

***Problems that Jordanian University Students Majoring in
Translation Encounter when Translating Legal Texts***

***المشكلات التي تواجه طلبة الجامعات الأردنية في تخصص الترجمة
عند ترجمة النصوص القانونية***

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Literature***

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Authorization

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This thesis " Problems that Jordanian University Students Majoring in Translation Encounter when Translating Legal Texts" was discussed and certified in May 2010.

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Dedication

This project is dedicated to my beloved parents who guide and support me and to my beloved sister who has supported me from the beginning of my study.

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Abstract

This study aimed at answering the following three questions:

- Q1- What are some of the major problems that English language undergraduate students face in translating legal texts?
- Q2- What are the causes of these problems?
- Q3- What suggestions can be helpful in solving such problems?

To achieve these goals, the researcher selected a sample of 50 male and female undergraduate students in the BA Programs enrolled in Public and Private Universities. The researcher used two instruments: a test that comprised 30 sentences of legal texts selected from contracts, agreements, rights and duties of Jordanian under the constitution, and UN resolutions. In addition to the test, the researcher interviewed five students and five professors and asked them about the problems, causes and possible solutions that students encounter in translating legal texts to see if their views match the test results and to seek some solutions to the problems and their causes.

The results of the study showed that legal texts pose serious difficulties for undergraduate students. The difficulties were attributed to the following factors:

- Linguistic problems such as semantic, syntactic, stylistic and cultural.
- Non linguistic problems such as students' unawareness of legal texts' sensitivity and misuse of dictionaries.

Based on the findings, the study recommends the following:

- Students should be aware of the importance of legal translation in the world and should translate it honestly.
- Researchers are encouraged to conduct further research using larger samples from different Jordanian and Arab Universities.

المشكلات التي تواجه طلبة الجامعات الأردنية في تخصص الترجمة

عند ترجمة النصوص القانونية

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ملخص الدراسة

هدفت هذه الدراسة إلى تناول أهم المشكلات التي تواجه طلبة البكالوريوس عند ترجمة النصوص القانونية من اللغة العربية إلى اللغة الانجليزية ومن اللغة الانجليزية إلى اللغة العربية. وطرحت الدراسة الأسئلة التالية:

- 1- ما هي أهم المشكلات التي تواجه طلاب البكالوريوس في قسم اللغة الانجليزية في ترجمة النصوص القانونية؟
- 2- ما هي أسباب هذه المشكلات؟
- 3- ما هي الاقتراحات التي قد تساعد في حل هذه المشكلات؟

وللإجابة على هذه الأسئلة قامت الباحثة باختيار عينة انتقائية من جامعتين أردنيتين لطلبة البكالوريوس / قسم اللغة الإنجليزية، وتكونت عينة الدراسة من 50 طالباً وطالبة. كما قامت الباحثة باستخدام أداتين للدراسة كانت إحداها اختبار ترجمة مكونة من 30 جملة مقتبسة من عقود واتفاقيات بالإضافة إلى بعض البنود من حقوق وواجبات الاردنيين في ظل الدستور وبنود تابعة لقرارات الامم المتحدة. وأما الأداة الأخرى فكانت مقابلات لخمسة من الطلاب وخمسة من الأساتذة، وطرحت أسئلة تتعلق بالمشاكل والأسباب والحلول المقترحة التي تواجه الطلاب في ترجمة النصوص القانونية وهدفت هذه المقابلات إلى معرفة مدى تطابق هذه الآراء مع نتائج الاختبار لتقديم بعض الحلول المناسبة.

أظهرت النتائج أن الطلبة واجهوا صعوبات في ترجمة النصوص القانونية منها صعوبات لغوية كالفهم غير الصحيح لبعض المصطلحات القانونية وذلك لعدم مراعاة كيفية ترجمة النصوص القانونية، وسوء صياغة التراكيب النحوية مع عدم مراعاة التباعد اللغوي والثقافي بين اللغتين (العربية والانجليزية). وأما بالنسبة للصعوبات غير اللغوية فكانت عدم الدراية بخصائص لغة القانون وسوء استخدام المعاجم.

وبناءً على نتائج الدراسة فإنه يوصى بما يلي:

1. ينبغي على الطلبة أن يكونوا على دراية بأهمية الترجمة القانونية في العالم وان يقوموا بترجمتها بأمانة.
2. تشجيع الباحثين لإجراء أبحاث مستقبلية بعينات أكبر وجامعات عربية وأردنية مختلفة.

Chapter One

Introduction

1.1 Background of the Study

The need for translating legal texts, like other types of texts, has been increasing at recent times, due to the great advancement in world telecommunications, cooperation among various people, governments and the mobility of population. The need to translate personal documents, contracts, agreements and other papers of legal or legislative nature has been on the increase.

A legal text is a document including law or legislation, official instructions and agreements. Legal texts also include courts and trial proceedings, legal contracts and UN resolutions. Since such documents entail specific laws, rights or obligations, their language, layout and wording are precise, explicit and can have no other interpretations apart from the stated ones. Unlike literary language, legal language (i.e. language of legal texts) needs no ambiguity or figures of speech. Written legal documents are characterized by neatness and clarity; which are intended for other purposes namely "to prevent frauds, additions, omissions or alterations in text" (Crystal & Davy 1969, p.179). Legal English texts and their Arabic counterparts have specific features

according to Dijk (1985) such as lexical features (archaic expressions, formality and frequency of "any"), syntactic features (nominalization, passives, wh-deletion and conditionals), prosodic features (assonance, alliteration and phonemic contrast such as "appointment" or "agreement", rhyme and rhythm such as " contained" or " implied"), discourse level features such as lexical cohesion.

Legal language is dependent on law and law is, in turn, dependent on the society. As Alcaraz and Hughes (2002, p. 25) write:

“...in legal texts, terms are continually being redefined, as social developments overtake past practice and thus force legislation to change, simply in order to keep abreast of new standards of acceptable and unacceptable behaviour.”

Cao (2007) proposes that "a legal concept is three dimensional: it has a linguistic, referential and conceptual dimension"(p.55). He explained that real equivalents have to be equivalent or at least similar in these three dimensions. In reality, the words are rarely equivalent in all the three dimensions; there may be only a partial equivalent or there may be no equivalent at all.

Legal translation is seen as part of technical translation that relates to the scientific, economic and other fields that are quite different from the literary genre. Like other disciplines, legal translation has its own terminology and can be regarded as a discipline of its own. There are

specific forms and stabilized procedures for translating court proceedings, law, legal contracts, agreements, and UN resolutions. Thus, a translator needs a fairly good knowledge of such registers and genres of texts. The notion of register is seen by Halliday (1978, p.33) "as the language we speak or write which varies according to the type of situation". He also views register as a "form of prediction" and in order to predict the type of language associated with a particular context of situation, the translator needs to know the "field", "tenor" and "mode" of the discourse. "Field" refers to the subject matter which distinguishes one discipline from another; "tenor" refers to the relations between participants, and "mode" refers to the channel of communication (Halliday, 1978, p.39). Weston defines registers as language varieties characterized by their "formal properties, i.e., by their grammar and lexis"(Weston, 1993, p.1)

The characteristic feature of technical texts, including legal texts, is that sentences tend to be rather long and content loaded (Crystal and Davy, 1969). The length of the sentence is due to the fact that sentences, in general, are complex, where embedded clauses are incorporated in meaningful and self- explanatory sentences.

In technical texts, sentences favor embedding because, in general, they deal with facts, concepts or propositions and, therefore, such sentences tend to accumulate information that is intended to clarify the concept or

the proposition under consideration (Haliday & Hassan 1989). The translator should decide whether s/he is going to render the long complex and compound-complex sentence in its full length in Arabic. Sometimes, the translator may decide to break long sentences into two or more depending on whether breaking the long sentence would render a straight forward sentence free from ambiguities.

Arabic and English are two languages that are distant linguistically and culturally. They have different word order, different cultures, different stylistic methods and different rhetorical devices. So, it is very important that legal translators be well competent in both languages and both cultures in order to render flawlessly. The notion of "legal culture" defies uniform definition (Cotterell 2006, p. 81). Many different attempts at comprehensively defining "legal culture" exist. One of them describes it as the "ideas, attitudes, values, beliefs and behavior patterns about law and the legal system" (Cotterell 2006, p.81). It involves procedural and doctrinal structures and has to be distinguished from legal ideology and common culture.

1.2 Statement of the Problem

Despite the fact that students in Jordan learn English for many years and their mother tongue is Arabic which they also learn for many years, it is observed that translators still encounter many problems in translation.

Translating legal texts, therefore, requires not only linguistic skills, but also a very good knowledge of the structure and style and the stylistic variations of languages, the source and the target languages. Any failure in coping with legal texts or misunderstanding the exact message such as in official instructions, trial proceedings, court hearings, legal texts, agreements, etc. may lead to grave consequences. This situation encouraged the researcher to focus on this issue which deserves to be given more attention and further investigation.

1.3 Objectives of the Study

This study intends:

- 1- To outline some of the problems that English language undergraduate students face at some Jordanian public and private universities in translating legal texts from English into Arabic and vice - versa.
- 2- To pinpoint the causes of these problems.
- 3- To suggest solutions for the problems that occur in translating legal texts.

1.4 Questions of the Study

To achieve these goals, the study aims to answer the following questions:

- Q1- What are some of the problems that English language undergraduate students face in translating legal texts?
- Q2- What are the causes of these problems?

Q3- What suggestions can be helpful in solving such problems?

1.5 Significance of the Study

This research is significant because very few studies have explored the problems that translators encounter in translating legal texts. Furthermore, this study is different with respect to the sample, the method of investigation and the type of legal texts. Thus, it will benefit students of translation, translators, teachers of translation and law practitioners and it will fill a gap in the literature.

1.6 Limitations of the Study

Results of the study can not be generalized to all translation texts. It is limited to the legal texts used in this study. Results are also, limited to the method of investigation and to the undergraduate students majoring in translation in Jordan universities during the academic year 2009/2010.

1.7 Definition of Terms

- **Translation:** is transferring texts from one language to another within the constraints of the target language. It includes rendering words, structures, styles, functions, attitudes and formats of the source language in an equivalent manner to the target language readers.

- **Legal Translation:** is seen as a branch of technical translation which is related to different fields of knowledge, i.e, legal , scientific ,

economic, religious, etc. that are quite different from the literary genre. It includes the translation of documents, such as official instructions, UN resolutions law or legislation, contracts, statutes, official instructions, agreements and many other subjects.

- **Jordanian University Students:** mean the undergraduate students majoring in translation.

- **Translation Problems:** mean linguistic and non- linguistic problems related to knowledge of legal texts, legal language, misuse of dictionaries and methods of translation.

* Linguistic problems refer to lexical, syntactic, semantic and rhetorical problems that the translators may face:

A- Cultural problems: are related to cultural implications for translation that may take several forms, ranging from lexical content and syntax to ideologies and ways of life.

B- Semantic and Lexical problems:

Semantic problems: refer to the correct overall meaning as presented in the original text. In addition, lexical problems are related to lexical items that lead to a different meaning whether mistranslation or to a different textual patterning, such as redundancy, omission, etc.

C- Syntactic problems: are related to sentences such as: word order, verbal and nominal sentences and passive or active sentences in both languages (English and Arabic).

D- Stylistic problems are related to:

- Rhetorical problems: are related to the style of writing, such as cohesion, coherence and meaning connection between utterances in both languages.
- Register: refers to the fact that the language we speak or write varies according to the situation's level of tone formality, i.e, formal – informal and to the relationship between mode and field, i.e, higher versus lower rank, etc.
- Layout is the plan or the physical appearance of the text. For example, capital letters are used in sentence beginning, proper nouns etc. but are not used in Arabic.

