

## *The Translation of Juxtaposed Synonymous Adjectives in Legal English into Arabic*

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### *Abstract*

Legal translators frequently come across two juxtaposed words with closely related meaning during the translation of legal texts. Grammatically, these words can be nouns, verbs, adjectives and adverbs. This paper aims at investigating this phenomenon and the problems that face legal translators while translating one type of these juxtapositions: juxtaposed synonymous adjectives in legal texts. It also investigates the strategies adopted by translators to solve such problems and proposes alternative strategies if the existing one is inappropriate. Theoretically, the paper sheds light on the phenomenon of juxtaposition and synonymy in general and the use of juxtaposed synonymy in legal English in particular. Practically, to realize the aims

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of the paper, seven sentences containing juxtaposed synonymous adjectives have been chosen from different English legal texts and given to twenty-five translators. The analyses of the data show that the subjects adopt one strategy in which they provide two words as equivalents to the juxtaposed synonymous adjectives. Moreover, the study concludes that such rendering constitutes a redundancy in Arabic and is due to the ignorance of the historical reason, which is behind the use of such pairs of synonymous adjectives. Therefore, the paper proposes an alternative strategy in which one translation is given as long as the intended meaning of both adjectives is the same.

### ***1. Introduction:***

Juxtaposition, generally speaking, is the placing of something side by side (Hornby, 1974: 468). Languages can make use of juxtaposition by putting words together to deliver meaning paratactically, rather than linking ideas by means of connectives or particles as in Chinese (Schor, 1986: 190). Cases of juxtaposition have been noticed also in the English language that permits the direct juxtaposition of two nouns (Tiili, 2003:3). Therefore, juxtaposition can be a universal linguistic phenomenon.

Juxtaposition is normally used for different purposes. The speaker sometimes uses it to suggest totality through a cause and effect relation as in the juxtaposition of "الاستقرار والسلام" *stability and peace*, and "الرخاء" *prosperity*. (Trotter, 2000). The speaker also uses juxtaposition to remind the reader of the differences between two concepts as in the juxtaposition of the terms "racial and cultural" (Souchet, 2001:3).

The juxtaposition of "الافتراءات والأكاذيب" in the following example is to express affirmation and solidarity with the speaker's cultural perspective by referring outside the sociolinguistic community with marked use of a religious collocation in a secular context-referring to the United States administration with the allusion "الافتراءات والأكاذيب" *calumnies and lies* (Trotter, 2000).

1. وقد صعدت الإدارة الأمريكية حملتها ضد الجماهيرية فبدأت بفبركة الافتراءات والأكاذيب

***1. The United States administration stepped up its campaign against the Jamahiriyya and began fabricating calumnies and lies.***

Juxtaposition is also used by children to guide learning of novel part terms as they readily use juxtaposition in the context of introducing a new part term that involves a known whole object label

that is juxtaposed with a novel term (e.g., "That's a *bird*., *bird* with a big *beak*."). They are able to use juxtaposition to make part interpretations, and they are not systematic in their judgments about meaning when juxtaposition is absent (Saylor. Sabbagh & Baldwin, 2002: 993).

Moreover, sentence (3) typifies the juxtaposition of vernacular with formal, often inaccurate, standard Arabic in the dialogue of simple peasant characters. This creates a humorous effect, which is not always carried over into the translation. In this case, the formal expletive "من غير مؤاخذة" *Pardon me!* is juxtaposed with vernacular "من ورا" *from behind*:

2. الباب من غير مؤاخذة من ورا.

2. I'm sorry — the entrance is on the other side (Trotter, 2000:91).

In (3), the English translation "*nationhood*" fails to capture the encompassing, dual level of nationhood expressed by the juxtaposition of generic "القومية" *pan-Arab/national* and specific "الوطنية" *State/homeland/national*.

3. وتأکید دعم الشرعية القومية والوطنية للعراق الشقيق.

***3. and confirming the support of the national legitimacy of brotherly Iraq.***

Mancini and Shum (2001:1) refer to the use of juxtaposition in the cinematic medium that uses juxtaposition of visual units to develop its discourse apparatus to construct logical cause-effect sequences of actions in coherent time-space worlds.

