Explicitation in Translating Court Rulings from Arabic into English

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Abstract

This paper investigates the use of explicitation in the context of legal discourse, particularly in English translations of Arabic court rulings. Blum-Kulka (1986) introduced the 'explicitation hypothesis' in her article 'Shifts of cohesion and coherence in translation, which proposes that translators tend to add information in the target text that is implicit in the source text. This amplification results in translated texts that exhibit a higher level of explicitness compared to the originals, irrespective of the language pairs involved in the translation process. Thus, explicitation is considered a fundamental aspect of any translation activity. To assess the applicability of this hypothesis to English translations of Arabic court rulings, El-Nashar's (2016) framework is adopted as the tool of analysis. The analysis of the translated texts, which are extracted from Qatar Legal Portal (Al Mezaan, by the Ministry of Justice, demonstrates that translators occasionally opt to 'spell out' information that was implicit in the source text, leading to translated texts that are more explicit than the originals. The findings indicate that explicitation strategies serve various purposes, among which is to enhance cohesion and coherence, to prevent breakdowns in communication, to avoid ambiguity, and to add more explicitness to the target texts.

KEYWORDS: legal translation, explicitation hypothesis, court rulings.

المستخلص

تدرس هذه الورقة البحثية استخدام ظاهرة "الإيضاح" في سياق الخطاب القانوني، وخاصة في الترجمات الإنجليزية للأحكام الصادرة عن المحاكم باللغة العربية. قدمت بلوم كولكا (1986) "فرضية الإيضاح" في مقالتها "التغييرات في ظاهرة التماسك والترابط في الترجمة"، والتي تقترح أن المترجمين يميلون إلى إضافة معلومات في النص الهدف تكون مذكورة بشكل ضمني في النص المصدر. وينتج عن هذه الظاهرة نصوص مترجمة تظهر مستوى أعلى من "الإيضاح" مقارنة بالنصوص الأصلية، بغض النظر عن الأزواج اللغوية المشاركة في عملية الترجمة. وبالتالي، يعتبر "الإيضاح" جانبًا أساسيًا في أي نشاط ترجمة. ولتقييم إمكانية تطبيق هذه الفرضية على الترجمات الإنجليزية للأحكام الصادرة عن المحاكم باللغة العربية، تم استخدام إطار الباحث النشار (2016) كأداة للتحليل. يوضح تحليل النصوص المترجمة، المستخرجة من البوابة القانونية القطرية (بوابة "الميزان"، التابعة لوزارة العدل)، أن المترجمين يختارون أحيانًا "إيضاح" المعلومات المذكورة بشكل ضمني في النص المصدر، مما ينتج عنه نصوص مترجمة تتميز بأنها أكثر دقة. تشير النتائج إلى أن استراتيجيات "الإيضاح" تخدم أغراضًا مختلفة، من بينها تعزيز التماسك والترابط، ومنع انقطاع التواصل، وتجنب وجود بعض الغموض في النصوص المترجمة، وكذلك إضافة المزيد من الوضوح إلى النصوص الهدف.

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1. Introduction

The process of translation can be perceived as both a "decision-making process" and a problem-solving endeavor, during which translators consciously or unconsciously navigate while transforming a text from a source language (SL) to a target language (TL) (Hatim, 2020, p. 6). This observation is not unexpected, given that translation involves the transfer of meaning and ideas from one language to another, even when the two languages differ significantly. One logical inference from this is that the process of transfer is not always smooth or devoid of challenges. Consequently, translators may adopt various strategies to address the issues they encounter during translation, aiming to produce a natural final product of their translation. Among those different procedures that translators can employ is explicitation vs. implicitation. Explicitation has to some extent attracted considerable attention due to the fact that the presence of this phenomenon can affect the acceptability and idiomaticity of any translated text. Thus, the importance of exploring and identifying the difficulties that may arise due to this phenomenon and the need to identify the strategies used in dealing with such an issue have attracted the attention of linguists and translators, as well. This study intends to investigate the phenomenon of explicitation in translating court rulings on civil and commercial cases from Arabic into English. The data of analysis is extracted from Qatar Legal Portal (Al Mezaan), by the Ministry of Justice.

2. Research Questions

The current study aims to answer the following questions:

1. Is linguistic explicitation employed in the process of legal translation?
2. What types of explicitation techniques do they then opt for, and how do they manifest in this genre?
3. At which linguistic level are these strategies more commonly used?
4. What are the reasons behind the translators' choice of linguistic explicitation?

3. Significance of the study

The significance of this research lies in the insufficient attention given to the selected text genre in the body of research on the Arabic language. Consequently, there is a justified need for a study that presents a clear understanding of how this phenomenon manifests itself in Arabic-English translation of court rulings. Moreover, the study aims to illuminate the problematic areas that may arise when using explicitation as a translation strategy in legal discourse, a matter that holds potential value in translator training. Additionally, the study's findings are expected to shed light on the stylistic preferences in Arabic and English concerning explicitation techniques within this genre. As a result, it could contribute to both theoretical and applied contrastive studies, offering valuable insights into translation practices and strategies in the legal context.

4. Statement of the problem

The technique of explicitation has been investigated thoroughly and it became known in the field of translation as one of the translation universals as discussed by Baker (1998/2005, p.289). Many researchers have investigated explicitation techniques in different languages. In the present study, the researcher tries to identify and investigate the problem of overt realizations and shifts found in Arabic translated court rulings with reference to the explicitation strategy. The present research focuses on those shifts which are attributable to the process of translation itself and not those which are due to the different language systems of English and Arabic.

