



Sudan University of Science and Technology



College of Graduate Studies

**Language-related Challenges Faced by Sudanese
Translators When Translating Legal Contracts between
English and Arabic**

الصعوبات والتحديات اللغوية التي يواجهها المترجمين السودانيين عند ترجمة
العقود القانونية من اللغة العربية الى الانجليزية وبالعكس

Thesis Submitted in Partial Fulfillment for the
Requirement of the Degree of M.A in Translation

Submitted by:

Holi Ibrahim Holi Ali

Supervisor:

Dr Nada Sid Ahmed El-Jack

May, 2016

Dedication

To my mother and to the soul of my father

Acknowledgements

First of all, praise is due to Almighty ALLAH for giving and granting me strength and ability to carry out this study.

There are many of people without whom this thesis might not have been written, and to whom I am greatly indebted. It is impossible to mention all the names here. However, a few seem necessary.

I am particularly grateful to my supervisor Prof. Nada El-Jack for her scholarly and invaluable advice, patience, assistance, and wise guidance, throughout the process of writing this thesis. She was abundantly helpful and she generously offered me much of her busy time to read out the drafts and give me constructive feedback and comments.

I would like also to express my sincere thanks and gratitude for all my professors who have contributed enthusiastically to the success of the M.A programme: Dr Mohammed Ali, DrTaj Al-Sir Bashoum, Dr Mahmoud Ali, Dr Ahmed Hamed, Dr Mohammed Al-Tayeb, and DrAymenHamed Al-Neel without those knowledge, expertise and assistance the programme would not have been successful.

I would like also to record my sincere thanks and appreciation to Mr Salah Hassan, for his wonderful coordination, help, support and arranging our accommodation in Abu Dhabi throughout the two years of our candidature.

A most sincere warm thank to my friends: Mr Ahmed Al-Tigani, Mr Hassan Al-Zubair, MrHamedHamdan , MrSiddigBagadi, and Osama Al-Murdi, Mohammed Mohammed Ahmed (Oweice) for their helps and support during the data collection process. I really find the words much

inadequate to express my profound thanks and gratitude to you all for the tremendous help and support you kindly offered.

I am particularly grateful to my friend DrAwad Al Hassan for his ceaseless help, suggesting ideas and unfailing support of various kinds as well as his insightful comments over the draft.

Many thanks also extended to my friend Mr Ahmed Al Ajmi who supported the study in many ways among which statistical analysis and data processing.

Finally I wish to extend my deepest gratitude to all my colleagues in the M.A prorgamme whose jocular behavior and sense of humour enabled us to complete the degree successfully: MrYaqoubEisa, MrAmmar Mohammed Ahmed, Eisa Abdullah, Ibrahim Hassan for their wonderful company and support and sharing thoughts both academic and social all the way through. I will never forget all chats and beautiful moments I shared with you throughout our study.

Abstract

This is an exploratory descriptive study which is primarily intended to investigate Sudanese translation practitioners' perceptions and views about difficulties, problems and challenges that they encountered when translating legal contracts between English and Arabic. It attempts to investigate and explore those practitioners' perceptions and views about these difficulties in the Gulf context, more specifically in Oman and the UAE and compare them with related findings from empirical literature. To achieve the study objectives, quantitative methodology was used to collect data and interpret the outcomes. A questionnaire was designed and distributed to (33) Sudanese translation practitioners. Questionnaire's validity and reliability were tested and established via a pilot study. Additionally, relevant literature was reviewed to pinpoint the gaps in this area and support the main tool of data collection which is questionnaire. The findings showed that translation practitioners' perceptions about legal contracts translation challenges are consistent with findings in the empirical literature. The study concluded that the most apparent challenges are: language-related challenges, followed by style-related challenges, and culture-specific challenges, respectively. The study concluded with some relevant recommendations: First, legal contracts should be translated by well-trained and certified translators and they should have the legal background so that it could help them do their jobs successfully. Second, workshops and training on legal translation should be conducted periodically and training should be one of the requirements for practising and joining legal translation industry. Moreover, translators of legal contracts should be accredited individually and that should be conducted by experts and specialized bodies. Further, legal translation practitioners should collaborate with legal document drafters and lawyers

to raise their awareness to cope with legal translation-related difficulties and challenges.

مستخلص البحث

تسعى هذه الدراسة الوصفية الاستطلاعية إلى الوقوف على أهم ملاحظات المترجمين السودانيين المختصين بترجمة العقود من اللغة العربية إلى الانجليزية وبالعكس؛ بهدف بيان أهم ما يواجهونه من صعوبات وتحديات في عملهم، لتسجيل وجهات نظرهم. تأتي الدراسة محاولةً لاستكشاف وجهة نظر المترجمين السودانيين (عينة الدراسة)، وعرض تصوراتهم حول الصعوبة في سياق دول الخليج، ولا سيما في سلطنة عمان ودولة الإمارات العربية المتحدة، ومقارنتها مع النتائج ذات الصلة من الآداب التجريبية. اتكأت الدراسة - لتحقيق أهدافها - على المنهج الكمي في جمع البيانات، فقد صُمِّمت استبانة خاصة بالدراسة، ورُعت على ثلاثة وثلاثين مُترجماً سودانياً عاملاً في ترجمة العقود. وقد فُحصت الاستبانة لتحكيم مصداقيتها العلمية، وصحة موثوقيتها، فضلاً عن ذلك فقد أُستعرضت الأدبيات ذات الصلة لتحديد ثغرات الاستبانة ودعمها؛ كونها الأداة الرئيسة لجمع البيانات. أظهرت نتائج الدراسة توافق تصورات ممارسي الترجمة في تحديات ترجمة العقود القانونية مع بعض النتائج المحققة من الأدب التجريبي. تتمثل أهم صور التحدي - والأكثر وضوحاً - في التحدي المتعلق باللغة، يليه التحدي المرتبط بالأسلوب، ثم الثقافة المعينة على التوالي. خلصت الدراسة إلى بعض التوصيات المناسبة: أولاً، ضرورة إسناد ترجمة العقود القانونية إلى المترجمين القانونيين المُعتمدين والمُدرَّبين تدريباً جيداً مع إلمامهم بأهم المسائل القانونية التي تساعدهم على أداء عملهم بنجاح. ثانياً، تنفيذ حلقات عمل تدريبية للترجمة القانونية وإجراء جلسات التدريب فهو أحد المطالب اللازمة لممارسة الترجمة القانونية والالتحاق بها. فضلاً عن ضرورة حصول المترجمين القانونيين على الاعتماد بشكل فردي من قبل الخبراء والهيئات المتخصصة. فضلاً عن ذلك، ضرورة تعاون ممارسي الترجمة القانونية مع القائمين على أمر الصياغة القانونية والمحامين؛ لتخطي أي صعوبة متعلقة بالترجمة القانونية، أو تقليل تحدياتها.

Table of Contents

No.	Content	Page
	Dedication	I
	Acknowledgements	II
	Abstract (English Version)	IV
	Abstract (Arabic Version)	VI
	Table of Contents	VII
	List of Abbreviations	X
	List of Tables	XI
	List of Charts	XII
	Chapter One: Introduction	
1.1	Overview	1
1.2	Statement of the Problem	3
1.3	Research Questions	5
1.4	Research Hypotheses	5
1.5	Objectives of the Study	6
1.6	Significance of the Study	6
1.7	Research Methodology	7
1.8	Scope and Limitations of the Study	8
	Chapter Two: Review of Theoretical and Empirical Literature	
2.1	Theoretical Literature Review: Focal Theories and Concepts	10
2.2	Features, Characteristics and Peculiarities of Legal English.	11
2.3	Features of English Legal Discourse	12
2.3.1	Lexical Peculiarities of English Legal Texts	12
2.3.2	Syntactic Peculiarities of English Legal Texts	14
2.3.3	Discourse-level Peculiarities of English Legal Texts	16
2.4	General Peculiarities of Arabic Legal Discourse	17
2.5	Translation of Legal Contracts	20
2.5.1	Legal Translation: Where do the Problems Lie?	22

2.5.2	Language-Related Problems	23
2.5.3	Genre and Style-Related Problems	24
2.5.4	Culture-Related Problems	26
2.5.5	Textual Features of Legal Contracts	27
2.6	Review of Related Empirical Studies Worldwide and in the Arab World	30
2.7	Chapter Summary	37
	Chapter Three: Research Methodology	
3.1	Introduction	39
3.2	Study Design	39
3.3	Population and Samples	40
3.4	Instruments	41
3.4.1	The Translation Practitioners' Questionnaire	42
3.4.2	Piloting Stage: Establishing Validity and Reliability	42
3.4.2.1	Validity	43
3.4.2.2	Reliability	44
3.4.3	Document Analysis	45
3.4.4	Procedures	45
3.4.5	Chapter Summary	46
	Chapter Four: Data Analysis, Discussion and Interpretation	
4.1	Introduction	47
4.2	Analysis , Discussionand Interpretation	48
4.2.1	Questionnaire Results	48
4.3	Practitioners’ Perceptions about Challenges in Translation of Legal Contracts	48
4.3.1	Why do they Encounter such Kind of Challenges?	55
4.3.2	How do these Challenges impact on the Quality of Translation?	57
4.3.3	How do they Respond to these Challenges?	59

4.3.4	What are the Possible Strategies that could be Offered to Help Translators to Overcome these Challenges?	59
4.4	Chapter Summary	61
	Chapter Five: Summary of Results, Conclusions, and Recommendations	
5.1	Summary of Results in Terms of Research Hypotheses	64
5.2	Conclusions	64
5.3	Recommendations	66
5.4	Suggestions for Further Research	67
	References	69
	Appendices	

List of Abbreviations

Terms	Abbreviations
Source Language	SL
Target Language	TL
Legal Translation	LT
Target Text	TT
Source Text	ST
European Union	EU
United Nation	UN
Court of Appeal	C.A
Court of Appeal	Div. Ct.
Bachelor Degree	B.A
Master's Degree	M.A
Reliability	R

List of Tables

Table Title	Table No.	Page
Legal Translation Practitioners' Perceptions about Language-related Challenges	Table (4.1)	47
Legal Translation Practitioners' Perceptions about Language-related Challenges	Table (4.2)	51

List of Charts

Chart Title	Chart No.	Page
Translation Practitioners' Perceptions about Some of the Language-related Challenges	Chart (4.1)	48
Translation Practitioners' Perceptions about Some of the Language-related Challenges	Chart (4.2)	52
Strategies Used by Translation Practitioners to Cope with Legal Contracts Challenges	Chart (4.3)	57

CHAPTER ONE

Introduction

1.1 Overview

Translation in general is a phenomenon that has a huge effect on people everyday life (Hatim and Monday, 2004, p.3 and Newmark, 1991). Legal translation in particular is of paramount importance because it takes place in international institutions and organizations such as EU and UN, etc. Today's world involves an increasing amount of agreements, negotiations and disputes between nations and individuals, and makes legal translation crucial and even indispensable professional practice (Durner, 2012, p.136). Therefore, legal translation training has come into prominence to ensure that translators in the sector are well-trained and competent. However, it presents the biggest problems to translators (Simonnaes, 2012, p.91). This is because legal language is, unlike general language characterized by certain syntactic, semantic, morphological, terminological, genre, abbreviations pragmatic and stylistic features which make it challenging for translators. Legal translation differs from other types of translation in two major ways: the legal system and the terms which associated with it.

Therefore, understanding the legal terms and its translation to another language depends heavily on the understanding of its place in legal system to which it belongs to (Al Aqad, 2014, p.118). For examples, the Arabic language has some words which have the same lexical structure, same phoneme and morpheme but different meaning due to the legal system and the terms belong to that system (ibid, p. 18). This means that

the translator can only translate the legal term into the target language (TL) if he/ she understood its position in the legal system of the target language (TL). Further, legal translation is difficult than any other types of technical translation because of the system-bound nature of legal terminology unlike scientific or other technical terminology as each country has its own legal terminology which has no counterpart in other legal systems (Kananer, 2005, p.1).

Translation practitioners need to consider the gap between legal systems, lack of equivalence and their effect on the produced text. Moreover, legal documents entail specific laws, rights or obligations, their language layout and wording demand preciseness and expressiveness and can have no other interpretations apart from the ones stated (Alwai&Fakhouri, 2010, p.1). Additionally, the legal text exhibits a high degree of linguistic conservation, including written instruction such as court judgments, police reports, constitutions, charters, treaties, protocols and regulation (Crystal and Davy, 1969).The genesis of legal language terms is mostly Latin which make legal terms it even more challenging and less accessible (Hargitt, 2013, p.427). Legal language is imbued with legal concepts and terms and making it highly formulized with long-winded sentences and technical terms in order to ensure precision and avoid any possible misinterpretation (Alwazna, 2013).

Further, legal translation is considered one of the types of translations where the translator is subject to stringent semantic constraints at all levels due to the peculiar features of the language of legal language on the one hand and the culturally mediated nature of legal discourse on the other (Wang and Sin 2013, p.884).Therefore, legal translation requires usage of translation methodology according to the challenges it possesses.This is a small scale research addresses translation

practitioners' views about some of the language-related challenges that faced by translators when translating legal text, notably contracts between Arabic and English to find some possible ways for alleviating them.

1.2 Statement of the Problem

Translation has become as a gateway for understanding and dealing with other nations and their civilizations (Al Aqad, 2014, p.210). Therefore, in this age of globalization and the internet, the need for competent translator is of utmost importance that ever. Because *"Legal text represents one of the most translated types of texts in today's world as a result of the processes of unification of Europe, and economic globalization"* (Melinda, 2011, p.357).

Legal texts present an instance of pragmatic texts whose aim is essentially to convey information without aiming to produce any aesthetic effects it is the case of literary translation (Melinda, 2011, p. 357). However, legal translation is considered as not an easy task due to the nature of legal discourse because legal translation is highly specialized and culture dependent (Shiflett, n.d.). *"Unlike general English text, legal English text is much more difficult to translate because legal English translation is not only about transferring the meaning but it also deals with finding the appropriate legal expressions in target language"* (Karjo, 2015, p.352) .

The researcher, in his capacity as an English language teacher, linguist and postgraduate student and based on his practical experience in the field of translation, has observed that translation practitioners between English to Arabic and vice versa often encounter many linguistic and non-linguistic challenges when translating legal contracts and agreements.

Therefore, the idea of this research is formulated from a general observation and practical experience in the field of applied linguistics in general and translation in particular. This observation is supported by several research findings.

Legal translation is considered by many as extremely challenging. Additionally, Harvey, (2002) claims that translating legal text is considered to be one of the most arduous and demanding jobs that encountered by translators because of the system-bound nature of legal terminology and its special syntactic, semantic and pragmatic rules Šarcevic (2000, p.8). Farghal and Shunnaq (1992 and 1999) classified contract translation linguistic-related problems into three categories: syntax-related problems, layout-related problems, and tenor-related problems. Legal language is a jargon which primarily characterized by a complex and specialized lexicon, which requires interpretation to be understood and often makes the language completely foreign and incomprehensible to a layperson (Hargitt, 2013, p.427).

Further, legal translation has been seen as a highly sensitive area in translation due to its complex syntax and peculiar convention of legal drafting and differences in source and target languages (Frade, 2015, p.111). According to Baker (1992) the most common problems that legal translators face during the rendering of a legal text are the lack of verbal/functional equivalence in the target language. It requires highly competent translator whose task is to stay faithful to the intent, tone, and the format of the original, source legal document and make the text clearer and understandable to the receiver without take ant creative liberty which is considered unacceptable in the formal constraints of legal language (Shiflett, n.d.).

