Investigating the Difficulties and Problems Faced by the English Language Students of Al Quds Open University in Legal Translation Process

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Abstract
Following experimental descriptive method, the paper explores the difficulties and problems faced by the English language students of Al Quds Open University in legal translation process; that is, while translating legal terms/documents from Arabic to English and from English to Arabic. A test was designed by the researcher in order to explore and investigate the difficulties and problems faced by the students. The test included four questions: 1) Translating English legal paragraph, 2) Translating Arabic legal paragraph, 3) Translating ten Arabic legal terms and 4) Translating ten English legal terms. The test was applied on the English language students of Al Quds Open University in Gaza Region in Palestine during the second course of the academic year 2010/2011. The samples of the study were chosen and selected randomly. Following suitable statistical methods, the paper offers the obtained results with critical discussion. Possible solutions, recommendations and suggestions to overcome these difficulties and problems also form important parts of the discussion in the paper.

Key words: Legal translation, Difficulties of Palestinian students, translation style, cross-cultural bilingual communication, court interpreters

Suggested Citation:
1. Introduction

Every translation activity has one or more specific purposes and whichever they may be; the main aim of translation is to serve as a cross-cultural bilingual communication vehicle among peoples. In the past few decades, this activity has developed because of rising international trade, increased migration, globalization, the recognition of linguistic minorities, and the expansion of the mass media and technology. For this reason, the translator plays an important role as a bilingual or multi-lingual, cross-cultural transmitter of culture and truths by attempting to interpret concepts and speech in a variety of texts as faithfully and accurately as possible. Most translation theorists agree that translation is understood as a transfer process from a foreign language-or a second language-to the mother tongue. However, market requirements are increasingly demanding that translators transfer texts to a target language, which is not their mother tongue but a foreign language, often described as ‘service translation’.

Translation is also the gateway for understanding others and their civilizations. Therefore, these days, universities are interested a lot in the courses of translation to train and graduate competent and efficient translators as mistakes in this field may be grievous. That is, translation errors on the job may very well lead to disasters. In chemical texts, they can cause fatal poisoning or terrible explosion. In aeronautics, they may bring a plane down from the sky on people's heads. In legal translation, they can unlawfully make a defendant lose a crazily expensive law-suit. The poor performance of an interpreter can spoil the proceedings of a whole international conference. Thus, these possibilities deserve worth attention by the universities offering courses in Translation and Interpretation and the universities in Gaza are not exception to this.

Despite the importance of the translation courses in B. A. English programs in Gaza universities, the objectives of these courses have either been misunderstood or are difficult to achieve. Virtually all English language departments’ course descriptions state that the aim of each course is to introduce students to translation theory and train them to translate from Arabic into English and vice versa. However, there is a wide consensus among lecturers of translation that the training falls short of its expectations as most of the students face various difficulties while translating, particularly in legal translation. This problem has been explored and investigated in the following sections of this paper.

2. Literature Review

As a survey of existing literature, related to the problem investigated, forms an important aspect of any research work, this section will offer a brief review of literature related to the topic investigated.

2.1 Difficulties in Translation process

Translation is often defined as an activity comprising the interpretation of the meaning of a text in one language – the source- and the other language the - target. Legal translation, thus, is the translation based on or concerned with the law, permitted by law. According to Farhaty (2008) Legal translation is bound by each language’s culture and system; it is not merely transcoding between the source language (SL) and the target language (TL) but it is also ‘a translation from one legal system into another- from the
source legal system into the target legal system’ (Sarcevic, 1997:13). It involves all the legal texts that are used in various legal settings be it a court, a national or international organization, a law book, a legal report, a birth certificate, a contract, etc. Farhaty (2008) discusses legal translation in theory and practice offering a historical review of legal translation in the Western and Arabic tradition and discussing the most common difficulties of legal translation with examples from English/Arabic/English legal texts.

Ludmila Stern’s (2004) study has also explored difficulties experienced by court interpreters and the strategies they adopted in dealing with legal deliberations at the International Criminal tribunal for the Former Yugoslavia (ICTY). After giving an outline of interpreting practices at ICTY, the author considers interpreting approaches used in this context. Problems created by the use and transfer of cognates, synonyms and neologisms in legal language are highlighted. The author shows why paraphrasing and other techniques of explicitation are often the most effective in an international legal context.

Asma Abd-Allah Halahla’s (2010) study also focused on problems faced by translators during their translation of Islamic Religious texts. This problem can be better understood focusing on the associated meaning of a word and its accurate or nearest meaning existing in target language. In this case, English lacks the equivalents and hence forces translators to interpreting rather than translating and perhaps risking or making compromise with the original spirit or beauty of the original text or even the accuracy of this translation and this creates a sort of misunderstanding and raising post-translation issues over authenticity of the translation work.