5. Background: Review of related literature on explicitation

5.1 Explicitation in legal translation

Legal texts, due to their potential legal consequences, have been considered sacred or sensitive, leading to a historical emphasis on literal translation in the field of legal translation. The principle of fidelity to the source text remained unchallenged until the 1980s when Canadian and Swiss legal translators were actively involved in drafting federal legislation. The introduction of new bilingual drafting techniques not only impacted the role of legal translators in Canada and Switzerland but also brought about a revolution in the entire field of legal translation (Šarčević, 2000, p. 16). In recent years, some legal translation scholars have argued that authoritative translations, like contracts, prenuptial agreements, and wills, should be literal, while non-authoritative translations, such as national laws and court rulings, may adopt a freer approach (Garzone, 2000). The rationale behind this argument is that literal translations, while maintaining similarity to the source language, might require extra effort to understand in the target language or could

even become incomprehensible to the recipient, thereby failing to serve their purpose of providing information. For translations intended for information purposes, it is essential that they are easily comprehensible to the recipient.

One example of non-authoritative translations, translated purely for informational purposes, is court rulings (except for rulings in countries with multiple official languages and rulings from supranational institutions like the EU or international bodies). While the ruling holds authoritative status in the source language culture, it functions as a metatext in the target language culture, aiding the recipient (e.g., the judge) in understanding the foreign ruling. Therefore, when dealing with non-authoritative translations like court rulings, the focus shifts to meeting the information needs of the target-text recipient rather than strictly conveying the exact content and form of the source text. This context is where explicitations become relevant, leading to a reasonable assumption that explicitations are likely to occur in translations of court rulings.

5.2 Explicitation hypothesis: background information

The term "explicitation" was initially introduced by Vinay and Darbelnet (1958) in their study comparing differences between texts written in English and French. They identified various translation "procedures" that could help overcome the translation challenges arising from these disparities. One of the techniques discussed in their work is explicitation, which is defined in their glossary as a "stylistic translation technique involving the clarification of implicit elements in the source language that are evident from either the context or the situation" (Vinay & Darbelnet, 1995, p. 342).

Another notable contribution highlighting the significance of explicitation in translation is Nida's work (1964), which primarily focuses on Bible translation. Nida explores various "adjustment" strategies employed in translation and distinguishes between additions, subtractions, and alterations. In the context of additions, he discusses several techniques that translators can utilize during the translation process. These techniques include: the addition of grammatical structures necessitated by the grammatical disparities between the source and target languages, the addition of ellipted material to provide clarity and completeness in the translated text, and the addition of classifiers and connectors to enhance the coherence and cohesion of the translated message.

However, Blum-Kulka's (2000) work on explicitaion, first published in 1986, represents a turning point in the research conducted on this

phenomenon. Blum-Kulka studies the shifts that result in the act of translating cohesive markers between French and English and claims that these shifts result in target texts that are more explicit than the originals regardless of the grammatical and textual differences between the language combinations involved in the act of translation. Blum-Kulka (ibid., p. 300) states that:

> The process of interpretation performed by the translator on the source text might lead to a TL text which is more redundant than the SL text. This redundancy can be expressed by a rise in the level of cohesive explicitness in the TL text. This argument may be stated as "the explicitation hypothesis", which postulates an observed cohesive explicitness from SL to TL texts regardless of the increase traceable to differences between the two linguistic and textual systems involved.

Blum-Kulka's examination of explicitation stands apart from prior studies due to the introduction of the 'explicitation hypothesis.' This hypothesis presents explicitation as a universal phenomenon in translation, inherently integrated into any translation endeavor, irrespective of whether carried out by professionals or non-professionals. Drawing on Blum-Kulka's conclusions, subsequent research delved into various language pairs with the intention of validating or refuting the "explicitation hypothesis." Impressively, the findings overwhelmingly support this hypothesis. For instance, Vehmas Lehto's investigation (1989; cited in Klaudy, 2001, p. 82) of journalistic texts translated from Russian into Finnish demonstrates that these translations incorporate a greater use of connectives compared to texts originally composed in Finnish.

Recent research utilizing large-scale electronic corpora in the analysis of translations across different languages has further supported the "explicitation hypothesis." For instance, Øverås (1998) conducted a study on Norwegian-English and English-Norwegian translations, finding that both translated texts in these languages displayed greater explicitness compared to the original texts, although the levels of explicitation varied between the two languages. Additionally, Olohan and Baker (2000) explored the deletion and addition of the optional word 'that' after the reporting verbs 'say' and 'tell'. The results revealed that the translated English texts used 'that' more frequently than the originals, indicating a higher degree of syntactic explicitness in the target texts.

5.3 Explicitation in Arabic literature

Various studies on explicitation in Arabic-English and English-Arabic translations have consistently supported the idea that translated texts tend

to be more explicit than the original texts. For example, Aziz (1993) conducted research on the use of explicit-implicit reference in Naguib Mahfouz's novel 'Awlad Haaratina' and its English translation. Aziz examined three types of referring expressions, including proper nouns, noun phrases, and pronouns, along with their subtypes, to observe how the translator rendered these expressions in the English version. Using a scale that ranks proper nouns as the most explicit and pronouns as the least explicit, Aziz (1993) observed that the results of the study demonstrated an "overall greater explicitness of reference in the English text" (p. 149). This finding indicates that the translated English version exhibited higher levels of explicitness in referring expressions compared to the original Arabic text.

Baker (1992) illustrates how translators translating from English to Arabic resort to explicitation as a strategy to clarify culture-specific information that might not be familiar to the readers of the target text. To exemplify this, she quotes a passage from the book 'Autumn of Fury: The Assassination of Sadat' by Mohamed Heikel, where Heikal draws a comparison between the American President Harry Truman and the Egyptian President Anwar Sadat. Baker explains that the translator of the Arabic version adds several lines to provide the Arab reader with "additional background knowledge about Truman." This addition is made because "the Arab reader may well know that Truman was a former president of America but is not expected to know enough about him to draw the specific analogy between him and Sadat that the writer wishes him/her to draw" (Baker, 1992, pp. 247-248). The explicitation helps bridge the cultural gap and enables the Arab readers to grasp the intended comparison between the two leaders effectively.

