illocutionary impact.

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CONFLICTS OF INTEREST

The authors declare no conflicts of interest.

Authors' Contribution (CRediT Taxonomy)

Author	Roles
Author 1	Conceptualization, Investigation, Methodology, Funding acquisition, Project administration, Resources, Writing – original draft.