

# Modal Verbs in Legal Translation With Reference to The Translation of the Iraqi Informatics Crime Law

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## Abstract

This paper aims to investigate the role of modal expressions in both Arabic and English legal texts. Modal verbs have a distinguished place within legal English since they indicate the very function of legal language i.e.: obligation and permission. An attempt is made within this paper to incorporate a quantitative along with the qualitative descriptive approach by applying the chosen data (an Arabic text of legal document namely the Informatics Crime Law in Iraq along with its translation that was done by the free word center) as a case study to illustrate the similarities and differences within the two languages.

**Key words:** modals, modality, legal translation, law

## I. Legal language

Legal discourse can be generally attributed to the kind of language that is used by people affiliated with legal profession (lawyers, judges, legislators etc.). Legal language “regulates the foundations of social relationships such as marriage, contracts, agreements and civil rights such as wills and inheritance” (Crystal and Davy, 1969, p.193), rather than just describe state of affairs within the course of human beings interaction. This definition can be extended to include all the procedures and documents that are necessary for the legal processing, ranging from social documents (wills, marriage bonds), judicial documents (testimonies, sentences, expert witness) to treaties and agreements (Kasirer, 2000, p.65).

Sarcevic (2000, p.133) refers to “the primary role of language in normative legal texts is to prescribe legal actions, the performance of which is intended to achieve a specific goal”, hence confirms the Saussurean concept of “parole” that is involved in the legal language indicating the importance of its unique syntactic, semantic and

pragmatic construction. On the other hand, Beaugrande and Dressler (1981, p.3) describe legal texts as “communicative occurrence” produced in a particular culture and time; therefore it is bounded to cultural, temporal and spatial specificities with a specific function.

### 1. Types of Legal texts

As already stated that legal text is a communicative event, therefore these texts should vary according to the communicative function it is assigned to. Legal texts can be divided according to their communicative function into three distinctive types as illustrated by Hiltunen:

- “ - *academic texts which consist of academic research journals and legal textbooks,*
- *juridical texts covering court judgments or law reports,*
- *legislative or statutory writings consisting of*

*Acts of Parliament, contracts, treaties, etc.*" (1990, p.81)

## 2. Characteristics of legal language

Due to its level of formality and unique frozen structure that is unsusceptible to alternation, some scholars venture to attribute legal language as a "language" or "sublanguage" or less intensely described by Van Dijk (1981) as a "register", whereas Hatim and Mason (1997) preferred to depict it as "routines". This rigidity leaves no room for alternating interpretation since varying interpretations may entail serious consequences such as jeopardizing people's rights and weakening the power of legal regulation and obligation. Sarcevic (1997, p.167) asserts this "directness" feature by stating that law has a tendency "towards more direct expression, frequent repetition and more detail, in order to limit judicial discretion".

These features that are unique to the legal composition dye it with an intricate and obscure atmosphere that enhances its high and rigorous esteem resulting from the judicial power it enjoys. (Mellinkoff, 1963, p.25).

Beaugrande and Dressler (1981, p.3) understanding of legal language as a "communicative occurrence", clearly indicates its culture-specificity which entails the existence of a variety of legal systems throughout different parts of the world, or even within the same country for obvious reasons relating to the different life style, religious and traditional customs abided by people around the globe.

As legal language main purpose is to regulate people's life, it does so by employing certain linguistic: semantic and pragmatic devices in order to: advice, recommends, obligate, prohibit, authorize... etc. Hence, modality is considered as a vital and critical aspect of legal language as a means to render those meanings.

## 1-2-1- Specific features of English and Arabic legal texts

Though Legal Arabic texts and English ones have some similarities yet, register differences are inevitable due to the linguistic differences between the two languages. Emery (1989: p.10) clarify this:

*"Arabic legal texts exhibit their own features of structure and style. They make more use of grammatical cohesion (through reference and conjunction) and of finite structures than their English counterparts, and less use of passives. In addition, they are not characterized by the use of archaic vocabulary and morphology. The two languages differ in their patterns of nomination, creation of binominals and in their use of highlighting and text markers"*

This can be illustrated by the Arabic legal texts realization of grammatical cohesion by the means of conjunction and reference and of infinite sentences, and also in the Arabic legal texts tendency to avoid passive constructions and the use of archaic expressions.

## 1-2-2- Features of English vs. Arabic legal texts

In this section an illustration of each legal language characterization will be demonstrated parallel to each other based on (Mellinkoff's (1963) account for the English language and Emery's (1989) account for the Arabic language based on various aspects of representation:

### 1-2-2-1- Lexical Features

General Features of English Legal Language		General Features of Arabic Legal Language	
• Frequent use of Old and Middle English words	hereof, thereof	Religious, culture-specific expressions	على كتاب الله وسنة رسوله , على مذهب ....

• Frequent use of formal words and phrases:	“Law shall prevail”	Binominals	collocations of antonyms, synonyms or near-synonyms عاجلاً ام اجلاً
• Deliberate use of words and expressions with flexible meanings:	adequate, approximately, clean and neat	Doublets	redundancies to serve emphasis تعلن و تصرح
• Use of argot:	jury instructions alleged, purported etc	Descriptive Epithets	lay emphasis on and further modify the noun الطرفان الساميان المتعاقدان
• Terms of art	waiver, restraint of trade	Punctuation	full stop and the comma
Phrases expressing extreme precision:			
• absolute	all, none, never		
• restrictions	and, no more		
• unlimiting phrases	including but limited to		
• words that when used in law have different meanings from the everyday usage.	construction, prefer redemption, furnish		
• Use of doublets and triplets.	"cease and detest , "null and void"		
• Unusual prepositional phrases	as to , in event of		
• Use of unfamiliar pronouns.	the same, the said, the aforementioned		
• <b>Use of unfamiliar pronouns</b>	<i>the same, the said, the aforementioned</i>		
• Lack of punctuation			

