



## Modality in Pakistani Legislative Discourse: A Corpus-Based Study of Modal Forms

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| ARTICLE INFO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | ABSTRACT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <p><b>Submission:</b><br/>July 09, 2026</p> <p><b>Revised:</b><br/>July 24, 2026</p> <p><b>Accepted:</b><br/>August 08, 2026</p> <p><b>Available Online:</b><br/>August 22, 2026</p> <p><b>Keywords:</b><br/>Pakistani legal English; modality; legal discourse; corpus linguistics; legislative drafting; <i>shall</i>; <i>may</i>; deontic modality</p> <p><b>Corresponding author:</b><br/>Dr. Muhammad Waleed Butt</p> <p><b>Email:</b><br/><a href="mailto:muhammad.waleed@gaus.edu.pk">muhammad.waleed@gaus.edu.pk</a></p> | <p>This research delves into the distribution and functions of modals in Pakistani legislative discourse. Specifically, it focuses on a post-partition corpus of Pakistani law comprising 3,382 legal documents and analyzes the modals: shall, may, will, should, would, can, could, and might. It employs a corpus-based frequency and cluster analysis to study the legal discourses of obligation, permission, prohibition, discretion, future, possibility, legal continuity, and legal hypotheticals. The results show the convergence of the modal auxiliaries "shall" and "may". Shall occurs 182,975 times, making up 61.39% of the total modal tokens, while may occurs 105,216 times and composes 35.30%. Together, shall and may account for 96.69% of the total modal dataset. The remaining modals, will, should, would, can, could, and might, make up 3.31%. The results from clusters also show that shall be, shall not, shall have, shall come, and shall consist of are the key phrases in the legal continuity of obligation and prohibition. In the same way, may be, may by, may extend, may deem, and may make establish discretion, may authorize, and delegated legislation are found in the Pakistani legal discourse. Pakistani legislative discourse, the study argues, is heavily influenced by the common law and drafting traditions. Using "shall" in legal drafting may create ambiguity when a single modal form serves multiple functions. The study's main argument is that Pakistani legal English may benefit from legislative drafting that employs clear, unambiguous modals.</p> |

## Introduction

Legal language is not simply a means to express a set of rules. Laws create rights and duties, delegate authority, and establish institutions and limits. In the context of law, language determines rights and duties. In the context of law, language describes the limits of authority. It is also responsibility. Legal language is also interpretive and institutional. In legal parlance, verbs must describe the limits of authority and responsibility. It is also the context of law.

Norms are one of the main characteristics of law, and they express the capacity to create new legal relations. Because of the nature of legal norms, modality is predominant in legal discourse. Deontic modality is concerned with legal norms and structures involving obligation, permission, and prohibition. Understanding legal norms and structures requires an understanding of what is forbidden,

what is allowed, and what is required (Boginskaya, 2021, 2022; El-Farahaty & Elewa, 2020; Kozobolis, 2020). Studies involving the examination of a body of legal texts have shown that modal verbs are one of the most important elements in the expression of legal norms (Goźdz-Roszkowski, 2021; Sandrelli, 2020; Sancheti et al., 2022).

Analysis of modality is particularly important for Pakistani legislative discourse for a number of reasons. First, Pakistan, as a former British colony, inherited a common-law legal tradition. For many decades, English has been the predominant language of legal texts, administration, and formal legal interpretations. Although Urdu is the national language, English continues to dominate legal language in the courts, legal education, and bureaucracy. Pakistani legislative English, therefore, is a product of both colonial legal inheritance and contemporary local administration. Because of this unique duality, Pakistani legal English is an important resource for corpus linguistic research.

Among verbs used to express modality, *shall* has received focus in legal linguistics and drafting studies. In common-law drafting, *shall* has been interpreted as creating a binding legal obligation. It has also been shown that *shall* may not create a binding legal obligation, and that *shall* may also express futurity, legal right, legal declaration, legal composition, legal deeming, and legal commencement (Cooper, 2010; Felici, 2012; Gensler, 2010; Samodra & Bram, 2022). Due to *shall*'s many meanings, a number of drafting bodies have suggested that *shall* should be replaced by *must* to create a binding legal obligation, and that *may* should be used to create a discretionary legal power (Department of Justice Canada, 2022; Office of the Parliamentary Counsel, 2024; Plain Language Action and Information Network, 2011; United States Courts, 2024).

While interest in legal modality is increasing, corpus-based studies have yet to analyze Pakistani legislative discourse. Research in Pakistani legal English indicates legal language constitutes a diverse category. Different legal genres have specific linguistic characteristics (Asghar et al. 2018). Further, Pakistani legislation requires examination since modal verbs impact legal meaning, the precision of drafting, government discretion, and the right to legal redress.

