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Calquing as a Functional Legal Translation Procedure: French-Mediated Arabic-English Translation in Moroccan Private Legal Documents

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Abstract

Calque (also calquing) is conventionally classified as a direct translation procedure in which the constituent elements of a source-language term are reproduced literally in the target language. In legal translation, it is often associated with excessive literalism and the risk of importing foreign structures into the target language. This article argues, however, that calquing can perform a functional and legally protective role when translation occurs between legal systems that do not correspond neatly. Focusing on Arabic-English sworn translation in Morocco, the study analyses a corpus of two authentic private legal documents, a court judgment and a sale contract, in which the relevant calquing instances are explicitly attested. The translations examined are professional sworn translations produced by two experienced Moroccan sworn translators accredited by the Ministry of Justice. Particular attention is paid to the mediating role of French, whose terminology remains closely linked to Moroccan legal and administrative discourse. Using contrastive and contextual analysis, the article evaluates the principal calquing cases in relation to legal-conceptual accuracy, institutional correspondence, source-system visibility, and target-reader comprehensibility. The findings suggest that a successful legal calque is not merely a literal copy but a deliberate micro-level procedure that preserves the legal identity of a source-system concept and avoids false equivalence with a superficially similar target-system institution. The article therefore proposes a context-sensitive account of calquing and highlights French-mediated transfer as a significant feature of Moroccan Arabic–English sworn legal translation.

Keywords: calque, legal translation, functional translation, French-mediated translation, private legal documents, Arabic-English translation, Moroccan legal system

Introduction

Legal translation is one of the areas in which apparently minor lexical choices can carry major interpretive consequences. Private legal documents are expected to be precise, concise, stable in meaning, and resistant to ambiguity. The translator is therefore required not only to render linguistic content but also to identify the legal concepts and institutions encoded in the source text and to reformulate them in a way that remains valid and intelligible for the intended user of the translation (Cao, 2007; Šarčević, 1997). This task becomes especially complex when the source and target languages belong to legal systems that classify institutions, rights, procedures, and legal actors differently. In such cases, a fluent target-language expression can be misleading if it suggests a degree of legal equivalence that does not, in fact, exist.

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This problem is particularly visible in Arabic-English sworn translation in Morocco. Moroccan private legal documents are produced within a legal environment in which Arabic is central to judicial and administrative practice, while French has exerted a durable influence on legal terminology, institutional labels, and documentary conventions (El Ghazi, 2022, 2023, 2026; El Ghazi & Bnini, 2019; El-Farahaty, 2015). When such documents are translated into English, the process cannot always be adequately described as a simple movement from Arabic to English. A number of legal expressions are conceptually linked to a French formulation, so the sworn translator may operate across a triangular relation: Arabic source terminology, a French legal or administrative intermediary, and an English target formulation. The result may be a calque, a target-language expression that reproduces the lexical or conceptual structure of a source or intermediary term.

Calquing is commonly treated as a direct translation procedure (Vinay & Darbelnet, 1995). In a dynamic and functional classification, it belongs to the level of techniques or procedures rather than to the level of overall translation strategies or methods (El Ghazi, 2026; Molina & Hurtado Albir, 2002). This distinction is essential: a translator may adopt a generally literal, communicative, functional, source-oriented, or target-oriented strategy for a document as a whole, while selecting calquing only for a particular legal term whose conceptual identity would otherwise be weakened. Calquing is, thus, a local decision responding to a local translation problem, not a global commitment to word-for-word translation.

The corpus examined in El Ghazi's (2023) dissertation shows that this local procedure may be especially useful in Moroccan sworn translation when a natural English equivalent either does not exist or risks importing the institutional assumptions of a different legal system. The term 'ضابط الحالة المدنية', for example, may appear to invite an idiomatic English equivalent such as 'registrar'. Yet the dissertation notes that the duties of the corresponding Moroccan/French institution do not fully coincide with those of a registrar in English-speaking systems. In this situation, the French-mediated calque *civil status officer*, though less idiomatic, may preserve more of the source institution's distinct identity. Similar issues arise with 'تحمل عيني', rendered as 'real charge' from the French 'charge réelle', and with 'Court of Cassation', an institutional label that should not be replaced mechanically by 'Supreme Court' when the source institution is Moroccan.

The objective of this article is therefore not to defend literal transfer as such, but to examine the conditions under which calquing becomes a successful legal translation procedure. Success is understood here in legal-functional terms: the translation should represent the source legal concept accurately, avoid creating a false target-system equivalence, remain traceable to the source institution or classification, and still be sufficiently intelligible to the intended target reader. The article also examines the converse situation, namely cases in which a calque should not be imposed because the source document belongs to a different legal system, and the calque would relocate the concept into the Moroccan/French framework.

