

The Importance of Translational Competences in Converting Algerian Legal Documents into English

Imene BOULMERKA ^{1*} Adila BENAOUA ²

¹ *Laboratory of Historical Documents Translation
Institute of Translation, University of Algiers 2, Algeria
Imene.boulmerka@univ-alger2.dz*

² *Laboratory of Historical Documents Translation
Institute of Translation, University of Algiers 2, Algeria
Adila.benaouda@univ-alger2.dz*

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Abstract:

Translation is a complex activity that requires expertise in many areas. In order for a translator to render one original legal text from one language, one culture and one legal system into another language in which they may not find the same concepts, they should have a number of skills. In other words, they should develop particular abilities in order to achieve a successful result. This study aims at demonstrating the importance of translational competences in converting Algerian legal documents into English. The study falls into two parts; the first part sheds light on the common models and paradigms of translational competences proposed by translation scholars, and the second part analyses translation versions of the same legal document given to three translators. After collecting the translated versions, we compared between the different results in order to see which translator will render a better version. We assume through this study that the more competences the translator has, the more successful their *translatum*[†] is.

Keywords: Legal language; Legal translation; Translational competences; Legal documents.

* **Corresponding author:** Imene BOULMERKA, Imene.boulmerka@univ-alger2.dz

† **Translatum** : A term that Hans Vermeer and Katharina Reiss used in their book untitled: *Grundlegung einer allgemeinen Translationstheorie* to refer to the final translated product.

Introduction

Legal translation has long been regarded as a unique complex type of translation and a real challenge among translators. This practice puts the translator in front of a text written in a special language called legal language that tends not to express knowledge or provide information only but also to influence the reader's behaviour in order to act upon that text's provisions. When dealing with this genre of texts, the translator should have special skills and abilities in order to make one legal system readable in the target culture.

Moreover, the translator of legal text of any type from statute laws to contracts to courtroom testimony is a practice that stands at the crossroads of legal theory, language theory and translation theory (Joseph cited by Cao, D., 1996).

Therefore, it is crucial for the translator to dive into these three areas when dealing with these genres of texts. This paper focuses mainly on the skills and competences suggested by scholars (Nord, C., 1991), (PACTE, 2000), (Neubert, A., 2000), (Cao, D., 2007), (Pierro Ramos, F., 2011) that every legal translator should have in order to transfer a legal text the right way. We will analyse three translation versions of the same legal document, which is an Algerian divorce decree so as to examine the role of translational competences in converting those special texts into English.

1. Legal Language

Legal language is a special language used in legal texts which in turn are viewed as special purpose texts. Law which plays an essential role in reinforcing communication between nations is expressed mainly and solely through legal language (Kirby, M., 2007). It also embodies the ideals and standards that people seek to realize such as: equity, justice, rights, liberty and general welfare (Jenkins, I., 1998) among many other concepts that play an essential role in the everyday life of humans as citizens. In his book "The Language of the Law", Mellinkof states: "The law is a profession of words. Yet in a vast legal literature the portion devoted to the language of the law is a single grain of sand at the bottom of a great sea." (2004, 5).

It is a language that vehicles a large number of complex legal terms and culture-bound concepts related to a particular legal system. It is the language used by lawyers and judges in courtrooms, or notary publics in producing contracts and various authentic documents. It is the language used in legislations, treaties, conventions, judicial decisions...etc.

It is the written language of legislation and jurisdictions and the basic tool for lawyers that they use to explain what the law is, give advice and instructions to clients, and defend them before the court or the judge or to question witnesses. The rights and obligations of their clients are created, amended and terminated by the legal language contained in contracts, deeds and legal documents in general (Tiersma, P., 1999).

In courtrooms, the language does not *say*, it *does*, and this is the fact that marks it off from the daily language. When we read a legal text, we feel a kind of a power coming from the words; this power makes us react to these words. Mellinkof claims in this regard that legal language must not only express but convey thoughts (2004). Most of our everyday activities are carried out within a legal frame and governed by legal instructions (Davis, A., 2004), (Tiersma, P., 1999); Tiersma states in this regard:

“Every time we take a ticket to park in a public garage or to ride the subway, we enter into a transaction that is governed by legal language; typically the language is printed in tiny letters on the back of the ticket. Other transactions are less common but far more important: obtaining a credit card from a bank, consenting to a medical procedure, preparing a will, or buying and financing a house. Here, the legal language that governs the transaction may be in a much longer document with a larger typeface, but all too often is virtually incomprehensible to those most affected by it.” (1999, 1-2)

This is to say; legal language is the language we encounter when we do any transaction of any kind, we read it in full then we sign it, sometimes we sign directly as we may not understand everything because we are not familiar with the complex legal terms used in the document.

The term “language of the law” or “legal language” encompasses several distinctive genres. These genres depend on the communicative purpose they tend to achieve, the context in which they are used, the communicative events they are related to, the background knowledge the participants in those events bring to the situation in which they are established and a number of other factors (Bhatia, V, 1989).

The legal language is what makes the law and the law is applied through the language. This is what makes it very important and more difficult to translate. It is obvious that law practitioners are very careful in choosing words and terms because they realize the peculiarity of the legal discourse and that it has its own methods, structures and very special terms that do not accept ambiguity.

Law depends upon the performative nature of language. Nevertheless; legal language performs acts and creates facts and rights and legislation is the prime example of “saying as doing” (Cao, D., 2007).