An additional noteworthy study is conducted by al-Khafaji (2006), which examines the presence of the two universals of translation, the 'explicitation hypothesis' and the 'repetition avoidance hypothesis', in translations between English and Arabic, and vice versa. Regarding explicitation, al-Khafaji's findings reveal that the analyzed translated texts contain instances of explicitation that were not present in the original texts. Some examples of explicitation identified include the addition of explanatory phrases, the inclusion of culture-specific information, the introduction of conjunctions, the substitution of pronouns with proper nouns, and the addition of footnotes.

In his 2016 study, El-Nashar delved into the phenomenon of explicitation in the translation of the Policies and Procedures Manual for Support Staff issued by the University of Cairo in 2012. Employing a corpus-based approach and drawing upon the framework proposed by

Klaudy and Karoly (2003), the study aimed to examine the prevalence of explicitation as a translation strategy in procedural texts. El-Nashar's findings indicated that explicative paraphrase emerged as the most frequently used explicitation technique in this genre, followed by conjunction and reference (El-Nashar, 2016).

This succinct review of explicitation research underscores that a significant number of studies spanning diverse language pairings have corroborated the tendency for professional translators to generate translated texts that exhibit greater explicitness than the source texts. As a result, this paper endeavors to investigate whether this observed trend is applicable within the realm of legal translation, particularly in the context of translating Arabic court rulings.

6. Methodology

In a bid to address the inquiries posed in the introduction and considering the diverse array of explicitation methods, this study employs El-Nashar's (2016) framework. This framework employs a lexico-grammatical, syntactic, and morphological approach to elucidate several of these techniques. The examination delves into the influence of the frequency of explicitation occurrences on the translated text in contrast to the source text. A qualitative analysis will be undertaken to elucidate the explicitation techniques within the target text, specifically in English. Furthermore, the analysis aims to uncover the rationales underpinning the decisions made by translators.

6.1 Data collection

The corpus chosen for investigation in this study is selected court rulings on civil and commercial cases extracted from Qatar Legal Portal (Al mezaan), by the Ministry of Justice in the State of Qatar, and it has been chosen for investigation for several reasons. Initially, it's important to highlight that the data genre under investigation, particularly legal discourse and court rulings, remains significantly unexplored. This scarcity of research renders the outcomes of this paper of paramount importance to the realm of translation studies. Secondly, the data showcased a distinct adherence to lucid and standardized language, exemplifying characteristic features of typical Arabic legal discourse. This linguistic conformity presented a challenge for translators, compelling them to faithfully replicate the same linguistic register in English. The third rationale revolves around the fact that the translation of these rulings, being accessible on a respected official legal platform, underwent meticulous revisions. This comprehensive review process imparts enhanced credibility and trustworthiness to the conclusions drawn from the study.

6.2 Procedure of data analysis

The present study selected samples of examples which are representative of different techniques of explicitation. Each technique and its representative examples would be interpreted in the light of the potential conditioning factors which have prompted the translators to select them. The analysis is divided into two stages. The first stage involved comparing each selected translated excerpt against the corresponding original text to identify and classify the instances of explicitation attested. The second stage aims at explaining whether the target texts are more explicit than the source texts, and why.

6.3 Working Definition

It has become apparent that a unanimous definition of explicitation remains elusive. This disparity stems from the various perspectives held by different translation theorists regarding this concept. Nonetheless, despite the divergence in focal points, there is a consensus among the provided definitions that explicitation entails a process encompassing the inclusion of elements to elucidate the context or situation, typically leading to enhancement of meaning.

6.4 Model of analysis:

Seeking to establish a lucid and all-encompassing categorization of explicitation manifestations, as previously indicated, El-Nashar's (2016) framework serves as the analytical tool for this study. El-Nashar adopts the definition of explicitation from Klaudy (2005, p. 15), given its broader scope when contrasted with alternative definitions of explicitation. In essence, Klaudy's (2005) definition presents five distinct manifestations of explicitation that translators can employ as translation strategies, as delineated below:

1. Substituting a superordinate (i.e., a more general term) in the SL with a Hyponym (i.e. a specific word) in the TL.
2. Distributing the meaning of a SL expression or word over multiple units in the TL which serves as an equivalent for the ST word.
3. Introducing new meaningful elements to the TT to disambiguate an element present in the ST.
4. Dividing the sentences of the ST into two or more in the TT.
5. Expanding or elevating a phrase in the ST to the level of a clause in the TT.
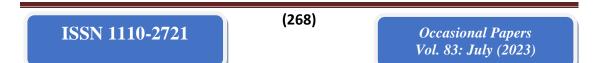
Thus, explicitation, as per the abovementioned points, is 'a strategy by which the textual units of the ST (i.e., words, phrases, sentences including metaphors, similes, idioms or phrasal verbs, and paragraphs) are paraphrased, modified, replaced or elevated at different levels of

language, including the semantic, syntactic, textual or pragmatic levels of the TL due to the differences between the SL and the TL or disambiguating lexical and/or syntactic ambiguities in the TT'.

However, El Nashar modified Klaudy's (2005) definition to create a new working definition to adopt in his study. El-Nashar's (2016) framework consists of ten explicitation techniques that can be summarized as follows:

1. Explicative Paraphrase: It is a lexical change that makes the TT longer than the ST but does not change the meaning. The research by Shuttleworth & Cowie (1997) identifies the use of "explanatory phrases" as explicitation, but not all such phrases are suitable for translation. Molina & Albir (2002) and Nida & Taber (1969) agree that there's a distinction between acceptable and unacceptable rephrasing, with the former involving lexical changes that lengthen the target text (TT) without changing its meaning. It is further divided into four main categories including:
   a. Addition of nouns
   b. Addition of verbs
   c. Addition of adjectives
   d. Recasts
2. Conjunctions: It involves the addition of more conjunctions expressing implicit logical relations to the TTs.
3. Reference: through lexicalizing the reference of deictic words and pronominal reference items or attached pronouns.
4. Phrase-to-clause raising: where an ST phrase is rendered into a TT clause.
5. Lexical repetition: Where an ST word of single occurrence is repeated in the TT.
6. Narrowing (Specification): It means that the TT word selected is narrower (or more specific) in meaning, than the ST word.
7. Amplification: When there is no immediate equivalent of the ST word in the TT, another phrase is given for illustration. According to Molina & Albir (2002, p. 500), amplification occurs when the TT uses more signifiers to cover syntactic or lexical gaps.
8. Substitution: If an ST word does not exist in TT, it is substituted with another in TT having similar meaning.
9. Ellipsis: Ellipsis means that some words are omitted in order to avoid repetition on condition that the omitted words in the elliptical ST sentence must be the ones that would appear twice in the full TT sentence.