### 1-2-2-2- Syntactic Features

General Features of English Legal Language		General Features of Arabic Legal Language	
Nominalization:		Nominalization	introduced by the relative ما ما يقرره ...
marked preference for postmodification	"any installment then <i>remaining unpaid</i> of the rent"	Verbal group	the imperfect past verb كان is equivalent to "shall"
the use of premodification other than determiners is refrained.		Conditionals	stipulative terms, obligations or rights. إذا
Many of the nominals are themselves either abstract or not referring to some physical object.	proposal, declaration,	Passives	tendency to minimize passive constructions
Passives		Modality.	expressed by sentence initial lexical verbs (يجوز, يحظر) على and لا the preposition
Wh-deletion	herein (which is).		
Conditionals			
Prepositional phrases	to give time for the payment of any purchase		
Sentence length and complexity			
Unique determiners	such and said		
Impersonality.	gender-neutral pronouns: anyone, everyone and no one		
Negatives	multiple negatives: unless", "except		

Binominal and multinominal expressions	genus and species		
Unusual word order	the provisions for termination hereinafter appearing or will at the cost of the borrower forthwith comply with the same		
Use of phrasal verbs	enter into contracts, put down deposits		
The Usage of shall may and may not	to show a law, command, promise		

### 1-2-2-3- Discourse-level Features

General Features of English Legal Language		General Features of Arabic Legal Language	
Anaphora.	repetition of personal subject nouns are used to avoid ambiguity	Cohesion	tendency to serve lexical cohesion in the form of repetition يوقع الطرفان على هذا العقد و يلتزم الطرفان بنصوصه
Connection	herein after" and "aforesaid", work as cohesive devices		
Substitution and ellipsis		Coherence.	written Arabic is generally more explicit than English (Emery 1987), less information has to be recovered from the context
Lexical cohesion-	pronouns are avoided, lexical items are mostly repeated		
		Conjunctions	Arabic uses conjunctions such as (و)and), (أو)or), (ف)and), (كما / in addition), (هذا)this)

## 2. Legal translation

Mattila (2006 p.7) dates English legal discourse as back as to Ancient Greece, represented in Socrates and Plato philosophical teachings aiming at

defending and spreading principles of democracy and liberality, and also to the first bilingual encyclopaedic dictionaries which were formulated in Byzantium as an attempt to establish Greek as an alternative formal language.

However, there are older mentions in history which dates legal translation back to Hammurabi and his foundation of a translation center in Babylon 2001 BC to make laws knowledgeable throughout his vast kingdom. Delisle and Woodsworth state that it reached its climax in the Abbasid's era in the 8th and the following centuries: "Translating archival documents and registers among other translation activities took place in that era" (1995, p.112).

With the explosion of population and technological progress, legal translation proved itself as an inevitable necessity to regulate not only people's social interaction but also world political affairs and conflicts where the legal translator is becoming a major role player in mediating between various legal systems, and where also "Translation of legal texts leads to legal effects and may even induce peace or prompt a war" (Sarcevic, 2000, p.1).

Legal translation is considered as a distinctive discipline on its own rights with its own strategies and methodological approaches. This raises the issue of duality where general rules of translation are applicable and should be attended to while in the same time it demands special legal knowledge of both source and target cultures 'linguistic and institutional systems. To cite an example, it is worth mentioning that a Biblical sacredness was conferred upon legal documents and its 'mysteriousness was not supposed to be tampered with, where the recent approaches reveals an obvious inclination to simplification.

Though legal language is loaded with jargons and highly specialized terminology, yet legal translation is not a mere process of translating those expressions in a well-constructed text. It always the communicative or legal effect that matters. To Sarcevic (2000, p.5) "the basic unit of legal translation is the text, not the word" and also, "While lawyers cannot expect translators to produce parallel texts which are equal in meaning, they do expect them to produce parallel texts which are equal in legal effect. Thus the translator's main task is to produce a text that will lead to the same legal effects in practice" (2000: 71).

This clearly manifests the legal translation need

for special approach in handling the specificity of legal language and. Some expression give a total different conceptual meaning in general language than what they represent in legal context, for example though they might seem to have similar meaning

"promise" and "vow" have a very distinctive implications.

Another example is الحبس or السجن in different contexts

جناية (criminal): Prison

مدنية (civil): Distress, seize

شرعية (religious): staying

The same can be also said for يمتنع

Withhold evidence (illegal behaviour)

Refrain from testifying (legal right )

## 2.1.Types of legal translation

Legal translation can be classified on the basis of the classification of legal text types mentioned earlier (*legislative, juridical and academic*) whose functions determine both kind of texts involved and the method of translation adopted; firstly the *legislative* legal texts are normative texts with prescriptive nature since they contain regulations and rules such as laws, treaties, contracts and conventions. Secondly the *juridical* legal texts which are both descriptive and prescriptive since they describe administrative proceedings and their implementation such as pleadings, appeals, petitions. Thirdly, the *academic* legal texts which are totally descriptive as they belong to expressing legal opinions or ideas such as articles, legal opinions. Cao (2007: 9) in his turn adds a fourth category which is the *private* legal texts, to differentiate between individual and entities and allocating to this category documents such as contracts, wills, etc.

## 2.2. Legal equivalence

The question of equivalence is an integral part of debate within any kind of translation, and of

course legal translation is not an exception. There is always the question the (im)possibility of exact equivalence. As for equivalence in legal translation, some scholars assert that the issue of equivalent is not that whether it exists or not but to what degree it can be obtained as viewed by Kischel (2009, p.8) who believes that the best way to solve this problem is by adopting Nida's (1982) theory of functional equivalence which aims at providing the same function of the SL expression into the TL.

However, many linguists have sought to tackle this issue by resorting to different theories and approaches: Catford's (1965) concept of situation equivalence, Nida's (1982) theory of formal correspondence, and Vermeer's (1996) Skopos theory.

### 3. Modality

According to ("Modality," 2021) modality is:

*"the phenomenon whereby language is used to discuss possible situations. For instance, a modal expression may convey that something is likely, desirable, or permissible. Quintessential modal expressions include modal auxiliaries such as English "should", modal adverbs such as "probably", and modal adjectives such as "conceivable".*

Within linguistics, typological studies have traced crosslinguistic variation in the strategies used to mark modality, with a particular focus on its interaction with Tense–aspect–mood marking. Theoretical linguists have sought to analyze both the propositional content and discourse effects of modal expressions using formal tools derived from modal logic. Modality can be expressed through different ways such as grammatical elements (auxiliary verbs or verb endings), indirect means such as a preposition phrase or a clause, or in other ways such as adverbs"

Modality according to Crystal (1980: 132) are of three types:

Epistemic modality indicates judgment or knowledge about an object or an action.

e.g. The paper must be printed

Alethic modality indicates the propositional truth.

e.g. the paper is printed.

deontic modality indicates permission, obligation or prohibition if negated

e.g. I will allow the paper to be printed.

