

Dedication

We dedicate this work to our families starting by our parents, who helped us a lot, our teachers especially our supervisor, our colleagues and all people who helped us to release this research paper.

Acknowledgement

We would like to take this opportunity to thank many people without whose help and advice this thesis would not have been possible.

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General

Introduction

This research paper aims to outline the bright and the dark side of euphemism. In the increasingly complicated society, there is a rising tendency to avoid speaking directly about sensitive topics. In this atmosphere, a disturbing question that we can arise: is the widespread overuse of euphemisms undermining our ability to recognize euphemisms used as a tool of manipulation by some writers and translators.

The main focus of this thesis which is entitled

“The Difficulties of Translating Euphemism in the Legal Text an Analytical and Critical Study of the Family Law of the USA- State of Texas”

is to explore the use of euphemisms in Legal Texts and discuss the way in which it can be translated and also how can the way in which its translation alter our perception of inconvenient truths, since we usually define euphemism as one of the figures of speech which consist on the use of some agreeable or inoffensive words and expressions instead of some others which can be considered as unpleasant or offensive ones.

As translators we are required to translate this figure of speech keeping its meaning and form sometimes, since we know that translating does not mean only moving from one language to another but it is also transferring one idea from one language to another, from one culture to another and from one society to another, here appears clearly the translator’s role to find out the suitable way of reformulating this ideas or concepts in an acceptable form to the receiver who is from a different society, region, culture and maybe religion too, so the question here is how can the translators find out an equivalent which can keep the same meaning included in the figures of speech which are used in the source text and reproduce it in the same manner in the target one in the hope of creating the same reaction on the receiver, however when doing all this we may face the problem of cultural, social and religious interferences of our receiver so how can we reduce the mistakes and work for both the writer of the law text and the reader of our translation at the same time without harming

each of them, we can say that euphemism is one of the difficult figures of speech to translate since we know that some words and expressions are considered as forbidden in some societies according to their culture, traditions or religion also. Therefore, it seems to be natural to assume that euphemizing serves good purposes and lawyers use euphemisms with honest intentions, when their aim is not to hurt or offend anyone.

However, this research paper will show that using euphemistic expressions is much more complicated than this. As various articles, comments or blogs suggest, people are increasingly sensitive to avoid naming something's directly.

And the questions we are going to ask within this research paper are:

- ✓ Is it true that Euphemisms exist in the legal writings?
- ✓ If it is true, what are the ways and possibilities of translating them into the Arabic language?
- ✓ Can these translations of euphemisms be accepted by the receiver of this translation without any surprise effects?

To deal with, we will divide our research paper into three chapters in the first one we will define legal texts, show their main characteristics and the different figures of speech which exist and their use in a legal text, by defining the figures of speech and listing the different categories. At the end of this chapter we will take euphemism as one of these figures of speech, define it, show its different kinds and show its existence in the legal texts.

In the second chapter of this paper we will focus on the translation of legal texts especially the translation of some euphemistic words and expressions, focusing also on the use of the Skopos theory, and show the difficulties which may face the translator while

translating a legal text and the biggest problem here is how to translate the euphemisms used in a given text without affecting the text linguistics rules.

In the third chapter we will extract some examples of euphemistic words, expressions and even paragraphs from our corpus, show their existence in the legal text, give their translation and try to analyze and criticize the translation and try also to give some possible translations for these euphemisms, we have chosen to write this research paper in English since the English language and culture are too deferent from ours and are full of euphemisms or needs euphemisms while translating, and works in this issue are mostly released in the English language.

Introduction

Within this first part of our research paper we will introduce legal texts, give their main characteristics, and move to define the figures of speech, list the different kinds of figures of speech which depend on the use of each one of them and illustrating it by examples, then we will focus on one of these figures which is euphemism by defining it separately, giving its different kinds, and insisting also on its use in legal texts as a tool to be less offensive while writing or expressing some ideas.

We will also show the different kinds of euphemism and illustrate them with some examples to show the existence of this different figure of speech within legal writings or texts.

1.1. Definition of legal texts

We all know that law is a set of rules that guides our conduct in the society and it is enforceable through public agencies our relations from one another are governed by many rules of conduct starting from important concepts of ethics and fair play to minor etiquette matters such as which fork to use and how to introduce strangers to one another. We obey these rules since we think they are right or simply we desire the approval of the others. If we do not generally respect these rules, our government is not involved in expressing disapproval for the disobedience of these kinds of rules, and as - David Mellinkoff gives a definition in this issue and says:

“By means of written language national constitutions come into existence, laws and statutes are enacted, and contractual agreements between private individuals take effect. Spoken language is just as indispensable to the legal process. One need look no further than the courtroom, whether it be the interrogation of plaintiffs and defendants, the testimony of witnesses, the pleadings by attorneys, or the instructions from a judge to a jury. The legal implications of language continue to extend far beyond the courtroom – to the interactions between police and suspects, to conversations between lawyers and their clients, to law enforcement’s use of surreptitious recordings, and to such unlawful speech acts as offering a bribe, or issuing a threat, or making a defamatory statement. A little reflection suffices to reveal just how essential language is to the legal enterprise. Yet academic research on the intersection of language and the law is a relatively recent phenomenon, with much of the work dating from the 1980s. 2 “

The mention of legal language tends to conjure up in the mind of the law-person ‘legalese’ – that often incomprehensible verbiage found in legal documents as well as an arcane jargon used among attorneys. To elucidate how this ‘**Special Dialect**’ came about and how it differs from ‘**Ordinary English**’, researchers have turned to the language of the law as a linguistic phenomenon in its own right, tracing its evolution and noting the peculiarities of its vocabulary and sentence structure. In fact, one of the first scholarly publications about law

and language that I consulted was David Mellinkoff's monumental work named, **The Language of the Law**, published in **1963**, nearly two decades before linguists would turn to legal language. MELLINKOFF was not a linguist but he was a law professor at the (**UCLA**) **University of California Los Angeles** at the Law School, where he taught until his death in **1999**. In his book he covers the historical development of legal English, beginning with its Anglo-Saxon roots and continuing on through the Middle English period right up to the present day, while acknowledging along the way the contributions from Latin and French. He considers too some of the grammatical features of this style of language as well as the social and cultural significances. Although clearly indispensable as a source for serious research into the language of the law, this nearly 500-page tome probably contains more information than the casual reader may need to know.¹

¹ David MILINKOFF, "introduction to legal texts in English", 2014. P4.

1.2. Characteristics of legal texts

The characteristics of the Legal Texts are numerous but we can list some these characteristics and illustrate each one with examples as follows

1.2.1. The use of archaic or rarely used words and expressions

It is usually used to keep the originality of the legal texts, to clarify more and here are two examples. In which some archaic words and expressions are used.

*“Be it enacted by the Queen’s most Excellent **Majesty**, by and with the consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows.”²*

Therefore, in consideration of the foregoing and the respective representations, warranties, covenants and agreements set forth in this Agreement and intending to be legally bound hereby, the parties hereto agree as follows.

1.2.2. The use of binomials and trinomials

Which are also known as “**strings**” and are mostly used in the contracts and wills language, for example when we say

“The terms and conditions set forth in this agreement or when we say also This is the last will and testament of me or when we say also I give, devise and bequest all my property of every nature and kind”³

²<http://www.uniba.it/ricerca/dipartimenti/scienze-politiche/docenti/williams-christopher-john/materiale-didattico-williams-2013-2014/aa201314CharacteristicsoflegalEnglish.pdf> P4. downloaded on January 05th, 2016 at 10:00 p.m.

³ *IBID.* P 05.

