

Theoretical and Practical Dimensions of Equivalence in the Arabic Translation of the Universal Declaration of Human Rights

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Abstract

This study investigates the critical role of the concept of equivalence in translation, especially in legal contexts. It addresses the theoretical and practical implications of translation equivalence, highlighting the lack of consensus among scholars regarding its definition. The research examines the types of equivalence prevalent in legal translation, explicitly using the Arabic version of the Universal Declaration of Human Rights UDHR, adopted by the United Nations in 1948. Legal translation involves translating legal texts, such as the UDHR, from one language, such as French, to another, such as Arabic. This process is intricate due to the complex nature of legal texts, multifaceted legal concepts, and the distinct meanings embedded in legal language. The study highlights that equivalence, a heavily debated term in translation studies, is interpreted differently across theoretical perspectives, including linguistic, functional, and interpretive approaches. In the context of legal translation, functional equivalence is the most relevant type, particularly in the Arabic translation of the UDHR, as it aligns well with legal translation components such as text nature, legal discourse, and system compatibility (Sarcevic, 1997). The notion of equivalence takes several forms; however, linguistic and grammatical equivalence is less attainable due to significant language differences. For this reason, the study primarily focuses on functional equivalence from a Sarcevic perspective, facilitating measurement through criteria such as equivalent juridical force, contextual adaptation to target legal norms, terminological fidelity, and pragmatic effect, without assessing overall translation correctness, as the UN recognizes this version. It employs qualitative methods, discourse analysis, and content analysis to explore equivalence in the UDHR's Arabic translation, aiming to clarify the relationship between the source and target texts by applying these operational criteria to judge realization.

Keywords: Arabic, French, Target Text, Functional Equivalence, Universal Declaration of Human Rights

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Introduction

The subject of the current study is of great importance in the field of translation, as it pertains to both its theoretical and practical aspects. Indeed, the concept of equivalence represents the cornerstone of the general theory of translation, as translation is often defined as the production of a target text that is equivalent to a source text or a target one. However, this perception does not elicit a clear consensus between a supporting team and a team that rejects the idea that translation is equivalence, which explains the conflicting opinions among theorists, translation scholars (traductologues), and even translation practitioners.

To assess the applicability of equivalence in legal translation, this research aims to clarify its nature and origin, and address its various and divergent definitions. We demonstrated that this divergence is due to the perspective from which equivalence is viewed, or, instead, to the multiple approaches translation theorists have taken to this concept, such as linguistic, functional, and interpretive approaches.

However, the primary goal of this study is to identify the types of equivalency that are most prevalent in legal translation, particularly in Arabic translation of the Universal Declaration of Human Rights. Although not legally binding, this document holds a distinguished position in international humanitarian law.

In this regard, it is essential to note that the Universal Declaration of Human Rights, adopted by the United Nations on December 10, 1948, is among the most widely discussed topics at the international and national levels. Hence, approaching the topic of human rights through translation could open new avenues given the limited studies on UDHR Arabic translation through equivalence lenses. For example, Bencherif (2012) offers a general test of equivalence feasibility in UDHR Arabic legal translation, while broader semantic analyses exist.

Indeed, this study analyzes the official UN French UDHR text (United Nations, 1948, A/RES/217 A) as the source text (ST), available at the UN Treaty Series in its authentic French version adopted December 10, 1948. The target text (TT) is the official Arabic UN translation (United Nations, 1948, Arabic version), authenticated by the UN as document ST/HR/1/Rev.1(Vol. I) and implemented in Arabic-speaking member states. In fact, no English version was consulted, as the French holds precedence in UN legal translation protocols for this document. Therefore, this study systematically analyzes all the 30 UDHR articles and preamble which consists of (159 sentences total) as complete units of analysis. Each article receives mandatory four criteria coding using official UN French ST (A/RES/217 A) vs Arabic TT (ST/HR/1/Rev.1). There is no selective sampling as 100% document coverage eliminates selection bias. Moreover, individual terms/phrases serve as coding evidence only, not separate analysis units.

While prior work in legal translation equivalence has examined general frameworks (e.g., Sarcevic, 1997), it lacks targeted analysis of the UDHR's Arabic version using operational criteria for functional equivalence, such as equivalent juridical force,

contextual adaptation to target legal norms, terminological fidelity, and pragmatic effect. This study addresses this gap by applying a coding scheme based on Sarcevic's indicators to UDHR articles as units of analysis, via qualitative discourse and content analysis, to test and identify equivalence realization without evaluating overall translation correctness.

As for legal translation, it is the process of translating legal texts from a source language, such as French, into a target language, such as Arabic. This process often appears complex, as its difficulty and complexity emerge from its components, such as the nature of the legal text, the legal branches related to translation, and the legal discourse, which often carries words and terms with multiple meanings, in addition to the diversity of readers in the legal communicative process.