A legal translator must be able to use the language effectively to express legal actions and achieve the desired effect. For this to be achieved, all

linguistic and non-linguistic challenges in legal translation and contracts translation in particular need to be identified from the practitioners' perspectives in order to address them in an effective manner.

Therefore, the present study necessarily address gaps in the literature in view of what has been done and/or yet needs to be done, addressed to some extent by the research questions that follow.

1.3 Research Questions

The study seeks to answer the following questions:

1. What are the translation practitioners' perceptions about the language-related challenges that they encounter when translating legal contracts?
2. Why do they encounter such kind of challenges?
3. How do these challenges impact on their quality of translation?
4. How do they respond to these challenges?
5. What are the possible strategies that could be offered to help translators to overcome these challenges?

1.4 Research Hypotheses

The questions postulated in section 1.4 above will lead to the hypotheses and theses made in this study. The purpose of the study to test the following hypotheses:

1. Sudanese translation practitioners perceive translating legal contracts is something problematic due to the language-related and other challenges. However, they have mixed and different opinions about these challenges.
2. They encounter such challenges due to the nature and peculiarity of legal texts as well as lack of training.

3. Language-related, culture-related and genre-related have expected to have a negative impact on their translated texts.
4. Using legal dictionaries, consulting colleagues, using the internet websites respectively are expected to be the most commonly used coping strategies to deal with such challenges.
5. The most effective possible strategy which could be used to help translation practitioners to overcome such challenges is training.

1.5 Objectives of the Study

With reference to the study questions and problem, this study intends to achieve the following aims:

- To explore some of the language-related challenges that translators encounter when translating legal contracts between English and Arabic;
- To find out the reasons behind these difficulties;
- To determine how far these difficulties impact on their quality of translation
- To investigate how do they cope with these difficulties;
- To suggest and provide some possible strategies which could help translation practitioners to overcome these difficulties and inform translation pedagogy.

1.6 Significance of the Study

Globalization and growth of international organizations (e.g. UN, EU, NATO, WTO) have brought increasing interest and significance in legal documentation (e.g. legislation, regulations, agreements) using English as a principal language (Dumitrescu, 2014, p.502). "*The importance of legal*

English lies expressively in its being the medium of international (including electronic) commerce. English is the standard language for many companies, for take-over bids, or for international commercial contracts, for arbitrations, for all cross border legal transactions and international legal issues in particular" despite all national language legislation" (ibid, p. 502).

The significance of this study might be self-justified. To the best knowledge of the researcher, and although quite a great deal amount of literature is available on legal contract translation, little work has been done on legal contract translation challenges in the context in question. The significance of the present study stems from the fact that it drives its magnitude from the fact that the results would help translation practitioners to improve their quality of their translated contracts. Moreover, there was a lack of information about translators' views and the linguistic challenges and problems they faced when translating legal contracts in this particular context. Therefore, this study strives to explore translation practitioners' perceptions about the challenges they encountered and to find ways to further improve their practice. It is hoped that the findings will be of a great value to translation industry and translation training programmes across the country and the region.

1.7 Research Methodology

The present study is conducted in the Sultanate of Oman where the researcher has been working for a number of years. Therefore the study problem which is based on my own observation and practical experience as a freelance translator of legal contracts and documents and as a teacher in the field of English. The study aims at exploring translation practitioners' perceptions and views about the language-related challenges

that they encounter when translating legal contracts and agreements. The methodological approach which underlies this study is quantitative. The study is based on 33 translation practitioners who were selected randomly.

The rationale behind choosing this number of participants is for practical reasons because the study is just small scale complementary research and the researcher finds these people accessible. All the participants are Sudanese nationals and they all share similar educational and cultural background. Years of teaching experience vary among them. Additionally, a questionnaire explores translation practitioners about the linguistic challenges was piloted and administered to 33 translation practitioners. Questionnaire reliability will be established using various methods such as expert and statistical validation. As for data analysis, frequency and percentage will be used for statistical analysis. The item of high frequency and percentage reflects the most significant, required answers for the study questions.

1.8 Scope and Limitations of the Study

This study is set in the Gulf, namely in the Sultanate of Oman where the researcher has been working as an English language lecturer and freelance translator for a number of years. The researcher noted that translators have been frequently complaining about the difficulties of translating legal text, particularly contracts and agreements for a couple of language-related and non-language-related reasons. This study has several limitations which merit consideration. This study limits its data collection method to questionnaires only. There are only 50 translation practitioners to be involved and this might impede generalizability of the potential results. Further, the study investigates legal contracts only

because they are the most challenging legal documents according to the literature. In addition, the present study focused on Sudanese translation practitioners who have been working in the gulf only, which is considered to be one of the shortcomings. Only frequency and percentage were used for statistical analysis rather than descriptive statistical analysis. Further, study restricted to explore translation practitioners' perceptions about legal contracts linguistic challenges only rather than other challenges which might be experienced during translation process.

CHAPTER TWO

Review of Related Theoretical and Empirical Literature

2.1 Theoretical Literature Review: Focal Theories and Concepts

Key studies on language-related challenges encountered by translation practitioners when translating legal texts in general and legal contracts and documents in particular will be reviewed and discussed to put this study into perspective and pinpoint the gaps in the existing relevant literature. Translational problems and challenges in legal English, international studies related to legal translation challenges, and regional Arab world studies related to legal translation challenges will be highlighted and discussed. Most of the studies were carried out empirically from error analysis perspectives by giving a legal translation texts to legal translators to translate them from English into Arabic and vice versa and then analysing the errors to find out difficulties translation may have encountered. There are few studies which focus on legal translators perceptions about the difficulties and challenges that they face when translating legal contracts from English into Arabic and vice versa. The findings of translators' perceptions will be compared, contrasted and discussed with the findings of empirical studies in the relevant literature.

This part undertakes the theoretical framework of the study and reviews the related literature in order to inform the study design. Some related theoretical underpinning will be reviewed and discussed to inform the study design and put the whole study into perspective. Features and characteristics of legal English, linguistic peculiarities of legal discourse, types of legal texts, aspects of legal translation, methods and approaches

and strategies used in legal translation, modality and legal English, binomials in legal English, general features of Arabic legal language, the concept of legal equivalence, will be discussed.

Related literature and key studies will be reviewed and discussed in this section. Reviewing literature can provide a background for understanding the topic in relation to the current knowledge. Additionally, this review would show the importance of the study in the context of the previous studies in this area at both worldwide and Arab world levels. The main aim of this study is to investigate Sudanese legal translators' perceptions about challenges and difficulties that they encountered when translating legal contracts, to find out how do they respond to these challenges, to what extent these challenges impacted their produced texts and what are the possible strategies that can be used to overcome these challenges. Moreover, the study attempts to compare between the existing empirical studies' findings and the current study findings in relation to translators' perceptions about difficulties and challenges in legal contracts translation from English into Arabic and vice versa.

Relevant empirical literature will be clustered reviewed and discussed. The chapter also undertakes the theoretical underpinnings of the study. Some important key issues in legal translation in general and legal contracts translation in particular will be reviewed and thoroughly discussed to put the whole study into perspective.

2.2 Features, Characteristics and Peculiarities of Legal English

Legal discourse is quite distinct from other types of discourse and genres. Legal English has aroused interest for researchers and practitioners for thousands of years from different perspectives (Šarcevic, 2000). Legal discourse is a type of language which is employed by lawyers, court judge,

police, juries, legislators, and law makers. Therefore, legal discourse does not state in plain words the conditions of specific social co-existence among human beings, the prevalence of order, prevention of crime and cruelty, "but also it 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).

Legal language has ritualistic, archaic and extremely formal features such as frozen expressions uncommon in ordinary texts, stock phrases, rigid collocations and specialized cohesive devices for anaphoric and cataphoric references as well as inter-textual reference (Garzone, 1999, pp. 3-4). Legal language has been labelled by some linguists as "sublanguage", "dialect" or a "language" and "register" (Van Dijk 1981, pp.279-288). Additionally, legal texts are formulated in a special language that is subject to particular syntactic, semantic and pragmatic constraints. Moreover, legal language is system bound and therefore, it is shaped by particular culture and specific history of particular country. Legal language has its own fixed conventions and peculiarities.

2.3 Features of English Legal Discourse

This section describes the general linguistic features of legal English from lexical, syntactic and discourse perspectives.

2.3.1 Lexical Peculiarities

Meaning and intelligibility are important in translation. Nida and Charles (1969) believes that a translated text whether legal and non-legal should have an immediate meaning—intelligibility—for the target text readers and that an equivalent receptor response must be elicited. In his words, "intelligibility is not to be measured merely in terms of whether the words are understandable and the sentences grammatically constructed, but in

terms of the total impact the message has on the one who receives it" (Nida 1969, p.22). Therefore, choosing the appropriate lexical items is of paramount importance for conveying the legal message and to avoid confusion. The common features of legal English are: frequent use of old words and Middle English. For example, archaic expressions borrowed from old English are quite prevalent. These expressions and phrases are not in use in modern Standard English or everyday English. For example words such as *thereof*, *hereof*, *whereof*, etc. they are not commonly used in ordinary English (Van Dijk, 1981, p. 279).

Moreover, legal English use formal words and phrases more frequently. (Malinkoff 1963) claims that "formal words" is a distinct feature of legal English they are characterized by being dignified, ceremonial, and polite expressions. The preference of "shall" over "will" is viewed as a formal feature e.g. "the first party shall provide the second party with....Further, the word "deem" is used instead of "consider", the word "liable" instead of "responsible" (Squires & Rombaur 1982, p.103). All these lexical peculiarities make legal translation difficult particularly legal contracts. Legal texts use words, phrases and expressions with flexible meanings such as "adequate", "approximately", "clean and neat conditions", "promptly" ...etc.

In addition, legal English employ terminology that has technical meaning and not generally familiar to layman e.g. "waiver", "restraint of trade", "restrictive", "covenant", "promissory estoppel", "contributory negligence", "judicial notice", "injunction, prayer"...etc. (Van Dijk, 1981; Fakhouri, 2008). Moreover, doublets and triplets are very common in legal English which is done by stringing two or three words together to convey what usually a single legal concept. Examples of these include: "will and bequeath", "cease and detest", "null and void", "fit and proper", "perform and

"discharge"...etc. (Van Dijk 1981, p.285). The frequent use of prepositional phrases is one of the lexical features of legal English. Another feature of legal discourse is lack of punctuation. Because there is a general belief among law practitioners that punctuation is unimportant as it may potentially be confusing and that the meaning of legal documents should be gathered solely from words used and the context in which they were used (Van Dijk 1981, p.279). One more final lexical feature of legal discourse is the use of unfamiliar pronouns such as "the same", "the said", "and the aforementioned", etc. The use of such pronouns is very interesting as they do not replace the noun but they are used to supplement them. Legal drafters and practitioners like to repeat the same noun over and over again instead of using a pronoun for maintaining accuracy, preciseness and reference (Haigh, 2004, p.5). All these lexical features may make the job of legal translation practitioners much more tedious and challenging task.

2.3.2 Syntactic Peculiarities of English Legal Texts

English legal language has its own syntactic features and characteristics. Legal sentence is complex and quite different from other types of sentences (Crystal and Davy, 1969, p.203). Here are some of the features that characterize the complexity of English legal sentence.

Legislative texts are known for [...] long and complex sentences, typical use of qualifications to express complex contingencies. In order to make legislative statements not only simple, clear and unambiguous, but all-inclusive also, these qualifications are inserted at various points in the syntax of legislative statements. They also tend to introduce excessive information load at various points in the syntax of such statements, thereby creating barriers to effective understanding of such statements. In order to be able to understand and, to some extent, translate legislative provisions, whether from one language to another or from one audience to another, one is inevitably required to take into account these difficulties (Bahtia, 1997, p.208).

Further, English legal texts is characterized by certain syntactic features which make them challenging for translators. The following features characterizes legal English: the use of passive, Wh-deletion, nominalization conditionals, prepositional phrases, sentences length and complexity, unique determiners, use of impersonality, negatives, binomials and multinomial expressions, unusual word order, use of phrasal verbs, usage of "shall", "may", and "may not" (Van Dijk, 1981; Bahtia, 1997; Maley, 1994 and Crystal and Davy , 1969). Examples for Wh-deletion e.g.: herein (which is), and the use of unusual determiners such as "such" and "said". Additionally, multiple negatives are commonly used in legal English register and they are expressed in words such as "unless", "except"...etc. (Haigh, 2004, p.39 and Fakhouri, 2008, p.22). Moreover, legal English register employs complex sentences which are seldom found in other registers e.g.

To sign agreements, conveyances, transfer, declarations, affidavits, petitions, statements and other documents in my name and on my behalf that are necessary to affect a sale of proper (Haigh, 2004, p.39).

Any person who maliciously and willfully discharges a fireman at an inhabited house, occupied building, is guilty of a felony, and upon conviction shall be punished by imprisonment for seven years (BÁZLIK, 2009, p.14).

Further, impersonal pronouns are quite common in legal English. These gender-neutral pronouns such as "anyone", "every person", "no one", etc. are used in legal documents to avoid inappropriate use of he/her which may

create confusion. Finally, English legal register use binomial and multinomial expressions very frequently. These are parallel structures, i.e. two words belonging to the same form or class (Mellinkoff, 1963 & Emery 1989). Therefore, legal translation does not depend primarily on the linguistics differences between the two languages rather than on structural differences between legal systems.

It is impossible for legal translators to achieve complete equivalence between legal terms of two legal systems; it can only be attained if both legal languages refer to the same legal system, positing an acceptable equivalence between two legal systems and not two languages (Al-Nakhalah, 2013, p.169).

2.3.3 Discourse-Level Peculiarities of English Legal Texts

The discourse peculiarities of legal English are quite different from other discourse forms in English. This is quite evident in the legal style and its wording, long sentences and intention of avoiding ambiguity makes legal register structure as something unique and distinct (Van Dijk, 1981, p.279 and Fakhouri, 2008). The following discourse characterizes legal English: The use of anaphora is quite common in legal register to avoid ambiguity. Certain connectors are used to function as cohesive devices such as "herein after" and "aforesaid".

Additionally, substitution and ellipsis very rare in occurrence in legal English registers, yet there are few examples of both cohesive devices Wh-deletion is seen as a feature of ellipsis. Finally, lexical cohesion is quite common in legal texts. Some words are repeated and reiterated with sentences to make the legal text much more cohesive and less ambiguous. To sum up, legal register is a technical language, but unlike the language used in pure science such as mathematics or physics, legal language is not universal technical language but it is tied to the national language of the legal system of that particular country (Cao, 2013). Legal translations are embedded within

particular social contexts, and subject to a multiplicity of factors that need to be taken into account in addition into fidelity (Ruano, 2015, p.141).

2.4 General Features and Peculiarities of Arabic Legal Discourse

This study is centered on legal contract translation from English into Arabic and vice versa. Having discussed and reviewed the features and peculiarities of legal English, this section depicts Arabic legal language features and characteristics in order to make the picture much clearer for the reader. English language is different from Arabic language due to the differences in their origin, phonological, morphological, syntactic and semantic features. Arabic legal discourse has its own idiosyncratic features and peculiarities and its own distinctive structures and conventions. However, Arabic legal texts are similar in many aspects to their English counterparts regardless to of the linguistic differences between the two languages in form, structure, script, style, meaning and organization. This is supported by Emery (1989) who states that:

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. They two languages differ in their patterns of nominalization, creation of binomials and in their use of highlighting and text markers (Emery, 1989, p.10).