1.2.3. The use of formulaic expressions

Since the legal English tends in general to the use of this kind of expressions for example

*“Do you swear to tell the truth, the whole truth, and nothing but the truth”*⁴

1.2.4. The use of French words or Latinisms

That is to say that the legal English contains some expressions which are from French and Latin language for example

*“At the **termination** of the contract or when we say the **defense** was that the plaintiff was not a **de jure** officer and that a **defacto** officer is not entitled to a salary”*⁵

1.2.5. The frequent repetition of some particular words, expressions or structures

Since the pronouns are rarely used that is to avoid ambiguity for example

*“Powers of vice-**chair**, Where a member of a Board is appointed to be vice-**chair** either by the Assembly or under regulation, and the **chair** of the Board has died or has ceased to hold office, or is unable to perform the duties of **chair** owing to illness, absence from England and Wales or any other cause, the vice-**chair** shall act as **chair** until a new **chair** is appointed or the existing **chair** resumes the duties of **chair**, as the case may be; and references to the **chair** in Schedule shall, so long as there is no **chair** able to perform the duties of **chair**, be taken to include references to the vice-**chair**”.*⁶

We can notice here the frequent repetition of the word “**Chair**” which is used to insist on this word which may have a big importance in this example.

⁴IBID .P 06.

⁵IBID .P 07.

⁶IBID. P 08.

1.2.6. The use of some long complex sentences with intricate coordination and subordination

For example when we say

Noting that, according to article 7, paragraph (A) of the Transitional Arrangements annexed to resolution **1966 (2010)**,

*“The Prosecutor of the Mechanism may also hold the office of Prosecutor of the International Criminal Tribunal for Rwanda (ICTR)”*⁷

1.2.7. The Syntactic discontinuities

This way consist on interruption of the natural follow of a sentence by inserting added information as in the following example

*“Developed country Members shall, **if requested by other Members**, provide copies of the documents or, **in case of voluminous documents**, summaries of the documents covered by a specific notification in English, French or Spanish”*.⁸

1.2.8. The use of passive form

Since in sometimes we do not need to mention the agent as when we say for example

*“If any term or provision of this Agreement **shall be deemed** prohibited by or invalid under any applicable law, such provision **shall be invalidated** without affecting the remaining provisions of this Agreement, the Original Agreement or the Loan documents.”*⁹

⁷IBID. P09.

⁸IBID. P10.

⁹IBID. P 12.

1.2.9. The use of the impersonal style

We proceed like this to keep the high formal language the impersonal style appears in the use of the third person as in the following example

“No one may be subjected to slavery, servitude or forced labor.”¹⁰

1.2.10. The use of some long lists

In sometimes we use some long lists as the following example:

“Person” means an individual, corporation, limited liability Company, partnership (limited, general or otherwise), association, trust, business trust, unincorporated organization, or other entity or group.¹¹

1.2.11. The use of nominalization

This consists on turning a grammatical expression into a noun phrase and this process is considered a common feature of formal language for example when we say

“An amendment to the Constitution of Canada may be made by proclamation issued by the Governor General “¹²

1.3. The use of figures of speech in legal texts

We all agree that the legal language is direct and clear one and this to make a pure and so clear language but its texts are still written and sometimes we cannot avoid the use of some figures of speech to speak about some specific topics and themes and this appears well in some examples as the term **“indecent exposure”** which appears more clearly euphemistic since we cannot use the standard definition of the term it contains a hidden message which is to speak unclearly about a sexual act, and it is used in the legal writings, and we have an

¹⁰IBID. P13.

¹¹IBID. P14.

¹²IBID. P14.

alternative for this term which is “**exhibitionism**” , which can be also used as a name for the act.

And we can list also the example of the “**act of God**” expression which is often found in contracts and insurance cases to substitute a natural disaster, since we know that all natural disasters are made by god. These examples and many others can show the existence of the figures of speech in the legal texts.¹³

1.4. Kinds of figures of speech

We all know that figures of speech are used in a given text to add more beauty for the used language, and sometimes it is used to involve some offensive ideas and messages threw suitable words, and these figures are divided into categories or groups according to the use of each one of them. These kinds can be listed as follows

1.4.1. figures Based on Comparisons

The figures of speech which are based on comparison are those ones which are used to compare between two things, in the aim of supporting one and rejecting the other and this kinds can be divided into six groups which can be listed as follows:

1.4.1.1. Smile

It is a word which comes from Latin word “*similes*”, means like, in this issue

Arthur Finley Scott (1983:268) gives a definition as follows

*“A simile makes an imaginative comparison for purposes of explanation, allusion, or ornament, introduced by a word such as ‘like’, ‘as’, or ‘such’. It can be simple, briefly expressed or long and sustained, known then as the epic simile”.*¹⁴

Meanwhile, Wren and Martin (1981:480) defined the smile as follows

¹³ <http://www.uniba.it/ricerca/dipartimenti/scienze-politiche/docenti/williams-christopher-john/materiale-didattico-williams-2013-2014/aa201314CharacteristicsoflegalEnglish.pdf>. PP. 10-20.

¹⁴ ENRIQUE ALCARAZ-VARÓ & HUGHES “The linguistics of legal English” PP. 1- 12-13- 14.

*“Simile is a comparison made between two objects of different kinds which have, however, at least one point in common”.*¹⁵

And the simplest example that we can give in this issue is

“My love is like a red rose”.

In which the writer compare his love to a red rose

1.4.1.2. Metaphor

X. J. Kennedy (1991:587) gives a definition in this issue as follows,

“The metaphor is a statement that one thing is something else, which, in a literal sense, it is not. There is the new transferred meaning. Metaphor can help a poet to achieve conversation, to arrange some words into little space and also shape a reader’s attitudes”.

1.4.1.3. Personification

X. J. Kennedy (1991:593) gives a definition for personification as follows,

“Personification is a figure of speech in which a thing, an animal, or an abstract term (truth, nature) is made human”.

1.4.1.4. Analogy

Despite certain similarities, an analogy is not the same as a metaphor. As Bradford Stull observes in *The Elements of Figurative Language* (Longman, 2002),

The analogy is a figure of language that expresses a set of like relationships among two sets of terms. In essence, the analogy does not claim total identification, which is the property of the metaphor. It claims a *similarity* of relationships

¹⁵IDEM.

1.4.1.5. Hyperbole

KNICKER Bocker (1963:367) defines the hyperbole as an exaggeration used for special effect. For example

“I’ll die if I don’t pass this course”,

The word “die” here is over expression. If we understanding into true meaning is it impossible.

1.4.1.6. Understatement

This kind is opposite to the hyperbole and it aims to achieve great effects by presenting things with under emphasis.

1.4.2. Figures Based on Association

This kind of figures of speech is divided into two kinds which can be listed as follows

1.4.2.1. Metonymy

This figure of speech can be defined as, the substitution of one term for another with which is closely associated, as when we say

“The white house decided”

And we really mean **the president died.**

1.4.2.2. Symbolism

This figure of speech can be produced by the use of some words with deep meaning for example when we say

“Some dirty dogs stole my wallet at the bus”.

1.4.3. Other Figures of Speech

This can be given just as a list in brief: Apostrophe, Irony, Alliteration, Onomatopoeia, Assonance, Antithesis, Paradox, Synecdoche, Transferred of Epithet, Allegory, Euphemism, Exclamation, Climax, Anti-Climax and Antonomasia.

1.5. Definition of euphemism

The origin of the word euphemism comes back to the 16th century, it is taken from the Greek “*eu*” which means ‘well’ and “*ph m*” which means ‘speaking’ from “*ph nai*” ‘to speak’. This concept can be defined as one of the ways which can be used to speak about some taboo topics or to say some heavy or offensive words in an acceptable way using some mild or indirect words or expressions to substitute some other words or expressions which are considered too harsh or blunt in order to refer to some unpleasant or embarrassing ideas, words or expressions. Euphemism can be used to speak about some specific topics such as death, sex, religion, and disability. Within these topics and others euphemism can also be named “Taboo deformation”, since the process consist on changing the image of harsh words into an acceptable one. For more explanation we can mention the following examples:

- ✓ When we say “**he passed away**” instead of “**he died**”.
- ✓ When we say “**sleep together**” instead of “**sex intercourse**”
- ✓ When we say “**Chronologically-challenged**” instead of “**late**”¹⁶

¹⁶http://www.oxforddictionaries.com/fr/definition/anglais_americaain/euphemism 11/04/2016-11:45 a.m.