10. Lexical broadening: It occurs when an SL unit of a more specific meaning is replaced by a TL unit of a more general meaning.

The framework is modified by removing 2 of the techniques, adding one new technique found while analyzing the data, as will be later explained.

7. Analysis

7.1 Explicative Paraphrase

Regarding the analytical framework of the data, translators utilized four sub-categories primarily based on adding lexemes to the TT as illustrated below:

First: Addition of nouns

ST	TT
1. وبذلك **تنقطع المنازعات**	And that will **stop the follow of disputes**
2. تحصيل فهم **الواقع** في الدعوى	**understanding the factual basis** of the case
3. يتناضل كل خصم في **دلالتها.**	are the subject of the litigants' contentions in **pursuing their proof**.
4. المادة 139 **مرافعات.**	Section 139 of the **Procedures Law.**
5. كما فضلاً عن أنه أورد **بمدوناته** قيام المنتدب القضائي	and whereas, the Appealed Judgment has cited in its **documents and minutes** that the Court receiver
6. وأن يقيم **قضاءه** على أسباب سائغة تكفي لحمله.	... shall base his **conclusions and findings** on ..

The translator's lexical choices have elucidated the meaning in the target texts, as in e.g. (1), where the noun "the follow" is added to the noun "disputes" to render "المنازعات", and the noun "basis" is added to the adjective "factual" as a relay of "الواقع" in example (2). In example (3), the translator added the gerund noun "pursuing" to the noun "proof" as a rendition of the noun "دلالتها", which made the meaning communicated in the ST more explanatory in the TT, as if were "إثبات دلالتها" in Arabic. The same applies to example (4), where the generic noun "مرافعات" is explicated in the TT with the addition of the noun "law" as in "procedures law". In examples (5) and (6), one word noun is rendered via a doublet of two words to render the target texts more explicit, where "مدوناته" is delivered as "documents and minutes" and "قضاءه" is rendered as "conclusiosn and findings".

Second: Addition of adjectives

ST	TT
1. استأجرت الشركة الطاعنة مخزناً بالمنطقة الصناعية	leased a warehouse **located** in the industrial area
2. الحكم المطلوب تفسيره الصادر بجلسة 2005/1/27	... issued at the session **held on** 27.1.2005,

Another form of explicitation is the usage of ellipted passives which are one kind of verbal element forming non-finite clauses that so characteristically post-modify nominal elements in legal English. The ellipsis results from dropping auxiliaries and other elements in the passive verbal group in conjoined or deep-relative structures, leaving the passive participle alone in the surface text rendering the English samples more explicit than the source ones. This is manifested above, where the passive participles "located" and "held" are added in the TT with no correspondent in Arabic as if the Arabic versions were "مخزنًا كائنًا بالمنطقة الصناعية" and "...الصادر بالجلسة المنعقدة بتاريخ". Illustrations of compensating for missing elements in the ST, which could disrupt the coherence of the TT, are evident when translators introduce adjectives to uphold structural consistency as depicted in such examples. This decision by the translators exemplifies a tactic, as described by (Pym, 2005), aimed at circumventing the potential challenges in translation.

Third: Addition of verbs

ST	TT
1. وإنما هو أمر جوازي للمحكمة متروك لمطلق تقديرها،	regarded as permissible authority which was left to the sole discretion of the court **to decide on**.
2. لما كان ذلك، وكانت الطاعنة **لم تبين** في أسباب نعيها العيب الذي تعزوه إلى الحكم المطعون فيه ولم تكشف عن وجوه الدفاع التي **أثارتها** في مذكرتها المقدمة لمحكمة الاستئناف، وكنه المستندات التي **أغفل** الحكم المطعون فيه **تناولها**	And whereas this is the case and whereas the Appellant does not **explain or state** the defect attributed to the appealed judgment as part of its grounds of appeal, and does not reveal the facets of its defense which was **pleaded and argued** in its Statement which was submitted to the Court of Appeal, further, Appellant does not specify the nature of documents that the appealed judgment has **disregarded and failed to address**

According to our corpus data, it has been observed that translators into English tend to use more verbs than those originally found in the Arabic ST. Explicitation is manifested in example (1), where a verb in the infinitive from "to decide on" is optionally added in the English translation. In addition, as above witnessed, legal discourse is rife with binomial expressions which are collocations of synonyms or near synonyms. The motivation for using pairs of synonyms in legal English is 'to rely on inclusiveness as a compensation for lack of precision' (Crystal and Davy, p. 208). Explicitation is manifested where translators try to use more words in TTs than what is used in the ST. In the above table, lexical doublets are manifested in example (2) via in the addition of synonymous

verbs as in "explain or state", "pleaded and argued" and "disregarded and failed to address", where the second verb adds nothing to the first one. The two verbs included in such pairs are employed to complement each other; they are believed to have more or less the same meaning referring to one single element. Therefore, using one of them would suffice.

