**Online courses**

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**Level : Third Year**

**Module :Translation**

**Lecture one**

**Terminology and Language Specialization** المصطلح و لغة الاختصاص

**Objectives of the lesson**

**-**To master what is language specialization

-what is term and terminology.

-How to translate specialized terms

**What is technical translation?**

A *technical translation* is a type of specialized translation involving the translation of documents produced by technical writers, or more specifically, texts that relate to technological subject areas or texts that deal with the practical application of scientific and technological information.
Offering *technical translation* services requires a technical translator who has a good understanding of the subject matter and, since *technical translations* also requires the translation of technical terms in order to develop very specialized terminology, they must have knowledge of the specialized terms of that field both in the source and in the target languages in order to translate technical terms with ease.

**-What are some common technical document translation materials?**

1. Articles (scientific, medical, engineering, or technical journals)
2. Computer product spec sheets
3. Patents
4. User manuals/online help

**-Why are technical translation rates often higher?**

This type of translation often costs more than general business translation, and may take longer. The extra cost and time will vary according to:

1. The level of scientific or technical knowledge needed for the project
2. The number of specialized translators available in the required language
3. The demand for those translators

**-What is technical terminology?**

Using technical terms correctly and consistently is of paramount importance for *technical translation*, therefore comprehensive terminology management is critical for translating technical documentation.

When you provide us with your company style guides and official vocabularies, we then develop specialized terminology that will help ensure the right term is being used throughout your material.

Although it can take time and financial investment to establish terminology, the initial investment will pay off for future projects, as it enforces consistency, reduces the occurrence of rework, can help reduce timeframe during tight deadlines, and provides savings in overall cost of translation over time.

# -[Why Is Technical Translation Important?](http://clearwordstranslations.com/why-is-technical-translation-important/)

Technical translation involves specific documents usually produced by professionals with a high level of expertise in their fields. Translators who work in this niche handle texts about the practical application of technological information or scientific research.

It’s a challenging job that calls for an in-depth understanding of technical documents, their nature and specific requirements.

Technical translation is necessary for multiple fields, from engineering to construction and healthcare. Any errors in the translated texts or missing information can easily lead to costly lawsuits or the need to retranslate your company documentation.

### City Council Blocks Project Due to Missing Translation

Thinking about cutting corners by not translating the documentation for your materials or equipment? That could cost you way more than what you would have paid for translation in the first place.

In New Zealand, the builders of a 20-store block of apartments got [lost in translation](https://www.rnz.co.nz/news/national/397141/lost-in-translation-wellington-city-council-drops-demands-for-quality-control-documents) and now keep exchanging emails back and forth with the local authorities. The company that works with a Chinese steel supplier can’t provide all the quality control documents in English, and this is slowing down the local authorities.

The builders decided not to translate all the documentation due to possible high costs (over $20,000). So, they blanked out the Chinese text and provided a “comprehensive statement” instead. The Wellington City Council didn’t appreciate the shortcut and asked for additional documents, despite being “satisfied with the design and construction of the building.”

The block is almost finished structurally, and the builders are now expecting the city council to sign off the compliance code. Yet every time they seem to reach an agreement, the parties clash on the missing translations.

When they removed the information in Chinese, the construction company altered the original documents. This keeps the authorities from moving forward with key procedures and slows down the building project.

As you can see, translation services aren’t the best place to cut corners, especially when you’re handling technical documentation. While it may seem like a smart way to save resources, it can soon backfire on you easily–even more so when looking to achieve compliance.

### When Companies Need Technical Translation

Companies need technical translation services when they buy from foreign suppliers and are required to document internal processes for compliance. They should rely on professional translation every time they’re doing business with international partners.

When selling products and services outside national borders, your company should be able to provide buyers with complete documentation in local languages.

Technical translation can be applied to many types of texts, from operation instructions to specialized websites. By far, the most common are software strings, patents, and user manuals.

#### Software strings

Software [translation and localization](http://clearwordstranslations.com/difference-localization-translation/) require a minimum level of technical knowledge. Translating software strings is a specific area of technical translation. In this case, translators don’t always operate with technical terms, but they do need to know how to handle strings. They should also be familiar with the terminology and how the program interprets strings in both the original and target languages.

#### Patents

Linguists who translate patents are often Subject Matter Experts (SMEs). They’re also highly-skilled in writing patents, a niche where legal and practical requirements are extremely rigid.

That’s because patents need to include a series of technical details, as well as possible future applications of the product described without disclosing all the relevant information.

#### User manuals

Translating user manuals demands specialized knowledge in specific fields, as well as the ability to express complex concepts in simple terms. It’s a lucrative field, as most manufacturers and technology firms are always in need of writing and translating user manuals in multiple languages.

### Technical Translation Requires Specific Skills

Technical translation is an area that needs specialization to ensure that the correct technical flow is in place. This specific type of language service is never easy, despite appearing to be direct or even literal.

The nature of the texts to be translated often requires an above-average understanding of the topic. For example, general translators wouldn’t necessarily know the correct terms to describe electrical or mechanical items regardless of their language skills.

Not only does an excellent technical translator know the technical terminology, but they also understand the subject and make sure that the translation is easy to understand as a whole.

Furthermore, every industry that relies on technical translation services operates with specific terminology and sometimes industry jargon. People with no connection to the niche won’t be able to deliver accurate translations. That’s simply because they aren’t familiar with the terms used by doctors, engineers, constructors, so on and so forth.

To meet the requirements of technical translation, specialists usually rely on CAT tools. Machine translation enables linguists to provide excellent language services even when working with complex terminology. A comprehensive glossary of terms and an excellent translation memory ensure the consistency of translation. This is essential in technical translation, where linguists have to handle vast amounts of documentation.