If we compare between the two languages it is quite obvious that the Arabic legal text make more use of grammatical cohesion through references and conjunctions and of infinite sentences than English counterparts do. A closer

look at the legal texts organization and layout in both English and Arabic we will find that they differ to a large extent. Unlike Arabic, English relies heavily on paragraphing and organization of sentences in terms of punctuation, capitalization and italicization, whereas Arabic does not (Emery, 1989).

Arabic legal register has some general lexical, syntactic and discourse-level features which make it distinct from other Arabic registers. Lexically, Arabic has its own legal terminology and a convention as English legal register does. Arabic legal register is characterized by doublets which are word pairs used as redundancies to serve emphasis. Moreover, Arabic legal texts use binomials such as collocations of antonyms, synonyms or near-synonyms (Emery, 1989, p.9). Binomials are used for stylistic purposes e.g. عاجلاً أم عاجلاً "sooner or later", الأمن والسلام "peace and security", ذهاباً وإياباً "round trip". Whereas Arabic has several syntactic features which make it distinct from English. Arabic use both verbal and nominal sentences. Moreover, conditionals are also used and the most common conditional in Arabic is إذا e.g. "If" e.g. (Should) if any of the two parties terminated the contract:

إذا قام أي من الطرفين بإنهاء العقد.

Further, legal Arabic language uses passives and modality. In Arabic legal register auxiliaries are not used. One of Emery's (1989, p.7) examples are the following:

يكون تعيين الموظف تحت الاختبار لستة أشهر.

Modality is expressed in Arabic legal register by sentence initial lexical verbs as in يجوز، لا يجوز، يحظر and preposition ل and علي for rights and obligations respectively. Emery's Examples (1989, p.10)

- على الموظف كجزء من مهام وظيفته أن يبذل قصارى جهده.

A close look to Arabic legal register discourse level features; it is quite evident that Arabic legal register employs lexical cohesion by repeating the same lexical items much more than English legal register does. The following example is taken from Emery's (1989, pp.4-5):

يوقع الطرفان علي ه ذا العقد ويلتزم الطرفان بنصوصه وعند حدوث خلاف يلجا الطرفان إلى لجنة التحكيم.

The (two) parties sign this contract and the two parties abide by its wordings and in case of difference the (two) parties should consult and arbitration committee.

Additionally, Arabic legal register overtly uses cohesive through reference. Since written Arabic is generally more explicit English, less information has to be recovered from the context and more details is specified through prominal references:

تتعهد بان لا تقوم باي عمل يرمي إلى تغيير النظام

Having discussed all these lexical, syntactic and discourse peculiarities for both English and Arabic legal language, it could be argue that these differences can be a source of challenges for translation practitioners from English into Arabic and vice versa. Therefore the current study tries to investigate how translation practitioners perceive these challenges when translating legal contract and how did they cope with these challenges and difficulties. Therefore, legal translation practitioners should have the linguistic creativity and textual competence that would enable him to achieve

communicative equivalence in target text (TT) and familiarity with legal text-types including their terminology and format and the legislation systems (Šarcevic, 2000).

2.5 Translation of Legal Contracts

Legal translation is specialized fields of translation which is practised internationally. It is a kind of translation that involves special language use, that is, Language for Special Purposes (LSP) in the context of law, or Language for Legal Purpose (LLP) (Cao, 2010 and Aghagolzadeh, 2012, p.126). Legal translation consists of taking a document in one language and switching it into another language whilst maintaining the same meaning. Legal translation deals with issues and terms. The field involves translating contracts, statutes, patents any type of legal documentation.

According to Wagner (2003): "*in this era of modernisation and globalisation, legal translation plays an essential role as means of communication enabling the mechanism of the law i.e. the legal reasoning and drafting-to work in more than one language*". Legal translation scope covers varieties of texts; contracts, regulations, deeds, wills, or statutes. However, legal translation can be classified into many types of typology. Legal translation is categorized under the specialist, or technical category of translation. Another classification by (Šarcevic, 1997), in which legal translation can be classified into three major categories according to the functions of legal texts in the source language which are: firstly, primary prescriptive, e.g., law, regulation, codes, contracts, treaties and conventions. Secondly, prescriptive, e.g. judicial decisions and legal instruments such as actions, pleadings, briefs, appeals, requests, petitions, etc. Finally, purely descriptive which include scholarly works written by legal scholars, such as legal opinions, law textbooks, articles etc.

According to Stolze (2013) the scope of legal translation can be summarized in the following cases for practical translation: First, personal administrative documents which are being used to create and enforce a right in another country such as birth certificates and or divorce decrees for marriage, affidavits, education certificates or diplomas for studies abroad, work testimonials for a new employer, medical certificates about an illness during holidays, police reports etc. Second, in penal proceedings such as court sentences, investigation documents for the request of international judicial assistance, summons, office tests and statements of charge may be translated for foreigners. Third, foreign court decisions which include articles of code (penal and civil proceedings) have to be translated. Fourth, trade, commercial and employment contracts are also considered and they need legal translator to cope with them. Finally, international treaties and political agreements are also considered as one of the cases of legal translation (Stolze, 2013, pp.5-6).

Accordingly, legal translators should possess certain skills in order to do their job successfully. Firstly, legal translators must acquire the basic knowledge of the legal systems, both in the source and the target language. Secondly, they must possess familiarity with the relevant terminology. Finally, they must be competent in the target language specific legal writing style (Smith, 1995, p. 181). Additionally, Wagner (2003) adds that legal translators must understand all mechanisms of the law, and the way legal texts are drafted, interpreted and applied in practice.

However, to produce a text leads to the required outcome in practice, the translator must be able "to understand not only what the words mean and what a sentence means, but also what legal effect it is supposed to have, and how to achieve that legal effect in the other language"(Šarcevic,1989,pp.286-297).Furthermore, the most important

characteristic of any legal translation is that a large part of the SL (source language) is culture-specific, as every society has its own legal system.

Therefore, the major challenge in legal translation is how to overcome the conceptual differences among languages. Translation practitioners have to render concepts into TL (target language) which differ from those familiar to its society not just minor decorations or connotations but primarily for institutional reasons. One of the example of culture specific terms such as, in Arabic, "حق الشفاعة" *Hq ashwf3ah* (when a property such as a land or a house is to be sold in the market, the immediate neighbour to the property shall have a priority right over others so purchase it). Moreover, درء الحدود "بالشبهات" *dr?alhwdwdbyashwbwhat*. These Islamic-specific legal terms may not find their equivalents in the TL. However, for the latter example, there might be an equivalent in legal English, e.g., 'the benefit of doubt', which is functionally used sometimes to dismiss a case in the court of law (Bostanji, 2010, p.65). Additionally legal translators differ from other general translators in terms of the method they employ to translate a legal text. They use techniques such as formal correspondence, functional equivalence, borrowing as well as descriptive paraphrases and definitions (AlWazna, 2013, p.906). Legal translators should always aim for producing a target text that have the same effect as that conveyed by the source text (ibid, p.906).

2.5.1 Legal Translation: Where do the Problems Lie?

Law as a system of rules is linked to language for expressing and enforcing these rules. Accordingly, legal language has to provide targeted linguistic instruments whereby of which the specific requirements of legal communication can be met. Some of these linguistic features are common to most legal languages, whereas others are language and culture-specific and thus have a significant and decisive impact on legal translation (Kocbek, n.d., p. 56). Legal language has a rich

history going back thousands of years including not only concepts from other languages such as French, Spanish, Latin, English, etc. but also dialects and professional jargons (Hargitt, 2013). Legal language can communicate everything from the nature of laws to reasoning underlying decisions (ibid, p.428).

Legal register is distinct from other types of genres because it has distinctive terminology. According to Gibbons, (2004, p.2), legal register is full of technical jargon which makes it incomprehensible to lay people who may not know the underlying concepts to which jargon refers to and legal terminology is very complex and can vary from one country to another (Aghagolzadeh, 2012, p.126). Therefore, every country has its own legal system and concepts which make it difficult to find equivalent when translating legal documents (ibid, p.126). Legal language is imbued with legal concepts. These concepts are abstract entities the content of which is clearly defined and restricted by legal system to which these concepts belong (Alwazna, 2013, p.898). This with no doubt leads to the problem of equivalence for culture specific terms which unequivocally make the act of surrounding conceptual differences between the source and target legal system particularly acute (ibid, p.898).

It is quite clear from the quotation above that the problems of legal translation do not lie on the meaning of the legal texts but they go beyond the meaning to other non-linguistic aspects.

2.5.2 Language-related Problems

The legal register contains certain linguistic peculiarities that a translator may not recognize as special problem areas, often being at risk of overlooking some important signals which could facilitate understanding the meaning of the text (BÁZLIK, 2009, p.13). Additionally, Harvey, (2002) claims that translating legal text is considered to be one of the most arduous and demanding jobs that

encountered by translators because of the system-bound nature of legal terminology and its special syntactic, semantic and pragmatic rules Šarcevic (2000, p.8).

Further, legal translation has been seen as a highly sensitive area in translation due to its complex syntax and peculiar convention of legal drafting and differences in source and target languages (Frade, 2015, p.111). According to Baker (1992) the most common problems that legal translators face during the rendering of a legal text are the lack of verbal/functional equivalence in the target language. It requires highly competent translator who task is to stay faithful to the intent, tone, and the format of the original, source legal document and make the text clearer and understandable to the receiver without taking creative liberty which is considered unacceptable in the formal constraints of legal language (Shiflett, n.d.). A legal translator must be able to use the language effectively to express legal actions and achieve the desired effect. For this to be achieved, all linguistic and non-linguistic challenges in legal translation need to be identified. All legal systems contain a number of terms with no counterparts in other legal systems and this can create many problems for translators. Therefore, the linguistic variation between the two languages can create several difficulties for legal translators.

2.5. 3 Genre and Style-related Problems

Most of the words in legal discourse are technical and they belong uniquely and solely to the field of law. The range of legal technical words is, however, as wide as the spheres touches on by law such as 'malicious act', 'deemed', 'larceny', 'decree', 'moots', 'plaintiff', 'defendant', etc. Legal discourse is also made up of foreign words from Latin and French are words such as 'mala fides', 'habeas corpus', ratio decidendi, etc. Examples from French such as 'laches', 'tort', 'commission rotatories', 'emblems'.

These kinds of foreign words are considered by the vast majority of translation practitioners as a source of difficulty (Alabi, 2011). The legal language is the only language, which combines between originality and creativity. Sometimes it adheres to the words that immigrate from languages such as ancient legal terms. Alcaraz & Hughes (2002) say that using Archaism (old term) is done in purpose. The reason behind this is to give a flavor of formality to the language to which they belong. Tiersma (1999) states that “legal language often strives toward great formality; it naturally gravitates towards archaic language” (p. 95). Some lawyers prefer to use traditional terms instead of new ones. For example, they use inquire instead of ask “يسأل”, pursue rather than read “يقرأ”, forthwith in place of at once “حالا” etc. There are also some archaic adverbs, they are actually a mixture of words, using a compound words in the legal documents to give new meaning, e.g., *herein* “في هذا الموضوع مثلا”, *hereto* “بهذه”, *hereinafter* “المشار اليه فيما بعد”, *therein* “في هذا المكان او هنالك مثلا”, *thereto* “علاوة على ذلك”, *thereof* “جاء ذلك”, *thereafter* “من الآن وصاعدا”. For more clarification, here are a number of examples in conjunction with their Arabic translations:

- a. The bank or any affiliate *thereof* البنك أو أى فرع له
- b. Annexes attached *hereto* shall be deemed an integral part *hereof*
- c. Mr. Ahmad *hereinafter* referred to as السيد أحمد المشار اليه فيما بعد فى هذه الوثيقة باسم.

On the other side, sometimes legal language precedes the ordinary language in creating modern vocabularies and terminology. It keeps up with the spirit of the time, putting itself in the foreground and the vanguard. These vocabularies give the law the ability to deal with new situations within legal developments. These words entered into the global dictionaries such as the English term *Zoning* rather than *the administrative divisions of the regions* “التقسيمات الإدارية للمناطق”. The English term *Asylees* instead of *political asylum*

seekers," طالبوا اللجوء السياسي" and the term *Escapees* which means *Runaways*"الهاربون". This renewal in the legal language will inevitably contribute to bridge the linguistic gap that suffered by the English of those terms (Al Shehab, 2013:20).

2.5.4 Culture-related Problems

Legal translation is inherently linked to the particular legal culture of its source texts which is more often than is just different from legal culture in the target text. One of the characteristics of legal discourse is that it contains many abbreviations such as C.A stands for Court of Appeal; Div. Ct. Stands for Divisional Court, etc. (Alabi, 2011). Legal discourse has peculiar word-forming (morphological) characteristics. Additionally, synonyms, antonyms, archaic vocabulary and grammar, neologism, cognates, and capitalization characterize legal discourse and writing style. Moreover, in legal texts word or paragraph spacing is employed to graphically heighten the visual effect of texts. They are printed in nearly unreadable letters and piled up together with hardly any spacing between both and lines and this can create problems for translators and readers. Furthermore, legal documents and proceedings, judgments, reports, oaths, etc. usually employ long statements or sentences yoked together, either broken by commas or semi-colons or completely unbroken which make difficult for readers to comprehend (ibid, p.34)

This shows how difficult and long the sentence in legal text is, which can create several difficulties for translators from English into Arabic. The peculiar stylistic features of legal discourse, use of abbreviations, use of binomials, doublets and triplets, repetition of certain words, complex sentences, repetition of nominals, specialized legal items, use of modals, use of clauses, frequent use of Old English, use of negatives, archaic

expressions, use of unusual prepositional phrases, use of passive, usual spacing and long sentence, etc. makes legal discourse more distinct than other types of discourse genres. Additionally legal translation is among the varieties of translations where the translator is subject to stringent semantic constraints at all level due to the peculiar features of the language of English law on the one hand and the culturally mediated nature of legal discourse on the other (Wang & Sin, 2013, p.883).

2.5.5 Textual Features of Legal Contracts

Legal contracts are simply agreements between two or more parties to exchange performance in a given situation for a specific purpose. The legal actions to be performed are set forth in the substantive provisions in the form of obligations, permissions, authorizations and prohibitions, all of which are enforceable by law (Šarcevic, 2000, pp.133-134). Legal contracts have some basics which make them different from other forms of agreements between two parties. In a legal contract, there must a legally enforceable agreement between two parties who may be individuals or groups, non-professionals or juristic experts. This agreement is often described as a "meeting of minds" (AlCaraz and Hughes 2002, p.126). Then there must be valuable consideration given and received by each party. After that, the parties must intend their promises to be acted on and to be legally binding. Moreover, the subject matter of the contract must not be illegal or "tainted with illegality"; so called " contract killings" are not contracts in law.

Further, the contract must be freely entered into by both parties and both should be of equal bargaining power. Any agreement brought on by fraud, unreasonable influence or oppressive means may be set aside, as may be an unfair bargain or one-sided agreement bargain (AlCaraz and Hughes 2002, pp.126-132).

According to AlCaraz and Hughes (2002, pp.127-132) legal contracts vary a lot but they have the following textual features: First, the descriptive phase of the contract which identifying the types of the action undertaking, commencement or promises of the parties of the contract. Second, recital or preamble is usually common in formal contracts where parties recite the reasons that led them to construct such contract. Commercial contracts sometimes follow this tradition by supplying details of parties' identities, interests and relations to one another and the overall purpose of the contract. Third, the operative provisions, this part usually begins with a clause pronouncing the existence of an agreement between the parties and giving force to it by using a performative verb such as agree, promise, undertake... etc. the rest of this section is devoted to detailed specification of overall bargain of parties. Fourth, definitions of terms, defining terms is something of utmost importance in some contract to make the intentions clear. Fifth, consideration section, this part is often dedicated to clarifying the nature of mutual exchange of benefits between the two parties.