1.6. Kinds of euphemism

As the other figures of speech Euphemism can be divided into some categories which can be determined according to the aim of euphemizing and the idea that we want to transmit to our receiver and this kinds can be listed as follows

1.6.1. Abstraction

We know all that euphemism serves to distance people from an offensive or an unpleasant truth, that is why we use to hide or abstract the true idea behind a suitable one as when we want to say that someone died we use to say instead “he passed away” to make the information less offensive.

1.6.2. Indirection

We use also the indirection as a form of euphemism to hide the true image of a given action and speak about it or express it in other words that the original one’s as when someone says “I’m going to the bathroom”.

1.6.3. Litotes

In some cases the euphemism occurs in the Litotes form which is one of the rhetorical devises in which the gravity or the strength of an idea is reduced or minimized as using double negative in reference to someone as being “**not unattractive**”.

1.6.4. Mispronunciation

The Mispronunciation or the alteration of pronunciation are also considered as a form of euphemism since in some cases we need to cut or mispronounce the word or expression in order not to be offensive with our receiver by using profanity as when we say

“frigging or shoot, jeez or cripes”

And this kind of euphemism can involve a sort of rhythm, alliteration or shortening which are also named “the minced oaths”

1.6.5. Modification

A modification can serve as a euphemism in some cases as when transforming a bluntly offensive noun into a euphemized one by converting it into an adjective, for example when we name someone if as he has **a socialist leanings**, better than libeling him **a socialist outright**.

1.6.6. Personification

In some cases people prefer not to mention the name of some things truthfully and this can be considered as a sort of euphemism, the case here is when we speak about genitals to which we assign personal names and here I prefer letting the reader think about some examples.

1.6.7. Slang

We all know that slang are derived to produce an exclusive vocabulary proper to a given social group, and much of those slangs are euphemisms as when we use of marijuana to mean a dope however, was taken from the Spanish names Mary & Juana.

In addition to this, euphemism can be used to create polite references for physical or psychological disabilities and this in the aim of according more respect to people.¹⁷

¹⁷7 Types of Euphemism By MARK NICHOL downloaded from: <http://www.dailywritingtips.com/7-types-of-euphemism/> 20/04/2016 14:33

Conclusion

Despite the fact that, all people believe that legal texts are direct and clear ones, this does never mean that this kind of texts does not include any figures of speech, and this appears clearly in the previous chapter, since sometimes we are obliged to hide some ideas and truths, that's why we have to use these figures of speech from time to time, among them we can find the euphemism which is usually used to speak about taboo topics as death, religion and sex.

The use of euphemism cannot be avoided since according to some cultures and religions it is forbidden to speak about some topics directly.

Introduction

The aim of this second chapter is to go deep in legal translation, and explain everything can be done in the process of translating legal documents. So, we will talk about the manner to translate this kind of text or, how can a legal text be translated. Besides, we will define legal documents and illustrate them by examples, and we mention every type of legal translation that exists. Within this chapter also, we will give the characteristics of the legal texts translator, who should be professional and holds the necessary skills to make the best translation. The legal texts translation also has specific characteristics that we should mention here and explain some of them. In this chapter also, there will be an explanation of difficulties in the process of translating legal documents, which are the most difficult among all translation work and we give the difficulties and problems that harden the work of translation through the legal terminology. This chapter also contains text linguistics, which is a branch of linguistics that deals with texts as a communication system. We will analyze this application of discourse analyses, and put the definition of text linguistics given by some book authors. We will also present its main elements which are: coherence, cohesion, intentionality, situationality, acceptability, informativity and intertextuality and explain each one of them with the deep analysis of its expressions and role.

At the end of this chapter, we will present the theory that we use in our research paper, which is the Skopos theory, and also called the theory of purpose in sometimes. Within this presentation we will give the deficiencies of this theory that are mentioned by some famous translators.

2.1. Legal Texts Translation

The legal translation is the process of taking one text from one language to another or foreign language with an adequate legal terminology, and it is the most special kind of translation for various reasons.

In this context, Hatim BASIL and Ian MASON said after making a research:

*“Official documents, such as certificate of birth or marriage are classified as legal texts, and they are among the most often specialized texts in the translation process because of their extensive public usefulness, and in a process of translating this kind of texts, the translator should have an idea of what a specialized text is, and the very first piece of advice in any translation process is to identify elements of a particular source text which seem a fundamental significance for translation that are characteristics of the specialized text and thus would be particularly important for translation”.*¹⁸

Through the given identifications, we can say that the translator of this kind of text has opportunity to produce the best possible translation to avoid pitfalls that can make its translation bad because the legal translation is more difficult than all the other kinds of translation and the translation process should be done through an extensive practical study, but the translators are concerned may use a specific kind of language in his work and particular system of terminology and specific rules of introducing terminological units into a text, namely its own cognitive syntax as soon as its translation serves to obtain clarity and precision of thought.

Hatim BASIL and Ian MASON¹⁹ give the types of legal translation in “The Discourse and Translation” which are listed as follows

¹⁸Hatim BASIL and Ian MASON, “Discourse and the Translator”, London: Longman, 1990. PP 40-48.

¹⁹IBID. PP 55-60.

- ✓ Translation of laws and other normative acts and their drafts.
- ✓ Translation of contracts and draft contracts
- ✓ Translation of court judgments, case law and judicature
- ✓ Translation of documents instituting proceedings complaints, applications
- ✓ Translation of power of attorneys
- ✓ Translation of opinions and expert reports

Finally, legal texts translation still a specific process of translation, in which the source text should be translated with the same legal effect as the original document, and the translation of this kind of text should be exact and correspond to the source text.

2.2. Difficulties in Legal Text Translation

The translation is already a complicated process that involves so many specific skills; however, translating legal texts is one of the difficult works among all translations.

Berenice WALTHER said in this issue that:

*“The **legal terminology** is what makes the translation difficult because each country has its own legal terminology as well as legal system is also different from another country even if the language they speak is identical and this translation requires professional legal translators that have the right academic background, and are backed by years of legal translating expertise and he must have also the competencies in three areas: **competency** in the target language’s particular writing style, **familiarity** with the pertinent terminology and **general knowledge** of the legal system of the source and target languages”.*²⁰

So, legal translation needs to accurate and correct translation and it is considered as direct information without mistakes that involves a complex legal process.

Due to this, the legal texts translator must be a part detective with the amount of research and work that needs to be done, in order to be able of decoding the source text and write its first meaning that will never, in any circumstances, deviate from the original content, even if an exact translation is not possible.

Concerning the difficulties of legal translation, Berenice WALTHER added in this issue:

*“There is no room of word translation when translating legal documents”.*²¹

So, translating legal texts from foreign languages is considered as more difficult than other technical translation because of its legal terminology and its ideas coherence,

²⁰ BERENICE WALTHER, “Difficulties in Translating Legal Terms”, London: University press 1999. PP. 28-34.PDF.Downloaded from:www.sure-languages.com/translation, on May 14, 2016 at 11 am.

²¹IBID P36.

which makes legal texts as one of the most difficult texts to be translated since in sometimes we are required to render the meaning as it was in the source text.

2.3. Text linguistics:

Text linguistics takes part within this second chapter, in which we will analyze it and mention everything that is related to this context.