Chapter Two

Review of Literature

2.0 Introduction

This chapter consists of theoretical and empirical literature. The theoretical part discusses the problems related to translating legal texts from Arabic into English and vice versa. These problems are classified under two headings: (1) Problems related to legal texts and legal language, (2) Problems related to the style of legal texts. On the empirical part, the literature deals with empirical studies that highlight specific difficulties in translating legal texts whether in the Arab countries or in the worldwide, at large.

2.1 Review of Theoretical Studies

2.1.1 Problems Related to Legal Text and Legal Language:

Crystal and Davy (1969) discuss the language of legal documents, supported with examples taken from an insurance policy and a purchase agreement. They have written "of all the uses of language, it [legal language] is perhaps the least communicative, in that it is designed not so much to enlighten language-users at large as to allow one expert to register information for scrutiny by another" (p. 112). A legal text for them exhibits a high degree of linguistic conservation, included in written

instruction, such as court judgments, police reports, constitutions, charters, treaties, protocols and regulation (p.205). They describe legal texts as formulaic, predictable and almost mathematic.

Dijk (1985) finds English language legal texts as sharing distinguished features depicted in the realm of lexical features, syntactic features, prosodic features, and discourse-level features. Lexical features are characterized by (a) Common terms with uncommon meaning, archaic expressions, where old archaic expressions have been borrowed from old English, (b) Doublets which are word pairs serving as having redundancies that are common in legal register, (c) Formality, although all legal texts are by necessity formal in Joos's (1961) classification of styles, (d) Dijk (1985) finds a high frequency of "in the event of" instead of "if" (p.285), and (e) Frequency of "any". The word "any" appears so often in legal texts that is seen as redundant most often.

Butt and Castle (2006) delve into the roots of traditional legal language and its peculiar characteristics that make legal documents aloof from its users. They proposed a step-by-step guide to drafting in the modern style, using examples from four types of legal documents: leases, company constitutions, wills and conveyances. Moreover, they emphasize the benefits of drafting in plain language and confirming the fruitfulness of its use. They survey the reasons for the current alarming

state of legal drafting, as well as provide guidance on how to draft well. Their book is the most recent addition to the Plain English Movement. It argues that it is actually "safe" and constructive to break away from old ways of legal drafting into simpler, more communicative ones.

One of the pioneering studies in the language of law frequently referred to in the literature is that carried out by Mellinkoff (1963). In his book, Mellinkoff is concerned with what the language of the law is, describing its characteristics and mannerisms. He has also investigated the history of legal language, and then he has brought the language of the law down into practice.

Sarcevic (1997) laments that:

" the most existing studies on legal translation deal primarily if not exclusively with terminology.... thus giving the false impression that legal translation is a mechanical process of transcoding, i.e., substituting words and phrases of the source legal system by corresponding expression of the target legal system" (p.22).

Emery (1989) has explored the linguistic features of Arabic legal documentary texts and compared them with their English counterparts. Emery has ended up recommending that trainee translators should develop a sense of appreciation of structural and stylistic differences between English and Arabic discourse to help produce acceptable translations of legal documents. Though he has only made limited

inroads into the area of legal translation theory or practice, Emery's article is actually one of the very few works that investigates general features of Arabic legal language, an area of research that has inexplicably been disregarded by Arab translators and theorists.

2.1.2 Problems Related to the Style of Legal Texts:

Newmark (1982) notes a difference in the translation of legal documents for information purposes and those, which are concurrently valid in the target language community. Concerning foreign laws, wills, and conveyances translated for information purpose only, Newmark suggests that literal or semantic translation, as he refers to it, is necessary. On the other hand, he stresses that "the formal register of the target text (TT) must be respected in dealing with documents that are to be concurrently valid in the target language (TL) community (European Economic Community (EEC) law, contracts and international agreements"(p.47). Newmark (1988) also emphasizes the importance of the communicative approach which concentrates on the ideas and renders the translation in simple, clear and brief way. Newmark (ibid) further suggests that when dealing with legal documents like contracts that are concurrently valid in the TL, the translator should focus on a communicative approach that is TT-orientated.

Similarly, Vermeer (1982) agrees with the view that legal criteria should be taken into account when selecting the most appropriate translation strategy since the meaning of legal texts is determined by the legal context:

‘For instance, *in regard to contracts*, the decision whether and to what target-language formulae extent should be used is determined primarily by the law governing the contract. This fact is essential because it determines whether the contract will be interpreted according to the source or the target legal system’ (p.99).

(cited in Sarcevic, 2000, p. 19)

Beaupre (1987) also supports the statement and proposes that legal translation should formulate two ‘equal’ versions of the same instrument, which strive not so much for ‘verbal and grammatical’ parallelism but:-

‘For linguistic purity within the confines of legal equivalence... Hence the decision-making process of the legal translator is based primarily on legal considerations’ (p.179).

(cited in Sarcevic, 2000, p. 47)

Sarcevic (2000) indicates that "the basic unit of legal translation is the text, not the word" (p.5). She adds that the translator must be able "to understand not only what the words mean and what a sentence means,

but also what legal effect is supposed to have, and how to achieve that legal effect in the other language" (p.70-71).

Asensio (2003) recommends that equivalence should be achieved. He also recommends using the borrowing or loan words techniques to achieve equivalence. He says "borrowings or loan words are necessary, as is the case of proper nouns, degrees, grades, etc." (p.56).

2.2 Empirical Studies Related to Legal Translation:

Many researchers in Jordan and the world at large were interested in exploring specific problems involved in translating legal texts. Therefore, this part consisted of two types (1) Empirical Studies in the Arab Countries (2) Empirical Studies Worldwide.

2.2.1 Empirical Studies in the Arab Countries Related to Problems Involved in Translating Legal Texts:

Fargahal and Shunnaq (1992) aimed to highlight the problematic areas in translating a UN legal document as encountered by MA translation students, who sat for the comprehensive exam at Yarmouk University in May, 1991. The examinees, numbering 13, had already received at least two years of translation training. They were allowed free access to different reference books during the test. Looking at their translations, one notices that the problematic areas basically fall into

three categories: syntax-related problems, layout-related problems, and tenor-related problems. They cited examples of syntactic problems where students use non-finite English clauses. Most of the students rendered these non-finite clauses by finite clauses. They added that layout features of a legal text are important as layout is the plan or the physical appearance of the text. For example, capital letters are used in sentence beginning, proper nouns etc. but are not used in Arabic. According to tenor problems, they confirmed that students often confuse formal vs. informal expressions. For example, in legal texts; students don't pay attention to a highly formal style relating to word classes, verbs and adjectives.

Similarly, Abu-Ghazal (1996) selected a number of UN resolution texts and he used them as an instrument to evaluate the competence of twenty graduate students enrolled in the translation program at Yarmouk University. He mainly aimed at detecting the linguistic and translation problems facing translators in general and MA students in particular. Results showed that the problems they faced fall into four categories: layout, syntax, lexis and cohesion problems. He confirmed that layout features are significant in English legal texts because they are functional and affect the meaning of the text and also affect cohesion and coherence in the text. For example, some students replaced the commas by a full

stop and so interrupted the flow of the text. He mentioned also syntactic problems. For example, students had handled the parenthetical material which separates the matrix subject such as "The General Assembly", from its verbs in the complement like stresses, expresses and call upon. In addition, students have a great problem concerning the choice between near synonymous pairs, for example, social development "النمو الاجتماعي" which is not "التطور الاجتماعي".

Fakhouri (2008) aimed at displaying how pragmatic and functional considerations have an important role in legal translation and should be taken into account when determining translation strategies. The three contracts, Real Estate Sales Contract, a Lease Contract and an Employment Contract, were translated by three certified legal translators from English into Arabic to produce nine different versions. A comparison was made of how each translator approached problematic areas of legal translation in all nine texts. As for the translation from English into Arabic, a group of graduate students studying Applied Linguistics and Translation at An-Najah National University were asked to translate a "Power of Attorney" text as an assignment. The researcher has found that the subjects met different types of problems. These problems are classified into lexical, such as doublets (word pairs used as redundancies) and binominals (as collocations of antonyms, synonyms or

near-synonyms), syntactic such as nominalization, conditionals, passive and modality. Also, she confirmed that discourse- level features such as cohesion and coherence in translating legal texts. The researcher has discussed the problems that the subjects faced and pointed out the reasons for these problems. Finally, the study has shown that the application of pragmatic and functional perspectives to legal translation can provide the translator with valuable insights, reinforcing the premise that legal translation is essentially an act of communication.

2.2.2 Empirical Studies Worldwide

Many studies dealt with translating legal texts in different regions in the world. For example,

Selmi and Trouille (1998) conducted a study which aimed to achieve these objectives:

- 1- To raise students' awareness of the stylistic, lexical, grammatical and cultural characteristics of legal language across cultures, focusing on French and English.
- 2- To pinpoint major areas of difficulty in trying out different methods of teaching legal translation.
- 3- To suggest, albeit tentatively, a possible approach to the teaching of legal translation to non-specialists at the university level.

Their sample consisted of final year undergraduate students who translated legal texts into French, and the postgraduate students into English. All of the students were native speakers of English, none had any professional translation experience, and none were specialists in legal translation. The researchers used the same approach in both groups. Students were given legal texts to examine in class and asked to assess the potential difficulties for themselves. Each student then completed the translation individually as homework. The translations were later brought to class where students worked in small groups, comparing versions and evaluating how their peers had worked out the same difficulties. The students whose target language was French compared their final versions with an official translation of the text, which was an international document publicly available in both English and French. Throughout the exercise, students whose target language was English had access to an English document dealing with the same subject and their translations were from French.

As a result, Selmi and Trouille found out that in legal texts, more than in any other specialized field, translators cannot provide an accurate translation of certain notions unless they have a clear understanding of the overall institutional system to which they belong. The study of legal texts revealed it is important to focus not only on terminology, but also

on other linguistic features of the documents, such as connectors and sentence structure.

Monzo (2005) presented a research project which was carried out by the Spanish ACTIVE team. It aimed at describing and explaining a small part of the translation and interpreting field by focusing on the intersystemic communication of law in official contexts and by exploring and promoting the interests and strategies of certified translators and interpreters in the Spanish context. This research utilized the work carried out by the GITRAD research group, which was currently involved in the description of the social field of legal translators and interpreters within the framework of the ACTIVE project. The researcher interviewed some official sworn translators who held a relevant position in the field, as part of the administrative elite, the knowledge elite and also rank-and-file professionals. This helped him design a small questionnaire which he sent to those official sworn translators listed with the authorities (Spanish Department of Foreign Affairs and Catalan Department of Culture). At the same time, the researcher asked these professional translators to send a short translation for which he provided both a source text and brief. He concluded that the profession translator must have knowledge in two languages such as culture or social problems to be able to solve any problem when s/he translates and can rank the type of fields (social, economic or legal fields) very accurately.

Also, the court should temporarily appoint as a sworn translator and interpreter anyone who declares to have a sufficient knowledge of the foreign language and this person is bound by oath to produce accurate renderings.

Ditlevsen and Engberg (2007) looked at the question of why the translation of highly standardized legal texts was both easy (due to the degree of standardization of the formulations) and difficult (due to the roots of the texts in the national legal culture). This study centered on the difficulties stemming from the legal texts and their contexts and the strategic choices that had to be made when translating an auditor's report between Danish and English. The researchers analyzed some examples from Danish auditors' reports. Then, they evaluated them word – for-word translation and compared the solution with other possible solutions. For evaluating purposes, they used two criteria (A) Skopos (B) genre conventions. As a result, translating standardized legal texts may in fact be easy, when the translator has taken the necessary time to make sure s/he is making the right choices. Also, word - for – word translation has advantages and disadvantages but in legal translation the function of the translation is a documentary strategy that should be followed.