Many other categorizations were suggested for modality. to mention some, Leech and Svartvik (1975, p.140) divided modality into 'volition, permission and obligation' while Halliday and Matthiessen categorize modality into two types:

- modalization (indicative type) entails probability and usuality

- modulation (imperative type): includes obligation and inclination (2008, p. 618).

As for Quirk et al. (1985), their classification was also into two types:

1. intrinsic (permission, obligation, volition)
2. extrinsic (possibility/ability, necessity, prediction).

#### 3.1. Modal auxiliaries

Modals are regarded as a vital component of the legal texts due to their performative and prescriptive nature. Modal auxiliaries are the "key feature" as seen by Sarcevic (2000) who states that they represent "the prevalent forms of modality within legal texts are imperative and axiomatic". Modal auxiliary verbs have some characteristic features which distinguish them from full verbs. In some sources they are called the NICE properties. (Quirk et al, 1989, 121-128). The most commonly used modals in legal language are those which represent this deontic performativity i.e. indicate permission, obligation or prohibition such as: shall, must, should and may.

CENTRAL MODALS	can, could, may, might, shall, should, will, would, must
MARGINAL MODALS	dare, need, ought to, used to
MODAL IDIOMS	had better, would rather/sooner, be to, etc
SEMI-AUXILIARIES	have to, be about to, be able to, be bound to, be going to, be obliged to, be supposed to, be willing to, etc
CATENATIVES	appear to, happen to, seem to, get + -ed, keep + -ing, etc
MAIN VERB + nonfinite clause	hope + to, begin + -ing , etc
Range of auxiliary verbs (Quirk et al. 1989, 137)	

<b>Modal Verbs in English</b>		
<b>Will/Would</b>	<b>Prediction</b>	He will show up soon
	<b>Logical Necessity</b>	That will be Ahmed
	<b>Repeated Events</b>	Every day he will do what is not expected
<b>Must</b>	<b>Obligation</b>	We must abide by those rules
	<b>Logical Necessity</b>	There must be an error here
<b>Shall</b>	<b>Prediction</b>	Our team seems fit, we shall win
	<b>Volition</b>	They shall not get any marks
	rules and regulations(in legal texts)	The client shall pay.....
<b>Should</b>	<b>Inference</b>	It's time, they should be at the door
	<b>Obligation</b>	You should drive carefully
<b>May/Might</b>	<b>Possibility</b>	This might turn well
	<b>Permission</b>	You may be dismissed

<b>Can/Could</b>	Ability	He can do it
	<b>Permission</b>	You can leave now
	possibility	It could be right
	possibility	Our team will win

### 3-1-1- SHALL

Shall generally denotes the temporal aspect namely the future, however in legal language it denotes the general meaning of ‘that of obligation’ as identified by Crystal and Davy (1969, p.99). Also, Bhatia (1997, p.197) confirms the compulsory and deontic power by stating that “in the imperative sense to impose a duty or obligation on the legal subject to whom it refers”

### 3-1-2- MUST

*Must* is used interchangeably with *shall* as a method of indicating obligation and commitment. However, it differs in that it does not necessarily require a subject motivating the action. Whereas, *shall* is widely employed to denote obligation that has direct impact on human beings.

e.g. The paper must be delivered within 7 days.

The client shall deliver the paper within 7 days.

### 3-1-3- MAY

The second most commonly used modal in writing legal documents is *May* according to Bhatia (1997, p.200) who explains the deontic meaning of *may* as referring to permission or prohibition in case of negation and due to “the high frequency of the use of *may* in legal texts shows that it is so “entrusted” in legal texts that no other modal is used in its place” (ibid)

### 3.2. Arabic modals

Angheliescu (in El-Farahaty, 2015, p.70) gives a definition for the Arabic modals as “expressions which introduce further qualifications to a given sentence, the whole then becomes a different sentence”. According to El-Hassan (1990, p.164), modals are not recognized as a grammatical class in Arabic language. Their realization can be attained by employing unmodified verbs, nominal expressions, adjectives, prepositional phrases and particles. The following table illustrates some of these usages in comparison to their English counterparts:

want, wanted, would like	يريد
can/could, be able to	يقدر , يستطيع , باستطاعتك
may, might, could, be probable	محتمل , ممكن , يحتمل , يمكن , قد , ربما , بوسعك , بإمكانك , يمكنك
can be, could be, possible, impossible	ينبغي , يجوز , جائز

will, shall, be going to	سوف , سد
should, must, ought to, be obliged to, have to	ينبغي , يجب , لابد , عليه ان
be obliged to, should, have to	يلزم
Harbi, A. (2001).	

As could be deducted from the table above, Arabic modals expresses both deontic and epistemic meaning, thus they can indicate or state the functional effect required in a legal text. The table of English modal verbs could be utilized to show

their possible rendering and realization into the Arabic modal expressions as already been explained:

Modal Verbs in English			Their realization in Arabic
Will/Would	Prediction	He will show up soon	سوف يحضر بالتأكيد
	Logical Necessity	That will be Ahmed	لا بد ان هذا هو احمد
	Repeated Events	Every day he will do what is not expected	سيفعل ما هو غير موقع
Must	Obligation	We must abide by those rules	يجب/لابد/علينا/ ان نلتزم بالقواعد
	Logical Necessity	There must be an error here	لا بد ان هناك خطأ ما
Shall	Prediction	Our team seems fit, we shall win	يبدو فريقنا لائقا, سوف نفوز
	Volition	They shall not get any marks	لن يحصلوا (مني) على اية درجات
	rules and regulations(in legal texts)	The client shall pay.....	على/يجب/يتوجب/ العميل ان يدفع .....
Should	Inference	It's time, they should be at the door	حان الوقت, لابد/قد/ربما يكونون في الباب الان
	Obligation	You should drive carefully	عليك / يجب /يتوجب/ينبغي ان تقود بحذر

