

## On Translating Legal Collocations (English-Arabic): A Frame of Reference

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### Abstract

*Collocations are combinations of words that co-occur in language use. A collocation is a type of phraseology that refers to the company a word keeps naturally and intuitively in one's mother tongue. Viewed from another angle, collocations are words that collocate with one another in language to form a mini context larger than individual words that may help language users guess their meanings. Above all, collocations represent formality and precision of expression of exact meaning in language, especially in legal language. Further, they are the elements that distinguish a well-knit from a badly-knit legal translation. Another feature of legal combinations is the complexity and uniqueness of the law-specific types of legal collocations that range from cliché collocations through technical, archaic, Latin, French and other foreign collocations. No doubt this unusual complexity and intricacy of collocational ranges and types poses yet huge problems of translation before the legal translator to fix, especially the foreign ones, bearing in mind the differences between the two legal cultures of English and Arabic Languages. Hence, a number of translation procedures and solutions to these problems are put forward in a frame of reference to make the task of translating legal texts less demanding.*

**Keywords:** collocations, legal language, problems, solutions, translation procedures, legal documents.

### 1. Introduction: defining matters and types of collocations

A collocation is a type of word combination that refers to the company a word keeps naturally and intuitively in one's mother tongue. It is simply which word goes with which word. Further, collocations are one major type of phraseology. They are lexical patterns of language. Viewed from another angle, collocations are words that collocate with one another in language to form a context larger than individual words. Together, they combine pairs of mini contexts that may help language users guess their meanings, or the more likely direction of those meanings. This means that words may accept to keep company with certain words, but refuse to co-occur with other words, as confirmed by many legal examples below.

Above all, collocations represent the formality, conservatism and precision of meaning in legal language in particular. Further, collocations are of several linguistic types in language in general, in addition to law-specific types of legal texts including English legal collocations of foreign origins. Not only this, more recently, Biel (2014. See also 2017&2018) [1-3] claims that the conceptual and systematic nature of legal terminology affects legal phraseology (i.e. collocations). Therefore, collocations act as a tool to express complex interrelations between legal concepts and are capable of entering into relations with other terms. (See also Mroczynska, 2023) [4]. Indeed, and as Mitcha *et al* (2022) [5] suggests, collocations and the problems they pose seem to be just as relevant to general language as they are to specialized language (such as legal language). As also Halimi and Alwazna point out, the contrastive analyses are carried out in the legal translation between English and Arabic at the terminological (concept meaning) and phraseological (collocations) levels (2023) [6]. All these are good reasons for studying the problems of translating collocations in legal texts. (See Firth, 1968; Baker;

1992; 49, Crystal, 1980; Emery, 1988; Brashi, 2005; Rojo, 2009: 139; and Ghazala, 1992, 1993, 2008, 2011, 2017 and 2021) [7-18].

### 2. Types of collocations

Thus, collocability is a milestone for legal translators in particular to achieve appropriate word combinations as much lexically, semantically as grammatically in both languages concerned. Collocations as such are grammar-based lexical combinations. Grammatical collocations can be understood to include all possible combinations of words as grammatical categories in certain normal sequences. Here are the major types:

- adjective + noun (bright light)
- verb + noun (cast light)
- noun + verb (light gleams)
- noun + noun (a light source)
- preposition + noun (by the light of the moon)
- noun + preposition (the light from the window)
- verb + adverb (choose carefully)
- verb + preposition (choose between two things)
- count noun collocations (a flock of birds)
- non-count noun collocations (a word of advice)
- adjective + adjective (alive and kicking, etc.)
- noun + of + noun (genitive) (a man of honor)
- noun + and + noun (black and white; vice and virtue, etc.)
- names of sounds collocations (dogs bark; wolves howl, etc.)
- adverb + adverb (secretly and publicly)

(See Oxford Collocations Dictionary, 2002 & 2009 [19,20], Benson *et al*, 1986 [21] and Ghazala (2007&2014) [22,23].

### 3. Legal collocations

As to legal collocations, they occur frequently in legal texts of all types. They are the nerves and tendons of legal language that interlock the phrases, clauses and sentences of legal language (see also Newmark, 1988) [19]. They are a major distinctive feature that marks legal language regarding their formal, conservative and conventional nature. Further, they are the factors that distinguish a good legal translation from a poor version of translation. Many of these collocations are well-established and easily predictable by Arab native translators (e.g. environmental law, military law, political law, etc.), yet many others could raise difficult problems to translators (e.g. shield law, criminal law, dietary law, etc.) for they are not straightforward collocations, and, hence, cannot be translated directly into: قانون درعي/ردعي/مدرع؛ قانون إجرامي؛ قانون حمية/ريجيم (!).

### 4. Problem of the study

The major problem of the study is the special difficulties of translating legal collocations for three reasons: first, to my knowledge they have not been as yet tackled in translation from Arabic into English systematically; secondly, they are demanding due to over-accuracy of legal meaning; thirdly, they include awkward law-specific types which are foreign to English language. For these reasons, the translation of English legal collocations demands urgent attendance to the problems of translating them into Arabic as formally and conservatively as their English originals, and how to fix them.

### 5. The study hypotheses

This study hypothesizes that collocations of all types disperse in all legal documents and texts, and due to the many problems, they pose to translators, they need be discussed and analysed in terms of their translation problems and their solutions, especially those law-specific types of collocations.