Therefore, it is the legal sense of the term consideration as in "in consideration of" which means in exchange that is intended here. Sixth, representation and warranties section, this part asserts a matter of fact necessary to guarantee the good faith of each party, such assurances are the ones like those of the quality of the goods sold or services provided the right of each party to act in the contract, and the legal assumptions on which the contract is entered into. Seventh, applicable law, this section illustrates that the two parties state the set of laws to govern the agreement along with clarifying the courts which are competent in case of dispute. Eighth, severability, this section is optional in which the two parties may agree that if any party of the contract is deemed inoperative or unlawful, the rest of the agreement will remain valid and binding. Ninth, signature

section, the signatories names are printed legibly above or below their signatures, and if any of the parties are juristic person, his/her professional capacity is appended. Finally, schedules, these are known as "exhibits", "appendices" or "annexes".

They contain miscellaneous information of interest to the parties (e.g. shipping documents, technical specifications, power of attorney, or other similar materials. All these textual features of such legal contracts may make them much more difficult and challenging to translate than other legal texts. Therefore, translation practitioners need to put into consideration all these sections when translating legal contracts from English into Arabic or vice versa.

Furthermore, Hiltunen (1990, p.13) offers guidelines and standard criteria on writing and easy-to-understand legal documents for translation practitioners and legal drafters: first, long, archaic should be avoided, second, sentences should be made short where possible and translators should get rid of all superfluous terms and long sentences can be shortening mechanically, third, active voice should be preferred over passive voice, fourth, documents should be made more personal, i.e. the use of pronouns is desired on the account of nouns when they refer to the parties of an agreement, finally, present tense are recommended to be used and they should be finite than participles. The above mentioned criteria aim at making legal documents comprehensible to the lay man (*Dámová, 2007*). Therefore, a good and competent legal translator must be linguist and should have knowledge in the legal field and this would very likely help them to overcome legal translation challenges and difficulties (Kananer, 2005).

2.6 Review of Related Empirical Studies Worldwide and in the Arab World

There is a plethora of research that has been undertaken regionally and internationally and the main ones will be discussed and reviewed. Empirical studies related to challenges and difficulties related to legal translation in general and legal contracts in particular will be thoroughly discussed and reviewed.

The purpose of this part is to provide context for the study and to show where this study fits into existing body of knowledge and to pinpoint and outline the gaps in the previous studies. Many studies on challenges in legal translation in the Gulf and worldwide have been reviewed as an attempt to build the contextual and conceptual framework of the study. Most of the studies have limitations with regard to methodology because they used mostly corpus-based approaches to collect data and translation practitioners' views on legal translation challenges were overlooked. Therefore, this study attempts to fill this gap by looking into translation practitioners' perceptions with regard to challenges when translating legal contract and compare them with the findings of empirical studies of the existing relevant literature.

Dumitrescu (2014) conducted a study to identify the difficulties and find approaches in translating legal text which involve a lot of different types of translation problems. The researcher states that the translator has the task to discover proper strategies to render the translated texts comprehensible for the reader in the target language and simultaneously reflecting the unique character of the legal system from the source language country. A number of necessary translation strategies were identified by Dumitrescu that the translators should put into account: the

borrowing of the original terms, the naturalization of specific terms into the target language, the language calques usage, or the introduction of the descriptive translation. Even if a translator attempts to solve any difficulty when he/she translates legal texts, he/she must maintain the source language culture characteristics and not deprive the texts of their specific character. However, the study did not put into account participants' views and perceptions about why they use certain strategies. If it had used the participants' views how the findings would have been different.

Another similar an experimental descriptive study carried out by Al-Nakhalah (2013) to explore the difficulties and problems faced by the students majoring in English language at Al Quds Open University, Gaza region, Palestine in legal translation process, that is; while translating legal documents/ terms from English into Arabic and vice versa. A test includes four questions was administered to 60 male and female undergraduate students. The study concluded that the participants faced problems in selecting the suitable and appropriate legal style and terms when translating from English into Arabic. However, one of the drawbacks of this study is students' views about these difficulties and problems were overlooked.

An empirical study carried out by Simonnaes (2012) to discuss challenges in legal translation from the view of a teacher evaluating the work of semi-professional translators in special setting with the aim of using recurrent errors as a pedagogical resource. The findings were: culture-bound legal terms and specific legal terms and particular type of style and convention. A lack of knowledge of the particular subject domains has proven to be one of the most demanding challenges. They study recommend using

different teaching strategies to legal translation could help translators to cope with these challenges.

Elayyan (2010) conducted a study to investigate the major problems that English language undergraduate students face in translating a legal text. 50 male and female undergraduate students in a B.A programme were chosen from public and private universities. Two instruments of data collection were used which are: a test comprising 30 sentences from legal contracts and agreements. Additionally, five students and five professors were interviewed about legal translation problems and their solutions to see if their views match the actual results. The findings showed that translating legal texts is a difficult task for undergraduate students due to linguistic problems such as semantic, syntactic, stylistic and cultural ones as well as non-linguistic problems such as students' lack of awareness of legal texts' sensitivity and misuse of dictionaries. The study suggested that students who wish to specialize in translation should have the appropriate competence in both Arabic and English languages and cultures, since their weakness in any of this pair of languages is responsible for all the main problems. Additionally, Alayyan suggested that legal translation has to be tackled by specialist translators because it has special characteristics and require more practice.

A study conducted by Al Najjar (2011) aims at exploring challenges those novice professional translators encountered in translating contracts and agreements in Jordon. Both tests and interviews were used to collect data from 20 participants (male and female) graduated students and two professors of translation and linguistics and three novice translators. The results of the study revealed that novice professional translators faced different types of challenges when translating contracts and agreements. The challenges can be categorized into the following types: semantic-

related challenges (including mistranslations, comprehension-related errors, and referential errors); style-related challenges (including misuse of capitalization, punctuation, formal and informal and usage of modal verbs like "shall"; grammar-related challenges (including tenses and subject-verb agreement); and search-related challenges such as googling (i.e. using Google Translation Software haphazardly).The study concluded that the lack of courses in legal translation, poor searching skills, lack of knowledge of the proper use of translation techniques and lack of specialized legal dictionaries might be behind these challenges. The study recommended that novice legal translators should be trained in translating various legal texts translated by professional translators with a view of enhancing their performance.

Additionally, competent instructors and specialists should be selected to teach legal translation since they are knowledgeable in how to handle such challenges. Although the study used triangulated methodology, however, the researcher believes that the scope and the samples of the study are small which may affect generalizability of findings. Moreover, the perceptions of the participants were overlooked.

A study conducted by Bostanji (2010) investigating the differences and similarities between Arabic and English legal texts in terms of structure and stylistic features. It also aimed at tackling the difficulties involved in legal translation practice in Saudi Arabia, as well as the effects on legal translation that results from legal translators consulting with legal drafters. Two methods were utilized to collect the data namely: a contrastive linguistic analysis of both English and Arabic legal texts in general and contracts and legal agreements in particular were as data collection tools. Additionally, an empirical study was conducted based on the data collected from translation professional such as legal translators

and lawyers specializing in legal drafting in Saudi Arabia. The results confirmed that legal texts are far more difficult compared to the translation of other texts, the majority of legal translators find translation of legal texts from Arabic into English is more difficult than translation from English into Arabic.

Moreover, the translation of commercial contracts and agreements from Arabic into English is more difficult than translation from English into Arabic. The researcher claims that the main reasons for this might be that the native language of Arabic translators, the lack of sufficient proficiency in English and legal register in particular and lack of consultation with legal English experts. Further, the study revealed that the translation of culture-specific legal terms constitutes a significant difficulty for legal translators in translating commercial contracts and agreements from Arabic into English and vice versa, followed by legal terminology, text layout, tense use, modals, punctuation, capitalization and sentence structure. The study confirmed that the majority of legal translators in Saudi Arabia believed that collaboration between legal translators and legal drafters when translating commercial contracts and agreements is of utmost importance. One of the limitations of this study is that translators' perceptions about challenges in legal translation were not considered. If their perceptions were considered they might strengthen the study results and findings.

Hadzivasiliou (2009) conducted study based on the translation two judgements from the European Court of Justice and the United Kingdom as well as two texts from textbooks, one from English criminal law and one on European Union law. The researcher investigated how the different legal systems of the Netherlands and the UK affect translation and how EU documents are different, but can equally raise problems

based on the possible legal effect of these texts for instance. The researcher stated that the majority of legal texts are special and consist of texts from different national legal systems which remain the biggest challenge for legal translator. The researcher concluded that the translator does not only have to translate from one language to another, but also from one legal system to the other as well, he needs to be educated in law to be able to translate legally binding texts and translate with utmost care. It could be argued that legal translation challenges are not only linguistic ones but they can be non-linguistic within one language if the two texts belong to two different legal systems.

A study conducted by Altay's (2002) to investigate problems encountered in translating legal texts between the English and the Turkish Languages and legal systems, which are mostly encountered by student studying legal translation at Hacettepe University in Turkey. The researcher compared between Turkish and English legal texts. Altay argued that translators should be able to use legal language effectively to express legal concepts in order to achieve the desired effect. They must be familiar with conventional rules and styles of legal texts in every field of the individual legal systems. He concludes that a legal translator must not forget that even a Will is not valid if not written in the correct style. Additionally, the research confirmed that the prominent features of legal style are: very long sentence, archaic vocabulary and the grammar of authoritative older texts, flexible or vague language since lawyers both try to be as precise as possible and use general and flexible language.

A study carried out by Abu-Ghazal (1996) to investigate the translational problems faced by translators and 20 M.A students from Yarmouk University. Four UN resolutions were given to the students to translate from English into Arabic. The findings revealed that the participants

faced problems related to layout, syntax, lexical and cohesion issues. The researcher concluded that the student translators should be exposed to intense training in legal translation before joining their career. It is quite evident that legal translation problems are not only linguistic one but they can go beyond that.

Another study conducted by Al-Bitar (1995) to clarify the differences between legal language and common English texts. Twelve bilateral legal agreements and contracts written between the years 1962-1993 were compared. Al-Bitar investigated the two main areas of nominal groups in addition to other grammatical units: complexity of the noun phrase and type of modification. The researcher concludes that there are differences between the use of complex noun phrases and the high frequency of wh-relative clauses and prepositional relative clauses as post-nominal modifiers of the finite verbs in legal texts.

A study conducted by Farghal&Shunnaq (1992) focused on the problematic areas in translating UN legal documents encountered by M.A translation students at Yarmouk University, Jordan in their comprehensive examinations. A UN legal document was translated by thirteen M.A students. The problems were classified by the researcher into three categories: syntax-related problems, layout-related problems, and tenor-relate problems. The syntactic problems include the misuse of finite clause where student translators rendered these non-finite clauses by finite one. As to layout-related problems, the researchers discussed the issue of capitalization in English which has no counterpart in Arabic. As for tenor-related problems, they highlighted the difficulty faced by students in differentiating between formal an informal expressions. The researchers pointed out that, with respect to legal language that: "layout refers to the sketch or plan of the text's physical appearance" 'This is

related to paraphrasing, indentation, and graphitic choices, capitalizing, italicizing, underlying and bold-typing. In legal contracts and agreements, some words are purposefully written in capitals to emphasize their importance in the document. The researchers concluded that the major problem faced by students is the wrong choice of legal terms and expressions which would affect the accuracy of their translations. However, the participants' views were not considered in this study.

Emery (1989) carried out study which aimed at elaborating the features of Arabic legal documentary texts and compared them with English counterparts. The researcher recommended that novice translators should be able to appreciate the structural and stylistic differences between English and Arabic discourses, so they can produce acceptable translations of legal documents. Although the scope of Emery's study is quite limited, but the study is considered one of the few works dealt with general features of Arabic legal language in the Arab world context.

In most of these studies the participants' views were overlooked and most of them were descriptive in their nature. Most of them looked into difficulties and problems of legal translation faced by translation practitioners and students but they did not look into the reasons behind these difficulties and how did translation practitioners respond to these challenges and what were the possible strategies for overcoming these translational challenges.

2.7 Chapter Summary

This chapter illustrated some of the key aspects on empirical related literature review and some of its theoretical underpinnings which informed and put the present study into perspective. Further, features and peculiarities of both Arabic and English legal registers were reviewed and

discussed. Problems related to legal translation were highlighted and examples were given. Finally, issues related to legal contracts and their textual features were discussed. Moreover, the chapter expanded on the worldwide and Arab world studies which deal with difficulties and problems that translation practitioners encountered when translating legal texts and contracts.

CHAPTER THREE

Research Methodology

3.1 Introduction

The main objective of this chapter is to describe the methodological part of the study, primarily the subjects, instruments (questionnaires and collection of documents), piloting, validity and reliability issues, as well as the procedures of the main study. The choice of the methodological approach to tackle a research problem should be appropriate to the research questions and should reflect the research topic because the methodology shapes why a certain approach is used and how is to be used (Dörnyei and Toguchi 2010). Thus, the quantitative methods were in this study employed to collect data and analyze data, as well as interpret the results. Additionally, Silverman (2007) asserts that the research method should not be pre-determined; rather that it should be chosen because it is appropriate to what the researcher trying to find out. Therefore, a quantitative method was employed to collect data. The quantitative approach offers practicality in terms of data collection and analysis and provides reliable and replicable data (Dörnyei and Toguchi 2010, p.34). Therefore, quantitative method is appropriate for this research because it would help to explore translation practitioners' views, opinions, experience about difficulties and problems that encountered when translating legal contracts and agreements from English into Arabic and vice versa.

3.2 Study Design

This study is a descriptive study which aims to investigate translation practitioners' views about translation challenges encountered when

translating legal contracts. The method underlying the present study is quantitative approach through the implementation of questionnaires, and documents analysis. Therefore, multiple methods of data collection are to be used to incorporate all the instruments to be used in the study. Research methods are mutually inclusive not exclusive and each one has its own strength and limitation. According to Silverman (2007), no method in qualitative and quantitative research is intrinsically better than any other, choosing a method depends on what a researcher is trying to find out and everything in a research project depends on the research problem being analyzed. In addition, Tashakkori and Teddlie (2010, p.15) added “the ultimate goal of any research project is to answer the questions that were set forth at the beginning of the project. Therefore, quantitative methods are useful if they provide better opportunities for answering research questions, helping the researchers to meet the criteria for evaluating “goodness” of their answers better than do single approach designs.

3.3 Population and Samples

The current study strives to critically investigate translators' practitioners' perceptions about difficulties and problems encountered when translating legal contracts and agreements from English into Arabic and vice versa in the Sultanate of Oman and UAE. A total of thirty three translation practitioners were selected as the sample of this study. Sampling is usually done for the purpose of studying a representative subgroup of a precisely defined population in order to make inference and draw a conclusion about the whole population.

Therefore, this study follows probability sampling and, namely, random sampling was used to select the participants. The study focused on

translation practitioners, mainly in the UAE and the Sultanate of Oman where the researcher was residing. The sample comprised 33 translators both male and female who had been selected from the entire population. Their translation experiences range between 10-30 years. All of them have a similar linguistic background, as Arabic native speakers, and they have been instructed under the same educational system prevalent in Sudan, before they came to the Gulf work as translators. Therefore, the selected groups of participants are relatively homogenous in educational level and the number of years of in translation experience.

