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## **The Translation of Speech Acts in Arabic Legal Documents: A Case Study of Palestine Divorce Contracts**

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**Abstract:** This study deals with the translation of speech acts in legal documents from Arabic into English. It aims at describing the translatability of speech acts to determine whether there are meaning loss or meaning gain and the reasons behind that. In doing so, the study follows Searle's speech acts concept and taxonomy since Searle's taxonomy is based on the illocutionary force of the speech act. Being a qualitative study, samples of translated divorce contracts have been collected from Palestinian sworn translators and translation certified offices. Speech acts have been identified, categorized, and analyzed based on Searle taxonomy. Then, the translation of the speech acts is analyzed in terms of the meaning of the illocutionary force of the different speech acts. The study has revealed that the illocutionary force is conveyed completely in some cases. In other cases, it is affected by the translators' choices in using active voices instead of passive voices, present perfect and simple past instead of simple present, mistranslation of some verbs expressing directive force, probability modals instead of prohibition modals, style shift from direct speech into indirect speech, and omission of introducing verbs of speech act force. It is concluded that both semantic and pragmatic norms should be taken into consideration in translating speech acts of legal documents, which optimize Arabic - English legal translation.

**Keywords:** legal translation, meaning gain and meaning loss, pragmatic meaning, speech acts

### **Introduction**

Translation is essential for effective communication between languages and cultures (Bernacka, 2012, P.110). Translators are intermediators who connect various language systems, and conciliate intercultural elements (El Ghazi & Bnini, 2019). Newmark (1991) defines translation as "replacing a message or a text in one language by a message or a text in another language" (p.27). However, for the translation to be correct and meaningful, words have to be transferred correctly to resemble their original meanings without any distortion (El-dali, 2011). Accordingly, Wong and Shen (1999) point out that a competent translator should be knowledgeable and well-versed in TL in order to comprehend its multiple conceptual and thematic connotations. Unsatisfactory work would arise from a lack of expertise in technical texts particularly. Many mistranslations may occur because of translators' wrong understanding, relating to a lack of accuracy to the source language (SL). As legal texts are technical texts which need special attention, El Ghazi and Bnini (2019) state that adopting certain approaches when translating a legal document is seen as a vital step in assuring accuracy. Translators should concentrate on merging functional and pragmatic perspectives in legal translation in order to achieve that.

In the Palestinian context, according to Thawabteh and Najjar (2014), the lexical and semantic difficulties encountered by the Palestinian translators are attributed to a lack of linguistic understanding and inadequate training. Elhajahmed's (2017) argues that problems of legal translation may arise from a lack of understanding of the source text, lack of translation skill, or inability to develop more effective target texts.

The mistakes that occur at the textual level can be caused by not applying the necessary methods for producing coherent and cohesive English target texts. This is because translators may be extremely driven to translate literally. The translators may neglect accurate translation techniques. They may also follow the source text's word order without considering the TL's semantic features. This study describes the problems of translating speech acts in legal documents of divorce translated by Palestinian sworn translators in Palestine. The objectives of the study are:

- To categorize the speech acts in Palestinian divorce contracts, following Searle's taxonomy;
- To describe translatability of speech acts from Arabic into English;
- To specify the reasons behind meaning loss and meaning gain of the speech act force.

Related studies like Haddad (2022), Khammari (2021), El-Dakhs & Ahmed (2021), Alghazo et al., (2021), Alhusseini, Abbas, & Abed (2017), and George (2018) deal with types and categorization of speech acts in different contexts of request, suggestion, apology, congratulating. However, none of them has examined the translators' influence in conveying the original force of the speech acts in the Palestinian context.

**Literature Review**

Searle (1975) examined and refined the speech act theory; he came up with a new classification of speech acts as follows: First, 'representatives' where the speaker is committed to the truth or falsehood of their proposition; in this group, utterances are judged as either true or false. For Searle the verbs like 'boast and complain' are both representatives because they tackle speaker's interest. In addition, 'conclude' and 'deduce' are also representatives since they link the representative illocutionary act to the context of utterance. Second, 'commissives', which address the illocutionary acts which impose certain actions on the speaker; this makes the world fit the words. This encompasses promising, vowing, betting, and opposing. Searle enlists promise under this group; he considers 'promise' as a kind of request to oneself. Third, 'expressives' in which speakers express their feelings towards an utterance. This includes verb such as thank, congratulate, apologize, condole, and welcome. In expressives, one cannot say, "I apologize that I stepped on your toe." The correct structure is "I apologize for stepping on your toe".