### 6. Aims of the study

The aim of the study is threefold: (1) to pick up the major problems of the different types of legal collocations; (2) to find out about practical solutions to these problems; and (3) to suggest the translation procedures that might also help sort these problems out through a frame of reference. Consequently, the translation of legal texts will hopefully become less demanding to tackle than before.

### 7. Importance of the study

The importance of this study lies in the increasing global interest in collocations as a primary component of phraseology in language in general and in legal texts in particular. Legal collocations are essential to legal meaning and penetrate the different forms of legal language. Therefore, they are expected to be a major contributor to the meaning of a legal document both in sense, form and implications. If the translator conducts their translation satisfyingly, he/she would be on the safe side with respect to legal meaning, and the opposite is true. So, care is required to translate them appropriately in terms of formality, conservatism and accuracy into the TL.

### 8. Previous literature

The study of collocations as an essential part of phraseology in language is less than forty years old in English and quite cursory in Arabic language. That is why many are not quite familiar with

the word in both languages. That said, serious works on collocations started with the publication of the American combinatory dictionary (1986), followed by two Oxford dictionaries of collocations for students of English (2009) and Online Oxford Dictionary of Collocations (2002), however with no many research papers on the subject until then. That said, in the past twenty years, a huge number of studies have been done on collocations in English, and translation studies have the translation of collocations on their agendas (see Newmark, 1988). Yet, the situation in Arabic language studies of collocations is unencouraging. Until very recently only few articles were published on the subject in Arabic and later on in English in the area of translation including the two papers by Ghazala (1992&1993) [13,14] in Arabic language, and a long section in his book (2008). Although some lexicography literature was launched by the two sizeable dictionaries of collocations by Ghazala: (2007 & 2014) [22,23], we still suffer a shortage of research on the translation of collocations in language in general both ways: English-Arabic-English. Still, research on legal collocations might be almost meagre, not to say absent altogether from Arabic translation corpus, unlike the rest of the world (as in Poland. (See works on collocations in 2021, 2022 and 2023). Hence, it is the hope of the researcher to give research on collocations in translation a strong nudge.

### 9. Study questions

The questions of this study are mainly about translating English legal collocations into Arabic: Why legal collocations? How important are they to legal documents? What is law-specific collocations? What are the problems of translating them? What are the solutions to these problems? How helpful are translation procedures to resolve these problems? Finally, can these procedures form a frame of reference that can be referred to frequently by legal translators to fix these problems?

### 10. The study results

The study has come up with several results. One result is that phraseology is an essential component of legal terminology, and collocations are the weightiest phrases. Second, collocations are an integral part of legal meaning. Hence, their translation has to be attended to fully. Further, translating legal collocations poses some demanding problems that require to be solved urgently. One more result is that there are different types of legal collocations that can be quite demanding and confusing to translate into Arabic, especially those of foreign origin. The final result of the study is that despite the difficulties of legal collocations, their translation is not insuperable by employing several translation procedures suggested at the end of the study in a frame of reference, thus, to ease the burden of translating legal texts on the part of students, translators and teachers of legal translation. As to the beneficiaries of these results, they are translation students, especially those of specialized legal translation, legal translators, translation teachers and legal institutions and courts in the country in general.

### 11. Limitations of the study

This study is limited to professional translation studies and applications with respect to translating legal collocations in specific, and not necessarily to the translation of all types of collocations in language, though, especially those of foreign origin or mixed English-foreign collocations. Hence, its findings and conclusions are limited to the translation of the collocations of legal documents mainly from English into Arabic.

## 12. Methodology, definitions, tools and theoretical framework of the study

This study follows up the theoretical-analytical methodology: theoretical definitions, arguments of the premises about legal collocations, followed by practical evidence of translated examples from the two languages involved, which are in turn analysed and commented on contrastively, followed by suggesting appropriate solutions by using translation procedures to test their validity and usefulness. These procedures are meant to be a *frame of reference* as a guide to translating legal collocations systematically.

Having clarified the meaning of the term 'collocation' – which is growing more popular among students of translation, translators and language researchers– it is high time now to introduce the problems of translating legal documents in practical terms:

## 13. Translating legal collocations: problems and solutions

### 13.1. General problems

**Problem 1:** the SL (English) collocation does not exist in the TL (Arabic) (e.g. the two collocations: V.A.T.; loss of life) (ضريبة القيمة المضافة؛ الموت)

**Solution:** We employ the following procedures to resolve the problem:

- (1) through translation into الحياة فقدان القيمة المضافة؛
- (2) semi-collocation ضريبة القيمة المضافة؛ نهاية الحياة
- (3) General sense رسوم إضافية؛ وفاة
- (4) ضريبة على المشتريات؛ رحل عن الدنيا/ جاء أجله/ مات حتف أنفه

**Problem 2:** the SL collocation is different in the TL (e.g. gentleman's agreement; good faith; goods and chattels; legacy duty; paper office; dead loss; penal servitude) (اتفاقية شرف؛ نية سليمة/ سريرة نقية؛ أموال منقولة وغير منقولة؛ مكتب مستندات ووثائق)؛ خسارة لا تعوّض؛ أشغال شاقة (في قانون العقوبات الإنجليزي)