3.4 Instruments

Questionnaires are used because they are usually good for what and how many questions. The questionnaires are defined by (Brown, 2001, p. 6, cited in Dörnyei& Taguchi, 2011,p.19) as any written instrument that contains a series of questions or statements present to respondents to which they are to react either by writing out their answers or selecting from existing answers. Questionnaire has become one of the most popular research instruments applied in social sciences. Moreover, it is considered to be as "one of the most common method of data collection in second language (L2) research. The popularity of questionnaires is due to the fact that they are easy to construct, extremely versatile, and uniquely capable of gathering a large amount of information quickly in form that readily processible". (Dörnyei& Taguchi 2010, p.14).Moreover, questionnaires are cost effective and can be used successfully with a variety of people in a variety of situations targeting a variety of topics. (Dörnyei& Taguchi, p.21). Therefore, questionnaire was developed by the researcher and the descriptive constructs were drawn from the relevant literature, and it was to collect data from different Sudanese translation practitioners.

3.4.1 The Translation Practitioners' Questionnaire

The translation practitioners' questionnaire consists of three main parts. It is divided into three parts. *Part One* includes questions concerning demographic information about the translation practitioners (e.g., academic degree, specialty, years of experience, etc.). *Part Two* including 16 statements solicits translation practitioners' perceptions about the difficulties and problems encountered when translating legal contracts and agreements. *Part Three*, investigates participants' opinions and views about legal translation in general, the main challenges that they encountered, the strategies that they employed to overcome such challenges when translating legal contracts and agreements, the possible reasons behind these challenges in relation to their potential workplace needs and their suggestions for coping with such challenges.

3.4.2 Piloting Stage: Establishing Validity and Reliability

Piloting is very important in research to address inevitable potential problems and improve the quality and efficiency of the study. Robson (2011) claims that piloting "helps you to show up some of the inevitable problems of converting your design into reality" (2011, p.405). In addition, Nunan (2002, p.56) adds "piloting gives the researcher the opportunity to find out if the questions are yielding the kind of data required and to eliminate any questions which may be ambiguous or confounding". Therefore, 10 translation practitioners were asked to fill in questionnaires. Dörnyei & Taguchi (2010) point out that questionnaires so much depend on actual wording of items, "field testing" or piloting is considered as "an integral part of questionnaire construction. These trial runs allow the researcher to collect feedback about the instrument works and whether perform the job it has been designed for" (2010, p.8). Based on this

information, a pilot study of the instruments such as questionnaires was carried out and modifications and changes were made to make the instruments to be more reliable and valid. Therefore, it is advisable that piloting should be done to check the length and time given needed to fill in the questionnaire, checking the clarity of the instructions and intelligibility of the questionnaire so as to eliminate any questions that do not yield usable data. Moreover, Dörnyei & Taguchi (2010) add piloting can also indicate problems or potential pitfalls with regard to the administration of the instrument, the overall appearance of the questionnaire, and the length of time necessary to complete the questions set in the instrument. Based on the piloting and the problems and discrepancies were figured out and modifications and corrections were made for all instruments. The following section deals with validity and reliability issues which are essential and of utmost importance in quantitative research.

3.4.2.1 Validity

Validity and reliability are important aspects in checking the tools of inquiry in any research (Al Samawi, 2000). Thus; many procedures have been taken to establish the reliability and validity of this study. Validity, according to Brown (1996, p.231), means that the instrument is in fact measuring what it claims to measure. It includes face validity which shows how the instrument appears and whether it is a reasonable way of gathering information. Content validity, on the other hand, is whether the instrument has an adequate coverage and matches the theoretical framework of the study. Therefore an attempt is made to address these points.

Al Samawi (2000) further asserts that there are three ways for instrument validation which are self-validation, pilot validation and expert-validation. Pilot validation means to put the developed instrument in a real test on a few individuals taken from the research population, not from the sample, to figure out any problems in the items of the instrument. Expert-validation is the validation which is carried out by experts in research techniques and in the specific field of the research to check every item in the instrument against the aims and the variables of the study.

They usually add, delete or modify items in the instrument in question (Al Samawi, 2000, p.69). Al Samawi (2000) adds: Many professional researchers and academic supervisors insist that expert validation is the most useful and it can stand by itself without a need for both self-validation and pilot validation. Therefore expert-validation is employed in this study. The questionnaire was validated by three experts in translation, applied linguistics and education, research methodology and psychology. All irrelevant items were taken out and clear questions were modified and some were deleted. All wordings and clarity were checked and verified against the study questions and objectives to iron out their wrinkles and to meet the intended results. Consequently, a new version was drafted and administered.

3.4.2.2 Reliability

According to Selinger and Shohamy (1989, p.185), reliability is the information on whether the instrument is collecting data in a consistent and accurate way. After piloting stage, the questionnaire was given to an expert in Applied Linguistics and Education to calculate its reliability coefficient. Spearman, Brown's equation ($r = \frac{2r}{1+r}$) was used to calculate

$$1+r$$

and compute the reliability coefficient of the questionnaire. It was found approximately 0.6110 which is somewhat high positive reliability.

3.4.3 Documents Analysis

Additionally, documents analysis was used as tool of inquiry in this study. Robson (2011) noted that document means the written document, whether to be a book, newspaper, etc. Content analysis is one of the common approaches to data collection. 'It is, of course, possible to analyze the contents of documents or other materials which have been collected directly for the purposes of your research' (ibid, p.349). Content analysis is defined by (Krippendorff, 2004, as cited in Robson, 2011, p.349) "a research technique for making replicable and valid inferences from texts (or other meaningful matter) to the contexts of their use' document analysis and review is usually good for how and why questions. Therefore, worldwide and regional previous related studies were reviewed methodologically and discussed to pinpoint the gaps and put the present study into perspective.

3.4.4 Procedures

The administrating of questionnaire was carried out by the researcher as well as three more volunteer friends who have been working as translation practitioners for several years in the Gulf. The reason behind asking others to help in distributing the questionnaire was that for practical reasons and the researcher did not have enough time to meet all these participants in both Oman and the UAE. It is also worth mentioning that the researcher faced many difficulties as he distributed the questionnaire. Out of 50 questionnaires, the researcher got only 33 questionnaires back. Moreover, most of the translators were busy with their duties and they did not have time to fill in the questionnaires in time. It is worth mentioning

that, all the participants were briefed and enlightened about the purpose of the study and asked for their voluntary participation before giving out the questionnaires. All participants' queries and concerns were considered and addressed before distributing the questionnaire. As for document analysis procedures, all the previous relevant studies' findings were reviewed and discussed thoroughly to help the researcher to pinpoint the gaps and answer the study questions.

3.5 Chapter Summary

This chapter has discussed the methodology adopted to collect the required data and has offered a methodological basis for the study. Both theoretical and procedural aspects related to methodology were thoroughly discussed and presented. Study designs, instruments such as questionnaire, document analysis were fully described. Piloting, validity and reliability issues were established and fully highlighted. The procedures which were followed in the study have also been discussed.

CHAPTER FOUR

Data Analysis, Discussion and Interpretation

4.1 Introduction

This chapter addresses the analysis of data, discussion and the data presentation. The results are presented to depict the entire population. The data is displayed in tables and charts and it is also discussed and connected with the relevant literature. Method of analysis includes statistical approach that is adopted in the questionnaire and depends on frequency and percentage and descriptive statistics. The item of high frequency and percentage reflects the most significant, required answers for the study questions. Tables used through out to demonstrate the results of the study. Having collected both the quantitative and qualitative data, the next step is the analysis which demands frequencies and percentages for analyzing the quantitative. Procedures for establishing validity and reliability were applied to the tools of inquiry.

Moreover the main aims of this study are: to explore some of the linguistic challenges that translators encounter when translating legal contracts; to find out the reasons behind these challenges; to determine how far these challenges impact their quality of translation to investigate how do they cope up with these challenges and to suggest and provide some possible strategies which could help translation practitioners to overcome these challenges and inform translation pedagogy. Two methods and research techniques and instruments were used to collect data from the participants and different methods of data analysis were employed to increase confidence in the data and enhance the study validity reliability and credibility. All data collection methods and analysis, participants, sampling were discussed.

4.2 Analysis, Discussion and Interpretation

This section displays the data analysis, discussion and its interpretation.

4.2.1 Questionnaire Results

The results of the questionnaire and the analysis were carried out on the basis of the questions of the study. The results are discussed as follows:

4.3 What are the Translators' Perceptions about Some of the Linguistic Challenges that Encounter When Translating Legal Contracts and Agreements?

Table (4.1): Translation Practitioners' Perceptions about Some of the Language-related Challenges

No	Statement	N	%	M*	SD**
1	It is challenging to translate Arabic legal contracts into English and vice versa.	33	97.1	3.48	1.18
2	I sometimes find the structure of legal sentences quite long and difficult for me when translating legal contracts between English and Arabic.	33	97.1	3.70	.92
3	Legal text layout constitutes a great difficulty for me when translating legal contracts between English and Arabic.	33	97.1	3.00	1.17
4	Culture-specific legal terms are always challenging for me when translating legal contracts between English and Arabic.	33	97.1	3.21	1.11
5	Punctuation and capitalization cause many difficulties for me when translating legal contracts between English and Arabic.	33	97.1	2.61	1.12
6	Translating modal verbs, i.e. <i>shall, will, must, may, etc.</i> is one of the challenges when translating between English and Arabic.	33	97.1	3.85	3.50
7	Tenses used in legal contracts create difficulty for me when translating between English and Arabic.	33	97.1	2.55	1.09
8	It is difficult for me to understand French and Latin words when translating legal contracts between English and Arabic.	33	97.1	3.18	.95

* M= Mean

**SD= Standard Deviation

This table (4.2) displays the data descriptively in for of mean (M) and standard deviation (SD). For more details see appendix (II).

Chart (4.1): Translation Practitioners' Perceptions about Some of the Language-related Challenges

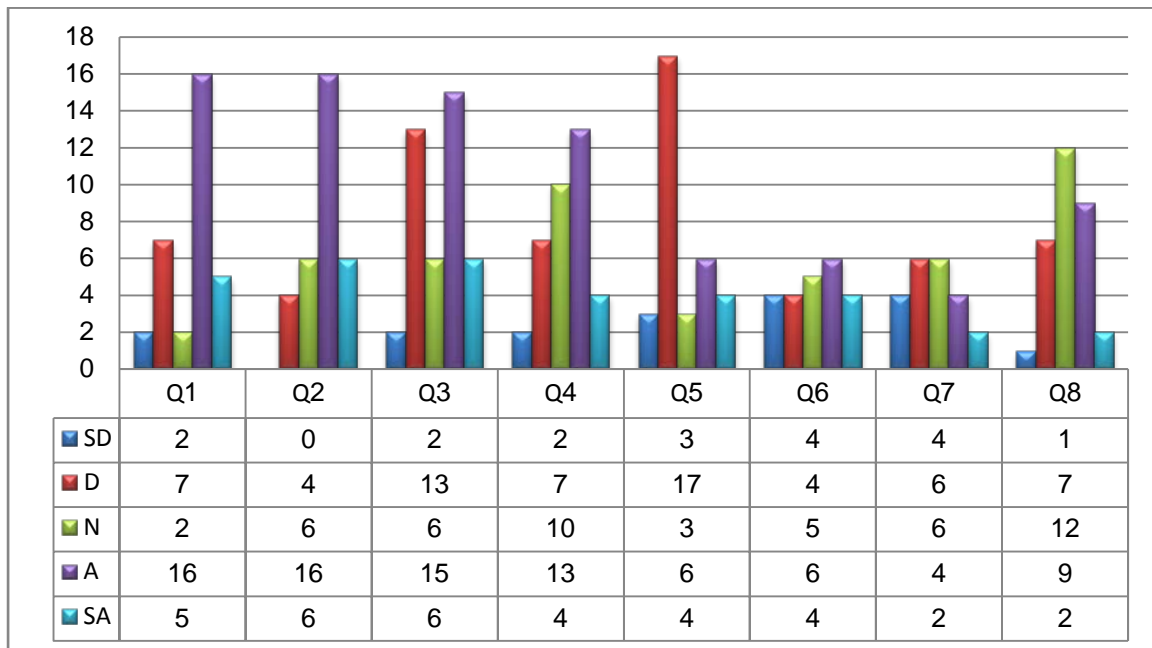


Chart (4.1) depicts translation practitioners' perceptions and views about legal translation in general and contracts and agreements in particular. In response to item 1 in the questionnaire, 48% of the respondents "agreed" that it is challenging for them to translate Arabic legal contracts into English and vice versa, while 6% of the respondents "disagreed" with the statement and 6% reported by "not sure". This is quite evident that translating legal contract is perceived by participants as something challenging. This finding is supported by (Bostanji, 2010, p. 65):

"The major challenge in legal translation is how to overcome the conceptual differences among languages. Translation practitioners have to render concepts into TL (target language) which differ from those familiar to its society not just minor decorations or connotations but primarily for institutional reasons."

Concerning item 2, 48% of the respondents "agreed" that the structure of legal sentence is quite long and difficult for them when translating legal contracts between English and Arabic and only 12% "disagreed" with the

statement. This corroborates with Haigh (2004) and Crystal & Davy (1969) that legal sentence is complex and quite different from other types of sentences and legal English register employs complex sentence which is rarely found in other registers. As for item 3, legal text layout, 45% the respondents "agreed" that the legal text layout constitutes a great difficulty for them when translating legal contracts between English and Arabic, while 39% reported by "disagreement" and 18% were not sure. This result corroborates with Farghal&Shunnaq's (1992) study findings that:

"As to layout-related problems, the researchers discussed the issue of capitalization in English which has no counterpart in Arabic. As for tenor-related problems, they highlighted the difficulty faced by students in differentiating between formal and informal expressions. The researchers pointed out that, with respect to legal language that: 'layout refers to the sketch or plan of the text's physical appearance' This related to paraphrasing, indentation, and graphitic choices, capitalizing, italicizing, underlining and bold-typing. In legal contracts and agreements, some words are purposefully written in capitals to emphasizing their importance in the document."

It is quite obvious that legal text layout constitutes a great difficulty for translators when translating legal contracts from English into Arabic.

Regarding item 4, 39% of the respondents "agreed" that culture-specific legal terms are always challenging for them when translating legal contracts between English and Arabic. On the other hand, 21% of the respondents "disagreed", and 30% reported by "not sure". It could be argued that culture-specific legal terms are not a big issue for a considerable number of the respondents and but yet it still a source of challenge for some of them. This lends support to this view:

Legal translation is among the varieties of translations where the translator subject to stringent semantic constraints at all level due to the peculiar features of the language of

English law on the one hand and the culturally mediated nature of legal discourse on the other(Wang & Sin, 2013, p.883).

As for item 5, only 18% of the respondent believed that punctuation and capitalization cause difficulty for them when translating legal contracts between English and Arabic, however, 51% reported by "disagree" and only 9% were not sure. It is quite evident that the majority of the respondents believed that writing mechanics are a problem for them when translating legal contracts between English and Arabic.

In response to item 6, only 12% of the respondents "agreed" that translating modals such as *shall, will, must, may*, etc. is one of the challenges that they encountered in legal translation, whereas 18% "disagreed" and 15% said "not sure". It is quite clear that the respondents believed that translating modal is not a big problem for them. However this contradicts Al Najjar (2011) findings:

"... Novice translators faced different kinds of challenges when translating contracts and agreements. The challenges can be categorized into the following: semantic-related challenges (including mistranslations, comprehension-related errors, and referential errors); style-related challenges (including misuse of capitalization, punctuation, formal and informal and usage of modal verbs like "shall"; grammar-related challenges (including tenses and subject-verb agreement); and research-related challenges such as googling (i.e. using Google Translation Software haphazardly)" (xiv).