In addition, "I congratulate you that you won to race" is not accurate. Instead, "I congratulate you on winning the race" is the correct one because the purpose of the utterance is not to claim that hearer's foot was stepped on nor to get it stepped on. This category pre-supposes the truth of the utterance. This category includes apology, complaints, and thanks (Searle,1975, p.355-359). Then, the 'declarative': in this category, the performance of action in reality depends on the utterance. For example, in the statements, "I declare your employment is terminated", and "you are fired", the utterance of appointing or firing makes the addressee appointed or fired. The utterance changes the status in the world by the word. The last category is the 'directives' whose utterances attempt to force the hearer to do something. This category includes verbs like to invite, suggest, or insist. The world fits the words in this category and sincerity condition is either want, wish or desire. (Searle,1975, p. 354-358). Moreover, all the speech acts must be achieved, respecting certain principles "Make your conversational contribution such as is required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged. One might label' this the Cooperative Principles" (Grice, 1989, p. 26).

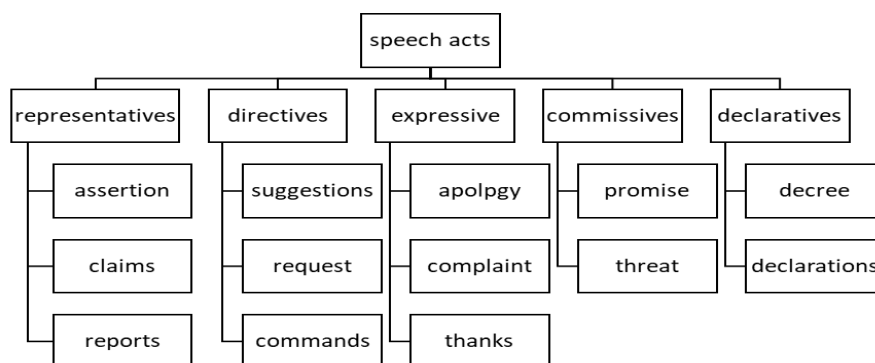


Figure 1. Speech acts classifications based on Searle' Model (1975)

## 1. Speech Acts

According to Al-shaer (2013), speech acts are culture-specific; thus, misunderstanding may arise in intercultural communication due to cultural differences because communicators are unfamiliar with the other language's cultural norms. Therefore, it is necessary for people to learn not just the language but also the culturally acceptable manners for performing speech acts in the target language. An example of potential misunderstanding between an English and some Arab communicators would be the invitation from an English person: 'Would you like to have a cup of tea?' The Arab person can refuse by saying: 'Thank you'. The English person would not probably take it as a refusal because English people usually respond to an invitation by saying 'thank you' regardless of the response can mean acceptance or decline of the invitation. The response should be 'No, thank you' in order to refuse the invitation (Al-Shaer, 2013. p. 223). Gass and Neu (2006) attribute such a misunderstanding to the fact that speech acts are performed in different ways across cultures, and these variances can lead to communication problems ranging from the funny to the serious. However, Speech acts are translatable between English and Arabic in spite of the cultural and structural differences between the said pair of language (Al-Sulaimaan, & Khoshaba, 2017, p.97). This study explores the translation of speech acts in the Palestinian divorce documents of sharia court to investigate if the force of the speech acts. Therefore, the study is done following a methodology, which is the backbone of a research.

## Methodology

This research is a descriptive qualitative research, which aims to analyze the translation of the speech acts from Arabic into English in the Palestinian divorce contracts. First, Searle's (1975) taxonomy of the illocutionary force is used to explain the illocutionary force of the speech acts as follows: representatives, directives, commissive, expressive, and declarations. Afterwards, the translations of the identified speech acts are analyzed and compared to the Arabic version to describe language phenomena relating to meaning loss resulting from translation and hinders conveying the intended illocutionary force of the source language speech acts.