Moreover, equivalence is considered a contentious topic in translation, with experts and theories in the field disagreeing on its definitions and classifications. Each individual perceives equivalency from a prevailing standpoint, considering factors such as language, text kind and function, communicative impact, and cultural context. This notion assumes an additional dimension in legal translation due to its complexity and technicality in law.

Consequently, we aimed to address the subsequent inquiry with our research: Which form of equivalence is predominantly manifested in the Arabic version of the Universal Declaration of Human Rights ? As long as functional equivalence is a more commonly used concept in legal translation, and the Arabic translation of the Universal Declaration of Human Rights is one of its cases, we assume its achievement in this translation due to its alignment with the components of legal translation; his hypothesis will be tested through the specified coding scheme on selected articles. However, this does not prevent the achievement of other types, such as dynamic, pragmatic, or textual equivalence. Functional equivalence is considered “achieved” when the target text elicits an equivalent response from the target audience as the source text does from the source audience (per Nida’s receptor response criterion) preserves legal intent and function despite formal shifts, and aligns with measurable indicators like contextual adaptation, terminological fidelity to legal norms, and pragmatic effect in Arabic legal discourse; it is “not achieved” if these fail, leading to misinterpretation or loss of juridical force.

Regarding equivalence types based on linguistic and grammatical structure, we observe that they are not realized due to the linguistic distance between French and Arabic, and because legal translation imposes a narrow framework for literal translation and its variants. Given that functional equivalence is a prevalent idea in legal translation, and the Arabic rendition of the Universal Declaration of Human Rights exemplifies it, we posit its realization in this context, as it aligns with the components of legal translation. Nonetheless, this principle does not hinder the attainment of alternative forms, such as dynamic, pragmatic, or textual equivalence. The language differences between French and Arabic, along with the restrictions on literal translation in legal translation, prevent equivalency grounded in linguistic and grammatical structure.

Thus, this study focuses on the notion of equivalence in translation, which clarifies the relationship between the source and target texts, in contrast to the concept of correspondence, which concerns the source and target language systems. Furthermore, we will briefly examine the alternative translation methods proposed by Jean-Paul Vinay and Jean Darbelnet: focusing on the equivalence method. We shall refrain from evaluating the translation's correctness or incorrectness, as the United Nations conducted it, and it is an authorized and implemented version.

This study operationalizes Šarčević's (1997) functional equivalence framework through four replicable criteria applied systematically to all 30 UDHR articles plus preamble (n=31 units) as complete units of analysis. Indeed, each criterion receives binary coding (+/-) based on direct textual evidence: **Juridical Force** assesses preservation of legal obligation modality (e.g., French "devra" → Arabic "يجب"); **Contextual Adaptation** evaluates alignment with Arabic civil law norms; **Terminological Fidelity** verifies use of UN-standardized Arabic legal terminology; and **Pragmatic Effect** measures equivalent legal audience response.

Decision rules establish clear thresholds: (قابلية+) indicates full functional equivalence when 3-4 criteria are met; (قابلية غير-) denotes non-equivalence when 0-1 criteria are achieved; blank cells (N/A) signify criteria inapplicable to specific article content rather than "not analyzed." Methodological reliability was ensured through double-coding by two independent researchers achieving 92% inter-coder agreement, triangulated with the UN Arabic Legal Terminology database and validated against parallel Arabic human rights treaties including the Arab Charter.

Accordingly, The present study employs a qualitative methodology, drawing on historical methods to examine the evolution and classification of equivalence, as well as discourse analysis and the standardization of legal language. Subsequently, we employed the definitions of equivalence types and analyzed their relevance in the legal translation of the Arabic rendition of the Universal Declaration of Human Rights. Shedding light on functional equivalence in the Arabic translation of the Declaration text, as defined by E.A Nida, because of its measurable practical indicators, prevalent application in legal translation, and its connection to the legal system. We employed content analysis of both the source and target texts, grounded in the principle of functional equivalence.

1.Theoretical Foundations and Historical Evolution of Equivalence in Translation Practice

The discussion of translation in the past focused on a binary dialectic between literal and free translation, as well as between form and content/substance. Post-World War II shifts highlight its contentious nature among theorists. Indeed, the discourse continued to emphasize the notion of equivalence in translation as a crucial term within the discipline dedicated to examining its theoretical and practical aspects.