This paper aims to contribute to this field by investigating how modal verbs are used and clustered in post-partition Pakistani laws. It looks at the following modal forms: *shall*, *may*, *will*, *should*, *would*, *can*, *could*, and *might*. It is concerned with the distribution of these modes, the phraseological patterns they create, and what legal-discursive roles they serve in the context of Pakistani legislative documents.

The study is guided by the following research questions:

1. Which modal verbs occur most frequently in Pakistani legislative discourse?
2. What recurrent clusters are formed around the major modal verbs?
3. How do modal verbs encode obligation, permission, prohibition, discretion, futurity, possibility, and hypotheticality in Pakistani legislation?
4. What do these modal patterns suggest about legislative drafting clarity in Pakistani legal English?

## **Literature Review**

Modality is tangible in linguistic expressions of obligation, permission, possibility, and necessity, including the degree of certainty and hypotheticals of the future. In the context of legal discourse, modality relates most closely to the force of legal rules. To distinguish mandatory versus discretionary powers, prohibitions versus permissions, and legal requirements versus legal possibilities, legislative texts employ modal forms. Therefore, unlike most other fields, in law modality is not a grammatical concern. Modality is the primary way legal authority is expressed.

Deontic modality is of particular importance in legislative discourse because of its association with what is required, permitted, or forbidden. According to Boginskaya (2022), in legal discourse, deontic modal markers have a key semantic function because they express obligation, permission, and prohibition, irrespective of the legal genre in question. Similar findings have been reported by El-Farahaty and Elewa (2020) in their corpus-based research on Arabic-English constitutions. They argue that deontic modality plays a central role in the linguistic and translational articulation of constitutional obligations and prohibitions. Kozobolis (2020)

addresses the same concern in English Greek competition law, where obligation and permission are of primary importance with respect to the legal force of the translated texts of the EU.

Legal modality differs from modal verbs in other contexts. May, in many contexts, can mean "perhaps" and will, in many contexts, can refer to the future. May and will, or more accurately, may and shall, in statutes, have very specific meanings. May can give the power to act; shall can create a duty to act; shall not can create a duty not to act; may can create the outer bounds of a penalty; while phrasing like shall be deemed can create a legal fiction. May, shall, and similar verbs do not represent a stance toward reality in statutes. In statutes, they shape reality.

Legal modality is associated with the power of an institution. The authorized law-making body that creates a legislative text does not end the law-making process. Judicial officers, legal practitioners, administrative officers and citizens all have roles to play. If modal forms are inconsistent or ambiguous, the law may lack clarity. There are real-world effects that this lack of clarity creates. This is why modern guides to statutory drafting have an emphasis on the deliberate and consistent use of modals (Department of Justice Canada, 2022; European Parliament et al., 2015; Office of the Parliamentary Counsel, 2024).

### **The Legal Problem of *Shall***

The modal verb "shall" is frequently at the center of discussions surrounding legal English. Traditionally, "shall" was commonly used to denote a directive in Anglo-American legal drafting. In earlier types of legislation, "shall" was used to create obligations, generate legally binding effects, and give a formal tone to legislative provisions. Of late, legal academics and drafting practitioners have become increasingly concerned with the use of "shall" in drafting, as it is not a term with one fixed meaning (Cooper, 2010; Felici, 2012; Gensler, 2010; Kimble, 1992).

Felici (2012) argues the use of "shall" results in a lack of clarity in legislation of the European Union, as its overuse may result in issues both in the interpretation and in the translation of the concerned legal text. In a similar vein, Cooper (2010) asks whether "shall" should be eliminated from European Union legislation, as its use may result in opacity due to the unrestricted number of meanings of the term. Samodra and Bram (2022), in a corpus-based study of contemporary American English, demonstrate that "shall" is a term that, compared to the past, is infrequently used in the American English vernacular, but remains a term that is legal, regulatory, and formal in nature. These studies illustrate that "shall" is, and continues to be, a term that is legal in nature and specialized, as opposed to an ordinary term in English.

The word "shall" in legal writing can have at least four interpretations, which causes much confusion. First, it can signify a future obligation where a legal provision requires an individual to perform a duty. Second, shall can also express a future action in a provision that includes a future commencement date. Third, "shall" is useful when specifying the legal composition or structure of a body, for example, the Board shall consist of. Fourth, in deeming provisions, shall is used in passive constructions like shall be deemed. In those instances, shall is not used as a command. The meaning of shall varies with the context of the provision and the structure of the sentence.