1.1. English legal language

The term legal English stands for the English used for legal purposes. It is the type of English utilized in legal writing and legal settings and the official language of common law jurisdictions. It is one of the most important legal languages.

Legal English is another variety of English and the technical jargon of Law. It is the type of English used by lawyers and law practitioners. It diverges in many ways from ordinary speech and it is also distinct from the jargon of most other professions (Tiersma, P., 1999). It is the English used for legal purposes.

Legal English has long been the sphere of lawyers in English speaking countries who share similar law traditions. However, due to the spread of Legal English, as the predominant language of international business, as well as its role as a legal language within the European Union, legal English is now a global phenomenon and is informally referred to as “legalese” (Liuolienė, A., Metiūnienė, R., Rackevičienė, S., 2016).

1.1.1. Plain English

The term “plain English” refers to the modern trend in legal English, a trend that calls for simplifying the legal language in which legal documents are written in order to become accessible to the simple citizen concerned with those documents. These legal documents are free of complex legal methods and archaic words (Butt, P., 2006, 2013).

This type of language is simplified for the intended audience as it avoids outdated words and phrases that might be omitted or replaced with more simple alternatives to become more understandable to the reader. This modern method of legal drafting does not omit or modify important information of the legal document, but rather gives the non-specialist reader some help in dealing with or adapting to these technical terms.

Various terms are used to describe the modern trend in legal writing, including “modern English” and “standard English”. However, “Plain English” is the term that has achieved the most widespread use (Butt, P. & Castle, R., 2006).

The plain English movement made communication in legal institutions and legal context easier as it renders documents clearly written so that the lay people affected by them can read them and understand them easily.

1.2. British and American Legal English

One of the obstacles that every translator may face when translating a legal document into English, is whether they should use British or American legal English. It is obvious that when the translator receives a document to translate into English from a client who will use that document in the U.S for instance; the translator will definitely choose to use the American legal language as a target language. However; the translator very often does not know in which legal system the translated document will be used and therefore get confused about which language s/he will opt for. Nevertheless; the translator should always ask about the destination of the translated document to help him/her determine which legal dialect s/he will use.

Apart from speaking a common language, the U.S and U.K share rich and complex historical origins embedded almost in all parts of their respective cultures. This shared past in politics and law resulted in two similar legal systems. (Binks, A., 2018).

Despite of this similarity, legal documents in American and British English present differences in terminology which is a factor that every legal translator should take into account in order to reach an accurate translation. Here is a list of some key terminology differences between English and American legal dialect:

Table 1 Key terminology differences between British & American legal dialects

U.S	U.K
Articles of association	Bylaws
Balance sheet	Statement of financial position
Bills	Notes
Company	Corporation
Company law	Corporation law
Depreciation	Amortization
Employment law	Labor law
Ordinary shares	Common stock
Solicitor	Attorney, lawyer
Stocks	Inventories
Turnover	Revenues
Private limited company Ltd.	Limited liability company (LLC)

Source: (Rupert, H., 2018)

These differences must not be overlooked by the legal translator and before starting any translation into English, this latter must consider the target reader or the target legal system in which the translated document will be used (Rupert, H., 2018).

1.3. Legal language in Algeria

Arabic legal language is the variety of Arabic used in legal contexts. The most peculiarity of Algerian legal language is the huge influence by French legal jargon. This is due to the fact that Algeria has been under French colonialism for a long time. This long period under the French dominance embodied in a dominance of the French language in the Algerian legal texts. Another factor that explains the huge influence of the French language on Algerian legal language is that after the French colonialism, the Algerian law and legislations were still be written in French and then translated into Arabic under the *Arabization movement*.

1.4. Characteristics of English legal language

It is clear that people find legal documents difficult to understand. There have been efforts with the plain English movement as mentioned earlier to simplify the language that law uses to make law accessible to lay people.

Due to the nature and function of law, English legal language has developed particular linguistic lexical, syntactical and pragmatic features to fulfill the demands of the law (Cao, D., 2007). Here are some common ones:

1.4.1. Lexical features

One distinctive feature of legal language in terms of lexicon is the use of old and complex legal vocabulary. This feature is manifested in almost all the legal languages (Cao, D., 2007), (Mellinkof, D., 2004). Legal language includes technical and foreign words and phrases as well as binomials. The English legal lexicon is full of archaic words, formal and ritualistic usage, words strings, common words with uncommon meanings and words of over-precision (Cao, D., 2007), (Tiersma, P., 1999), (Mellinkof, D., 2004).

1.4.2. Syntactic features

Another common case with most legal language is the use of formal and impersonal written style coupled with complex long sentences. Sentences in legal language are longer than in other special languages (Cao,

D., 2007), (Mellinkof, D., 2004). In statutes, often long and complex sentences are necessary due to the nature of the subject matter and the nature of legislative law. This is the case with most legal languages. Apart from these syntactic features, there are also syntactical peculiarities to English legal language. For instance, the extensive use of complex structures, passive voice, multiple negations and prepositional phrases. (Cao, D., 2007).

1.5. Characteristics of Arabic legal language

Unlike most legal languages that share similar features; the Arabic legal language has its own peculiarities due to the huge difference between Arabic and other languages in terms of both form and style. Emery states that:

“Arabic legal texts exhibit their own features of structure and style. They make more use of grammatical cohesion (through reference and conjunction) and of finite structures than their English counterparts, and less use of passives. In addition, they are not characterized by the use of archaic vocabulary and morphology. The two languages differ in their patterns of nominalization, creation of binominals and in their use of highlighting and text markers.” (1989, 10).