Bader S. Dweik & Mariam M. Abu Shakra (2011) study also invested the most serious problems that translators face when rendering cultural collocations in three religious texts namely, the Holy Quran, the Hadith and the Bible. It was postulated that collocations present a major hurdle for M. A. students majoring in translation particularly when translating collocations in religious texts. The results of the study revealed that (i) translators encountered difficulties in lexical and semantic collocations (ii) translators of religious texts should be deeply aware of the nature of lexical and metaphoric collocations, should realize the disparities between Arabic concepts and beliefs and Western ones, and should always avoid literal translation by taking the context into consideration.

Łucja Biel (2008) study also discussed terminology mining on a small scale as used by legal freelance translators in practice, and recent developments in this area. All these studies discussed various issues related to legal translation. With these background, the present study is an attempt to show the difficulties faced by the students of Al Quds Open University in choosing the most suitable legal terms from English to Arabic and vice versa. It also deals with the difficulties in choosing the suitable legal style in English and Arabic Languages.

2.2 Legal Translation: history and nature

The translation of legal texts is a practice boasting a long history. The best known artefacts in this field include the peace treaty between Egypt and the Hittite Empire in 1271 BC as well as the translation of the Corpus Iuris Civilis into numerous languages after its initial translation into Greek. The translators of these and other legal texts from past centuries –
most of whom remain unknown to us – must certainly have reflected on the methodological problems associated with their complex and demanding task. Unfortunately, these reflections have not been handed down in history. Systematic study has only recently begun in the field of legal translation, but many significant problems have already been identified (Galdia-2003).

It is often observed that technical legal language is interconnected with the systematic structure of the law and language. This specialized and technical legal language can be separated from the general language by the means of contrasting analysis. Other conceptions of legal translation focus on the area of legal terminology (Recht en vertalen-1987). The perception of the denotative character of translation can be traced back to Mincke. In his opinion, legal terms refer to the relevant areas of a legal system; a technical translation therefore requires a descriptive language that can render the incompatible legal terms without any material losses in terms of content. De Groot (1999) follows a similar tack. He discusses the problems of legal translation in terms of comparative law, which in his view comprises the key element in legal translation. In his view, the level of difficulty of a legal translation does not primarily depend on linguistically determined differences, but rather on structural differences between legal systems. In this respect, the relationship between the languages is only of secondary importance in comparison with the relationship between the legal systems. As an example, De Groot (1999) cites the largely unproblematic case of translations from Danish into Norwegian, and the case of multilingual states with a single legal system – such as Finland – where the problem falls away entirely, despite the linguistic differences between Finnish and Swedish, the two national languages. Making legal language uniform at the international level is of the utmost importance for De Groot. He therefore advocates the development of a legal metalanguage to convey legal terms that are defined by national law. A complete equivalence between the terms of two legal systems can only be attained if both legal languages refer to the same legal system, positing an acceptable equivalence between two legal systems and not two languages. If no equivalence can be established, De Groot suggests several alternatives: citation of the nontranslated term, paraphrasing, and the creation of neologisms or a combination of these.

Legal translation is primarily characterized by the denotative components of the technical language, whereas the legal system itself guarantees the basis of the translation. Denotation forms only a part of the entire process of translation, although its importance cannot be denied. In fact, an entire text – and not just terms – is the subject of translation, even though many translators concentrate only on the terms as such. Every text also has a connotative level, which is semantically as important as the denotative level. Furthermore, text is defined by tense, mood and other linguistic features; it is constituted but also limited by the specific language system. Naturally, connotative aspects of a legal language are incorporated into the translation. The descriptive model which up to now has been based on denoters is weighed down by one problem. It is unclear how the denotation referred to by the denoters is to be understood. The denoters depicted as the pillars of the descriptive model – i.e. the relevant legal terms – must refer to a common subject matter in
order for the descriptive model to function. Since this fact has generally been acknowledged, a call emerged for a metalanguage as the descriptive “instrument” for the individual legal languages. References were made in this regard to civil law theory, comparative law and the exemplary description of all legal systems in order to produce a usable object for denotation. The denotation and connotation of legal terms thus enable the determination of the feasibility of functional equivalence.

Another model for technical translation is the translation into a metalanguage as the universal descriptive language for the propositional content of legal texts. The framework for developing this language is found in comparative law, which examines basic terms and legal structures in an international context. By taking into account the legal-linguistic components of the legal languages – in particular, the syntactic and pragmatic meanings of legal texts, a metalanguage will emerge not only containing a few succinct legal words, but also representing a thesaurus of the legal language. A metalanguage already exists with regard to legal terminology for fundamental problems of contemporary continental civil law: the Latin of Roman law. At most, however, the Latin allows only for an understanding of certain basic problems relating to legal dogma which are seldom the topic of legal translations. This has lent increasing support to arguments for a metalanguage based on comparative law as the best medium for legal translation. An antithetical concept of technical legal translation could be based on the basic structures of colloquial language. If informal language offers an adequate guarantee for the meaning of the words, then why should it not qualify as the universal descriptive language of the law? This especially holds true for areas such as international legal relations that are still wrestling with their own language. However, this concept has not been given much consideration in research to date.