<b>May/Might</b>	<b>Possibility</b>	This might turn well	قد/ربما/من المحتمل/من الممكن/ جائز/ ان تنقلب الامور لصالحنا
	<b>Permission</b>	You may be dismissed	لك/تستطيع/بامكانك/مسموح لك ان تتصرف
<b>Can/Could</b>	Ability	He can do it	بامكانه / يستطيع / يقدر ان يفعل ذلك
	<b>Permission</b>	You can leave now	لك/تستطيع/بامكانك/مسموح لك ان تتصرف
	possibility	It could be right	ان يكون ذلك قد/ربما/من المحتمل/من الممكن/ صحيحا
	possibility	Our team will win	جائز/ان قد/ربما/من المحتمل/من الممكن/ فريقنا سيفوز

#### 4. A case study

The case study takes its data from the Iraqi council of representatives draft of the Informatics Crime Law and its translation which is obtained from Free Word Centre. (2019). “Free Word is an international centre for literature, literacy and free expression based at 60 Farringdon Road, Clerkenwell, London. It develops local, national and international collaborations that explore the transformative power of words” (ibid).

The data was processed with corpus software namely “Wordsmith8” to measure the occurrence of each item and its concordance with the neighbouring text. The goal of the study is to measure the frequency of the use of modality in both texts in addition to observing the strategies used to translate them. Both qualitative and quantitative approaches were adopted in order to have a clear insight into this objective.

#### Observation and results

- The small size of the corpus and the limitation of time may not confirm the generalization of the result, yet, it is still helpful in providing a viewpoint.

- The Arabic text is divided into four main parts: the definitions and goals, the Punitive Provisions, the Procedures for Collecting Evidence, Investigation and Trial and the General Regulations and Conclusion part.

- The first part is rendered with clear language (with the exception of the use of “as such”) void of any legal specialized expression.

- The second part is resorts mainly to the passive form "يعاقب" and only eight instances of the “verb + nominalization” , "تكون العقوبة" , while the translated text heavily depends on the use of the modal “shall” (51 times).

- With the third part aiming at description of procedures, some forms of modals can be detected, though scarce, such as "لا يجوز" "لا يجوز" "لا يجوز" the use of the particle "لا" as in "لقاضي التحقيق ان" or the verbal forms such as "يتولى .... التحقيق". The translated text also to show rather rare use of modals other than “shall” with only one instance for “could”, two instances for “can”, “may” recorded five occurrences while “may” were the highest record (except for “shall”)with nine times.

- The general use of shall in legal texts is to denote obligation and prohibitions as is the case in this text.

- “may” is used in three ways: firstly permission

as in "..... له ان" or " يمكن ان .... ", secondly “prohibition” with the negative particle not as in " ليس له الحق ", thirdly “probability” is in " يمكن .....

- The punitive part is loaded with prescriptive modal shall and void of any other modal form. Whereas, the procedural part demonstrates a reversed case.

## 5. Conclusion

Modals as an integral part of the legal discourse are used to implement the very objective of the legal language i.e. to represent aspects of obligation, prohibition, permission and privileges. Though English modals are divided into various kinds, yet, the modal verbs may indicate certain deontic or epistemic implications that allow the transfer of the intended function. Arabic language on the other hand does not have such distinctive modals and retains the modal meaning by certain lexical and syntactic constructions such as nominal expressions, adjectives, prepositional phrases and particles.... etc.

The case study conducted was able to demonstrate this as the English text is loaded with modal verbs especially “shall” in contrast with the Arabic tendency to use the passive form " يعاقب " which is scattered throughout all of the section dedicated to the Punitive Provisions, with less occurrences of the “verb+ the nominalized form” " تكون العقوبة ". The prohibition and permission are both expressed by the use of the modal verb “may”, whereas, the same functions are rendered in Arabic through the use of the verb form " يسمح , يجوز , يمكن and the particle "ل".

It is clearly shown that Arabic legal language may render the regulatory, permissible and imperative aspects of the legal discourse through various grammatical and lexical choices to compensate its lacking of direct modal devices, which is not the case in the English translation version as it sufficed with only few modal verbs to render these functions.

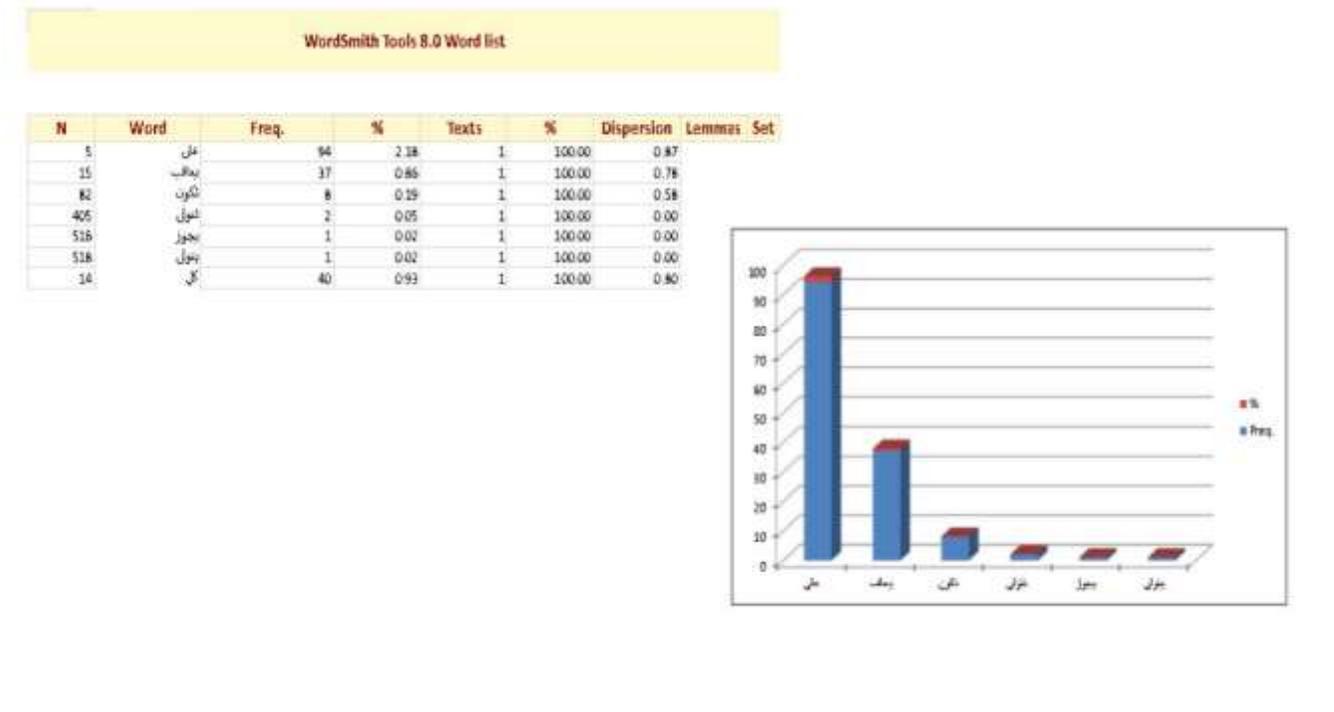
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Appendices