We will cite below some common lexical and syntactical feature of the variety of Arabic used in law.

1.5.1. Lexical features

One typical lexical feature in the Arabic legal language is the use of diplomatic jargon and political emotive expressions which can be represented in different ways such as hyperboles, repetition and metaphors (El-Farahaty, H., 2015). Technical terms or “terms of art” also exist in legal Arabic. Official Arabic documents are loaded with words with specific legal meaning (Mellinkof, D., 1963).

Culture specific religious and system based terms and expressions are also common in Arabic private documents such as marriage contracts, we will cite some of them in the table below:

Tableau 2 Some examples of culture specific religious and system based terms and expressions

أهليتهما	Their legal capacity
على كتاب الله وسنة رسوله	According to the Holy Book of Allah and the Sunnah of his messenger
نسب	Kindship
نفقة	Alimony

Source: (El-Farahaty, H., 2015)

Another feature that characterizes Arabic legal language is the use of gender- based words. Many of these words exist in official documents such as contracts. We can find words like: المتعاقد، المستأجر، المالك and in courts we can find words like: المدعي، المدعي عليه، الدفاع، القاضي (El-Farahaty, H., 2015).

1.5.2. Syntactic features

A frequent feature of Arabic legal English is nominalization. The nominal form of the verb is more common in some text types than in others, for example in constitutions, legislations and in international documents. In contracts however, it can be less common. Passive form of the verb is also what legal Arabic favours. It also favours modals like: “يجب على، من يجوز،” . Another recurring feature in Arabic legal language is complex sentence structure; although it is a common feature of Arabic to favour coordination through conjunction, legal Arabic displays complexity by using both coordinated clauses and embedded and relative clauses initiated by one of the relative pronouns: “التي” or “الذي”. Arabic legal texts also involve doublets and triplets. It uses two or three words of related meanings, sometimes synonyms or near-synonyms which are conjoined by “و” or “أو”, these are called by Badawi, Carter and Gully “binomials” or “polynomials” (Ibid).

2. Legal translation

Legal translation is one of the most difficult fields of translation due to the specificity of its language and terminology and the degree of importance of the information it conveys. Legal texts do not transmit information only, but rather transfer rules, laws and legislation that must be implemented, and therefore these rules must be conveyed in an accurate manner and with a high degree of focus. Sarcevic states in this regard: “translation of legal text leads to legal effects and may even induce peace or prompt a war” (2000, 1).

Legal translation is any process of translation that deals with legal documents. Bocquet gives a definition of legal translation illustrated in the four points of view below:

- 1- Legal translation is the translation of all texts that speak of law.
- 2- Legal translation is linked to technical translation.
- 3- Legal translation is first and foremost a matter of terminology.
- 4- Legal translation above all requires great precision which often leads to transcoding (2006).

Cao on the other hand views legal translation as: “A type of specialist or technical translation, a translation activity that involves language of and related to law and legal process.” (2010, 191) And she adds: “Legal translation refers to the rendering of legal texts from the source language (SL) to the target language (TL)” (ibid). In short, legal translation is the kind of translation that translates law and is bound by law.

2.1. Legal translation sources of difficulty

The nature of legal language and law contributes to the complexity and difficulty of legal translation (Cao, D., 2007). Even in one's own language, legal texts can be obscure and incomprehensible, because legal language has a tendency to present even simple ideas in complex, archaic language (Williams, C. cited by Way, C. 2011). When dealing with legal texts, the translator faces myriad obstacles and difficulties during the

translation process. These difficulties arise from the fact of “crossing two languages and legal systems” (Cao, D., 2007, 23). Cao says in this regard: “Specifically, the sources of legal translation difficulty include the systemic differences in law, linguistic differences and cultural differences. All these are closely related.” (2007, 23).

Unlike other fields such as medicine, mathematics, physics, economics and other domains that are universal ones, law remains a national phenomenon that belongs to one unique country and varies from one country to another; each national law has its own independent legal system with its own terminology and concepts. This specificity of legal system causes confusion to the translator and makes the translation task even harder. Sometimes we find countries that use the same language have different legal systems and express the same concepts using different terms, which is the case of Arab countries.

Nadelmann says: “Even in the same language the meaning of a legal term may differ from system to system. Thus, “domicile” has one meaning in English law and quite different meaning in American jurisdictions.” (1967, 195)

Nevertheless; legal translators do not deal with two languages only; but rather with two legal cultures and two legal systems which are very different in terms of concepts and vocabulary. Sacco states: “The real translation difficulties are due (...) to the fact that the relationship between word and concept is not the same in all legal languages.” (1987).

To sum up with; every legal language has its own legal system and its own legal terminology. Therefore; the translator must be a mediator between the two legal systems in order to be able to figure out the right equivalents.

Another problem that may stand in the way of a legal translator, not less important than the above, is the difference in legal terms and expressions in the one legal language; even in one legal language, we find subtypes legal languages specialized in a specific field of law; for instance, the language that a notary public uses when writing a contract of sale or

lease is quite different from the language used in judgments issued by a judge. And this latter also differs from the language used in constitutions and so on. Therefore; the translator must master all these secondary languages in order to perform his/her task in a more accurate way.