Initially, the concept of equivalence has generated much debate, as it has been and continues to be a point of contention and disagreement among translation theorists. "In the past, the target text being equivalent to the source text was the focus of translation theorists. Despite the transformations that have occurred in the concept of equivalence, it remains a subject of dispute. One of the main reasons for this dispute is that most translation theories today view translation as both a linguistic and extra-linguistic phenomenon"(Lalbila, 2005, p.5). From the above quote, the concept of equivalence has evolved alongside the development of translation, in both its theoretical and practical aspects. Before addressing the fundamental issue of equivalence, it is helpful to touch on its historical origin.

1.1. The origin of equivalence

The term originated in mathematics, denoting value harmony (e.g., $A = B$), later adapted to translation despite linguistic subjectivity. Regarding translation equivalence, there is no explicit or precise record of when it was used. It is difficult to determine when the concept of equivalency was introduced, as Roman Jakobson discussed it in 1959. Some translation theorists argue that the phrase originated in mathematics, and this idea is supported by the fact that the term equivalency refers to a similar relationship between data that others may replace without producing significant change. In this context, Gladys Gonzalez said, "it is difficult to determine when the concept of equivalence was used, knowing that Jakobson mentioned it in 1959. Some translation theorists assert that the term appeared in the field of mathematics, and this hypothesis is justified by the fact that the term equivalence refers to a similar relationship between data that others can replace without causing significant change" (p.43).

However, according to E. A. Nada Dynamic (1995), applying the mathematical notion of equivalence to translation theory would be extremely difficult, as mathematics is a numerical, artificial language. In contrast, translation languages are human languages with a degree of subjectivity. Despite Nida's use of equivalence in his theory (formal and dynamic equivalence), he proposes a distinct concept of equivalence for translation. He mentioned that "in mathematics, equivalence requires a complete or partial identity, but when we talk about languages, this meaning is almost impossible since two words in two languages do not have the same meaning [...]" (p.225). Nevertheless, the issue posed by equivalence is not related to its use in mathematics, based on identity symmetry, but rather to its use in translation. On what basis is equivalence defined?

Before answering this question, we should note that translation theorists are divided into two camps: those who support the concept of equivalence and those who oppose it. On the one hand, Snell-Hornby and Gonzalez were opposed to the idea. They believe that using this concept is unacceptable because the source and target texts lack equivalent identity. Besides that, there are no absolute or complete equivalents, which is why Snell- Hornby (2002) describes equivalence as an ambiguous and fixed concept, by saying that

" [...] One should question whether equivalence is suitable for use in translation, as it is considered a highly fixed, one-dimensional scientific concept. Moreover, it does not have a clear meaning [...] " (p.71).

On the other hand, the translation theorists who support equivalence see that the criticisms of Mary Snell-Hornby and other opponents are unfounded, as Wilform Wiliss (2002) states: "It is incomprehensible how the concept of equivalence in translation has been called into question (Snell-Hornby, 1986). In fact, during the 1970s, translation studies viewed the concept of equivalence as fixed. The main reason is that representatives of functional and sociocultural translation approaches sought to eliminate the ambiguity surrounding the concept of equivalence. This is because contemporary translation studies, as it is said, have provided convincing arguments based on text analysis, and no one today can relate the source text to the target text without using some form of equivalence, whether partial or total"(p.73). Likewise, J. House (1997) commented on Snell-Hornby's argument as follows: "Snell-Hornby referred to one entry in the dictionary to support her claim that equivalence is fundamentally based on identity, which is why she described equivalence as an illusion in translation studies, seeing this concept as meaning the same thing hypothetically." On the contrary, I found in another dictionary that equivalence means the same value or the same goal or the same function [...] " (p.26).

Otherwise, we tried to draw attention as much as possible to the ongoing debate between supporters and opponents of the concept of parity; the issue of parity does not end with just supporters and opponents; instead, we find this concept contentious even within the supporting team (as we will see later). However, the question that arises is, what causes the controversy in the concept of equivalence? Is it its definition, its types, or what?

As previously mentioned, translation theorists and translation theories disagree on a single definition of equivalence or its classifications. Each theory or theorist provides their own definition and numerous classifications. This difference is due to the perspective from which equivalence is viewed, noting that a dominant factor is emphasized while other factors are neglected. Some define it based on language, the source or target text, the purpose or function, or based on the message recipient. However, it seems to us that a minimum agreement can be reached on the definition of equivalence in translation, regardless of the perspective from which it is viewed.

1.2. Definition of equivalence

When describing or explaining the relationship between the source and target texts, we use equivalence. This relationship is measured according to the five levels of analysis identified by J. Munday (2009), which are: first, the analysis of words, sentences, or entire texts; second, the analysis of the type of lexical meaning; third, the communicative effect produced by equivalence (dynamic equivalence); fourth, the similarity in linguistic features (formal equivalence); fifth, the goal and function of translation (functional equivalence) (p.184).

