

Training Legal Translators and Interpreters in Palestine

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Abstract

Training Legal Translators and Interpreters (TLTI) is gaining weight and momentum in many translator/interpreter-training institutions all over the world, and it has become an integral part of Translation Studies (TS). In Palestine, however, TLTI has been a neglected area until quite recently. The establishment of Palestinian Authority, pursuant to the Oslo Accords between the Palestine Liberation Organisation and Israel has brought about political changes in Palestine which seemed to have taken a major step forward. The need for more qualified translators/interpreters has become urgent. New (post)graduate programmes have been established in several local Palestinian universities with a view to prepare qualified legal translators/interpreters for the emerging translation market. Other attempts to introduce non-academic training courses have also been made. This paper aims to explore the status of (non-) academic training in Palestine; it will examine laying the groundwork for TLTI in Palestine, based on an analysis of the examination for translators/interpreters made by the Palestinian Ministry of Justice (PMoJ). Accredited sworn translator/interpreter is awarded to the successful examinees. Analysis for the legal-oriented examination held for the past three years shows that Palestinian translators and interpreters have serious translation problems caused not only by the lure of legal language, but it is also attributed to the lack of professionally-oriented training. The paper reveals that the examinees who have received (non-)academic training managed to pass the exam whereas those who rely solely on experience did not. The paper also shows that the problematic areas the translators/interpreters encounter fall into three categories: syntax, layout and tenor.

Keywords: translator/interpreter training, legal translation, Palestinian Ministry of Justice, (non-) academic training, Translator Accreditation Examination, Palestine

Introduction

It is rather axiomatic to say that translation has mainly played a pivotal role in enhancing plausible interlingual and intercultural communication “because speakers of different languages are of different cultural backgrounds” (Zhongying, 1990, p. 99). Throughout history, many cultures have been given a new lease on life by virtue of translation. In seeking to expand upon the reciprocal nature between the Greeks and the Arabs, Mouakket (1988, p. 25) claims that “the Arabs owed the Greeks the initiative and the starting point towards reasoning. But no sooner had they taken the first step, than their vigorous and earnest desire for knowledge surpassed that of Greeks in many fields.” And, the “subsequent translation [...] from Arabic into Latin during the high medieval centuries” (Burke & Hsia, 2007, p. 1) is also self-evident. Kelly (quoted in Hermans, 1999, p. 37) points out that Western Europe “owes its civilization to translators.” Such subtle interplay between different languages and cultures implies cultural and linguistic burdens thrown on the translator’s shoulders. Quasi-translator training institutions have come to the fore. “A certain degree of institutionalization certainly ensued when translators were associated with Islamic colleges of the classical period, with cathedral chapters as in twelfth-century Toledo, or with court scholarship from the thirteenth century” (Caminade and Pym, 1998, p. 280-1). The mid-twentieth century saw a giant ‘leap’ in translator training whereby several Western-European institutions came into being. Translator training has then become an integral part of Translation Studies (TS), and has piqued the interest of translation theorists and practitioners. Highlighting its significance, Holmes (1988; 2000) places translator training within applied TS. The corollary is a rising number of translator-training institutions worldwide (Caminade and Pym, 1997). The rapid expansion in market demand for qualified translators accelerates the emergence of as much as translator training academic institutions in order to train qualified translators. The convergence of vocational and academic education is due to “a series of reforms in the 1980s and early 1990s [which] removed many barriers between vocational and academic education in virtually all fields” (Caminade & Pym, 1997, p. 283). Nonetheless, “translator training [has] been impeded by the prevalence of linguistics-oriented approaches that offer a truncated view of the empirical data they collect” (Venuti, 1998, p. 1). According to Toury (1995, p. 256), “the pedagogically most appropriate key concepts are those associated with experiencing, exploration and discovery.”

The purpose of the present paper is to examine the status of (non-)academic training in Palestine based on an analysis of the examination for translators/interpreters made by the PMoJ.