To deal with, Tony MCENNERY and Andrew WILSON said in this issue that:

*“Text linguistics is a branch of linguistics which appears as new science that deals with texts as communication systems. Its original aims lay in uncovering and describing text grammars and making a syntactic analyses for sentences and texts, and the application text linguistics has, however, involved from this approach to a point in which text is viewed in much broader terms that goes beyond a mere extension of traditional grammar towards entire texts. Text linguistics takes into account the form of a text, but also it is setting the way in which it is situated in an interactional, communicative context”.*²²

Through the above definition, we notice that a lot of attention has been given to the sentences or to a text and not enough to the study of how sentences may be used in connected stretches of language, and it is essentially the text linguistics that collaborates in writing a coherent text that can be accepted by the receivers.

Some linguists gave their definitions about text linguistics as some of them are shown in the following:

Egon WERLICH said in this issue that

*“A text is an extended structure of **syntactic units** (text as super-extension) such as words, groups, clauses that are marked by both coherence among the elements and completions...whereas, a non-text consists of random sequences of linguistic units such as sentences, paragraphs or sections in any temporal or spatial extension”*²³

²² Tony MCENNERY and Andrew WILSON, “Corpus Linguistics”, Eden-brought: university press, 1995. PP. 117-125.

²³Egon WERLICH, “A text grammar in English”, Heidelberg: QUELLE and MEYER, 1967. P.23.

Both Robert Alain De BEAUGRANDE and Wolfgang Ulrich DRESSLER said in this issue that

*“A naturally occurring manifestation of language, as communicative language event in a context, the surface text is the set of expressions actually used; the expressions make some knowledge **explicit**, while other knowledge remains **implicit**, though still applied during processing”²⁴*

Generally, text linguistics is an application of discourse analysis at the much broader level of text, and every text should contain the different elements that are necessary.

²⁴Robert Alain DE BEAUGRANDE and Wolfgang Ulrich DRESSLER, “introduction to text linguistics” London, New York: Longman 1981. P.63.

2.3.1. Cohesion

The first necessary element of text linguistics is cohesion, which has a role to do in giving to a text the comprehension when reading by the receivers.

In this issue, both, Mark Alexander Kirkwood HALIDAY and Ruqayia HASAN said:

“Cohesion concerns the ways in which the components of the surface text are connected within a sequence by linking sentences and ideas to make a semantic unit in one text, and surface texts are the exact words that people see or hear, and grammatical forms and conventions are adhered by surface components and therefore, cohesion rests upon grammatical dependencies and these grammatical dependencies in surface texts are major signals for sorting out meanings and uses.”²⁵

After analyzing the above given definition, we can understand that Cohesion is very important to make texts understandable and having all the functions that can be used to show the relations between surface elements as we can explain it in the following example:

“Slow, children at play”.

This example means; stop! There are children who are playing there. In this sentence there is cohesion because we respect the syntactic rules that the sentence bases on. But if we change the words order in the sentence as to say: **“Children play, slow at”** the sentence will not be understandable.

For this, the text will be divided into various dependencies. Someone might form it as a notice about the given example; the conclusions could be drawn about the need to drive slowly in order to avoid an accident where children are playing.

²⁵ Mark Alexander Kirkwood HALIDAY and Ruqayia HASAN, “cohesion in English” London- Printer, 1976- PP 3-4

For an efficient communication, there must be an interaction between cohesion and other text standards, since the surface alone is not decisive, and each text should include cohesive ideas in order to make it understandable for the receiver.

2.3.2. Coherence

Coherence in a text is the basic element, and it is necessary to be understood by the receiver, the reason why we will talk about in this part of our research paper.

Susanne EGGINS said while making its research that

*“Coherence concerns the way in which concepts and relations which underline the surface texts are linked, relevant and used to achieve efficient communication. So, a **concept** is a cognitive content which can be retrieved or triggered with a high degree of consistency in the mind, however, **relations** are the links between concepts within a text, with each link identified with the concept that it connects to”.*²⁶

Through the above definition given about coherence, we can say that coherence is related directly to concepts, and relations which can give to a text the aspect that can be seen by the receivers and in this issue we can illustrate by giving the following example:

“I had a cup of coffee, I got up, i woke up”.

So, in the example given there is no coherence between ideas, because in reality we wake up, we get up then we have our coffee.

As a conclusion, we can say that without coherence, communication would be slowed down and break down because it has a role to make a sense for a given text.

²⁶ Susanne EGGINS, “an introduction to systemic functional linguistics”, London: University press, 1994. PP 42-43.

2.3.3. Intentionality

The intention of the author should be felt in order to show his purpose in writing the text, which helps also the reader to understand it.

In this context, Susanne EGGINS said about intentionality that

“Intentionality concerns the text producer’s attitude and intentions as the text producer uses cohesion and coherence to attain a goal. Without cohesion and coherence, intended goals may not be achieved due to a breakdown of communication. However, depending on the conditions and situations in which the text is used, the goal may still be attained even when cohesion and coherence are not upheld.”²⁷

So, the intention of the author in some text helps the text receivers to understand it. If not, the reader will understand the text as he thinks without respecting the intentionality of the text.

As conclusion, we can say that the text producer may show his intention of the text to the reader when writing a text. But, if the purpose is not shown through the text this author will fail in his production.

²⁷ Susanne EGGINS, “an introduction to systemic functional linguistics”, London: University press, 1994. PP. 42-55.

2.3.4. Acceptability

The receiver of a text can also affect indirectly the author when writing his text through acceptability of the product. In this issue, both DE BEAUGRANDE and DRESSLER²⁸ said that

“Acceptability concerns the text receiver’s attitude that the text should constitute useful or relevant details or information such that it is worth accepting. Text type, the desirability of goals and the political and socio-cultural setting, as well as cohesion and coherence are important in influencing the acceptability of a text and the text producers often speculate on the receiver’s attitude of acceptability and present text that maximizes the probability that the receivers will respond as desired by the producers”.

Through the above given definition, we can say that the text receiver should accept what is written in the text, and this show that it is a successful text well written, and well received and accepted by its readers, and if the author’s ideas, don’t have the acceptability of the receiver, which means that the work should be revised by the author.

As a conclusion of what was said before, acceptability by the text’s receiver is necessary in a text spread, if not, we can say that the text is unaccepted, for this, the author should work to make his text or production accepted by the receivers.

²⁸ Robert Alain DE-BEAUGRANDE and Wolfgang Ulrich DRESSLER, “linguistics and education”, London: University press, 1992. PP. 255-260.

2.3.5. Informativity

The purpose of each author is to provide some information for the reader or listener, however, these information are different from each other depending on the text typology and nature, in this issue, Susanne EGGINS²⁹ said:

“Informativity concerns the extent to which content of a text are already known or expected as compared to unknown or unexpected and the processing of highly informative text demands greater cognitive ability but at the same time is more interesting and the level of informativity should not exceed a point such that the text becomes too complicated and communication is endangered. However, the level of informativity should also not be so low that it results in the rejection of the text.”

In this way, we can say that the author of the text should give information so as to clarify everything written, and we find it generally in the scientific texts because in this field we can give more information. However, in the literature texts, there is less information because this kind of texts contains fewer ideas.

So, a text will always be informative at least to a certain degree in order to offer the receiver the motivation to read more and more texts.

²⁹Susanne EGGINS, “an Introduction to systemic functional linguistics”, London: University press, 1994. PP. 220-225.

2.3.6. Situationality

Each text should refer to a given situation in which the actions happened in order to classify its actions corresponding to the situation, for the comprehension of the text.

Both DE BEAUGRANDE and DRESSLER³⁰ said about situationality:

“Situationality concerns the factor which makes at text relevant to a situation of occurrence and corresponding to the situation in which a text is exchanged influences and the comprehension.”

The definition given above makes of situationality an important piece done by the author, in order to put the reader in a given situation to get a position in the text, and in the same example given before, **“Slow, children at play”** we can explain more the situationality, however, the most likely interpretation of the text is obvious to the situation in which the text presented provides the context which influences how text receivers interpret the text.