Another use of juxtaposition is in the case of humor and jokes. Successful jokes involve a cognitive juxtaposition of mental sets, followed by an affective feeling of amusement (Goel and Dolan. 2001:237). Nicholas (1994) says that Juxtaposition can also be used to conversationally implicate a cause relation as in (4):

***4. I'm not going to start learning Dutch. You can't teach an old dog new tricks***

Since there are more than one type of juxtaposed synonymous words in English language, the present paper deals only with adjectives and aims at examining the problems encountered by the translators in handling two juxtaposed synonymous adjectives in the legal language. Seven sentences containing these pairs of words are selected from different English legal texts and given to twenty-five translators. After reviewing the theoretical and historical aspects of this phenomenon in

the legal texts, the study sets forth to see what are the procedures adopted by the translators.

## ***2. Synonymy***

Synonymy refers to a major type of sense relation between lexical items, which have the same meanings. It is not necessary for synonyms to be identical in meaning. In fact, total synonymy is very rare. Context is very important in deciding whether a set of lexical items is synonymous or not (Crystal, 1985: 299). There are some lexical items that have something in common. Such lexical items are known as synonyms. The similarity in their meanings is not absolute. There is a kind of scale of synonymity that can be found out by the use of componential analysis. Only absolute synonymy can be used interchangeably without affecting the total meaning of the utterance. However, absolute synonymy is very rare because there must be a compatibility between the two lexemes in frequency, distribution, and connotation (Jackson, 1988: 65-72).

Synonymity of two lexical items can be tested by replacing one lexical item by another in its context. Any failure or change in the total meaning of the utterance reflects the slight semantic differences that necessitate the existence of two lexemes instead of one. Even at the

level of one word, there is a change in meaning with regard to different contexts because words acquire their meaning in context. A word may mean one thing in a context and mean something else in another. The utterance as well as the behavior of the speaker should be adapted to context with regard to both its external form and content (e.g. feelings, attitudes, subject matter or intentions to affect). Certain contents can only be expressed in certain contexts (Alloowd, 1976:4). However, there is a considerable difference of opinion as to what constitutes a semantic category, what synonymy is, and how to determine the relative semantic closeness of two words (Hilts, 2003: 73).

Shunnaq (1991:25) distinguishes degrees of synonymy as (absolute-, cognitive-, contextual-, near- and non-synonymy). Contextual synonymy, for example, is illustrated with "الاستقلال والسيادة" *independence and sovereignty* in that the two terms are synonymous when describing states but not so in the context of *individuals*. A proliferation of synonyms in a string may be logically structured or fairly random as in "القهر والظلم والتنكيل والبطش" *vanquishing, tyranny, repression and oppression*. Such longer strings function to stress the speaker's point of view, to satisfy prosodic constraints, as a strategic device (providing time to think), or to provide closure. The sense of closure is determined by language-specific constraints on naturalness:

expectations need to be satisfied if it is felt that something is still missing' (Shunnaq, *ibid.*).

Jackson (1988:65) argues against the existence of two words with the same meaning in all contexts. He says that the principle of economy in language will not tolerate the coexistence of such words. One of these words will disappear as long as it has the same meaning that can be expressed by the use of another word. The potentiality to be used interchangeably in all contexts is a must for strict synonymy (*ibid.*: 66). The reason behind the existence of many synonyms is the different origins of the synonymy pairs. However, synonyms can be differentiated in one way or another. They are differentiated geographically (regional vs. standard dialect), stylistically (formal vs. informal), register (technical vs. common), attitudinally (connotations) and sensitively (euphemism). The majority of synonymous words in language are partial synonymy because they share some features and at the same time differ in one way or another (*ibid.*: 67). Though synonymy is a complicated notion whose application in practice is tricky, it is one that applies generally and indiscriminately to relate all types of expressions. Synonymy in strings of two or more lexical items is often used for emphasis as in "التنكيل والبطش" *repression and oppression* (Trotter, 2002: 243).



Synonymy is said to be full or partial. Full and partial synonymy within and across markup languages is an extremely important semantic relationship. Inferences can then be drawn regarding document components, including problematic structures, such as those participating in overlapping hierarchies. And while full synonymy may be eliminable within a single markup language, both full and partial synonymy are difficult and important relations *across* markup languages, particularly now as the number of markup languages rapidly increases (Renear and Dubin, 2002: 123).

