Morpho-Syntactic Differences in Legal Texts with Reference to English-Arabic Translation

Faiza Alsanoussi Abdulsayed
Department of English, University of Benghazi

المستخلص:

إن الهدف الرئيسي من هذه الدراسة هو الإشارة إلى بعض المشاكل التي تواجه المترجمين عند ترجمة النصوص القانونية من اللغة الانجليزية إلى اللغة العربية، واقتراح بعض الحلول الممكنة وتقوم فرضية هذه الدراسة على المشاكل التي يتم اكتشافها أثناء عملية تحليل هذه النصوص.

وتعتمد هذه الدراسة على تحليل الكتيب القانوني ونسخته العربية اللذين تم نشرهما عن طريق الاتحاد الدولي لجمعيات الهلال والصليب الأحمر تحت عنوان: النظام الأساسي والنظام الداخلي للحركة الدولية للهلال الأحمر والصليب الأحمر عام 1986م.
وتظهر نتائج تحليل البيانات أن هناك مشاكل وأخطاء يرتكبها المترجمين نتيجة الاختلافات اللغوية والثقافية بين لغة الأصل ولغة الهدف. وكذلك توصل الباحث إلي أن الحرص والتدريب المستمر والخبرة التي يكتسبها المترجمين من خلال خبراتهم السابقة عن النظام القانوني وأسلوب اللغة والثقافة والتركيبات اللغوية والنسق اللغوي، من الأهمية بمكان لترجمه قانونيه صحيحة وبالتالي لحل هذه المشاكل.

Abstract

At the core of this Study, there are some of the morphosyntactic problems faced by translators in rendering legal texts from English into Arabic. Therefore, the main concern of the present investigation emerged by the process of the analysis. The methodology of this research refers to the analysis of an authentic legal booklet: *Statues and Rules of procedure of the International Red Cross and Red Crescent Movement,* published by the International Federation of Red Cross and Red Crescent Societies in Geneva 1986, with its parallel Arabic version:

النظام الأساسي والنظام الداخلي للحركة الدولية للصليب الأحمر والهلال الأحمر.

The findings of the analysis point to some problems stemming from the morphosyntactic differences between the source language (SL) and the target language (TL). Besides, it highlights the paramount role of care, training, as well as experience at the translators built on their prior knowledge of SL and L, grammatical constructions, legal systems, styles, vocabularies as well as word equivalents in the solution of those problems to read an production of adequate legal translation.

1.1. Introduction

Translation theorists regard legal translation as one of the many subject-areas of special-purpose translation. Legal translation is often more difficult than other types of technical translations because of system-bound nature of legal terminology. Each culture has its legal terminology; based on the particular legal system of the country, which often is quite different even from the legal terminology of another country with the same language.

In this respect, Kocbek (2000:4), argues that "every legal language reflects the history, evolution, and culture of the corresponding legal system. More specifically, the style of individual legal languages reflects the corresponding legal culture and logic". Also, Tiersma (1999:47) adds that

> It is impossible to fully appreciate the nature of legal language without having some familiarity with its history. There is no single answer to the question of how legal language came to be what it is.

Besides, Sarcevic (1997:20) postulates that "legal translation plays a major role as a medium of communication in municipal-supranational and international law". Translations of legal texts lead to legal effects and may even induce peace or prompt a war. Sarcevic (1997: 21) comments that "the growing trend toward providing authentic texts of treaties in four or more languages poses dangers to the peace and stability of the international order". AL-Mukhaini (2008:35) postulates that "legal language is often treated as a distinct type of language for special purposes". Therefore, it requires the inventiveness of literary translation with terminological precision of the technical translation.

2.1. Functions of Legal Texts

Legal texts vary on a wide range of classifications depending on the nature of the function. Translation theorists tend to place legal texts on equal footing with other special-purpose texts, thus failing to recognize the primary function. In this respect, Beaugrande and Dressler (1981:9) define a legal text as "communicative occurrence produced at a given time and place and intended to serve a specific function". Also, Newmark (1988) classified statutes and legal documents as expressive texts. Grazone (1999:39) claims that

> legal texts have different functions for different readers. They have an informative purpose for the general readers and a directive one for those affected by the particular text.

Sarcevic (1997:16) classifies legal texts according to their functions into three types:

(i) Primarily prescriptive texts, (ii) Primarily descriptive but prescriptive texts and (iii) purely descriptive texts.