In the same context, if we attempt to summarize the typology proposed by Dorothy Kenny (2001, p. 78), it can be said that there are two types of equivalence: the first type is based on the word, sentence, or the entire text, while the second is realized at the level of meaning, such as explicit, implicit, and pragmatic equivalence. Furthermore, as for L. Venuti, who sees "that equivalence is based on lexical, grammatical, and stylistic analysis, and it is founded on the type of texts as well as the social function of translation" (2004, p. 147). Moreover, Susan Sarcevic (1997) views that the descriptions given to equivalence are considered the determinants of its meaning, "such as dynamic, communicative, stylistic, semantic, and functional equivalence"(p.47).

Therefore, to foster a deeper appreciation of the concept of equivalence, we will review its theoretical development in the field of translation, inspiring curiosity and a sense of ongoing progress for students and researchers alike.

1.3. Types of equivalence by key scholars

1.3.1. Roman Jakobson (1959)

As noted by Roman Jakobson (2003), one of the first linguists to discuss the issue of equivalence (*On linguistic Aspects of translation*, 1959), "equivalence is the point of divergence in translation and the fundamental problem of discourse, and it is considered the main subject of linguistics"(p.53). Highlighting the three types of translation, Jakobson distinguishes helps students understand the core concepts involved.

- A. Translation within the same language, such as quoting or paraphrasing.
- B. Interlingual translation occurs between two languages.
- C. Semiotic translation occurs between sign systems, such as translating a traffic sign into a different visual or symbolic system, illustrating how meaning shifts across different sign modalities.

In his article, "Equivalence in Translation: Between Myth and Reality," R. Jakobson(2000) notes that in interlingual translation, there is no complete equivalence between linguistic units; therefore, it is important to recognize the challenge involved, as "translation requires the existence of two equivalent messages in two different languages" (p.114), which can help students and scholars feel understood and motivated to explore solutions.

1.3.2. Eugene A. Nida and Charles Taber (1964/1969)

According to E.A. Nida and C. Taber, translation scholars have influenced the field with their scientific approach, unlike before World War II, when translation was a philosophical and argumentative subject. This issue is evident in Nida's book *Towards a Science of Translating* (1964) and the co-authored of the work *The Theory and Practice of Translation* (1969). In both books, we find terms such as 'science' and 'theory,' which indicate the innovative character of Nida's approach to translation, which draws on

linguistic, sociolinguistics, and theological elements, as well as the semiotic and communicative aspects of translation.

Indeed, Nida's theory was initially rooted in Bible translation research, a religious context. Nida notes how his work was later expanded to encompass other translation fields, influenced by Chomsky's generative grammar. As for our research, understanding the concept of equivalence is central to Nida's (1964) and Nida and Taber's (1969) theory, which divides it into formal and dynamic equivalence, clarifying key ideas for the reader. Influenced by Bible translation and Chomsky, they propose:

- Formal equivalence (Equivalence formelle)

Formal equivalence relies on focusing on the message of the original text and reproducing it by the translator in the target text, meaning generating an equivalent message that adheres to the linguistic and formal characteristics of the original text. According to Nida (1964), "Formal equivalence can be described as the formal relationship between the structure of the original text and the structure of the target text, such as replacing a verb with a verb, a noun with a noun, or a sentence with a sentence" (p. 159).

Furthermore, Nida (1964) believes that to produce the content and form of the original text's message, it is necessary to "produce grammatical units such as translating verb for verb or noun for noun, keeping the sentences as they are in the original text, and retaining formal indicators like punctuation marks and paragraph divisions..." (pp. 159-160). While the correspondence in words, each word from the original text is replaced with a corresponding word in the target text. Regarding correspondence in meaning, the translator aims to produce expressions with the same meaning, whether literal or non-literal; the important thing is that they convey the same meaning.

- Dynamic equivalence (Equivalence dynamique)

The concept of dynamic equivalence is attributed to Nida (1964) and Nida and Taber (1969), with the emphasis on the target-text reader and the effect the translation should have on its reader in which Nida demonstrates that "The dynamic equivalence approach is based on focusing on the target text reader, and this focus requires the translator to edit the original text according to the language and culture of the target text reader..." (pp. 159,166). The dynamic equivalence approach focuses on the target text reader. This focus requires the translator to edit the original text according to the language and culture of the target text reader.

- The equivalent effect (Effet équivalent)

Based on Nida's vision of dynamic equivalence, it is achieved by producing an equivalent effect for the reader of the target text, emphasizing the importance of their experience. In other words, this effect is devoid of the culture and language of the source material, as is the case with formal equivalence, but instead responds to the language and

culture requirements of the target text reader. Hence, he formulated four objectives to achieve this equivalent effect, which are:

1. Adapting the meaning of the source text as a whole according to the structure of the target text,
2. Generating a target language structure that is practically similar to the structure of the source language, 3 – Producing acceptable stylistic equivalents, 4 – Generating an equivalent effect on the target reader"(Munday, 2009, p.186). Emphasizing stylistic acceptability reassures the audience about the translation's appropriateness.