Drafting in plain language encourages the avoidance of shall. Most drafting guides advocate that must be used for requirements, must not be used for prohibitions, may be used for permission and for discretionary provisions, and the present tense be used for definitional or constitutive provisions (Department of Justice Canada, 2022; Office of the Federal Register, 2025; Office of the Parliamentary Counsel, 2024; United States Courts, 2024). Unfortunately, legal traditions and practices are not as flexible.

### **May and Discretionary Authority**

Legal systems tend to associate "shall" with obligation, while "may" suggests permission and discretion. "May" is frequently used in legal drafting to give legal powers to a person, court, the government, a board, a commission, or an administrative body. In this context, "may" does not define a possibility; instead, it gives statutory authority. An example of this is when a piece of legislation states that the government may make rules. In that case, the phrase grants authority for the enactment of delegated legislation. Similarly, if an Act states that an authority may consider something to be true, the phrase gives the authority the discretion.

The difference between "shall" and "may" is one of the most significant differences for a legal drafter. "Shall" usually implies the exercise of mandatory legal power, while "may" implies the exercise of permissive or discretionary legal power. There are, however,

instances where this distinction is not as clear. In some legal systems, "may" is understood to mean "shall" in the context of a legal provision, while "shall" may be interpreted as having a discretionary nature in other contexts. This illustrates the complexity of meaning "may" and "shall" in law, which can be influenced by grammar, but more often is the result of legal interpretation, the context in which a law is enacted, and the reasoning of the courts.

Scholarship on deontic modality in legal translation and legislative discourse has recognized a lack of correspondence at the level of modals for the expression of permission and discretion across languages (Boginskaya, 2021; El-Farahaty & Elewa, 2020; Kozobolis, 2020; Sandrelli, 2020). For multilingual and postcolonial legal systems, where English legal language is often translated, interpreted, and applied in multiple languages, this is significant. In the case of Pakistan, where English legislation operates alongside Urdu and other regional languages, this can have an impact on legal drafting, legal translation, and the public's understanding of the law.

### **Corpus Linguistics and the Study of Legal Modality**

In studying the language of the law, corpus linguistics provides a method that is systematic and rooted in empirical observation. Where traditional methods rely on examples that may be isolated or exceptional, corpus analysis observes patterns, regularities of distribution, and collocation (and collocational clusters, or phraseological candidates) across large collections of text. According to Goźdz-Roszkowski (2021), corpus linguistics has become influential in the study of legal discourse because it enables descriptions and studies of phraseology, variation among legal genres, translation, forensic discourse, evaluative language, and register varieties in legal language.

Corpus methods are advantageous in legal studies because of the nature of modal verbs. Modal verbs appear in large numbers and are often highly context-dependent. A corpus analysis may show that shall be, shall have, or shall come all have different meanings. Similarly, may be, may make, may extend, or may deem express different degrees of permission or of different legal concepts.

Antony's AntConc can perform frequency, concordance and cluster analyses and is therefore a good tool for identifying repeated patterns in a specialized corpus. The corpus-based methodology used in recent studies of legal language has also integrated computing, and has been used to annotate legal obligations, permissions, and prohibitions, as well as discourse patterns (Cheng et al., 2024; Kalamkar et al., 2022; Malik et al., 2021; Sancheti et al., 2022). These studies point to the fact that legal modality is not only a linguistic phenomenon, but is also relevant to legal informatics, legal translation, automated legal analysis, and the provision of legal services.

### **Pakistani Legal English and Legislative Discourse**

Pakistani legal English, as a branch of English developed along a common law framework, derives from British Colonial rule. As a result, English is the primary language of law in Pakistan. This situation makes Pakistani Legal English a specialized variety of English as a colonial legal system, integrated with local practices, multilingual legal contexts, and contemporary needs of administration.

Asghar et al. (2018) carried out a multidimensional analysis of Pakistani legal English, and one of the central findings of their study was that there exists a diversity of legal languages in Pakistan. Their study suggested that the varying legal genres should be analyzed in relation to their respective communicative purpose, audience, and context, as different legal genres are likely to exhibit different linguistic features. This is especially important in the context of the present study, since the use of modality is likely to differ across legal genres and legal functions. Different Acts, Ordinances, Statutes, Rules, and Regulations may employ modal verbs in different ways in order to command, empower, describe a legal body, set out a legal process, or control the exercise of administrative discretion.