(i) Primarily prescriptive texts; including laws, regulations, contracts, treaties and conventions. Such texts are regulatory instruments containing rules of conduct or norms. They are normative texts which prescribe a specific course of action, such as command, prohibition, permission and authorization.

(ii) Primarily descriptive but also prescriptive texts; consist of hybrid texts that are primarily descriptive but also contain prescriptive parts. These include judicial decisions and instruments on judicial and administrative proceedings, such as actions, pleadings, briefs, appeals and requests.

(iii) Purely descriptive texts; these texts are not legal instruments, although they may have an indirect impact on the law. They are written by legal scholars such as legal opinions, law textbooks and articles.

2.2. Features of English Legal Language

1. Legal English language has many old phrases and words that can be traced back to Anglo-Saxon, old French, and Medieval Latin. There are many features survived from old English in Today English Legal language, the existence of Latin terms in its terminology like *Bonafide (good faith or in good*

faith),Actus reus (guilty act). Synonymous such as: the term *clerk* (someone who can write) *and cleric or clergy* (priest) derive from the same Latin term. Also, the following terms are originally French*: Contract, proposal, schedule, terms,conditions, policy, alias, quash*.

2. Legal English language made of archaic legal terms. Tiersma (1999:95), states that "legal language often strives toward great formality, it naturally gravitates towards archaic language". Archaisms give a flavour of formality to the language to which they belong. Examples that used by Alcaraz and Brian (Byrne 2006) like the use of *imbibing* as an alternative of *drink*, *inquire* rather than *ask*, *peruse* instead of *reading*, forthwith as a substitution of right away or at once.

The use of the verb witnesseth with the preservation of an *eth* ending for the third person singular of the present tense acts as an alternative of the current morpheme (*es*) as in witnesses. Some other archaic adverbs that suggest by Alcaraz and Brian (Byrne 2006), such as: *here*, *there* and *where*with certain prepositions like: *of*, *after*, *by* and *under*. For instance:

Hereof هذا ، لكذا ، Hereto المرفق ، لهذا

(i) Purely technical terms; only applicable in the legal sphere but nowhere else. Purely technical terms are monosemic; that is, having one legal meaning and so, having no difficulty for the translator.

For example:

Decree (noun) حكم او مرسوم ‘ Mortgage (noun) رهن

Deem (verb) يعتبر او يعد ‘ Premises العقار

(ii) Semi-technical terms: words and phrases of this group belong to which have extra-meanings in the legal context.

3. The extensive use of stylistic features. Such as:

(i) Alliteration, (ii) structural parallelism ,and (iii) neologisms.

(i) Alliteration (الجناس):alliteration refers to the repetition of a particular sound in the first syllables of a series of words and/or phrases. Such as to *aid* and *de*bt, *any* and *all*, and *to hold* and *to have*.

(ii) Structural Parallelism(التطابق): whereby each paragraph of an article, for example, is introduced by a word of the same grammatical sub-category. Such as *the truth, the whole truth, and nothing but the truth*.

(iii) Neologisms (الألفاظ الجديدة): they refer to new words or expressions in a language, or new meaning for existing words or expressions, like: *palimony* (alimony paid to a *pal* or *unmarried (partner*) and *hedonic damages* (money damages for loss of the pleasure of life). Scheidereit (2004)

4. The unusual use of the words: *the same, such* and *said*. Using such words in legal language is quite different from using them in an ordinary one. Tiersma (1999:91) suggests that "the pronoun 'it' can conveniently substitute the phrase *the same*. Consider the following example:

(i) The tenant shall pay all the taxes regularly levied and assessed against and keeps the same in repair.

يلتزم المستأجر بدفع جميع الضرائب بصوره منتظمة والمقررة ضد المباني وان يحافظ بالمثل على صيانتها.

The phrase *the same* refers to the word *Premises*. Therefore, the pronoun *it* can substitute the phrase *the same*.

5. The usage of the modal verb *shall*. In ordinary English, Tiersma (ibid:105), claims "shall typically express the future tense, while in English legal language shall do not indicate futurity, but it is employed to express a command or an obligation". For example:

Husband *shall* pay to wife spousal support in the sum ……..

يجب على الزوج أن يدفع نفقة للزوجة تقدر بقيمة .. .

6. The usage of passive voice, which is needed for creating the impression, is accomplished without the intervention of a human agent. Therefore, the use of passive makes the laws briefer and more justified.