The data consists of translated divorce documents from Arabic into English which are collected from licensed translation offices and sworn translators who translate at sharia courts in Palestine. Data are collected manually. The source texts and the target texts are wholly read and data which incarnate speech acts are identified, collected and analyzed, using purposeful sampling, open-ended data collection, and personal interpretation. Therefore, data that demonstrate specific linguistic features of speech acts and their translatability are analyzed (see Creswell, 2009; Saldanha and O'Brien, 2014; Kumar, 2011). Lopez and Whitehead, 2013, p.124) suggest that in Qualitative research, a non- probability sampling method should be applied. Thus, particular sharia court documents are used to study a specific topic, which is the translation of speech act's illocutionary force; the sampling criteria may share some specific characteristics (Lopez and Whitehead, 2013, p.126, 127). Based on the inclusion criteria, the chosen data for the study would be the divorce contracts. The reliable choice of the data and samples guarantee the reliability of textual data analysis results.

## The Findings

This section describes the translation of speech acts in Arabic and English divorce contracts. First, the speech acts will be identified and categorized based on Searle's taxonomy. Afterwards, the translation of the speech acts into English are described to determine translation phenomena that can cause meaning loss or meaning gain of the speech act force.

### 1. Representatives

In this category, utterances commit the speaker to the truth of the expressed proposition (Searle, 1975, p.354). In the samples under study, five representative speech acts are identified as follows:

*First: تصادقا /tasadaqa/ Confirmed*

In the following sentence: 'تصادقا على قيام الزوجية الصحيحة' 'who confirm that a state of matrimony', the speech act is representative because the utterances commit the speaker to the reality; the council was convened; the

witnesses were identified; and the marriage was confirmed. The following table shows the translations of 'تصادقا' /tasadaqa/ in the documents:

Table 1. Translation of تصادقا/tasadaqa/ in divorce documents as a representative speech act

Source Text	ST Document No	English Translation	TT Document No.
تصادقا	7-10, 12-15, 18-19	confirmed	7-10, 12-15, 18-19
	17	authenticated	17
	20	approved	20

This applies to TT divorce documents 7, 8, 9, 10, 12, 13, 14, 15, 18, and 19 where all translators translated it as 'confirmed'. However, in documents 17 TT and 20 TT it is translated respectively as 'authenticated' and 'approved'. All of the above translations achieve the representative force of التصادق by translating it as either: 'confirming, authenticating or approving'.

*Second: سيق ان اوقعت عليها طلاقا /sabaqa an awqato alayha talaqan/ I divorced her previously*  
'preceded by a first time revocable divorce'. In this case, the illocutionary force is representative because the husband commits himself to the fact of divorcing the woman previously. In documents 4, 5, 6, and 11, it is translated as follows:

Table 2. Translation of سيق ان اوقعت عليها طلاقه اولى رجعية as a representative speech act

Source Text	ST Document No.	English Translation	TT Document No
وسبق ان اوقعت عليها طلاقه اولى رجعية	6	irrevocable divorce and preceded by a first-time revocable divorce.	6
	5	He divorced her before	5
	11	I have previously given her two statements of divorce	11
لم يسبق لي ان اوقعت عليها طلاقا	4	I have not divorced her before	4

In the above translations, the illocutionary force has been achieved; all of the translations convey the status of the woman; the divorce. Nonetheless, in documents 5, and 11, the active voice is used, which makes the force more powerful than 6 where the passive voice obscures the agent.

*Third: /taqarrar tablighaha/ It is decided to inform her*

In documents 14, 18 and 9, 'تقرر تبليغها' is translated as 'it is decided to inform her duly' and 'it has been decided to—'. The illocutionary force is representative where the utterance commits the husband to what has been decided by the judge in the session, where the representative illocutionary force is conveyed through translation. However, the mother-tongue interference is clear through using the passive voice in the translation. 'I decide to inform her' is more powerful than 'it has been decided'.

*Fourth: /waqa menhu ala zawjatehe talqa' He divorced his wife*

'I explained to the husband that he divorce his wife one retroactive divorce'; the document 3 TT has a representative illocutionary force where the sharia judge commits the husband to the fact of divorce between him and his wife. This applies to documents 1, 2, 3, 4, and 5 where the sentence is translated as 'he divorced his wife', and 'he has concluded a revocable divorce', or as 'the wife is divorced from her husband'. Documents 1, 2, 3, and 4 use verbs which represent the real-life situation of the divorced wife; this achieves the illocutionary force of the speech act in this utterance.