Four research questions guide the analysis: (1) how is calquing employed as a translation procedure in Arabic–English sworn translation of Moroccan private legal documents; (2) what role does French play as an intermediary language in the production of Arabic-English legal calques; (3) under what conditions can a calque provide greater legal accuracy than a more natural target-language equivalent; and (4) what distinguishes a successful legal calque from

an inappropriate literal transfer? In addressing these questions, the article seeks to refine the place of calque within legal translation theory and to show that formal literalness and functional adequacy are not necessarily opposites in legally sensitive translation.

1. Strategies and Procedures: Locating Calque in the Theoretical Framework

The theoretical point of departure is the distinction between translation strategies or methods and translation procedures or techniques. This distinction has been developed through several influential classifications of translation choices (Baker, 2018; Chesterman, 1997; Newmark, 1988; Vinay & Darbelnet, 1995). Despite terminological variation among these accounts, a useful distinction emerges between decisions governing the overall orientation of a translated text and operations applied to smaller units of language. A strategy or method can therefore be understood as the translator's general plan for approaching the text, whereas a procedure or technique is a more restricted operation applied to a word, term, phrase, clause, or other local problem (Molina & Hurtado Albir, 2002).

This distinction is not merely terminological; it averts an analytical error whereby every literal-looking expression is mistakenly treated as evidence that the translator has adopted literal translation as the overall method. In practice, a sworn translator may pursue a predominantly functional strategy, aimed at producing a legally usable target text, while, nevertheless, resorting to calque for a single institutional term. Conversely, a largely literal translation may contain instances of adaptation, modulation, omission, explicitation, transliteration or lexical expansion. Macro-level and micro-level choices thus interact, yet remain analytically distinct. Van Doorslaer's (2007) mapping of translation transfer is useful in this respect, in that it separates broad translation strategies from practical procedures. At the strategic level, the framework encompasses orientations such as literal, functional, source-oriented, target-oriented, foreignising, naturalising, localising and domesticating translation. At the procedural level, it encompasses a wide range of local operations, including borrowing, calque, adaptation, modulation, paraphrase, reformulation, addition, omission, amplification and implicitation. The present study draws upon this distinction to demonstrate that private legal documents may display a predominantly literal overall orientation, while nonetheless requiring problem-specific procedures where legal systems, cultures or linguistic structures fail to correspond.

Calque occupies an interesting theoretical position, in that it appears closely allied to literal translation while nonetheless remaining a procedure, rather than a whole-text method. A calque may preserve the morphology, lexical organisation, or conceptual segmentation of a foreign legal term (Vinay & Darbelnet, 1995). In ordinary language, this may produce awkwardness or unwarranted foreignness; in legal translation, however, a degree of foreignness may prove purposeful. Legal translation is frequently required to describe a source-system institution rather than substitute it with a target-system institution (Cao, 2007; Šarčević, 1997). Where a natural-sounding English term evokes an institution possessing different powers, legal effects, or doctrinal boundaries, naturalisation may, accordingly, diminish rather than enhance accuracy.

This point assumes particular importance for sworn translations, whose documentary function frequently necessitates a close relation to the source text (El Ghazi, 2022; Harvey, 2002). A sworn translator is not, as a rule, rewriting the source legal system into the target legal system; rather, the translator represents a foreign legal act, status, decision, right, or

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institution for a reader operating within a different linguistic environment. The task thus entails a tension between accessibility and legal-system fidelity, a tension that calquing may, on occasion, serve to mediate, in that it furnishes the target reader with a comprehensible expression while nonetheless retaining structural traces of the source concept.

The opposition between literal and functional translation must consequently be treated with caution. A formally literal solution can be functionally motivated when it serves the intended purpose of the translation and preserves relevant legal distinctions (El Ghazi, 2023; El Ghazi & Bnini, 2019; Nord, 1997). The term *'real charge'* is a good illustration: its surface structure mirrors the French *'charge réelle'*, but the present study interprets this choice as evidence that the translators know the Moroccan Code of Real Rights and are preserving the terminology associated with that legal framework. The literal form is therefore not necessarily the result of mechanical substitution; it may be chosen precisely because a more idiomatic common-law expression would risk collapsing a distinct Moroccan legal category into a target-system category.

For the purposes of this article, calquing is thus defined as a micro-level translation procedure whereby a legal expression is reconstructed in the target language through the literal or near-literal rendering of its lexical components, often with minimal grammatical adjustment. In the Moroccan corpus, French may provide the intermediary legal formulation from which the English calque is produced. The procedure is considered successful when its source-oriented form contributes to legal-functional adequacy rather than merely reproducing foreign wording.