Consider the following examples:

(i) No injury is done to a willing person. (passive)

لا أصابه لشخص مستعد.

(ii) The Court ruled that ……. . (passive)

حكمت المحكمة أن ...

7. The most lasting impact of French due to the tremendous amount of French. Examples: terms which are still common in legal English such as *accounts payable/receivable, court material,* technical vocabularies such as *agreement, arrest, council, and plea*. Furthermore, Anglo-Saxon influence, in which English Legal language had phrases featuring the juxtaposition (متاخمة وملاصقة) of the two words with closely related meaning that are often alliterative such as: *to have* and *to hold*.

8. Joining together the words or phrases with the conjunctions. Such as: *and, or*. Tiersma (1999:61) claims that "these conjunctions are used five times as often in legal writing as in other prose styles". An example taken from the corpus is as follows:

-…., they carry out their humanitarian activities in conformity with their states national legislation, in pursuance of the mission of the movement, and accordance with the fundamental principles. (page7).

…..، وهي تضطلع بأنشطتها الإنسانية طبقاً لأنظمتها الأساسية الخاصة وتشريعاتها الوطنية من اجل تحقيق المهمة الموكلة إلي الحركة ،ووفقاً للمبادئ الأساسية. (صفحه 9).

9. The absence of punctuation. Consider an example taken from the Corpus:

-The international Red Crescent and the Red Crescent Movement (hereinafter Called "the Movement") is composed of the National Red Cross and Red Crescent societies recognized in accordance with Article4 (hereinafter called" National Societies"),of the International ….(p.7).

تتكون الحركة الدولية للصليب الأحمر والهلال الأحمر (والمشار إليها فيما بعد باسم الحركة) من الجمعيات الوطنية للصليب الأحمر والهلال الأحمر المعترف بها وفقاً للمادة 4 (والمشار إليها فيما بعد بأسم الجمعيات الوطنية) واللجنة الدولية للصليب الأحمر

(المشار إليها فيما بعد بأسم اللجنة الدولية) والاتحاد الدولي لجمعيات الصليب الأحمر والهلال الأحمر (المشار إليها فيما بعد بأسم الاتحاد) (صفحه 8).

10. The presence of lexical repetition or redundancy in English legal texts. Legal writings are avoiding the use of anaphoric devices or referential pronouns; such as the personal pronouns (he, she, and it) or the demonstrative ones (this, that), in addition to the verb *to do* that may substitute a whole clause .Consider this example from the corpus as follow:

-They disseminate and assist their governments in disseminating international humanitarian law; they take initiatives in this respect. They disseminate the principles and ideals of the movement and assist those governments which also disseminate them. (p.8).

تنشر الجمعيات الوطنية القانون الدولي الإنساني وتساعد حكوماتها في نشره. وتتخذ المبادرات في هذا المجال. وهي تنشر مبادئ الحركة ومثلها العليا وتساعد الحكومات التي تنشرها أيضا. (صفحه 9).

11.The frequent use of doublets(الازدواج) ; it is a standardized phrase used frequently in English legal language consisting of two or more words that are near-synonyms. Such words can be either nouns, verbs, adjectives or even prepositions. As Alcaraz and Brian (Bouharaoui 2008) claim that "there is a common use of such collocations in which synonyms or near-synonyms are combined in pair doublets". Consider these examples:

1. Made and enter حرر ، 2. By and between بين كل
3. Null and void لاغيا وباطلا ، 4.Terms and conditions شروط

2.3. Features of Arabic Legal Language

Arabic, as the language of the Qur'an, is widely used throughout the Muslim world. Arabic legal language can be traced back to the eighth century BC to the Semitic languages. It is one of the fewest languages that exhibit diglossia; which is the separation between the spoken language (dialect) and the formal written language.

Here are some features of Legal Arabic Language: adopted from Emery 1989

1. The Arabic language has a consonantal orthography. An Arabic word without vowel diacritics may be analyzed in many ways, and sometimes it is very hard to resolve the meaning in such situations. For the most part, unvocalized; Arabic words may be written with *تطويل (elongation)* also, it is called (*kasheeda)*, which is used for highlighting words or simply for text justification. For example, *the human* may be written as *الانســـان*. (Smrz 2007)

2. Arabic morphology and syntax like many other Semitic languages are highly inflected; words are derived from root and pattern, combined with prefixes, suffixes and circumfixes. Those affixes may modify several features of the word, including its *number* (singular, dual, plural or collective), its *gender* (masculine, feminine), *possession*, *definiteness*, *case* (nominative, accusative or genitive), and *aspect* (past, present or future).