Appendix A : overall occurrences



Appendix B: occurrences of "Shall"

**WordSmith Tools 8.0 concordance list**

(100 characters saved per entry)

N	Concordance	Word #	ent.	ent.	Pos'ara.	Para.	Pos ead.	ad.	P.ect.
1	ب. الفصل الثاني الأحكام العقابية المدة - ٣. - أولا يعاقب بالسجن المؤقت وبإقامة لا تقل عن (٦٠٠٠٠٠٠) 541	0	539	0	539	-1	-1	0	
2	الدولة الداخلي أو الخارجي أو تعريفها للخطر. ثانيا يعاقب بالقرعة المنصوص عليها في البند (اولا) من هذه الماد 654	0	652	0	652	-1	-1	0	
3	الم أو تعذيبها. رين أو خابون دينار كل م بم -). يعاقب بالسجن المؤقت وبإقامة لا تقل عن (٦٠٠٠٠٠٠) 724	0	722	0	722	-1	-1	0	
4	تخدم في التخطيط أو التنفيذ للأعمال الإجرامية. / يعاقب بالسجن المؤقت وبإقامة لا تقل عن (٣٠٠٠٠٠٠٠) 798	0	796	0	796	-1	-1	0	
5	لغة بالاتجار بها بأي شكل من الأشكال. بالآلة -). يعاقب بالسجن المؤقت وبإقامة لا تقل عن (٦٠٠٠٠٠٠) 912	0	910	0	910	-1	-1	0	
6	تتماد الوطني والثقة المالية للدولة. هه المدة -٧. يعاقب بالسجن المؤقت وبإقامة لا تقل عن (١٠٠٠٠٠٠٠) 1,044	0	1,042	0	1,042	-1	-1	0	
7	للسلات التي تتم خارج العراق لعذاب العيز. ٨- أولا يعاقب بالسجن المؤقت وبإقامة لا تقل عن (١٠٠٠٠٠٠٠) 1,222	0	1,220	0	1,220	-1	-1	0	
8	لنساء نادية وتلقيته أو سببها. المادة - ٦٠ - أولا يعاقب بالحبس وبإقامة لا تقل عن (٦٠٠٠٠٠٠) مليون دينار و 1,637	0	1,635	0	1,635	-1	-1	0	
9	العراق أو نداء بالنيلية. : . المادة - ٢١ - أولا يعاقب بالحبس مدة لا تقل عن (٢) سنتين ولا تزيد على (٦) ل 1,835	0	1,833	0	1,833	-1	-1	0	
١٠	ة الناء نأية وتلقيته أو نأيا * . المدة - ٩ - أولا يعاقب بالسجن مدة لا تزيد على (١٠) عشرة سنوات وبإقامة لا 2,068	0	2,066	0	2,066	-1	-1	0	
١١	أية بغية استعمالها لتحقيق منفعة له أو لغيره. ثاني يعاقب بالحبس وبإقامة لا تقل عن (٣) ثلاث سنوات أو بغرامة لا ت 2,145	0	2,143	0	2,143	-1	-1	0	
١٢	له حاربا أو أمانة فاستولى عليها بنية ( ١٧) أولا يعاقب بالحبس مدة لا تقل عن (٣) ثلاث سنوات أو بغرامة لا ت 2,197	0	2,195	0	2,195	-1	-1	0	
١٣	الوسيلة أو أعتدبها أو عملها في ناء دوره. : ثانيا يعاقب بالحبس وبإقامة لا تقل عن (٣) ثلاث سنوات أو بغرامة لا ت 2,321	0	2,319	0	2,319	-1	-1	0	
١٤	أو الدائيا. . به بات ملايين دينار ولا تزيد ثلاثا يعاقب بغرامة لا تقل عن: ٣٠٠٠٠٠٠٠ (٣) ثلاثة ملايين دينار 2,369	0	2,367	0	2,367	-1	-1	0	
١٥	مالا يعارض مع حقوق الملكية. . المدة : ١٤ - أولا يعاقب بالحبس مدة لا تزيد على (٣) ثلاث سنوات أو بغرامة ل 2,436	0	2,434	0	2,434	-1	-1	0	
١٦	اعماله متمثلة حقوقا الغير والعمل في التظلمها. ثانيا يعاقب بالحبس مدة لا تقل عن (٣) ثلاث سنوات وبإقامة 2,525	0	2,523	0	2,523	-1	-1	0	
١٧	صة للمتفعة العامة أو لغيرها أو اعاق عملها' ثلاثا يعاقب بالحبس مدة لا تزيد على (٣) ثلاثة اشهر أو بغرامة لا 2,572	0	2,570	0	2,570	-1	-1	0	
١٨	المعلومات أو اد اجهزة الحاسوب. المدة - ١٥ - أولا يعاقب بالحبس وبإقامة لا تقل عن (١٠) عشرة 2,716	0	2,714	0	2,714	-1	-1	0	
١٩	أو بيانات إلى السلطات القضائية أو الإدارية. ثانيا يعاقب بالحبس مدة لا تزيد على (٦) ثلاث سنوات وبإقامة لا ت 2,754	0	2,752	0	2,752	-1	-1	0	
٢٠	على يعوقف عام أو دائرة حكومية. . المادة - ١٩ - أولا يعاقب بالحبس مدة لا تقل عن (٣) ثلاث سنوات وبإقامة 2,897	0	2,895	0	2,895	-1	-1	0	
٢١	رجه أو تعديله أو استغفله لنفسه بلون وجه حق. ثاني يعاقب بغرامة لا تقل لا تقل عن (٠٠٠٠٠٠٠٠) خمسة الف 3,038	0	3,036	0	3,036	-1	-1	0	
٢٢	نار كل من نسخ الورق براج أو معلومات دون ترخيص. - يعاقب بالحبس مدة لا تقل عن ستة سنوات وبإقامة لا تقل عن 3,079	0	3,077	0	3,077	-1	-1	0	
٢٣	هذه الحبوب بأي شكل من الأشكال. ' المدة - ٢٢ - لولا يعاقب بالحبس وبإقامة لا تقل عن (٣) ثلاث 3,138	0	3,136	0	3,136	-1	-1	0	
٢٤	ي شكل من الأشكال. ' المدة - ٢٢ - لولا يعاقب بالحبس وبإقامة لا تزيد على (٣) ثلاث سنوات 3,140	0	3,138	0	3,138	-1	-1	0	
٢٥	أو ربح له باستخدام شبكة المعلومات. : : ثانيا يعاقب بالسجن المؤقت وبإقامة لا تقل عن (١٠٠٠٠٠٠٠) 3,205	0	3,203	0	3,203	-1	-1	0	
٢٦	ت ومعلومات تعود للبربرير وجه حق. . المدة - ١٦ - يعاقب بالسجن مدة لا تزيد على (٦) سبع سنوات وبإقامة 3,433	0	3,431	0	3,431	-1	-1	0	
٢٧	حقيق منفعة مالية له أو لغيره. . المادة - ١٧ - لولا يعاقب بالحبس مدة لا تزيد على (٣) ثلاث سنوات وبإقامة لا تقل 3,496	0	3,494	0	3,494	-1	-1	0	