2. French as an Intermediary in Moroccan Arabic-English Legal Translation

The Moroccan context imbues calquing with a significance that cannot be understood through bilingual comparison alone. Arabic–English legal translation frequently involves culture-bound and system-bound concepts whose interpretation depends on the relevant legal tradition (El-Farahaty, 2015). In Morocco, the close relationship between Arabic and French legal terminology and administrative practice means that an Arabic legal expression may possess an established French counterpart that has shaped its institutional understanding, documentary usage, or terminological classification. Where the same Arabic expression is subsequently translated into English, the French term may function as an intermediary conceptual reference.

This intermediary role is especially pertinent to private legal documents. The broader analytical study from which the present article derives comprises two authentic documents, a Court Judgment and a Sale Contract, selected specifically for the calquing instances they exhibit. Together, these documents furnish examples drawn from family-law and civil-status administration, on the one hand, and from property law and institutional terminology, on the other, thereby illustrating the pervasiveness of French-mediated calquing across distinct legal domains. The translations themselves constitute professional sworn translations, produced by experienced Moroccan sworn translators accredited by the Ministry of Justice. This provenance is of no small importance, given that the analysis concerns the realities of actual professional practice, rather than translations generated for research or pedagogical purposes, which might otherwise fail to capture the judgement, hesitation and institutional awareness that characterise genuine sworn-translation decision-making.

French-mediated transfer may be represented schematically as follows: Arabic legal concept → established French legal formulation → English rendition. This is not to imply that the translator necessarily works from a French source text; rather, French furnishes a terminological bridge, inasmuch as certain Moroccan legal categories are conventionally conceptualised or documented through French terminology. The present study renders this explicit in its discussion of calquing: where a natural Arabic-English equivalent is unavailable, French functions as an intermediary; moreover, even where a natural English equivalent exists, the French-mediated form may, on occasion, remain preferable, in that it identifies the source institution more precisely.

The role played by French also helps explain why target-language naturalness cannot be the sole criterion for evaluating sworn legal translation. Legal equivalence must be assessed in relation to the concepts, functions, and institutions of the legal systems concerned, rather than on the basis of linguistic similarity alone (Cao, 2007; Prieto Ramos, 2014). A reviewer approaching the English text from a monolingual English perspective may prefer 'registrar' to 'civil status officer', 'conveyance' to 'cession', or encumbrance-like terminology to 'real charge'. Yet such preferences may change once the translator's task is understood as representing the Moroccan legal system rather than assimilating it to a common-law system. A term that is slightly marked in English may therefore serve as a useful indicator that the institution is foreign and should not be interpreted through an apparently equivalent domestic category.

The dissertation underlying this study ultimately recommends that comparative work on Moroccan legal translation take French into account, precisely because French influence is visible in the movement of legal concepts between Arabic and English (El Ghazi, 2023). This observation provides the main contextual justification for the present article. Calquing in Moroccan sworn translation is not merely a matter of copying lexical form; it may reflect a trilingual legal competence whereby the translator recognises the Arabic concept, links it to established French legal terminology, and then constructs an English expression intended to preserve the same institutional reference.

3. Corpus and Method

The study adopts a qualitative legal-terminological approach. The corpus comprises two authentic private legal documents: a court judgment and a sale contract. The documents were translated between Arabic and English by two experienced Moroccan sworn translators accredited by the Moroccan Ministry of Justice. They were selected purposively because they contain the legal terms and institutional expressions on which the present analysis of calquing is based. The court judgment provides the example 'ضابط الحالة المدنية', translated as 'civil status officer' through the French expression *officier de l'état civil*. The sale contract contains three relevant examples: 'تفويت', translated as *cession*; 'تحمل عيني', translated as 'real charge' through the French expression *charge réelle*; and 'محكمة النقض', translated as 'Court of Cassation'.

Each example is examined through four questions. First, what source legal concept or institution is being represented? Second, what French legal formulation serves as an explicit or implicit intermediary? Third, what alternative target-language solution is available, or has actually been used by the second translator? Fourth, what is gained or lost by selecting the calque? The analysis pays particular attention to conceptual accuracy, institutional

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correspondence, terminological traceability, the visibility of the source legal system, and target-reader comprehensibility.

The article employs the term 'successful calque' in a restricted qualitative sense. A calque is not deemed successful merely because it reproduces the wording of a source or intermediary expression. Rather, it is successful when that reproduction helps preserve the legal identity or classification of the source concept, prevents an inaccurate substitution from the target legal system, and remains interpretable in the target text. Conversely, a calque is unsuccessful or inappropriate when it transfers the terminology of one legal system onto a different institution and thereby creates a false correspondence. This evaluative distinction is developed further in the discussion section.