Legal Translation

Most tellingly, perhaps, legal discourse shows the oddities of asymmetric legal systems. Then, as often as not, the task of legal translators “as cultural mediators is to adequately communicate information about foreign law specifically taking into account the divergent previous knowledge of the target audience in order to avoid misunderstandings” (Pommer 2008: 17). This restriction, according to Newmark (1981: 47), “requires a special type of translation, basically because the translator is more restricted than in any other form”. Legal translation is also distinguished from other kinds of translation in that it is not “specifically addressed to a target culture audience i.e. not particularly tied to the [SL] community and culture” (House 1977 as quoted in Emery, 1989, p. 10). “The central prerequisite of translation as a dynamic task for the translator is to comprehend the given text within an adequate legal perspective” (Stolze, 2013, p. 68). In the translation of legal discourse as far as Arabic is concerned, Hatim et al (1995, p. 5) claim that:

The Arab translator is very much on his/her own, firstly because of the drastic cultural differences between the Arabic source text and a possible English equivalent, and secondly due to the almost total absence of an English model to follow.

Legal translation has been gathering momentum in the Arab World in the past decades. Ali & Abd Algane (2013, p. 173) argue that in the United Arab Emirates “forensic translation had become part of legal articles, especially, article 70 of the penal code procedures. The article reads: Investigations should be conducted in Arabic language however, in case the accused or the opponents or witness[es] do not know Arabic language, they should recourse to interpreters. The interpreter is usually [on] oath” (Ali and Abd Algane, 2013, p. 173). In the Occupied Palestinian Territories¹ (OPTs), Statute of Formation of Courts of Law No. 5/2001, Article 4 reads: “Arabic is the language of a court of law, and in case the defendant, plaintiff or witness do not know Arabic, the court should call upon a sworn interpreter to do the given translation task.”²

Aptly described by Mohammad et al (2010, p. 5) as “an area of research that has inexplicably been disregarded by Arab translators and theorists,” translation pedagogy seems to tilt toward the development of translator trainees’ competence in the OPTs, despite of plethora of criticism against the pedagogy. Translator trainees receive their initial training in undergraduate and postgraduate university-level programmes: three undergraduate minor-level programmes offered by Birzeit University, Bethlehem University and The Arab American University, and two postgraduate Master-level programmes are offered by an-Najah National University and al-Quds University -- all of them are subsumed under philology departments. Almost all the English language and literature programmes in the OPTs offer one or two translation courses, a policy that comes under strong criticism (Atawneh and Alaqra, 2007; Abedel-Fattah, 2011; Amer, 2010). These programmes seem to live in a ‘cloud-cuckoo-land’ about output expectations. Fruitful results are rather difficult, if not impossible, to sneak up on us. Atawneh and Alaqra (2007, p. 18) point out that it exceeds “expectation to assume that such courses are designed to give professional training to graduate professional translators.” Atawneh & Alaqra (2007, p. 18) conclude that the “number of translation courses, the crowded classes, the selection of materials are also points of concern showing dissatisfaction of students about translation courses.”. In the words of Amer (2010, p. 4), “what is actually offered is quite arbitrary and depends almost entirely on personal initiatives on the part of tutors.” Abedel-Fattah (2011, p. 2) touches on the training problem from students’ perspective:

[M]ost of the students do not have the adequate level of proficiency to carry out translation into English (the foreign language) without making mistakes such as literal and unnatural translations. It takes years to develop sufficient competence in a language to be able to perfect that language, and the amount of instructional time given (in program[me]s that prepare students to become translators especially in the Arab World) is far from enough to achieve the necessary command required to translate into a foreign language (English).

Added to ill-formed translation courses in Palestinian universities is low level of language competence on part of the students and unqualified translation educators. Amer (2010, p. 4) explains:

Most of the tutors who teach translation at Gaza universities are not qualified enough to teach this module. Lots of them are holders of post graduate degrees in English literature or linguistics from the local or external universities. Therefore, any tutor in the departments of English who shows interest in teaching Translation may be assigned the course. There are no requirements whatsoever. Hence, the trainers are at best merely interested rather than speciali[s]ed in translation.

A run-of-the-mill translation educator at the undergraduate level is far too naïve and inexperienced to claim directionality should only be into the translator's mother tongue—the otherwise is definitely true, simply to have “learners practice and demonstrate their ability to actively use [foreign language] structures in linguistic production” (Davies and Kiraly, 2006, p. 81; see also Pym, 2005). The curious practice by the same educator (and other translation educators (Farghal, 2009)) to ban the use of dictionaries in translation exams may raise our eyebrows. Dictionaries evidently form the pivot of any translation activity.