Biel (2008) aimed at examining the ways in which translators search for equivalents of legal terms and how they evolved in the

last decade. She also wanted to investigate how new tools such as electronic and online tools improve translation quality and what they reveal about the nature of terminological problems. The researcher used one of such forum which is ProZ.com, a global translator community. A translator asked a question and other members who received e-mail notifications may post their answer or comment on any existing answers (an agree, disagree or neutral comment). In most cases answers provide information on equivalents with the rationale behind it and authority (e.g relevant websites or dictionaries). The asker chooses the best answer and awards points. The points scored by the answerer are broken down according to fields and shown in his/her profile as a mark of expertise. Members also have the option of arbitrage when in their opinion the selected answer is wrong. As a result, it was generally acknowledged that finding suitable equivalents of legal terms was a source of constant and time-consuming problems faced by legal translators in their practice. The new terminology mining method helps to improve not only a translation speed, but also all translation quality.

Smejkalova (2009) dealt with the questions of legal language, legal translation and conceptual equivalence. This study shortly commented on

the problematic points arising when translating a legal text from Czech into English and vice versa. Furthermore, it tried to specify basic requirements a truly competent legal translator should fulfill. The researcher analyzed two real contracts that are drafted by lawyers. She demonstrated clearly what the main mistakes made by Czech translators such as choosing non-equivalence meanings (misunderstanding the concepts). As a result, in legal texts, translators face mainly conceptual problems arising from the difference between individual legal systems. To achieve mastery of legal translation, the translator should not be only well competent in the SL and TL, but he or she should also be acquainted with the legal systems, the relevant terminology and the TL specific legal writing style.

Chapter Three

Methodology and Procedures

3.0 Introduction

This chapter describes the sample, the instruments and their validity and reliability. It also includes the data collection and the procedures used in conducting the study.

3.1 Sample:

A sample of fifty undergraduate students majoring in translation or English language and literature was selected to participate in the study. They were chosen from two Jordanian undergraduate programs. The two groups were selected from two universities in Amman namely: University of Jordan and Al-Zaytoonah University during the academic year 2009/2010.

A purposive sample was selected from the above-mentioned universities. Since the aim of the study was to investigate difficulties encountered by translators when translating legal texts, recruiting a sample of undergraduate students majoring in translation or English language and literature, would fulfill this goal. Thus, University of

Jordan and Al-Zaytoonah University were selected as two major public and private universities that have a reputation for being ones among the public and private universities in the Hashemite Kingdom of Jordan that focus on translation issues for undergraduate students. In addition, they attract students from all over the country. They both offer BA degrees in English language and literature. The students who enroll in them are of wider age range. Some of those students belong to the category of working people. Hence, some have had the experience of working. The data about the sample were obtained by a means of demographic questions (See Appendix 4, p.80) attached to the main translation test of legal statements. The demographic questions asked for information about the respondents' general background such as age, gender, level of education, first language and translation experience.

The sample consisted of 50 students which included 23 males and 27 females. Age ranged from 19-33. All students were native Arabic speakers and in their third and fourth year. Nineteen students out of 50 had translation experience work before while 31 students did not have any. The following table illustrates the sample:

Table 1: Background of the Participants

Age	Gender		Level of BA Education		First language	Work Experience	
	M	F	Third Year	Fourth Year	Arb.	Yes	No
19-23	4	6	4	5	10	2	7
24-27	6	17	4	20	23	10	15
28-33	13	4	2	15	17	7	9
Total	23	27	10	40	50	19	31
	50		50			50	

Table (1): Key: Male (M), Female (F), Bachelor Degree (BA), Arabic (Arb.).

The researcher interviewed five students and five professors of translation. The five students are in the fourth year of the academic year 2009/2010. They have no experience in translation. On the other hand, the professors have a good experience in teaching legal courses.

3.2 Instruments of the Study:

In this study the researcher used two basic instruments: a translation test and unstructured interviews.

3.2.1 Translation Test

The test used in this study was administered by the researcher to find out the problems encountered by BA students majoring in translation

when translating legal texts from Arabic into English and vice versa during the second semester of the academic year 2009/2010.

The main goal of the test was to investigate the problems in translating Arabic legal texts into English and vice versa. The researcher developed a test that consisted of various types of legal texts. These legal texts were chosen to cover a variety of legal types. The test consisted of thirty statements; fifteen legal statements from English into Arabic and another fifteen legal statements from Arabic into English. The fifteen legal statements from English into Arabic consist of five statements from UN resolutions, five statements from contracts and agreements and the last five statements are from legal terminology in general. The statements from Arabic into English consist of five statements from contracts and agreements in general; five statements from rights and duties of Jordanian under the constitution and the last five statements are from legal terminology.

Prior to administering the test, the researcher asked for permission and sought cooperation in administering the test (see Appendix 1, p.76). The test was hand delivered by the researcher to the aforementioned university students, during the first week of March of the academic year 2009/2010. Students were asked to do the test individually as a homework assignment. Clear instructions were given to students by the researcher to take the contextual meaning into account rather than

substituting individual words with their dictionary equivalents. Students were also allowed to use whatever books or dictionaries they needed to help them in their translations. A period of one week was given for the students to complete the test. After that, the researcher corrected the test by focusing on the problems that students encountered whether linguistic or non-linguistic problems. The researcher followed the model answer which the experts agreed on (see Appendix 2, p.77). The test was corrected by using a scoring system. Accurate legal translation was given two points, while one point was given to any acceptable translation. Literal or inaccurate translation scored zero. Then, the test was analyzed in terms of the frequencies and percentages of the students' errors. Students' scores were interpreted according to five criteria; less than 60% means poor, from 60% to 69% fair, 70% to 79% good, 80% to 89% very good, and 90% to 100% excellent.

3.3 Validity of the Test:

To ensure the validity of the test, a panel of five university professors who are experts in translation and linguistics (see Appendix 2, p.77) were requested to judge the suitability of the test and to find out if the test measures what it is supposed to measure. The experts suggested that the first five statements should be transferred from English into Arabic and some statements from authentic laws of the language concerned should

be added. After that, the test was reviewed and modified according to the experts' comments, suggestions, and recommendations. Accordingly, the test was amended by some additions and omissions

3.4 Reliability of the Test:

A test – retest was administered. It was given to a similar group from the same population but not to the selected sample. The same test was given to them again after one week to check the reliability of their answers. The results showed stability in the responses.

3.2.2 Unstructured Interviews:

This tool is considered one of the most important techniques in gathering information. "The major advantages of the interview are useful to follow up ideas, probe responses and investigate motives and feelings" Bell (2005, p. 157). The researcher introduced herself and explained the purpose of the interview in order to alleviate the tension of the participants and gain their trust.

After distributing the test in the second week of March of the academic year 2009/2010, the researcher interviewed five students and five professors; two professors from Al-Zaytoonah University, one professor from Petra University, one professor from Isra University and one professor from Yarmouk University (see Appendix 3, p.78). The researcher conducted the interviews herself by making appointments with

the interviewees in their universities. The researcher posited the following three questions:

Q1- What are some of the problems that English language undergraduate students face in translating legal texts?

Q2- What are the causes of these problems?

Q3- What suggestions can be helpful in solving such problems?

Then, the researcher asked each participant on the individual basis the three previous questions. Participants were cooperative and answered all the questions orally. The researcher took notes when the participants answered the questions to produce useful insights into the problems that are related to translate legal texts and to find out which areas are important to get some suggestions to solve these problems.

3.5 Analysis of the Data:

In analyzing the collected data from the test (A&B), the researcher based her analysis on the errors committed by students whether linguistic or non- linguistic as indicated by Newmark (1988) who classified errors into these two categories. Newmark also pointed out that other problems stem from the method used in translation. He emphasized the importance of using the communicative method in translation as well as faithful translation. Accordingly, the researcher listed, classified and pointed out all kinds of errors.

3.6 Research Procedures:

The study applied the following procedures:

After reviewing the related legal translation literature, the researcher did the following:

1. Selected the sample of the study.
2. Established the two instruments of the study: (a) The test (b) The interviews.
3. Validated the test by presenting it to a panel of five university professors who are experts in translation and linguistics.
4. Ensured the reliability of the test by administering it to a similar group which has similar characteristics.
5. Obtained permission letters to administer the test in the participating universities.
6. Administered the test, collected the data and corrected it.
7. Analyzed the results of the test by using a scoring system in terms of the frequencies and percentages of the students' errors.
8. Interviewed some of the participants to obtain their views regarding the problems, their causes and some suggestions for improving their competence.

Chapter Four

Results of the Study

4.0 Introduction:

This chapter presents the results of the study which is divided into three major sections. Each section is devoted to all three research questions.

These questions are:

Q1- What are some of the problems that English language undergraduate students face in translating legal texts?

Q2- What are the causes of these problems?

Q3- What suggestions can be helpful in solving such problems?

The outcome of the 30 statements in the test is presented first. The first fifteen legal statements are from English into Arabic and the other fifteen legal statements are from Arabic into English. The fifteen legal statements from English into Arabic consist of five statements from UN resolutions, five statements from contracts and agreements and the last five statements are from legal terminology in general. The statements from Arabic into English consist of five statements from contracts and agreements in general; five statements from rights and duties of Jordanian under the constitution and the last five statements are from

legal terminology. Then, responses of the interviewed students and professors will be stated and described.

4.1 Results of Question (1) as Mentioned Above:

Part (A): Problems in Translating Legal Statements from English into Arabic

Results reported in table (2) show the problems and difficulties that students have encountered when translating legal texts from English into Arabic. The total number of statements in part (A) is fifteen. Although the test statements are included in Appendix five (p. 81), these statements are listed below to help the reader establish connection with the results.

1- The following words and phrases shall have the meanings assigned thereto hereunder, unless the context indicates otherwise.

2- Failure to pay all fees and financial obligations shall be deemed to be a debt to the University.

3- I have appointed Dr. Ali Ahmad, Dr. Ola Hamdan and Dr. Ahmad Salem jointly and severally to act as my agent in Saudi Arabia.

4- This Agreement (hereinafter referred to as the "Agreement") has been made and entered into by and between the parties.

5. IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.

6- The General Assembly noting with great concern the growing connection between the terrorist groups and the illegal traffic in arms and drugs,

7- The General Assembly mindful of the need to protect human rights of and guarantees for the individual in accordance with the relevant international human rights principles and instruments, particularly the right to life,

8- The General Assembly unequivocally condemns all acts, methods and practices of terrorism in all its forms and manifestations.

9- The General Assembly calls upon States, in accordance with international standards of human rights, to take all necessary and effective measures to prevent, combat and eliminate all acts of terrorism wherever and by whomever committed;

10 - The General Assembly requests the Secretary-General to transmit the text of the present resolution to all Member States and to competent specialized agencies and intergovernmental organizations;

11- Legal terminology is the set of special words, terms and expressions used in connection with law, as one of the branches of social sciences.

12- A custom must be reasonable, certain and clear. It must have existed continuously and must conform to statute.

13-This bill has declared the rights and liberties of the subject.

14- English law considers equity as an important complementary source of the law.

15- Any dispute arising during the validity period of the contract or during the liquidation of the Company between the Partners, or between the Partners and the Directors or a third party about matters related to the Company shall be finally settled under the Rules of Arbitration of the Abu Dhabi Centre of Conciliation and Arbitration of Abu Dhabi Chamber of Commerce by one or several arbitrators.