Concerning item 7, 18% of the respondents "agreed" that translating tenses used in legal contracts create difficulty for them when translating between English and Arabic. On the other hand, 48% "disagreed", and only 18% were not sure. It is quite clear that tenses used in legal contracts are not a source of difficulty for these particular respondents.

Finally, for item 8, 27% of the respondents believed that it was difficult for them to understand French and Latin words when translating legal contracts between English and Arabic, 21% "disagreed", and 36% were not sure. This is supported by Hargitt's (2013) view:

"The genesis of legal language terms is mostly Latin which makes it even challenging and less accessible (Hargitt, 2013, p.427)."

Table (4.2): Translation Practitioners' Perceptions about Some of the Language-related Challenges

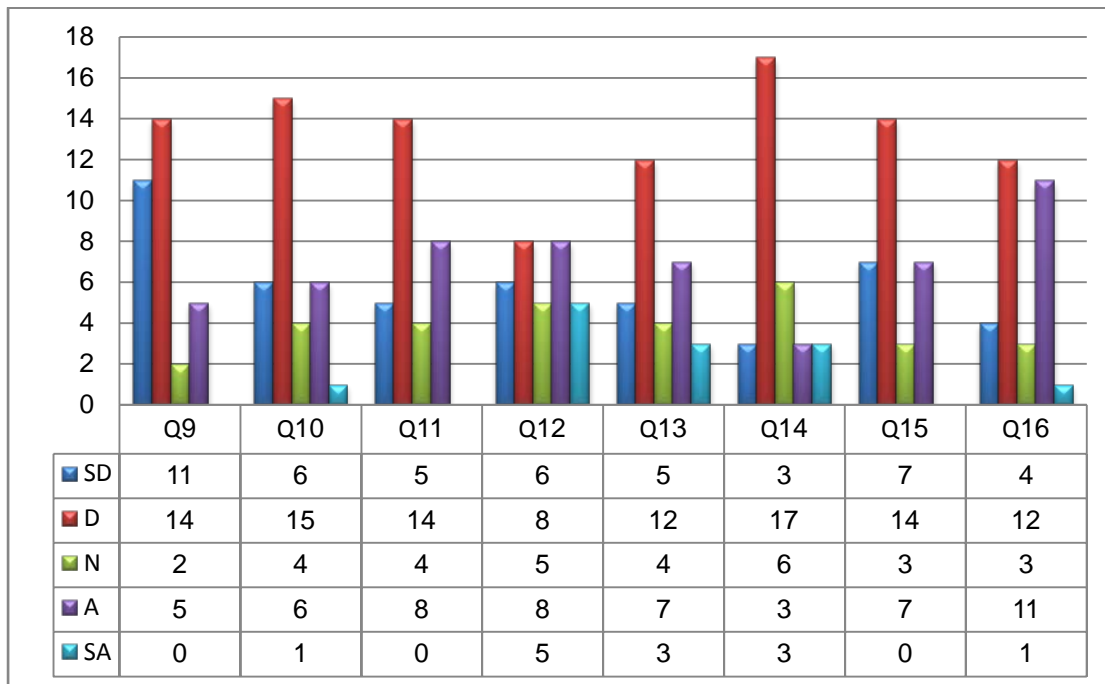
No	Statement	N	%	M*	SD**
9	It is difficult for me to understand legal contracts when translating between English and Arabic.	33	97.1	2.09	1.07
10	I find it difficult to find suitable equivalent to terms when translating legal contracts between English and Arabic.	33	97.1	2.48	1.12
11	I find concepts in legal contracts difficult for me when translating legal contracts between English and Arabic.	33	97.1	2.55	1.06
12	I find legal abbreviations difficult when translating legal contracts between English and Arabic.	33	97.1	3.00	1.41
13	I find legal binomial expressions and parallel structures, i.e. <i>direct or supervise, liable and responsible, generally and specifically</i> , etc. difficult when translating legal contracts between English and Arabic.	33	97.1	2.73	1.26
14	I find it difficult to translate multiple negatives when translating legal contracts between English and Arabic.	33	97.1	2.64	1.11
15	It is challenging to translate words and expressions, i.e. <i>hereinafter, hereto, hereby, aforesaid, whosoever, herein</i> , etc. when translating legal contracts between English and Arabic.	33	97.1	2.36	1.08
16	It is difficult to translate doublets, i.e. <i>will and bequests, aid and abet, cease and desist, last will and testament</i> , etc. when translating legal contracts between English and Arabic.	33	97.1	2.82	1.13

* M= Mean

**SD= Standard Deviation

This table (4.2) displays the data descriptively in for of mean (M) and standard deviation (SD). For more details see appendix (II).

Chart (4.2): Translation Practitioners' Perceptions about Some of the Language-related Challenges



This chart (4.2) illustrates legal translation practitioners' views and perceptions about difficulties and challenges that encountered when translating legal contracts between English and Arabic. As for item 9, 15% of the respondents "agreed" that they find it difficult to understand legal contracts, 42% "disagreed", and only 6% were not sure. It is quite obvious that the majority of the respondents believed that it was not difficult for them to understand legal contracts when translating between English and Arabic.

Regarding item 10, 18% of the respondents "agreed" that finding suitable equivalent terms is a problem for them when translating legal contracts, 6% were not sure, and 45% "disagreed". Interestingly these findings contradict Baker's (1999) view:

....the most common problems that legal translators face during the rendering of a legal text are the lack of verbal / functional equivalence in the target language. It requires highly competent translator whose task is to stay faithful to the intent, tone,

and the format of the original, source legal document and make the text clear and understandable to the receiver without take any creative liberty which is considered unacceptable in the formal constraints of legal language (p.301).

In response to item 11, 24% of the respondents believed that they found concepts in legal contracts difficult for them to understand when translating legal contracts between English and Arabic, 42 % "disagreed", and 12% were not sure. It could be argued that the respondents might be experienced translators and that they believed that they do not have any problems with the translation of legal concepts. This contradicts Kananer's (2005, p.1) view:

"... legal translation is difficult than any other types of technical translation because of the system-bound nature of legal terminology unlike scientific or other technical terminology as each country has its own legal terminology which has no counterpart in other legal systems."

As for item 12, 24% of the respondents "agreed" that they found it difficult to understand legal abbreviations when translating legal contracts between English and Arabic, 24 % "disagreed", and 15% were not sure. It is quite evident that the legal abbreviations were indeed a big issue for them when translating legal contracts between English and Arabic.

Concerning item 13, whether the respondents find legal binomial expressions and parallel structures, i.e. *direct or supervise, liable and responsible, generally and specifically*, etc. difficult when translating legal contracts between English and Arabic or not. 21% of the respondents believed that was indeed difficult for them, 36% "disagreed", and only 12% were not sure. Again, this may be due to their substantial experience in legal translation.

As for item 14, 9% "agreed" regarding the difficulty involved in translating multiple negatives when translating legal contracts between

English and Arabic, 51% believed that it was not difficult for them, and 18% said they were "not sure". It is quite evident that the majority of the respondents (51%) believed that multiple negatives were a problem for them when translating legal contracts between English and Arabic.

Regarding item 15, 21% respondents believed that it was challenging for them to translate words and expressions, i.e. *hereinafter*, *hereto*, *hereby*, *aforesaid*, *whosoever*, *herein*, etc. when translating legal contracts between English and Arabic. Whereas, 42% "disagreed", and only 9% were not sure.

Finally, item 16, 33% of the respondents "agreed" that it was difficult to translate doublets, i.e. *will and bequests*, *aid and abet*, *cease and desist*, *last will and testament*, etc. when translating legal contracts between English and Arabic. On the other hand, 36% "disagreed", and 9% were not sure. This is consistent with this Karjo's (2015) view:

"Unlike general English text, legal English text is much more difficult to translate because legal English translation is not only about transferring the meaning but it also deals with finding the appropriate legal expressions in target language" (p.352).

4.3.1 Why do Translation Practitioners Encounter such Kind of Challenges?

In response to this question here are some of the extracts from the questionnaire's open-ended questions. A translation practitioner believed that:

"We are not exposed to legal context as the way we are exposed to other types of texts".

Based on this response, it could be argued that lack of exposure and unfamiliarity with legal discourse could be one of the reasons which let

them encounter such difficulties and challenges when translating legal contracts between English and Arabic.

- **Culture-related factors:** Another respondent said, because *"they [legal contracts and agreements] are based on the inherent incongruity of legal systems, cultures and languages."*

Yet another translation practitioner said: *'How to find a suitable equivalent. 'And''Rendering languages to other languages sometimes can be tough.'*

A translator believed that: *Because the translators lack legal knowledge of legal register, context as well as the opportunity to gain it or to be exposed to it. Also, culture-related problems are due to the minimal exposure to the other languages".*

- **Language-related factors:** A translator expressed that: *"the differences between ST & TT legal systems in addition to, many legal terms in English are originated from other modern and ancient European languages".*

Another respondent added: *"The main reason is that the legal texts are written by technical writers."*

Others: Another similar view: *'lack of legal background, knowledge and experience. Long sentences and punctuation, etc. could be one of the challenges*

A translator said: *'there are so many local abbreviations that the translator has to know, also the names of the new coined words which differ from one Arab country to another.'*

To sum up, all the previous extracts illustrate some of the main reasons behind the challenges in translating legal contracts between English and Arabic. Lack of legal knowledge and awareness of the target context as well as the linguistic and culture-related factors could be the major reasons. It is worth mentioning that, the above mentioned reasons are consistent with other findings in the literature such as (Karjo, 2015; Frade, 2015; Hargitt, 2013; Alwazna, 2013; Wang & Sin, 2013; Alabi,

2011, Al Najjar, 2011; Bostanji, 2010; Elayyan, 2010; Al-Nakhalah, 2013; Simonnaes, 2012 and BÁZLIK, 2009).

4.3.2 How do these Challenges Impact on the Quality of Translation?

As for this question, several extracts from the qualitative data (open-ended questions) were selected to answer this question.

A translation practitioner reported that: *'these challenges impact my translation quality positively by giving me more confidence to learn more about legal terms.'*

Another respondent said: *'they could distort the original meaning of the texts and could impact on quality criteria'.*

Another translation practitioner said: *"Always very much. The strongest lexicon-legal terms, the strongest produced text I can have. This will inform me to make up my mind to change legal expressions."*

Moreover, a respondent reported that *"the challenges affect the quality of legal translation with nearly 25%. (Knowledge of the "legal language used is of great importance, especially when translation from Arabic into English"*

Yet another translation practitioner said: *"Understanding the meaning of terminology in the source language is helpful in translating the target language, but not much as I can get some assistance from my colleagues"*.

Another translator reported: *"I sometimes spend a life puzzling over the meaning of words". Impact at first was quite big, but with experience it came to a minimum"*.

This corroborates with Karjo's (2015) statement: 'Unlike general English text, legal English text is much more difficult to translate because legal English translation is not only about transferring the meaning but it also deals with finding the appropriate legal expressions in target language' (Karjo, 2015, p.352)

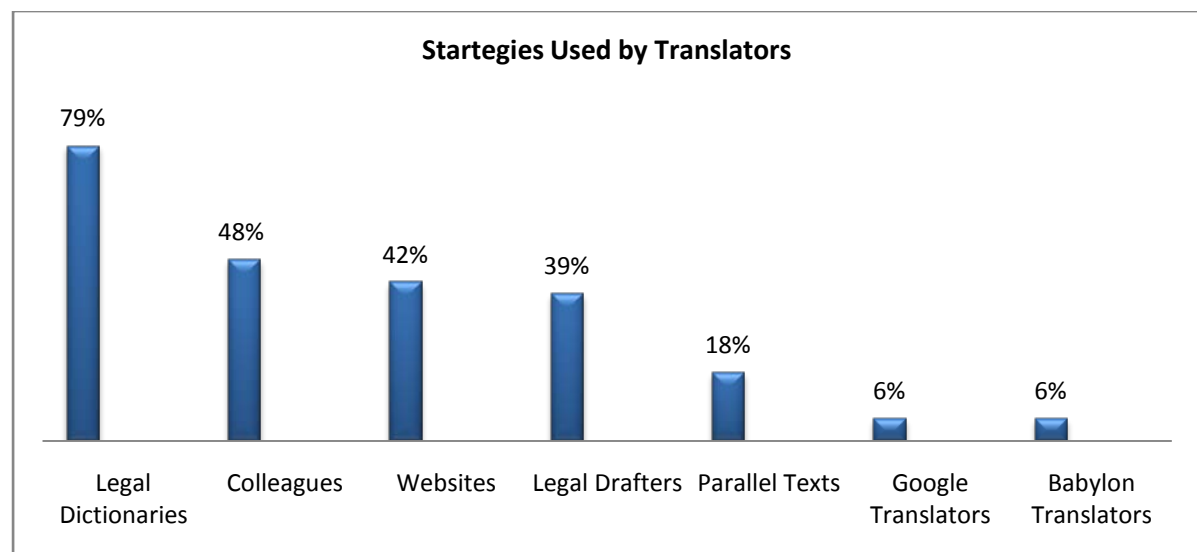
A close look at the above mentioned respondents' views, it could be argued that these challenges whether language-related, culture-related or others can have a great impact on the quality of the legal contracts

translation. It seems it is quite obvious these challenges can affect the quality of the translated texts in a negative way and they distort the rendered meaning of the whole document or contracts. Therefore, legal translation practitioners need to exert their efforts and put their supreme attention into these challenges by addressing them using the appropriate strategies.

4.3.3 How do they Respond to these Challenges?

As for this question, respondents have reported many strategies for coping with these challenges. The chart (4.3) below illustrates some of their strategies for dealing with these translation challenges.

Chart (4.3) Strategies Used by Translators to Overcome Translational Legal Contracts Challenges



This graph displays the respondents' views and perceptions about the strategies that they used in dealing with these challenges. The vast majority of the translation practitioners' (79%) reported that they used legal dictionaries as a coping strategy to deal with all legal contracts language-related challenges. On the other hand 48% of the respondents said that they consult their colleagues to help them overcome such

challenges. 39% of the respondent's believed that they sought help from legal drafters to respond to challenges and difficulties. Additionally, 18% of the respondents reported that they used parallel texts to deal with such challenges. 6% of the respondents reported that they used Google Translate and Corpora Database to help them overcome any difficulty or problem that they encounter with the translation of legal contracts. Moreover, 6% of them said that they used Babylon Translators to deal with these language-related challenges.

To sum up, there are several strategies were reported to have been used by the surveyed respondents to solve all their translation challenges. It is quite evident that coping strategies such as legal dictionaries and consulting colleagues are much more used than other strategies. Therefore, having the right legal dictionaries is something of utmost importance for legal translators to deal with legal texts translation challenges. Moreover, translator's familiarity with translation websites and software is also quite important to deal with legal translation salient problems and difficulties.

4.3.4 What are the Possible Strategies that could be Offered to Help Translators to Overcome these Challenges?

As for the question, the surveyed respondents reported many strategies which could be used to overcome legal contracts translation challenges. One of the respondents believed that: legal terms should be unified. He said: *'unifying of legal terms English-Arabic including culture-specific ones. Translators should get familiar with many books and dictionaries of legal language which are available in the field.'*

Another respondent reported: *'Translation needs practice, reading and keeping up-to-date with the websites because some terms and expressions you cannot find them in any dictionary and even in Google translation or any site that can translate;*

sometimes you need to bring a suitable translation for a phrase or a word not found in dictionaries".

