

Contrastive Analysis of Arabic-English Translation of Legal Texts

Omar Osman Jabak

Department of Foreign Languages, College of Arts and Sciences, University of Nizwa, Oman

Abstract—The present study aims to provide a contrastive analysis of Arabic-English translation of ten legal texts with an eye to evaluating the accuracy of the translation. The researcher collected the data from El-Farahaty's (2015) *Arabic-English-Arabic Legal Translation*. A contrastive analysis was developed to assess the accuracy of the translation of the legal texts selected. The examination of the source legal texts and the translations provided either by the authoress of the book herself or the sources from which she collected them revealed serious errors such as overtranslation, omission of translating important words in the source texts, wrong choice of equivalents in the target language, gloss translation, punctuation mistakes in the target texts and grammatical mistakes in the target texts. Further research on the assessment of Arabic-English translation of legal texts is required to encourage professional legal translators and scholars to approach legal translation more professionally and responsibly.

Index Terms—Arabic-English translation, faithful translation, legal texts, legal translation

I. INTRODUCTION

Employment contracts, official circulars and documents, national and international business contracts, marriage and birth certificates, graduation certificates and even job applications, among other official documents, are examples of legal texts (Cao, 2007; Gotti, 2009; Altarabin, 2018). Legal translation is considered part of technical translation on the grounds that the language used in legal texts tends to be specialized or technical (Malakhova et al, 2015; Cao, 2007; Trosborg, 1997). Legal systems differ from country to country, and so do their legal terminologies (Cao, 2007; Altarabin, 2018). A good legal translator should, therefore, be familiar with the legal systems of the language he/she carries out translation from and the language he/she carries out translation into (Ahmad & Rogers, 2007; Sarcevic, 1997; Trosborg, 1997; Smith, 1995; Emery, 1989) in order to produce as accurate a translation as possible. Accuracy is the most important element of legal translation (Simms, 1997), and to achieve accuracy, translators have to translate every single word in the source legal text. In translating legal texts, "it is desirable, if not imperative, to have the greatest possible degree of formal correspondence" (Weisfogel, 1987, p. 191).

The general field of legal translation is relatively under researched (Juliette, 2000; El-Farahaty, 2015) compared to other fields of translation probably because translation scholars think that the field is subsumed in technical or specialized translation. Moreover, legal texts enjoy a special status in the minds of people and are treated as documents with a legally binding force which is tantamount to the power enjoyed by holy or sacred books (Tiersma, 1999) simply because if the law is broken, legal action will be taken and punishments will ensue. In this respect, the translation of legal texts requires translators to translate every single word in the source text to avoid making any errors if they choose to adopt other approaches to the translation of legal texts. Sarcevic (1997, p. 23) stresses this point by saying "Like the word of God in the Scriptures, the letter of law also demanded strict literal translation to protect it from heterodoxy. Thus, it was believed that the 'word power' of such texts could be retained only by word-for-word translation". The researcher of the current study believes that faithful translation as proposed by Newmark (1998) is the best method for translating legal texts as every word in the source text has an important meaning and merits translating into an equivalent word in the target text. Besides, faithful translation adheres to rendering the meaning of the source text into the target language.

There are a limited number of books on Arabic-English translation and/or English-Arabic translation of legal texts or part of it to the best of the researcher's knowledge and search (e.g., Hassan, 2019; Husni & Newman, 2015; El-Farahaty, 2015; Lahliali & Abu Hatab, 2014). However, the choice of El-Farahaty's book *Arabic-English-Arabic Legal Translation* was made for some considerations. First, the researcher of the present study was assigned to teach a legal translation course at the Department of Foreign Languages, College of Arts and Sciences at the University of Nizwa in the Fall Semester 2020. He found an electronic copy of the book, downloaded it, read it and then selected some parts for his course as they provided a contrastive approach to Arabic-English translation and English-Arabic translation of legal texts and elaborated on the features of both legal English and legal Arabic. Second, the book maps out the different stages of translation in general and legal translation in particular as well as drawing on previous research on legal translation extensively. This makes the book a very good academic reference on legal translation with regard to Arabic-English-Arabic translation of legal texts. Third, while teaching the selected parts of the book to the students, the researcher of the present study noticed some mistakes in either the source texts provided by the authoress of the book,

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