Translator trainees may also receive on-the-job training, mainly one-offs in no degree programmes or, as we shall call it, non-academic training which is “unfortunately clumsy and ill-starred” (Thawabteh 2009, p. 166). Nonetheless, there have been attempts on occasion to give translator training impetus; “a one-of-a-kind attempt”, Thawabteh further adds, was made in 2008 by the Centre For Continuing Education, affiliated with Birzeit University, “which has given translator training a jump-start” (ibid, p. 166). Other non-academic training courses have been held, for example, at the Arab European Foundation for Training, Research & Higher Education, Ritaj for Managerial Solutions, Institute for Community Partnership, Bethlehem University, among many others (for more information on these non-academic training places/centres, see these their websites in the Internet Sites listed at the end of this article).

Translator Accreditation Examination (TAE)

The OPTs refer to the territories occupied by Israel in 1948, and the birth of the case of Palestine until 1994 when the Palestinian Authority was established pursuant to the Oslo Accord between the **Palestine Liberation Organisation** and **Israel**. The long-standing Israeli-Palestinian conflict remains unresolved to date. Peace solution settlements seem to be a mirage. The Palestinians rose to the occasion, eked out an existence on their legitimate rights to live in peace and get rid of a hellish nightmare of the occupation. The Palestinian Authority spares no effort to seek a durable and liable state, but unfortunately with little (or even no) avail in light of dominant constructions of hegemony exerted by Israel. Yet, institutional life may be observed in several walks of life in the OPTs, e.g. schools, universities, ministries. The PMoJ is a case in point. The Ministry is responsible for holding the annual TAE in accordance with Translation and Translator Law, Article 15/1995, with the aim of monitoring the standards of translation and interpreting in the OPTs. The translator examinees should pass strict accreditation requirements. TAE falls in two distinct parts. The major one is in writing, and it accounts for 70% of the mark. This part tests for exactness and clarity of expression, clichés and equivalence, further to flawless writing skills. While the second part is oral and only those who achieve 50 marks on the former are allowed to attend it. As suggested by its title, this part examines the participants' abilities to interpret in a court of law.

As for the contents of the TAE, the exam predominantly tests legal and business translation competence both from English into Arabic and vice versa. Therefore authentic extracts from law are chosen. Back translation is also an option where the participants are

expected to bring back the original clichés provided in the alternative language in a given extract from a legal text. Legal obligation as represented by ‘shall’ for example is given in context where the participant is required to show its equivalence in the other language. The participants are also required to translate a relatively lengthy portion of a legal document where they show their competence in translating preambles for example. Decontextualised terms are not left unchecked as the profession depends to some extent on glossaries and specialised terminology. Extracts from commercial brochures are not excluded as the participants are expected to translate a wide range of genres. There is a systematic list of genres that might be included in the exam, e.g. political discourse, manuals, technical texts, etc. The criteria for inclusion in the list is based on the job market available for the legal translators in the OPTs.

It is worth mentioning that TAE is held in different languages (see Table 1 below). In Table 1, we can notice that much attention has been paid to English-Arabic translation (81 accredited translators, or 54% of the total). English is the most spoken foreign language in Palestine. It has been taught at early stages for 12 years. Many internationals (mostly Americans) of Palestinian origin, for instance, go to court to solve their daily life problems, e.g. real property, and need translations into English. Hebrew ranks second with 47 accredited translators, or 31.3% of the total. Spanish and Russian come third with 4.6%. There are five authorised translators in French with 3.3% and only one accredited translator for Italian, Romanian and Indonesian, or 1%. Arguably, socio-demographic data can account for the list. Only TAE for English will be discussed whereas TAE for other languages will be beyond the scope of the present study.

Table 1: Frequency Distribution of TAE languages and accredited translators

Languages of TEA	Accredited Translators	
	No.	%
English	81	54
Hebrew	47	31.3
Spanish	7	4.6
Russian	7	4.6
French	5	3.3
Italian	1	1
Romanian	1	1
Indonesian	1	1
Total	150	

The distribution of translator examinees for the past three years (2011, 2012 and 2013) is shown in Table 2. The results indicate that a total of 153 translator examinees sat for TAEs. Only 19 examinees passed the exam (12.42%). Table 2 also shows that 91.67% of the examinees who received academic training passed the TAE, but 66.67% of those who received non-academic training passed the exam. Those percentages are encouraging that when non-academic training is complementary to academic one, performance is expected to be high.