3. Translational competences and legal translation

Cao argues that legal translation as a specialist or technical field of translation shares many things in common with other types of translation but also has its own peculiarities (2007). Therefore, before speaking of legal translation competences we should at first examine general translation competences because “a competent legal translator is first of all a competent translator” (Cao, D., 2007).

Studies on translational competences have gained momentum from 1990s by scholars like Nord (1991), Neubert (2000), PACTE (2000), Cao (2007) and Pierto Ramos (2011).

Using different labels and divisions, each scholar has investigated translational competences giving his/her own model. We will try to examine the more noteworthy modals in more details and then try to figure out the more suitable modal to legal translation. Neubert states:

“Translators cannot be fully competent in all the fields they have to deal with. In exchange, they acquire the capacity to approximate the subject areas to such an extent that they can enable and facilitate easy and flawless understanding among the average reader as well as among the experts. Their all-round communicative skills as well as their in-depth knowledge and hence, the overall comprehension have to be sufficiently well-developed to achieve the transfer of the content and form to be communicated.” (2000, 4).

This definition best explains translation competence and proficiency. In other words; the translator cannot be a specialist in all the fields s/he deals with but they must dive in all the areas. Within this framework, Neubert distinguishes five competences that each translator must acquire; (1)

language competence, (2) textual competence, (3) subject competence, (4) cultural competence, and last but not least (5) transfer competence.

- **Language competence:** is the ability of mastering both languages that the translator works with, ie; the source language (ST) and the target language (TL).

-**Textual competence:** is the knowledge of regulations and conventions of texts genres and types. It is important for the translator to distinguish the text type in order to be able to know how a text is translated.

- **Subject competence:** it is the knowledge of the relevant subject and the area of expertise of the text, ie; the translator should be familiar with the area a translation is about.

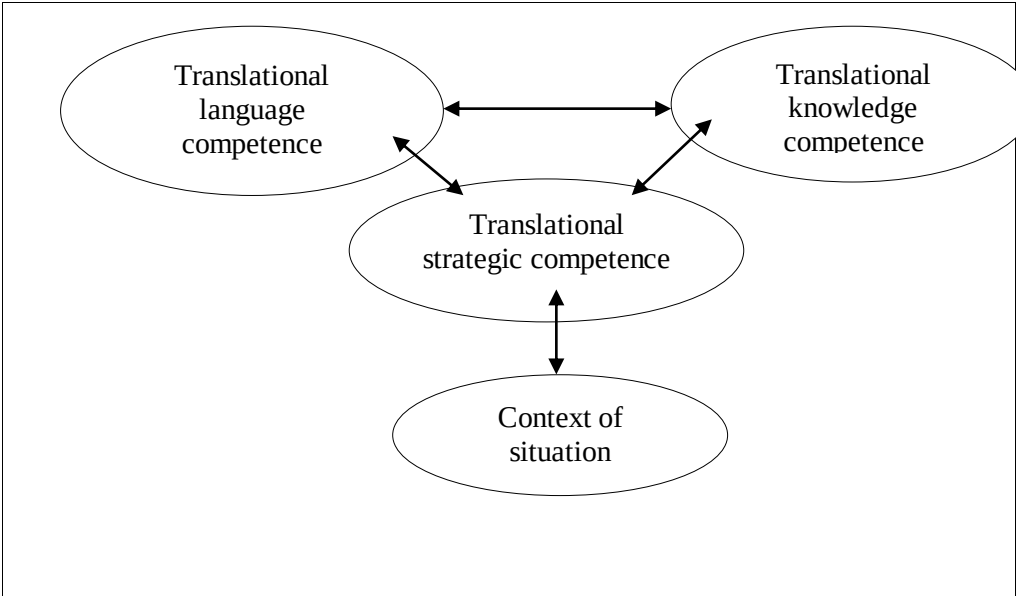
-**Cultural competence:** is being aware of the social conventions and cultural identities of the language that the translator is translating to.

-**Transfer competence:** is the ability to convert the (ST) into the (TT). It is supported by the four competences mentioned above, ie; they work in an interdependent way. (Neubert, A.,2000).

Apart from Neubert's model, Cao introduces a model for translation competence and proficiency that recognizes that this latter is multi-componential consisting of different sets of variables and characterizes the process by which these variables interact with one another. The translation process is the result of the interaction between these variables and within the situational context. (Cao, D., 2007).

Proceeding from these premises, translation proficiency in Cao's point of view consists of three sets of variables interacting with one another in the context of situation: Translational language competence (language competence in Neubert's), translational knowledge structure (subject competence in Neubert's), and translational strategic competence (transfer competence in Neuberts) (Ibid).