This study aims to extend the analysis of modality in Pakistani legal discourse. In contrast to the more general multidimensional studies, the focused analysis of modality illustrates a significant aspect of the legal framework of Pakistan. In doing so, it seeks to portray the way statutory discourse of Pakistan expresses the ideas of bindingness, discretion, prohibition, legal continuity, and constructive modality through the use of modality.

## Methodology

This research utilizes a post-partition Pakistani law corpus of 3,382 legal documents. This corpus is part of an extensive, corpus-based examination of Pakistani legal discourse in English. The broader legal corpus contains Pakistani legal documents from five major categories of discourse: Acts, Ordinances, Statutes, Rules, and Regulations. These documents capture both federal and provincial discourse in legal and regulatory settings.

This article examines the post-partition Pakistani law corpus. This corpus contains contemporary discourse in Pakistani legislation since the formation of Pakistan. The corpus is ideal for a study on the use of modality, as legislation and regulation texts are heavily modalized. They bind, grant, prohibit, outline, authorize, define, and control the flow and impact of legal provisions.

### Modal Forms Selected for Analysis

The study analyses eight modal verbs:

*shall, may, will, should, would, can, could, and might.*

These forms were selected because they were reported in the modal-frequency results of the corpus. The article is constrained by the absence of *must* in the modality frequency table. This is a shortcoming of the article since *must* is generally viewed as the primary indicator of legal obligation in modern drafting. The absence of *must* in the cited table does not affect the evaluation of the other eight modal verbs. In fact, this is an indication that the direct comparison of *shall* and *must* in the context of Pakistani legislation is warranted.

### Analytical Procedure

The analysis comprised two stages. In the first, frequency, range, and the normalized frequency and range for each of the modal verbs were calculated. Frequency is the total count of how many times a modal verb occurred in the corpus. Range is the count of how many files the modal verb occurred in. Normalized frequency is used to compare the size of the corpus, and normalized range shows the spread of distribution across the files.

In the second analysis, clusters of the most frequent five clusters for each of the modal verbs were explored. Cluster analysis is useful in this context, since legal meaning tends to prevail in constructions that are repetitive and not in the isolated meaning of a word. For instance, *shall not* and *shall come* convey different meanings, and *may make* and *may extend* are different. The clusters were interpreted qualitatively in relation to their legal-discursive functions.

The analysis combines quantitative and qualitative approaches. The quantitative aspect describes frequency and distribution, while the qualitative aspect describes the functions of the modal clusters that are recurrent in the context of Pakistani legislative discourse.

## Results and Analysis

It appears that the distribution of words used as legislative modals in the Pakistani context is skewed towards *shall* and *may*, with these two words representing the bulk of the legislative modals in the frequency distribution. The two of these modal verbs make up 96.69% of all the modal tokens studied. *Shall* makes up 61.39% of the total, followed by *may*, which makes up 35.30%. The other six modal forms make up just 3.31% of the total.

**Table 1: Frequency Distribution of Modal Verbs in the Post-Partition Pakistani Law Corpus**

| Modal Verb | Rank | Frequency | Range | Normalized frequency | Normalized range | Percentage |
|------------|------|-----------|-------|----------------------|------------------|------------|
| Shall      | 1    | 182,975   | 3,373 | 613,937.96           | 0.997238         | 61.39%     |
| May        | 2    | 105,216   | 3,351 | 353,032.36           | 0.991000         | 35.30%     |

|              |   |                |     |            |          |             |
|--------------|---|----------------|-----|------------|----------|-------------|
| Will         | 3 | 3,893          | 863 | 13,062.224 | 0.255000 | 1.31%       |
| Should       | 4 | 2,308          | 677 | 7,744.057  | 0.200000 | 0.77%       |
| Would        | 5 | 2,017          | 695 | 6,767.662  | 0.205000 | 0.68%       |
| Can          | 6 | 974            | 400 | 3,268.073  | 0.118000 | 0.33%       |
| Could        | 7 | 416            | 212 | 1,395.809  | 0.063000 | 0.14%       |
| Might        | 8 | 236            | 111 | 791.853    | 0.033000 | 0.08%       |
| <b>Total</b> | — | <b>298,035</b> | —   | —          | —        | <b>100%</b> |

The dominance of shall reiterates the conventional practice of legal writing in legislative English in Pakistan. It's also found in many of its files, with shall being present in 3,373 of the 3,382. Shall cannot only be used in legal documents. It's a structural characteristic of Pakistani legislative language.

The second most common modal (may) also has a high range, with 3,351 occurrences in files. This means that there are almost as many discretionary and permissive provisions as mandatory provisions. Shall and may are combined to make the backbone of laws in Pakistan. One typically carries the meaning of binding force, and the other typically carries the meaning of permission/discretion/authorization/delegated authority.