Table 2: Distribution of translation test examinees and training received

Translation Examinees							
				Training Received			
Year	Fail	Pass	%	Academic		Non-academic	
				Attempted	Passed	Attempted	Passed
2013	43	3	6.98	2	100%	2	100%
2012	56	7	12.5	4	75%	2	100%
2011	54	9	16.0	4	100%	1	0%
Total	153	19	12.42	10	91.67%	5	66.67%

Method

The present paper aims to look at status (non-)academic Training Legal Translators and Interpreters (TLTI) in Palestine as illustrated in the translation output of three translator examinees, who sat for the TAE in May 2013. The data of the study are collected from the Translation Department at the Ministry of Justice.³ Analysis of the samples of the last three consecutive years has showed recurrence of ‘classic’ problems, namely, lack of expertise evident through use of unprofessional vocabulary items, i.e. set terminology, syntax and tenor. In an exercise where back translation of given clichés is required, four-fifths of the participants failed to provide the exact, i.e. professionally recognised clichés. It is worth mentioning that although the examples below are extremely obvious and used and overused by a number of translation theorists and practitioners (see for example Emery, 1989; Farghal & Shunnaq, 1999 among others), historiography seems to be more important than depth of analysis—documenting a moment in the history of Palestine.

Significance of the Study

Translation has received much attention in TS, but legal translation into Arabic seems to be a neglected area of study as can be shown in a search for the word ‘Arabic’ and ‘legal’ in the Title field in Bibliography Interpreting and Translation BITRA,⁴ a prestigious translation database with over 55,000 entries. The search returns 677 and 16 hits respectively. That there is a lack of research is oft-truism. Hopefully, this study will offer insight into a bundle of benefits of the (non-)academic training for legal translators and how important it is to improve the standards of such training.

Discussion and Analysis

It is perhaps instructive at this stage to elaborate on Arabic legal discourse. Farghal & Shunnaq (1999, p. 157) aptly remark that “[l]egal discourse is different from other discourses as it must be unambiguous and use legal jargon, and should not bother too much about the simpler needs of the general public.” Legal translation poses formidable challenges for which the translator trainees should be aware of, particularly in terms of the structural and stylistic difference between English and Arabic discourse (Emery, 1989). It has been noticed that the legal translator examinees encounter a wide spectrum of problems, most of which mainly fall into three categories: syntax, layout and tenor problems Farghal & Shunnaq. To corroborate and diversify our argument, let us explore a few illustrative examples extracted from Appendix I representing the test per se.

Syntax Problems

It goes without saying that translation between unrelated languages turns out to be rather difficult. Arabic and English stand as a perfect example. The former belongs to a Semitic language family whereas the latter is an Indo-European language. It ensues, therefore, that the two languages cut syntactic reality in a different way. To illustrate how translator examinees handle the texts in question, let us consider Example 1 below:

Example 1

...وأذ تعي أن... (lit. 'conscious that') (Example 3, Appendix I)

- a. As it is fully aware of.
- b. Being aware that.
- c. Being fully aware that.

The syntactic choice in 1a is glaringly inadequate and completely non-existent in English legal jargon as in "most UN legal texts, the parenthetical material, in its entirety, consists of non-finite English clauses" (Farghal & Shunnaq, 1999, p. 158). In contrast, Arabic comprises finite or tensed clauses. The problem is that the translator examinee seems to have mechanistically sought formal equivalence which "seeks to capture the form of the SL expression. Form relates to the image employed in the SL expression" (Farghal & Shunnaq, 1999, p. 5), i.e. rendering tensed clause in Arabic وأذ تعي أن (lit. 'conscious that') into tensed clause in English 'As it is fully aware of', thus giving rise to an unacceptable and awkward translation. Although non-finite syntax is opted for in 1b and 1c, erroneous translations are still recorded. A further example of syntactic problems the translator examinees are faced with is in Example 2 below:

Example 2

...وإذ تضع في اعتبارها... (lit. 'as it puts into consideration') (Example 5, Appendix I)

- a. As it puts into full consideration ...
- b. Taking into account ...