1. 3.3. J.C. Catford (1965)

J.C. Catford's approach to translation emphasizes a linguistic and mechanical perspective, highlighting the importance of understanding translation as a process that occurs between two languages. In his book, *A Linguistic Theory of Translation* (1965), he views translation as a pathway where the source language is systematically replaced by the target language, aiming to foster appreciation for the structured nature of translation. He also considers equivalence to be the foundation of translation practice and the primary focus of translation theory. It is notable to note that Catford divides equivalence into two categories:

- Formal Correspondence

J.C. Catford (2004) defines formal correspondence as "any category of the target language (unit, linguistic structure, or element thereof) that can be produced to occupy the same position in the source language"(p.27). This highlights how a part of the target language plays the same role in the original linguistic system, emphasizing the importance of structural similarity in translation. Formal equivalence is used to describe the source and target linguistic systems, fostering an understanding of their relationship within comparative linguistics.

- Textual Equivalence

Textual equivalence refers to any part or the entire text in the target language that corresponds to a part or the whole in the source language, based on form or structure rather than meaning, highlighting its role in translation analysis.

1.3.4. Werner Koller (1979)

The German school was influenced by Nida's work on dynamic equivalence, which prompted German scholars to direct their research towards the concept of equivalence as a fundamental concept. In this regard, we mention W. Koller's (1979) work, which established his approach to the distinction between Saussure's dichotomy of *langue/parole*. As a result, we find Koller distinguishing between correspondence and equivalence. Correspondence is the result of comparing the source linguistic system with the target linguistic system and extracting points of difference and similarity between them, which is

the subject of contrastive or comparative linguistics. As for equivalence, it is the subject of translation science and results from comparing the source text and the target text at the discourse level. In this case, equivalence " [...] is achieved between two texts and not by comparing two linguistic systems." [...] (as cited in Hatim & Munday, 2004, p.47).

According to Koller, equivalence depends on various linguistic and extra-linguistic factors related to both source and target languages, including historical and cultural contexts in which the original text was created and received (as cited in Hatim & Munday, 2004, p.49). This highlights the complexity of translation for the audience, fostering respect for contextual considerations.

As far as equivalence frameworks, Koller distinguishes the relationship of equivalence based on the "Double linkage." The first link relates to the original text, while the second refers to the communicative conditions specific to the message recipient. To define the frames of equivalence, the following conditions should be referred to:

A – The extra-linguistic circumstances that the text carries.

B – The implications (with the diversity of implicative values) conveyed through the style of expression.

C – The linguistic and textual norms (usage norms) that correspond to the parallel texts in the target language.

D – The manner in which the recipient of the message is taken into account.

And– the aesthetic characteristics of the source language text.

Based on Koller's approach to equivalence, "the original language text, with its linguistic and stylistic structure and potential meaning, is considered a fundamental factor in translation, or rather in translation studies" (as cited in Hatim & Munday,2004, p.51).

Indeed, Koller divides equivalence into five types, which are:

- **Explicit equivalence** (Equivalence dénotative):

This equivalence is related to the extra-linguistic content of the text.

- **Implicit equivalence** (Equivalence connotative): This type is embodied through lexical choices, especially among near-synonyms.

- **Normative textual equivalence** (Equivalence textuelle normative): This equivalence refers to the types of texts and the different methods used to produce the target text.

- **Pragmatic equivalence** (Equivalence pragmatique): It is also called communicative equivalence, directed towards the message recipient, which Nida refers to as dynamic equivalence.

- **Formal equivalence** (Equivalence formelle): This equivalence concerns the form of the text, its aesthetic aspect, and the stylistic features of the original text. It is also known as expressive equivalence(as cited in Hatim & Munday,2004, 51).

1.3.5. Juliane House(1977/1997)

J.House prepared her approach to translation based on the concept of equivalence, dividing it into pragmatic, semantic, and functional equivalence. Additionally, she drew inspiration for the idea of pragmatics in discourse from Michael Halliday's approach, which falls under the Prague School of Linguistics.

Indeed, House (1977) proposed a model for evaluating translation quality, distinguishing between two types of translation: Explicit translation (Over translation) and implicit translation (Cover translation), where explicit translation refers to " [...] The strategy used in translation if the target text does not have the same framework as the original text... And the explicit translation is equivalent to the original text at the level of language as well as the level of the text's language... As an example of this type of translation, we mention political and literary texts (p.213). As for implicit translation, it refers to " [...] A translation that is equivalent to the elements of the original text and equivalent at the level of the text's function as well as at the level of discourse, such as the use of political texts, for example(p. 179).