## 2. Directives

In this category, utterances attempt to force the addressee to act in a certain way (Searle, 1975, p.355). In the collected samples, three directive speech acts are identified as follows:

*First: لا تحل له / la tahelu lah / She is not permitted to him*

'لا تحل له الا بعقد ومهر جديدين' (19 ST), 'she is no longer his wife unless they conduct a new marriage certificate and a new dowry' (19 TT). In this case, two illocutionary forces are produced by these utterances. First, a directive where the wife is directed not to remarry her ex-husband except with a new marriage contract and a new 'mahr'. On the other hand, a declarative illocutionary force is achieved by the verdict in that a divorce contract changes the situation (the world) and prevents the divorced couples from marrying again except with some conditions.

'لا تحل له' 'la tahl lahu' means 'لا يجوز له ان يتزوجها' 'la yajooz lahu an yatazawajaha' it is prohibited for him to marry her. This phrase is translated in various collected documents as: 'She could not become his wife again, she is not permitted to him, she cannot return back to him, she shall not be entitled to him, she is no longer his wife unless they conduct a new marriage certificate, and she only becomes his wife if she has a new marriage'.

In documents 2, 3, 7, 8, 10, 12, and 13, it is translated as 'Cannot, and could not'. Can / cannot indicate the possibility and the impossibility of doing something. The use of can and cannot in this case conveys the impossibility of returning to the husband. However, it does not indicate the prohibition and the directive illocutionary force intended in the Arabic sentence. لا تحل. Therefore, the translations of documents 6, 11, 15, 16, 17, and 18, which use 'shall not', and 'not permitted to' are more successful in conveying the directive force of prohibition than the use of 'cannot, could not'. In document 19, it is translated as 'She is no longer his wife unless they conduct a new marriage certificate', and in document 20 it is translated as 'She only becomes his wife if she has a new marriage' the conditional (unless, and if) is used to express the notion of prohibition without new marriage contract and a new 'mahr'.

*Second: عليها العدة الشرعية: alaiha alidda asharia, 'she has to observe iddat'*

'عليها العدة الشرعية' (17 ST) 'she shall observe the period of continence 'iddat' (17 TT). The illocutionary force of this sentence is a directive one where the speaker, the judge gets the hearer (the divorced wife) to perform an action; to observe the period of continence 'iddat', and not to remarry unless the iddat ends.

'عليها العدة الشرعية' is given the following translations: She has the waiting period udda, 'she must complete her legal period (udda), She has to start her legal waiting period, she shall commence/ abide by/ observe the legally prescribed waiting period'.

In TT documents no 2, 3, 4, 7, 8, and 11, the translators used 'has' to indicate the obligation imposed on the divorced wife to abide by the 'idda': the waiting period before remarrying. 'Has' is a possession verb; it carries the meaning of possession and not obligation. Therefore, this is not the right translation since it does not convey the directive sense of the Arabic sentence. On the other hand, in documents no. 5, 6, 12, 13, 15, 17, 18, 19, 20, it is translated as 'has to', 'shall', and 'must'. 'Must' is weak in legal texts; the use of 'shall' is preferred compared to 'must' in the said texts.

*Third: اقرر تسجيل ذلك وتبليغها /Oqarrer Tableghaha/, I decide to register this*

'اطلب/ اقرر تسجيل ذلك وتبليغها' is a directive illocutionary force where the judge asks the addressee to document the divorce and to inform the wife. The translation of 'اطلب/ اقرر تسجيل ذلك' comes as follows: 'It has been decided to inform her, I decide to register/record this divorce, I acknowledged with registering it, and this decision shall be recorded'.

Twelve translators translated 'اطلب/ اقرر تسجيل ذلك' as: 'I decide'; this conveys the instruction of the judge to the clerk to register the said divorce document in the court's register. In documents no. 1, and 19 translators used the passive voice; this does not affect the directive illocutionary force; however, it weakens the role of the agent 'the judge'. In document 16, the simple present perfect is used and it is read 'I have decided'. Present perfect is used to express an action which occurred within a present time frame where the action began at the same defined or undefined point in the past and continuing until the present moment. This does not satisfy the intended meaning of 'اقرر تسجيلها'; the judge did not take the decision at undefined point in the past, rather, he decided during the sharia council at the time of speech. Therefore, the present tense 'I decide' is more accurate.