As it requires specific skills, technical translation is often more expensive than other types of translation services. Also, depending on the complexity of the source texts, it can be time-consuming, so you can’t expect fast turnarounds.

### Why Is Technical Translation Important?

Technical translation services are vital because they ensure you get quality work on your documentation. That’s essential in all industries, from healthcare to real estate.

Technical documentation is necessary when looking to be compliant with local and international standards. From patents and user manuals to health and safety instructions, these documents are proof of accuracy for every operation and business process.

When you lack the requested paperwork, you risk losing business opportunities or, even worse, getting fined or shut down by authorities. Investing in high-quality translations for your technical documents means building a safety net for your company. At the same time, it’s an excellent way of showing your clients, employees, and business partners your professionalism.

A good translation shows that you care enough about the people you work with to give them accurate information in native languages and make them feel comfortable.

# -Technical Translation-Example and Technical Documents

There are different sorts of technical documents created in different industry. The variation of the type depends on the subject, the industry under which the firm performs its functions and most importantly, products for which it has to be written about.

Here some examples of frequently produced technical documents are included:

**-Proposals**

Proposals are the ideas imposed by individuals, related someone or firms. A proposal generally depicts an offer that can be put into practice an undertaking. It emphasizes on the convincing nature of writings, which would be written in. The decisive aim of the proposal is to reveal that the writer recognizes the reader’s needs as well as make sure that he is dedicated to fulfill the promise that he has given. Therefore, translation of a proposal must have to hold this important information.

**-Reports**

Generally, reports consist of statements containing actual information about readers analyze of a particular situation. Reports are very important for a firm to maintain the necessary steps that have to be done or to take appropriate action. So, accurate and reliable translation of that information which are included in the report is therefore, very urgently needed so that it can hold the writer’s concepts.

**-Instructions**

One of the core functions of technical communication is Instructions. Technical writers will apparently write more and more instructional documents in comparing with any other kind of documents. Normally, we found various categories of instructional document. Between them, we can assign the user guides, engine specifications, repair manuals, health reports, and drug descriptions and so on. User manuals help the user to utilize those products appropriately; drug descriptions for let the people know its contents and other necessary information for its users. Engine specifications and repair manuals are provided for the people who are not certainly the actual users, most likely for the engineers. Therefore, the translators working in this area should possess a clear concept have to be a customary technical writer.

**-Example of Technical Translation**

Different examples possibly are more beneficial in illustrating the distinctive functions which specialized technical translations over general translations. Suppose a pharmaceutical company needs to get a description of a new drug which could be translated from English to another language. So they appoint a firm and the technical translators of that firm will consider the appropriate terminology used to produce medicine as well as chemistry to create an accurate description with the target language. As in this case, technical translations would need the translators who possess the working experience or knowledge of medicine or chemistry. So usually chemists or doctors who know another language are practicing part-time as a professional translator.

**-Final Words,**

In order to obtain accurate translation output on a particular special document, a company should always take into account using the professional translation services.

**Lecture two**

Terminology and translation

**الترجمة و المصطلح:**

**تمهيد**

 إن التطور العلمي و التكنولوجي السريع ، في عدة مجالات و تخصصات عديدة ، أدى إلى ظهور الاختصاص للإلمام بمختلف العلوم و التخصصات بدقة ، حيث أصبح لكل اختصاص مناهج قواعد تجعله موضوعا منفردا و مستقلا بذاته له طرق تدريسه الخاصة به و محتوى موضوعاته التي تشتمل على مصطلحات تتعلق بذلك التخصص فاهتم اهل الاختصاص بالمصطلح، الذي يعتبر نواة الاختصاص. فهو يقوم بدور فعال في نقل التكنولوجيا ، و كسر الحواجز الثقافية و اللغوية بين مختلف المجتمعات.فمعظم اللغات لا تحتوي عل المصطلحات اللازمة لوصف التقنيات و اهم المبتكرات الموجودة اليوم ، حيث تحل محلها مصطلحات دخيلة لتملأ الفراغ و تسد الهوة اللغوية في اللغة الأصل.

**أ \_التعريف اللغوي للمصطلح**:

للمصطلح دور كبير في تطور اللغات إلى درجة أعتبر فيها "لبّ اللغات الخاصة وعصبها الرئيسي"[[1]](#footnote-1) وبكونه لبّ اللغات وجوهرها تسابقت المعاجم باختلاف أنواعها إلى تعريفه   فمنها   ما  عرّفت المصطلح  في مادة ( صلح)  المصطلح: " الاصطلاح يعني اتفاق طائفة من الناس تعمل في مجال محدّد على لفظ منصوص يدّل على معلومة محدّدة في هذا العلم كقولك:المعجم:هو الذي يزيل عجمة الكلمة فيبيّن مبناها ومعناها والصرف: العلم الذي يدرس بنية الكلام" [[2]](#footnote-2) نلاحظ من هذا التعريف أن المصطلح هو إنتاج فكري لمجموعة من الأفراد ينتمون إلى نفس مجال البحث.

**ب \_التعريف الاصطلاحي** **:**

لم يشهد التاريخ لعلم جديد لم ينجب مصطلحات جديدة، إذ لا يمكن الحديث عن علم معين أو مجال معين دون أن ترتبط  به مصطلحاته الخاصة "فالمصطلح هو اللّفظ الذي يضعه أهل عرف معين ليدّل على معني معيّن يتبادر إلى الذّهن عند إطلاق ذلك اللّفظ، أي أنّ المواضعة أو الاصطلاح شرط من شروط  و جوده"[[3]](#footnote-3).