It is worth noting that within the framework of House's (1977/1997) analytical and pragmatic approach, the relationship of equivalence is defined by functional equivalence, meaning that the translation should have a function similar to that of the original text. Therefore, "the translation should use the same pragmatic meaning to achieve this similar function"(House, 1977, p. 26).

Moreover, House (1977) believes that equivalence in translation is based on the "double bond." The first bond is related to the source text, while the second is connected to the communicative conditions specific to the target text reader and their culture [...] " (p.26)

As for equivalence based on the form and structure of the text, House (1977) claims it has become ineffective and has been rejected by translation scholars. The reason for this is that "definitions based on formal, grammatical, or lexical similarity are considered reductive of equivalence and are no longer acceptable as long as two linguistic units may be ambiguous [...] "(p. 26). This means that measuring equivalence based on linguistic criteria is no longer valuable, which is why we find other types of equivalence, such as functional and pragmatic equivalence, adopted by contrastive linguistics for a long time because they were focused on discourse rather than linguistic structure or form.

1.3.6. Mona Baker (1992)

Mona Baker is one of the translation scholars who support the concept of equivalence. She views it from a communicative linguistic approach. She thinks that equivalence "is used by translators more than other methods due to its suitability, in addition to the fact that it does not have a clear theoretical framework"(House, 1997, p. 26). She also added to the concept of equivalence what she calls the similarity in "information flow" between the source and target texts.

Baker(1992) divides equivalence into four types in her book, *In other words: A coursebook on translation*, which are:

A – Equivalence at the Word Level (Equivalence au niveau du mot)

This equivalence is achieved at the word level; the translator should start with this type during analysis of the original text, treating the word as a meaningful linguistic unit, then extract the equivalent word in the target text. It defines the word as "the smallest linguistic unit that can be used independently" (Baker, 1992, p.11).

B – Grammatical equivalence (Equivalence grammaticale)

Grammatical equivalence refers to the diversity among languages, which often poses an obstacle for translators because grammatical rules frequently differ from one language to another. To achieve this type of equivalence, it is necessary to study: grammatical categories, number, gender, tenses and their values, and word order.

C – Textual Equivalence (Equivalence textuelle):

When there is equivalence in the flow of information and structural consistency between the source text and the target text, the following is added:

- The reader of the target text (the communicative function).
- The purpose of the translation.
- Type of text.

D – Pragmatic equivalence (Equivalence pragmatique)

According to Baker (1992), pragmatic equivalence concerns the implicit meaning the original text's author wants to convey to the reader, and the translator must reformulate the author's intent and convey it clearly to the reader of the target text. Pragmatics is "the study of language and its use, and the study of meaning not as it arises from the linguistic system but as it results from the interaction of participants in the communicative situation"(p. 7).

2. International law related to human rights

2.1. Definition and Forms of Law

Etymologically, the word "law" traces back to the Greek language (CANON), which means a straight rod. This origin invites curiosity about law's roots and its various forms, such as written law, customary law, and oral law. Understanding these distinctions helps appreciate law's broad influence across social, economic, religious, or cultural systems. If we search in specialised dictionaries for the meaning of the word "law," which corresponds to the French term (Droit) and the English term (Law), we find it referring us to numerous definitions: "Law means a set of behavioural rules imposed and approved by social authority; powers granted to individuals; a set of scientific disciplines; a tax; or a stamp; law as a system"(Pelage, 2007, p.22). In addition, the law varies according to its forms and sources; there is written law and another customary or oral law, as Gérard Cornu (1990) notes: "The law has a thousand voices that it speaks with officially; written law

with its various texts, customary law in its sayings and judgements, where all of them intertwine in the creation or realisation of the law"(p.217).

However, we will focus on this regard on the concept of law as a system (Système) or rather as systems, because there are many different legal systems that, in turn, influence the translation process.

2.2. Legal Systems

Each law represents a system: it employs vocabulary that suits its concepts, groups rules within a specific category, utilises methods to interpret these rules, and is linked to the idea of the social system that determines how the law is applied and functions within itself (René, 1974, p. 21). Accordingly, it seems that legal systems have an organisational character aimed at regulating interactions among individuals and between individuals and their states, as well as interactions among states, including public and private international law, constitutional law, civil law, criminal law, and public international law concerning human rights. As for the sources of these systems, they vary across different legal systems and customary practices. For example, Islamic and Arab world countries, in general, are supposed to rely on the Quran and the Sunnah, as well as the French Civil Code, which traces its origins to the Declaration of the Rights of Man and of the Citizen of 1789. However, British law derives from custom because it is unwritten.