The surface structure for the directives is active not passive; it comes as follows: I+ verb (that)+ subject, e.g. I order you to leave, whereas the deep structure is: I +verb you+ you will (with deletion of the repeated

'you' (Searle, 1975). The same applies to documents no. 1 and 19 where the English translation came in the passive and used the present perfect. In document no 17, the translation is: 'I acknowledged with registering it'. In Blackwell (2008, p.13) 'to acknowledge' is to admit or confirm; to accept responsibility. Thus, 'Acknowledged' as a verb does not give the force of decision. Therefore, the directive force of the speech act is not achieved in this translation.

### 3. Commissives

This category expresses the illocutionary acts which pledge the speaker to a certain action in the future. (Searle, 1975, p.356). In the targeted texts of this study, three commissive speech acts are found:

*First: ابرأت تتعهد ان لا تطالب tatahad ala tutaleb, she pledges not to claim*

In document no 8 'تتعهد ان لا تطالب باجرة مسكن او حضانة' 'the wife pledges that she will not require the housing and custody fees' is a commissive illocutionary speech act where the utterance makes the divorced wife not to request any money for housing and custody for her son in the future. In this sentence, translators use the verb 'pledges' which clarifies the commissive nature of the Arabic sentence. Thus, the translation satisfies the intended commissive illocutionary force in this sentence.

*Second: ابرأت ذمة زوجي abra'to themata zawji, I absolve my husband*

'قررت الزوجة قائلة: انني ابرأت ذمة زوجي من جميع ما استحقه عليه' 'I absolve my husband of responsibility for all I deserve' (document no 13). In this sentence, the illocutionary force of the speech act is commissive where the divorced wife promises to clear her ex-husband from any financial claims. This changes the state of the world by releasing him from any case or claim in the court. This applies to documents no 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20. For 'ابرات ذمة زوجي / ابرأت ذمة زوجي', translators give the following translation: 'I absolve my husband of, I exempted, I absolved, I acquit/ I acquitted, I waiver, and I exonerate'. In document no 13, 9, 12, 15, 16, 17, 18, and 19, translators use the present simple to indicate the ابراء/ibra', the declarative force of the speech act is, therefore, achieved. However, in documents no 7, 8, 10, 14 and 20, the translators use the past simple, which grammatically refers to an action that happened and ended in the past. Instead, present simple is used. Thus, the translators, in document 13, 9, 12, 15, 16, 17, 18, and 19, are more successful in conveying the declarative force better than in document 7, 8, 10, 14 and 20.

### 4. Declaratives

In this category the word changes the reality; it includes:

*First: زوجتي طالق zawjati taleq, my wife is divorced*

'قرر وهو في الحالة المعتبرة منه شرعا قائلا زوجتي ومدخولتي بصحيح العقد الشرعي والغائبة عن المجلس من سكان---- طالق من عصمتي وعقد نكاحي طلاقه الثالثة بائنة بينونة كبرى وانه سبق ان اوقعت عليها طلاقه اولى رجعية' (ST 6)

'he confirmed while being in the legal considerable manner saying that my wife according to the true but legal contract who is absent from attending the council named ----, USA citizen, is hereby divorced, as irrevocable divorce, and preceded by a first time revocable divorce on' --- (6 TT)

The illocutionary force in this sentence is declarative where the declaration of divorce between the couples changes the situation in the world; the utterance interrupts the relationship between the spouses; they become divorced instead of married. This applies to 'revocable' and 'Baen' divorce of documents no 1, 2, 3, 4, 5, 6, and 11. The utterance of divorce comes in different forms as follows:

Table 3. Utterances of divorce in divorce documents

ST sentence	ST No.	English Translations	TL No
زوجتي طالق من عصمتي	1	My wife is revocably divorced	1
	4,6	My wife is hereby divorced	4,6
	11	I divorce my wife	11
زوجة موكلتي طالق من عصمته	5	My principal wife is divorced from him	5
انت طالق	2,3	You are divorced	2,3

All of the translations above convey the declarative speech of divorce and separation between the couples. In document no 11 it is translated as 'I divorce my wife'; here, the speech act is stronger due to the use of active voice instead of the passive voice. Therefore, translation in document no 11 is more successful in conveying the declarative force than in documents no 1, 4, 6, 5, 2, and 3.