Absolute synonymy is extremely rare as having two words with identical meaning would be inefficient since there are always certain differences in semantic features (*semes*, analysed by the method of componential analysis in semantics), some stylistic (connotational) differences as well as differences in the level of formality.

### ***3.Juxtaposed Synonymy in Legal Language:***

The use of juxtaposed synonymy dates back to the early Anglo-Saxon era. The language of that time contained phrases featuring the juxtaposition of two words with closely related meaning which are often alliterative such as "to have and to hold," this doubling continued in legal French, often involving a native English word together with the

equivalent French word. Many people at the time would have been partially bilingual and would understand at least one of the terms, for example, "acknowledge and confess," "had and received," "will and testament." "fit and proper." (Altay, 2002: Iff ).

In legal language, lawyers are told to avoid synonyms or elegant variation. However, using a different word is assumed to invoke a different meaning. But lawyers have a great love for long lists of synonyms, especially in conjoined phrases and such lists of synonyms can thus create interpretative problems (Tiersma. 1999: Iff).

Another type of legalese or lawyerisms is the use of redundancies. Some authorities in the field of legal writing suggest that redundancies should be avoided. Those authorities also opine that the avoidance of redundancies in attorney work product will achieve the goal of simple precision of expression. Nevertheless, the impact of the simultaneous functioning of three languages (English, French and Latin) resulted in this linguistic phenomenon, namely using synonymical terms from those languages, which function as, fixed syntagmas. Grammatically, juxtaposed synonyms can be nouns as in:

terms, conditions and provisions	Mind and memory
Peace and quiet	force and effect
Rest, residue	

Or verbs as in:

convey, transfer and set over	alter or change
perform and discharge	save and except
undertake and agree	Deem and consider
cease and desist	order and direct
suffer or permit	

Or adjectives as in:

Final and conclusive	full and complete
Fit and proper	kind and character
good and sufficient	due and payable
good and workmanlike	New and novel
free and clear	
free and harmless	null and void

Or Adverbs as in:

for and during	unless and until
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The above examples are regarded to be redundancies (Sheppard. 2003:7, Matulewska and Wasielewska, 2003: 3).

#### ***4.Data Analysis:***

To find out the strategies adopted by translators in translating juxtaposed synonymous adjectives, the following sentences have been chosen to be the data of the paper and have been distributed among twenty-five translators who were asked to translate them and to pay attention to the underlined juxtaposed synonymous adjectives.

1. *.Fit and proper* test for appointment of president.
2. Any legal provision that conflicts with this law is *null and void.*
3. Wholly apart from the significance of the service of process, other factors strengthen our view that personal jurisdiction here is *just and fair.*
4. *New and novel* qualitative approaches also produced important works.
5. Some activities would be impossible if the *full and complete* risks had to be included in the price.
6. The plaintiffs have also moved that I deem such service *good and sufficient.*
7. The Act expressly states that these decisions are *final and conclusive* subject only to specifically defined rights of appeal to the Court of Appeal and to judicial review.

The following tables give the renderings of seven juxtaposed synonymous adjectives as given by most tested translators.

1.	Renderings	
<b>fit and proper</b>	أهلية	A
	المناسب والملائم	B
	سلامة العقل والجسم	C
	الملائم والمناسب	D

2.	Renderings	
null and void	لاغ وباطل	A
	لاغية وباطلة	B
	باطل ولاغي	C
	لاغ وباطل	D

3.	Renderings	
just and fair	عادل ونزيه	A
	عادل وملائم	B
	العدالة والإنصاف	C
	عادل ومنصف	D

4.	Renderings	
new and novel	جديدة ومستحدثة	A
	جديدة وغير مستطرفة	B
	الجديد وغير المؤلف	C
	جديدة وغير مألوفة	D

5.full and complete	Renderings	
	جميع ودون استثناء	A
	شاملة وكاملة	B
	كاملة وتامة	C
	مكتملة وشاملة	D