Figure 1 Cao's model of translation competence

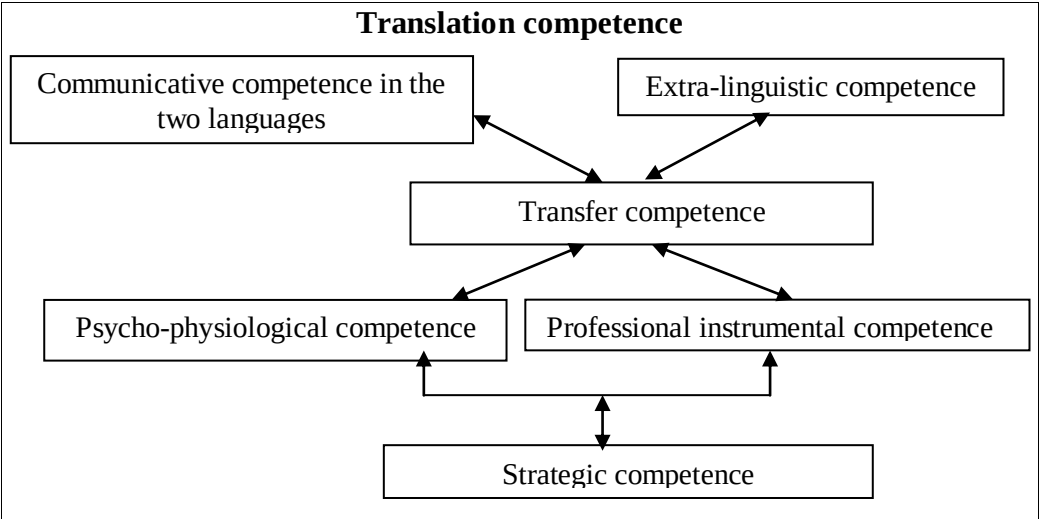


Source: (Cao, D., 2007, p41)

PACTE on the other hand views translation competence as “the underlying system of knowledge and skills needed to be able to translate.” (2000, 100), and claims that there are three basic competences in translation based on the observation of the translator’s behavior; bilingual competence (Language competence in Neubert’s and translational language in Cao’s), subject competence (translational knowledge structure in Cao’s) and transfer competence. These basic competences are agreed on by almost all scholars who approached translation competences.

However, PACTE speaks of the existence of two further types of sub-competences; the first is linked to specific solving strategies and the second is related to certain psychological qualities and skills that translators draw on. Therefore, he introduces a group of sub-competences that includes a problem solving or strategic component and a psycho-physiological component as showed in the figure below.

Figure 2: PACTE group of the sub-components of translation competence



Source: (PACTE, 2000)

He defines the six sub-competences as follows:

- **The communicative competence:** in the two languages is “the system of underlying knowledge and skills necessary for linguistic communication” (ibid, 101).
- Extra-linguistic competence:** is composed of general world knowledge and specialist knowledge that can be activated according to the need of the translation situation (ibid).
- Instrumental professional competence:** is composed of “knowledge and skills related both to the tools of the trade and the profession” (ibid).
- **Psychological competence:** is “the ability to use all kinds of psychomotor, cognitive and attitudinal resources such us psychomotor skills for reading and writing and cognitive skills such as (memory, attention span, creativity and so on)” (ibid, 102).
- Transfer competence:** is “the central competence that combines all the others and is the ability to complete the transfer process from the (ST) to the (TT)” (ibid, 102).

-Strategic competence: “encompasses all the individual procedures, conscious and unconscious, verbal and non-verbal, used to solve the problems found during the translation” (ibid, 102).

Highly inspired by the PACTE group, Kelly stresses the outstanding procedural role of strategic competence which she places at the top of her pyramidal model. She also distinguishes between thematic and cultural sub-competences (grouped under extra-linguistic competence in the PACTE’s model) rather than strategic and translation knowledge sub-competences and she adds the interpersonal sub-competence necessary for professional practice (ability to interact with other translators, professionals and clients). (Kelly cited by Pierto Ramos, F., 2011).

Pierto Ramos views that all the presented models of translational competences are very useful as they outline the core skills that must be applied in any specialized translation including legal translation. However, in order for these models to work more efficiently, they must be improved with the specific interdisciplinary elements of each branch of translation (ibid).

In the case of legal translation, the general competences presented above must be enriched with a particular emphasis on legal thematic competence and a solid legal translation-oriented methodological competence. Therefore, with a particular focus on professional practice and with reference to previous multicomponent competence paradigms notably those of PACTE and Kelly, Pierto Ramos introduces a global paradigm of translation competences oriented to legal translation that aims at simplifying reference to professional skills. He grouped cultural and thematic competence together (as in PACTE’s extralinguistic subcompetence) as are strategic and translation knowledge competences, while psycho-physiological components are integrated into a wider interpersonal and professional management competence (ibid).

He explains the five competences as follows:

- Strategic or methodological competence: it controls the employment of the other competences and comprises: analyses of translation briefs, macro-

contextualization, identification of problems and application of transfer strategies, decision-making argumentation, self-assessment and quality control (ibid).

- **Communicative and textual competence:** it includes linguistic, sociolinguistic and pragmatic knowledge comprising specialized legal linguistic uses and legal genre conventions (ibid).

- **Thematic and cultural competence:** it involves knowledge of legal systems, hierarchy of legal sources, branches of law and main legal concepts and awareness of asymmetry between legal notions and structures in different legal traditions (ibid).

- **Instrumental competence:** use of the necessary computer tools for translation, knowledge of specialized sources, terminology management...etc (ibid).

- **Interpersonal and professional management competence:** interaction with clients and other professionals and knowledge of legal framework for professional practice, fiscal obligations and ethical aspects (ibid).

This categorization exhibits the interdisciplinarity of translation competences on the one hand and the interaction between law and translation in the case of legal translation on the other hand. In this respect, the most important skill of legal translation is thematic competence which is very close to the practical principle of comparative law (analysis and comparison of different concepts in different legal systems) (Pierto Ramos, F., 2011).

4. Case study

In this section, we will analyze translation versions of a legal document consisting of a divorce decree given to three translators. The first translator is a bilingual student who graduated from Constantine department of English and masters both languages; Arabic as their mother tongue and English as a second language and studies translation as a secondary module. The second translator is a student from the translation department of Constantine who masters both languages and is familiar with translation

rules and strategies. The third translator is a law student from Constantine faculty of law, studying law as their field of study and English as an additional module. We will compare between the different versions and with reference to legal translation competences mentioned above, see which version is the most adequate one.