*Second: انت طالق/anti taleq/ You are divorced*

In documents no 2 and 3 of the ST 'خاطبتُها بقولي لها: انت طالق', 'I addressed my wife by saying to her: you are divorced' (document no 3 of TT). Here, the intended illocutionary force is declarative where the husband, through utterances, changes *status quo*, which makes the couples separated instead of doing a reconciliation. By this translation, the declarative force is achieved.

*Third: له حق مراجعتها lahu haq murajateha, he has the right to return her:*

'له حق مراجعتها' 'he has the right to return her to his marriage bond' is intended to create a declarative illocutionary force, where the utterances change reality by announcing the husband's right to return his wife to his marriage bond. This applies to documents no 1, 4, and 5. 'له حق مراجعتها' has a declarative force and it is translated in 1, 4 and 5 as follows:

Table 4. Translation of له حق مراجعتها as a declarative speech act

ST sentence	ST No.	English Translations	TL No
له حق مراجعتها	1,5	He has the right to return her to his marriage bond	1,5
	4	He shall have the right to get back to her	4

'He has the right to' means 'يجوز له مراجعتها، يحق له مراجعتها'. Thus, 'May' can be used as indicated by Sabrah (Sabrah, 2003, p. 49). In addition, 'is allowed to' and 'is entitled to' can be used to give a stronger force for the speech act. 'Shall' is the strongest in expressing the right of somebody to do something; it expresses the obligation, which achieve the performative intention of the utterance.

## Discussion

In response to the first objective on the types of speech acts used in Arabic divorce documents, they are found to fall into four categories: representatives, directives, commissives, and declaratives. In response to the second objective, the study concluded that translators succeeded in conveying the force of the 4 representative speech acts except one translator in translating the fourth speech act of 'افهمت الزوج' 'I explained to the husband'. In the directive speech acts category, almost half of the translators succeeded in conveying the original force of two speech acts, they are: 'لا تحل له', 'she is not permitted to him' and 'عليها العدة الشرعية', 'she shall observe the iddat', the other half failed. However, in 'اقرر تسجيل ذلك', 'I decide to register it', the vast majority of the translators succeeded in conveying the speech acts meanings.

In the commissive category, 'تتعهد الا تطالب', 'she pledges not to demand', is completely conveyed by all translators. In addition, most of them achieved the force of the speech act in 'ابرات نمة زوجي', 'I acquit my husband from -'. Nonetheless, in the last category of the declarative speech act, the force has been achieved in: 'له حق مراجعتها انت طالق، زوجتي طالق', 'my wife is divorced, you are divorced, he shall return her' despite some meaning loss. Responding to the third objective, it is observed that there is a failure to achieve the force of the speech acts. In the first category of representative, omission of the verb 'understand' in one of the translations of 'افهمت الزوج' affected the illocutionary force of the speech act. In the second category, there is a shift of voice from active into passive, and the use of present perfect instead of the present tense weakened the illocutionary force of the speech acts. However, the wrong choice of the verb 'acknowledge' instead of 'decide' has been found to affect the illocutionary force completely.

In the commissive category, the use of the past tense, 'acquitted' affects the force and makes the sentence informative instead of commissive. Finally, in declarative category, the use of 'has the right to' instead of 'shall' has affected the force, and the shift from the direct speech into indirect speech has also affected the force of the speech act.

Translators have conveyed the representative force of the speech act of 'تصادقا' in all English documents which contain it; they are documents no 7-10,12-15, and 17-20 where it was translated either as 'confirmed, approved, or authenticated'. This is the case also with 'تقرر تبليغها' in documents no 14, 18, and 9 where the representative force of the speech act was accurately translated by using 'it is decided/ it has been decided' to inform her. In another example, 'سبق ان اوقعت عليها طلاقا' the representative force of the speech act has been conveyed; however, some translators have affected the speech act force through shifting the voice into passive as in 'she is hereby divorced'. In 'افهمت الزوج بان زوجته قد بانت منه' the representative force has been achieved in all cases of translation except for document no 20 where the verb 'افهمت' which is the core of the speech act is dropped from translation. 'لا يجوز له ان يتزوجها' means 'لا تحل له' are directive speech acts. In 7 documents out of 15 documents, translators have failed to convey the directive force of the speech act due to the use of probability modals (cannot) instead of prohibition modals. Other 8 translators have succeeded in conveying the directive force either by using 'shall not', not permitted to, or the conditionals. In the case of 'عليها العدة' 6 out of 15 have failed to reproduce the directive force of the speech act where 'عليها العدة الشرعية' means 'يجب ان تلتزم بالعدة الشرعية' since they failed to accurately translate the prohibition in the sentence, whereas 9 have accurately translated the speech act; the force has been, therefore, conveyed accurately in their translations.