Looking at 2a, we notice that the tensed English clause is not compatible with English legal cliché 'bearing in mind that...' thus rated as 'not acceptable'. The translation in 2b whereby non-finite clause is utilised is perhaps disconcerting for the average English-language reader; though, it is acceptable, but does not go in harmony with the cliché employed in English.

Layout Problems

The text's physical appearance (e.g. paragraphing, graphic choices, capitalization, indentation, etc.) is of paramount importance insofar as legal translation is concerned. "These features are sometimes governed by language-specific constraints" (Farghal & Shunnaq, 1999, p. 158). For example, the standards of paragraphing in English are a far cry from those in Arabic. Capitalization is entirely absent in Arabic. Take Example 3 chosen from TAE whereby the translator examinees are asked to translate an English text into Arabic as appears below:

Example 3

وكالة خاصة (lit. 'Special Power of Attorney')

(lit. 'I am the undersigned') (Example 8, Appendix I) أنا الموقع أدناه

- a. Special Power of Attorney
I, the undersigned,
- b. Special Power of Attorney
I, the undersigned,
- c. **Special Power of Attorney**
I, the undersigned,

Though excellently done, the translations in 3a and 3b fail to capture the emphasis obtained by bold typing وكالة خاصة (lit. 'special power of attorney'). Not only is 3c loyal to the original, but it also preserves the layout.

Tenor Problems

One of the main characteristics of a legal text is its level of formality. Hatim & Mason (1997, p. 19; emphasis in original) state that tenor "relates to choices made within the **interpersonal** function of language, and finds expression in the **mood** and **modality** in actual texts." Hatim and Mason (1997, p. 90) further add that tenor "represents the speaker's meaning potential as an intruder: language as doing something." In a sense, it represents the relations among the text producers and receivers. Consider Example 4:

Example 4

...أساحلية كانت أم غير ساحلية (lit. 'whether it is coastal or not') (Example 9, Appendix I)

- a- Whether it is coastal or not
- b- Whether being on the coast or not
- c- Being coastal countries or not

As can be noted, 4a may be acceptable although it is incompatible with the English cliché 'Coastal or land-locked'. The translations in 4b and 4c fail to observe the level of formality of the original Arabic text. Likewise, سيظل يحكم المسائل (lit. 'continue to be governed by') as shown in Example 5 below, observes less formality in the translations than in 5a and 5b.

Example 5

سيظل يحكم المسائل (lit. 'continue to be governed by') (Example 10, Appendix I)

- a- Shall be judged by
- b- Shall be regulated by

Concluding Remarks

It is perhaps safe to take cognizance of the fact that legal translation training in the OPTs is likely to become prosperous and successful with the proviso that more and more scrupulous attention is paid to erect 'infrastructure', starting from training at university level, right through university-like level to non-academic level.

Such is the size of the problem that current pedagogy of translation at Palestinian universities is questionable as academic training received by translation examinees may show in Table 1. There has been a breathless diatribe against the translation curriculum and tutors of

translation. Since university-level training is the point of departure for equipping the market with fully fledged translators, a revision of current translation courses should be made. There should also be a shift from ‘middle-of-the-road’ translation tutors to ones with great sagacity and immense experience.

The study reveals that non-academic training is a *sine qua non* of translator training. It has shown promise insofar as the results of the TAE show. Most successful examinees in TAE happen to have not only academic qualifications, but they also received non-academic training. The finding shows that only 19 out of 153 or 12.42% have passed the TAE. In this, non-academic training seems to have brought about fruitful results — 66.67% of those who managed to pass the TAE is an indicator of its significance. Consequently, a painstaking decision concerning a training policy should be taken, a decision that is based on the premise that translator training is (or should be) a lifelong process, an open-ended process.

To improve potential accredited translators’ final products, the following specific recommendations are suggested, that translator-training institutions (1) furnish the trainees with more training courses on the theory of translation to hone their skills the best way possible, a point with which Pym (2005: 3-6) agrees: “A lot of theori[s]ing is just there to protect academic fiefdoms. It helps gain institutional power. Every professional guru soon develops specific terms and catchphrases. That kind of power is not a bad thing. With it, changes in the profession can eventually lead to changes in institutional training programme. Without it, we would be back to medieval apprenticeships;” (2) adopt “rapid technological progress and make [trainees] aware that translation technology can solve an array of translation difficulties” (Thawabteh, 2009, p. 172); (3) hold tailor-made training institutionally-oriented. That is, translator-training institutions work with different local institutions, e.g. ministries and can make very specialised and oriented training for translators; and (4) syllabus design in translator/interpreter training programmes should be meticulously made.