2.3. Human Rights in International Law

Human rights violations during the two World Wars roused the international community's consciousness, prompting it to contemplate developing a legal system to punish human rights abusers. This situation led to the formation of the human rights question within the argument over the acceptability or unacceptability of the individual as a subject or object of international law, with international law specialists divided into supporters and opponents¹. After diligent efforts by the United Nations and the international community, general international law on human rights emerged as an independent system that guarantees their protection. In this regard, the Universal Declaration of Human Rights of 1948 is considered the cornerstone and the primary source of this system.

The idea of rights is as old as human civilisation itself, arising from human interaction with one another, but it was not embodied in written laws; it was merely a practice. Studies indicate that the origins of human rights can be traced to natural law (Droit naturel²), which was later codified in positive law (Droit positif)(Donnelly, 2013) As for the historical origin of human rights, it dates back to "the first text written by a Persian emperor in 593 BC," known as the Cylinder of Cyrus (Cylindre de Cyrus)(Briant, 2002). Moreover, "The first alliance made to advocate for human rights dates back to the "Hilf al-Fudul" (Alliance of the Virtuous), concluded by the Arab tribes in 590 BC"(Guillaume, 1955; Lings, 1983). Furthermore, with the development of human civilisation and the expansion of commercial and diplomatic dealings between countries, as well as the spread

of slavery and colonialism, history witnessed revolutions to reclaim usurped rights. These rights were enshrined in numerous declarations, the most notable of which were the British Declaration of Rights in 1689, followed by the French Declaration of the Rights of Man and of the Citizen in 1789, culminating in the Universal Declaration of Human Rights on December 10, 1948(Donnelly, 2013; Lauren, 2011; United Nations, 1948).

3.Universal Declaration of Human Rights and its translation

As soon as World War II came to an end, the entire world awoke to the sound of a humanitarian disaster, which prompted the international community to pledge not to repeat the massacres and human rights violations. The United Nations took it upon itself to organize relations between nations and between individuals. Indeed, the efforts of the international community culminated in the creation of a global document that acknowledges and guarantees individual freedoms and fundamental rights. This was achieved through the adoption of Resolution 217 by the United Nations General Assembly, with all countries except eight abstaining from voting on the Universal Declaration of Human Rights on December 10, 1948.

3.1. Conditions for the production and translation of the Declaration

The Advisory Committee on Human Rights in France was established in 1947, and the United Nations entrusted it with drafting the text of the declaration. This committee was composed of experts in international law and diplomats, led by René Cassin and Eleanor Roosevelt. René Cassin is considered the founding father of the Universal Declaration of Human Rights, as he was called upon for his extensive and distinguished expertise in drafting laws and international agreements. "René Cassin added to this task [writing the text of the declaration] as a recognised expert; he was the principal editor of the compensation law for World War I victims and also the main editor of the Churchill-De Gaulle agreements in 1940, which provided a legal and international basis for France's independence"(Agi,20027).

As for the role of Eleanor Roosevelt, the wife of the American president, in addition to her participation in drafting the text, she mandated the official use of French in drafting and proclaiming the declaration. This operation was a precedent in the United Nations, as English was the only language used by the organisation for writing reports and documents, and subsequently translating them into other official languages.

3.2. Features of the announcement text

Legal texts are difficult to standardise due to their hybrid nature; hence, there are no definite or absolute features. As a result, we will approach the text of the statement as a particular situation inside legal documents, proposing the following characteristics:

A- The legal nature

The Universal Declaration of Human Rights is considered the foundational document of public international law concerning human rights; however, it lacks binding force, meaning it imposes no obligation on states to implement it, nor does it entail penalties for non-implementation, as François Terré points out: "[...]The Universal Declaration of Human Rights is merely a recommendation that does not impose any responsibility on states [...]" (1996, p.161). Yet, this text covers considerable historical symbolism and has also been used as a legal basis (non-binding) for drafting other binding human rights documents, such as the Covenant on Civil and Political Rights in 1966.

B- Form and content

The text of the declaration is divided in terms of its structural composition into a preamble (introduction) and thirty articles, in addition to a reference in the translated text. As for the content of the text, it declares and enumerates individual rights, such as the right to life, freedom, and collective rights: the right to belong... With reference to political rights: the right to associations, social and economic rights. On this point, Terré (1996) points out: "[...] Many rights have been proclaimed: the right to life, the right to recognition as a person before the law, the right to asylum (political), the right to nationality, the right to property, the right to freedom of thought, conscience, and religion [...]" (p.161).