The occurrence of low frequency will also carry meaning. Will is one of the most frequently used modal verbs in general English as it often expresses futurity. In Pakistan, however, the expression of futurity is frequently found in the form of shall, commencement clauses, or present-tense provisions or formulaic legal constructions. This means that the mode of the legislative English is not the normal mode of the English language. It has a special legal-modal system.

### **Shall and Binding Legal Force**

*Shall* is the most frequent modal verb in the corpus, occurring 182,975 times. Its top clusters are shown in Table 2.

**Table 2: Top Clusters of *Shall***

| Cluster       | Rank | Frequency | Range | Dominant legal function                                |
|---------------|------|-----------|-------|--------------------------------------------------------|
| shall be      | 1    | 87,382    | 3,273 | passive obligation, deeming, institutional description |
| shall not     | 2    | 11,848    | 1,821 | prohibition                                            |
| shall have    | 3    | 6,932     | 1,815 | legal continuity, powers, rights, effects              |
| shall come    | 4    | 3,269     | 3,049 | commencement of law                                    |
| shall consist | 5    | 2,689     | 982   | institutional composition                              |

The most common cluster word should be 'shall', which is found with 87,382 instances. This is the most basic phraseological pattern in the modal data set. It is used in passive expressions like shall be deemed, shall be appointed, shall be prescribed, shall be punished, shall be constituted, and shall be made. They are frequently used in legislative writing to emphasize the action, status or consequence of the law rather than the person or persons acting, but use of passive 'shall be' structures could lower clarity if the responsible actor is not stated.

The cluster 'shall NOT' serve as a "don't touch" sign. It is not simply to say that something won't happen, but it actually establishes a legal prohibition. In the Pakistani legislation, the 'shall' is used often to indicate prohibition, as illustrated by the 'shall not'. This is typical of the use of negative modals in law, where they are employed to control behaviour by prohibiting certain actions.

The cluster shall typically be found in provisions related to legal powers, rights and duties, institutional authority and legal continuity. For instance, a legislative provision might say an authority can do a thing and a provision of a repealed law can have the same effect under a new law. This usage demonstrates that shall is not just an obligation marker. It is also involved in the continuity of the law in the maintenance of the legal framework across the statutory framework.

The cluster 'shall come' is associated with the commencement clauses: It shall come into force at once. This use is more in the realm of legal activation or futurity than obligation. The law itself is not subject to a duty, but rather the provision says when the law comes into play. It is an important shall example of multifunctionality of shall.

Institutional composition clauses, the cluster shall consist of. The constitution of boards, councils, commissions, committees, authorities and tribunals is often specified in legislative texts. In such instances, 'shall' does not order someone to do something. It constitutes an institution by specifying its membership. This lends further evidence to the theory of shall as a constitutive condition besides deontic obligation.

In general, the findings reveal that 'shall' has five roles in Pakistani law: obligation, prohibition, commencement, legal continuity, and institutional constitution. This is to prove its importance, but also its semantic overloading. The issue with shall is not that it is not a law. The problem is it brings with it too many forms of legal authority.

### **May and Discretionary Power**

The modal *may* is the second most frequent form in the corpus, with 105,216 occurrences. Its top clusters are shown in Table 3.

**Table 3: Top Clusters of May**

| Cluster    | Rank | Frequency | Range | Dominant legal function                   |
|------------|------|-----------|-------|-------------------------------------------|
| may be     | 1    | 42,042    | 3,331 | discretionary passive provision           |
| may by     | 2    | 5,746     | 1,569 | authority exercised by notification/order |
| may extend | 3    | 4,494     | 910   | maximum punishment, duration, scope       |
| may deem   | 4    | 2,912     | 986   | discretionary judgment, legal fiction     |
| may make   | 5    | 2,359     | 1,252 | rule-making power                         |

The cluster is the most common may construction. It's frequently used in the formulaic expressions as may be prescribed, as may be determined, as may be notified, and as may be specified. These constructions enable legislation to establish a general legal structure, with details to be left to subordinate legislation or to administrative rules, notifications, procedures. This is the pattern of the administrative flexibility of Pakistani law.

The cluster may seem to express the notification in the official Gazette by the Government may. This cluster relates modality to official administrative process. It reveals that discretion is often used in Pakistani legislations in the form of notifications, orders, rules or in the Gazette.

The cluster may extend is the relevant one in the case of penal/regulatory provisions. The word may can also include the maximum imprisonment, fine, penalty, length of time, or legal consequences. In this instance, may does not just mean 'permission'. It sets the possible boundaries of a penal or legal effect.