Fourth: Recasts

Indeed, there are situations where straightforward rendition of a source text (ST) word or phrase into the target text (TT) using only nouns, adjectives, or verbs is not feasible, as evident from the three previously discussed scenarios. In such instances, the translation process might necessitate the compounding of a noun and an adjective, the inclusion of prepositions, or even a complete rephrasing of the original ST term or phrase. The subsequent examples elucidate the practical application of this approach:

ST	TT
1. لقاضي الموضوع السلطة التامة في تحصيل فهم الواقع في الدعوى وبحث الأدلة والمستندات المقدمة فيها	Trial Judge has the absolute authority to **hear the case** and to understand facts of the case and to reach conclusions,
2. المطعون ضدها أقامت على الشركة الطاعنة الدعوى رقم 1716/2008 مدني كلي للحكم وفقاً لطلباتها الختامية- بانتهاء عقد الإيجار المؤرخ 2005/11/12 والإخلاء والتسليم.	The appellee has filed civil litigation No. 1716/2008 against the contestant and requested a ruling that the contract dated 12/11/2005 has expired and that **the property in dispute** must be vacated and delivered.
3. أن المطعون ضدهم أقاموا على الطاعنة الدعوى رقم 397/2005 **بطلب إلزامهم** برد	...... have lodged against the Appellant case no. 397/2005 and **pleaded the court to issue a judgment, to oblige** the latter to …..
4. أن الحكم المطعون فيه ألتفت عن مذكرتها المقدمة في 2006/6/11 **ل**تقديمها بعد انتهاء اليوم الأخير	the appealed judgment has disregarded its pleading submitted in 11/6/2006, f**or the reason that such pleading was submitted** after the expiry of the last day ….
5. مما **يعود بالضرر** على ذوي الشأن،	a fact that will be **detrimental and cause damage** to the concerned persons.

In examples (1) and (2), the phrases "to hear the case" and "the property in dispute" are totally added which made the TTs more obvious and clearer to the reader. In example (3), the prepositional phrase "بطلب" is rendered in English as "pleaded the court to issue a judgment" as if it were "طلب للمحكمة بإصدار حكم". The preposition "ل" in example (4), is relayed as "for the reason that such pleading was submitted ..." to make it more explicit. In the final example, the phrase "مما يعود بالضرر" is delivered into "detrimental and cause damage", where the adjective 'detrimental' is more or less the same meaning of the phrase cause damage'.

7.2 Reference

Another prominent choice the translator performed is the referencing category. Reference as an explicitation technique is often discussed within the context of replacing ST pronouns or deictic words with TT nouns. Two other shifts will be added to this category as follows:

First: Replacing pronouns with nouns

ST	TT
استأنفت الطاعنة هذا الحكم بالاستئناف رقم 2006/114 وبتاريخ 10 نوفمبر 2006 قضت المحكمة بإلغاء الحكم المستأنف فيما انتهى إليه من إلزام الطاعنة بالتعويض **وتأييده فيما عدا ذلك.**	The Appellant has filed Appeal No. 114/2006 and on November 10th 2006, the Court decided to overturn the appealed judgment on the part of judgment where it decided to oblige the Appellant to pay compensation and **the judgment further decided to uphold the Appealed Judgment on matters other than this matter.**

Arabic and English have different morphological systems. The former is synthetic, while the latter is analytic, as Arabic verbs are mostly connected to their subjects, personal pronouns and auxiliaries. Arabic therefore is called a 'synthetic' language. English, on the other hand, tends to isolate verbs, subjects, auxiliaries and personal pronouns and is therefore called 'analytic'. As above manifested, the English TT is more obviously explicit in terms of replacing the ST attached pronouns into nouns. The attached pronouns and the demonstrative pronoun in "وتأييده فيما عدا ذلك" are replaced in the TT which made the referents clearer in "the judgment further decided to uphold the Appealed Judgment on matters other than this matter", such instance of referential explicitation shift makes the TT more explicit.

Second: Using said and such

Instead of articles or the usual demonstrative reference items as "this" and "that" as determiners in cases of noun repetition, unfamiliar pronouns that act as anaphoric devices as "said" and "such" etc, are used in the selected court judgements to refer a person or something that is previously mentioned in the document or guessed from the context as below manifested:

ST	TT
1. وكان المشرع قد عمد إلى إلغاء **القانون رقم 14 لسنة 1995** بإنشاء سوق الدوحة للأوراق المالية واللوائح والقرارات المنفذة **له** – بإصداره القانون	the legislator has purposely cancelled **Law No. 14 of 1995** by the establishment of Doha Stock Market and the bylaws and decisions implementing **the said law** by issuing ….
2. أن ندب خبير في الدعوى ليس حقاً للخصوم، وإنما هو أمر جوازي للمحكمة متروك لمطلق تقديرها، **فلها** رفض ما يطلبه الخصوم في هذا الشأن	expert appointment is not regarded as the absolute right of litigants, but rather, is regarded as permissible authority which was left to the sole discretion of the court to decide on. **While exercising such discretion**, **the Court may** reject litigants' pleadings …

The above table represents manifestations where reference items are being lexicalized. In example (1), a cohesion shift takes place which renders the target text more explicit. The word "Law" is used in the first sentence, then, it is repeated again in the following sentence and attached to the lexical item "said" to create a cohesive link; however, "said" can be substituted by the demonstrative pronoun "this" without losing or distorting the meaning of the text. In Arabic, however, the term "said" has no equivalent since the whole clause is rendered in just one long sentence, and the word "القانون" is used just once and referred back to using "له". In example (2), the addition of a cohesive device is manifested in the usage of the phrase "while exercising such discretion", where "such" is used to anaphorically refer to the situation mentioned in the preceding clause with the noun "discretion" that is repeated twice, and the noun "court" is also repeated and made explicit in the TT as a relay of the prepositional phrase used in Arabic "فلها", as the translator opted for separating the long structure into two independent clauses. Such addition of the cohesive conjunction had an explicative function that helped in maintaining the flow of ideas and grammaticality of the statement.