4. Analysis of the Calquing Cases

4.1. Civil Status Officer versus Registrar

The translation of 'ضابط الحالة المدنية' provides the clearest illustration of the tension between natural English and legal-system fidelity. In the court judgment material, one of the translators renders it as 'civil registrar office', whereas another uses 'civil status officer'. The present study characterises 'civil status officer' as a French calque derived from '*officier de l'état civil*' and initially describes the registrar-based solution as more functional. Yet the same discussion immediately qualifies that preference by noting that the duties of registrars in English-speaking countries do not fully coincide with those of the relevant French-system official. This tension is central to the present argument.

From a purely linguistic perspective, the term 'registrar' appears attractive. It is concise, familiar to English readers, and belongs to established administrative vocabulary. If translation quality were measured mainly in terms of fluency and idiomaticity, the more natural expression would seem preferable. Legal translation, however, requires an additional question: does the target term identify an institution whose powers and functions correspond sufficiently to those of the source official? The present study notes that a registrar in the English system does not necessarily perform the tasks conferred on the corresponding official in the French legal system, such as signature authentication. Those tasks may instead be associated with other professionals, including notaries public, commissioners for oaths, or solicitors, depending on the jurisdiction.

This institutional difference changes the evaluation of the calque. The term 'civil status officer' is less natural than 'registrar', but that relative foreignness can operate as a safeguard. The expression signals that the translation refers to a civil-status institution belonging to the source legal-administrative system. It does not invite the target reader to assume that the Moroccan official is simply the same as a registrar operating under an English-speaking legal system. The calque therefore preserves a degree of institutional distance.

In sworn translation, this distance may prove valuable. The translator is normally expected to represent the legal content of a source document, rather than to substitute each source institution with the nearest domestic equivalent within the target jurisdiction. Where 'registrar' is construed as denoting a familiar target-system office, the translation may imply a stronger equivalence than the source facts warrant. 'Civil status officer', by contrast, admits of a more descriptive reading: it identifies an officer responsible for matters of civil status, while leaving open the precise scope of that office's powers. The expression is, accordingly, less domesticated, yet potentially more cautious.

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This example further illustrates why calquing ought not to be equated with word-for-word incompetence. To select 'civil status officer' successfully, the translator must recognise the French intermediary '*officier de l'état civil*', understand that it designates a legally constituted official, and assess the risk posed by the natural alternative 'registrar'. The procedure is therefore contingent upon comparative legal knowledge: what appears literal on the surface may, in fact, be the outcome of a sophisticated decision to avert false equivalence (Prieto Ramos, 2014; Šarčević, 1997).

At the same time, this example shows that calquing is not invariably superior. The present study itself presents 'civil registrar office' as a viable functional alternative, indicating that the appropriate evaluation depends on the purpose and destination of the translated document. Where the target reader requires a swift functional approximation of the role, a registrar-based formulation may prove useful; where, by contrast, the translation must preserve the source institution's identity and avoid importing target-system powers, 'civil status officer' may prove the safer choice. The essential point is that such a choice should be justified on institutional, rather than stylistic, grounds.

This observation points to a broader principle: legal translation ought to distinguish between an equivalent label and an equivalent institution, since two labels may appear semantically proximate while the institutions underlying them remain distinct. Calquing is successful precisely where it prevents lexical fluency from obscuring institutional non-equivalence. In the case of 'ضابط الحالة المدنية', the French-mediated calque functions as a marker of source-system specificity, thereby demonstrating how formal closeness may, in fact, support legal accuracy.

4.2. Cession versus Conveyance

The Sale Contract provides a further illustration in the Arabic term 'تفويت'. One translator rendered it as 'conveyance', whereas the other employed 'cession'. The present study classifies 'cession' as a French calque and contrasts it with 'conveyance', which it identifies as the closest natural English equivalent. The two choices thus offer a direct comparison between target-language naturalisation and French-mediated terminological continuity.

'Conveyance' is firmly established in English property-law vocabulary and denotes the transfer or assignment of a property right or interest. For an English-speaking legal reader, it is immediately recognisable and therefore offers a considerable communicative advantage. The present study, accordingly, regards this choice as a close natural equivalent. By contrast, *cession* reflects French terminology associated with the transfer or assignment of property; within the present analytical framework, its use reveals the influence of French upon Moroccan legal terminology, as well as the translator's recourse to an intermediary legal language.

The significance of this contrast resides in the legal classification implied by the lexical choice. 'Conveyance' situates the concept within a familiar English property-law framework, whereas 'cession' preserves a visible link to the civil-law or French terminological environment from which Moroccan legal terminology frequently derives. Neither choice, therefore, can be adequately assessed by asking merely which English word sounds more idiomatic. The pertinent question is instead whether the aim of the translation is to provide the nearest English legal function or to preserve the conceptual affiliation of the Moroccan source term.