The cluster suggests the relationship between discretion and legal fiction. The verb *deem* enables law to consider a thing to be true for a particular purpose. As in 'may' + 'recognise', 'classify', or 'treat', a person or organisation with authority can recognise or classify it, or treat it in a legally acceptable manner. This is a strong legislative tool since it permits the categorisation of items even when the fact of their identity cannot be found.

The cluster may make is associated with delegated legislation. Usually is found in provisions confiding in a government, board, authority or council the power to make rules, regulations, schemes or orders. This indicates that *may* is the main modal of the legislative discourse of Pakistan.

*May* is the modal of permission, discretion, administrative authority, and delegation, overall. Given its high frequency, it is clear that Pakistan's legislation is not only a prescriptive obligation, but also an administrative 'playground' in which powers can be exercised within an agreed framework.

### ***Will and Limited Futurity***

*Will* ranks third in the corpus, but its frequency is far lower than *shall* and *may*. It occurs 3,893 times, accounting for only 1.31% of the modal dataset.

**Table 4: Top Clusters of *Will***

| Cluster     | Rank | Frequency | Range | Dominant legal function                     |
|-------------|------|-----------|-------|---------------------------------------------|
| will be     | 1    | 1,688     | 538   | future result or administrative consequence |
| will not    | 2    | 313       | 178   | negative future consequence                 |
| will remain | 3    | 187       | 71    | continuity                                  |
| will have   | 4    | 92        | 64    | future possession of power/effect           |
| will bear   | 5    | 57        | 21    | oath or formal undertaking                  |

It is noted that in some contexts Pakistani legislation does not resort to the use of the ordinary future. This is not surprising as the law is not a predictor. Normally does not declare what will occur as forecast; establishes legal obligations, powers, procedures, and effects. In legislative style, *shall* is used in place of *will* for this purpose.

usually indicates future results or administrative consequences, as in the cluster. Negative future consequences will not be labeled and recorded as *will not*, legal continuity will be labeled and recorded as *will remain*. The cluster *will be* seen in formal statements or in oath forms, where the person making the statement pledges devotion or obligation. If compared to *shall*, *will* has a more restricted reach in the corpus.

### ***Should and Weak Obligation***

*Should* occurs 2,308 times and accounts for 0.77% of the modal dataset. It generally expresses weak obligation, recommendation, expectation, or procedural preference rather than binding legal duty.

**Table 5: Top Clusters of *Should***

| Cluster     | Rank | Frequency | Range | Dominant legal function                                 |
|-------------|------|-----------|-------|---------------------------------------------------------|
| should be   | 1    | 1,084     | 330   | recommendation, weak obligation, procedural expectation |
| should not  | 2    | 432       | 338   | negative recommendation or warning                      |
| should the  | 3    | 118       | 110   | conditional inversion                                   |
| should have | 4    | 65        | 44    | expected prior condition                                |
| should also | 5    | 40        | 28    | additional recommendation or procedural expectation     |

The lower frequency of *should* in legislation is to be expected since legislative texts typically demand a higher level of obligation markers. The word *should* is too weak if it is meant to place a binding obligation. Gives advice, does not mandate. But where the sentence in the text conveys guidance, expectations, conditionality or procedural preference, however, can be useful.

The latter is especially interesting, as it often leads to the formation of a conditional inversion, for example, when the authority fails or the latter encounters financial problems. It is a formal construction and has more to do with conditional meaning than with direct obligation. The conditional legal reasoning is therefore part of the Pakistani legislative discourse as can be seen from the presence of *should*.

### ***Would* and Hypothetical Legal Consequences**

*Would* occurs 2,017 times and accounts for 0.68% of the modal dataset. Its top clusters are shown below.

**Table 6: Top Clusters of *Would***

| Cluster     | Rank | Frequency | Range | Dominant legal function                     |
|-------------|------|-----------|-------|---------------------------------------------|
| would have  | 1    | 599       | 362   | hypothetical entitlement or prior condition |
| would be    | 2    | 586       | 244   | hypothetical legal consequence              |
| would not   | 3    | 136       | 95    | negative hypothetical consequence           |
| would in    | 4    | 40        | 37    | evaluative or administrative judgment       |
| would cause | 5    | 36        | 34    | possible harm, hardship, or damage          |

The word *would* is used primarily for hypotheticality and means the same as *would* in all other respects. It is written in situations where the law is considering what would occur if a specific condition did or did not exist, or what the outcome would be if a decision is made. The cluster *would have* often would state the conditions that were not yet a reality in the law, but rather a hypothetical entitlement. The cluster *would be* marks a possible legal result. The cluster that *would cause* would be more appropriate for hardship, damage, or adverse consequences provisions.