ومن هذا المنطلق فإن المصطلح هو منتوج جماعي تم إنتاجه من طرف علماء أو مختصّين في مجال معيّن أو علم معيّن "فهو ركن أساسي في كل علم إذ تسهل الدراسة و يتيسّر تبادل الآراء و الأفكار بين علماء الأمة الوّاحدة و بينهم وبين غيرهم من علماء الأمم الأخرى وبالمصطلح يكون التّدوين والتّأليف ليتمّ التّعاون العلمي بين علماء العالم ولينتفع الخلف بمجهود السّلف ."[[4]](#footnote-4)

و بفضل الخصائص والمميّزات التي وضعها البّاحث أو العالم المختصّ في مجال معيّن والذي أوجد هذه المصطلحات يصبح "المصطلح من المفردات المعجمية التي تكتسب مدلولاً محدّدًا في سجل لغوي بعينه".[[5]](#footnote-5)

نلاحظ من هذا التّعريف أنّ المصطلحات تكسّب صفة التّقنية "فهي بمعناها العام الذي يشمل الألفاظ التّقنية والعلمية أصبحت اليوم تعتبر أساس كل تكوين إذ لا تخصّص في العلوم أو التّقنيات بدون مصطلحات"[[6]](#footnote-6)فلكلّ علم جديد أو تخصّص مستحدث مجموعة من الألفاظ المرتبطة به وهذه الألفاظ هي المصطلحات التي "تكوّن جسراً بين الرصيد اللّغوي المفترض والرّصيد اللّغوي الفّعلي وتدخل في نطاق اللّغة التخصّصية أي لغة العلوم، التي تشكّل المصطلحات والقوالب المصطلحية الدّعامة الرئيسية لها بمفاهيم ودقائق المعاني التي تحملها."[[7]](#footnote-7)

هنا تبرز أهمية المصطلحات في اللّغة المتخصّصة أي لغة العلوم، التي تشكّل المصطلحات والقوالب المصطلحية الدّعامة الرئيسية لها وبصفتها «الأدوات التي لابدّ منها في أي دراسة أو بحث منهجي منظّم في أي حقل من حقول المعرفة".[[8]](#footnote-8)

 اللغة المشتركة و اللغة المتخصصة:

 لقد تعددت تعاريف اللغة لكن ماهيتها و غرضها يتجلى في العملية التواصلية كونها أداة ووسيلة اتصال تربط بين الأفراد. و مع تطور المجتمعات في ميادين شتى وظهور تخصصات جديدة أصبح من الضروري النظر في قضايا اللغة و منها اللغة المتخصصة و مصطلحاتها التي أصبحت تحظى بإهتمام واسع من قبل اللسانين و المنشغلين بقضايا المصطلح. فما هي اللغة المتخصصة؟

 قبل تقديم تعريف للغة المتخصصة ، وجب توضيح مفهوم اللغة المشتركة أولا ، لأنها أعم و أوسع ، و من ثم نعرف لغة الاختصاص .

 2-1- اللغة المشتركة (الطبيعية):

 يخلط الكثير بين تعريف اللغة ، بصفة عامة ، و اللغة الطبيعية أو المشتركة ، و ذلك في الاستعمال المتداول لنقس الكلمات أو التعابير . لكن مفهوم اللغة المشتركة أو الطبيعية جديد في اللسانيات المعاصرة و خاصة التطبيقية منها، تزامن هذا المفهوم مع ظهور الاختصاص .

 فاللغة الطبيعية هي تلك اللغة المكتسبة و المتداولة و المتعارف عليها بين العامة من الناس، يكتسبها الفرد منذ صغره مباشرة من أسرته أو انتمائه إلى مجتمعه .يعرف اللساني **تشومسكي** اللغة:

“I will consider a language to be a set (finite or infinite) of sentences, each finite in length and constructed out of a finite set of elements. All natural languages in their spoken or written form are languages in this sense.”[[9]](#footnote-9)

 "ان اللغة مجموعة محدودة أو غير محدودة من الجمل ، وتمتاز كل جملة بطول محدود ، وتتكون من مجموعة محدودة من العناصر ، و أن كل اللغات الطبيعية مكتوبة أو منطوقة ينطبق عليها هذا التعريف. ترجمتنا

 و يتضح من التعريف أن القصد من العناصر ، مكونات الجملة. فهذا التعريف جاء عاما و لم يحدد جزءا خاصا يجب توفره لتندرج تحته اللغة العامة ، و لذا يمكن القول: إن اللغة الطبيعية هي كل ما نُطق و كُتب و كان ضمن نطاق عام.ان اللغة حسب **روندو) Rondeau)** هي:

" مجموعة الكلمات و التعابير التي لا تحيل إلى أيّ وظيفة خاصة في السياق المستعملة فيه.[[10]](#footnote-10) "

فهذه اللغة لا تشير إلى أي نشاط خاص او كل ما هو متعلق بالاختصاص.

 2 -2- اللغة المتخصصة Language specialisation

يقصد باللغة المتخصصة تلك اللغة التي ينفرد بها اهل الاختصاص للدلالة على حقل معين في مختلف التخصصات بحيث يتميز كل حقل بخصائص تجعله مختلفا عن غيره من الحقول.يتضمن كل ميدان مختصين كالأطباء ، و المهندسيسن ، و المحامين ، و الحرفين و غيرهم من أهل الإختصاص والإحتراف.