Example 1:

Original	Translator A	Translator B	Translator C
بموجب عريضة افتتاحية مشتركة	Under a joint opening petition	Under a joint opening petition	Pursuant to a common application

Translator A and translator B gave the same translation of the Arabic expression, unlike translator C who translated it differently. Using the word “under” as an equivalent for the term “بموجب” can be linguistically correct in other specialized fields. However, in the field of law, it is preferable to use the choice of translator C, ie; “pursuant to”. As for the expression “ عريضة افتتاحية مشتركة ” both translator A and B chose the same translation which is “ a joint opening petition” unlike translator C who preferred to use “common application” . Here, we are talking about a paper written by the plaintiff himself or through his attorney in order to present the facts of his case and to specify his demands to the court. It is the initial form submitted to the court to start the divorce process.

The English version of translator A and translator B is the most valid one because it is the most traditionally used term in English courts. “Application” can be correct literally but it does not fit in the context of divorce; we can use an application as a request for a job or fill an application form for a membership...etc. As for the word “مشاركة”; in an opening petition for the dissolution of a marriage, there are two cases; the first case is when the petition is made by one of the spouses (either the wife or the husband ie; it is not a mutual decision), and the second case is when the divorce is made by mutual consent.

Nevertheless; "العريضة المشتركة" means the mutual petition submitted by both spouses in order to proceed to a mutual consent divorce. Therefore, it would sound more appropriate to use “an opening mutual consent divorce petition” in this context. So the most suitable translation would be “pursuant to an opening mutual consent divorce petition” to be more understandable in the English legal system where this document will be used.

Results for this example:

	Translator A	Translator B	Translator C
Competence in language	+	+	+
Competence in legal subject	+	+	-
Competence in legal systems	-	-	-
Competence in transfer strategies	+	+	-

Example 2:

Original	Translator A	Translator B	Translator C
المدعيان	The plaintiffs	The prosecutors	The applicants

Here, the term "المدعيان" was translated differently by the three translators; the choice of translator A is the most satisfactory one in terms of the context of occurrence. Translator C on the other hand used a wrong equivalent which is the term “prosecutor” which is a “generic term for the government's attorney in a criminal case” (Gerald & Kathleen Hill, 2002).Translator C also chose a wrong choice because an applicant is someone who presents a request in order to apply for a job or a university, ie; it has nothing to do with this setting. Therefore; the most valid translation is the choice of translator A.

Results for this example:

	Translator A	Translator B	Translator C
Competence in language	+	-	-
Competence in legal subject	+	-	-
Competence in legal systems	+	-	-
Competence in transfer strategies	+	-	-

Example 3:

Original	Translator A	Translator B	Translator C
دعوى	A lawsuit	A suit	An action

Here, the three translators gave three synonymous translations that can be valid with a slight difference. Translator A chose the term “lawsuit” as an equivalent to the term "دعوى". Translator B on the other hand used the equivalent “suit” and translator C used “Action”.

Considering the field of law and the type of legal language used here which is legislative language, “lawsuit” seems to be the most suitable one “suit” is not wrong but it is more general and in such specialized field of translation we always need to choose the very specific term to the very specific situation in order to avoid a misinterpretation by the target reader. The same thing goes for the term “action” which is not wrong but needs a little addition to be more specific to the context of its occurrence. Therefore, it would sound more appropriate to say “a legal suit” to be more relevant to the legal setting.

Results for this example:

	Translator A	Translator B	Translator C
Competence in language	+	+	+
Competence in legal subject	+	+	+

Competence in legal systems	+	-	-
Competence in transfer strategies	+	-	-

Example 4:

Original	Translator A	Translator B	Translator C
فك الرابطة الزوجية	To solve the conjugal union	The breaking of the marital bond	The dissolution of the marriage

In this example, the three translators gave different variants. Translator A used the expression “to solve the conjugal union”. Translator B instead used the expression “the breaking of the marital bond” and translator C chose to use the expression “the dissolution of the marriage”. Linguistically speaking, translation A is correct but it is a word for word translation, ie; it is a general translation that does not fit in this very specific context. Translation B is more acceptable but we cannot say that it is the most suitable one for this context, because this expression is more frequently used in legal doctrine, ie; in legal documents that speak about divorce. However, in the field of law and more specifically in courts, the most adequate and most traditionally used expression is “the dissolution of the marriage”, ie; the choice of translator C.

Results for this example:

	Translator A	Translator B	Translator C
Competence in language	+	+	+
Competence in legal subject	+	+	+
Competence in legal systems	-	+	+
Competence in transfer strategies	-	-	+

Example 5:

Original	Translator A	Translator B	Translator C
بالتراضي	By mutual accord	By mutual consent	By mutual consent

The term " بالتراضي " is a very common term in Arabic divorce decrees. It means when both spouses decide mutually to break the marital bond. Translator A used the expression “by mutual accord” whereas translator B and translator C used the expression “by mutual consent. The three translations are valid with a slight difference in the degree of relevance. “mutual accord” is not wrong but it is more general, whereas “mutual consent” is the typical judicial expression and the most frequently used one in divorce decrees.