This suggests that the notion of '*would*' is not used for the purpose of command in Pakistani legislative discourse, but rather for conditional legal reasoning. Allows the text to simulate what it believes the legal implications might be if the situation occurs.

### ***Can* and Practical Possibility**

*Can* occurs 974 times and accounts for 0.33% of the modal dataset.

**Table 7: Top Clusters of Can**

| Cluster  | Rank | Frequency | Range | Dominant legal function      |
|----------|------|-----------|-------|------------------------------|
| can be   | 1    | 580       | 278   | possibility or applicability |
| can make | 2    | 42        | 22    | ability or capacity          |
| can not  | 3    | 40        | 30    | impossibility or inability   |
| can only | 4    | 31        | 14    | restricted possibility       |
| can also | 5    | 13        | 11    | additional possibility       |

In legislative writing, can is more formal than may. It is generally used to imply practical feasibility, capacity or applicability rather than legal permission. For instance, "can be made applicable" means whether or not a provision can actually be made to apply to a situation. The cluster will only restrict possibility – the cluster can also be used to expand possibility.

Pakistan's legislative drafting is seen to prefer may in giving legal permission or authority, as evidenced by the low frequency of can. This is a distinction that should be noted. What is legal permissive (may) is more often practical or factual (can).

### ***Could and Conditional Possibility***

*Could* occurs 416 times and accounts for 0.14% of the modal dataset.

**Table 8: Top Clusters of Could**

| Cluster          | Rank | Frequency | Range | Dominant legal function                       |
|------------------|------|-----------|-------|-----------------------------------------------|
| could not        | 1    | 108       | 78    | negative possibility                          |
| could be         | 2    | 103       | 64    | possible interpretation or result             |
| could have       | 3    | 70        | 54    | past unrealized possibility                   |
| could reasonably | 4    | 29        | 18    | reasonable possibility or conflict assessment |
| could cause      | 5    | 8         | 2     | possible harm or damage                       |

Could means "might" or "may be". This is particularly so with respect to the legal standards, which frequently rely on what could reasonably be expected, inferred, regarded, or foreseen. The words "modality, with legal reasonableness" link modality to a major concept in interpretation in law.

The cluster may lead to a showing in which could is also used to refer to potential harm or damage. It is not common, but it has an important role in the use of risk in law.

### ***Might and Remote Possibility***

*Might* is the least frequent modal in the dataset, occurring 236 times and accounting for 0.08%.

**Table 9: Top Clusters of *Might***

| Cluster          | Rank | Frequency | Range | Dominant legal function |
|------------------|------|-----------|-------|-------------------------|
| might have       | 1    | 80        | 46    | possible prior event    |
| might be         | 2    | 60        | 32    | possible legal state    |
| might reasonably | 3    | 17        | 12    | reasonable possibility  |
| might or         | 4    | 6         | 6     | alternative possibility |
| might result     | 5    | 5         | —     | possible consequence    |

Might indicates a possibility or a potential, but not a certainty. Its low frequency can be explained by the fact that legislation is usually not drafted in an unnecessarily ambiguous way. When "might" is used, it is usually used to indicate what may have happened, what may have been the case, what an individual is expecting to happen, or what may occur. It's therefore not a central mode of command or authority, but rather a sign of restricted possibility.

## Discussion

The findings reveal that legislative discourse in Pakistan demonstrates a hierarchy of modals. The corpus is dominated by shall and may, while will, should, would, can, could and might occupy peripheral positions. This reflects the obligations of law. Legislations must create duties, provide powers, and may and may not create, empower, or authorize, and may create or may authorize. Shall and may are, therefore, the principal modals through which legislation exercises its normative functions in Pakistan.

The prevalence of shall is congruent with the common law tradition. In the legislation of Pakistan, shall is the principal denoter of obligation. However, cluster analysis shows that shall is not restricted to one function. It appears in constructions of obligation, prohibition, commencement, composition of institutions and continuity of law. This illustrates the general hallmark of drafting identified in legal writing: shall is powerful and overloaded (Cooper, 2010; Felici, 2012; Gensler, 2010; Kimble, 1992; Samodra & Bram, 2022).

In practice, this overloading means that if shall is used both for obligation and futurity, the reader is expected to deduce the interpretation from the surrounding meaning. It may also mean that if shall be is used in a passive construction, the obligation to act may become less apparent. Further, if shall consist of is employed in a construction which defines the composition of an institution, this use of shall is different from shall not in a prohibitory construction. The legal effect of shall is, therefore, by no means constant, and is determined by the statutory context and construction.