 و يعرفها القاموس الانجليزي المختص كالآتي :

“ Special languages, a term used for the varieties of language used by specialists in writing about subject matter, such as the language used in botany, law, nuclear physics or linguistics. The study of special languages includes the study of terminology.” [[11]](#footnote-11)

" إن اللغات المتخصصة ، مصطلح يستعمل للدلالة على مختلف اللغات المستعملة من قبل المختصين في الكتابة حول مجال تخصصهم ، مثل لغة علم النبات ، و لغة القانون، و لغة الفزياء النووية و لغة اللسانيات ، و أنّ دراسة اللغات المختصة تتطلب دراسة للمصطلحية".ترجمتنا

من بين ما يميز اللغة المتخصصة عن اللغة الطبيعية انها تعتمد على علم المصطلح او المصطلحية وذلك باستعمال مختلف المصطلحات التي تعبر عن كل اختصاص.كما يعرفها **بيخت و دراسكو** **(Picht and Draskau)** بقولهما :

اللغات المتخصصة ، مصطلح يستعمل للدلالة على مختلف اللغات المستعملة من قبل المختصين في الكتابة حول مجال تخصصهم ، مثل لغة علم النبات ، و لغة القانون، و لغة الفزياء النووية و لغة اللسانيات ، و أنّ دراسة اللغات المختصة تتطلب دراسة للمصطلحية .[[12]](#footnote-12))

 فاللغة المتخصصة اذن نوع مركب و مشفر من اللغة يستعمل لأغراض خاصة و في سياق معين.

فاالغة المتخصصة ظاهرة لسانية كاملة تحدث ضمن حلقة اتصال معينة و محددة بمواضيع وشروط متخصصة.

 من خلال هذه التعاريف نستنتج انها تتفق في نقاط مشتركة لدى اللغات المتخصصة ، منها أنها:

1- ظاهرة لسانية.

2- تنتج ضمن إطار خاص.

3- تعنى بأشخاص محددين يعرفون بأهل الإختصاص.

 فإذا ما توفرت هذه الصفات و الخصائص حينها يمكن الحديث عن اللغة المتخصصة.

 3 -العلاقة بين اللغة المشتركة و المتخصصة:

 هناك تياران تناولا العلاقة بين اللغة المشتركة و اللغة المتخصصة . فمنهم من رأى بأنهما وجهان لعملة واحدة ، و منهم من رأى بأنهما أمران منفصلان عن بعضهما ، نظرا لكون كل واحدة منهما تمتاز بخصائص تميزها من الأخرى .

 يرى بعض اللسانيون بأن اللغة المتخصصة ما هي إلا امتداد و استعمال للغة المشتركة في إطار خاص، بحيث لا يمكن الفصل بينهما . و من بين أنصار هذا الرأي اللساني الفرنسي **بيار لورا (Pierre Lerat**) القائل :

" Aucune théorie linguistique quelle qu’elle soit, n’a jamais isolé le fonctionnement des langues spécialisées de celui des langues naturelles. "[[13]](#footnote-13)

" لا يوجد أي نظرية لسانية ، مهما كانت ، عزلت وظيفة اللغات الخاصة عن وظيفة اللغات المشتركة".ترجمتنا

و تستفيد اللغة المتخصصة من اللغة الطبيعية في إطار أي تخصص كان و ذلك باستعمال هذه اللغة لنقل او تزويد بمعلومات تتعلق بالحقول المتخصصة المختلفة .وفي هذا المجال و يقول **روس شارنوك – (Ross Charnock**) :

"On parle de langue de spécialité lorsqu’il s’agit de se servir d’une langue naturelle pour rendre compte de connaissance particulière. "[[14]](#footnote-14)

" نتحدث عن اللغة الخاصة حينما يتعلق الأممر باستعمال اللغة المشتركة للإبانة عن معارف متخصصة." ترجمتنا

 و يتضح من خلال القولين السابقين ان هناك علاقة وطيدة بين اللغة المشتركة و المتخصصة و ما دامت الوظيفة واحدة ، فإن الأمر واحد.

 و كذلك من أهم رواد هذه النظرية نجد **ككوريك روستيسلافKocourek Rostislav** الذي يرى بأن اللغة المتخصصة هي فرع من اللغة المشتركة أو نظام تحتي متفرع منها، فيقول :

"اللغة الخاصة هي نظام فرعي من اللغة الطبيعية ، أي اللغة المشتركة."[[15]](#footnote-15) ترجمتنا

 تعتبر هذه اللغة الخاصة جزء لا يتجزا من اللغة الطبيعية بحيث تستخدم مصطلحات و رموز و شيفرات تدخل ضمن ميدان التخصص.

 و قد أجريت عدة دراسات لتحديد و تبيان الإختلاف بين اللغة المشتركة و المتخصصة و قد مست عدة مستويات منها:

 1- المستوى المعجمي(lexical level)

 نركز في هذا المستوى على المفردات المستعملة بين اللغتين ، و قد وجد اختلاف في المجال المختص الواحد، فما بالك بالمختص و العام؟ و قد قدم **لاتور(Latorre)** و **إيور(Ewer)** مثالا بين المفردات المستعملة في مجالي الفزياء باللغة الإنجليزية و الكمياء ،فلاحظا اختلافا كبيرا بينهما. [[16]](#footnote-16)

 كما بينا أن المفردات المستعملة داخل النص هي ما تميزه من غيره من النصوص ، وهي ما تجعل القارئ يدرك أيّ نوع من النصوص بين يديه. فكلما زاد استعمال المفردات المختصة ، تغيرت اللغة و علم القارئ بأن النص موجه إلى فئة معينة.

 2- المستوى التركيبي (Syntactic level) :

 يتفق كثير من اللسانين على أن التراكيب المستعملة في اللغة المتخصصة ، وإن شابهت تلك المستعملة في اللغة المشتركة، هناك فوارق يجب الوقوف عندها ، وهي ما تميزهما من بعضهما بعض. و نذكر من ذلك عدم الاستخدام المحدد في كثير من المصطلحات مثل : Legal English  " و غيره كثير، فلما لا نقول " The Legal English" بإضافة المحدد أو أداة التعريف "The" لأننا نتحدث عن شيء محدد و معروف ، فبدونه يكون أمرا خاطئا من ناحية التركيب، لأنه معروف في اللغة الإنجليزية استعمال المحدد "The" عند الحديث عن أمر واحد معروف و محدد دون غيره ، خاصة أثناء التسمية.