6.	Renderings	
good and sufficient	كافية وافية	A
	جيدة وملائمة	B
	كافي وملائم	C
	جيد وملائم	D

7.	Renderings	
final and conclusive	نهائي وقطعي	A
	نهائية ومحددة	B
	نهائي وحاسم	C
	قطعي ونهائي	D

### 5. Discussion:

Most of our subjects have almost succeeded in handling the meaning of these pairs of juxtaposed synonymous adjectives; however, they have rendered them into two words. Some of our subjects, however, provides one word as in (1.A). The renderings of the synonymous words are manifested in two words, which can be inaccurate and redundant. As for sentence (1) for instance the word "مناسب" implies the meaning of "ملائم" which is considered a kind of redundancy. Therefore, either word may be the sufficient and appropriate equivalent to the source language words. The same can be said on the translation of, the pair " null and void" into "لاغ وباطل" the pair "fair and Just" into "عادل ومنصف" the pair " new and novel" into "جديدة وملائمة" the pair " good and sufficient" into "جيد ومستحدث" the pair " full and complete" into "شاملة وكاملة" and "final and conclusive" into "نهائي وشامل". It is clear that the translators have adopted an

inappropriate strategy in translating juxtaposed synonymous adjectives into two words instead of giving one meaning for both words. Legal English, as mentioned earlier, resorts to the use of two words due to the different origins of these pairs either Latin or French. The purpose of juxtaposing these synonymous adjectives is to give one meaning by two words involving a native English word together with the equivalent French or Latin word, since many people at the time would have been partially bilingual and would understand at least one of the terms. Therefore, only a translation of one word is required to avoid redundancies. Table (1) gives the origins of these pairs and their meaning:

Juxtaposed synonymous adjectives	Origin of first adjective	Origin of second adjective	meaning
Fit and Proper	English	French	ملائم
Null and void	English	French/ Latin	باطل
Fair and Just	English	French/ Latin	عادل
New and novel	English	French/ Latin	جديد
Good and sufficient	English	French/ Latin	كافي
Full and complete	English	Latin	كامل
Final and conclusive	French	Latin	نهائي

**Table (1) the origins of the pairs under discussion and their meaning:**



## ***6. Conclusions***

From the above discussion, the study has found out that the juxtaposition of two synonymous adjectives in legal English language constitutes a transnational problem. Most of the subjects give redundant equivalents to these pairs in Arabic. They almost adopt one strategy through providing two words having a same meaning instead of one in order to match the source language text. As it is clear to us the subjects have no idea of the historical background of these pairs of synonymous adjectives and why they come juxtaposed. Therefore, providing the origin of each word, the study recommends that the rendering of such pairs of synonymous adjectives is one word and translators should take the historical reason behind the juxtaposition of such adjectives into consideration.

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## ملخص

## ترجمة الصفات المترادفة المتجاورة

## في اللغة الإنكليزية القانونية إلى العربية

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دائماً ما يواجه المترجمون القانونيون مفردات متجاورة ذات معنى متقارب إلى حد كبير وهذه المفردات من الممكن تصنيفها نحويًا إلى أفعال و أسماء وصفات وظروف. يهدف هذا البحث إلى دراسة هذه الظاهرة والمشاكل التي تواجه هؤلاء المترجمين عند ترجمتهم لإحدى هذه الأنواع ألا وهي الصفات المتجاورة والتي تحمل معنى متشابه. كما يتحرى البحث عن الاستراتيجيات التي يتبعها المترجمون لحل هكذا مشكلات ويقترح ترجمة بديلة ان كانت الموجودة غير ملائمة. في الجانب النظري يسلط البحث الضوء على ظاهرة التجاور والترادف بشكل عام وعلى استخدام الصفات

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المترادفة المتجاورة في اللغة القانونية بشكل خاص. أما في الجانب العلمي فقد تم اختيار سبع جمل تحوي صفات مترادفة متجاورة من نصوص قانونية إنكليزية مختلفة لتكون عينات للبحث. ومن ثم أعطيت هذه العينات لخمس وعشرين مترجماً وبعد تحليل المعطيات تبين أن المترجمين يتبعون استراتيجية واحدة يتم فيها إعطاء ترجمة لكل صفة من الصفتين المتجاورتين. وخلص البحث إلى أن هكذا ترجمة تعد حشواً لا ضرورة له في العربية وإن سبب هذا الخطأ يعزى إلى عدم معرفة المترجمين بالسبب التاريخي وراء استخدام هكذا تجاوز لذا يقترح البحث استخدام استراتيجية بديلة وهي إعطاء ترجمة واحدة لكلتا الصفتين طالما أن المعنى المقصود منهما واحد.