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In sworn translation, preserving that affiliation may be of considerable importance, given that legal concepts are frequently embedded within networks of related rules. A source term may participate in statutory distinctions that do not map precisely onto common-law categories (Cao, 2007; Harvey, 2002). Where a translator routinely replaces every civil-law term with the nearest English functional equivalent, the translated document may become easier to read, while nonetheless gradually shifting the legal frame through which the source act is interpreted. A French-mediated term such as *cession* may resist that shift by retaining the terminology of the source legal tradition.

The corpus does not establish that 'cession' should invariably be preferred over 'conveyance'. On the contrary, the comparison illustrates why calquing must remain context-sensitive. 'Conveyance' may be the stronger solution when the communicative purpose calls for a natural English property-law term and no legally significant distinction is sacrificed. 'Cession', conversely, may prove preferable where terminological continuity with the Moroccan or French concept is of particular importance. The success of the calque therefore hinges on whether its retained foreignness helps the target reader grasp the legal identity of the source act, rather than merely making the English less natural.

This example corroborates the article's central argument; calquing is not valuable merely because a French terminological equivalent is available. Rather, it becomes valuable when the French-mediated expression conveys legal-system information that would otherwise be lost. The translator's task is to determine whether such information is relevant to the legal function of the document. Where it is not, a natural equivalent may suffice; where it is, calquing can provide a controlled form of source-system preservation.

4.3. Real Charge as a Strong Case of Productive Calquing

The translation of 'تحمل عيني' as 'real charge' provides the strongest example of productive calquing within the corpus. The translators employ 'real charge', and the present study explicitly identifies the expression as a calque from the French '*charge réelle*'. It further interprets this choice as evidence of the translators' familiarity with the Moroccan Code of Real Rights, within which the relevant legal category is recognised. The example, thus, connects linguistic form directly to legal knowledge.

Structurally, the operation is readily apparent. The French lexical elements *charge* and *réelle* are rendered in English as 'charge' and 'real', with the word order adjusted to conform to normal English syntax. The result retains the conceptual segmentation of the French term while nonetheless constituting a genuine English phrase. This corresponds to the established description of loan translation, or calque, as a procedure through which the components or structure of a source expression are reproduced in the target language (Molina & Hurtado Albir, 2002; Vinay & Darbelnet, 1995).

The legal value of this procedure lies in its terminological traceability. 'Real charge' may be traced, via '*charge réelle*', to the Moroccan legal category represented by 'عيني تحمل'. Such traceability is of particular significance, given that property-law terminology is highly system-dependent: a natural English expression may encompass a broader, or differently organised, set of interests, burdens, liens, or encumbrances. Where the translator substitutes an apparently equivalent common-law label without examining the boundaries of the category in question, the translation may thereby suggest that the Moroccan concept is doctrinally identical to a target-system concept.

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The calque, thus, avoids such premature assimilation. Although 'real charge' may strike some English readers as marked, it signals that the expression represents a specific source-system category; in this sense, its slight foreignness serves an informative function. It preserves the conceptual architecture of the Moroccan or French term and invites the legally informed reader to interpret it as a translated category rather than as an ordinary English property-law label.

This point is particularly significant, given that the present study links the translators' choice to the Moroccan Code of Real Rights. The successful deployment of the calque here therefore depends on more than mere knowledge of French vocabulary. The translator must recognise that the French expression is not an accidental linguistic form, but rather a recognised means of representing the Moroccan property-law concept. Calquing thus becomes a form of terminological discipline, in that it keeps the translation aligned with an established source-system classification.

The example further challenges a widespread assumption, namely that literalness necessarily diminishes functionality. 'Real charge' is formally literal in relation to '*charge réelle*', yet the rationale for its use is functional in the legal sense: the translator seeks to preserve the correct category and to avoid importing a misleading target-system concept. A natural alternative such as 'property encumbrance', for instance, may appear functionally adequate, yet it risks subsuming the Moroccan category under a broader common-law notion that does not observe the same distinctions. 'Real charge', by contrast, preserves the terminological traceability to '*charge réelle*' and thus to the Moroccan 'Code of Real Rights', ensuring that the source-system classification remains visible. The procedure may therefore be described as functionally motivated literalism at the micro level, illustrating the broader proposition that legal fidelity sometimes requires visible structural closeness rather than idiomatic substitution.