 تحمل الجمل ضمن اللغة المتخصصة طابعا متميزا ، فتكون النواة فيها المصطلح و ترتبط به جميع العناصر ، ضمن علاقة دلالية تكوّن وحدة معجمية ذات معنى خاص ، بخلاف اللغة المشتركة التي تكون النواة فيها الفعل. ([[17]](#footnote-17))

 كثرة إستعمال المتلازمات اللفظية أو ما يعرفها البعض بتوافق الكلمات ، و هي أقرب ما يكون إلى الجمل المتخصصة ، غير أنها في الحقيقة جمع مصطلحي على شكل مصطلح واحد متكرر و قد تأتي بعدة أشكال نذكر منها :

صفة + إسم :

تضخم جامح Run away inflation

حالة اقتصاديةEconomic Situation

**Lecture three:** divided in two sessions

**Legal translation**

**Objectives of the lesson**

-By the end of this lesson, students should be able to know the characteristics and terms of the legal languages.

- They should be able to translate the different legal documents.

-**introduction**

Translating legal texts is regarded by many researchers as one of the most arduous

endeavors, "combining the inventiveness of literary translation with the terminological precision of technical translation" (Harvey 2002). This is mainly due to the specificity of legal language and, in particular, the system-bound nature of legal terminology. Legal documents entail specific laws, rights or obligations; their language layout and wording should be precise and expressive and can have no other interpretations apart from the ones stated. Unlike literary language, legal language uses no ambiguity or figures of speech. It is, thus, the least communicative. Written legal documents are characterized by brevity, economy and neatness. Such neatness and clarity is intended to prevent fraud, additions, omissions or alterations in the text (Crystal and Davy 1969).

Like other disciplines, legal translation has its own vocabulary and can be regarded as a

discipline on its own. There are specific forms and stabilized procedures for translating court

proceedings, law, legal contracts and agreements.

**I-lexical features of English legal language**

Legal translation is understood as the translation of technical materials within the field of law. Correspondingly, legal language is a distinct language easy to some extent to those familiar with it, but to whom with which are unfamiliar is of certain difficulty. In other words, Legal language is characterized by a specific language and therefore a specific terminology. So, the would-be translator of this particular type of language must add to his or her knowledge some lexical features of English legal language and this will be the chief concern of this article.

**-1- Terms of Latin and French origin:**

 One of many noticeable features of English legal lexicon is the existence of Latinisms (Latin terms) in its terminology. Alcaraz & Brian (2002: 5)[1](http://www.translationdirectory.com/articles/article1763.php%22%20%5Cl%20%22s1%22%20%5Ct%20%22_self) link the presence of such terms to certain reasons; we briefly consider them. In the first place, it was inevitable for English law to escape the influence of Latin which was supported by the power of the Roman church over Europe at that time, and also to its widespread use throughout this place of earth as a language of learning and literature. In addition to the incredible power of the Roman law which was a coherent written system, and had strength of an institution over a considerable area of Europe. Here are some Latin phrases and words in common use:

- Bona fide (good faith or in good faith)

-  Res judicata (an issue adjucated)

-  Bes nova ( a new thing; an undecided question of law)

-  Actus reus (guilty act)

-  Alibi (elsewhere; the fact or state of having been elsewhere when an offence was committed) (Garner, B. A, 2001)[2](http://www.translationdirectory.com/articles/article1763.php%22%20%5Cl%20%22s2%22%20%5Ct%20%22_self)

Like Latinisms, the existence of legal French terms within English legal language is also apparent. After the Norman Conquest in 1066, the language of the invaders gained an undeniable position in the legal sphere of England, bringing with it a wealth of legal French terminology (Crystal & Davy 1986: 208) [3](http://www.translationdirectory.com/articles/article1763.php%22%20%5Cl%20%22s3%22%20%5Ct%20%22_self). As a case of illustration, the following terms are originally French:

- Contract, proposal, schedule, terms, conditions, policy, alias, quash and so on.

**-2- Archaic diction of legal English:**

Legal English lexicon is considerably made of archaic legal terms. However, this touch of Archaism is not in vain, it is done on purpose. There are reasons behind this tendency towards archaic words. Tiersma (1999)[4](http://www.translationdirectory.com/articles/article1763.php%22%20%5Cl%20%22s4%22%20%5Ct%20%22_self) states that “*legal language often strives toward great formality, it naturally gravitates towards archaic language*” p. 95.

According to this quotation, archaisms give a flavor of formality to the language to which they belong. Some lawyers prefer to use antique terms instead of new ones. For example, they use ‘imbibe’ as an alternative of ‘drink’, ‘inquire’ rather than ‘ask’, ‘peruse’ instead of ‘read’, ‘forthwith’ as a substitution of ‘right away’ or ‘at once’ and so on. (Examples are used by Alcaraz & Brian, 2002)[5](http://www.translationdirectory.com/articles/article1763.php%22%20%5Cl%20%22s5%22%20%5Ct%20%22_self). Another convenient example is the use of the verb ‘witnesseth’ with the preservation of an ‘eth’ ending for the third person singular of the present tense as an alternative of the current morpheme ‘es’ ‘witnesses’.