3. Due to the complexity of Arabic morphology, sometimes words may be ambiguous. Modern-standard-Arabic sentences usually stick to the Verb-Subject-Object (VSO) structure. English, by way of contrast, is Subject-Verb-Object (SVO). Within an Arabic sentence, there are several required

points of agreement between the verbs and the subjects, adjectives and nouns mostly need to agree on their gender, number and definiteness.

4. Arabic Legal language relies heavily on standard formulas of expressions because the meaning of these phrases has been sanctified through long use.

5. Like English, legal sentences in Arabic are usually long and contain only a few punctuation marks. Crystal and Davy (in Hatim1997), explain that sentences in Arabic are almost without exception complex.

6. Emery (1989) claims that Arabic lacks capitalization and italics. The graphitic choices are more constrained; several writing styles such as as:**رقعه او كوفي** are available, but these graphitic resources are not exploited in Arabic legal documents.

7. There are several discoursal features peculiar to Arabic. For instance, the nominal sentence marker (إن) and the emphatic verbal particle (قد) which serves to mark the main clause (in a similar way to *hereby* or *now)* and structural Parallelism whereby each paragraph introduces by a word of the same grammatical sub-category. Consider this example:

إن حكومات ..... ادراكاً منها ..... .

8. Arabic legal texts are often more overtly cohesive in terms of conjunctive elements than their translational equivalents. English often makes a sentence break where Arabic conjoins. An example from Emery (1989:5) reads:

(i) They likewise declare their unanimous agreement.

كما يعلنون اتفاقهم الجماعي ·

9.Ellipsis **(الحذف أو الإضمار)** results from dropping auxiliaries and other elements in the passive verbal group in conjoined or deep-relative structures. Unlike English, Arabic has a special form for the passive voice, i.e. auxiliaries are not used. Ellipsis of cataphoric type is not permitted in Arabic. Arabic must either repeat the underlined nouns or employs a periphrasis **(الإطناب أو الإسهاب)** which may give rise to ambiguous reference. From:literaryterms.net/ellipsis
For instance:
-The organization shall also promote industrial development and cooperation on global and national, as well as on sectoral levels.

يجب على المنظمة أن تشجع أيضا التطور الصناعي والتعاون الوطني والعالمي على جميع المستويات.

In the first translation, Arabic must either repeat the underlined noun or employ a periphrasis which may give rise to ambiguous reference.
10. Crystal and Davy (in Hatim1997) claim that Archaic words and morphology which are typical in English are not encountered in Arabic. Arabic is strongly cohesive regarding personal reference and reference to the text, but does not parallel English in the variety of terminology used for reference to the parts of the document. Like, hereby becomes equivalent to Arabic emphatic particle (قد).

11. The repetition of lexical items characterizes Arabic legal text. Consider the following example:

In a dispute may lead to war between a member state and another state.

يتوسط المجلس في الخلاف الذي يخشى منه وقوع حرب بين دوله من دول الجامعة وبين أية دوله أخرى من دول الجامعة أو غيرها.

2.4. Morphosyntactic Problems of Legal Translation

As cited in Altay Ayfer (2002), legal language differs from ordinary language, not just in vocabulary, but also in its morphology, syntax, semantics and other linguistic features. To achieve the features of legal texts in both languages in question, it is important to identify some of the problems that any legal translator may face in rendering English text into Arabic as follows:

a. Punctuation and Long Sentences

In English punctuation marks are symbols that indicate the structure and organization of written language, as well as intonation and pauses to be observed when reading aloud. In written English, punctuation is vital to disambiguate the meaning of sentences. The rules of punctuation vary with language, location, register and time. Arabic punctuation is less important than English.

b. Formality

Legal texts are highly formal due to the usage of the modal auxiliary verb shall. The extensive use of the modal verb shall in English legal texts is the main characteristic of contracts, as it regulates obligations, rights and prohibitions. Legal shall give the meaning of obligation and prohibition rather than futurity.