However, some of them have used 'must' which is weaker than 'shall'. Another example is, 'اقرر تسجيل' ذلك' where 12 out of 16 translators have achieved the directive force of the speech acts by using: 'I decide, I hereby decide'. Nonetheless, a shift of active voice into passive in document no 1, and 19 has affected the force because it hides the agent who does the action. In document no 16, the use of the present perfect has influenced the force. This is because the present perfect means that the action began in the past and continues till now. The use of the present 'I decide' gives the force of declaring the decision at the moment, not in the past till now. In document no 17, the use of the verb 'acknowledged' is a wrong choice to express the meaning of 'اقرر' 'I decide'. Commissive speech acts are found in 'تتعهد الا تطالب باجرة'; all translations have accurately conveyed the commissive speech acts. In addition, in 'ايرأت ذمة زوجي' 8 out of 13 translations have achieved the commissive force of the speech acts, whereas document 5 the translator committed a grammatical error due to the use of simple past which affects the speech act and makes the sentence informative or descriptive. In the translation of the next speech act 'ايرأتها' 4 out of 8 translators rendered the commissive speech act accurately. Other four translators have not achieved the intended force. In document no.10 the past tense 'acquitted' is used; in documents no 7, and 8, the sentence, 'consider yourself free', indicates no commissive force of the utterance; in document no 12, the sentence, 'you are released', is informative with unknown agent. Concerning declarative speech acts, three of four speech acts the declarative force has been achieved; they are: 'زوجتي طالق', 'انت طالق', and 'له حق مراجعتها'. However, in 'له حق مراجعتها' the use of 'shall' is stronger than 'has the right to' in legal language. The force in the fourth speech act 'موكلتك طالق' has been accurately translated in 11 documents out of 13 documents. In the other two documents (18,19), the sentence structure is informative because the speech has been shifted from direct 'انت طالق' into the indirect, 'the waiving shall be in return for a first irrevocable divorce'.

In sum, based on above discussion, it is observed that the meaning loss of some speech act forces is not because of language peculiarities; it is because of the translators' violation of the maxims of cooperative principles, and preference, which affect, sometimes, meaning.

## Conclusion

This study aims at describing the translatability of speech acts to determine whether there are meaning loss or meaning gain and the reasons behind that. As a response for the first objective, the research reveals that the speech acts used in Arabic divorce contracts following Searle's taxonomy are: representative, directive, commissive, and declarative. For the second objective, it is found that representative, directive, commissive, and declarative speech acts have been rendered into Arabic with suitable speech act force in some documents. However, in some documents the speech act force has been affected. For the third objective, it is found that the speech act force is found to be conveyed in some documents because the translators pay attention to the pragmatic norms relating to Grice's (1989) cooperative principle of quantity, quality, relation, and manner. However, the research reveals that some speech acts are affected by the translators' violation of the maxims



of the cooperative principles. The translators' preference of using certain aspects (i.e. the passive voice instead of the active voice; the use of probability modals instead of prohibition modals; the use of the present perfect; the use of simple past affecting the speech act and making the sentence informative or descriptive; and the use of indirect style instead of direct style) has contributed to meaning loss in the translation. Therefore, translators should know that language norms (the options of language usage), translation norms (the various translation procedures which the translators can utilize to achieve accurate and acceptable meaning), and language peculiarities (language mandatory aspects) cannot be handled well in translating speech acts if the maxims of the cooperative principle are not respected. Considering meaning as a unit of thought, qualitative translation of speech acts of legal documents necessitates that the translators take translation decisions based on both semantic and pragmatic norms in order to optimize the translatability of legal speech acts from Arabic into English. Since this study is done on Islamic family legal texts, divorce of a specific country, i.e. Palestine, the study recommends that other study be done on other legal systems in order to optimize and generalize the conclusive aspects of this research.

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