There exist also some archaic adverbs, they are actually a mixture of deictic elements: ‘here’ ‘there’ and ‘where’ with certain prepositions: of, after, by, under etc (Alcaraz & Brian, 2002)[6](http://www.translationdirectory.com/articles/article1763.php%22%20%5Cl%20%22s6%22%20%5Ct%20%22_self). By way of illustration, here are some examples along with their Arabic translations:

|  |  |
| --- | --- |
| Source language | Target language |
| - The parties *hereto* agree as follow.- *Hereinafter* referred to as wife.- The total rent for the term *hereof* is the sum of**\_\_\_\_\_\_\_\_**.  | - تم اتفاق الطرفين بموجب هذا العقد على ما يلي.- المشار إليه فيما بعد في هذا العقد باسم الزوجة.    - إجمالي السومة الكرائية عن هذه المدة تقدر بمبلغ**\_\_\_\_\_\_**.   |

Later, Tiersma (1999: 96)[7](http://www.translationdirectory.com/articles/article1763.php%22%20%5Cl%20%22s7%22%20%5Ct%20%22_self) mentions another two reasons for legal language

Conservatism, which are safety and convenience. Accordingly, the more conservative legal terms are, the safer a legal document will be. In other words, this use of antiquated terminology is driven by the need to avoid troublesome changes as far as legal lexical meaning is concerned. The principle,according to crystal and Davy (1986) [8](http://www.translationdirectory.com/articles/article1763.php%22%20%5Cl%20%22s8%22%20%5Ct%20%22_self),is that“*what has been tested and found adequate is best not altered*” p 213. Certain archaic words have actually acquired an authoritative interpretation over the years. So, altering them is an absolute risk. Also, this ongoing use of old-fashioned diction is, on the other hand, a matter of convenience. That is, what was workable before can be workable again.

Despite the so called usefulness of the archaic touch within legal language, its functionality is still debatable. It is quite apparent from the examples given previously that certain outdated terms and constructions are truly a handicap for better understanding, they make legal language inaccessible for public reader or more specifically to those who are mainly concerned with legal matters and noticeably such terms render comprehension difficult. So, their unique compensation is seeking advice from lawyers as translators.

**-3- Archaic use of the modal “shall” in legal English:**

The modal *shall* pose a level of difficulty in both interpretation of clauses containing it and in the translation of such clauses. Traditionally, the modal *shall*, in legal texts, carries an obligation or a duty as opposed its common function: expressing futurity (Tiersma: 105) [9](http://www.translationdirectory.com/articles/article1763.php%22%20%5Cl%20%22s9%22%20%5Ct%20%22_self). More importantly, Sabra (1995: 31) [10](http://www.translationdirectory.com/articles/article1763.php%22%20%5Cl%20%22s10%22%20%5Ct%20%22_self) claims that any legal verb preceded by ‘shall’ is normally translated into Arabic in the present form. For more clarification, we include the following examples along with their Arabic translations

|  |  |
| --- | --- |
| Source language | Target language |
| - All such payments shall be made to Landlord at Landlord's address as set forth in the preamble to this Agreement on or before the due date and without demand.- Tenant shall make no alterations to the buildings or improvements on the Premises or construct any building or make any other improvements on the Premises without the prior written consent of Landlord.- Husband shall pay to Wife spousal support in the sum of \_\_\_\_\_\_.- Tenant shall comply with any and all laws, ordinances, rules and orders of any and all governmental or quasi-governmental authorities affecting the cleanliness, use, occupancy and preservation of the Premises. | - تدفع كل هذه الأقساط إلى المكري في عنوانه الموضح في ديباجة هذا العقد بتاريخ الاستحقاق أو قبله دون الأمر بالأداء.- يمنع على المكتري إجراء أي تغييرات بالمبنى أو تحسينات بالعقار أو إنشاء أي مبنى أو القيام بتحسينات على العقار دون موافقة خطية مسبقة من المكري.   - يدفع الزوج للزوجة نفقة تقدر بقيمة - يمتثل المكتري لكافة القوانين والتشريعات واللوائح والأوامر الصادرة عن السلطات الحكومية أو الشبه الحكومية فيما يتصل بنظافة واستخدام وشغل وصيانة العقار.   |

As already stated the modal *shall* is used basically to demonstrate that the legal subject of a given sentence has a duty not to do something. However, certain sentences in which the modal *shall* carries a meaning different than that pretended in legal writing can be found. *Shall* is sometimes used in a way that is truly confusing and causes a dilemma for the translator to assume definitively whether the modal *shall* is being used for an obligation, futurity or a false imperative. Consider the following examples:

|  |  |
| --- | --- |
| Source language | Target language |
| - Wife shall have the right to retain her married name or shall also have the right to return to her maiden or former name: \_\_\_\_\_\_\_\_\_\_\_\_\_.- Husband shall have the following rights of title and ownership in the family residence: \_\_\_\_\_\_\_\_\_\_\_\_\_. | - يحق للزوجة الإبقاء على اسم زاوجها، ويحق لها أيضا العودة إلى اسمها السابق قبل الزواج:\_\_\_\_\_  .- يتوفر الزوج في  مسكن العائلة على حقوق الملكية و التملك من قبيل:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.   |

The use of *shall*, in the two sentences above, bears no consequences on behalf of the legal subject neither *wife* nor *husband*. Obviously, The use of *shall* in legal texts is widely frequent; and therefore may pose certain difficulty for the translator.

**Session two: legal translation**

**-4 - Lexical repetition or redundancy:**

In legal writing, draftsmen avoid the use of anaphoric devices or referential pronouns. Such as: the personal pronouns (he, she, it etc) or the demonstrative ones (this, that, etc), in addition to the verb ‘to do’ that may substitute a whole clause as in the following example, *He rents a car and so does his brother* (Sabra: 1995) [11](http://www.translationdirectory.com/articles/article1763.php%22%20%5Cl%20%22s11%22%20%5Ct%20%22_self)*.* Actually, legal language is highly concerned with the exactness of reference; hence its tendency toward lexical repetition, and therefore to functional redundancy. By way of illustration, consider these examples along with their Arabic translations used by Sabra himself:

|  |  |
| --- | --- |
| *- The Lessee shall pay to the Lessor at the office of the Lessor.* | - يد فع المستأجر إلى المؤجر في مكتب المؤجر... |

Here, if we opt for the possessive pronoun ‘his’ instead of the word ‘Lessor’ in the phrase ‘at the office of the Lessor’ would certainly create confusion and ambiguity. For example:

|  |  |
| --- | --- |
| *- The Lessee shall pay to the Lessor at his office.* | - يد فع المستأجرالى المؤجر في مكتبه. |

In this case, it would be confusing whether the intended office is the one of Lessee or that of the Lessor. Consequently, such substitutes may, in many cases, refer to a lexical item other than that intended by the writer. At least this feature of legal writing facilitates the task of the translator to know the exact meaning intended by the legal drafter. However, using anaphoric devises or referential pronouns would definitely increase ambiguity and confusion. Therefore, it will be difficult for the translator to decide precisely which word the pronoun is referring to.