2.3 The role of comparative law

The discussion of the problems of legal translation from a comparative law perspective revolves around the term “denotation”. A legal term under legal system A, understood as a systemic term, is transformed into another term under legal system B by finding a term that corresponds with the function of the legal term under legal system A. This allows, for example, the English legal term trust to be translated into German as Treuhand in certain instances. In the translation of legal terms, one often resorts to pairs of terms which appear somehow connected by a relationship of equivalence. The legal denoters which have to date been applied in the descriptive model – e.g. Versäumnisurteil (German for “default judgment”) and yksipuolinen tuomio (Finnish for “ex parte decision”) have the same legal “meaning”, but the question is what do they denote? The difficulty of answering this question may provide more fertile ground for further analysis than the eventual answer itself. At the very least, the difficulty may illustrate that the two designated terms might lack a common denoter. They function differently than synonyms; the terms “mean” the same thing to jurists, even though they are not identical. They are also not really similar because they exist in the context of different legal and language systems, but still they remain comparable. It can be safely said that the functional method of comparative law has proven the comparability of such legal terms. The aforementioned terms can also be
compared by reference to their connotations. In respect of the first term, it would be sufficient to provide a linguistic basis for the functional comparative law term in order to determine the connotations of the legal terms. Therefore, the legal-linguistic studies which highlight the comparative law method seem to point in the right direction.

2.4 Bases of the English Legal Language

It is impossible to fully appreciate the nature of legal language without having some familiarity with its history. There is no single answer to the question of how legal language came to be what it is (Tiersma 1999:47). Since much of the explanation can be found in the historical events which have left their mark on the language of English law, we should first take a glance at the historical background of today's British legal language. Like their language, the law of the British Celts had little lasting impact on the English legal system. The Germanic invaders who spoke Anglo-Saxon or Old English developed a type of legal language, the remnants of which have survived until today, such as "bequeath," "theft," "guilt," "land." Another significant event for the language and law of England was the spread of Christianity in 597, since it promoted writing in Latin. Through the Roman Catholic Church the Latin language once again had a major presence in England. Its influence extended to legal matters, particularly by means of the Canon Law, through which the Church regulated religious matters such as marriage and family. The use of Latin as legal language introduced terms like "client," "admit," and "mediate" (Tiersma 1999:16).

After the Duke of Normandy claimed the English throne and invaded England in 1066, the main impact of this Norman Conquest on the written legal language was to replace English with Latin (Tiersma 1999:20). Beginning in 1310, the language of statutes was French, but it was not until two hundred years after the Conquest that French became the language of oral pleadings in the royal courts. For the next one or two centuries French maintained its status as England's premier legal language. However, in 1417, while fighting the French, King Henry V broke all linguistic ties with his Norman ancestry and decided to have many of his official documents written in English (Tiersma 1999:23).

Despite the emergence of French, Latin remained an important legal language in England, especially in its written form. The use of Latin and tireless repetitions by the judges have endowed these legal maxims with a sense of timelessness and dignity; moreover, they reflect an oral folk tradition in which legal rules are expressed as sayings due to the ease of remembering a certain rhythm or rhyme (Tiersma 1999:26). These poetic features are still occasionally found in the English legal language. Latin has also remained in expressions relating to the names of cases and parties; for example, in England the term for the crown in criminal case names is "Rex or Regina" (Tiersma 1999:27).

When Anglo-French died out as a living language, the French, used by lawyers and judges, became a language exclusive to the legal profession (Tiersma 1999:28). It was incomprehensible both to their clients and to the speakers of ordinary French. Legal French also contained many terms for which there were no English equivalents. Several French terms are still common in legal English such as "accounts payable/receivable," "attorney general," "court martial." The most lasting impact of French is the tremendous
amount of technical vocabulary that derives from it, including many basic words in the English legal system, such as "agreement," "arrest," "estate," "fee simple," "bailiff," "council," "plaintiff," and "plea." Through the middle ages, the legal profession made use of three different languages. During the rest of 17th century, Latin and legal French continued their slow decline.

In 1731, Parliament permanently ended the use of Latin and French in legal proceedings; however, it became difficult to translate many French and Latin terms into English. Tiersma mentioned that once established, legal phrases in authoritative texts take on a life of their own; you meddle with them at your own risk (1999:39). He adds that, in authoritative written texts, the words will remain the same even if the spoken language and indeed the surrounding circumstances have changed, and lawyers will use the same language even if the public no longer understands it. Once this happens, the professional class that is trained in the archaic language of the texts becomes indispensable (Tiersma 1999:40).