**WordSmith Tools 8.0 concordance list**

(100 characters saved per entry)

N	Concordance	Word #	ent.	ent.	Pos'ara.	Para.	Pos ead.	ad.	P.ect.	File	Date	%
1	1 of each Article 11 The following words and terms shall be defined as such for the purpose of this law:	72	0	70	0	70	-1	-1	0	70 11-10-26-ANAL Iraq.txt		1
2	more than (5,000,000) fifty million Iraqi Dinars shall be sentenced on whoever use computers or informa	622	0	620	0	620	-1	-1	0	620 11-10-26-ANAL Iraq.txt		12
3	major external security, or conceal such crimes shall be liable to the penalty provided in clause (f) a	798	0	792	0	792	-1	-1	0	792 11-10-26-ANAL Iraq.txt		15
4	more than (5,000,000) fifty million Iraqi Dinars shall be sentenced on whoever establishes or manage a	878	0	874	0	874	-1	-1	0	874 11-10-26-ANAL Iraq.txt		16
5	more than (40,000,000) forty million Iraqi Dinars shall be sentenced on whoever commits one of the follow	944	0	942	0	942	-1	-1	0	942 11-10-26-ANAL Iraq.txt		18
6	more than (5,000,000) fifty million Iraqi Dinars shall be sentenced on whoever use computers and inform	1,070	0	1,068	0	1,068	-1	-1	0	1068 11-10-26-ANAL Iraq.txt		21
7	more than (30,000,000) thirty million Iraqi Dinars shall be sentenced on whoever commits the following: f	1,229	0	1,227	0	1,227	-1	-1	0	1227 11-10-26-ANAL Iraq.txt		24
8	more than (15,000,000) fifteen million Iraqi Dinars shall be sentenced on whoever commits the following: a	1,414	0	1,412	0	1,412	-1	-1	0	1412 11-10-26-ANAL Iraq.txt		27
9	more than (10,000,000) ten million Iraqi Dinars shall be sentenced on whoever steals, possesses or drab	1,732	0	1,730	0	1,730	-1	-1	0	1730 11-10-26-ANAL Iraq.txt		33
10	more than (5,000,000) five million Iraqi Dinars shall be sentenced on whoever is entrusted with the follo	1,807	0	1,805	0	1,805	-1	-1	0	1805 11-10-26-ANAL Iraq.txt		35
11	more than (50,000,000) fifty million Iraqi Dinars shall be sentenced on whoever establish, manage, pro	1,911	0	1,909	0	1,909	-1	-1	0	1909 11-10-26-ANAL Iraq.txt		38
12	more than (5,000,000) five million Iraqi Dinars shall be sentenced on whoever commits the following: a	2,004	0	2,002	0	2,002	-1	-1	0	2002 11-10-26-ANAL Iraq.txt		39
13	more than (5,000,000) five million Iraqi Dinars shall be sentenced on whoever establishes, publishes or	2,144	0	2,142	0	2,142	-1	-1	0	2142 11-10-26-ANAL Iraq.txt		41
14	more than (10,000,000) ten million Iraqi Dinars shall be sentenced on whoever practice issuing digit	2,219	0	2,217	0	2,217	-1	-1	0	2217 11-10-26-ANAL Iraq.txt		42
15	more than (10,000,000) ten million Iraqi Dinars shall be sentenced on whoever: (A) Deliberately damage	2,245	0	2,243	0	2,243	-1	-1	0	2243 11-10-26-ANAL Iraq.txt		43
16	more than (10,000,000) ten million Iraqi Dinars shall be sentenced on whoever provide false informat	2,401	0	2,399	0	2,399	-1	-1	0	2399 11-10-26-ANAL Iraq.txt		46
17	more than (5,000,000) five million Iraqi Dinars shall be sentenced on whoever refuse to provide the ju	2,448	0	2,444	0	2,444	-1	-1	0	2444 11-10-26-ANAL Iraq.txt		48
18	more than (5,000,000) five million Iraqi Dinars shall be sentenced on whoever commits the following: a	2,539	0	2,537	0	2,537	-1	-1	0	2537 11-10-26-ANAL Iraq.txt		48
19	more than (20,000,000) twenty million Iraqi Dinars shall be sentenced on whoever deliberately disab	2,654	0	2,654	0	2,654	-1	-1	0	2654 11-10-26-ANAL Iraq.txt		50
20	more than (5,000,000) five million Iraqi Dinars shall be sentenced on whoever: (A) Has been assigned th	2,714	0	2,712	0	2,712	-1	-1	0	2712 11-10-26-ANAL Iraq.txt		51
21	more than (5,000,000) five million Iraqi Dinars shall be sentenced on whoever commits one of the follo	2,842	0	2,840	0	2,840	-1	-1	0	2840 11-10-26-ANAL Iraq.txt		54
22	more than (5,000,000) five million Iraqi Dinars shall be sentenced on whoever commits one of the follo	2,913	0	2,910	0	2,910	-1	-1	0	2910 11-10-26-ANAL Iraq.txt		55
23	more than (5,000,000) five million Iraqi Dinars shall be sentenced on whoever receives or manages an	2,985	0	2,983	0	2,983	-1	-1	0	2983 11-10-26-ANAL Iraq.txt		57
24	more than (10,000,000) ten million Iraqi Dinars shall be sentenced on whoever receives or manages an	3,016	0	3,014	0	3,014	-1	-1	0	3014 11-10-26-ANAL Iraq.txt		58
25	more than (5,000,000) five million Iraqi Dinars shall be sentenced on whoever commits one of the	3,121	0	3,119	0	3,119	-1	-1	0	3119 11-10-26-ANAL Iraq.txt		59