When translating legal texts, it is commonly advocated to keep the same redundancy of the original text since it is a redundancy that is functional. So, the translator should ensure that the version proposed is without ambiguity as its original counterpart.

**-5- Unusual use of the words ‘the same’, ‘such’ and ‘said’:**

 Using such words in legal language is quite different from using them in ordinary one. The word ‘the same’ usually implies comparison to a similar object or person, but in legal use it refers to sameness of reference. (Tiersma: 88) [12](http://www.translationdirectory.com/articles/article1763.php%22%20%5Cl%20%22s12%22%20%5Ct%20%22_self) For example:

 - *The tenant shall pay all the taxes regularly levied and assessed against Premises and keep the same in repair*.

In this example, ‘the same’ refers to the word ‘Premises’. Correspondingly, Tiersma suggests that the pronoun ‘it’ can conveniently substitute the phrase ‘the same’ (p. 91) [13](http://www.translationdirectory.com/articles/article1763.php%22%20%5Cl%20%22s13%22%20%5Ct%20%22_self). Also, word like ‘such’ means normally ‘that sort’ or ‘this sort’. Now, observe its use in a legal context:

 - *We conclude that the trial court’s order constituted an abuse of discretion in the procedural posture of this case which compels us to set aside such order.*

Apparently, the phrase ‘such order’ signifies ‘this order’. So, here, *Such* acts inthe same way as the demonstrative pronoun ‘this’.

Concerning the function of the word *said* in legal drafting, it is used as an article or a demonstrative pronoun (Sabra: 43)[14](http://www.translationdirectory.com/articles/article1763.php%22%20%5Cl%20%22s14%22%20%5Ct%20%22_self). To illustrate this, we include the following example:

-         *Lessee promises to pay a deposit*. *Said deposit shall accrue interest at a rate of five percent per annum.*

Here, the word ‘said’ could be substituted by the article ‘the’ or the demonstrative pronoun ‘this’ with no loss of meaning. By the way the examples mentioned in this section are originally used by (Tiersma, 1999),

**-6- Frequent use of doublets**

Actually, there is a common use of such collocations in which synonyms or near- synonyms are combined in pair “doublets” Alcaraz & Brian (2002: 9)[15](http://www.translationdirectory.com/articles/article1763.php%22%20%5Cl%20%22s15%22%20%5Ct%20%22_self). Such words can be either nouns, verbs, adjectives or even prepositions. For example:

|  |  |
| --- | --- |
| Source language |  Target language |
| Made and enterBy and betweenLying and situatedTerms and conditionsCovenants and obligationsNull and voidIn good order and repairRepresents and warrantsAny and all   | حرربين كل من الكائنشروطالتعهدات والالتزامات  لاغيا وباطلافي حالة جيدةيتعهد ويقركل  |

An important remark is required here, legal drafters, nowadays, do not normally use such pairing of words as a distinction from simple style of expressions, but it is merely a tradition adopted when drafting legal documents (Sabra: 36)[16](http://www.translationdirectory.com/articles/article1763.php%22%20%5Cl%20%22s16%22%20%5Ct%20%22_self).

**-7- Legal English as a technical language:**

We have seen so far that a considerable part of legal English vocabulary is a mixture of archaic terms and terms of Latin and French origin. Another noticeable feature of legal English is its technical terminology. According to Tiersma (1999)[17](http://www.translationdirectory.com/articles/article1763.php%22%20%5Cl%20%22s17%22%20%5Ct%20%22_self) “*if a word or a phrase is used exclusively by a particular trade or profession or if that profession uses it in a way that differs from its normal meaning and the term has a relatively well-defined sense, it should be considered a technical term*” p. 108.

This reveals that a technical term is an unshared term used exclusively by a specific trade or profession. In other words, specialists in the legal sphere are actually equipped by a distinct language peculiar to ordinary people and highly characterized by a vocabulary of technical nature. Accordingly, Alcaraz & Brian (2002: 17) present a classification of technical vocabulary: purely technical terms and semi-technical terms.

**-7-1-** **Purely technical terms:** are those that are only applicable in the legal sphere but nowhere else. For example,

|  |  |
| --- | --- |
| source language | Target language |
| Decree (n)Mortgage (n)Sub-lettingDeem (v)PermisesTenantLease (n)Hereinafterlandlord  | حكم/مرسومرهنكراء من الباطن يعتبرأويعد العقارالمكتريإيجار/كراءفيما بعدالمالك/المكري  |

Actually, the understanding of such kind of terms is of great importance in grasping any given legal text in which they occur.