c. Technical Vocabulary and Archaic Terminology

Translating of legal texts demand absolute loyalty and utmost exactness in terminology which subordinates its syntactical as well as lexical structure. It contains long, complicated sentences, nominal phrases and terminology, excluding emotional coloring of the text. Maintaining equivalence in translating legal text could be a dilemma because it depends on several levels that are word level. Baker (1992:11) says "there is no one to one correspondence between words and morphemes across languages", the grammatical level; languages deal with various notions and express various aspects of the experience.

d. Titles and Subtitles

The titles of legal texts are descriptive. Titles should be brief and correspond perfectly to the content of the text.

e. Phrase Structure

1. Gender: languages may differ greatly in the way they encode the category of gender in their lexical and grammatical systems. English gender can be masculine, feminine or neutral. While Arabic gender can be feminine or masculine.

2. Number: number is the morphological category that expresses contrasts involving countable quantities. The simplest number contrast consists of a two-way distinction between singular (one) and plural (more than one), while Arabic consists of singular (one), dual (two) and plural (more than two). The number of

the verb must agree with the number of the subject noun phrase.
3.Word Order in Legal Text: the syntactic constituents of a language, and how different languages can employ different orders. Word order is extremely important in translation because it plays a major role in maintaining the coherence and comprehensibility of the text. In English, word order is relatively fixed.

f. Passive Voice

The passive voice often has a different function in Arabic and English, and The translation of the agentless passive voice causes no problems in Arabic. Our main concern is with the agentive passive because, in Arabic, there is no equivalence to the English *by phrase*. Accordingly, one of the solutions is to change the English agentive passive into active in Arabic. This is because Arabic does not allow passivization if the agent is known. The Arab grammarians say that:

المبني للمجهول هو المجهول فاعله

(Only agentless passive is considered as passivization). Saad (1982:32)

g. Style

It is the language typical of lawyers, laws, legal forms, etc. characterized by archaic usage, prolixity, and extreme thoroughness. Also, it is a specialized or technical language of the legal profession, especially when considered to be complex or abstruse.

h. Synonyms

Synonyms can be defined as two different words with the same meaning. They are one of the features of legal language.

In the analysis of the data, the following section applies the above categories to the data collected by the researcher.

3.1. Data Collection

The data of this study is collected from an authentic English Legal booklet: *Statues and Rules of procedure of the International Red Cross and Red Crescent Movement* adopted by the Twenty-fifth International Conference of Red Cross at Geneva in 1986, amended in 1995 and 2006, and its Arabic version:

النظام الأساسي والنظام الداخلي للحركة الدولية للصليب الأحمر والهلال الأحمر.

It is published by the International Federation of Red Cross and Red Crescent Societies in Geneva1986.

3.2. Data analysis

The study points out some morphosyntactic problems as follows:

a. Punctuation and Long Sentences

Consider the following example:

-The international Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavour, in its international and national capacity, to prevent and ……..…… (p.5).

إن ا لحركه الدولية للصليب والهلال الأحمر، التي انبثقت من الرغبة في إغاثة الجرحى في ميدان القتال دون تمييز، تسعى ، بصفتها ذات طابع دولي ووطني ، إلي تجنب ..... (صفحه 7).

In the previous example, punctuation marks are used frequently and rendered in the same way in the TT. In Arabic, the usage of punctuation marks should be controlled because it may ambiguate the context of the text rather than to give more information about the text. Accordingly, the ST's commas should be replaced by Arabic coordinator (conjunction) which is indispensable for linking various units in Arabic texts and most of the time should be left out in English.

A more appropriate translation could be:

إن الحركة الدولية للصليب الأحمر والهلال الأحمر والتي انبثقت من الرغبة في إغاثة الجرحى في ميدان القتال دون تمييز و تسعى بصفتها ذات طابع دولي ووطني إلي تجنب ....

b. Formality

Formality is derived from the fact that legal documents are always produced in official settings and legal discourse which it is practised in very formal situations with very strict rules of role-taking and participation.

Consider the following example:

-It shall maintain close contact with national Societies. In agreement with them, it shall cooperate in matters of common concern,..... (p.10)

تقيم اللجنة الدولية علاقات وثيقة مع الجمعيات الوطنية. وتتعاون بالاتفاق معها ، في الشؤون ذات الاهتمام المشترك ، ..... (صفحه 11).