Translations of these statements have been compared and analyzed in terms of frequencies and percentages. Table (2) below presents 750 responses received for statements from English into Arabic. The number of students who have taken the test is 50. The responses have been corrected and classified into four categories: accurate answers, acceptable

answers, wrong answers and no answers. Answers are considered accurate if the response is linguistically and non-linguistically correct. But if the translations have one linguistic or non-linguistic problem, the researcher considers them acceptable translation. The wrong translations are both linguistically and non-linguistically wrong.

Table (2) also shows that half of students have translated the fifteen statements incorrectly (50%) while less than 10% have correct answers (8.1%). This table also indicates that 38% of students have acceptable answers for all statements. The lowest percentages of wrong answers are in statements number fourteen (32%) and seven (42%) and the highest percentage for statement number one is (72%). On the other hand, an acceptable answer is the highest for statements number two and eight (54% for each of them) and the lowest is for statements number four (24%), nine and eleven (26% for each of them).

It is worth mentioning that the obtained mean score of the legal test part (A) is (8.1); while the required cut – off mean score is (36). This result means that the participants failed to achieve the required mean scores. Accordingly, the participants are unable to translate legal statements adequately.

Table 2: Participants' Translation Performance on the Legal Test

Statements of Part (A)	Accurate Answer 2 Points		Acceptable Answer 1 Point		Wrong Answer Zero		No Answer	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
Statement No. One	-----	-----	14	28%	36	72%	0	0%
Statement No. Two	-----	-----	27	54%	23	46%	0	0%
Statement No. Three	-----	-----	17	34%	33	66%	0	0%
Statement No. Four	2	4%	12	24%	30	60%	6	12%
Statement No. Five	3	6%	25	50%	22	44%	0	0%
Statement No. Six	6	12%	18	36%	24	48%	2	4%
Statement No. Seven	6	12%	20	40%	21	42%	3	6%
Statement No. Eight	6	12%	27	54%	17	34%	0	0%
Statement No. Nine	8	16%	13	26%	24	48%	5	10%
Statement No. Ten	8	16%	19	38%	23	46%	0	0%
Statement No. Eleven	9	18%	13	26%	24	48%	4	8%
Statement No. Twelve	-----	-----	16	32%	31	62%	3	6%
Statement No. Thirteen	7	14%	18	36%	25	50%	0	0%
Statement No. Fourteen	-----	-----	25	50%	16	32%	9	18%
Statement No. Fifteen	6	12%	21	42%	23	46%	0	0%
Total of 15 Statements of legal Terms for 50 Students	Accurate Answer		Acceptable Answer		Wrong Answer		No Answer	
	Total	Percentage	Total	Percentage	Total	Percentage	Total	Percentage
750	61	8.1%	285	38%	372	49.6%	32	4.3%
Total	61 x 2 = 122		285 x 1 = 285					
Obtained Mean	122 + 285 = 407 ÷ 50 = 8.1							
Required Mean	30 x 2 = 60 x 60 ÷ 100 = 36							

Table 3: Types of Legal Problems in Terms of Frequencies & Percentages by Using Scoring System for 50 Students, Part (A), from English into Arabic (N=15) for Acceptable Answers

Statements of Part (A)	Linguistic Problems		Non- Linguistic Problems		Correct	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
Statement No. One	8	16%	6	12%	-----	-----
Statement No. Two	16	32%	11	22%	-----	-----
Statement No. Three	17	34%	-----	----	-----	-----
Statement No. Four	----	----	12	24%	2	4%
Statement No. Five	15	30%	10	20%	3	6%
Statement No. Six	9	18%	7	14%	6	12%
Statement No. Seven	20	40%	-----	----	6	12%
Statement No. Eight	10	20%	17	34%	6	12%
Statement No. Nine	13	26%	----	----	8	16%
Statement No. Ten	9	18%	10	20%	8	16%
Statement No. Eleven	-----	----	16	32%	9	18%
Statement No. Twelve	7	14%	9	18%	-----	-----
Statement No. Thirteen	11	22%	7	14%	7	14%
Statement No. Fourteen	----	----	25	50%	-----	-----
Statement No. Fifteen	21	42%	----	----	6	12%
Total of 15 Statements of legal Terms for 50 Students	Linguistic Problems		Non-Linguistic Problems		Correct	
	Total	Percentage	Total	Percentage	Total	Percentage
750	156	20.8%	130	17.3%	61	8.1%

Table (3) indicates that the percentage of linguistic problems is 20.8% (frequency = 156) as compared with a percentage of 17.5% (frequency = 131) for non- linguistic problems and 8.1% (frequency = 61) for correct answers.

In addition, table (4) presents the frequencies and percentages of linguistic problems which are related to semantic, syntactic and stylistic problems and the cultural differences between the two languages, English

and Arabic. The linguistic problems accounted for 156 (26%) out of 600. The high percentage of erroneous translations is an indication of the difficulty of translating legal terms.

Table 4: Frequencies & Percentages of Linguistic Problems for 50 Students in Restricted Legal Statements (N= 12)

No.	Statements No.	Linguistic Problems		Correct		
		Frequency	Percentage	Frequency	Percentage	
1	Statement No. One	8	16%	-----	-----	
2	Statement No. Two	16	32%	-----	-----	
3	Statement No. Three	17	34%	-----	-----	
4	Statement No. Five	15	30%	3	6%	
5	Statement No. Six	9	18%	6	12%	
6	Statement No. Seven	20	40%	6	12%	
7	Statement No. Eight	10	20%	6	12%	
8	Statement No. Nine	13	26%	8	16%	
9	Statement No. Ten	9	18%	8	16%	
10	Statement No. Twelve	7	14%	----	----	
11	Statement No. Thirteen	11	22%	7	14%	
12	Statement No. Fifteen	21	42%	6	12%	
Responses Received		Linguistic Problems		Correct		
		Total	Percentage	Total	Percentage	
		600	156	26%	50	8.3%

Table (4) shows that restricted linguistic statements created problems for the subjects of the study. Three Statements are excluded because they don't have linguistic problems giving a total of twelve statements as indicated in table (4). These statements are: four, eleven and fourteen.

Table (4) also indicates, after excluding the three statements, that the linguistic problems' rate is 26% (frequency =156) and the correct answers' rate is 8.3% (frequency = 50). The highest percentages of linguistic problems are observed in four statements; number twelve (42%) followed by statement number six (40%) and three (34%) while the lowest percentages are observed for statements number ten (14%) and one (16%). As stated in table (4), the percentages of other statements with linguistic problems range between 18% (in statement number five) and 26% (in statement number eight).

Table (5) below presents the frequencies and percentages of non-linguistic problems which reflect lack of awareness in translating legal texts and the problems related to misusing of dictionaries. The non-linguistic problems accounted for 130 (23.6%) out of 550. The high percentage of erroneous translations is an indication of the difficulty of translating legal terms.

Table 5: Frequencies & Percentages of Non-Linguistic Problems for 50 Students in Restricted Legal Statements (N= 11)

No.	Statements No.	Non-Linguistic Problems		Correct	
		Frequency	Percentage	Frequency	Percentage
1	Statement No. One	6	12%	-----	-----
2	Statement No. Two	11	22%	-----	-----
3	Statement No. Four	12	24%	2	4%
4	Statement No. Five	10	20%	3	6%
5	Statement No. Six	7	14%	6	12%
6	Statement No. Eight	17	34%	6	12%
7	Statement No. Ten	10	20%	8	16%
8	Statement No. Eleven	16	32%	9	18%
9	Statement No. Twelve	9	18%	----	----
10	Statement No. Thirteen	7	14%	7	14%
11	Statement No. Fourteen	25	50%	----	----
Responses Received		Non- Linguistic Problems		Correct	
		Total	Percentage	Total	Percentage
550		130	23.6%	47	8.5%

Table (5) shows that 550 translations are received with regard to non-linguistic problems of legal statements. The outcome reveals that four statements are excluded because they don't have non-linguistic problems giving a total of eleven statements. This table indicates, after excluding

the four statements, that the linguistic problems' rate is 23.6% (frequency =130) and the correct answers' rate is 8.5% (frequency = 47). The highest percentages of linguistic problems are observed in statement number fourteen (50%) while the lowest percentages are observed for statements one (12%), five and ten (14%). As mentioned before in this table, the percentages of other statements with non-linguistic problems range between 18% (in statement nine) and 34% (in statement six).

Part (B): Problems in Translating Legal Statements from Arabic into English

This part includes translating fifteen legal sentences from Arabic into English. Although the test statements are included in Appendix five (p. 85), these statements are listed below to help the reader establish connection with the results reported in table (6).

1- لا ينشأ أي التزام إذا لم تتمكن الشركة من الوفاء بالتزاماتها بموجب هذه الخطة نتيجة أي ظرف قاهر.

2- تلك المحكمة هي صاحبة الصفة والولاية في الفصل في تلك الدعاوى.

3- يحزر عقد العمل بلغة واضحة لا تدع مجالاً للشك أو الجدل بشأن الحقوق والواجبات الواردة فيه.

4- يعتبر التمهيد السابق أعلاه جزءاً لا يتجزأ من هذا العقد.

5- يحزر هذا العقد من نسختين بيد كل طرف نسخة للعمل بموجبها عند اللزوم.

6- - لا يجوز للمقاول التنازل عن العقد للغير بدون موافقة كتابية من صاحب

العمل.

* حقوق وواجبات الاردنيين في ظل الدستور الاردني:

7- المادة (8): لا يجوز ان يوقف احد أو يحبس إلا وفق احكام القانون.

8- المادة (10): للمساكن حرمة فلا يجوز دخولها إلا في الأحوال المبينة في

القانون وبالكيفية المنصوص عليها فيه.

9- المادة (12): لا تفرض قروض جبرية ولا تصدر أموال منقولة او غير منقولة

إلا بمقتضى القانون.

10- هذه الاتفاقية، وحيثما يسمح السياق، أي إشارة إلى جنس ما تشمل الجنس

الأخر.

11- تم إبرام هذه الاتفاقية وتوقيعها حسب الاصول بين الطرفين.

12- تخضع هذه الاتفاقية للأنظمة والقوانين النافذة في المملكة الأردنية الهاشمية.

13- ستكون محاكم عمان في الاردن هي الوحيدة صاحبة الاختصاص للنظر في

أية نزاعات قد تنشأ عن هذه الاتفاقية.

14- يجوز للطرفين إنهاء هذه الاتفاقية في أي وقت شريطة ان يتم تقديم اخطار

خطي إلى الطرف الآخر خلال 30 يوماً على الأقل.

15- مزاولة كافة الأعمال التجارية والمالية والصناعية دون تقييد وكذلك الأنشطة الأخرى

المتعلقة بشكل مباشر أو غير مباشر بأغراض أو أدوات " الشركة " أو لتطوير النشاط

والتوقيع على كافة العقود والالتزامات القانونية وتنفيذها على النحو الذي يجوز أن يكون

ضرورياً فيما يتعلق بذلك.