Third: Archaic references

The use of blend words, which are pertinent to legal discourse, is believed to play an important role in the organization of the legal language. It is through a specific reference to the whole text or to any of its parts that textual cohesion is maintained in legal documents. Some extracts from the data under study presenting the use of archaic reference devices are displayed below. There is a shift in the devices being used where archaic terms are sometimes added with no correspondent in the Arabic source text as below manifested:

ST	TT
1. لذلك حكمت المحكمة بعدم جواز الطعن ...	**Therefore:** The Court **hereby** issues this judgment that it is not allowable so to appeal.
2. أن القواعد الخاصة بأصول نظام التقاضي وإجراءاته إنما تتعلق جميعها بالنظام العام الذي يوجب على محكمة التمييز أن تتأكد من **مراعاتها**.	... the rules of adjudication system and procedures are all related to public order, which makes it mandatory for the Court of Cassation to ensure observance **thereof**.

The above underlined archaic pronominal adverbs are frequently used as a means to avoid the repetition of names of things in the document or as a self-reference to the document itself so that they prevent the sentence pattern from being too long. These blend words demonstrate how two meanings are packed into one word. Such compound adverbs are a mixture of deictic elements that are formed in replacement of a preposition and a pronoun like of, after, by, under etc. or name by turning

the latter into a locative adverb like "here", and "there" and the former into a prepositional adverb and joining them in reverse order. The Arabic texts, however, does not exhibit an equivalent word; to maintain reference. Yet, this shift did not cause any alteration in the intended meaning of these articles.

In example (1), the pronominal archaic adverb "hereby" is added for purpose of reference and to give the text a legal effect, as well. Such archaic referent item is just an addition in the English translation, and it has no correspondent in the Arabic version which adds more explicitness to the target text. In example (2), the addition of new cohesion is manifested through the insertion of blend word as "thereof", which is added optionally by the translator where there is no equivalent expression for it in the ST. Translator resorted to using it rather than looking for literal translation for the prepositional form of referring back to text to maintain the reference relationship holding between clauses, where "مراعاتها" has been translated as "observance thereof". Such shift in the type of the used cohesive device facilitates the reader′s understanding of the text through creating the necessary semantic links which smoothed the flow of discourse which could have been also delivered as "observance of the rules of the adjudication system". These examples suggest that nonarchaic terms in Arabic can be rendered into many English archaic terms where addition or substitution are usually used in the process of translation from Arabic into English to add a legal effect to the target text.

7.3 Lexical repetition

The abundant use of repetitious items in the corpus is ascribed to the nature of legal texts, which requires a deep concern to preserve the highest levels of accuracy and eliminate ambiguity. Repetition is sometimes also used in cases where pronouns can be used instead; thus, creating some sort of redundancy, but this is also justified in legal discourse as witnessed in the below excerpt:

ST	TT
لقاضي الموضوع السلطة التامة في تحصيل فهم الواقع في الدعوى وبحث الأدلة والمستندات المقدمة فيها والترجيح بينها والأخذ بما يطمئن إليه منها **وهو** غير ملزم بالرد على كل ما يقدمه الخصوم من مستندات **وحسبه** أن يبين الحقيقة التي اقتنع بها وأن يقيم قضاءه على أسباب سائغة تكفي **لحمله**.	the **Trial Judge** has conclusive jurisdiction to understand the factual basis of the case, to examine evidence and documents presented therein, and to weigh evidence and draw conclusions on whatever it deems convincing therefrom, and **the Judge** is not obliged to entertain and respond to whatever is presented by the litigants, and it is only enough for **the Judge** to explain the basis of his convictions and shall base his conclusions and findings ..

The data of this paper provided many instances of simple lexical repetition, where lexical items are used repeatedly in the English TTs. As exhibited above, legal texts in general, and court rulings in particular, tend to encourage this type of repetition. Personal subject nouns are repeated which typically explain that consistency of terms helps a reader see connections between different parts of a text, whether between successive sentences or throughout a whole document.

Upon close examination of formal lexical repetition in the mentioned examples, it contradicts the common notion that Arabic, unlike English, tends to favor formal lexical repetition. The translated extracts, however, reveal a distinct perspective, with English exhibiting greater use of formal lexical repetition than Arabic. This phenomenon can be attributed to factors such as morphological roots and attached pronouns frequently seen in Arabic. Arabic, through the greater differentiation of its inflectional morphology (in the grammatical subcategories of number and gender), is able to achieve considerable precision of reference through anaphora. However, lexical repetition is manifested in the English text as a reduction in anaphoric links between sentences. The motivation for this is exactness of reference, which rendered the English target texts more obviously explicit.

The deployment of lexical repetition is not similar in the above example as English is a little more lexically dense. As displayed, anaphoric reference is manifested in the Arabic excerpt via using the conjunction "و" and the personal pronoun "هو" which have a descriptive function that adds further information to the noun "قاضي الموضوع" without the need to repeat the word again since reference is used internally within the same independent sentence. In the English translation, the translator changes the type of the cohesive device which made the TT more explicit via the lexicalization of the personal subject noun "the judge" which is repeated in the TT three times. One should also note that the extra cases of lexical repetition in the target text can readily be done away with by employing a pronoun in lieu of the third repetition, where the example can be naturally relayed as "the Judge is not obliged to entertain and respond to whatever is presented by the litigants, and it is only enough for him to explain" Hence, this extra density of lexical repetition in English is translator- rather than language-motivated. It must be noted here that such repetition is regarded as a structural necessity that does not add to the meaning of the Source Text, and is, therefore, a legitimate tool in the translator's hand.

7.4 Amplification

This explicitation feature can be exemplified as follows:

ST	TT
1. وبتاريخ 2007/3/25 **قضت** محكمة الاستئناف بتأييد الحكم المستأنف.	on 25/3/2007 the Court of Appeal **rendered its judgment** to uphold the appealed judgment.
2. تأكيدا لعموم تطبيقها على **الكافة** مما ينال منها …	This is meant to ensure the application of such rules on **people at large**,
3. اطراحها للأوراق والمستندات المؤثرة في حقوق **الخصوم** ..	dismissing papers and documents relevant to the rights of the **parties to the suit** ..
4. دون أن يرفق معه وحتى إقفال باب المرافعة في الطعن ما يثبت أن هذا **الموكل** هو الممثل القانوني.	to enclose with his note proof that the **person who has issued the power of attorney** is the legal representative ..