Notes

1. Refers to the lands occupied by Israel in 1948, and is used interchangeably with Palestine.
2. <http://www.moj.pna.ps/library.php?page=section&pid=154§ion_parent=6&catid=19&pt h=1>, accessed August 6, 2013.
3. We owe a big debt of gratitude to the people working for the department for their indefatigable spirit to help in providing us with statistics. Department of Translation, the PMoJ can be viewed via <http://www.moj.pna.ps/index.php?page=section&pid=140§ion_parent=49&catid=8> List of accredited Palestinian translators in English-Arabic <http://www.moj.pna.ps/index.php?page=section&pid=360§ion_parent=0&catid=16> accessed August 6, 2013.
4. <https://aplicacionesua.cpd.ua.es/tra_int/usu/buscar.asp?idioma=en>, accessed August 6, 2013.

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Internet sites

Arab European Foundation for Training, on line at

<http://www.aef.ps/> (consulted 01.05.2014)

Research & Higher Education, Ritaj for Managerial Solutions, on line at

<http://www.ritajms.com/shtml> (consulted 01.05.2014)

Institute for Community Partnership, on line at

<http://www.bethlehem.edu/icp> (consulted 01.05.2014)

Appendix A

	Clichés Arabic	Clichés in English	Answers by three participants	Correctness		
				Compatibility with cliché	Conveyance of message	Degree of acceptability
1	وإذ تحذوها الرغبة في...	Prompted by the desire to	Willing	Not compatible	Partially	Not acceptable
			While highly concerned	Not compatible	Partially	Not acceptable
			Showing desire	Not compatible	Near	Acceptable
2	وبروح من التفاهم والتعاون...	In a spirit of mutual understanding and cooperation	With soul of understanding and cooperation	Not compatible	Near	Acceptable
			With spirit of understanding and cooperation	Not compatible	Near	Acceptable
			In spirit of understanding and cooperation	Not compatible	Near	Acceptable
3	وأن تعي أن...	Conscious that	As it is fully aware of.	Not compatible	Weak language	Not acceptable
			Being aware that	Not compatible	Partially	Not acceptable
			Being fully aware that	Not compatible	No	Not acceptable
4	مع إيلاء المراعاة الواجبة...	With due regard for	With obligation to	Not compatible	Does not convey message	Not acceptable
			Taking into concern	Not compatible	Partially	Acceptable
			Paying the required attention	Not compatible	Near	Acceptable
5	وإذ تضع في اعتبارها...	Bearing in mind that	As it puts into full consideration	Not compatible	Weak expression	Not acceptable

			Taking into account	Not compatible	Near	Acceptable
			Taking into account	Not compatible	Near	Acceptable
6	عادل ومنصف...	Just and equitable	Fair and just	Not compatible	Near	Acceptable
			Justice and fair	Not compatible	Near	Acceptable
			Fair and just	Not compatible	No	Not acceptable
7	يراعي...	Take account into	Complies by / adhere	Not compatible	Weak	Not acceptable
			Considers	Not compatible	Does not convey message	Not acceptable
			Meets	Not compatible	Does not convey message	Not acceptable
8	وكالة خاصة أنا الموقع أدناه.....	Special Power of Attorney I, the undersigned,	Special Power of Attorney I, the undersigned,	Not compatible	Near	Acceptable
			Special Power of Attorney I, the undersigned,	Not compatible	Near	Acceptable
			Special Power of Attorney I, the undersigned,	Compatible	Near	Acceptable
9	أساحلية كانت أم غير ساحلية...	Coastal or land-locked	Whether it is coastal or not	Not compatible	Near	Acceptable
			Whether being on the coast or not	Not compatible	Weak expression	Not acceptable
			Being coastal countries or not	Not compatible	Weak expression	Not acceptable
10	سيظل يحكم المسائل	Continue to be governed by	Shall be judged by	Not compatible	Weak expression	Not acceptable
			Shall be regulated	Not compatible	Weak expression	Not acceptable
			Issues shall always be governed	Not compatible	Near	Acceptable