All these developments throughout history have led to an obtuse, archaic and verbose legal language in English which is one of the main reasons of the difficulties encountered by Turkish translators in translating legal texts written in English.

2.5 Bases of the Arabic Legal System

The Holy Quran (the holy book of Muslims), certain rules and provisions set by sources other than Quran including the Holy Prophet Muhammad (peace be upon him), called as the "traditions" or "fatwas," or "Hadeeth", diversified and often contradictory provisions and interpretations are called as "Islamic Law," under which the Khilafas ruled throughout the centuries. Holy Prophet Muhammad's (peace be upon him) words are general principles of justice and equity, with a high degree of objectivity and essentially primary regulations necessitated by the social nature and structure of the Arab community of that time. It must be mentioned that not only the Holy Quran, but also the other sources of Muslim jurisprudence were essentially created to meet the needs of the community existing during and after Holy Prophet Muhammad's (peace be upon him) era (Timur 1956:85). After the fall of Islamic State (Khilafa), all Arab and Islamic countries were ruled by British and French laws in addition to Islamic law.

2.6 General Features of Legal Language (Arabic and English)

Law is a profession of words. The general features of legal languages that apply to both English and Arabic legal languages are the following:

1) It is different from ordinary language with respect to vocabulary and style. The prominent feature of legal style is very long sentences. This predilection for lengthy sentences both in Arabic and in English is due to the need to place all information on a particular topic in one complete unit in order to reduce the ambiguity that may arise if the conditions of a provision are placed in separate sentences.

2) Another typical feature is joining together the words or phrases with the conjunctions "and, or" in English and "wa" (meaning "and," "or") in Arabic.
Tiersma suggests that these conjunctions are used five times as often in legal writing as in other prose styles (1999: 61).

3) Thirdly, there is abundant use of unusual sentence structures in both languages. The law is always phrased in an impersonal manner so as to address several audiences at once. For example a lawyer typically starts with "May it please the court" addressing the judge or judges in the third person (Tiersma 1999:67) while in Arabic court decisions begin with "Atofa- Saadat " (the necessary penalty has been decided on) when a judge sentences somebody to a certain penalty.

4) Another feature is the flexible or vague language. Lawyers both try to be as precise as possible and use general, vague and flexible language. Flexible and abstract language is typical of constitutions which are ideally written to endure over time (Tiersma 1999: 80).

5) The features of "legalese" that create most problems are its technical vocabulary and archaic terminology. Both Arabic and English legal languages have retained words that have died out in ordinary speech, the reasons of which have been explained above. Historical factors and stylistic tradition explain the character of present-day English and Arabic legal languages. Many old phrases and words can be traced back to Anglo-Saxon, old French, and Medieval Latin, while in Arabic they can be traced back to the Islamic culture and old classic Arabic terms.

6) Archaic vocabulary and the grammar of authoritative older texts continue to influence contemporary legal language in both Arabic and Britain because, just as the Holy Quran or the Bible is the authoritative source of religion for believers, documents such as statutes, constitutions, or judicial opinions are the main sources of law for the legal profession (Tiersma 1999:96).

7) Legal language is conservative because reusing tried and proven phraseology is the safest course of action for lawyers. Archaic language is also authoritative, even sounds majestic both in Arabic and English. As Tiersma suggests "using antiquated terminology bestows a sense of timelessness on the legal system as something ... deserving of great respect" (1999:97).

8) There are also synonyms in legal languages of both Arabic and English, i.e., different words with the same meaning. One of the features of legal language which makes it difficult to understand and translate (for an ordinary translator/reader) of course is its unusual and technical vocabulary. Some of its vocabulary such as "tortfeasor," "estoppel" in English and "Yastakbel" (take and receive) "Ymthol" (appear) in Arabic, which do not even suggest a meaning to an ordinary person, is a complete mystery to non-lawyers.

9) Another feature of the English legal language is the modal verb "shall." In ordinary English, "shall" typically expresses the future tense, while in English legal language "shall" does not indicate futurity, but it is employed to express a command or obligation (Tiersma 1999:105). However, in Arabic legal documents, the way of expressing legal obligation is using simple present tense as "Ala".

2.7 Some lexical features of English legal language
2.7.1 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) link the presence of such terms to certain reasons. 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.

2.7.2 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: 95) states that “legal language often strives toward great formality; it naturally gravitates toward archaic language”. This indicates that archaism gives 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. 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). Later, Tiersma (1999: 96) 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. The principle, according to crystal and Davy (1986), 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.

2.7.3 Archaic use of the modal “shall” in legal English
The modal shall poses 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). More importantly, Sabra (1995: 31) claims that any legal verb preceded by ‘shall’ is normally translated into Arabic in the present form.