The groups of receivers “drivers” who are required for providing a particular action will find it more reasonable to assume that “slow” requires them to slow down rather than referring to the children that are ahead. In this way, the situation decides the sense and use of the text, however, if the road sign was “drivers should reduce their speed” means that they proceed slowly because the children ahead are playing, therefore proceeding at too high a speed may result in an accident.

At the end, Situationality can affect the means of cohesion which means that less cohesive text may be more appropriate than more cohesive text depending on the situation.

³⁰ Robert Alain DE BEAUGRAND and Wolfgang Ulrich DRESSLER, *“linguistics and education”*, London: University press, 1992. P.64.

2.3.7. Intertextuality

The Intertextuality has a role in favor of the author so as to improve his writings.

Susanne EGGINS³¹ said in this context that:

“Intertextuality concerns the factors which make the utilization of one text dependent upon knowledge of one or more previously encountered text and the intertextuality is issued by reading different text types which help to introduce new understandable texts that we hear or read for the first time”.

Through the above given definition, we add that a text’s author is not necessarily someone who reads other texts in order to improve his writings, and he can produce better within intertextuality. For this reason, lot of researchers focused on the process of intertextuality, greater consideration should be given to the issue of where this research occurs. The majority of research studies on intertextuality has either involved students in research tasks outside the classroom setting or examined the process within hierarchical classroom environments, the lack of authenticity in these research tasks for learners, and the restrictions on the inter-textual connection can be advanced within a hierarchical learning environment which limited our understandings about intertextuality.

So, intertextuality is among the text linguistics which are necessary for having a coherent and understandable text.

³¹ Susanne EGGINES, “an introduction to systemic functional linguistics”, London: University press, 1994. P. 250.

2.4. Skopos theory

In our critical study of the translation, we adopted the *Skopos* theory in the translation of our examples of euphemism. This theory is chosen in order to make a cohesive translation through the coherence of work and the acceptability of the receivers, and this is the end of the theory part of our research paper which is linked to text linguistics.

About the Skopos theory, Jawad Khadim JABER³² said:

“The Skopos theory is a theory of translation introduced by the German translator Vermeer in 1978, and the origin of the word Skopos is Greek and it means “purpose”.”

According to the definition given above, we recognize that *Skopos* theory is a technical term for the aim or purpose of a piece of translation, and the basic principle which determines the process is the purpose of the translational action.

In this theory, the process of translation is determined by the function of the product of the target text, and the function refers to what a text means or what’s the intention of the author of the target text, and the *Skopos* rules show that a translational action is determined by its purposes as Reiss Vermeer said that the end justifies the means, and he explains more the *Skopos* rules when he said in this issue:

“Each text is produced for a given purpose and should serve this purpose, and the Skopos rule thus reads as follow: translate, interpret, speak and write in a way that enables your translation to function in the situation it is used and with the people who want to use it and precisely in the way they want it to function”³³

³²Djawad-Khadim JABER, “*Skopos theory-basic principles and deficiencies*”, London: University press, 2006, PP. 37-38,

³³Catarina REISS and Hans VERMEER, “*Groundwork of a general theory of translation*”, Universidad federal de Paraiba, 1984. P.101.

The Skopos theory also has its deficiencies, and it has been criticized by many translators for allowing the end to justify the means in the translation process, and this would make the theory inappropriate to the translation of texts especially the literary or religious translation.

Peter NEWMARK³⁴ criticizes this theory saying that:

“To translate the word aim into Greek and make a translation theory out of it, and exclude any moral factor except loyalty is pretending too much and going too far”

The most important criticism against this theory is that not all actions have an intention; which means that there are actions that do not have any intention or purpose and it is often presumed to be literary texts in general. In this way also, it is claimed that not every translation can be interpreted as purposeful, and the translator does not have a purpose in mind when translating the source text.

At the end of this analysis, we have used *Skopos* theory in our research paper when doing our translational study, and we used it because it's the adequate theory for our research.

³⁴ Peter NEWMARK, *“the deficiencies of Skopos theory”*, London: university press, 2000. PP. 259-260.

Conclusion

At the end of this chapter, we recall that legal translation has its specific characteristics, and it is the most difficult among all the translation processes because of the legal terminology. And the translator of this kind of texts should be professional, competent and has the skills to obtain an adequate translation of legal documents. As it is mentioned in this chapter, the translation of legal documents has a specific characters because it differs from all other translation works, and the legal terminology is the principal problem that harden the translation for every translator, however, the translator who has the sufficient competence is the unique who is able to make a good translation of legal documents.

About Text Linguistics, we can say that it is a branch of linguistics that deals with texts as communication system. The main elements in text linguistics are coherence, cohesion, acceptability, informativity, situationality, intentionality and intertextuality.

These elements have their roles in specific communication systems in both written and spoken texts, and text is extremely significant in communication because people communicate not by means of individual words or fragments of sentences in languages, but by means of texts. Text linguistics is also the basis of various disciplines such as law, religion, science, politics and the text is an extended structure of syntactic units marked by essentially the coherence. In our chapter also, we have mentioned the theory that we used to our translation study. This theory is “The Skopos Theory” introduced by the German linguist and translation scholar Prof. Dr. **Hans Josef Vermeer** in 1978, which is specialized for the purpose in a piece of translation.

Introduction

Within this third chapter, we will deal with the most important step of this research paper, which is the analytical and the critical study for some **euphemisms** and their translation from English into Arabic. These examples are taken from the

“The Family Law of USA- the State of Texas”

This is considered as the corpus, from which we extracted our examples of euphemism and we analyzed them.

In this last chapter of our research paper, we will introduce our corpus by giving a general idea about it and mentioning the subject of our analysis. It's sections deals with the family law and system in the state of **Texas** which is the one of the USA states, and it deals also with all the necessary procedures made for the marriage relationships mentioning its problems between both wife and husband and what impose the law in that cases.

In the second step in this chapter, we will summarize the corpus, by mentioning the most important titles, chapters and sections that we analyzed, and giving general information about it.

In the third part of this chapter, we will take some examples of euphemism from the corpus, translate each of them into Arabic and show where is the euphemized word or sentence situated in the sections that we analyzed. And each example will be analyzed step after doing a research methodology.

3.1. Definition of the corpus

The corpus, on which we will base, is “**The family law of the USA-the state of Texas**” which gives all the laws and regulations about the American family system.

We have chosen this code as a corpus since it contains some euphemisms, and this legal document talks generally about the marriage relationships and its laws and a suit of dissolution of marriage. And it includes also, a suit for a divorce or annulment, or to declare a marriage as void. In this corpus “**The Family Law of the USA- the State of Texas**”, there are many articles which talk about the validity of marriage, the rights and the duties of each spouse during the marriage relationship and the Texas rules of civil procedures and conditions of marriage.

This corpus contains also the procedures set by the court for the dissolution of the marriage and every case that leads to a divorce. So, generally, this corpus includes a lot of euphemism of which we analyzed some.

The subject of our study consists of analyzing 09 chapters of our corpus which are as follows

- ✓ Chapter **A**: The marriage relationship
- ✓ Chapter **B**: Public policy.
- ✓ Chapter **C**: Application for marriage license.
- ✓ Chapter **D**: Underage applicants.
- ✓ Chapter **E**: Ceremony and return of license.
- ✓ Chapter **F**: Validity of marriage.
- ✓ Chapter **G**: Marriage without formalities.
- ✓ Chapter **H**: Rights and duties of spouse.
- ✓ Chapter **I**: Dissolution of marriage.

In our application we will focus on some cases of euphemism which were taken from the different sub-mentioned sections of the corpus, these examples will be translated into the Arabic language, and we will analyze the example itself in sometimes or the translation since in some cases the example of euphemism is given, in some others we need to euphemize within our translation.

3.2. Summary of the corpus

The family law of Texas of the United States of America contains everything which is related with **the family system** which is used in this state.