The success of the calque 'real charge', however, ought not to be generalised into a rule whereby every French legal term should be calqued into English. The present study itself insists on the need for functional and pragmatic judgement exercised throughout the translation process. The strength of this example lies in the convergence of three factors: (1) an identifiable Moroccan legal category; (2) an established French formulation associated with that category; and (3) an English calque that preserves the same conceptual relation without evident distortion. Where any one of these factors is absent, an alternative procedure may prove necessary.

4.4. Court of Cassation and Supreme Court

Institutional court names furnish a particularly instructive test of calquing, revealing both its value and its limitations. The present study discusses the Moroccan institution known as the Court of Cassation and notes the French-influenced formulation associated with 'محكمة النقض'. This institutional label belongs to a legal system whose court structures and nomenclature differ markedly from those of English-speaking jurisdictions. Preserving the institutional name may therefore be of considerable importance where the translation refers specifically to the Moroccan court.

'Court of Cassation' is a source-system-preserving formulation. It does not assert that the Moroccan institution is simply equivalent to a Supreme Court in another jurisdiction; rather, it identifies the court through terminology associated with the Moroccan or French legal

tradition. In this setting, calquing supports documentary accuracy, in that the translated text ought to indicate precisely which institution issued, reviewed, or is referenced within the source document.

The corpus also contains the converse situation. Where translators encounter a Supreme Court belonging to an English-speaking legal system, they render it in Arabic as 'المحكمة العليا', rather than imposing the Moroccan or French label 'محكمة النقض'. The present study explains this choice with reference to the destination and legal context of the document: given that the source institution is itself a Supreme Court, a target expression evoking the Moroccan Court of Cassation would relocate the institution within the wrong legal system. The translators accordingly opt for the more transparent 'المحكمة العليا'.

This contrast is theoretically significant, as it demonstrates that calquing does not succeed merely because a formally corresponding term exists; rather, it succeeds only where the calque refers to the correct source institution. 'Court of Cassation' is appropriate when representing the Moroccan institution, yet it would prove misleading if employed as a routine equivalent for every foreign Supreme Court. Similarly, 'محكمة النقض' ought not to be treated as a universal Arabic equivalent for Supreme Court merely because the respective institutions may occupy comparably elevated positions within their judicial hierarchies.

The court-name example therefore establishes institutional anchoring as a central criterion for evaluating legal calques. An institutional calque is defensible only insofar as it remains tied to the source institution whose identity and legal position it is intended to preserve. When the same formulation is detached from its original institutional context and transferred to an institution within another legal system, it no longer safeguards source-system specificity; instead, it creates a misleading appearance of equivalence. At that point, literal transfer becomes legally dysfunctional because formal similarity obscures substantive institutional difference.

The present study's broader comparison of court terminology further corroborates the same conclusion. 'Court of First Instance', 'Court of Appeal',' Common Pleas Court', and 'Supreme Court' do not possess perfectly uniform counterparts across Arab countries; indeed, even among jurisdictions sharing broad legal traditions, institutional labels vary considerably. Translation must therefore take account of the jurisdictional location of the court in question, rather than assuming that the same lexical pairing may be reused indiscriminately across contexts.

For the theory of calquing, this entails that the procedure presupposes a prior act of legal classification. The translator must first ascertain which institution is at issue, to which legal system it belongs, and how it functions within that system; only thereafter can the translator determine whether a given calque preserves the institution or distorts it. Far from constituting a low-level mechanical technique, successful calquing, therefore, presupposes comparative legal awareness and structured terminological decision-making (Cao, 2007; Prieto Ramos, 2014).

The 'Supreme Court' contrast, likewise, reinforces the functional dimension of the procedure. A target-oriented translator may avoid the Moroccan or French calque when translating an American institution, given that target-reader comprehension and source accuracy converge around the transparent expression 'Supreme Court/ المحكمة العليا'. In another document, by contrast, source accuracy may necessitate retaining 'Court of Cassation'. The same translator

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may therefore employ the calque selectively without inconsistency: what varies is not competence, but rather the legal referent and communicative function at stake.

5. Discussion: When Does Calquing Work in Sworn Legal Translation?

The examples analysed in this study reveal a consistent principle: the value of calquing in legal translation cannot be determined by surface naturalness alone. A successful calque constitutes a legally motivated translation choice, selected precisely because preserving some aspect of the source term's structure simultaneously preserves its institutional identity, conceptual classification, or connection to the legal system represented in the document. This explains why a marked expression may, on occasion, prove more accurate than a fluent domestic equivalent.