Results for this example:

	Translator A	Translator B	Translator C
Competence in language	+	+	+
Competence in legal subject	+	+	+
Competence in legal systems	-	+	+
Competence in transfer strategies	-	+	+

Example 6:

Original	Translator A	Translator B	Translator C
حضانة الإبن	The son's custody	The custody of the son	The custody of the child

In this example, the three translators gave similar translations with a slight difference in terms of structure. Both expressions “the son's custody” or ‘the custody of the son can be used interchangeably. As for the third choice, the translator used “child” instead of “son” which is correct but

since the gender of the child is specified in the original, the translator should also specify it in the translation.

Results for this example:

	Translator A	Translator B	Translator C
Competence in language	+	+	+
Competence in legal subject	+	+	+
Competence in legal systems	+	+	+
Competence in transfer strategies	+	+	-

Example 7:

Original	Translator A	Translator B	Translator C
على نفقة أبيه	With the support from the father	At the expense of his father	Under the support of his father

The term "نفقة" means the funds that the court orders the custodial parent to pay to the child after divorce. Both translator A and C used the same variants in English with a slight difference in structure. They chose to use the word “support” as an equivalent to the key term in the original version which is not invalid, but they need to precise what kind of support; there is “spousal support” and “child support” (Gerald & Kathleen Hill, 2002), and in this context we are concerned with the “child support”.

Accordingly, and considering that the legal translator must always be precise in his/translation in order to avoid misunderstanding in the target legal system, “child support” would be more accurate. As for the choice of translator B, “expense” is used in different contexts.

Results for this example:

	Translator A	Translator B	Translator C
Competence in language	+	+	+

Competence in legal subject	+	-	+
Competence in legal systems	-	-	-
Competence in transfer strategies	-	-	-

Example 8:

Original	Translator A	Translator B	Translator C
عقد الزواج	the marriage contract	the marriage contract	the marriage act

The term "عقد الزواج" is the generic term for the official legal document that the couple gets once they are legally married. Both translator A and B rendered the term using “the marriage contract”. Translator C on the other hand used “act” instead of “contract”. All the three translations can be used interchangeably. However, focusing a little bit more on the target legal system and its concepts and considering the judicial language that American or British courts use, “marriage certificate” is the most traditionally used term.

Results for this example:

	Translator A	Translator B	Translator C
Competence in language	+	+	+
Competence in legal subject	+	+	+
Competence in legal systems	-	-	-
Competence in transfer strategies	-	-	-

Example 9:

Original	Translator A	Translator B	Translator C
جلسة	The conciliation	The reconciliation	The conciliation

الصلح	session	hearing	hearing
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The term "جلسة الصلح" means a court procedure in which the judge tries to convince the couple to undo the divorce and resume their marital relationship. All the three translators rendered this expression using synonymous versions. All of them are acceptable with a slight difference. Conciliation and reconciliation are synonyms but they differ in terms of the exact intended meaning. Conciliation is the process of trying to end an argument whereas reconciliation is the process of trying to re-establish a relationship after an argument (See Cambridge, 2021).

Nevertheless it would be more suitable here to use reconciliation. As for “session” and “hearing”, they are both equivalents to the Arabic term "جلسة" but if we take into consideration the variety of the legal language used here which is the judicial language and more specifically the family law jargon, we find that “hearing” is the most frequently used one. Therefore the best choice would be that of translator B.

Results for this example:

	Translator A	Translator B	Translator C
Competence in language	+	+	+
Competence in legal subject	+	+	+
Competence in legal systems	-	+	-
Competence in transfer strategies	-	+	-

General results and findings:

	Translator A	Translator B	Translator C
Competence in language	+++++	+++++	+++++
Competence in legal subject	+++++	+++++	+++++
Competence in legal	+++	++++	+++

systems			
Competence in transfer strategies	++++	+++	++
Result	25	23	20

The case study revealed that translator A was the most competent one among the three translators followed by translator B then translator C. As mentioned earlier; the more competences the translator has, the more successful the translation work is. Nevertheless, translator A seems to have more competences than the other translators which helped him/her produce a more successful translation.

Even though we have noticed in the examples below that sometimes translator C gives a more satisfactory translation than the other translators in terms of very special legal terms because s/he is the one who is more familiar with such terms but s/he still lacks transfer strategies as showed in the table below which makes his/her translation imperfect. Translator B on the other hand has more expertise in sentence structure but s/he still lacks expertise in the target legal system and in transfer strategies.

Therefore; mastering both languages does not make him/her a professional translator and s/he needs to acquire more competences in order to build a solid translation career.

5- Conclusion

The most striking result to emerge from this case study is that translation is not only a linguistic matter, and it is neither a derivate of linguistic competence. It is rather an interdisciplinary branch that requires expertise in many disciplines. “Translators are always learners; there is no area they may not have to dive into” (Neubert, A., 2000, 9). As for the case of legal translation, “Even if legal translators do not need to be equipped with a jurist’s level of legal expertise, it is essential that they acquire sufficient legal knowledge in order to situate the documents in their legal and procedural context, as well as to gasp the legal effects of original and target texts.” (Pierto Ramos, F., 2011, 13).

The case study manifested that a translator with only a linguistic training will definitely find it quite difficult to deal with a legal text. Even if s/he is well trained in the English language in terms of grammar syntax and sentence structure s/he is still need to expand their abilities in the legal field.

The study also showed that even a translator who has been trained in translation may not always come up with the right legal equivalents. This may exhibit shortcomings in the training programs that legal translators receive and that these programs must be developed by adding more law modules that will make translation students more familiar with legal concepts and different legal systems.