Table 6: Participants' Translation Performance on the Legal Test

Statements of Part (B)	Accurate Answer 2 Points		Acceptable Answer 1 Point		Wrong Answer Zero		No Answer	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
Statement No. One	-----	-----	9	18%	41	82%	0	0%
Statement No. Two	2	4%	13	26%	35	70%	0	0%
Statement No. Three	-----	-----	8	16%	42	84%	0	0%
Statement No. Four	-----	-----	17	34%	28	56%	5	10%
Statement No. Five	1	2%	12	24%	37	54%	0	0%
Statement No. Six	3	6%	15	30%	25	50%	7	14%
Statement No. Seven	5	10%	18	36%	24	48%	3	6%
Statement No. Eight	2	4%	25	50%	22	44%	1	2%
Statement No. Nine	-----	-----	11	22%	39	78%	0	0%
Statement No. Ten	4	8%	16	32%	30	60%	0	0%
Statement No. Eleven	2	4%	6	12%	39	78%	3	6%
Statement No. Twelve	1	2%	5	10%	37	54%	7	14%
Statement No. Thirteen	6	12%	20	40%	24	48%	0	0%
Statement No. Fourteen	2	4%	27	54%	21	42%	0	0%
Statement No. Fifteen	-----	-----	16	32%	34	68%	0	0%
Total of 15 Statements of legal Terms for 50 Students	Accurate Answer		Acceptable Answer		Wrong Answer		No Answer	
	Total	Percentage	Total	Percentage	Total	Percentage	Total	Percentage
750	28	3.7%	218	29.1%	478	63.7%	26	3.5%
Total	28 x 2 = 56		218 x 1 = 218					
Obtained Mean	56 + 218 = 274 ÷ 50 = 5.5							
Required Mean	30 x 2 = 60 x 60 ÷ 100 = 36							

Table (6) shows that students haven't succeeded in translating legal statements adequately in statements number one, three, four, nine and fifteen. Clearly, the inability to deal with legal features appears in statement number three; students have the highest percentage with wrong answers. The researcher has noticed that statements number two, eight, eleven and fourteen have the same accurate answers 2 (4%). On the other hand, these statements have different acceptable and wrong answers.

In addition, the obtained mean score of the legal test part (B) is (5.5); while the required cut – off mean score is (36). Again, this result means that the participants failed to achieve the required mean scores. Accordingly, the participants are unable to translate legal statements adequately.

Table (7) shows that the total number of legal statements received are 750. Linguistic problems accounted for 127 (16.9%) of the total number of legal statements received. Non-linguistic problems are committed in 91 (12.1%) of the total responses and the correct answers received are 28 (3.7%). Analysis of the received translations has been carried out in accordance with the most erroneous responses.

Table 7: Types of Legal Problems in Terms of Frequencies & Percentages by Using Scoring System for 50 Students Part (B) from Arabic into English (N=15) for Acceptable Answers

Statements of Part (B)	Linguistic Problems		Non-Linguistic Problems		Correct	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
Statement No. One	3	6%	6	12%	-----	-----
Statement No. Two	11	22%	2	4%	2	4%
Statement No. Three	8	16%	-----	-----	-----	-----
Statement No. Four	9	18%	8	16%	-----	-----
Statement No. Five	-----	-----	12	24%	1	2%
Statement No. Six	-----	-----	15	30%	3	6%
Statement No. Seven	14	28%	4	8%	5	10%
Statement No. Eight	18	36%	7	14%	2	4%
Statement No. Nine	6	12%	5	10%	-----	-----
Statement No. Ten	9	18%	7	14%	4	8%
Statement No. Eleven	6	12%	-----	-----	2	4%
Statement No. Twelve	5	10%	-----	-----	1	2%
Statement No. Thirteen	11	22%	9	18%	6	12%
Statement No. Fourteen	27	54%	-----	-----	2	4%
Statement No. Fifteen	-----	-----	16	32%	-----	-----
Total of 15 Statements of legal Terms for 50 Students	Linguistic Problems		Non-Linguistic Problems		Correct	
	Total	Percentage	Total	Percentage	Total	Percentage
750	127	16.9%	91	12.1%	28	3.7%

Similar to statements from English into Arabic, table (8) below presents the frequencies and percentages of linguistic problems that result from semantic, syntactic, stylistic and cultural differences between the two languages, English and Arabic.

Table (8) shows that 600 translations were received with regard to linguistic types of legal terms. All examples used in this study are not used in their literal sense but in communicative and faithful senses. The

outcome reveals that out of 600 responses received, 127 (21.2%) translations are linguistic problems. Only 24 translations (4%) are considered adequate; students are successful in conveying the implicit message in their translations.

Table 8: Frequencies & Percentages of Linguistic Problems for 50 Students in Restricted Legal Statements (N= 12)

No.	Statements No.	Linguistic Problems		Correct	
		Frequency	Percentage	Frequency	Percentage
1	Statement No. One	3	6%	----	----
2	Statement No. Two	11	22%	2	4%
3	Statement No. Three	8	16%	----	----
4	Statement No. Four	9	18%	----	----
5	Statement No. Seven	14	28%	5	10%
6	Statement No. Eight	18	36%	2	4%
7	Statement No. Nine	6	12%	----	----
8	Statement No. Ten	9	18%	4	8%
9	Statement No. Eleven	6	12%	2	4%
10	Statement No. Twelve	5	10%	1	2%
11	Statement No. Thirteen	11	22%	6	12%
12	Statement No. Fourteen	27	54%	2	4%
Responses Received		Linguistic Problems		Correct	
		Total	Percentage	Total	Percentage
600		127	21.2%	24	4%

Table (9) shows that 550 translations are received with regard to non-linguistic types of legal statements. It also explains the frequencies and percentages of non-linguistic problems that result from lack of awareness of translating legal texts, misuse of dictionaries and other research facilities. The outcome reveals that out of the 550 responses

received, 91 (16.5%) translations are non- linguistic problems. Only 23 translations (4.2%) are considered adequate; students have been successful in conveying the implicit message in their translations. Obviously, the high percentage of erroneous translations is an indication of the difficulty of translating legal texts, especially in statements number four, five and eleven. To explain the scoring system, the researcher organized some tables to show how students did in legal test part B (Statements from Arabic into English).

Table 9: Frequencies & Percentages of Non-Linguistic Problems for 50 Students in Restricted Legal Statements (N= 11)

No.	Statements Number	Non-Linguistic Problems		Correct	
		Frequency	Percentage	Frequency	Percentage
1	Statement No. One	6	12%	-----	-----
2	Statement No. Two	2	4%	2	4%
3	Statement No. Four	8	16%	----	----
4	Statement No. Five	12	24%	1	2%
5	Statement No. Six	15	30%	3	6%
6	Statement No. Seven	4	8%	5	10%
7	Statement No. Eight	7	14%	2	4%
8	Statement No. Nine	5	10%	-----	----
9	Statement No. Ten	7	14%	4	8%
10	Statement No. Thirteen	9	18%	6	12%
11	Statement No. Fifteen	16	32%	-----	-----
Responses Received		Non-Linguistic Problems		Correct	
		Total	Percentage	Total	Percentage
		91	16.5%	23	4.2%

Table 10: Participants' Total Results of the Legal Test Part (A&B)

Participants	Fail	Pass	Total
Number	43	7	50
Percentage	86%	14%	100%

To confirm the same result, table (10) reveals that 86% of the participants obtained score less than the cut –off level of the legal test (36 points = 60%). It is clear that while the majority of the participants (86%) could not pass the test, only 14% of the participants could pass the test. This confirms the conclusion that the majority of the participants are unable to translate legal terms.

Table 11: Participants' Detailed Results of the Legal Test Part (A &B)

Criteria	Number of Students	Percentage
Fail = (Less than 60%)	43	86%
Fair= (60% to 69%)	4	8%
Good = (70% to 79%)	2	4%
Very Good = (80% to 89%)	1	2%
Excellent = (90% to 100%)	0	0%

For further evidence, table (11) shows that 86% of the participants obtained scores less than the test cut –off level and this means that the

majority of the participants could not pass the legal test. This result confirms the participants' inability to translate legal terms. In addition, the same table shows 8% of the participants got scores ranging from (60%) to (69%). This percentage confirms the idea that most of the participants who could pass the cut-off level of the legal test could not get high scores and this reflects their shaky ability to translate legal terms. Again, this result is confirmed by the fact that 2% of the participants got 'very good' grade (80% to 89%). However, none of the participants could reach an excellent grade.

Part (C): Results of Interviewing Students and professors:

Confirming results of the test, the researcher interviewed five students and five professors informally. The interviews were conducted in English. Students were three males and two females. The professors of English language and literature who teach translation were four males and one female. Students were enrolled in the BA in English language and literature program. They were in fourth year and their age ranged between (22-28) years. On the other hand, the professors were teaching at Private and Public Universities in Amman. All of them had experience in translation from three to thirty years. The researcher asked them three questions.

Q1- What are some of the major problems that English language undergraduate students face in translating legal texts?

Q2- What are the causes of these problems?

Q3- What suggestions can be helpful in solving such problems?

4.1.1 Summary of the Results Related to the First Question in the Interviews:

According to the five students, they stated that there were problems in translating legal texts, such as:

1. Archaic expressions, which have been borrowed from old English, are not normally used in modern Standard English. For example: one of them reported that *"understanding archaic expressions is difficult; so students usually forget these expressions"*.
2. Materials used in teaching don't use fixed steps in teaching legal texts.
3. Lack of variety in legal texts, so there are few examples to practice in the lecture. One of them said that *"... I think that these texts have a lot of gaps because they don't have variety in legal texts"*.
4. Students' comprehension of the original text may be imperfect and it is difficult for them to produce an accurate translation of the legal text, i.e. mother tongue interference prevents them from doing so.
5. Lack of knowledge in legal features and that might not help students apply these features while translating a legal text.

Meanwhile, the five professors stated the problems in translating legal texts as follows:

1. Legal texts need to be translated by "*specialized translators*" because they have many characteristics such as a special organization (layout) and lack of knowledge in such organization causes problems.
2. When translators want to translate legal texts, they must study the characteristics of legal texts to gain good knowledge that helps them translate legal texts.
3. Translators should have knowledge in linguistic features of language, such as semantics, syntax and stylistics (rhetorical, register and layout).
4. "*Lack of awareness of legal texts' sensitivity*" and lack of attention to cultural issues.
5. Legal texts need specialized dictionaries from which translators choose the exact meanings without distorting the translation.

4.2 Summary of the Results Related to the Second Question in the

Interviews:

The present analysis aims at investigating the causes of the difficulties in translating legal texts. The five students claimed that among the causes of these problems in translating legal texts are:

1. Lack of knowledge of legal texts.
2. Lack of skills needed in translating legal texts.

3. Bad choice of the legal texts to fill a gap.
4. Lack of awareness of the importance of the context in translation.
5. Lack of students' interest in legal translation.

On the other hand, the five professors stated that the causes of these problems are:

1. Legal texts are related to many fields such as culture, religion, business, translation, etc. Such texts need to be translated by specialized translators.
2. Lack of awareness of the importance of the legal translation may cause difficulties.
3. Students' weakness in English language definitely distorts the translation.
4. The cultural differences between the two languages, English and Arabic, constitute a difficulty.
5. Misuse of dictionaries leads to out of context translation.

4.3 Summary of the Results Related to the Third Question in the Interviews:

The aim of this section is to pinpoint some suggestions to avoid the major problems in translating legal texts. The five students and the five professors gave some suggestions as follows:

1. Giving students more practice in translating legal texts to prepare them to have good work in the future.
2. Giving students good knowledge in the main features of legal discourse which assist students in understanding the text before translating it.
3. Giving more reading and writing English language practice to avoid linguistic problems related to semantics, syntactic and stylistics problems.
4. Living the real translation situations by working in lawyers' offices, and courts or attending local conferences to gain good experiences.
5. Learning the different forms of legal texts and instructors should give them more legal text examples to improve their competence.

Chapter Five

Discussion and Recommendations

5.0 Introduction:

This chapter presents a brief summary and a short discussion of the findings of the three research questions. It also attempts to explain and interpret the results in light of the reviewed literature. The chapter concludes with recommendations and suggestions for future research.