**-7-2-Semi-technical terms:** words and phrases of this group belong to everyday lexicon which has gained extra-meanings in the legal context. So, terms of this type are polysemic, tougher to recognize their precise meaning without resorting to the context in which they occur. The following examples are terms of this type:

**General meaning:**

|  |  |
| --- | --- |
| Source language | Target language |
| AssignmentMaintenanceConsiderationTitle |  مهمة، واجبصيانة، محافظة على، إبقاء علىتفكير، بحث، اعتبار، الخاسم، عنوان، لقب |

**Legal meaning:**

|  |  |
| --- | --- |
| Source language | Target language |
| AssignmentMaintenanceConsiderationTitle |   تفويت العقد للغيرنفقةمقابل حق تملك أو سند تملك |

Actually, purely technical terms are monosemic; that is, having one legal meaning and so having no difficulty for the translator. The latter can simply consult a bilingual dictionary, of course, not a standard dictionary but a specialized legal one. However, semi-technical vocabulary is a more complex type of terms; they have one meaning or more than one in everyday language and another in the field of law. So, it is recommended for translators to get accustomed to consult specialized dictionaries whenever something in the context alerts them to a usage distinct from standard or everyday usage. Being unaware of this problem, one can take for granted that terms of this type have just a general meaning.

The main conclusion of this article is that legal English lexicon differs to a great extent from ordinary one. No doubt that such vocabulary does not render legal language clearer, but unfortunately tougher, hard to understand without a considerable familiarity with the legal sphere

Activity: translate the following contract into Arabic.

 Lease for space in Office Building

1- Parties :

This lease , dated for reference purpose only .... Is made by and between :

Mr. ................... ( Landlord ) , and

Mr. ................... ( Tenant

2-Summary of basic terms:

a - Premises : The space on the ,,,,,,,,,,,,,,,,,, floor of the Building , designated as ..... As shown on the floor plan attached hereto as Exhibit " A ".

b - Building : The office building located at ........ including all plazas ,

lobbies , landscape areas , office and commercial space and parking garages.

c - Land : The parcel of land upon which the Building is located , which

constitute all of Tax Assessor's Parcel No ( A ) .

 d - Permitted Use :

 e- Lease Term :

 f- Scheduled Commencement Date :

 g- Expiration Date :

 h- Initial Monthly rent :

3- Demise and term :

Landlord hereby leases the Premises to Tenant and Tenant hereby leases the Premises from Landlord , subject to all of terms , covenants and conditions in this Leases . The Premises are leased for the lease Term , which , subject to Article (4) below , shall commence on the Scheduled commencement Date and shall expire on the Expiration Date, unless sooner terminated pursuant to the provisions of this Lease .

4- Monthly Rent :

Tenant shall pay to Landlord as rent for the Premises a monthly rent ( the "Monthly Rent " ) equal to the initial Monthly Rent , adjusted periodically as set forth in Section (5) .

The Monthly Rent shall be payable in advance on or before the first day of the first full calendar month of the Lease Term ( the " First Month " ) and on or before the first day of each successive calendar month thereafter during the Lease Term, except that the Monthly Rent for the First Month ( and for the period -if any -between the Scheduled Commencement Date and the First Month ) shall be paid upon the execution of this Lease.

1. - معالم مصطلحات: مصطلحيات: خالد اليعودي: مجلة علمية محكمة متخصصة في قضايا المصطلح: العدد الأول: شوال 1432-سبتنمبر 2011- ص 7. [↑](#footnote-ref-1)
2. -معجم نور الدين الوسيط: عربي – عربي: دار الكتب العلمية أسسها محمد علي بيضون 1971 بيروت – لبنان – طبعة 2، 2009 مادة صلح. [↑](#footnote-ref-2)
3. - فصول في الترجمة والتعريب لغويات ،محمد بطل :الشركة المصرية  العالمية للنشر، لوعحمان الطبعة 1،2008،ص94 [↑](#footnote-ref-3)
4. - الأسس اللغوية لعلم المصطلح ،محمود حجاري :دار الطباعة والنشر و التوزيع تونس ،د.ت،ص10 [↑](#footnote-ref-4)
5. - د. محمد بطل فصول في الترجمة والتعريب لغويات، ، ص 94. [↑](#footnote-ref-5)
6. -، أ. غزال المنهجية الجديدة لوضع المصطلحات: العربية معهد الدراسات والأبحاث للتعريب، الرباط، المغرب، ت.ت، ص 7. [↑](#footnote-ref-6)
7. - محمد الديداوي الترجمة والتواصل: دراسات تحليلية عملية إشكالية الاصطلاح ودور المترجم مطبقة المركز الثقافي العربي، د. ، دار البيضاء، المغرب، الطبعة1، 2000، ص 45. [↑](#footnote-ref-7)
8. - ابن هنكر كتاب الترجمة العربية إلى الانجليزية  مبادئها ومناهجها، ترجمة عبد الصاحب مهدي علي، إثراء للنشر والتوزيع 2007، ص 21. [↑](#footnote-ref-8)
9. Noam Chomsky, syntactic structures,ed Mouton de Gruyter,second edition,NY, P 14. [↑](#footnote-ref-9)
10. Rondeau Guy , Introduction a’ la terminologie, Gaétan Morin, Québec,1991 , p24. [↑](#footnote-ref-10)
11. Jack Richard, Richard SMITH , Dictionary of language teaching and applied linguistics, Longman, 3rd edition , London, 2002 , P 497 [↑](#footnote-ref-11)
12. Maria Teresa CABRE, in, Terminology, Theory methods and applications, John BENJAMIN Pub, Amesterdam, 1999, P 62. [↑](#footnote-ref-12)
13. Maria Teresa Cabre,in, op-cit, P 61. [↑](#footnote-ref-13)
14. Maria Teresa Cabre, , P 61. [↑](#footnote-ref-14)
15. Kocourek Rostislav, « La langue française de la technique et de la science*»,*Wiesbaden, Oscar Brandstetter Verlag, 1991, P31. [↑](#footnote-ref-15)
16. Krista Varantola,Lsp Newsletter,Vol 19.Denmark,December 1998, P12 [↑](#footnote-ref-16)
17. Picht Herert, Translators’ Journal, Vol 32 , 1987, P 151. [↑](#footnote-ref-17)