The most significant problem in translation teaching is that training programs designed for translation students cannot cover all the disciplines that the student may deal with during their professional career.

Nevertheless; designing particular training programs for legal translators is not the best option. However; besides the university training program, there are many other options that will help translation students be more specialized in the legal field. Pierto Ramos spoke about two very interesting competences in his global paradigm of translation competence oriented to legal translation, namely; instrumental competence and interpersonal and professional management competence (2011, 12).

These two competences are the key abilities that each legal translation should develop and put into practice while converting any legal text. Knowing how to manipulate all the computer tools needed for this task, knowing what source or what dictionary to use in order to look for the right equivalents, interacting with legal professionals (lawyers, judges, notaries public) constantly, asking detailed questions to clients about the purpose of the translation, the target audience, the person who will use the translated document, the institution where it will be used ...etc.

All these measures are very useful and will interdependently help the legal translator produce a successful target text. Another means to help the legal translator figure out the right legal equivalents is the interaction with legal professionals from the target culture, ie; legal professionals who

belong to the target legal system; this could also be very beneficial to the legal translator.

Training programs that the legal translator receives train him/her to be a professional translator but they cannot make him/her one. Therefore, the legal translator needs to develop all these competences and put them into practice.

In conclusion; the case study underlines how important translational competences are in the translation of legal Algerian documents. It also stresses that besides general translation competences, there are also other competences oriented to legal translation that every legal translator needs to develop in order to be a professional legal translator. Another remarkable finding in this study is that there are competences that the legal translator develops during his training and other competences that s/he should work on after graduation and during his professional career. In short, “translators do not know everything, and they need not know everything, but they need to know where to look for it and where to find it.” (Neubert, 2000, 9).

References

- Bhatia, V. K. (1987). *Language of the Law: Language Teaching*. 20.4, pp. 227–234.
- Binks, A. (2018). *Difference between UK and US Legal Terminology*. Retrieved (July 12, 2018) at 22:47, from: <https://albionlanguages.com/difference-between-uk-us-legal-terminology/> .
- Bocquet, C. (2008). *La Traduction Juridique: Fondement et Méthode*. Paris: De Boeck.
- Butt P., Castle R. (2006). *Modern English Drafting: A Guide to Using Clearer Language*. New York: Cambridge University Press.
- Cao, D. (2010). *Handbook of Translation Studies*. USA: John Benjamins Publishing Company.
- Cao, D. (2007). *Translating law*. Clevedon, Buffalo, Toronto: Multilingual Matters Ltd.

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- Daoud, M. (30 June 1991). Arabization in Tunisia: The Tug of War. *Issues in Applied Linguistics*. 2 (1): 7–29.
 - Davis, A., Elder, C. (2004), ed. John Gibbons. *The Handbook of Applied Linguistic*. USA, UK, Australia: Bluckwell Publishing.
 - El-Farahaty, H.(2015). *Arabic-English-Arabic Legal Translation*. London & New York: Routledge.
 - Emery, P.G. (1989) Legal Arabic Text: Implications for Translation. *Babel*: vol.35, pp 35-40.
 - Jenkins, I., (1980). *Social Order and the Limits of Law: A Theoretical Essay*, Princeton: Princeton University Press.
 - Hill, G.N., Hill, K. T. (2002). Prosecutor. In. *the People's Law Dictionary*, MJF. <https://dictionary.law.com/>
 - Kirby, M, in. Cao, D. (2007). *Translating law*. Clevedon, Buffalo, Toronto: Multilingual Matters Ltd.
 - Liuolienė, A., Metiūnienė, R., Rackevičienė, S (2016). *English for Law and Communication*. Vilnius: Mykolo Romerio universitetas.
 - Mellinkof, D. (2004). *The Language of the Law*. Oregon: Wipf & Stock Publishers.
 - Nadelmann, K. H. and Mehren, A. T. (1966-1967): Equivalences in Treaties in the Conflicts Field. 15 *The American Journal of Comparative Law*.15, pp195-203.
 - Neubert, A. (2000). Competence in language, in languages, and in translation. In: Schäffner, C., Adab, B. (eds.). *Developing Translation Competence*. Amsterdam: John Benjamins, 3-18.
 - Nord, C. (1991). *Text Analysis in Translation. Theory, Methodology, and Didactic Application of a Model for Translation-Oriented Text Analysis*. Amsterdam: Rodopi.
 - PACTE. (2000). Acquiring translation competence: hypotheses and methodological problems of a research project. In: Beeby A., Ensinger, D., Presas, M. (eds.). *Investigating Translation*. (pp.99-106). Amsterdam: John Benjamins.

- Prieto Ramos, F. (2011). Developing Legal Translation Competence: An Integrative Process-Oriented Approach. Comparative. *Legilinguistics*. 5. 7-21.
- Rupert H.(2018). *Legal English*. Oxon: Routledge.
- Sacco, R. (1987): La traduction juridique. Un point de vue italien. *Cahiers de droit*. 28, Québec.
- Sarcevic, S. (2000). *New Approach to Legal Translation*. The Hague: Kluwer Law International.
- Tiersma, P. (1999). *Legal Language*. Chicago and London: University of Chicago Press Ltd.
- Way, C.(2016). The Challenges and Opportunities of legal translation and Translator training in the 21st century, *International Journal of Communication*, January 2016, 1009-1029.