In this corpus, marriage relationships, rights and duties of spouse are mentioned in details, and the corpus contains the procedures taken by both men and women in order to make a formal marriage with its validity and the application of its license.

The underage also takes part of this corpus by imposing some laws which are necessary to be applied in the case of a marriage between minor men and woman that are aged less than 18 years old and occurred without parental consent or without a court order as provided in **chapter (I): “Dissolution of marriage”**.

The rights and duties of both spouses are mentioned in the corpus by giving to each one the responsibility towards the other spouse, and what should every one of them to do for the other, and what should not to do against the other.

The validity of the marriage is mentioned by giving all the conditions for a legitimate marriage and how the ceremony of marriage should be done.

This corpus also contains other chapters and sections which deal with the marriage relationship, the application of the marriage license, the validity of marriage, formal and informal marriage, the spouse rights and duties, dissolution of marriage and underage applicants.

From all these chapters that we mentioned, we have brought some examples of euphemism and we translated them into the Arabic language.

To deal with this last step we extracted some examples of euphemism from our corpus which is written in English and we translated them according to the basis of the Skopos theory.

We extracted our examples in their context to show also the importance of the text linguistics parameters, since euphemism cannot be used alone in one expression but it should be contextualized in the whole paragraph.

Hereinafter, are our examples with the translation and the analysis of each of them.

Example 1

SUBCHAPTER B. PUBLIC POLICY

Sec. 1.101“Every Marriage presumed valid. In order to promote the public health and welfare and to provide the necessary records, this code specifies detailed rules to be followed in establishing the marriage relationship. However, in order to provide stability for those entering into the marriage relationship in good faith and to provide for an orderly determination of parentage and security for the children of the relationship, it is the policy of this state to preserve and uphold each marriage against claims of invalidity unless a strong reason exists for holding the marriage void or voidable. Therefore, every marriage entered into in this state is presumed to be valid unless expressly made void by Chapter 6 or unless expressly made voidable by Chapter 6 and annulled as provided by that chapter.”

Added by Acts 1997, 75th Leg., Ch. 7, Sec. 1, eff. April 17, 1997.

Translation of example 1 into Arabic

الفقرة : 1.101:

الفصل الفرعي (ب) السياسة العامة.

يفترض أن يكون كل زواج صالحاً من أجل تعزيز الصحة العمومية وتعزيز الرعاية الاجتماعية وتوفير

السجلات اللازمة.

ويحدد القانون بالتفصيل القواعد التي ينبغي إتباعها لتأسيس العلاقات الزوجية من توفير الاستقرار للمقبلين عليها وذلك بتوفير تقرير مفصل منظم للأبوين من أجل أن يكون الأطفال الناتجين عنها في صحة وهذه سياسة الدولة للحفاظ على المجتمع وتدعيم الزواج الناجح والتقليل من أسباب البطلان إلا في حالة وجود سبب قوي لإبطال العقد (إبطاله حسب بنود الفصل السادس وإلغائه أو جعله قابلاً للإبطال أو إلغائه وفقاً لما تنص عليه مواد الفصل السادس).

أضيفت هذه المواد عام 1997 في الفصل الـ 7 الفقرة 104 . 17 افريل 1997

-Analysis of example 01

Within this first example which is taken from the Subchapter B which deals with the Public Policy, the first writer said in the source text: **"Every marriage presumed valid, in order to promote public health and welfare and to provide the necessary records"** and here we noticed our first example of Euphemism which is "every marriage presumed valid to promote the public health" where the writer listed the whole or public health in general, but in reality he meant to preserve the society from those illnesses transmitted through sex intercourses, the dealt with in this manner to be less offensive and also in our translation we kept the idea as it was in the source text since our culture and religion do not permit us to speak directly about the taboo topics as sex for instance, and this is one of the forms in which we can Euphemize listing the entire of an entity to mean a part of it, and our translation of the segment which includes euphemism was as follows

In the source text it was:

"Every Marriage presumed valid. In order to promote the public health and welfare and to provide the necessary records"

Our translation is

"يفترض أن يكون كل زواج صالحا من أجل تعزيز الصحة العمومية وتعزيز الرعاية الاجتماعية وتوفير السجلات اللازمة."

In the aim of contextualizing these examples we have taken the full section in which we found the example, in order to show the role of euphemizing in keeping the text coherence and cohesion and other linguistic aspects

- (For more details about those linguistic aspects see the second chapter of this research paper).

Example 02

Sec, 1.104.CAPACITY OF SPOUSE

"Except as expressly provided by statute or by the constitution, a person, regardless of age, who has been married in accordance with the law of this state has the **capacity and power of an adult**, including the capacity to contract"

Added by Acts 1997, 75th Leg., Ch.7, Sec. 1, eff. April 17, 1997

Translation into Arabic

الفقرة 1.104 القدرة على الزواج

باستثناء ما هو منصوص عليه مباشرة في النظام الأساسي أو الدستور فإن أي شخص بغض النظر عن عمره والذي يكون قد تزوج وفقا لما ينص عليه قانون هذه الولاية فله قدرة و قوة الشخص الراشد بما في ذلك القدرة على التعاقد.

أضيفت هذه المواد عام 1997 في الفصل ال7 الفقرة 1 . 17 افريل 1997.

-Analysis of example 02

Within this second example the writer mentioned the entire to mean the entire of it when he says “**the capacity and power of an adult**” which includes the financial, physical and sexual power of an adult, and in order not to mention some offensive words or expressions, the writer used the word adult which summarize all, and this is one of the ways in which we can form euphemisms by listing similar entities to mean other ones without using any offensive word or expression. And our translation for this segment was as follows.

In the source text it was

“A person, regardless of age, who has been married in accordance with the law of this state, has the capacity and power of an adult, including the capacity to contract”

Our translation is

فليّ أي شخص

بغض النظر عن عمره والذي يكون قد تزوج وفقاً لما ينص عليه قانون هذه الولاية فله قدرة و قوة الشخص الراشد بما في ذلك القدرة على التعاقد.

We can notice here that the expression “ فليّ ” in Arabic means the one who is able to live alone without depending on anyone but in this context where we are speaking about marriage we are focusing more on the sexual ability then strength or being wealthy.

According to our religion, we cannot speak about sex ability directly that is why we have chosen to use this word “راشد” in order to keep it general without any precision.

Example 3

Sec. 1.107 Alienation Of Affection Not Authorized.

A right of action by one spouse against a third party for **alienation of affection** is not authorized in this state.

Added by Acts 1997, 75th Leg., Ch. 7, Sec. 1, eff. April 17, 1997

Translation into Arabic

الفقرة 107.1 لا يحق لأي من الزوجين إقحام طرف ثالث بحجة إقامة علاقة عاطفية مع زوجه لا يحق في هذه الولاية لأي من الزوجين رفع دعوى ضد أي طرف ثالث بسبب إقامة أحدهما علاقة عاطفية مع هذا الأخير.

أضيفت هذه المواد عام 1997 في الفصل الـ 7 الفقرة 1 17 افريل 1997.

- Analysis of example 03

Within this example we say that persons in the American society and especially the married ones are not allowed to establish a relationship with a third part while being married, and none of the spouses can sue the other for this or take it as a reason to request the divorce, but in our society, culture and religion this kind of relations is forbidden and this can be the main reason of a divorce between couples, so while translating this section into Arabic we have to pay attention to this social rules in order to be less offensive with our receiver, and we have also the acceptability of the receiver which plays a big role here, for we have to choose some words which can be accepted by the receiver, that is why we have chosen to translate as follows.

“A right of action by one spouse against a third party for alienation of affection is not authorized in this state.”

Into

"لا يحق في هذه الولاية لأي من الزوجين رفع دعوى ضد أي طرف ثالث بسبب إقامة علاقة عاطفية مع هذا الأخير"

Here the expression “علاقة عاطفية” means the emotional side but in reality woman the action that both spouses are allowed to practice with a third party and here it becomes a euphemistic expression in the Arabic language.