In example (1), the past verb "قضت" is delivered using the verb phrase "rendered its judgment" where the noun "judgment" is added by the translator. It should be noted that such instance of explicitation could be done away with as the verb could be simply delivered as "ruled". In example (2), the noun "الكافة" manifests an instance of explicitation being delivered via the phrase "people at large" to cover the full meaning intended in Arabic. The addition of more signifiers is also witnessed in example (3), where the researcher may disagree with the translator over the amplified translation of "الخصوم", as the disagreement is based on the fact that there could have been a shorter rendering of the term which would deliver the exact meaning. According to the accepted translation of Faruqui's Law Dictionary, "litigants" is the accepted translation of "الخصوم". Other than the word "الخصوم", this particular explicitation technique was obviously employed in rendering the Arabic term "الموكل". The translator apparently did not use the one-to-one equivalent to the ST word known as "the principal" by using perhaps the longest amplification came "the person who has issued the power of attorney". A key emphasis of this point lies in highlighting the distinction between necessary (or positive) explicitation and redundant (or negative) explicitation. While the former is vital for achieving a naturally flowing translation in Arabic, the latter is cautioned against and categorized as a mistranslation. Applying this to the context of legal translation, which has to be literal in the positive sense of the word, translators must abide by the generally accepted terminology in application for the concept of fidelity to the ST.

7.5 Substitution

As previously mentioned, substitution comes into play when a word from the source text (ST) is replaced with another word in the target text (TT) that carries a comparable meaning. The most prominent instances of these occurrences are outlined below:

ST	TT
1. بحث الأدلة والمستندات المقدمة فيها والترجيح بينها **والأخذ بما يطمئن إليه منها**	examine evidence and documents presented therein, and to weigh evidence and **draw conclusions on whatever it deems convincing** therefrom
2. أن توقيع إدارة قضايا الدولة على وثيقة التحكيم المؤرخة 2008/3/27 يبطلها لتوقيعها **ممن ليس له نيابة قانونية**	the signing of the arbitration document dated 27/03/2008 by the State Issues Department invalidates the document since it is signed by a **legally unauthorized person** …
3. تقضي فيها المحكمة من تلقاء نفسها **ولو لم يتمسك بها** أحد من الخصوم	the court issues a decision of its own accord, even if neither of the litigants **pleads** the same.

Aside from keeping the same wording of the ST and being aware of the fact that "الأخذ بما يطمئن إليه" in example (1) cannot be translated literally since such collocation is not common in the context, the translator substituted it with "draw conclusions on …" which gives the exact meaning of the English ST expression. As for example (2), the translator is also aware of the fact that the collocation "نيابة قانونية" in the prepositional phrase "ممن ليس له نيابة قانونية" cannot be translated literally since such collocation is not common in the context, the translator substituted it with "legally unauthorized person" which gives the exact meaning of the Arabic ST expression. In (3), the translator was confronted with a different type of lexical intricacy, apparently faced the dilemma of not finding one-to-one equivalent to the ST word where he delivered the meaning of the phrase "ولو لم يتمسك بها" according to the legal context and away from literal translation through substituting it with the verb "pleads".

As per these excerpts, it has become obvious that the tactic of 'substitution' could be a tool in translators' hands to prevent any breakdowns in communication and to achieve semantic appropriateness. Translators may opt for substituting ST terms as a preventive measure to avoid ambiguity when they feel that literal translation would be awkward producing unacceptable texts that deviate from what is originally used in the TL.

7.6 Lexical broadening

According to Klaudy (2010, p. 94), lexical broadening is "a standard transfer operation whereby the SL unit of a more specific meaning is replaced by a TL unit of a more general meaning.". Two examples are given for illustration:

ST	TT
1. ونظراً لخضوع **العلاقة الإيجارية** بينهما لأحكام القانون المدني	the **contractual relationship** between them is subject to the provisions of the civil law ….
2. قضت المحكمة بتفسير الحكم على الوجه الوارد **بمنطوق حكمها.**	The court decided on the construction of the judgment as stated in its **finding**.

The technique of generalization or lexical broadening is manifested in example (1) where the more specific adjectival phrase "العلاقة الإيجارية" is rendered into English broader meaning "contractual relationship"; however, such relay does not deliver all meanings intended in the ST. The researcher suggests that such collocation could be delivered according to Faruqi's Law Dictionary as "rental relationship" or "Landlord-Tenant relationship". The same applies to example (2), where the prepositional phrase "بمنطوق حكمها" (Literally 'verdict' or 'dispositif' in English) was expanded into "in its finding" which has a lexically broader meaning than 'verdict'. From the researcher's point of view, applying the tactic of 'lexical broadening' in such examples has negatively impacted the quality of the TTs.

7.7 Conjunctions

Explicitation occurs as a result of rendering the implicit logical relations in the ST by new cohesive ones in the translated texts via the addition of some conjunctions as below exemplified:

ST	TT
1. مفاده أن المشرع قد وضع قاعدة خاصة تتعلق بالأحكام القابلة للطعن بالتمييز تطبق دون غيرها مؤداها جواز الطعن في الأحكام الصادرة في الموضوع وتنتهي بها الخصومة كلها أو جزء منها أمام محكمة الاستئناف	This means that the legislature sets a special rule on judgments capable of being appealed by cassation which should be exclusively applied. **Accordingly**, it is possible to appeal before the Court of Appeal against judgments on the subject-matter which finally settle the litigation wholly or in part.
2. متى استخلصت المحكمة ذلك فإن التكييف القانوني لما قصدوه وإنزال حكم القانون على العقد هو مسألة قانونية تخضع لرقابة محكمة التمييز، وكان الثابت من الأوراق أن المتخاصمين وآخرين اتفقوا على تصفية شركة كانوا يملكونها	as long as the court can derive such intent, the legal adaptation of such intent is a legal process that falls within the control of the court of cassation. **However**, it is established from the papers of the case that the litigants and others agreed to dissolve a company they had jointly formed.