**Solution:** translate into sense, or semi-collocations as: اتفاق ودي؛ ثقة طيبة؛ كل الأموال والممتلكات؛ مكتب أوراق رسمية؛ خسارة كبيرة؛ عقوبة شديدة

**Problem 3:** the SL term is one word and is not a collocation (e.g. jury, copyright, securities) (هيئة المحلفين؛ حقوق النشر؛ سندات دين)

**Solution:** general sense: لجنة قضاة إصدار الحكم (في قضية)؛ حقوق التأليف والنشر؛ أوراق مالية

**Problem 4:** The SL phrase is ordinary language (e.g. execution of judgment; Christian name; bad law) (تنفيذ الحكم؛ الاسم الأول؛ قانون عبثي)

**Solution:** translate either into a collocation, if available, or ordinary language (but beware of blind word-for-word translation like *إعدام القضاء؛ الاسم المسيحي؛ قانون سيئ*)

**Problem 5:** the SL collocation is of a different grammatical type in the TL (e.g. shock enormity; correct attest; fine-force; then and there) (هول الصدمة؛ شهد على صحته/ إتهاد على صحة؛ في ذلك المكان والزمان)

**Solution:** translate sense into the same or different collocation or phrase as *صدمة قوية/ شديدة؛ إقرار/ شهادة بما جاء في التقرير المصرفي*

### 13.2. Translating collocational strings: doublets and triplets

Synonyms are different words that have either identical, close or similar meanings. They imply a percentage of difference. Collinson (1939) (in Ullmann, 1964: 142-3) suggests a set of nine principles for distinguishing relative synonyms (what he calls 'apparent synonyms'). (See also Carter and McCarthy (1988: 29 [24]), and Ghazala (2011, 2013 and 2014)) [15, 16,23].

These dimensions can be looked at as criteria for distinguishing between pairs of synonyms by way of confirming that absolute synonyms are probably not a part of the origins of a language. There must be at least a shade of difference between two synonymous words on one dimension at least.

Near synonyms are commonplace in any language, spoken or written. They are indispensable in order to cover all shades of difference of the meaning intended by legal documents. This is the type of redundant synonymy that occurs frequently in legal texts in form of strings of doublets and triplets. However, absolute synonymy recurs in legal language, as in other types of language, especially terms of general reference like law, legal documents, court, judge crime, etc. Thus, it is true that absolute synonymy may not be found in the same language, but it does exist between two languages like Arabic and English. This stands in contrast to what some translation theorists claim that absolute synonymy does not exist even between two languages (e.g. Baker, 1992) [8].

**Problem 1:** doublets and triplets are used to make sure that all nuances of legal meaning are covered. Indeed, they are used abundantly in legal documents not as markers of bad style, but, rather, as indicators of the extra care of draftsmen of law to achieve the maximum degree of precision of legal documents. However, in translation, some of these expressions may cause a headache to translators especially if no direct equivalent is available in the TL. This leads to artificial collocational strings that may be extremely difficult to conduct by the translator who is so keen to render them verbatim and even artificially into Arabic to achieve legal precision, in which case they are not collocations, but ordinary phrases.

**Solution:** The good solution is perhaps for the translator to do his/her best to translate them rather than under translate or squeeze them into one word instead of two or three synonymous words unless forcibly. Here are examples of translating binomials and triplets of synonyms into Arabic. These phrases can be divided into three types as far as their solutions are concerned:

- (a) *Translated into collocations (which is quite rare):* e.g.
- لاغ وباطل؛ زرافات ووحدان؛ أفراداً وجماعات
  - بنود وشروط؛ بنود وأحكام؛ شروط وأحكام

These are translated directly and plausibly into their Arabic equivalents. However, the second for whatever reason the translator does not know them, he/she translates them into normal language either binomially or singly only, as a second choice though.

- (b) *Translated literally into artificial, quasi-collocations:* e.g.
- قادر وعازم؛ ختامي ونهائي
  - وصية أخيرة ووصية الموت؛

There are many of these phrases in legal texts. They can be translated into the TL only artificially and directly, describing them as quasi-collocations, or rather pretentious collocations (i.e. collocations in form or structure only). The mission of the translator here is to find out about two equivalent words in Arabic to mimic the original. As a next best solution, he/she brings them into singles with no great loss of meaning anyway, thus responding to the 'Legalese' and the 'Plain Legal English



Campaign' (حملة الإنجليزية القانونية المبسطة) against the 'legalese' (مفردات الإنجليزية القانونية المقعرة) in reference to traditional conservative legal English (see Alcaraz 2002) [24].

(c) *Translated so artificially and poorly into TL binomials:*

e.g.

- each and every; كل واحد وأحد
- save and except; باستثناء و عدا
- lessee – tenant - مستأجر - مستكري

These binomials are queer, obnoxiously literal and artificial and, hence, hard to digest in Arabic Language even in legal documents (cf. واحد وأحد؛ مستكري). So, perhaps translators are forcibly required to undertranslate them into singles only conceding their potential implications of overprecision and comprehensiveness of reference.

As to **triplets**, they are equally artificial strings of affectitious quasi-collocations that can be translated only literally, or singly into one word each.

- assign, transfer and set over; يخصص ويحول وينقل
- build, erect or construct; يبني ويشيد وينشئ
- costs, charges and expenses; تكاليف ومصاريف ونفقات

(Alcaraz, 2002 [25]; Cao, 2007 [26]; Haigh (2004 [27]: 40 in Stanojević, 2011) [28]; Crystal 1969 [29] and Ghazala, 1999) [30].