Example 04

Sec. 1.108 **Promise or Agreement Must be in Writing.**

A promise or agreement made on consideration of marriage or **non marital conjugal-cohabitation** is not enforceable unless the promise or agreement or a memorandum of the promise or agreement is in writing and signed by the person obligated by the promise or agreement.

Added by Acts 1997, 75th Leg., Ch. 7, Sec. 1, eff. April 17, 1997

Translation into Arabic

الفقرة 108.1 : يجب أن يكون الوعد أو الاتفاق مكتوباً

لا يؤخذ أي وعد أو اتفاق على الزواج أو أي معاشرة دون زواج بعين الاعتبار إلا إذا جاء الإتفاق أو الوعد بشكل كتابي و ممضي عليه من طرف الشخص الملتزم بالوعد أو العقد.

أضيفت هذه المواد عام 1997 في الفصل ال7 الفقرة.1 17 افريل 1997.

- **Analysis of example 04**

Within this fourth example we can notice the use of the expression “**extra-conjugal-cohabitation**”, which means living together without any contract, and this is considered as forbidden in our language, culture and religion.

While translating this expression which is considered as a taboo topic in our society for we need to euphemize and we have chosen to translate the expression as follows “معاشرة دون زواج”, which we consider less offensive and render the meaning also according to the aim for which we are translating.

- *Example 5*

Sec. 2.501.**DUTY TO SUPPORT**

Each spouse has the duty to **support** the other spouse.

A spouse who fails to discharge the duty of support is liable to any person who provides necessities to the spouse to whom support is owed.

Added by Acts 1997, 75th Leg., Ch. 7, Sec. 1, eff. April 17, 1997

Translation into Arabic

القسم 1.205 وجوب الدعم

يجب على كلا الزوجين دعم بعضهما البعض حيث يعتبر الزوج الفاشل ذلك الذي لم ينجح في تأدية واجب الدعم و الذي يفترض أن يكون الشخص الذي يوفر الحاجيات اللازمة للطرف الآخر الذي يستحق الدعم.

أضيفت هذه المواد عام 1997 في الفصل ال7 الفقرة 1. 17 افريل 1997.

- **Analysis of example 05**

Within this example we can see the expression “**Each spouse has the duty to support the other spouse**”, which means that each spouse should support the other by supplying him or her with all the necessary needs including the moral support and also satisfying his or her desires, which does not appear really in our example, that is why we consider it as a euphemism and we translated it into the Arabic language as follows

”يجب على الزوجين دعم بعضهما البعض“، where we kept the same euphemism because this is

considered also as a taboo topic in our society and religion, because when we say the word

support the first idea that comes in mind is the help and financial support but the emotional support is also included in this expression.

This can be considered a euphemism since we are speaking in general but, we mean a part of it.

- **Example 6**

Sec. 6.002. **CRUELTY**

The court may grant a divorce in favor of one spouse if the other spouse is guilty of cruel treatment toward **the complaining spouse of a nature that renders further living together insupportable.**

Added by Acts 1997, 75th Leg., Ch. 7, Sec. 1, eff. April 17, 1997

Translation into Arabic

القسم 6.002. القسوة.

يجوز للمحكمة أن تحكم بالطلاق لصالح

أحد الزوجين إذا كان الزوج الآخر قد تصرف بقسوة نحو الزوج الذي يشكو من حالة من شأنها أن

تجعل العيش معاً أمراً مستحيلاً

أضيفت ضمن مواد العام 1997، الفرع الـ 75، الفصل 7، القسم 1. 17 أبريل 1997

- **Analysis of example06**

This section deals with cruelty which includes all kinds of discrimination by one spouse against the spouse and satisfying or asking for extra desires that are unacceptable by the other spouse and the expression which deals with this idea in English is **“The complaining spouse of a nature that renders further living together insupportable”**

When translating this expression into the Arabic language we kept the same style as in the English expression, and this is one way of euphemizing in order not to say some offensive words or expressions that can hurt the reader of our translation and we have chosen to translate it as follows

”الزوج الذي يشكو من حالته من شأنها أن تجعل العيش معاً أمراً مستحيلاً“

- *Example 7*

Sec. 6.003.ADULTERY

The court may grant a divorce in favor of one spouse if the other spouse has committed adultery.

Added by Acts 1997, 75th Leg., Ch. 7, Sec. 1, eff. April 17, 1997.

Translation into Arabic

ثانية. 6.003. الزنا

. يجوز للمحكمة أن تمنح الطلاق لصالح احد الزوجين إذا كان الزوج الآخر قد ارتكب العمل المخل

بالحياء.

أضيفت ضمن مواد العام 1997، الفرع ال75، الفصل7. القسم1. 17 أبريل 1997

- **Analysis of example 07**

Within this example we can notice the expression « **Adultery** » which means that one of the spouses have had a sex intercourse with a third party and this is considered as a taboo topic for which we need to euphemize and the suitable way that we found for this is the following expression "الفعل المخل بالحياء", which is less offensive than the expression that we use to say in the Arabic language which is "الزنا", and which we consider as more offensive than the one we have chosen and it is more acceptable by our Arab society which is a Muslim one and submitted to a set of rules among which we can find those rules that considers some words and expressions as forbidden, that is why we need to euphemize in order to avoid falling in mistakes.

- **Example 8**

Sec. 6.008.DEFENSES

(a) *The defenses to a suit for divorce of recrimination and adultery are abolished.*

(b) *Condonation is a defense to a suit for divorce only if the court finds that there is a reasonable expectation of reconciliation.*

Added by Acts 1997, 75th Leg., Ch. 7, Sec. 1, eff. April 17, 1997

Translation into Arabic

القسم .6.008 . حالات الدفاع

لقد ألغيت حالات الدفاع من أجل طلب الطلاق بسبب تبادل الشتائم أو ارتكاب الفعل المخل بالحياء

العفو هو الدفاع من اجل دعوى الطلاق إلا في حال اعتبار المحكمة لوجود إمكانية للصلح,

أضيفت ضمن مواد العام 1997، الفرع ال75، الفصل 7. القسم. 1. 17 أبريل 1997

- **Analysis of example 08**

Within this example we can extract a case of euphemism just at the beginning of the example where the first writer says

“...The defenses to a suit for divorce of recrimination and adultery are abolished...”

This means, an exchange of an offensive words or expressions which may be forbidden in our culture or society that is why we used the following translation.

لقد ألغيت حالات الدفاع من أجل طلب الطلاق بسبب تبادل الشتائم أو ارتكاب الفعل

المخل بالحياء"

In which we used the word «الشتائم» for the word «**Recrimination**» in English

which is so general in order to avoid spelling those offensive words for that it can be considered as a euphemism since we all know that euphemism is not to say what you mean or in other words not to express your ideas directly. In order to make this truth less offensive.

Conclusion

Within this chapter we extracted some examples of euphemism in English from our corpus, and we translated them into Arabic according to the Skopos Theory. The examples that we extracted from our corpus include a euphemism so we translated them in a coherent way in order to render the meaning and the form in some cases, and what we noticed is that in the source text the writer used some words and expressions that we cannot reproduce directly in the target one, that is why we needed to euphemize in some cases and source text also the writer used some euphemisms that we are obliged to render then as they are since if we want to explain them, we will face the problem of taboo topics which are not acceptable in our society.

At the end we can say that legal texts which are considered as text written in a direct and clear style, it may include some euphemisms that are used to make some truths and ideas less offensive in order to be accepted by the receiver.

To conclude, we can say that all people believe that legal texts are direct ones with a clear style in order to be understood by all, but we cannot deny the fact that this kind of texts include some figures of speech among which we find euphemism which is used generally to speak about taboo topics as religion, death and sex since we can never speak directly about some ideas or tell some truths and this figure of speech may have both bright and dark sides depending on the aim of using it.