2.7.4 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).

2.7.5 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) For example:

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

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

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.

Concerning the function of the word said in legal drafting, it is used as an article or a demonstrative pronoun (Sabra: 43).

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

2.7.6 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, P. 9). Such words can be either nouns, verbs, adjectives or even prepositions. An important requirement is that, 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).

2.7.7 Legal English as a technical language

Another noticeable feature of legal English is its technical terminology. According to Tiersma (1999) “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.

3. Background to the study

This section of the paper gives brief methodological details of the present study.

3.1 Research Questions

The researcher aims to investigate the difficulties and problems faced by the English language students of Al Quds Open University in Legal Translation process from English to Arabic and Vice Versa. While attempting this, the study will try to seek answers to questions such as:

- What are the difficulties and problems faced by the English language students of Al Quds Open University in legal translation process?
- What is the difficulty level in choosing the suitable legal translation style from Arabic to English?
- What is the difficulty level in choosing the suitable legal translation style from English to Arabic?
• What is the difficulty level in choosing the suitable terms in legal translation from English to Arabic?
• What is the difficulty level in choosing the suitable terms in legal translation from English to Arabic?
• Are there any statistical significant differences in the difficulties and problems faced by the English language students of Al Quds Open University in legal translation process from English to Arabic and vice versa with reference to gender?

3.2 The importance of the study
The importance of such study lies in the following points:
1-The research formulates a list of useful techniques and procedures for legal translation to overcome such problems.
2-The study will upgrade the level of legal translation process from English language to Arabic language by adopting suitable techniques and procedures for accurate legal translation.
3-The research will attempt draw the attention of the concerned parties to the importance of providing suitable procedures and requirements to improve legal translation process from English language to Arabic language and vice versa.
4-The study will draw the attention of persons in charge and the officials to the importance of student’s role in achieving and carrying out effective procedures and techniques legal translation from English to Arabic for the purposes to create and produce accurate and perfect legal translation.

3.3 The Objective of the Research
The main objectives of the study are:
Improving and developing students by using the skills, techniques and procedures of legal translation that may enrich and assist the students’ ability of legal translation.
Adopting suitable legal translation strategies for different kinds of legal translation such as laws, decrees, terms, resolutions, contracts, lease contract, articles …etc.
To enable students to learn a range of linguistic and translation skills, including how to deal with the legal dimension of translation, for the differences between the English and Arabic languages and to handle translated texts in specialized areas (e.g. law, contracts, articles and conventions).
To bring students to a level of practical proficiency that will enable them to be linguistically and analytically equipped to complete extended legal translation assignments and deal with linguistically and culturally-related problems in legal translation, increasing their confidence as practicing language professionals.

4. The Method of Study
To achieve the stated aims and objectives of the research, the analytical descriptive method was followed. The details of the methodology and participants are presented below-

4.1 Samples of the study
The samples of study were 60 English language students studying English Language at Al Quds Open University in the Region of Gaza, Palestine during the academic year 2010/2011. They were chosen randomly to maintain the objectivity of the study.

**Table (1) Distribution of Sample Study according to Gender variable**

<table>
<thead>
<tr>
<th>Variable</th>
<th>Number</th>
<th>Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td>20</td>
<td>Male</td>
<td>33.3</td>
</tr>
<tr>
<td></td>
<td>40</td>
<td>Female</td>
<td>66.7</td>
</tr>
<tr>
<td></td>
<td>60</td>
<td>Total</td>
<td>100.0</td>
</tr>
</tbody>
</table>

4.2 *The instrument of Study*

The researcher designed a test consisting of four questions which included 20 items and two paragraphs. Each question represented and dealt with a kind of translation to investigate the level of difficulty of each kind (the style and terms).

4.3 *The Validity of the test*

4.3.1 *Agreement of referees*

The test was introduced to a group of English language specialized university tutors and lecturers at Gaza Governorate. They provided their recommendations and suggestions about the validity of the items of the test. The researcher amended and modified test upon the suggestions and recommendations of the referees.

4.3.2 *The Stability and Reliability of tests’ Internal Consistency*

The stability of the test was estimated by using Person method. The coefficient correlation of each item is (0.01) and (0.05). The test is proved to be reliable. The used Alpha Cronbach coefficient is (0.72). This indicates that the test can be applied in the study and the test is highly enjoyed with high stability and liability which may give the researcher confidence to apply the test on the subjects of study.

4.3.3 *Statistical Method used in the Study*

The researcher discharged and analyzed the test by using (SPSS) program. The following statistical methods were used in the study:

- Repetitions, mathematical calculations and percentages.
- Alpha Cronbach coefficient.

5. *Data Analysis and Discussion*

In this section, the data will be analyzed focusing on the responses received for each question asked to the participants.