In the example above, *(shall*) gives the meaning of obligation in the ST. At the same time, in the TT the translator ignored the translation of *shall* in the phrase *shall maintain* and be replaced it by verb (تقيم)which does not convey the meaning of the original. Therefore, the TT Arabic became less formal than the ST. The similar thing can be said about the second phrase *shall cooperate* which means

(تتعاون)

An appropriate translation could be:

يجب على اللجنة الدولية إقامة علاقات وثيقة مع الجمعيات الوطنية ويجب أن تتعاون معها في الشؤون ذات الاهتمام المشترك ...

c. Technical Vocabulary and Archaic Terminology

Consider the following example from the corpus:

- Recalls that the mottoes of the Movement, Inter Arma cariaras and per humanitatem and Pacem, …….(p.6)

يذكر ان شعاري الحركة الرحمة في قلب المعارك و الإنسانية طريق السلام ، ..... (صفحه 7)

The underlined terms are specific terms for International Red Cross and Red Crescent Associations which adopted from Latin, and these terms are the main principles of those associations. Semantically, they equivalent to the Arabic meaning of

الرحمة في المعارك والإنسانية طريق السلام.

d. Titles and Subtitles

Consider the following titles:

-Statues and Rules of procedure of the International Red Cross and Red Crescent Movement. (Title of the booklet)

النظام الأساسي والنظام الداخلي للحركة الدولية للصليب الأحمر والهلال الأحمر.

The Arabic equivalent of the word *rules* according to Faruqi's bilingual Law Dictionary is the phrase (الاجراءات التنفيذيه) which is not similar to the authentic translation.
Hence, an adequate translation could be:

النظام الأساسي والإجراءات التنفيذية للحركة الدولية للصليب والهلال الأحمر.

e. Phrase Structure

Phrase structure refers to:

1. Gender

Consider this example:

-International Conference shall elect the Chairman, Vice-Chairmen, Secretary-General, Assistant Secretaries-General and other Officers of the conference. (p.14)

ينتخب المؤتمر الدولي رئيس المؤتمر، ونواب الرئيس والأمين العام ومساعدي الأمين العام أعضاء مكتب المؤتمر الآخرين. (صفحه 15)

In the previous example, the terms *chairman, Vice-Chairman, Secretary General, Assistant Secretaries General,* and *Officers* are used in the ST to refer to whatever to both genders. However, in the TT, the terms rendered to refer to the position of masculine only. It is worth mentioning that some of these English terms and expressions should be changed according to the growing demand of equality between men and women such as: *Chairman* to *chairperson* and *Vice-Chairman* to *Vice-Chairperson.*

2. Number

It can be said that the translator succeeded to a great extent in rendering singular and plural nouns into Arabic. Consider the following example:

- Recalls that the mottoes of the Movement, Inter Arma cariaras and per humanitatem and Pacem, …….(p.6)

يذكر ان شعاري الحركة الرحمة في قلب المعارك و الانسانيه طريق السلام ، ..... (صفحه 7)

In this example, *Mottoes* is the plural of the noun *motto*. In the ST, the name *mottes* refers to two or more people, but in the TT, it rendered as شعاري (dual number) which is a successful translation according to the context.

3. Word Order and Apposition

Arabic and English are different in word order and apposition (parenthetical – construction)

الجمل الاعتراضية

An example to clarify that is:

-The movement is independent. The National Societies, while auxiliaries in humanitarian services of their governments and subject to laws of their representative countries, must always maintain their autonomy so that they may be able at all times to act following the principles of the movement. (p.5)
.

الحركة مستقلة. وبالرغم من إن الجمعيات الوطنية تعمل كهيئات مساعده في الخدمات الإنسانية التي تقدمها حكوماتها وتخضع لقوانين بلدانها إلا أن عليها أن تحافظ دائماً على استقلالها الذاتي بحيث تكون قادرة على التصرف في كل الأوقات وفقاً لمبادئ الحركة. (صفحه 7)

Here, the sentence started with a subtitle *the movement is independent,* because there is a full stop after the subtitle which separated it from the sentence. The original translator did not take this into account because he considered the subtitle as part of the sentence. Also, he/she did not pay attention to the appositive sentence, which is written between two commas **(الجملة الاعتراضية)** .
Finally, the translator followed the same English structure, which is not acceptable in Arabic because the opposition is not widely used in Arabic. The translator should preserve the word order as far as possible and connects the Arabic sentences by punctuation marks (لواو)the co-coordinator which are sometimes redundant in Arabic.
Amore appropriate translation could be:

تعتبر الحركة مستقلة ويجب على الجمعيات الوطنية أن تحافظ دائماً على استقلالها الذاتي بحيث تكون قادرة على التصرف في كل الأوقات وفقاً لمبادئ الحركة بينما تعمل الهيئات المساعدة في الخدمات الإنسانية التي تقدمها حكوماتها وتخضع لقوانين بلدانها.