I reaffirm the point that these triplets are obviously collocational strings of near synonyms aimed at enveloping every minute detail of legal meaning, yet translating them into Arabic is possible only literally by imitation to the English origin to reflect equal effect in Arabic. That said, translating them into one word each that renders their intended meaning can be recommended if negative effect is produced on the TL reader's comprehension of it. Indeed, and similarly, Cao says that "Word strings in English legal documents can present problems in translation as other languages may not have a string of corresponding words with similar meanings." (2007: 90), which is the case in Arabic. Hence, translating them into one word each is our next best choice. However, she notes remarkably that 'null and void' is more emphatic in English than simply 'void' (ibid.). Further, she maintains that for the translator, it is not always possible or advisable to combine the synonyms into one word in the TL. (ibid.: 90). Here are more sub-problems and solutions to these phrases:

**Problem2:** In case we do not find an equivalent string of synonyms (doublets or triplets) in Arabic, and since we have a loss of meaning if we translate two words into one only, or three into one or two only, how do we compensate for this loss of meaning in the TL?

**Solution:** one solution is to translate it into a synonym of some kind, close or far, general or specific. Here is an example from the doublets list above: "able and willing". The first word has a corresponding word in Arabic (i.e. قادر), however, the second does not. So I suggest a synonym that would imply the meaning of 'able' (i.e. مستعد) (other choices include جاهز/مصمم/ذو همة/ذو عزيمة...). Now let us find an equivalent word for this string of English synonyms: (تكاليف ونفقات ومصاريف ونفقات). Obviously one word is repeated twice, which is not advisable. Thus, we may think of a general synonym of some kind to replace the second (مصروفات/إنفاق/مدفوعات/أوجه إنفاق... like (نفقات).

**Problem 3:** we might feel that we are artificial in our translation of all pairs of synonyms in whatever way possible despite the fact that the intended meaning can be expressed in a single word.

**Solution:** artificiality in translation is usually criticized at translating other types of texts, but not legal texts. On the contrary, in legal translation, it is sometimes a must with respect to translating pairs of synonyms in particular for they support one another in order to render all parts of meaning required as accurately as possible. So, they are not used artificially, nor are they translated into Arabic artificially. They aim at achieving the maximum level of precision and subtlety of the SL meaning. We can have from the list above the triplet, 'business, enterprise or undertaking' as an example. It is translated into equally three words as أعمال ومشاريع وتعهيدات. Suppose we translate it into 'أعمال' only. Well, the word may not envelop the meanings of the other two words of the string. The same applies to any other word picked up to translate the whole string. Even two only, say, 'أعمال ومشاريع' will not subsume the meaning of the third word satisfactorily. Hence the translation of the SL triplet into an equivalent TL triplet to express the totality of the meaning of the SL string of synonyms. After all, artificiality is a matter of good/bad style, and elegance of style is irrelevant in legal translation, as maintained by Crystal et al (1969) [29] and Ghazala (2021) [18].

### 13.3. Translating law-specific foreign conservative collocations: Latinisms; French words, archaisms, technical terms, and terms of art

Law-specific collocations are mainly lexical collocations that refer to archaic, foreign and technical conservative legal collocations which are primarily recurrent in legal language in particular. They include archaic adverbials, Latin, French, German and other foreign words and phrases that are still current in use in legal English. They resist the rules of translating English collocations into Arabic equivalents and, instead, they are translated invariably into words, long phrases, paraphrases and, mostly and surprisingly, into proper Arabic collocations including individual words translated into collocations, as exemplified below in the next paragraphs, along with their translation problems and solutions. On the other hand, the greater number of legal collocations of different types in both languages involved can be described as originally unique, or law-special as well. Examples include 'case dismissed' (رفعت) (كما ينبغي/في حينه/ على 'duly'; (حضرات القضاة) 'your honors'; (القضية) (ومن ثم / وفقاً لكذا) 'in accordance with / accordingly'; (حيث أن) 'considering that' and many others which have invaded other varieties of language including conversation by imitation, or for ironic effects.

#### 13.3.1. Latinisms

The abundance of Latin terminology in legal English is top among the features that characterize it as a specialized type of text and translation. Indeed, Latin was the origin of English law and administered by it. So, it is continuing to exist strongly despite the many native new characteristic terms and features.

Now to the problems of translating Latin terminology in Legal English into Arabic. The vast majority of these terms is translated into collocations of some kind in Arabic including single Latin terms which are of course not collocations in English, but they turn into law-special lexical collocations in Arabic language. Without a doubt, translating Latin terms and phrases (especially collocations) is really demanding to translators, mainly because they all know nothing of Latin save

the terms used in English language in general, which happened to be translated into cliché collocations in Arabic (e.g. mutatis mutandis (في إجراء التغييرات المطلوبة); per se (في حد ذاته); ibidem (في نفس المرجع نفسه), etc. Here are some illustrative examples to translate into Arabic and discuss in terms of their problems of translation and their potential solutions.