The first criterion is legal-conceptual accuracy: the target expression must represent the same legal concept or category as the source. This requirement reflects the broader principle that legal translation must reproduce legal effects and conceptual relations, rather than merely lexical forms (Cao, 2007; Šarčević, 1997). 'Real charge' proves persuasive within the corpus, in that it is explicitly linked, via the French '*charge réelle*', to the Moroccan Code of Real Rights. 'Civil status officer' is similarly defensible, in that it preserves the reference to the source administrative institution, rather than automatically substituting it with registrar. Calquing fails, by contrast, where the transferred label alters the institution itself, as would occur were an American Supreme Court to be rendered through the Moroccan or French Court of Cassation category.

The second criterion is institutional correspondence. Legal translation frequently involves offices and bodies whose names appear similar across systems, notwithstanding considerable divergence in their respective competences. The civil-status example illustrates why institutional function must be investigated before a natural equivalent is accepted: where the target-language institution performs different tasks, the natural equivalent may constitute a false friend at the institutional level. Calque may, in such circumstances, function as a protective device, preventing the translated text from claiming an equivalence stronger than the law itself supports.

The third criterion is terminological traceability. A sound legal calque permits the translated expression to be traced back to the source-system term, or to an established intermediary formulation. This is of particular importance within the Moroccan trilingual environment: the chain 'تحمل عيني' → '*charge réelle*' → 'real charge' renders visible the relation among the Arabic, French, and English terms. Such traceability may facilitate legal verification, comparison with bilingual legislation or administrative practice, and consistency across translated documents.

The fourth criterion is source-system visibility. In many forms of translation, target-language fluency constitutes a major objective; in sworn legal translation, however, complete naturalisation may prove undesirable where it erases the foreign legal character of the source institution. A controlled degree of foreignness may remind the reader that the translated document originates within another legal system. The terms 'Civil Status Officer' and 'Court of Cassation' illustrate this function well: their markedness helps preserve the fact that the target text represents Moroccan institutions, rather than domestic English ones.

The fifth criterion is target-reader comprehensibility. Calquing ought not to become a pretext for obscurity; a target expression must still enable the intended reader to identify the general

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legal function of the term. Where a calque proves opaque or is readily misunderstood, an alternative procedure, such as lexical expansion, descriptive substitution, or a functional equivalent, may prove necessary. Such flexibility is consistent with functionalist approaches, in which procedure selection is guided by communicative purpose and recipient needs rather than by a single invariant form of correspondence (Nord, 1997). The present study repeatedly demonstrates that legal translators combine procedures: transliteration may be accompanied by explanation, literal renderings may be supplemented by functional reformulation, and culture-bound terms may require expansion. Calquing, accordingly, ought to be understood within this flexible procedural repertoire.

The sixth criterion is contextual appropriateness. The same term may require differential treatment, depending upon the destination of the translated document. The present study's discussion of Supreme Court demonstrates that the intended use is of considerable consequence: a translation prepared for use within the United States ought not unnecessarily to relocate an American institution into Moroccan court terminology, while, conversely, a translation describing a Moroccan institution ought not to be domesticated merely to render it resemblant of an American one. The communicative setting and target jurisdiction, therefore, jointly influence the acceptability of the calque.

Taken together, these criteria demonstrate why calquing may properly be described as a functional procedure: its success does not arise from literal form alone, but rather from the relation between literal form and legal purpose. A calque is functional where formal closeness protects the legal meaning that a more idiomatic translation might otherwise weaken; it is dysfunctional where formal closeness instead imports the wrong institution, obscures the concept, or prevents the reader from comprehending the source act.

This analysis further clarifies the relationship between macro-strategy and micro-procedure. A legal translator may pursue an overall functional-pragmatic strategy while nonetheless employing calque at the local level; this is not contradictory. Translation techniques operate at the level of specific textual problems and can therefore serve different overall methods or purposes (Molina & Hurtado Albir, 2002). Functionalism does not require that the translator replace every foreign term with a domestic equivalent, but rather that choices be guided by the purpose of the translation (Nord, 1997). Where that purpose is to represent a Moroccan legal institution faithfully for an English-speaking reader, retaining a French-mediated calque may constitute the most functional solution available.

The findings further suggest that French ought to be treated as an analytical variable in studies of Moroccan Arabic–English legal translation. Disregarding French may cause a calque to appear an anomalous Arabic–English literalism, when in fact it forms part of an established trilingual terminological chain. The translator's competence, therefore, encompasses the capacity to discern when French furnishes a legitimate conceptual bridge, and when reliance upon French would instead distort a non-Moroccan source institution.

A practical decision-making model may be derived from the corpus. Before selecting a calque, the translator should determine whether the source term is system-bound, whether an established French-mediated or Moroccan legal formulation accurately represents the same concept, and whether a more idiomatic English equivalent would create a misleading institutional or conceptual correspondence. The translator should also assess whether the proposed calque is sufficiently intelligible to the target reader and whether it preserves the

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source concept without importing terminology associated with an inappropriate legal system. If these criteria support the use of a calque, it may be retained. Otherwise, an alternative procedure; such as functional equivalence, adaptation, lexical expansion, or descriptive substitution, should be considered.