26	more than (10,000,000) ten million Iraqi Dinars shall be sentenced on whoever commits one of the follo	3,199	0	3,197	0	3,197	-1	-1	0	3197 11-10-26-ANAL Iraq.txt		60
27	more than (5,000,000) five million Iraqi Dinars shall be sentenced on whoever commits one of the follo	3,259	0	3,257	0	3,257	-1	-1	0	3257 11-10-26-ANAL Iraq.txt		62
28	more than (20,000,000) twenty million Iraqi Dinars shall be sentenced on whoever commits one of the follo	3,444	0	3,442	0	3,442	-1	-1	0	3442 11-10-26-ANAL Iraq.txt		65
29	more than (10,000,000) ten million Iraqi Dinars shall be sentenced on whoever commits one of the follo	3,572	0	3,570	0	3,570	-1	-1	0	3570 11-10-26-ANAL Iraq.txt		67
30	more than (5,000,000) five million Iraqi Dinars shall be sentenced on whoever use computers and inform	3,639	0	3,637	0	3,637	-1	-1	0	3637 11-10-26-ANAL Iraq.txt		68
31	more than (20,000,000) twenty million Iraqi Dinars shall be sentenced on whoever commits one of the follo	3,915	0	3,913	0	3,913	-1	-1	0	3913 11-10-26-ANAL Iraq.txt		71
32	more than (5,000,000) five million Iraqi Dinars shall be sentenced on whoever: (A) Establish, manage or	4,073	0	4,073	0	4,073	-1	-1	0	4073 11-10-26-ANAL Iraq.txt		75
33	more than (5,000,000) five million Iraqi Dinars shall be sentenced on whoever violates principle, ref	4,068	0	4,064	0	4,064	-1	-1	0	4064 11-10-26-ANAL Iraq.txt		76
34	more than (10,000,000) ten million Iraqi Dinars shall be sentenced on whoever establish, manage or a	4,128	0	4,126	0	4,126	-1	-1	0	4126 11-10-26-ANAL Iraq.txt		77
35	more than (30,000,000) thirty million Iraqi Dinars shall be sentenced on whoever commits one of the follo	4,153	0	4,151	0	4,151	-1	-1	0	4151 11-10-26-ANAL Iraq.txt		78
36	more than (5,000,000) five million Iraqi Dinars shall be sentenced on whoever use computers or inform	4,305	0	4,303	0	4,303	-1	-1	0	4303 11-10-26-ANAL Iraq.txt		80
37	more than (5,000,000) five million Iraqi Dinars shall be sentenced on whoever deliberately disab	4,344	0	4,344	0	4,344	-1	-1	0	4344 11-10-26-ANAL Iraq.txt		81
38	more than (5,000,000) five million Iraqi Dinars shall be sentenced on whoever deliberately disab	4,415	0	4,413	0	4,413	-1	-1	0	4413 11-10-26-ANAL Iraq.txt		82
39	(a) Article (8) First Investigator authorities shall take responsibility for carrying out investigat	4,466	0	4,464	0	4,464	-1	-1	0	4464 11-10-26-ANAL Iraq.txt		83
40	the judge of the investigation or the investigator shall take responsibility in carrying out the procedu	4,507	0	4,505	0	4,505	-1	-1	0	4505 11-10-26-ANAL Iraq.txt		84
41	minor or Misdemeanor Court of Ar-Ruwa District shall be the specialised court responsible for looking	4,514	0	4,514	0	4,514	-1	-1	0	4514 11-10-26-ANAL Iraq.txt		85
42	shorten. (b) The court mentioned in paragraph A shall continue to look into the cases raised to it until	4,531	0	4,529	0	4,529	-1	-1	0	4529 11-10-26-ANAL Iraq.txt		86
43	posed convictions and courts of misdemeanors shall take responsibility in accepting all cases of vi	4,628	0	4,626	0	4,626	-1	-1	0	4626 11-10-26-ANAL Iraq.txt		88
44	act trafficking in the field of information crimes shall be responsible for judging crimes mentioned in t	4,628	0	4,626	0	4,626	-1	-1	0	4626 11-10-26-ANAL Iraq.txt		88
45	ing out the analysis and all analysis procedures shall be carried out on the second copy and no modifi	4,949	0	4,947	0	4,947	-1	-1	0	4947 11-10-26-ANAL Iraq.txt		94
46	guilty of one of the crimes mentioned in the law shall be punished according to the law without discar	5,051	0	5,049	0	5,049	-1	-1	0	5049 11-10-26-ANAL Iraq.txt		94
47	committed by legal entities or for their benefit shall be applicable. Second in the case that a crime w	5,108	0	5,104	0	5,104	-1	-1	0	5104 11-10-26-ANAL Iraq.txt		95
48	or for the benefit of a legal entity, the entity shall be committed to co-operate with the convicted and	5,135	0	5,133	0	5,133	-1	-1	0	5133 11-10-26-ANAL Iraq.txt		96
49	in committing crimes mentioned in the law and it shall not be considered as a violation for the rights o	5,160	0	5,158	0	5,158	-1	-1	0	5158 11-10-26-ANAL Iraq.txt		96
50	mentioned parties. Article (3) The following law shall apply to any crime not mentioned in the law: fi	5,200	0	5,198	0	5,198	-1	-1	0	5198 11-10-26-ANAL Iraq.txt		97
51	under (2) for the year 1971 Article (3) The law shall be enforced starting from 90 days after its pub	5,236	0	5,234	0	5,234	-1	-1	0	5234 11-10-26-ANAL Iraq.txt		97