**Question 1:** What is the difficulty level in choosing the suitable legal translation style from Arabic to English for English language students at Al Quds Open University?

The researcher used means std. Deviation, percentage and rank. Table (2) shows these things.

**Table (2) the total answers, means, standard deviations and the percentage of first question.**

<table>
<thead>
<tr>
<th>Field</th>
<th>Total answers</th>
<th>mean</th>
<th>Standard deviation</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Choosing the style in</td>
<td>452</td>
<td>7.53</td>
<td>1.295</td>
<td>24.67</td>
</tr>
</tbody>
</table>
The figures of the responses presented in the table above show that the percentage of error in selecting the appropriate style of legal style of the study sample equals 24.67%. It indicates that 24.67% of study sample individuals commit errors in selecting the suitable legal translation. This percentage is middle and confirms that level of difficulty faced by the students in selecting the suitable legal style is middle.

**Question 2:** What is the difficulty level in choosing the suitable legal translation style from English to Arabic for English student at Al Quds Open University?

The same technique was used for analyzing the responses received for this question. The following table shows the results of the responses-

**Table (3) the total answers, means, standard deviations and the percentage of second question.**

<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Total answers</th>
<th>mean</th>
<th>Standard deviation</th>
<th>Percentage %</th>
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</thead>
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<tr>
<td>First Paragraph</td>
<td>454.00</td>
<td>7.57</td>
<td>0.927</td>
<td>24.33</td>
</tr>
<tr>
<td>Second Paragraph</td>
<td>386.00</td>
<td>6.43</td>
<td>1.85</td>
<td>35.67</td>
</tr>
<tr>
<td>Legal translation from English to Arabic</td>
<td>906.00</td>
<td>15.100</td>
<td>1.75</td>
<td>24.5</td>
</tr>
</tbody>
</table>

The figures presented in the table above shows that the percentage of error in selecting the appropriate style in legal translation from English to Arabic of first paragraph of the study sample equals 24.33%, the second paragraph equals 25.76%, and the total value equals 24.5%. This indicates that 24.5 % of study sample individuals commit errors in selecting the suitable legal translation from English to Arabic. This percentage is middle and this shows that level of difficulty faced by the participants in selecting the suitable legal style from English to Arabic is middle.

**Question 3:** What is the difficulty level in choosing the suitable terms in legal translation from English to Arabic for English students at Al Quds Open University?

For the analysis of the obtained data for this question also the researcher used means std. Deviation, percentage and rank. Table (4) shows these:

**Table (4) the total answers, means, standard deviations and the percentage of third question.**

<table>
<thead>
<tr>
<th>The term</th>
<th>Total answers</th>
<th>Mean</th>
<th>Standard deviation</th>
<th>Percentage %</th>
<th>Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>28.00</td>
<td>0.47</td>
<td>1.29493</td>
<td>53.33</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>46.00</td>
<td>0.77</td>
<td>0.43</td>
<td>23.33</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>50.00</td>
<td>0.83</td>
<td>0.38</td>
<td>16.67</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>54.00</td>
<td>0.90</td>
<td>0.30</td>
<td>10</td>
<td>7</td>
</tr>
</tbody>
</table>
The table-4 presents the percentage of error in selecting the appropriate terms in legal translation from English to Arabic of the study samples. It is clear from the statistics in the table that the highest percentage in committing error in selecting the appropriate term in legal translation from English to Arabic was in term (9) with a percentage equals 73.33%, second one item (5) with a percentage equals 70%, the third one item (1) with a percentage 53.33%, whereas the three terms 4, 3, 7 obtained the following percentages: 16.67%, 10%, 6.67%. These figures indicate that items 9, 5, &1 are the most difficult terms encountered by the students; whereas terms 7, 4, & 3 obtained the lowest percentage in committing errors. It is found that the total error percentage in selecting the suitable term in translation from English to Arabic equals 33.3% at the grade over than the middle.

**Question 4:** What is the difficulty level in choosing the suitable terms in legal translation from Arabic to English for English students at Al Quds Open University? The statistics of the responses obtained for this question are presented in the following table using means, std. Deviation, percentage and rank.