This model further reinforces the pedagogical implications of the present study. The training of legal translators cannot be confined to bilingual vocabulary acquisition; translators require comparative legal knowledge, terminological research competence, and the capacity to evaluate target-system equivalents critically (El-Farahaty, 2015; Prieto Ramos, 2014). In the Moroccan context, this competence also includes awareness of Arabic–French terminological relations. Likewise, students ought to be taught to distinguish naturalness from legal equivalence and to justify their procedural choices by reference to legal function. Calque, accordingly, constitutes a particularly useful pedagogical case, in that it exposes the interaction among language, legal systems, documentary purpose, and translation theory.

Conclusion

This article has examined calquing as a micro-level translation procedure within Moroccan Arabic-English legal translation. Drawing upon the theoretical distinction between strategies or methods and procedures or techniques, it has argued that calquing ought not to be conflated with an overall literal translation strategy. A translator may adopt a functional or communicative orientation at the level of the document as a whole, while nonetheless employing the calque selectively for terms whose legal identity might otherwise be weakened by naturalisation.

The corpus furnishes four principal illustrations. ‘Civil status officer’ demonstrates how a French-mediated calque may preserve institutional distance where ‘registrar’ would imply a different distribution of legal functions. ‘Cession’ illustrates the tension between a natural English property-law equivalent and terminological continuity with the Moroccan or French legal environment. ‘Real charge’ offers the strongest example of productive calquing, in that its relation to ‘*charge réelle*’ and to the Moroccan Code of Real Rights renders the translation legally traceable. ‘Court of Cassation’, contrasted with the rendering of an American Supreme Court, establishes the boundary condition: calquing succeeds only where it remains anchored to the correct source institution.

The broader conclusion is that formal literalness and functional adequacy are not necessarily antithetical in legal translation. A calque may be functional precisely because it resists false equivalence and retains the legal-system specificity of the source term; its success nevertheless depends upon conceptual accuracy, institutional correspondence, terminological traceability, source-system visibility, target-reader comprehensibility, and contextual appropriateness. French therefore merits explicit attention in future studies of Moroccan Arabic-English legal translation, not merely as another language within the environment, but as an intermediary through which legal concepts are frequently identified and transferred.

Further research could test the proposed criteria against a larger corpus of professional sworn translations and across additional legal genres. The present study is qualitative and corpus-specific, being based solely on a court judgment and a sale contract. It does not, therefore, claim that calquing is employed uniformly by all Moroccan sworn translators. It does, however, demonstrate that the procedure may constitute a deliberate and legally

sophisticated response to non-equivalence, particularly where professional sworn translators work across Arabic, French, English, and the legal systems associated with each.

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كلمة افتتاحية

يسعد هيئة تحرير المجلة الدولية للعلوم القانونية والاقتصادية والاجتماعية أن تقدم لقرائها الكرام وباحثيها الأفاضل العدد الثاني عشر من هذه المجلة العلمية، الذي يأتي استكمالًا لمسار أكاديمي طموح يهدف إلى ترسيخ البحث العلمي الرصين وتعزيز الحوار المعرفي في مجالات القانون والاقتصاد والعلوم الاجتماعية.

لقد حرصت المجلة في هذا العدد على انتقاء بحوث ودراسات علمية متنوعة، عالجت قضايا راهنة وإشكالات نظرية وتطبيقية ذات أهمية بالغة، مستندة إلى مناهج علمية دقيقة ورؤى تحليلية معمقة، بما يسهم في إثراء النقاش الأكاديمي وربط المعرفة النظرية بالو اقع العملي.

ويعكس هذا الإصدار التزام المجلة بمعايير الجودة العلمية والتحكيم الأكاديمي الموضوعي، وسعيها المستمر إلى الانفتاح على التجارب البحثية الوطنية والدولية، وتشجيع الباحثين الشباب إلى جانب الخبراء والأساتذة على نشر إنتاجهم العلمي في فضاء أكاديمي جاد ومسؤول.

وإذ نتقدم بخالص الشكر والتقدير إلى جميع الباحثين الذين ساهموا بأعمالهم العلمية، وإلى السادة المحكمين على جهودهم القيمة، فإننا نأمل أن يشكل هذا العدد إضافة نوعية للمكتبة الأكاديمية، وأن يفتح آفاقًا جديدة للبحث والتفكير والتعاون العلمي.

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307 Calquing as a Functional Legal Translation Procedure: French-Mediated Arabic-English Translation in Moroccan Private Legal Documents

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