Let's take another example:
-To be valid, the deliberations of the Standing Commission shall require a quorum of five members. (p.32)

النصاب اللازم لتكون مداولات اللجنة الدائمة صالحه يتكون من خمسة أعضاء. (صفحه 32)

The translator in the TT kept the same English word order but, a change in the word order sometimes is necessary to make the statement more clear. A more adequate translation can be:

لكي تكون مداولات اللجنة الدائمة قانونيه يجب أن يبلغ نصابها القانوني خمسه أعضاء.

f. Passivization

Consider the following examples from the corpus:
in pursuing its mission, - Reaffirms that its fundamental principles shall guide the movement. (p.5)

يؤكد من جديد إن الحركة تسترشد في اضطلاعها بمبادئها الأساسية. (صفحه 7)

A more appropriate translation could be:

يؤكد المؤتمر الدولي من جديد أن الحركة تسترشد في اضطلاعها بمبادئها الأساسية.

Another example can explain the passive as follows:
- Recalls that the mottoes of the Movement, Inter arma caritas and per humanitatem ad paccm, together express its ideals. (p.6)

يذكر أن شعاري الحركة وهما الرحمة في قلب المعارك والإنسانية طريق السلام يعبران عن مثلها العليا.(صفحه 7)

A more accurate translation could be:

يذكر المؤتمر الدولي إن شعاري الحركة وهما الرحمة في قلب المعارك والإنسانية طريق السلام يعبران عن مثلها العليا.

g. Style

Consider these examples from the corpus:

-The implementation of the present statutes by the components of the movement shall not affect the sovereignty of states, with due respect for the provisions of international humanitarian law. (p.7)

لا يمس تنفيذ مكونات الحركة لهذا النظام الأساسي سيادة الدول مع ايلاء الاحترام الواجب لإحكام القانون الدولي الإنساني. (صفحه 8)

The English expression *with due respect* is rendered in the original as which looks tautological and not clear to **(مع ايلاء الاحترام الواجب)**.

It can be the most acceptable translation for this expression as: **مع الاحترام الكامل**

A more accurate translation can be as follows:

يجب أن لا يمس تنفيذ مكونات الحركة للنظام الحالي سيادة الدول مع الاحترام الكامل لأحكام القانون ا لدولي الإنساني.

Another example reads:

-They disseminate and assist their governments in disseminating international humanitarian law; they take initiatives in this respect. They disseminate the principles and ideals of the movement and assist those governments which also disseminate them. (p.8).

تنشر الجمعيات الوطنية القانون الدولي الإنساني وتساعد حكوماتها في نشره . وتتخذ المبادرات في هذا المجال . وهي تنشر مبادئ الحركة ومثلها العليا وتساعد الحكومات التي تنشرها أيضا . (صفحه 9)

In the previous example, there is a lexical repetition or redundancy in the TT, which is not acceptable in Arabic, especially the repetition of the verb (disseminate). .

A more appropriate translation can be:

تساعد الجمعيات الوطنية حكوماتها على نشر القانون الدولي الإنساني وتتخذ المبادرات في هذا المجال لنشر مبادئ الحركة ومثلها العليا كما تساعد الحكومات على نشرها أيضا.

h. Synonyms

Consider the following example to describe the synonymy:

-The present Statutes shall replace the Statutes adopted in 1952 by the eighteenth International Conference. (p.20)

يحل النظام الاساسي محل النظام الاساسي الذي اعتمده المؤتمر الدولي الثامن عشر في عام 1952م. (صفحة 20)

In the ST, the two nominal phrases *the present Statutes* and *the Statutes* are rendered into Arabic to reflect the same meaning. While in Faruqi's bilingual legal dictionary *the present status* means **(الحاليه الأنظمة الأساسية)**,and *the Statutes* means **(الأنظمة الأساسية)**

Therefore, a more appropriate translation can be:

تحل الأنظمة الأساسية الحالية محل الأنظمة الأساسية التي اعتمدها المؤتمر الثامن عشر في عام 1952م.