- (1) Ipso facto بحكم الفعل
- (2) Prima faci (at first sight) للوهلة الأولى؛ ظاهراً؛ ظاهرياً
- (3) Prima faci case دعوى ظاهرة الوجاهة/ بادية للعيان؛ دعوى ذات أسباب كافية لنقضها
- (4) Res judicata (claim preclusion) تم البت بالقضية؛ استبعدت القضية
- (5) Res coronæ أشياء عائدة للتاج البريطاني
- (6) Onus probandi (burden of proof) عبء إثبات/برهان (شحنة/حمولة سفينة)
- (7) Noxa ضرر من الغير (يحل بشخص أو بشيء نتيجة فعل غير مشروع)

Obviously, there are some potential problems of translating Latin terms into Arabic collocations and their solutions:

**Problem 1:** the Latin phrase can be polysemous, so mistakes may be committed due to polysemy. How to solve this problem, then?

**Solution:** we do not take it for granted that all Latin phrases are monosemous for some might have two or more meanings in different legal contexts. Take 'prima faci' in 2 and 3 above: one is used in general context and in isolation; another used in legal context with a different meaning. Again, you have to check the phrase in its specific legal context in a specialized reference.

**Problem 2:** the translation of the Latin term provided in the reference books may not be quite clear.

**Solution:** the translator should make it clear by rephrasing, or paraphrasing it. Example 4 serves as a good illustration of how to do that. In Farouqi (2001) [30], the term is translated into استبعدت القضية which might be misunderstood as dispelled, or dismissed in the sense of 'refused'. Yet, the meaning here is that the case is already considered so there is no need to reconsider. This has to be made clear in translation, by rephrasing it as تم البت بالقضية, thus making meaning quite clear.

**Problem 3:** some translations are very long indeed and may look boring or vague.

**Solution:** elegance of style is not a serious issue in legal translation and priority is given to clarity and accuracy of meaning. However, long translations can be either made shorter by using 3-4 words paraphrase in the body of the translation, or stating the focal meaning in the translation, and providing further details about it in a footnote: e.g. 'Noxa' of example 7 above, can be translated into ضرر من الغير, then more details can be footnoted as (ضرر يحل بشخص أو بشيء نتيجة فعل غير مشروع من شخص أو شيء أو حيوان)

### 13.3.2. Terms of French and Norman origin

French Language invaded English Language, especially the language of law, with the Norman French invasion of England in 1066. Consequently, a huge number of English terms and words are of Old French (or Norman) origin. The vast majority of them are normally translated into Arabic collocations, be they single words, or phrases. Here is a number of French terms and their translations, followed by discussing the problems of their translation and solutions to these problems:

- (1) Profit à prendre حق مشاع
- (2) Profit à rendre عوائد الغير (من إيجار عقارات وخدمات)
- (3) chose متاع شخصي
- (4) Lien امتياز؛ حق مترتب؛ قيد؛ اختصاص
- (5) Lien account بيان/كشف امتياز
- (6) On parole كلمة شرف؛ عهد شفوي
- (7) Quash يفسخ؛ يلغي؛ يُبطل؛ يشطب؛ يرد
- (8) Autre droit حق الغير
- (9) Droit civil حق خاص
- (10) Proposal مقترح؛ عرض؛ بيان إعالة كتابي

Following are some problems of translating these terms into Arabic:

**Problem 1:** the translation of some words falls short of clarification of their legal meanings. For example, 10 is not quite clear with respect to legal reference of إغلاق الأبواب؛ أبواب مؤصدة؛ إغلاق الأبواب؛ أبواب مغلقة، for doors of what are closed? What is a close plea?

**Solution:** paraphrase, or, if long, go to a footnote. I employed paraphrase to make the meaning of the term in question clearer in Arabic along choices of the word's meanings in the following translation: "حكم لا رجعة فيه / حكم مبرم / حكم غير قابل للطعن" (irretrievable / irrevocable judgment), which can be described as crisp but clear. I personally do not like footnotes – unless desperately urgent - because they add extra texts that may add to the burden of reading the translation. This is a total of all short legal meanings of the term suggested above. It is left to the translator's discretion as for which he/she should go, depending on the type of legal text and requirements of the client, body or institution he/she works for.

**Problem 2:** synonymous legal meanings of a word in isolation can be confusing with respect to collocability and appropriate usage of the TL.

**Solution:** this is true, and the solution to this problem is for the translator to educate himself/herself in collocability and collocations of both languages. That is, translators have to realize the following about, for example, the appropriate collocational uses of the synonyms of word number 7 in the list above (يفسخ/يشطب/يبرد قراراً، but not يبطل مفعول قرار/يلغي قراراً)

- (a) يفسخ/يشطب/يبرد قراراً، but not يبطل مفعول قرار/يلغي قراراً
- (b) يفسخ/يبرد اسماً أو بنداً أسماً، but never يشطب اسماً/بنداً...
- (c) يفسخ/يشطب/يبطل/يلغي، but not يرد طلباً/اقتراحاً/هدية/بضاعة طلبياً...