**Table (5) the total answers, means, standard deviations and the percentage of fourth question.**

<table>
<thead>
<tr>
<th>Term</th>
<th>Total answers</th>
<th>mean</th>
<th>Standard deviation</th>
<th>Percentage %</th>
<th>Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>50.00</td>
<td>0.83</td>
<td>0.38</td>
<td>16.67</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>42.00</td>
<td>0.70</td>
<td>0.46</td>
<td>30</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>18.00</td>
<td>0.30</td>
<td>0.46</td>
<td>70</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>28.00</td>
<td>0.47</td>
<td>0.50</td>
<td>53.33</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>48.00</td>
<td>0.80</td>
<td>0.40</td>
<td>20</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>52.00</td>
<td>0.87</td>
<td>0.34</td>
<td>13.33</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>40.00</td>
<td>0.67</td>
<td>0.47</td>
<td>33.33</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>8.00</td>
<td>0.13</td>
<td>0.34</td>
<td>86.67</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>28.00</td>
<td>0.47</td>
<td>0.50</td>
<td>53.33</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>8.00</td>
<td>0.13</td>
<td>0.34</td>
<td>86.67</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>
The figures in the table above show the percentage of error in selecting the appropriate terms in legal translation from Arabic to English of the study samples. It is clear from the table-5 that the highest percentage in committing error in selecting the appropriate term in legal translation from English to Arabic was in terms (8 and 10) with a percentage equals 86.67%, second one term (3) with a percentage equals 70%, the third one terms (4 and 9) with a percentage 53.33%, whereas the three terms 6, 1, 5 obtained the following percentages: 30%, 20%, 13.33%. These figures show that terms 9, 4, 3, 10 & 8 are the most difficult terms encountered by the students, whereas terms 6, 1, & 5 obtained the lowest percentage in committing errors. It is found that the total error percentage in selecting the suitable term in translation from English to Arabic equals 46.33% with high grade.

**Question 5:** Are there differences in the difficulty encountered by the students of English at Al Quds Open University in legal translation with reference to gender variable? The researcher used means, standard Deviation, freedom mark, T. value and its mark level of all fields of study tool and its total mark. Table (6) shows these things:

**Table (6)**

<table>
<thead>
<tr>
<th>Marl Level</th>
<th>T. Value</th>
<th>Standard Deviation</th>
<th>Mean</th>
<th>No.</th>
<th>Gender</th>
<th>Field</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.01</td>
<td>4.136</td>
<td>0.82</td>
<td>8.4000</td>
<td>20</td>
<td>Male</td>
<td>The style from Arabic to English</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.27</td>
<td>7.1000</td>
<td>40</td>
<td>Female</td>
<td></td>
</tr>
<tr>
<td>Not significant</td>
<td>2.995</td>
<td>1.21</td>
<td>16.0000</td>
<td>20</td>
<td>Male</td>
<td>The style from English to Arabic</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.82</td>
<td>14.6500</td>
<td>40</td>
<td>Female</td>
<td></td>
</tr>
<tr>
<td>0.05</td>
<td>450.</td>
<td>2.77</td>
<td>12.0909</td>
<td>20</td>
<td>Male</td>
<td>Terms from English to Arabic</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.89</td>
<td>11.8182</td>
<td>40</td>
<td>Female</td>
<td></td>
</tr>
<tr>
<td>0.01</td>
<td>3.058</td>
<td>2.44</td>
<td>6.4000</td>
<td>20</td>
<td>Male</td>
<td>Terms from Arabic to English</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.44</td>
<td>4.8500</td>
<td>40</td>
<td>Female</td>
<td></td>
</tr>
<tr>
<td>0.01</td>
<td>2.652</td>
<td>4.94</td>
<td>35.7000</td>
<td>20</td>
<td>Male</td>
<td>Total Mark</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4.12</td>
<td>32.5000</td>
<td>40</td>
<td>Female</td>
<td></td>
</tr>
</tbody>
</table>

"r" T" table value at freedom mark 58 (0.05) Sig. Level equals 2.00
"T" table value at freedom mark 58 (0.01) Sig. Level equals 2.66

The table above shows that the calculated "T" of the total degree in the first field regarding "selecting the most suitable style of legal translation from Arabic to English" is higher than "T" table. This indicates that there is a statistical significance at the level 0.01. The second field selecting the most suitable style of legal translation from English to Arabic" shows that the calculated "T" is lower than "T" table, such thing indicates that there is no
The third field selecting the most suitable term of legal translation from English to Arabic" shows that "T" value was 0.05, it means that the result is in favor of the male students. The fourth field, selecting “the most suitable term of legal translation from Arabic to English", shows that "T" value was 0.01, it means that there is a statistical significance. The total degree was in favor of male students. This means that there is a statistical significant difference in legal translation between the male and female students at Al Quds Open University. The results indicate and show that male students surpassed female students and did excellent work in selecting the suitable style and terms in legal translation from Arabic to English and vice versa. Generally speaking, male student showed superiority and excellence more than female in legal translation.

6. Conclusion

The study aimed at investigating the difficulties faced by the students of English language department of the Al Quds Open University in Gaza region of Palestine in legal translation process. Selecting 60 participants, both male and female and by following the analytical descriptive method, it was observed that the participants faced various difficulties in the process of translating legal documents, terms from English to Arabic and from Arabic to English. It was also observed that some difficulties were related to the gender of the participants. As the study aimed not only at investigating the difficulties but also making useful pedagogical suggestions, the researcher believes that following recommendations may help in overcoming the difficulties faced by the students.