Yet another translator said: *'Translators should look for a better choice of words and sentences and legal training for those who are starting to become legal translators is a must. Translators should read all samples of standard contracts or legal texts in mother tongue to learn and recognize the Standard English legal writing and how to draft and formulate legal writing. Translators should be familiar with the contemporary law and legal knowledge. Moreover, suitable legal courses training should be offered in the field of legal translation.'*

The above two example quotations from the participants' open-question answers show the importance of using the appropriate legal translation dictionaries whether print or electronic dictionaries in helping translators dealing with legal translation problems and challenges in general and legal contracts translation challenges in particular. Again, familiarity with legal discourse and systems is useful for legal translators and could help translation practitioners dealing with legal contracts translational difficulties and problems.

A translation practitioner added: *'orientation and persistent development in the field of legal translation can provide better answers to these challenges'.*

Another respondent reported: *translators need to "try to learn the standard clauses which are used in all or say most of the legal contracts, read agreements, laws, regulations into both Arabic and English as much as you can and avoid using Google translation too much because that will give you ready solution and deprives you from storing meaning in your memory to use in the future. Translators need to read parallel texts to increase their knowledge in the field of (law, customs, religions, etc.)."*

Another respondent said: *'We need to read contract samples "English and Arabic" and must try as much as we can to use legal terms and expressions, besides, a legal translator must have broad knowledge and background in areas of law, courts, disputes, arbitrations, civil and criminal procedures. Moreover, our Arabic websites are generally very poor comparable to English websites, our Arabic translated texts should be available throughout the internet to provide the contribution. Translators also must get themselves educated and cultured in such areas.'*

These two example quotations also supported the importance of legal knowledge and background in legal translation in general. There are some recommended strategies such as use of parallel text, familiarity with legal systems and target cultures, having Arabic legal translation-related websites, etc.

A translation practitioner suggested:

"Translation of legal documents contains many inherent difficulties. We have to be aware of the fact that this type of translation is burdened with both intricacies of

literary translations and technicalities. Translator should have a deep understanding of the original text as well as full-knowledge of how to deal with intraspecific terminologies. We must be careful not to alter meaning. Therefore, translation of legal documents requires more precision and care. Legal translation should be more literal than focusing on terminological issues, translators are in need for more training that focuses on the application of pragmatics, legal translation, translation competence presupposes not only in-depth knowledge of legal terminology, but also thorough understanding of the communicative legal function of such texts."

Understanding the legal text is a key factor in successful translation. But, the nature of legal terms and discourse make it incomprehensible and difficult for translators. But the in-depth-knowledge and awareness of legal translation can help in this regard.

Another translation practitioner recommended:

"We need to get rid of old-fashion way of drafting and wording legal documents. Further, drafters need to use punctuation to clarify meaning, and they need to shorten legal sentences used in legal documents". Additionally, universities should add more samples of legal texts in their curricula; training institutes for legal translators should be established. Finally, training courses for translators and these courses should be made available to keep up with changes in translation, and exams for accrediting translators should be run even after they get their titles."

Another translator suggested: *"I would recommend that more exposure to and guidance by professionals will help much in improving the standard. I would also suggest that the translator in general should have common knowledge and common sense. Moreover, conducting legal translation workshop by experts on how to use current legal translation strategies is needed"*.

4.4 Chapter Summary

In summary, it is evident that legal translation in general and contract translation in particular require regular training for practitioner in order to respond to the difficulties presented by the nature of legal texts and contracts. It is recommended that university and pre-career and trainings on legal translation diverse issues are important for potential translators. Based on these findings, the study recommends that training can be one of the best solutions to legal translation problems in general and legal contracts in particular. Most importantly, being aware and familiar with legal translation discourse, texts, genre, style, register, terms, etc. can help in dealing with these challenges and problems in a successful

manner. Further, use of translation technology, software and websites could much help in this matter.

Moreover, consulting colleagues and legal drafters can be also of a great help. Finally, legal translators should be linguists and should have legal background. This would definitely help them to handle legal translation challenges effectively and efficiently.

CHAPTER FIVE

Summary of Results, Conclusions and Recommendations

5.1 Summary of Results in Terms of Hypotheses

In this concluding chapter, the data obtained from the questionnaire, open-ended questions and literature was discussed. The main findings of the research are summarized; the major recommendations, pedagogical implications and suggestions for further studies are presented. Finally, the chapter concludes by explaining the contribution of this study, its implications and directions for further research. The purpose of this section is to discuss the statistical results in term of frequencies and percentages as they pertain to the hypotheses. In chapter five hypotheses were addressed. Each hypothesis stated and a discussion of the statistical results which related to it follows. In this chapter these hypotheses are listed below with a description of the out-come of each in form of a summary.

Hypothesis 1

The majority of Sudanese translation practitioners view the translation of legal contract is something problematic due to the language related challenges. However, they have mixed opinions about these challenges.

Thus the findings of the study are supportive to hypothesis (1) which indicates that the majority of Sudanese translation practitioners translating legal contracts pose many difficulties for them. However, they have mixed opinions about these challenges (table, p.). Thus, the findings of this study provide strong support for hypothesis 1.

Hypothesis 2

They encounter such challenges due to the nature and peculiarity of legal texts(Tables, 2, p.). Therefore, the findings does not confirm hypothesis

Hypothesis 3

All these challenges whether language-related, culture-related or genre-related have impacted on their translated texts negatively. Therefore, hypothesis 3 is not strongly supported by the findings of this study because some of the participants reported that they impacted them positively.

Hypothesis 4

Using legal dictionaries, consulting colleagues and using the internet websites are the most commonly used coping strategies to deal with such challenges. Results collected from qualitative data in the open-ended question (no 5) in the questionnaire showed that findings revealed that the main coping strategies are: Using legal dictionaries, consulting colleagues, and using the internet websites. Thus, the findings of the study provide strong support to hypothesis 4.

Hypothesis 5

The most effective possible strategy which could be used to help translation practitioners to overcome such challenges is training. Results collected from qualitative data in the open-ended question (no 8) in the questionnaire showed that findings revealed that the main coping strategies are: Therefore, the findings of the study provide strong support to hypothesis 5 but there are some other possible strategies which have been mentioned by some of the participants.

5.2 Conclusions

The purpose of the study was to investigate translation practitioners' views and perceptions about language-related difficulties and challenges encountered when translating legal contracts between English and Arabic. Of a particular interest, was exploring their perceptions about the reasons behind these challenges. The study went further to investigate how the

participants responded to these challenges. Further, to what extent these challenges had an impact on the quality of their translations and what are the possible strategies that translation practitioners can be utilized to cope with these challenges.

The main data collection methods used to generate data was a questionnaire and therefore the research is not claiming that the results can be generalized due to its tools of data collection limitations.

- The results were highlighted and compared to previous empirical findings from the literature to see how far translation practitioners' perceptions are similar or different from the existing empirical findings.
- The findings showed that the majority of the respondents "agreed" that the translation challenges in legal contexts are not only language-related ones but they involve non-linguistic and other culture-specific challenges.
- The respondents repeatedly said that they have been utilizing different types of strategies to overcome such challenges such as using legal dictionaries, consulting their colleagues and using translation technology and software.
- They believed that these challenges have impacted the quality of their translation negatively and sometimes even they wasted their time to look for a meaning for certain legal clause or expression while missing out on the bigger picture of the whole legal text.
- The respondents have suggested many strategies for helping legal translation practitioners to improve their translation skills.

- Regular training is one of the most recommended strategies as well as having a legal background and knowledge is mandatory for successful legal translation.
- Finally, the results are consistent to some extent with other relevant empirical findings in the literature in both the Arab world and the international contexts.

5.3 Recommendations

Taking into account the results of the study, the study offers the following recommendations:

- The study recommends that legal translation courses and training should be offered periodically by experts in both translation and law, since having a legal background, understanding and knowledge can help a lot in coping with legal translation challenges in general and legal contracts translation in particular.
- Further, translators need to familiarize themselves with the legal systems of both the source and target languages before they start translating legal documents. As the legal systems vary from one country to another even if they speak the same language.
- Additionally, cooperation between legal translator and legal drafters should be established as it would help in coping with such challenges. Moreover, legal translators should have legal drafting background to carry out their job more successfully. Institutions teaching legal translation professionally should be established.
- Finally, legal translation should be more literal than focusing on terminological issues; translators are in need for more training that

focuses on the application of pragmatics to legal translation. Translation competence presupposes not only in-depth knowledge of legal terminology, but also thorough understanding of the communicative legal function of such texts.

The study has practical implications for improving legal translation pedagogy, translation syllabus, / textbooks designers and translation teachers. The findings might help translation syllabus-designers/ textbook writers and decision-makers to organize training courses which may help translation to develop their professional skills and expertise. Each translator working in the field of legal translation should be accredited individually.

5.4 Suggestions for Further Research

The investigation of legal contracts translational problems is too wide area to be covered by such a small scale research. The results of this study can be seen as illustrative rather than conclusive and cannot be generalized due the limitations mentioned in this chapter. A larger and deeper research is, therefore, needed to fill the immense gap in this area. Consequently, the following suggestions for further research can be carried out:

1. A study with a wider scope on the impact of legal translation challenges on the quality of translation.
2. It might be rewarding to investigate legal translation problems and difficulties that Sudanese translators face when translate legal documents by using interviews, text analysis, tests and surveys.
3. It might be useful to examine culture specific challenges in legal contracts and agreements translation.

4. It might be rewarding to examine genre-related challenges in legal contracts and agreements translation.
5. It might be useful to examine textual-related challenges in legal contracts and agreements translation.
6. It might be rewarding to examine strategies that used by legal translators to overcome challenges in legal contracts and agreements translation.

References

- Abu-Ghazal, Q. (1996). *Major problems in legal translation*. M.A Thesis. Yarmouk University, Irbid, Jordan.
- Aghagozadeh, F. (2012). *The analysis of English-Persian legal translations based on systematic functional grammar approach (SFG)*. *Theory and Practice in Language Studies*, Vol. 2, No. 1, pp. 126-131. Doi: 10.4304/tpls.2.1.126-131.
- Alabi, V, A. (2011). *Stylistic features of legal discourse*. Department of English language & Literacy Studies, University of Ilorin.
- Al-Bitar, T. (1995). *Some syntactic and lexical characteristics of legal agreements and contracts written in English*. Unpublished M.A Thesis, University of Jordan, Amman, Jordan.
- Al Aqad, M, H. (2014). *Translation of legal texts between Arabic and English: A case of contracts marriage contracts*. *Arab World English Journal*, Vol. 5, No. 2, pp. 110-121. Retrieved from www.awej.org
- Alawi, N. and Fakhouri, M. (2010). *Translating contracts between English and Arabic: Towards a more pragmatic outcome*. *Jordanian Journal of Modern Languages & Literature (JJMLL)*, Vol. 2, No. 1, pp. 1-28.
- Alcaraz, E. & Hughes, B. (2002). *Legal translation explained*. Manchester: St. Jerome.
- Al Najjar, A, M. (2011). *Challenges that novice translators encounter in translating contracts and agreements in Jordan*. Unpublished M.A thesis, Middle East University (MEU), Jordan.

- Al-Nakhalah, A. M, M. (2013). *Investigating the difficulties and problems faced by the English language students of Al Quds Open University in legal translation process. International Journal of English Language & Translational Studies*, Vol. 1, No. 1, Issue, 3, pp. 166-185. Retrieved from [http:// www.eltsjournal.org](http://www.eltsjournal.org).
- Al-Samawi, A. M. (2000). *Introduction to: Research methods techniques in linguistics and literature*, Sana'a University.
- Al Shehab, M. (2013). *The translatability of English legal sentences into Arabic by Using Google translation. International Journal of English Language and Linguistics Research*, Vol. 1, No. 3, pp. 18-31.
- Altay, A. (2002). *Difficulties encountered in the translation of legal texts: The case of Turkey. Translational Journal*, Vol. 6, No. 2, pp.3-8.
- Alwazna, R. Y. (2013). *Testing the precision of legal translation: The case of translating Islamic legal terms into English. International Journal of Semiotic Law*, Vo. 26, pp. 897-907. Doi: 10.1007/s 11196-013-9331-z
- Baker, M. (1992). *On the other words. A course book on translation*. London: Routledge.
- BÁZLIK, M. (2009). *Common errors committed in translating (not only) legal documents.Brno Studies in English*, Vol. 35, No. 1, pp.13-21.
- Bhatia, V, K. (1997). *Translating legal genres in Ann Trosborg, Text Typology and Translation*. Amsterdam, Philadelphia: John Benjamin's , pp. 203-216

- Bostanji, A, j. (2010). *Legal translation in Saudi Arabia: A contrastive analysis of linguistic challenges encountered by practitioners*. Unpublished PhD, University of Western Sydney, Australia.
- Brown, J. D. (1996). *Understanding research in second language learning: A teachers' guide to statistics and research design*. Cambridge: University Press.
- Cao, D. (2013). *Legal Translation*. Available on [http:// www. Researchgate. net/ Publication/ 275330834](http://www.Researchgate.net/Publication/275330834)
- Crystal, D and Davy, D. (1969). *Investigating English style*. London: Longman.
- Dámová, P. (2007). *The language of law: A stylistic analysis with a focus on lexical (Binomials) expressions*. Unpublished M.A thesis, Masaryk University in Brno.
- Darmstadt, T. (2013). *Translation and law*. *Synaps Journal*, Vol. 28, pp.3-13.
- Dörnyei, Z. and Taguchi, T. (2010). *Questionnaires in second language research: construction, administration, and processing*. UK: Routledge.
- Dumitrescu, A. (2014). *Difficulties in the process of legal translation texts translation*. Available at [http:// www. geocities.com/dspichtinger/dipl.htm](http://www.geocities.com/dspichtinger/dipl.htm).
- Duraner, J. E (2012). *Problematizing the use of parallel texts in legal translation training*. *I.U. Journal of Translation Studies*, Vol. 6, No. 2, pp.135-160.

- Elayyan, N. (2010). *Problems that Jordanian university students majoring in translation encounter when translating legal texts*. Unpublished M.A Thesis, Middle East University (MEU), Amman, Jordon.
- Emery, P.C. (1989). *Legal Arabic Text: Implications for translation*. *Babel*: Vol. 35, pp. 35-40.
- Fakhouri, M. T. (2008). *Legal translation as an act of communication: The translation of contracts between English and Arabic*. Unpublished M.A, An-Najah National University, Nablus, Palestine.
- Farghal, M. & Shunnaq, A. (1999). *Translation with reference to Arabic and English: A practical Guide*. Jordon: Dar Al-Hillal for Translation.
- Farghal, M. & Shunnaq, A. (1992). *Major problems in legal translation*. *Babel*: Vol. 38, No. 4, pp, 203-210.
- Frade, C. (2015). *Legal translation in Brazil: An Entextualization approach*. *The International Journal of Semiotic Law*, Vol. 28, pp. 107-124. Doi: 10.1007/s11196-014-9357-x
- Garzone, G. (1999). *Legal translation functionalist approaches: A contradiction in terms?* University of Bologna, Italy.
- Gibbons, J. (2004). *Taking legal language seriously*. (Eds.), Language in the Law, New Delhi: Orient Longman.
- Hadzivasiliou, R. (2009). *The translation of legal texts: Is legal translation special?* Unpublished M.A thesis, Utrechnt University, Netherlands.
- Haigh, R. (2004). *Legal English*. London: Cavendish Publishing.