### 13.3.3. Archaisms: archaic adverbials

**Problem 1:** the legal language of English and Arabic is conservative in the sense of being traditional in many terms and collocations including English archaic, yet frequently used adverbials today are translated in the main into Arabic equivalents available to them for the same reasons of archaism and conservatism of Arabic legal language. As to those adverbials that have not straightforward equivalents in Arabic, they are translated into quasi-collocations which are also resorted to in case the translator does not know the existing equivalent of any of these adverbials in Arabic. Thus, there are two main solutions to translating English adverbial collocations into Arabic (see also below):

**Solution:** They are translated according to either (1) (for existing equivalents in the TL), or (2) for non-existing equivalents, or unknown equivalents to the translator):

- (1) into existing TL. equivalent (e.g. hereafter/thereinafter من بناء عليه؛ hereupon/thereupon/thereby؛ الآن فصاعداً؛ thereto وفقاً لذلك/بناء على ذلك، accordingly؛ مرفق طيه، etc.)

(2) into quasi collocations / one word (e.g. hereof /تذيلاً من هذا; herewith طيه /طياً; hereunder ذيلاً / فيما يلي; thereafter بعد ذلك /تقريباً / على وجه التقريب/ قرابة ذلك /التاريخ / بعدئذ (see also Tiersma, 1999) [32].

### 13.3.4. Technical Terms

Legal technical terms are special, characteristic words that are usually found exclusively in legal language and have no application outside it (Alcaraz, 2002: 16) [25]. In legal English, there are words and phrases that are not only legal-specific, but also understood and used by specialists in law only. Further, these terms are identified with their source, legal system, that some specialists in the field believe that, being so, they should not be translated but adapted (ibid.). Simply put, technical terms are one basic distinctive feature of legal language that sets it apart from other types of texts. In translation, a huge number of these English legal technical terms are translated into Arabic collocations and /or collocational ranges: Here are examples:

- Barrister محامي مرافعة
- Counsel مستشار/مساعد قضائي
- Solicitor محام متدرب
- Notary public الكاتب بالعدل
- Legal custody حراسة قضائية
- Judicial writ أمر قضائي
- Attorney وكيل نيابة؛ النائب (العام)
- Jury هيئة المحلفين
- Testimony شهادة شفهية تحت اليمين
- Testimonial شهادة تحريرية (وقعها القاضي)
- lawsuit دعوى قضائية

These terms are translated into Arabic collocations, though some of them are singles. This has nothing to do with their translation into Arabic which may or may not translate their meanings into the same number of words, for, as we all know, expressing the intended meaning in the TL might be shorter or longer than the original. Translators are required to check specialist law dictionaries to translate the precise meanings of these law-specific terms, mostly into collocations in Arabic.

Some problems of translating English legal technical terms into Arabic are highlighted in the following:

**Problem 1:** one main problem of translating these terms into Arabic is whether or not we should translate them into equivalent Arabic legal technical terms, or collocations if available, or neither.

**Solution:** well, it is not a must to do that, but it is highly recommended if TL equivalent Arabic technical terms are found, as is done above in the examples. Most English terms have a direct equivalent collocation or a phrase of some kind.

**Problem 2:** there might be a problem of understanding the legal jargon of the technical terms in Arabic. For example, the two meanings given to 'solicitor' are محام محامي; محام متدرب: do they mean محامي (lawyer) as we know it? Or used in their accurate sense?

**Solution:** the two translations suggested for 'solicitor' give a clear hint that the original means a lawyer of some kind in general sense, which could be fair enough to readers. The justification for this is that these legal terms are used to describe the solicitor's job. However, if the translator feels that more details are to be provided to make the term quite clear to the TL readership, he/she can do that in a footnote.

**Problem 3:** The main translation problem with the semi-technical terms is how the translator can distinguish the legal meaning out of several meanings of a polysemous word in a general dictionary.

**Solution:** there are two guides: (1) the legal context of the type of text; and (2) the most likely legal meaning of the word. For example, in the statement:

"The engineer decided to take a legal action against his company."

First, we understand from the context of the statement, especially the phrase "take legal action" that the meaning of 'action' is legal. At checking the meanings of action in a general dictionary, we find out that it has the following main meanings: ... تصرف؛ فعل؛ عمل؛ إجراء (قانوني)؛ دعوى قضائية... which one is the legal meaning of the phrase:

- يتخذ فعلاً/ عملاً قضائياً؟
- يتخذ إجراءً قانونياً؟ أم:
- يرفع دعوى قضائية؟

Apparently, the first is not appropriate in this context, but the second is workable. Yet, the third is perfectly legal being a legal collocation commonly known to people.

### 13.3.5. Terms of Art

Terms of art in legal language are words and phrases that lawyers have decided not to argue about their meanings. They abound in the law. They include what we called above 'technical terms'. Also, foreign words that have one specific legal meaning in English are described as terms of art as well.

To cite an English-English example of a term of art, the phrase 'double jeopardy' can be used in common language to describe any situation that poses two risks. In the law, '[double jeopardy](#)' refers specifically to an impermissible second trial of a defendant for the same offense that gave rise to the first trial. Terms of art are different from legal jargon. Words that are not precise enough belong to legal jargon, which is a specialized language that enables a professional group to communicate quickly and efficiently. In this sense, the internal communication of lawyers is improved. Here are translated examples, followed by considering their translation problems along their solutions:

- (1) Alibi حصر النفس؛ إثبات المرء عدم وجوده في مكان وقوع الجريمة
- (2) Appeal يستأنف؛ استئناف
- (3) Bail كفالة
- (4) Defendant مدعى عليه
- (5) Plaintiff المدعي
- (6) Prayer استرحام
- (7) Tort إساءة شخصية

**Problem 1:** there is a problem at understanding and translating the phrase "terms of art" into Arabic.

**Solution:** we understand and translate it not literally into "مصطلحات فنية", but into "مصطلحات قانونية فنية" (adding 'legal' and "فنية" to be understood as "technical"). However, it is not satisfactory as many would confuse "فنية" with "artistic". Hence, we translate the phrase into its intended meaning as: "مصطلحات قانونية تخصصية".