These examples support the rationale that (Blum-Kulka ,1986) provides to justify the use of explicitation as she attributes the use of explicitation to create a translation that meets the stylistic norms of the TL. Syntactic explicitation in manifested in the above table, where a resultative conjunction "accordingly" is added by the translator in example (1), in which no corresponding equivalent device is found in the ST. The TT explicitly sets up the semantic relation of result via separating

the two clauses and inserting the resultative conjunction, while a nominal sentence "مؤداها جواز الطعن في الأحكام " holds the meaning of result in the ST. Explicitation shift is, therefore, established in the translated text via the addition of new cohesion: conjunctions. One should also note that although translators have offered a coherent rendition and maintained the same logic by capturing the intended logical relation in the Arabic source text, they employed conjunctions in which they added to separate the long structure used in Arabic according to each case. In so doing, they facilitate the processing and comprehension of texts, and hence, help increase the readers' understanding and reduce further processing effort. This aligns with what Baker (1992) states "English relies on a highly developed punctuation system to signal breaks and relations between chunks of information. Unlike English, Arabic prefers to group information into very large grammatical chunks. It is not unusual for Arabic paragraphs to consist of one sentence. This is partly because punctuation and paragraphing are a relatively recent development in Arabic" (p. 193).

In example (2), the translator changes the type of the cohesive device set up in the ST where he substitutes the multifunctional (و) into an adversative relation signaled by the explicit contrast marker "however" because he probably feels that (و) is not semantically strong enough to carry the contrast, since it is being commonly used as a default discourse marker in Arabic. Such substitution of cohesion adds further explicitation to the text, as it made the adversative relation holding between the two sentences more explicit and logical.

7.8 Semantic broadening:

It occurs when an SL unit has a singular form transferred into plural form in TL which changes the semantic meaning employed in the translated text to maintain generic sense as below exemplified:

ST	TT
1. بحيث يبين منها **العيب** الذي يعزوه الطاعن إلى الحكم وموضعه منه وأثره في قضائه	and shall state the **defects** of the appealed judgment, the Appellant's position wherefrom and the effects thereof.
2. إذا ما وجدت في أوراق الدعوى ما يكفي لتكوين **عقيدتها**.	.. whenever it finds in documents of the case that which is sufficient for the court to reach its **convictions**.

Semantic explicitation is above manifested, where the singular noun "العيب" in example (1) is rendered in the plural form "defects" and "عقيدتها" in example (2) is delivered as "its convictions", where translators abided by the text flow preferences and target language norms to avoid having an end product that reads like a translation.

8. Conclusion

The contrastive text analysis conducted in the present paper aimed at studying how translators were able to use various explicitation strategies to facilitate the transfer of meaning of the source text to their target readers. The results of detecting explicitation techniques confirmed the role of translators as communicators. In other words, the target texts would not have been explicated without the translators' understanding of the differences between the two languages and their own role as text mitigators.

The data analysis revealed the following findings:

Addressing the study's initial objective, stated in research question 1, the prevailing textual genre exhibits a preference for explicitation during the translation of court rulings from Arabic to English. Consequently, the substantial occurrence of explicitation instances aligns with the widely acknowledged notion that translators commonly resort to explicitation in the target texts (TTs). In response to the second question of the study, the manifestations of explicitation displayed diverse patterns, encompassing several instances such as:

a. Addition of nouns, verbs, adjectives or full sentences to disambiguate the context.
b. Expansion of some expressions with one unit in the ST is distributed over several units in TT.
c. Division of long sentences into two sentences when translating from Arabic into English.
d. Addition of connectives and linking ties to explicate the implicit logical relations.
e. Lexicalizing ST pronouns to make their referent more explicit in the TT.
f. Use of plural forms instead of singular forms.

As for the third research question, explicitation does not confine itself to a particular linguistic level; rather, it can be observed across various language levels, including lexical, syntactic, semantic, and textual dimensions. Considering the fourth research question, the analysis revealed that the translator's choice of explicitation could be attributed to the following factors:

a. Achieving cohesion and coherence which manifests itself in the presence of all types of explicitation i.e. syntactic, semantic, and textual in addition to meeting the stylistic norms of the TL.
b. Preventing any breakdowns in communication, where certain words are added as a preventive measure to avoid ambiguity. In

order to alleviate the comprehension load for the TT readership, translators tried in many cases to explicate the logical relations between sentences in the translation corpus. The addition of sentence connectors was to explicate the various semantic relations between sentences helped enhance text readability and lead to better comprehensibility. Syntactic explicitation by explicating the heavy use of long syntactic structures via adding linking ties and spelling out the implied logical relations to minimize the load of comprehension. Such instances of explicitation were manifested through the division of sentences and addition of personal subject nouns to maintain the flow of ideas and grammaticality or to disambiguate the subject of the statement.

c. The function of avoiding ambiguity was found to be a major motive behind the use of many explicitation techniques, as detected in the analyzed translations, where various explicitation techniques were used. Lexical explicitation was depicted through lexicalizing the reference of deictic words and pronominal reference items or attached pronouns because they were separated by many sentences from their referent nouns, and translators felt that it would make a problem for the readers to capture the intended meaning without this lexicalization. Expansion of lexical items was witnessed by adding one or more words rendering the TT more explicit by choosing not to let the readers retrieve or comprehend the implied meaning of such lexical items from the context. Translators, sometimes, added lexical items which were understood from the context of the ST in order to resolve potential ambiguity to minimize the load of comprehension by being even more explicit.

d. Adding extra explicitness: sometimes, the use of explicitation techniques is not so much to avoid ambiguity but to add extra explicitness which may help in alleviating the processing efforts for the TT readers. Translators used such explicitation techniques to ward off ambiguity in cases that did not require explicitation, where they sometimes did not actually explicate something ambiguous, but just wanted to be more explicit. In other words, they sometimes tried to leave their personal touches in translation by adding words, and phrases which did not add new meaning but only made their translation more explicit.

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