3.3. Conclusion

In conclusion, this study is an attempt to shed light on the translation of legal texts depends on the translators technical knowledge in both source language (SL) and target language (TL). The translator should be acquainted with the terminology, phraseology, syntax, register, culture ,and other parameters which affect the adequacy of legal translation between the two languages. The translators main task is to create a target text (TT) that produces the same legal effect of the source text (ST).
.

To conclude, The study revealed that the problems that faced legal translators do not only stem from the specific nature of legal discourse in terms of style, structure and vocabulary, but also from the translators who are expected to convey the meaning not just of words but of the legal system that dictates the writer's choice of those words.

Legal translation of course is not an easy task, because a good translation has the same impact on TL audiences as the original text has on the SL audiences. The study points out some of the problems mainly linguistic that face translators while rendering legal texts from English into Arabic,and suggested possible solutions to the problems that have been discovered during the process of the analysis. .

References

- Al Mukhaini Yaser Salim (2008). *An Analytic Study in Legal Translation between English and Arabic*. Malaysia: Sains University Press.
- Altay Ayfer (2002). *Difficulties Encountered in the Translation of Legal Texts Translation*. Journal vol.6, no. 4.
- Austin, J. (1962*). How to Do Things with Words*. New York: President and Fellow of Harvard College.
- Baker, M. (1992). *In Other Words*: *a Course Book in Translation*. London: Routledge.
- Beaugrande De. And Dressler, R.(1981). *An Introduction to Text linguistic*. New York Longman.
- Bouharaoui Adil (2008). *Some Lexical Features of English Legal Language*. Morocco: University of Soultan Moulay Slimane,.
- Byrne Jody (2006). *Understanding the Legal Consequences of Errors in Professional Translation*. University of Sheffield.
- Crystal, D. and Davey, D.(1986). *Investigating English Style*. New York: Longman.
- Emery P.G (1989). *Legal Arabic Texts Implication for Translation*. Babel: John Benjamin's publishing company.
- Faruq, S.(2009). *Faruqi's Law Dictionary*. Beirut: Librairie du Liban.
- Grazone Guliana (1999). *Legal Translation and Functionalist Approaches*. Bolongna: University of Bolongna Press.
- Hatim, Basil (1997). *English –Arabic / Arabic –English- Translation. A practical guide*. London: Saqi Books.
- House, J.(1977). *A Model for Translation Quality Assessment.* Verlag Tubingen: Gunter. Narr.

- Hurford, J.R. (1994). *Grammar: A Student's Guide*. Cambridge: Cambridge University Press.
- International Federation of Red Cross and Crescent Movement(1986). *Status and Rules of Procedure of the International Red Cross and Crescent Movement.* Geneva*:* ICRC Press
- James Kate (2005). *Cultural Implications for Translation*. Proz.com Translation Article Knowledge 8/2005.
- Munday, J. (2008). *Introducing Translation Studies*. London: Routledge.
- Newmark, p. (1988). *Approaches to Translation*. London: Printice Hall.
- Nord, C. (1995). *Text Analysis in Translation*. Heidelberg: Groos.
- Saad, G.N. (1982). *Transitivity, Causation and Passivisation*. London: Kogan Paul International.
- Sarcevic, S. (1997). *New Approach to Legal Translation*. London: Kluwer Law International.
- Sarcevic, S. (1997). *Legal Translation and Translation theory: a Receiver- Oriented Approach*. Croatia: University of Rijeka Press.
- Scheidereit, Gaby (2004). *Features of English Legal Language*. GrinVerlg: Germany.
- Smrz, Oktar (2007). *Functional Arabic Morphology, Formal System and Implementation*. Prague:Charles University Press.
- Tiersma, Peter M.(1999). *Legal Language*. Chicago: University of Chicago Press.
- Veronis Michael (2008). *Hybrid Machine Translation*. AppTek Inc. 8th AMTA. conference, Hawaii.
- Wright, W. (1996). *A Grammar of the Arabic Language*. Beirut: Libraire du Liban.
- Wright,W. and Gaatar M.(2008). *Arabic verbs and Essentials of Grammar*. New York The McGraw- Hill Companies.
- Zralka Edyta (2003). *Teaching Translation of Specialized Legal Texts –on the Basis of Official Documents.* Cracow: Faculty of Philology.