**Problem 2:** some terms of art are not clear in Arabic to ordinary readers who might struggle to understand them.



**Solution:** translators can paraphrase them, or go down to a footnote. An excellent example is the first in the list above (alibi). Many readers do not understand غيبة or حصر النفس. Thus, translators can explain it in brackets or in a footnote the way suggested above in the third translation. Another example is "corporate veil" which is translated into a short-cut through translation "حجاب اعتباري", which is barely clear, then into a paraphrase of its meaning in full to make it quite comprehensible to common readers.

**Problem 3:** "prayer" is a well-known word to almost everybody to mean "صلاة/دعاء", but never in this special legal sense given to it here. So, perhaps translators are likely to commit mistakes in translating it.

**Solution:** this is one of the so-called false friends in translation that translators should beware in legal translation in particular. So they must take care and reconsider their meanings in context carefully. Another similar example is the translation of "bail" and "bailment". They might be misunderstood as derivatives, but they are in fact not for the latter means "وديعة", while the former is "كفالة". Translators should be always on the alert at translating words similar in appearance only.

#### 14. A summary of solutions to the problems of translating legal collocations

Following is a summary of suggested solutions (see also above and below) to the translation problems of legal English collocations into Arabic. They are introduced in order of preference:

- (1) The legal translator should always be preoccupied with the intended sense of legal language, which is particularly of prime priority to his/her. So, focus should be on the translation of sense of the SL collocation as accurately as possible, be it a collocation or not in the TL, using translation procedures available in the field like "through translation, paraphrase, footnote, general sense and many others forthcoming."
- (2) Tracing the identical collocation in Arabic, if and when available. Usually a great number of English collocations have equivalent ones in Arabic. Hence, the problems pointed out above in relation to legal translation are concerned with problematic collocations only.
- (3) In case an identical collocation is not found in Arabic, a close collocation (or semi-collocation) of the same sense can be suggested. One example is 'straying sheep' which is translated directly into the well-known collocation (غنم قاصية), but when translators fail to get it, they can suggest a close alternative like (غنم شاردة/تائهة/ضائعة/ضالة/متخلفة عن القطيع).

- (4) When '2' and '3' are not possible, a suitable collocation in Arabic can be suggested: two words for two words, three for three, etc. 'Shock enormity', to take one example, is (هول الصدمة). When translators do not know that, they may suggest a two-word collocation of their own such as (ضخامة الصدمة) (قوة/تأثير) الصدمة, or even (صدمة قوية).
- (5) If none of the previous solutions is at the translator's disposal, a translation of the sense in broad terms of the collocation is a good solution. It does not matter whether it is translated into one, two, three or more words, of the same or different type of phrase. For example, 'as sober as a judge' (أحكم من حكيم / أصحى من ديك) can be translated into: (بكامل قواه العقلية/صاح تماماً), etc.
- (6) Legal collocations are formal in both languages concerned. So it is not advisable to translate any of them into colloquial Arabic.
- (7) After all, translation students and translators are strongly recommended to be cautious at translating legal collocations in particular and refuse to surrender to the direct, word-for-word translation of any collocation, or, else, they would commit serious mistakes at times.

#### 15. Results and recommendations

Some vital results and findings can be concluded from the foregoing study. First, phraseology is an essential component of legal terminology, and collocations are the weightiest phrases in legal language. Second, collocations are an essential part of the shaping of legal meaning of any type of legal texts. Hence, their translation has to be attended to fully. Further, translating legal collocations poses some demanding problems that require to be sorted out in urgency and in an orderly manner. One more result is that there are different types of legal collocations, the most intricate of which are law-specific collocations of foreign origins which have proved to be quite demanding and confusing to translators into Arabic. The final result of the study is that in spite of the demanding difficulties of translating legal collocations, their translation is not insuperable. I claim that this can be achievable by means of recommending a frame of reference which incorporates an integrated set of practical translation procedures intended to be guidelines that may ease the burden of legal translation on the part of students, translators and teachers of legal translation.

It is high time now to introduce this frame of reference at the very end of this study.

#### 16. Conclusions: a frame of reference of legal translation procedures

Translators can rely heavily on the following tentative, open-ended frame of reference to comprehend and eventually solve the legal translation problems by means of a number of translation procedures:

Procedure & Description	Description	Examples
1. Translation of an SL collocation or word into <b>equivalent recognized translation</b> , be it a collocation or not.	Priority is given to a recognized equivalent in the TL for it is supposed to be accurate and frequent in use in the TL.	commit suicide (يبتحر); the jury (هيئة المحلفين); indictment (لائحة الاتهام); money laundering (غسيل أموال) despite the better translation of تهريب أموال غير مشروعة
2. Translation of an SL collocation into <b>an identical</b>	This is a highly recommended	Case dismissed (رُفعت القضية); court of