## WordSmith Tools 8.0 concordance list

{100 characters saved per entry}

N	Concordance	Word #	ent.	ent.	Po'ara.	ara.	Po ead.	ad.	P.ict.
1	طناع أو التحريز يقصد اركاب جناية أو جنحة. ثانياً تكون العقوبة السجن مدة لا تقل عن (١٠) عشرة سنوات وبغرام	1,392	0	1,390	0	1,390	-1	-1	0
2	ومات المخزنة أو المتبادلة في نظم المعلومات. ثانياً تكون العقوبة الحبس مدة لا تقل عن (٤) أربع سنوات وبغرام	2,441	0	2,439	0	2,439	-1	-1	0
3	مة من الجرائم المنصوص عليها في هذا القانون. ثانياً تكون العقوبة السجن المؤقت وبغرامة لا تقل عن (١٠٠٠٠٠٠٠)	2,617	0	2,615	0	2,615	-1	-1	0
4	ومات المخزنة أو المتبادلة في نظم المعلومات. ثانياً تكون العقوبة الحبس مدة لا تقل عن (٤) أربع سنوات وبغرام	3,000	0	2,998	0	2,998	-1	-1	0
5	ة من الجرائم المنصوص عليها في هذا القانون. ثانياً تكون العقوبة السجن المؤقت وبغرامة لا تقل عن (١٠٠٠٠٠٠٠)	3,178	0	3,176	0	3,176	-1	-1	0
6	مة من الجرائم المنصوص عليها في هذا القانون. ثالثاً تكون العقوبة السجن لمدة لا تزيد على (٧) سبع سنوات وبغ	3,359	0	3,357	0	3,357	-1	-1	0
7	ن اذن منهم لتحقيق منفعة مالية له أو غيره. ثانياً تكون العقوبة السجن مدة لا تزيد على (٧) سبع سنوات وبغرام	3,529	0	3,527	0	3,527	-1	-1	0
8	العائدة للغير والمسلمة له بدون علم صاحبها. ثانياً تكون العقوبة السجن مدة لا تزيد على (١٠) عشرة سنوات وبغ	3,673	0	3,671	0	3,671	-1	-1	0

## Appendix B : occurrences of “can”

## WordSmith Tools 8.0 concordance list

(100 characters saved per entry)

N	Concordance	Word #	ent.	ent.	Para.	Para.
1	ces, data or any other technological method which <b>can</b> be used in forging, counterfeiting or manipulat	1,595	0	1,593	0	0
2	tored data in them or in any medium in which data <b>can</b> be stored inside Iraq. They may also intercept da	4,761	0	4,759	0	0

## WordSmith Tools 8.0 concordance list

(100 characters saved per entry)

N	Concordance	Word #	Sent. #	Sent. Pos.	Para. Pos.	Para. Pos	lead. ad.	P
1	ت جمع الآلة والتحقيق والمحاكمة المادة - ٢٤ - اولاً تتولى جهات التحقيق اجراءات التحقيق	4,222	0	4,220	0	4,220	-1	-1
2	ليها حتى جسمها واكتساب الحكم درجة اليقظة، لانيا - تتولى محاكم الجنايات وفق قواعد	4,329	0	4,327	0	4,327	-1	-1
3	باجراءات التفتيش دون امر من القاضي المختص. لانيا - يتولى قاضي التحقيق أو المحقق المباشرة في اجراءات الضبط	4,252	0	4,250	0	4,250	-1	-1

Appendix C: occurrences of “would”, “could” and “may”

WordSmith Tools 8.0 concordance list

(100 characters saved per entry)

N	Concordance	Word #	ent.	Sent.	Pos'ara.
1	acts mentioned in the First item of this Article <b>would</b> have a penalty of imprisonment for not less than	1,623	0	1,621	0
2	ed in the First item in this article, the penalty <b>would</b> be temporary imprisonment and a fine of not less	2,110	0	2,108	0
3	e crimes mentioned in the First item this article <b>would</b> become imprisonment for not more than ten (10) ye	3,749	0	3,747	0
4	redentials to the investigation authority if that <b>would</b> help reveal the crime. (C) Access computers, info	4,732	0	4,730	0
5	g the system and remove the data encryption which <b>would</b> prevent the data from being accessed, without har	4,894	0	4,892	0

WordSmith Tools 8.0 concordance list

(100 characters saved per entry)

N	Concordance	Word #	ent.	Sent.	Pos'ara.
1	ever there is a probability that such information <b>could</b> be changed or lost. (B) Issue orders to informati	4,701	0	4,699	0

WordSmith Tools 8.0 concordance list

(100 characters saved per entry)

N	Concordance	Word #	ent.	Sent.	Pos'ara.
1	ts which violate the rights of users whether they <b>may</b> be individuals or legal entities and to prevent t	568	0	566	0
2	ed in this law. Second) Investigation authorities <b>may</b> not begin search procedures without a warrant fro	4,442	0	4,440	0
3	ized judge in the phase of investigation or trial <b>may</b> seek technical assistance from inside or outside	4,649	0	4,647	0
4	side Iraq. Article 26) First) A specialized judge <b>may</b> : (A) Issue orders for any third party to save comp	4,664	0	4,662	0
5	lum in which data can be stored inside Iraq. They <b>may</b> also intercept data or monitor it with a purposef	4,767	0	4,765	0
6	in order to have them analyzed and studied. They <b>may</b> also copy them without transferring the system an	4,880	0	4,878	0
7	The authority responsible for collecting evidence <b>may</b> : (A) Prepare two copies of data under analysis and	4,920	0	4,918	0
8	arried out on the second copy and no modification <b>may</b> be made to either of these copies. (B) Submit ele	4,960	0	4,958	0
9	Investigative authorities and expert authorities <b>may</b> submit outputs of electronic copies in digital fo	5,009	0	5,007	0