Within our first chapter we defined legal texts, and we have shown the existence of some figures of speech in it.

In our second chapter we focused on the text linguistics since euphemism cannot be used alone as a segment, but it should be contextualized, that is why we focused on text linguistics theory and its main basis.

Within the third chapter we have taken some sections from the USA family law- the state of Texas, to show that euphemism exists in legal writings in some cases and in some others we need to euphemize in order to speak about some offensive truths in the target text, and this may have a positive impact in some cases as it may have a negative impact in some others and this depends on the intention of the author of this euphemistic word or expression.

To sum up we can say that euphemism have two faces a positive and a negative one, depending on the intention of its author , since sometimes the aim of euphemizing is to make some truths less offensive and acceptable by the receiver, but sometimes the intention is more than this as in the political and religious field when the author aims to spread a given idea or concept which does not suit the religion, culture and traditions of a given society, or which can also breach some of its social rules.

The aims of this research paper where as follows: first to show the existence of euphemism in the legal writings, second was to show the deferent ways of translating this euphemism in the legal text without affecting the parameters of text linguistics theory, third was to support this hypothesis by some concrete examples taken from an original legal text,

the answers that we found are, first we can never avoid the use of euphemism in legal writings because of our cultural, religious and traditional rules which do not permit us to speak directly about some offensive topics as death, religion and sex or what is also called taboo topics.

Second euphemism is one of the most difficult figures of speech to translate, since we can affect our social rules while translating this kind of figures and our receiver will be surprised by these offensive truths.

Third, the previous information has been supported by some examples of euphemism which are taken from our corpus.

Our perspective after all this is that research will continue to make this theme more clear and show other sides of using different figures of speech in legal writings.

- **Bibliography**

- **Corpus**

✓ Family code Title 1- *The marriage relationship* Subtitle a. *Marriage* Chapter 1-
General provisions

Sub echapter A. Définitions

- **Western references**

- ✓ ALCARAZ- VARÓ Enrique & HUGHES Brian “*The linguistics of legal English*”
- ✓ BASIL Hatim and MASON Ian, “*Discourse and the Translator*”, London, Longman 1990.
- ✓ DJABER DJAWAD Khadim, “*Skopos theory-basic principles and deficiencies*”, London, university press, 2006.
- ✓ DE BEAUGRANDE Robert Alain and DRESSLER Wolfgang Ulrich, “*Introduction to text linguistics*”, London, New York Longman, 1981.
- ✓ DE BEAUGRANDE Robert Alain and DRESSLER Wolfgang Ulrich, “*linguistics and education*”, London, New York Longman 1992.
- ✓ EGGINS Susane, “*An Introduction to Systemic Functional Linguistics*”, London University press, 1994.
- ✓ HALIDAY Mark Alexander Kirkwood and HASAN Ruqaya, “*Cohesion in English*”, London, University press, 1976.
- ✓ MCENNERY Tony and ANDREW Wilson, “*Corpus Linguistics*”, London, printer, 2008.
- ✓ MILINKOFF David, “*Introduction to legal texts in English*”, 2014.
- ✓ NEWMARK Peter, “*The Deficiencies of Skopos Theory*”, London, university press, 2000.

- ✓ REISS Katarina and VERMEER Hans, “*Groundwork of a general theory of translation*”, Universidad federal de Paraiba, 1984.
- ✓ WALTHER Bernice, “*Difficulties in Translating Legal Terms*”, London: university press, 1999.
- ✓ WERLICH, E, “*A text grammar in English*”, London, 1966.

- **Websites**

- ✓ 7 Types of Euphemism By MARK NICHOL downloaded from: <http://www.dailywritingtips.com/7-types-of-euphemism/> visited on April, 20th, 2016 14:33
- ✓ http://www.oxforddictionaries.com/fr/definition/anglais_americaain/euphemism visited on April 11th, 2016 at 11:45 a.m.
- ✓ http://www.uniba.it/ricerca/dipartimenti/scienze_politiche/docenti/williams-christopher-john/materiale-didattico-williams-2013-2014/aa201314CharacteristicsoflegalEnglish.pdf P4.downloaded on January 05th, 2016 at 10:00 p.m.

- **Dictionaries**

- ✓ Oxford word power, oxford university press, 1999. First published, 1999. Fourth impression, 2000.
- ✓ Cambridge advanced learners Dictionary (2003) Cambridge. The Edenburg Building.
- ✓ El Monjid (2007) Beirut. Dar El Mashreq.

المصطلح بالعربية	الترجمة الى الإنجليزية
أ	
أسلوب محبب	Euphemism
إتساق	Cohesion
إخبارية	Informativity
إنسجام	Coherence
ت	
تحليل الخطاب	Discourse analysis
ترجمة النص القانوني	Legal text translation
تناص	Intertextuality
س	
سياق	Context
ق	
قصدية	Intentionality
ل	
لسانيات النص	Text linguistics
م	
مفهوم	Concept
	Approach
مقبولية	Acceptability

Situationality	موقفية
ن	
Linguistic theory	نظرية لسانية
Skopos theory	نظرية الهدف
Text typology	نمطية النص
و	
Official document	وثقة رسمية

Concept in English	<i>Translation into Arabic</i>
A	
Acceptability	مقبولية
Approache	مقاربة

C	
Coherence	إنسجام
Cohesion	إتساق
Concept	مفهوم
Context	سياق
D	
Discourse analysis	تحليل الخطاب
E	
Euphemism	أسلوب المحبب
I	
Intentionality	قصدية
Intertextuality	تتاص
Informativity	إخبارية
L	
Legal text translation	ترجمة النص القانوني

Linguistic theory	نظري لسانية
O	
Official document	وثيقة رسمية
S	
Skopos theory	نظرية الهدف
Situationality	موقفية
T	
Text linguistics	لسانيات النص
Text typology	نمطية النص

Summary

The aims of this research paper is to show some aspects that exists in the legal text, and how can we translate it into the Arabic language, since we use to say that the legal language is a direct one in order to be heard and understood by everyone but we think that it is not really the case since we can never deny the fact that some figures of speech do exist in this kind of writings, only because some words and expressions can never be used directly, that is why we are required to use some figures of speech, among those figures of speech, we will focus on Euphemisms which is one of the figures used in some cases to make some ideas and truths less offensive even in the source text than while translating it into the target text we may face problems as the cultural, religious and the social rules.

Key words: euphemism, legal texts, figures of speech, offensive.

-ملخص البحث

يهدف هذا البحث إلى إظهار بعض الجوانب التي نجدتها في النص القانوني، وكذا طرق ترجمتها إلى اللغة العربية، لأننا اعتدنا القول بأن اللغة القانونية هي لغة مباشرة والهدف من هذا هو أن تفهم من قبل جميع الناس ولكن ليس هو الحال فعلا لأنه ليس من الممكن أن ننكر حقيقة وجود بعض الصيغ البيانية في هذا النوع من النصوص، فقط لأنه ليس من الممكن أن نستعمل بعض الكلمات والعبارات بطريقة مباشرة، ولهذا السبب يتوجب علينا استخدام بعض الصيغ البيانية في بعض الأحيان، ومن بين هذه الصيغ، سنحاول التركيز على الصيغة التلطيفية أو ما يسمى كذلك بالأسلوب المحبب التي تعد واحدة من الصيغ البيانية التي تستعمل في بعض الحالات لتفادي التحدث المباشر عن بعض الأفكار والحقائق وهذا من أجل جعلها ذات أقل تهجمية في النص المصدر و كذلك حين ترجمتها إلى النص الهدف وخلال الترجمة قد يواجه المترجم عددا الصعوبات مثل تداخل القواعد الثقافية، الدينية والاجتماعية.

الكلمات المفتاحية: الأسلوب المحبب، النص القانوني، الصور البيانية، التهجمية .