- Hiltunen, R. (1984). *The type structure of causal embedding in legal English. Textus (Translation Studies Revisited)*, Vol. 4, pp. 107-121.
- Hargitt, S. (2013). *What could be gained in translation: Legal language and lawyer-linguists a globalized world. Indiana Journal of Global Legal Studies*, Vol. 20, No. 1, pp.425-447.
- Harvey, M. (2002). *What's special about legal translation? Meta*, Vol. 47, pp. 177-185.
- Hatim, B. & Monday, J. (2004). *Translation: Advanced resource book*. London: Routledge.
- Kahaner, S. (2005). *Issues in legal translation. Ccaps Translation and Localization*, pp.1-3. Retrieved from www.gala-global.org/.../issues.
- Karjo, C. H. (2015). *Problems in translating legal text in Indonesian. Arab World English Journal*, Vol. 6, No. 2, pp.352-364. Retrieved from www.awej.org
- Kocbeck, A. (n.d.). *The challenges of intercultural legal communication. IJEMS*, Vol. 1, No.1, University of Primorska, Slovenia.
- Maley, Y. (1994). *The language of the law*. In J. Gibson (ED.), *the language of the law*. New York: Longman.
- Melinda, B. (2011). *Legal Translation and an interspace of language and law. LDMDI, Language and Discourse Section*, pp.357-364.
- Mellinkoff, D. (1963). *The language of the law*. Boston, Little, Brown and Co.

- Newmark, P. (1991). *Approaches to translation*. Oxford and New York: Prentice Hall.
- Nida, E.Y and Charles, R. T. (1969). *The theory and practice of translating*. Brill, Leiden
- Nunan, D. (2005). *Research methods in language learning*. Cambridge: Cambridge University Press.
- Robson, C. (2011). *Real world research*.UK: Wiley Publications.
- Ruano, M.R, M. (2015). *(Trans)formative theorizing in legal translation and / or interpreting: A critical approach to deontological principles*.*The Interpreter and Translator Trainer*, Vo. 9, No. 2, pp. 144-55. Doi: 10.1080/1750399x.2015.1051767.
- Šarcevic, S. (2000). *Legal translation and translation theory: a receiver-oriented approach*.
- Šarcevic, S. (1997). *New approaches to legal translation*. The Hague: *Kluwer Law International*, xiii, 308.
- Šarcevic, S. (1989). *Conceptual dictionaries for translation in the field of law*. *International Journal of Lexicography*, Vol. 2, No. 4, pp. 277-293
- Selinger, H. &Shohamy, E. (1989). *Second language research methods*. Cambridge: Cambridge University Press.
- Shiflett, M.M. (n.d.). *Functional equivalence and its role in legal translation*. Retrieved from

https://www.google.com/?gws_rd=ssl#q=Functional+equivalence+and+its+role+in+legal+translation.

- Simonnæs, I. (2012). *Challenges in legal translation-revisited*. NHH Norwegian School of Economics, pp. 91-102. Retrieved from www.revije.ff.uni-lj.si/linguistica/article/viewFile
- Silverman, D. (2007). *Doing qualitative research*. UK: Sage Publications.
- Smith, S. (1995). *Culture clash. Anglo-American case law and German civil law in translation. Translation and the Law*. Amsterdam: John Benjamins Publishing Company.
- Squires L, B & Rombauer, M. D. (1982). *Legal writing in a nutshell*. St. Paul, Minn; West Pub. Co.
- Stolze, R. (2013). *The legal translator approach to texts*. *Humanities Journal*, Vol. 2, pp. 56-71. Doi: 10.3390/h2010056
- Tashakkori, A. M & Teddlie, C. B. (2010). *Sage handbook of mixed methods in social and behavioral research* (2nded.). London: Sage Publications.
- Tiersma, P. (1999). *Legal language*. Chicago: University of Chicago Press.
- Van Dijk, T. A. (1981). *Studies in the pragmatics of discourse*. The Hague: Mouton.
- Wang, L. & Sin, K.K. (2013). *Legal translation and cultural transfer: A framework for translating the common law into Chinese in Hong Kong*. *International Journal for the Semiotics of Law*, Vol, 26, pp. 883-896.

- Wagner, A. (2003). *Translation of the language of the common law into legal French: myth or reality. International Journal for the Semiotics of Law*, Vol. 16, pp.77-193.

PPENDICES

APPENDIX I

FREQUENCIES VARIABLES=Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Q9 Q10 Q11 Q12 Q13 Q14 Q15 Q16

/STATISTICS=STDDEV MINIMUM MAXIMUM MEAN MEDIAN MODE SUM

/ORDER=ANALYSIS.

Frequencies

Statistics		Q1	Q2	Q3	Q4	Q5	Q6	Q7
N	Valid	33	33	33	33	33	33	33
	Missing	1	1	1	1	1	1	1
	Mean	3.4848	3.6970	3.0000	3.2121	2.6061	3.8485	2.5455
	Median	4.0000	4.0000	3.0000	3.0000	2.0000	4.0000	2.0000
	Mode	4.00	4.00	2.00	3.00 ^a	2.00	4.00	2.00
	Std. Deviation	1.17583	.91804	1.17260	1.11124	1.11634	3.49214	1.09233
	Minimum	1.00	2.00	1.00	1.00	1.00	1.00	1.00
	Maximum	5.00	5.00	5.00	5.00	5.00	22.00	5.00
	Sum	115.00	122.00	99.00	106.00	86.00	127.00	84.00

Statistics

		Q8	Q9	Q10	Q11	Q12	Q13	Q14
N	Valid	33	33	33	33	33	33	33
	Missing	1	1	1	1	1	1	1
	Mean	3.1818	2.0909	2.4848	2.5455	3.0000	2.7273	2.6364
	Median	3.0000	2.0000	2.0000	2.0000	3.0000	2.0000	2.0000
	Mode	3.00	2.00	2.00	2.00 ^a	2.00	2.00	2.00
	Std. Deviation	.95048	1.07132	1.12142	1.06334	1.41421	1.25680	1.11294
	Minimum	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	Maximum	5.00	4.00	5.00	4.00	5.00	5.00	5.00
	Sum	105.00	69.00	82.00	84.00	99.00	90.00	87.00

Statistics

		Q15	Q16
N	Valid	33	33
	Missing	1	1
	Mean	2.3636	2.8182
	Median	2.0000	3.0000
	Mode	2.00	2.00
	Std. Deviation	1.08450	1.13067
	Minimum	1.00	1.00
	Maximum	4.00	5.00
	Sum	78.00	93.00

a. Multiple modes exist. The smallest value is shown

Frequency Table

Q1

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	SD	2	5.9	6.1	6.1
	D	7	20.6	21.2	27.3
	N	2	5.9	6.1	33.3
	A	17	50.0	51.5	84.8
	SA	5	14.7	15.2	100.0
	Total	33	97.1	100.0	
Missing	System	1	2.9		
	Total	34	100.0		

Q2

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	D	4	11.8	12.1	12.1
	N	8	23.5	24.2	36.4
	A	15	44.1	45.5	81.8
	SA	6	17.6	18.2	100.0
	Total	33	97.1	100.0	
Missing	System	1	2.9		
	Total	34	100.0		

Q3

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	SD	2	5.9	6.1	6.1
	D	12	35.3	36.4	42.4
	N	7	20.6	21.2	63.6
	A	8	23.5	24.2	87.9
	SA	4	11.8	12.1	100.0
	Total	33	97.1	100.0	
Missing	System	1	2.9		
	Total	34	100.0		

Q4

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	SD	2	5.9	6.1	6.1
	D	7	20.6	21.2	27.3
	N	10	29.4	30.3	57.6
	A	10	29.4	30.3	87.9
	SA	4	11.8	12.1	100.0
	Total	33	97.1	100.0	
Missing	System	1	2.9		
	Total	34	100.0		

Q5

	Frequency	Percent	Valid Percent	Cumulative Percent
SD	3	8.8	9.1	9.1
D	18	52.9	54.5	63.6
N	3	8.8	9.1	72.7
Valid A	7	20.6	21.2	93.9
SA	2	5.9	6.1	100.0
Total	33	97.1	100.0	
Missing System	1	2.9		
Total	34	100.0		

Q6

	Frequency	Percent	Valid Percent	Cumulative Percent
SD	4	11.8	12.1	12.1
D	5	14.7	15.2	27.3
N	6	17.6	18.2	45.5
Valid A	12	35.3	36.4	81.8
SA	5	14.7	15.2	97.0
22.00	1	2.9	3.0	100.0
Total	33	97.1	100.0	
Missing System	1	2.9		
Total	34	100.0		

Q7

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	SD	4	11.8	12.1	12.1
	D	16	47.1	48.5	60.6
	N	6	17.6	18.2	78.8
	A	5	14.7	15.2	93.9
	SA	2	5.9	6.1	100.0
	Total	33	97.1	100.0	
Missing	System	1	2.9		
	Total	34	100.0		

Q8

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	SD	1	2.9	3.0	3.0
	D	7	20.6	21.2	24.2
	N	12	35.3	36.4	60.6
	A	11	32.4	33.3	93.9
	SA	2	5.9	6.1	100.0
	Total	33	97.1	100.0	
Missing	System	1	2.9		
	Total	34	100.0		

Q9

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	SD	11	32.4	33.3	33.3
	D	14	41.2	42.4	75.8
	N	2	5.9	6.1	81.8
	A	6	17.6	18.2	100.0
	Total	33	97.1	100.0	
Missing	System	1	2.9		
	Total	34	100.0		

Q10

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	SD	6	17.6	18.2	18.2
	D	14	41.2	42.4	60.6
	N	5	14.7	15.2	75.8
	A	7	20.6	21.2	97.0
	SA	1	2.9	3.0	100.0
	Total	33	97.1	100.0	
Missing	System	1	2.9		
	Total	34	100.0		

Q11

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	SD	5	14.7	15.2	15.2
	D	14	41.2	42.4	57.6
	N	5	14.7	15.2	72.7
	A	9	26.5	27.3	100.0
	Total	33	97.1	100.0	
Missing	System	1	2.9		
	Total	34	100.0		

Q12

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	SD	6	17.6	18.2	18.2
	D	8	23.5	24.2	42.4
	N	5	14.7	15.2	57.6
	A	8	23.5	24.2	81.8
	SA	6	17.6	18.2	100.0
	Total	33	97.1	100.0	
Missing	System	1	2.9		
	Total	34	100.0		

Q13

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	SD	5	14.7	15.2	15.2
	D	13	38.2	39.4	54.5
	N	4	11.8	12.1	66.7
	A	8	23.5	24.2	90.9
	SA	3	8.8	9.1	100.0
	Total	33	97.1	100.0	
Missing	System	1	2.9		
	Total	34	100.0		

Q14

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	SD	3	8.8	9.1	9.1
	D	16	47.1	48.5	57.6
	N	7	20.6	21.2	78.8
	A	4	11.8	12.1	90.9
	SA	3	8.8	9.1	100.0
	Total	33	97.1	100.0	
Missing	System	1	2.9		
	Total	34	100.0		

Q15

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	SD	7	20.6	21.2	21.2
	D	15	44.1	45.5	66.7
	N	3	8.8	9.1	75.8
	A	8	23.5	24.2	100.0
	Total	33	97.1	100.0	
Missing	System	1	2.9		
	Total	34	100.0		

Q16

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	SD	4	11.8	12.1	12.1
	D	11	32.4	33.3	45.5
	N	6	17.6	18.2	63.6
	A	11	32.4	33.3	97.0
	SA	1	2.9	3.0	100.0
	Total	33	97.1	100.0	
Missing	System	1	2.9		
	Total	34	100.0		

APPENDIX II

Translation Practitioners' Survey

Dear Participant,

This survey intends to investigate translation practitioners' perceptions about legal contracts and the language-related challenges encountered during translating. You are kindly requested to answer the questions in this questionnaire to the best of your knowledge and ability and provide the researcher with appropriate ideas and suggestions. You may be assured that your responses will remain confidential and will be used for research purposes only. Your identity will not be disclosed when reporting my research findings.

Thank you very much for your cooperation!

Part One: Background Information: Please circle the suitable answer

1. Your degree: **A. B. A B. Higher Diploma C. M.A D. MPhil E. PhD**
2. Specialty: **A. Law B. English C. Business D. Others specify....**
3. Years of Experience : **2-5 6-10 10-15 15- 20 20- 30**
4. How often do you translate legal contracts? **Never Sometimes Always**

Part Two: What views do translation practitioners hold about legal contracts' language-related challenges between English to Arabic and vice versa?

Using the following scale, please indicate your agreement about translators' views in the translation of legal contracts from Arabic into English and from English into Arabic.

1. **Strongly Disagree (SD) = 1**
2. **Disagree (D) = 2**
3. **Neutral (N) = 3**
4. **Agree (A) = 4**
5. **Strongly Agree (SA)= 5**

No	Statement	SD	D	N	A	SA
1.	It is challenging to translate Arabic legal contracts into English and vice versa.					
2.	I sometimes find the structure of legal sentences quite long and difficult for me when translating legal contracts between English and Arabic.					
3.	Legal text layout constitutes a great difficulty for me when translating legal contracts between English and Arabic.					
4.	Culture-specific legal terms are always challenging for me when translating legal contracts between English and Arabic.					
5.	Punctuation and capitalization cause many difficulties for me when translating legal contracts between English and Arabic.					
6.	Translating modal verbs, i.e. <i>shall, will, must, may, etc.</i> is one of the challenges in legal translation					
7.	Tenses used in legal contracts create difficulty for me when translating between English and Arabic.					
8.	It is difficult for me to understand French and Latin words when translating legal contracts between English and Arabic.					
10.	It is difficult for me to understand legal contracts when translating between English and Arabic.					
9.	I find it difficult to find suitable equivalent to terms when translating legal contracts between English and Arabic.					
10.	I find concepts in legal contracts difficult for me when translating legal contracts between English and Arabic.					
11.	I find legal abbreviations difficult when translating legal contracts between English and Arabic.					
12.	I find legal binomial expressions and parallel structures, i.e. <i>direct or supervise, liable and responsible, generally and specifically</i> , etc. difficult when translating legal contracts between English and Arabic.					

13.	I find it difficult to translate multiple negatives when translating legal contracts between English and Arabic.					
14.	It is challenging to translate words and expressions, i.e. <i>hereinafter</i> , <i>hereto</i> , <i>hereby</i> , <i>aforesaid</i> , <i>whosoever</i> , <i>herein</i> , etc. when translating legal contracts between English and Arabic.					
15.	It is difficult to translate doublets, i.e. <i>will and bequests</i> , <i>aid and abet</i> , <i>cease and desist</i> , <i>last will and testament</i> , etc. when translating legal contracts between English and Arabic.					
Part Three: Please, answer the following questions						
1.	What do you think of legal translation in general?					
2.	In your opinion, what are the main challenges that translation practitioners might face when translating legal contracts? E.g. linguistic, culture-related, translator's legal knowledge....etc.					
3.	In your capacity as a translation practitioner, what are the reasons behind these challenges?					
4.	What type of legal texts do you frequently translate?					
5.	Which specific strategies are particularly important in overcoming these difficulties and challenges? <ul style="list-style-type: none"> a. Legal dictionaries b. Colleagues c. The internet websites d. Legal drafters e. Google translators f. Babylon translator g. Parallel texts h. others, please specify:..... 					