5.1 Discussion of the Findings of Question One: *What are some of the problems that English language undergraduate students face in translating legal texts?*

Results of the first question show that there are problems that undergraduate students face. These difficulties have been grouped under: linguistic and non-linguistic problems which are related to the two parts of the test, part A&B. Linguistic problems are: (i) Semantic problems (ii) Syntactic problems (iii) Stylistic problems (iv) Cultural differences between the two languages, English and Arabic. While non-linguistic problems are: (i) lack of awareness in legal texts' sensitivity and (ii) misuse of dictionaries.

5.1.1 Discussion of Problems in Part (A) English/Arabic:

These problems are related to: (i) Semantic type, (ii) Syntactic type and (iii) Stylistic type (iv) Cultural differences between the two languages, English and Arabic. Examples of such problems are shown below:

Received Translations	Frequencies	Percentages	
عُيِّنَ كل من د.علي احمد ود.علا حمدان ود. احمد سالم بشكل متصل بشدة لوكالتي في السعودية.	6	12%	I have <u>appointed</u> Dr.Ali Ahmad,Dr.Ola Hamdan and Dr.Ahmad Salem jointly and severally to act as my agent in Saudi Arabia.
عينت د.علي احمد ود.علا حمدان ود. احمد سالم جميعهم ليمثلوني في السعودية.			
عينت د.علي احمد ود.علا حمدان ود. احمد سالم بشكل وثيق ليتم تمثيلهم عني في السعودية.			
قمت بتعيين كل من د.علي احمد ود.علا حمدان ود. احمد سالم بشكل اساسي ليمثلوني في السعودية.			
تم تعيين كل من د.علي احمد ود.علا حمدان ود. احمد سالم ليكونوا ممثلين عني في السعودية.			
الجمعية العمومية تقوم بإدانة كل التمثيل وطرقه وممارساته الغير مشروعة هي جميع الظروف والاشكال.	17	34%	The General Assembly <u>unequivocally condemns</u> all acts, methods and practices of terrorism in all its forms and manifestations.
تعمل الجمعية العامة على ادائه جميع انواع التمثيل وطرقه وممارساته الارهابية في كل اشكاله وصوره بشكل لا لبس فيه.			
إن الجمعية العامة تعمل على الادائه وبشكل قوي جداً لجميع الممارسات والتمثيل الغير قانوني وارهابي في جميع اشكاله وظروفه.			
يكون للجمعية العامة الدور المدين لجميع انواع التمثيل وممارساته واشكاله الظاهرة.			
تعتبر الجمعية العامة مدينه للتمثيل واشكاله وصوره وظواهره الغير شرعية وارهابية.			
صرحت الفاتوره الحقوق والحريات للمواضيع	25	50%	This <u>bill</u> has declared the rights and liberties of the subject.
تم التصريح من قبل الفاتورة اليمنى والحرية للموضوع.			
صرحت الفواتير بقانون الحريات بكتابة المواضيع.			
تم التصريح بكتابة الفواتير والمواضيع بحرية			
التصريح بكتابة فواتير ومواضيعها بحرية تامة.			

The high percentage of erroneous translations is an indication of the difficulty of translating legal texts. These difficulties have been grouped under the following headings:

The first linguistic problem is related to semantic difficulties. Students have distorted the legal texts because they haven't used the exact meaning and they translated some words literally and out of context. They have used one sense of meaning for some words that have more than one meaning; so they have broken the unity of the statements. In other words, the meaning of legal terms has to be communicated from the English language by its linguistic system into Arabic. In statements two, five and seven, as shown in table four (p.37), some students were unable to understand the text and hence produced a distorted translation. They translated "Failure to" as "فشل", "great concern" as "الاهتمام الكبير" and "Secretary-General" as "السكرتير العام" ; but they have failed in translating legal terms. This is seen to be the problem for most students because they have not understood the original text before translating it. This result agrees with what some of the students said about the comprehension of the original text in item four (p.49) and what some professors said about linguistic problems such as semantic problem encountered while translating legal texts as shown in item three (p. 50).

The second kind of linguistic problems is related to syntactic difficulties. Students chose wrong tenses when dealing with statements six, seven, eight, nine and ten as shown in table four (p. 37) such as "unequivocally condemns" "إدانته بشكل لا لبس فيه" while its translation is: "إذ تدين الجمعية العامة إدانة قاطعة.....". This affects translation as it is a kind of syntactic distortions to the text. Students' weakness in the structure of standard Arabic made them unable to translate these legal statements. This result confirms Fraghal & Shunnaq's (1992) statement that students are unable to deal effectively with syntactic discontinuity. Results also agree with Fakhouri (2008) who found that translators made different types of mistakes, such as lexical, syntactic and discourse level.

The third kind of linguistic problems is related to style. Distortions in translating legal statements are related to various layout features, such as capitalizing, paragraphing and italicizing, etc. Students translated some legal statements without taking into consideration the layout features. For example, capital letters are used in sentence beginnings and proper nouns etc., but not used in Arabic. As shown in table four (p.37), statements one, seven, eight, nine and ten show difficulties of this nature, such as "The General Assembly" students don't pay attention to capitalize the first letter. So, they should take course in writing to overcome such problems. Also, they must use the register expressions well in legal texts. Such expressions as '*hereof*', '*aforesaid*', '*herein*', '*bill*', etc. find their way

mostly in legal register. For example, they translated "*Bill*" as "فاتورة" but its translation is "الوثيقة" because the legal text is related to a high formal text. This is similar to Abu-Ghazal (1996) who considered the layout features of a legal text important since they are the physical appearance of the text. Students must also consider the register of the legal texts to gain a good knowledge about translating legal texts. Expressions such as *hereof*, *aforesaid*, *herein* and *bill* were source of difficulty for students. They failed to achieve the exact style of the legal language. This result also agrees with Selmi & Trouille (1998) who considered that translators have to be aware of the specialized register and how language is used for general or special purposes. This result is also similar to what some of the professors said about linguistic problems such as stylistic problem (layout) as shown in item one and three (p. 50).

The last kind of linguistic problems is related to cultural differences between the source language (SL) and target language (TL). A large percentage of students are not aware of the cultural differences between the source and the target legal order. They have to know the main cultural features of both languages, English and Arabic, in order to overcome these difficulties. Statement three as shown in table four (p.37); students have translated "Saudi Arabia" as "السعودية" instead of "المملكة العربية السعودية" because they don't take into consideration how this term should be translated. Such complexity lies in the fact that what is considered

culturally acceptable in the SL culture may be regarded as totally strange and mysterious to the TL. These results are similar to Newmark (1988) who suggested that translators should make use of the linguistic and cultural context so as to be able to capture the intended meaning of words fully. Ditlevsen & Engberg (2007) also explain that the difficulty in translating legal texts is due to the roots of the texts in the national legal culture. Professors in this study indicate that cultural differences between the two languages, English and Arabic, cause problems for students as shown in statement four (p.51).

Following are the non-linguistic problems that the students encountered. These problems are (i) lack of awareness in legal texts' sensitivity and (ii) misuse of dictionaries and other search tools. As shown in table five (p.39), there are difficulties that students encountered when rendering legal terms.

Examples:

Received Translations	Percentages	Frequencies	
الكلمات التالية والتعابير سوف تكون نفس المعنى الموقع عليه ما لم يرد غيرها في السياق.	16%	8	The following words and phrases shall have the meanings assigned thereto <u>hereunder</u> , unless the context indicates otherwise.
التعابير والكلمات التالية ستكون <u>لديها</u> المعنى ذاته ما لم ترد في سياق آخر.			
الكلمات المعبرة بها ستكون ذات معنى موقع عليه ما لم يشير النص بذلك.			
الكلمات والتعابير الموقع عليها ستكون ذاتها ما لم يرد شيء آخر.			
التعابير والكلمات الموجودة <u>هنا</u> ستكون نفس الشيء ما لم يرد شيء آخر بشأنها.			
<u>الفشل في دفع النفقات الدراسية</u> سوف يكون دين للجامعة.	32%	16	<u>Failure to pay all fees financial obligations</u> shall be deemed to be a debt to the University.
<u>الفشل في دفع الملتزامات المالية</u> سيكون دين للجامعة.			
سيعتبر عدم دفع الرسوم <u>فشل</u> ودين للجامعة.			
سيكون عدم دفع <u>الفيز فشل</u> الجامعة.			
يعتبر عدم دفع <u>الفيز فشل</u> عظيم للجامعة.			

Having analyzed these difficulties, the researcher found that undergraduate students committed various kinds of translation distortions. These distortions and weaknesses were grouped under the following areas:

The first non-linguistic problem as mentioned above is related to lack of awareness in legal texts' sensitivity. The study showed that students have chosen wrong equivalent words when dealing with legal texts. They don't pay attention to legal texts' sensitivity. Inability to give the right equivalent is a serious problem in translation in general and legal translation in particular (Qzar, 1997). Students translated (hereunder: حيثما وردت هنا) as (الموقع عليه) because they don't pay attention to legal texts' sensitivity.

Students translated Failure to: عدم الالتزام as (فشل) literally without taking communicative and faithful senses into consideration.

Students face this problem because they don't have enough information about legal language. They translated legal texts as any text without taking into consideration the sensitivity of legal language. They should learn and realize the importance of the legal language to overcome such problems. In statements one, two, four and five, students did not adequately translate legal terms, such as *thereto*, *hereunder*, *shall*, *hereinafter*, etc., as shown in table five (p. 39) because these are specialized terms and confined to legal language. These results agree

with Mellinkoff (1963) who expressed concern about the legal language and described its characteristics. Similarly, Crystal & Davy (1969) confirmed that legal texts have a high degree of linguistic conservation. Dijk (1985) also found that the English language legal texts share distinguished features in the realm of linguistic features. As shown in items one, three and five (p. 49), students confirmed that lack of knowledge of legal features, such as archaic expressions are difficult for them. In addition, some of the professors stated that legal texts need to be translated by "*specialized translators with a high formal style*" as shown in items one, two and four (p.50).

The second kind of non-linguistic problems is related to misuse of dictionaries and other research tools. Students usually choose the first meaning in dictionaries so they tend to use any dictionary such as monolingual or bilingual dictionaries without taking into consideration how to choose the exact meaning as it occurred in context. Legal texts need specialized dictionaries because they have special characteristics. In statement eleven, students had problems when they translated "Bill" as "فاتورة" without looking for the contextual meaning as shown in table four (p. 37). Misuse of such comprehensive dictionaries is considered an obstacle that confronts students and causes problems for them. These results agree with Biel (2008) who stated that the translators still need to find a translation equivalent when they use whether dictionaries or

electronic and online tools. This also agrees with the professors who confirmed that legal texts need specialized dictionaries to choose exact meaning without distorting the translation as shown in item five (p. 50).

5.1.2 Discussion of Problems in Part (B) Arabic/ English:

Results of the problems in part (B) are similar to the results of the previous part of the test. The problems adopted by the students are noted as linguistic and non-linguistic ones.