TL equivalent if and when available.	procedure so much as it is available in the TL because achieves accuracy of meaning.	appeal محكمة (الاستئناف); etc.
3. Translation of <b>sense</b> (i.e. the intended meaning);	Sense is resorted to next to identical or recognized translation when these are not available in the TL.	Literal errors أخطاء (مادية); house of ill fame (بيت دعارة); etc.
4. <b>Translation label</b> (i.e. a newly introduced collocation in inverted commas (“---”).	Translators suggest a tentative translation for new legal collocations in (“---”), to indicate that it is not final yet.	Reasonable suspicion (“قطع الشك باليقين”); Terry stop (“قطع اليقين بالشك”)
5. <b>Comprehensible direct literal translation</b> of the SL collocation into a quasi-collocation in the TL.	In case the SL collocation has no direct equivalent, a direct literal translation that is acceptable and understandable by the TL readership can be ventured.	dietary law / قانون حمية (قانون ريجيم); tail male (ميراث محصور في الذكور); Constructive larceny (سرقفة تقديرية); bill of indemnity (قانون العوض)
6. Translation of an SL collocation into a TL collocation by <b>formal imitation</b> .	If the same type or form of an SL collocation is not available in the TL, a collocation by analogy to another TL collocation in form only is fine.	Legal fees (أتعاب محاماة) rather than (رسوم قانونية) by imitation to lawyer / legal costs
7. Translation of an SL collocation into <b>ordinary language</b> when a better solution is not available in the TL.	When the translator gives up spotting a TL equivalent collocation, he/she can render meaning into ordinary language in the TL without commitment to collocational form or type.	last will and testament; وصية أخيرة; dietary law (قانون حمية/ قانون ريجيم); tail male (ميراث محصور في الذكور)
8. <b>Paraphrase</b> the collocation in the body of the translation as shortly as possible.	Paraphrase is when the translator explains shortly the meaning of the an SL collocation provided that no single phrase can render it.	Res coronae (أشياء عائدة للبريطاني); federal courts (محاكم فيدرالية); (يشمل اختصاصها كافة ولايات أمريكا); الغيبة؛ حصر النفس؛ Alibi إثبات المرء عدم وجوده في مكان وقوع الجريمة
9. Partial or approximate <b>Translation</b> of meaning of an SL collocation.	Proximity is a principle of translation that give a close, or part of the SL full meaning	<b>open marriage</b> (زواج مع وقف التنفيذ) the Saudi Parliament for (مجلس الشورى)
10. Employment of the translation procedure of <b>compensation</b> .	This procedure suggests a better solution than literal translation, or a solution that might be more satisfying than an artificial translation.	Translating a binomial into one word followed by an intensifier like ‘so, very, etc.’ (e.g. ‘reasonable and proper’ into the very common محقول instead of the queer وصائب سليم
11. Employing ‘ <b>classifier</b> ’ when a small details is	When a translation is not quite clear, a	Penal servitude (قانون الحبس مع الأشغال الشاقة)



<b>needed</b> (underlined in the examples).	classifier can be used to define it more evidently in general terms.	derogatory clause (في الوصايا) شرط إبطال
12. Deletion is rarely resorted to, as when a word is not quite relevant or understood by implication, it can be allowed.	In legal translation in particular, nothing should be dropped unless less words can render the SL meaning adequately.	commit suicide (ينتحر); drug store (صيدلية); law makers / draftsmen (مشرعون),
13. Resorting to <b>footnoting</b> when more details are needed to illustrate the legal meaning of an SL collocation.	In rare circumstances, full details are required about a term, so, translators resort to footnoting, as an exception.	'Noxa' can be translated into ضرر من الغير, then more details can be footnoted as (ضرر) يحل بشخص أو بشيء نتيجة فعل غير مشروع من شخص أو شيء أو حيوان)
14. Employing <b>through translation</b> procedure, which is also called, calque and loan translation.	This procedure is a direct translation of the SL concept into the TL language and culture.	V.A.T.; loss of life: ضريبة القيمة المضافة؛ فقدان الحياة (all United Nations acronyms are through translations)
15. Translate into <b>semi-collocation</b> .	Producing an expression similar in form to a recognized collocation but clear to TL readers.	V.A.T.; loss of life: ضريبة القيمة/ضريبة مضافة؛ نهاية الحياة
16. Translation into <b>general sense</b> .	This procedure gives meaning in broad terms.	V.A.T.; loss of life: رسوم إضافية؛ وفاة؛ حالة وفاة
17. <b>Cultural equivalent</b> is highly recommended when available in the TL.	This procedure produces a similar effect and meaning in the TL translation.	V.A.T.; loss of life: ضريبة على المشتريات؛ رحل عن الدنيا/جاء (أجله/مات حتف أنفه)
18. <b>Translation couplet</b> procedure: using two procedures.	We might need two procedures to solve a translation problem, such as transference plus paraphrase, etc..	Old Bailey الأولد بيلي (محكمة الجنايات المركزية (transference + sense) (بلندن)
19. <b>Undertranslation</b> in case of long strings, bundles and / or stretches of word combinations	A long translation is tolerable in legal translation, yet if it is not needed, we can reduce it.	judge of court القاضي; assign, transfer and set over; يخصص
20. <b>Overtranslation</b> when additional details are required.	This procedure is usually the case in legal translation, so translators feel free to prolong the TL translation if needed.	(محامي) (barrister) مرافعة لدى المحكمة العليا)

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