1) Simplifying legal translation for the students.
2) Teaching and introducing all legal translation difficulties and problems in details.
3) Paying the attention for cultural, conceptual/semantic, idiomatic and grammatical difficulties in legal translation.
4) Boosting and encouraging translating of different kinds of legal subjects from English to Arabic and vice versa.
5) Adopting and designing courses for translation focusing on various topics in legal translation such as tenses in law for the students of the university as the variety and diversity are very important and are considered a basic issue for the students of the university. Such course will offer wide range of experience for the students.
6) Encouraging the students to write essays and paragraphs in law ( in both languages) and discussing the committed errors.
7) Teaching the students the principles as well as techniques of legal translation.
8) Encouraging students to write English legal composition keeping in mind English culture and by avoiding the interference of mother tongue.
9) Teaching English by comparing and contrasting it with Arabic with reference to style, tenses, vocabulary, structure and culture etc.
10) Teaching the importance of context while carrying out legal translation as well as encouraging them consult with teachers and co-practitioner.

The researcher also understands the limitations of this study as it restricted itself with the limited samples from the Al Quds Open University in Gaza region. However, it certainly
paves the way for more thorough study in future on various aspects of legal translation and problems faced by the Arab learners of English in general.

About the Author:
Ahmed Maher Mahmoud Al-Nakhalah works as an assistant professor with the Al Quds Open University, Gaza Strip, Palestine. He holds M.A. (Hons.) in English Literature from Sind University, Pakistan and PhD in Applied Linguistics from Sudan University for Science and Technology, Sudan. He has wide experience of teaching English language, literature as well as translation courses. He has also served as a translator in various firms in different countries. His major areas of research interest include- Translation studies, ESP, Literature and English Structure.
Works Cited:


Appendices

Translation Test

Q 1-Translate the following into Arabic :

**Article 2**

The employment of any child or young person under eighteen years of age on any vessel, other than vessels upon which only members of the same family are employed, shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

Q 2 -Translate the following into English:

المادة 156

 لكل مساهم عدد من الأصوات يعادل عدد اسمه، وتصدر القرارات بالأغلبية المطلقة للاعمال المماثلة.

المادة 159

تجمع الجمعية العامة بصفة غير عادية بناء على دعوى من مجلس الإدارة، أو بناء على طلب كتابي موجه إلى هذا المجلس من عدد من المساهمين يحملون ما لا يقل عن ربع اسمهم الشركة. ويجب على مجلس الإدارة في هذه الحالة الأخيرة أن يدعو الجمعية العامة للاجتماع بصفة غير عادية خلال شهر من تاريخ وصول الطلب إلى

Q 3-Translate the following into English:

1- أعلان رفع دعوي :.................................. 2-خطاب اعتماد............................. 3-نزع ملكية:.................................

4-مشروع قانون:........................................ 5-حكم مشرف بالتنفيذ:...................... 6-قرينة:........................................

7-مقاومة انتقالية:............................. 8-حكم إفلاس:.................................

9-تطلق حساب:.............................. 10-مالك متضامن:.........................

Q 4- Translate the following into Arabic :

1-General Assembly :............................. 2-Liquidate :............................. 3-litigious right:........4-minute-book:............ 5-joint obligation :.............................

6-pleadings:................... 7-pre-emption claimant:................... 8-plenary suit:................. 9-partition of a succession:

..............................10-General average :............

Translation Test

Q 1-Translate the following into Arabic :

**Article 2**

The employment of any child or young person under eighteen years of age on any vessel, other than vessels upon which only members of the same family are employed, shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

المادة 2
Articles

Article 156
Each shareholder has a number of votes equal to the number of his shares, and decisions are issued by an absolute majority of the represented shares.

Article 159
The General Assembly meets in extraordinary session at the invitation of the Board of Directors, or upon written request addressed to this Council from a number of shareholders holding at least a quarter of the company's shares. And the Board of Directors must, in the latter case, call the Assembly to meet in extraordinary session during the month from the date of receipt of the application.

Q 2 – Translate the following into English:

Q 3 – Translate the following into Arabic:

Expropriation
Litigate
Letter of credit
Covered by the rule of access
Legal presumption
Coalition government
Bankruptcy
Account checking

1. Litigate
2. Letter of credit
3. Expropriation
4. Covered by the rule of access
5. Legal presumption
6. Coalition government
7. Bankruptcy
8. Account checking

1. الجمعية العامة
2. التصفيه
3. حق النقاضي
4. حجز لعدة قصيرة
5. التزام مشارك
6. المرافقين
7. الشفاعة ل دعوى المدعى
8. الدعوى العامة
9. قسم الخلافة
10. المتوسط العام