Linguistic problems are: (i) Semantic type, (ii) Syntactic type and (iii) Stylistic type (iv) Cultural differences between the two languages, English and Arabic. Examples of such problems are shown below:

Homes are <u>sanctity</u> and don't enter there in any conditions, except by law	36%	18	المادة (10): للمساكن حرمة فلا يجوز دخولها إلا في الأحوال المبينة في القانون وبالكيفية المنصوص عليها فيه.
Homes are <u>Haram</u> and anyone can't enter in but he can by law			
Homes <u>woman</u> aren't' enter except by law			
Houses that you can't enter because it is <u>sanctity</u>			
Houses are <u>illegal</u> to enter in but you can by court.			
The letter above will be in <u>decade</u>	18%	9	يعتبر التمهيد السابق أعلاه جزءاً لا يتجزأ من هذا العقد
The <u>decade</u> is part of introduction			
These introduction has a <u>decade</u>			
The <u>decade</u> consists of introduction			
Parts of introduction this <u>decade</u>			

The high percentage of erroneous translations is an indication of the difficulty of translating legal texts. These difficulties have been grouped under the following headings:

The first kind of linguistic problems is semantic difficulties. With regard to the significant role played by the context, the students had failed to account for the fact that the meaning of any word is determined via its context. In statement three as shown in table eight (p. 45), some students were unable to understand the text and hence produced a distorted translation. They translated "عقد" as "decade" ; their translations were wrong. The outcome of the students' results revealed erroneous translations caused by the wrong choice of exact meanings out of their context. This result also agrees with what some of the students said about the comprehension of the original text in item four (p.49).

The second linguistic problem is syntax. Since the structure of the Arabic legal text differs from English, students chose wrong tenses when dealing with these statements. This affects translation as it is a kind of syntactic distortions to the text. In statement number ten as shown in table eight (p.45); students haven't translated "وحيثما يسمح السياق" because they don't pay attention to parenthetical statements in Arabic and how they can translate these statements. Students' weakness in translating parenthetical statements made them unable to convey the exact meaning of the statement. This result agrees with Fraghal & Shunnaq (1992) who

confirmed students' inability to deal effectively with syntactic discontinuity. This finding is also consistent with Selmi and Trouille's (1998) who confirmed the importance of the linguistic devices in legal texts that link phrases, sentences and paragraphs together to form cohesive units of meaning. Results also agree with Fakhouri (2008) who found that translators made different types of difficulties, such as lexical, syntactic and discourse level features. This result is also consistent with what some professors have said about the linguistic problems as shown in item three (p. 50).

The third linguistic problem is stylistic. Distortions in translating legal statements are related to the use of the register expressions in legal texts. Legal texts have a highly formal style; so when students have translated "تم إبرام هذا الاتفاقية" in statement number eleven as shown in table eight (p. 45) ", they have failed to convey the special style in translating legal texts. Students translated some legal statements without taking into consideration the stylistic features in both languages. In statement number thirteen as shown in table eight (p.45), students haven't used capital letters when they translated "عمان- الاردن" as "amman-jordan". Layout features of a legal text are important to convey the exact form of language. This agrees with Abu-Ghazal (1996) who considered the layout features of a legal text important since they are the physical appearance of the text. Students must also consider the register of the legal texts to

gain a good knowledge about translating legal texts. Expressions such as *hereof*, *aforesaid*, *herein* and *bill* were source of difficulty for students. They failed to achieve the exact style of the legal language. This result is also consistent with what some of the professors have said about linguistic problems such as stylistic problem (layout) as shown in item one and three (p. 50).

The last kind of linguistic problems is cultural differences between the source language (SL) and target language (TL). A large percentage of students is not aware of the cultural differences between the source and the target legal order. They have to know the main cultural features of both languages, English and Arabic, in order to overcome these difficulties. Statement eight as shown in table eight (p.45) is related to rights and duties of Jordanians under the Constitution and, in fact, the legal systems vary from one country to another. The students translated "حرمة" as (Sanctity, Haram, illegal, woman, etc.). The untranslatability of this term reflects an area where intercultural equivalence does not exist. In addition, this problem is caused by the interference from the students' first language. Accordingly, students must be familiar with both cultures and should have a good knowledge of the SL and the TL. These results are in agreement with Newmark (1988) who suggested that translators should make use of the linguistic, referential and cultural context so as to be able to capture the intended meaning of words fully. Ditlevsen &

Engberg (2007) also explained that the difficulty in translating legal texts is due to the roots of the texts in the national legal culture. The interviewed professors who took part in this study indicated that cultural differences between the two languages, English and Arabic, caused problems for students as shown in statement four (p.51).

Following are the non-linguistic problems that the students encountered. These problems are (i) lack of awareness in legal texts' sensitivity and (ii) misuse of dictionaries and other search facilities. As shown in table nine (p.46), there are difficulties that students encountered when rendering legal statements.

Examples:

Received Translations	Percentages	Frequencies	
The employer doesn't assign the contract to <u>any one</u> without writing according to law.	30%	15	لا يجوز للمقاول التنازل عن العقد للغير بدون موافقة كتابية من صاحب العمل.
Employer can't assign the contract to <u>another one</u> without writing it.			
It is not allow to assign the decade to <u>a one</u> without something written.			
Contractor can't assign a contract to <u>one</u> without write to him.			
Employer will not assign to <u>someone</u> without writing it.			
the agreement <u>was</u> signed between each others.	32%	16	تم ابرام هذه الاتفاقية وتوقيعها حسب الاصول بين الطرفين.
Agreement <u>signed</u> between others.			
Agreement <u>was</u> between parties.			
These agreement <u>was</u> between parties.			
This agreement <u>were</u> between parties.			

Having analyzed the mistakes, the researcher found that undergraduate students committed various kinds of translation distortions. These distortions and weaknesses were grouped under the following areas:

The first kind of non-linguistic problems is related to the lack of awareness in legal texts' sensitivity. The study showed that students have chosen wrong equivalent words when dealing with legal texts. They don't pay attention to legal texts' contextual sensitivity. Students were unaware of the significant role played by the context and its impact on the selection of the exact word when they translate legal texts.

Students' results showed lack of knowledge for certain characteristics of legal texts. They translated legal texts as any text without taking into consideration the contextual sensitivity of the legal language. Therefore, they should learn and realize the importance of the legal language to overcome such problems. In statements one, four and thirteen, students did not adequately translate legal terms, such as *shall*, *Force Majeure*, *hereunder*, etc., as shown in table nine (p. 46) because these are specialized terms and confined to legal language. These results agree with Mellinkoff (1963) who expressed concern about the legal language and described its characteristics. Similarly, Crystal & Davy (1969) confirmed that the legal texts have a high degree of linguistic conservation. In addition, some of the professors stated that legal texts

need to be translated by "*specialized translators with a high formal style*" as shown in items one, two and four (p.50).

The second non-linguistic problem is related to misuse of dictionaries and other research facilities. Students usually choose the first meaning in dictionaries so they tend to use any dictionary, monolingual or bilingual, without taking into consideration how to choose the exact meaning. On the other hand, legal texts need specialized dictionaries because they have special characteristics. In statement number four and five as shown in table nine (p. 46), students have made errors when they translated "عقد" as "decade" and "التمهيد" as "introduction" without looking for the suitable contextual meaning which is related to the content. Misuse of such comprehensive dictionaries is considered an obstacle that confronts students and causes problems in their task. These results are in agreement with Biel (2008) who stated that translators still need to find a translation equivalent when they use dictionaries or electronic and online tools.

5.2 Discussion of the Findings of Question Two: *What are the causes of these problems?*

Interviewing the five students and five professors in this research indicated that the major causes of the problems that undergraduate students face are related to: lack of awareness of the importance of the context in translation; lack of awareness of linguistic problems; lack of

awareness of the cultural problems between the SL and the TL; misuse of dictionaries and lack of students' interest in legal translation. Students have not recognized how they can translate legal language; their translations are most of time weak. In addition, the professors confirmed that teachers should concentrate on translating legal texts in classroom, a fact which is confirmed by Vermeer (1982) who stated that legal criteria should be taken into account when selecting the most appropriate translation strategy since the meaning of legal texts is determined by the legal context. Also the outcome of the study is consistent with Newmark (1988) who suggested that "words are conditioned by a certain linguistic, referential, cultural and personal context"(p.193) and Beaupre (1987) who also supported the statement and proposed that legal translation should formulate two equal versions of the same instrument. This is also in line with Sarcevic (2000) who indicated that "the basic unit of legal translation is the text, not the word"(p.5). Asensio (2000) recommended that equivalence or identity should be achieved in translating legal texts. This result also agrees with Smejkalova (2009) who confirmed that legal translators must have three conditions: basic knowledge of the legal systems, knowledge of the relevant terminology and competence in the TL specific legal writing style.

5.3 Discussion of the Findings of Question Three: *What suggestions can be helpful in solving such problems?*

According to the interviews of the five students and five professors, they suggested solutions for the problems that undergraduate students encountered in translating legal texts as shown in items one to five (p. 51-52). Students should work hard to learn the characteristics of legal language. They also should have more practice by translating various legal texts, live the real translation situations in courts or local conferences to achieve good experiences and avoid linguistic problems such as semantic, syntactic and stylistic problems to have good translations. This result agrees with Emery (1989) who recommended that trainee translators should develop a sense of appreciation of structural and stylistic differences between English and Arabic discourse to help produce acceptable translations of legal documents. These solutions help students to fill the gap between the SL and the TL and have good experience with knowledge in translating legal texts. These results are consistent with Mellinkoff (1963), Crystal & Davy (1969), Dijk (1985), Selmi & Trouille (1998) and Butt & Castle (2006) who have shown the main features of legal language and confirmed that legal translators should possess a wide and a comprehensive knowledge in these features.

5.4 Conclusions:

The findings of this study indicated that undergraduate students face different problems in translating legal texts, such as semantic, syntactic and stylistic. They also elaborated on the causes of these problems and the suggested solutions. It was clear that the majority of the students 86% could not pass the test. Students' performance in translating legal texts is very poor as reflected in their low scores on the legal test. The interviews confirmed these results. Students agreed that linguistic problems are more evident than non- linguistic problems. Students also agreed with suggested solutions for such problems.

5.5 Recommendations and Suggestions for Future Research:

This study has shed light on legal translation as a serious problem that faces translators in general. In light of the findings of the study, it recommends the following:

1. Students who wish to specialize in legal translation should be competent in both languages and cultures because their weaknesses in the languages constitute the main problems.
2. Students should have more training in legal translation to get more experience and practice in legal translation by translating various legal texts, such as documents, agreements, contracts, etc.

3. Legal translation has to be taught by specialists because it has special characteristics.
4. Translators must translate legal texts clearly, briefly and accurately. This can be achieved through extensive reading of legal texts and translate these texts by taking communicative and faithful senses into consideration.
5. Students have to know the importance of legal translation in the world. Accordingly, it is recommended that translators of legal texts should be well versed in the two languages and the two cultures (Arabic and English) so as not to miss any fragment or component of the meaning of the legal term in the texts.
6. Students should be given a chance to live real translation situations by taking them to conferences or courts.
7. Students should use specialized dictionaries, legal terminologies and deal with special terms related to legal texts.
8. Courses in translating legal texts are highly needed for students to improve their translation skills and knowledge.
9. Further studies are needed in this area taking into account a large sample size, different study population and objectives that had not been considered in the present study.
10. Further research is needed on a sample of trained translators to find out the types of difficulties they face.

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Appendix 1

Middle East University Permission Letter

جامعة الشرق الاوسط للدراسات العليا

MEU Middle East University for Graduate Studies

عمادة شؤون الطلبة

Date: 23/1/2010

التاريخ: 23/1/2010

Number:

الرقم:

لمن يهمه الامر

تحية طيبة وبعد،،،

أرجو تسهيل مهمة الطالبة نسرين عزيز عليان ورقمها الجامعي (400820142) للحصول على معلومات من طلاب البكالوريوس قسم اللغة الانجليزية / تخصص ترجمة في الجامعات الاردنية وذلك للفصل الدراسي الثاني 2010/2009، وذلك استكمالاً للحصول على درجة الماجستير في اللغة الانجليزية، علماً بأن المعلومات ستكون سرية لغايات البحث العلمي.