The frequency of "may" indicates that Pakistani legislation uses quite a lot of discretionary power. This is expected with contemporary administrative law. In primary legislation, broad outlines are sketched that administrative, executive, regulatory and subordinate authorities fill in. In Pakistani legislation, terms such as may make, may deem and may by go further in showing that legislation grants power to various institutions to issue rules, notifications, orders, determinations, and legal classifications. Therefore, legal modality and institutional power are closely related.

The infrequent use of "will" indicates that ordinary futurity does not seem to have a strong place in Pakistani legislative texts. In legal English and general English, a distinction can be made. In general English, the use of "will" is frequent, as people foresee what is to come. However, in legislation, the function of language is not foreseeability; rather, it is creation and regulation. This is why "shall" and "may" are frequent and "will" is absent.

The peripheral modal verbs have a range of meanings. These are Should, Would, Can, Could and Might. "Should" marks a lesser obligation, a recommendation, or conditionality. "Would" marks a hypothetical outcome. "Can" suggests a practical possibility or capacity. "Could" and "Might" are used for lesser and more remote possibilities. These verbs do not structure the legal corpus the

same as "shall" and "may"; however, they do assist legal reasoning in situations where the text must express harm, uncertainty, condition, or a reasonable expectation.

The findings imply that legislative English in Pakistan requires distinct differentiation for modal verbs. Drafting guidelines suggest that different modal verbs should be used for different functions. For instance, *must* be used for a mandatory duty, *may* not for a prohibition, *may* for a permission or discretionary power, present tense for definitions and composition of an institution, and *will* used only when futurity is intended (Department of Justice Canada, 2022; Office of the Federal Register, 2025; Office of the Parliamentary Counsel, 2024; United States Courts, 2024). This type of differentiation in Pakistan would undoubtedly further align the drafting practice in Pakistan with the principles of plain-language drafting without compromising legal drafting.

Plain-language drafting does not suggest simplifying the law through a less accurate drafting style, but rather, makes it easier for individuals to understand legal rights and obligations. Sullivan (2001) argues that plain drafting of legislation is fundamentally linked to democratic access, as legislation governs those who must comprehend and abide by the law. Hunt (2002) presents a similar argument in that a statute is subjected to a high level of legal scrutiny, and therefore, it must possess clarity and drafting precision. This argument has been adapted by the Vidhi Centre for Legal Policy (2020, 2023) in the South Asian context, whereby legal drafting should be lucid, and the legal effect must be sustained.

For Pakistan, the clarity of the modals is critical as legal drafting in English is occurring in a multilingual context. If the modals used are ambiguous, even to the legal profession, this may pose additional obstacles for translators, administrators, litigants, and the general, untrained public. Clear choice of modals may lead to improved legal interpretation, legal translation, and statutory communication.

## **Conclusion**

This corpus-based study has investigated modality within Pakistani legislative discourse focused on eight modal verbs: *shall*, *may*, *will*, *should*, *would*, *can*, *could*, and *might*. The findings have shown that in the post-partition Pakistani law corpus, *shall* and *may* dominate. While *shall* was found 182,975 times (61.39%), *may* was found 105,216 times (35.30%). Together, they comprise 96.69% of all modal tokens investigated.

Cluster analysis demonstrated that *shall* has a wide range of legal functions. These legal functions were identified as obligation, prohibition, initiation, and legal and institutional continuity and composition. These functions were shown in the clusters *shall be*, *shall not*, *shall have*, *shall come*, and *shall consist of*. This demonstrates that the modal verb *shall* is of great importance to Pakistani legal English and that it has a wide semantic scope. In contrast, *may* is the dominant verb that signals the presence of permission, discretion, delegated authority, and administrative power in the clusters *may be*, *may by*, *may extend*, *may deem*, and *may make*.

The other modal verbs, though infrequent compared to *shall* and *may*, are still of some importance. *Will* denotes a restricted sense of futurity and continuity; *should* is a weaker sense of obligation or conditionality; *would* is used for hypothetical scenarios; *can* denotes a real and practical sense of possibility, while *could* and *might* express remote and weaker possibility.

The research enhances the field of legal linguistics through the use of a corpus from Pakistani legislative English. This context is absent from research concerning legal modality. The findings also have a direct impact on the refinement of drafts of legislation in Pakistan. The results reveal that Pakistani legislation remains closely aligned with modal conventions of common law, with an emphasis on the use of *shall*. Even though this convention has legal authority, it may lead to unclear legislation when one modal has multiple functions.

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