وتفضلوا بقبول فائق الاحترام،،،

مساعد عميد شؤون الطلبة

سارة ناصر الدين

Appendix 2

Panel of Experts and Validation Committee

Name	Position	Specialization	Place of Work
1- Riyadh Fayez Hussein	Professor	Applied Linguistics	Middle East University for Graduate Studies
2- Rasoul al – Khafaji	Professor	Contrastive Linguistics	Middle East University for Graduate Studies
3- Abd Al-Baki As-Safi	Professor	Translation	Al-Zaytoonah University
4- Zaki Hassan	Associate Professor	Phonetics	Al-Zaytoonah University
5- Ghaleb Rabab'ah	Associate Professor	Linguistics	University of Jordan
6- Ibrahim Abu Shihab	Assistant Professor	Linguistics	Al-Zaytoonah University
7-Mohammad Hamdan	Assistant Professor	Linguistics	University of Jordan

Appendix 3

The Interviewed Professors

Name	Position	Specialization	Place of Work
1- Yowell Yousef Aziz	Professor	Comparative Language Science	Petra University
2- Abudllah Shunnaq	Professor	Linguistic and Translation	Yarmouk University
3- Abd Al-Baki As-Safi	Professor	Translation	Al-Zaytoonah University
4- Zaki Hassan	Associate Professor	Phonetics	Al-Zaytoonah University
5- Mai Al- Ahaikhi	Assistant Professor	Translation	Isra University

The Validation Letter

Dear Professors:

My name is Nesreen Elayyan. I am a graduate student at Middle East University for Graduate Studies. My supervisor; Bader Dweik, has recommended your name to serve as a member of the panel of jurors for the test instrument I am using for my M.A thesis entitled:

Problems that Jordanian University Students Majoring in Translation Encounter when Translating Legal Texts

Attached please find the test which is supposed to answer the following three research questions:

Q1- What do you think the major problems that English language undergraduate students face in translating legal texts?

Q2- What are the causes of these problems?

Q3- Do you have any suggestion can be helpful in solving such problems?

Kindly review the test hoping to provide me with your comments, notes and recommendations on the adequacy of the content and its suitability to measure what is intended to be measured.

Once again, thank you for your assistance in this matter.

Yours sincerely

Nesreen Elayyan

Appendix 4
Demographic Background of the Subjects

Please fill in the information below:

1- Age

2- Gender

1- Male () 2- Female ()

3- Nationality

.....

4- Level of Education

1- BA level A- First Year ()

B- Second Year ()

C- Third Year ()

D- Fourth Year ()

5- First Language

1- Arabic () 2- English () 3- other()

6- A- Work experience in translation () B- No experience ()

Appendix 5**Translation Test (1)****Part (A): 15 Sentences from English into Arabic**

Dear Participants,

You are kindly requested to translate communicatively the following sentences into Arabic.

1- The following words and phrases shall have the meanings assigned thereto hereunder, unless the context indicates otherwise.

2- Failure to pay all fees and financial obligations shall be deemed to be a debt to the University.

3- I have appointed Dr. Ali Ahmad, Dr. Ola Hamdan and Dr. Ahmad Salem jointly and severally to act as my agent in Saudi Arabia.

4- This Agreement (hereinafter referred to as the "Agreement") has been made and entered into by and between the parties.

5. IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.

6- The General Assembly noting with great concern the growing connection between the terrorist groups and the illegal traffic in arms and drugs,

7- The General Assembly mindful of the need to protect human rights of and guarantees for the individual in accordance with the relevant international human rights principles and instruments, particularly the right to life,

8- The General Assembly unequivocally condemns all acts, methods and practices of terrorism in all its forms and manifestations

9- The General Assembly calls upon States, in accordance with international standards of human rights, to take all necessary and effective measures to prevent, combat and eliminate all acts of terrorism wherever and by whomever committed;

10 - The General Assembly requests the Secretary-General to transmit the text of the present resolution to all Member States and to competent specialized agencies and intergovernmental organizations;

11- Legal terminology is the set of special words, terms and expressions used in connection with law, as one of the branches of social sciences.

12- A custom must be reasonable, certain and clear. It must have existed continuously and must conform to statute.

13-This bill has declared the rights and liberties of the subject.

14- English law considers equity as an important complementary source of the law.

15- Any dispute arising during the validity period of the contract or during the liquidation of the Company between the Partners, or between the Partners and the Directors or a third party about matters related to the Company shall be finally settled under the Rules of Arbitration of the Abu Dhabi Centre of Conciliation and Arbitration of Abu Dhabi Chamber of Commerce by one or several arbitrators.

Answers to Test Part (A):

1. يكون للكلمات والعبارات التالية حيثما وردت هنا المعاني المبينة إزاء كل منها مالم يحدد السياق خلاف ذلك أو مالم تدل القرينة على خلاف ذلك.
2. يعد عدم الالتزام بسداد جميع الرسوم والالتزامات المالية ديناً للجامعة.
3. قد عينت الدكتور علي احمد والدكتورة علا حمدان والدكتور احمد سالم مجتمعين ومنفردين ليكونوا وكلاء عني أو (بالتضامن والتكافل) في المملكة العربية السعودية.
4. تم ابرام هذه الاتفاقية (ويشار إليها هنا فيما بعد باسم (أو بـ الاتفاقية) بين الاطراف.
5. وقرارا بذلك (أو واشهادا بذلك)، أو عز الطرفان بتحرير هذه الاتفاقية.
6. وإذ تلاحظ الجمعية العامة مع القلق الشديد الصلة المتنامية بين الجماعات الارهابية والاتجار غير المشروع بالاسلحة والمخدرات
7. إن الجمعية العامة: تضع في اعتبارها الحاجة إلى حماية حقوق الانسان للفرد والضمانات العائدة إليه وفقاً لمبادئ حقوق الانسان وصكوكها الدولية ذات الصلة، ولا سيما الحق في الحياة .
8. تدين الجمعية العامة إدانة قاطعة جميع اعمال الارهاب واساليبه وممارساته بشتى اشكاله وصوره.
9. تطلب الجمعية العامة إلى الدول وفقاً للمعايير الدولية لحقوق الانسان ان تتخذ جميع التدابير الضرورية والفعالة لدرء الارهاب ومكافحته والقضاء عليه.
10. تطلب الجمعية العامة إلى الامين العام ان يحيل نص هذا القرار إلى جميع الدول الاعضاء والوكالات المتخصصة والمنظمات الحكومية الدولية المختصة.
11. مصطلحات القانون هي مجموعة من الكلمات والمصطلحات والتعبيرات الخاصة والمتعلقة بالقانون كأحد فروع العلوم الإجتماعية.
12. يجب ان يكون العرف منطقياً ومؤكداً وواضحاً. ويجب ان يكون قد وجد باستمرار وأن يكون موافقاً للقانون.
13. أعلنت هذه الوثيقة حقوق وحرريات الفرد.
14. يعتبر القانون الانجليزي العدالة كمصدر مكمل للقانون.
15. أي نزاع ينشأ خلال مدة سريان هذا العقد أو أثناء تصفية الشركة بين الشركاء أو بين الشركاء و المدراء أو بين الشركاء و أي طرف ثالث بشأن أمور تتعلق بالشركة، تتم تسويته نهائياً وفقاً لقواعد و أحكام مركز أبوظبي للتوفيق و التحكيم لدى غرفة تجارة و صناعة أبوظبي بواسطة محكم واحد أو أكثر.

Translation Test (2)

Part (B): 15 Sentences from Arabic into English

Dear Participants,

You are kindly requested to translate communicatively the following sentences into English.

1- لا ينشأ أي التزام إذا لم تتمكن الشركة من الوفاء بالتزاماتها بموجب هذه الخطة نتيجة أي ظرف قاهر.

2- تلك المحكمة هي صاحبة الصفة والولاية في الفصل في تلك الدعاوى.

3- يحزر عقد العمل بلغة واضحة لا تدع مجالاً للشك أو الجدل بشأن الحقوق والواجبات الواردة فيه.

4- يعد التمهيد السابق أعلاه جزءاً لا يتجزأ من هذا العقد.

5- يحزر هذا العقد من نسختين بيد كل طرف نسخة للعمل بموجبها عند اللزوم.

6- لا يجوز للمقاول التنازل عن العقد للغير بدون موافقة كتابية من صاحب العمل.

* حقوق وواجبات الاردنيين في ظل الدستور الاردني:

7. المادة (8): لا يجوز ان يوقف احد أو يحبس إلا وفق احكام القانون.

8. المادة (10): للمساكن حرمة فلا يجوز دخولها إلا في الأحوال المبينة في القانون وبالكيفية المنصوص عليها فيه.

9 . المادة (12): لا تفرض قروض جبرية ولا تصادر أموال منقولة او غير منقولة إلا بمقتضى القانون.

10- في هذه الاتفاقية، وحيثما يسمح السياق، أي إشارة إلى جنس ما تشمل الجنس الآخر.

11- تم إبرام هذه الاتفاقية وتوقيعها حسب الاصول بين الطرفين.

12. تخضع هذه الاتفاقية للأنظمة والقوانين النافذة في المملكة الأردنية الهاشمية.

13. ستكون محاكم عمان في الاردن هي الوحيدة صاحبة الاختصاص للنظر في أية نزاعات قد تنشأ عن هذه الاتفاقية.

14. يجوز للطرفين إنهاء هذه الاتفاقية في أي وقت شريطة ان يتم تقديم اخطار خطي إلى الطرف الآخر خلال 30 يوماً على الأقل.

15- مزاولة كافة الأعمال التجارية والمالية والصناعية دون تقييد وكذلك الأنشطة الأخرى المتعلقة بشكل مباشر أو غير مباشر بأغراض أو أدوات " الشركة " أو لتطوير النشاط والتوقيع على كافة العقود والالتزامات القانونية وتنفيذها على النحو الذي يجوز أن يكون ضرورياً فيما يتعلق بذلك.

Answers to Test Part (B):

1. No liability shall arise if the Operator is prevented from fulfilling its obligations under this Plan due to an event of Force Majeure
2. This court has the exclusive capacity and jurisdiction to judge on such lawsuits.
3. Labor contract shall be made and written in a clear language leaving no doubts or controversy regards rights and duties contained therein.
4. The above recitals shall be deemed integral part hereof.
5. (This contract) is executed in duplicate, one copy per each party for necessary action.
6. The contractor may not assign the contract to a third party without a written consent of the employer.
7. Article 8: No person may be retained, or imprisoned, except in accordance with the provisions of the law.
8. Article 10: Dwelling houses shall be inviolable and shall not be entered except in the circumstances, and in the manner prescribed by the law.
9. Article 12: No loans may be forcibly imposed and no property, movable or immovable, may be confiscated except in accordance with the law.
- 10- In this Agreement, where the context admit, words importing the masculine gender include the feminine as well
11. This Agreement was duly signed and executed between the parties.
12. The agreement will be governed by the laws of the Hashemite Kingdom of Jordan.
13. The courts of Amman-Jordan shall have sole and exclusive jurisdiction to hear and dispose of any dispute arising hereunder.
14. This agreement may be terminated by either party at any time provided that a written notice is given to the other party thirty (30) days in advance.
15. carry out, without limitation, all kind of commercial, financial, industrial and other activities related directly or indirectly to its objects or facilities or for developing the business and to execute and perform all such lawful contracts and obligations as may be necessary in connection therewith;

Appendix 6
Questions of Interviews

** Please answer the following three questions:*

Q1- What are some of the major problems that English language undergraduate students face in translating legal texts?

Q2- What are the causes of these problems?

Q3- What suggestions can be helpful in solving such problems?