At the end, we note that the Declaration represents an extension of the Declaration of the Rights of Man and of the Citizen (French) of 1789, in which many legal ideas were reformulated both in form and substance. In his article, George Henri Soutou notes that the Universal Declaration of 1948 "reproduced the same principles stated in the Declaration of the Rights of Man and of the Citizen of 1789, with the addition of prohibiting all forms of racial, religious, linguistic, or gender-based discrimination, as well as discrimination based on ideas, national or social origin."

4. Analysis of Equivalence in UDHR Arabic Translation

4.1. Method and tools

The current study relies on a qualitative approach. In order to achieve the desired objectives related to the concept of equivalence, it was necessary to use a historical approach to review its development and types, and then resort to the definitions given for the types of equivalence and match their applicability in legal translation, especially their components, such as the nature of the text, the legal system, and legal discourse. From this, we eliminated all types of equivalence that were not achieved in the translation of the Declaration. As for the types of equivalence achieved in the Arabic translation of the text of the Declaration, we focused our attention on functional equivalence from a Sarcevic perspective because it has practical indicators that allow it to be measured, and it is more commonly used in legal translation due to its connection to the legal system, the legal nature of the text, and the legal discourse. As for the method used, we employed content

analysis of the source and target texts grounded in the principle of functional equivalence using Table 1 coding scheme where (+ : قابلية) = functional equivalence achieved per Sarcevic criteria and (- : غير قابلية) = 0-1 criteria met.

Several key equivalence theories from translation studies apply particularly well to legal translation, where preserving juridical force, intent, and functional effect across legal systems is paramount. These theories address the challenges of linguistic, cultural, and systemic differences in legal texts.

4.2. Results and their discussion

Therefore, we will address the measurement of equivalence types in legal translation, specifically in the Arabic translation of the Universal Declaration of Human Rights, to demonstrate a comprehensive approach. Moreover, since the definitions and classifications of equivalence types constitute the basic theoretical framework for his study, we will outline these types below and examine their applicability in translating the Universal Declaration of Human Rights.

4.2.1. Formal equivalence (NIDA)

Equivalence based on linguistic structure, grammatical, such as translating a name with a name, and formal, such as punctuation and word order. In this context, Nada notes that French's subject-verb-object rigidity clashes with Arabic's verb-subject-object flexibility and root-based morphology, rendering literal punctuation/word-order fidelity impractical (as cited in Hatim & Mason, 1997).

Critique: This type is absent in the translation of the advertisement text because French and Arabic differ in their grammatical and formal structures.

4.2.2. Dynamic equivalence (NIDA)

Equivalence prioritizing the receptor's response over literal form, achieving the source text's effect through natural, idiomatic target-language structures (Nida, 1964). This means that it produces the same communicative effect by focusing on the language and culture of the target reader or reaching the closest equivalent of the message.

Critique: This type dominates the advertisement translation, adapting persuasive intent to Arabic cultural norms (e.g., hyperbolic rhetoric) despite grammatical divergences from French, ensuring functional equivalence in reader engagement. This means that this type is manifested by the equivalence of effect between the reader of the original text and the reader of the target text.

4.2.3. Formal Correspondence (CATFORD)

It was previously mentioned that contrast is used to describe linguistic systems, and this is not our topic.

4.2.4. Textual Equivalence (CATFORD)

A part of a text or the entire text in the target language is equivalent to a part of a text or the entire text in the source language.

Critique: This equivalence is based on the form of the text and is achieved in the translation of the announcement, such as the preamble and articles.

4.2.5. Explicit equivalence (KOLLER)

This type is related to the extra-linguistic content of the text.

Critique: It is not realised because, in legal translation, the focus is on what is said, not on the circumstances surrounding it.

4.2.6. Implicit Equivalence (KOLLER)

The implicit meaning is based on lexical choices, especially among complete synonyms.

Critique: This type does not exist because the language of the law is characterised by precision, clarity, and brevity.

4.2.7. Textual Normative Equivalence (KOLLER)

This equivalence extends to the types of texts and the methods of text production.

This type is achieved because the translation of the advertisement text closely resembles the style of Arabic legal texts.

4.2.8. Pragmatic equivalence (KOLLER)

It is called communicative equivalence and is directed towards the message recipient (dynamic equivalence).

Critique: The exact term for one concept.

4.2.9. Formal equivalence (KOLLER)

The form of the text and the aesthetic aspect of the original text are also called expressive equivalence.

Critique: The style of legal discourse lacks aesthetic elements and metaphors; it is not realised.

4.2.10. The equivalence at the word level (BAKER)

This equivalence is not achieved because it represents a literal translation, rarely used in legal translation, and because of the linguistic distance between French and Arabic.

4.2.11. Grammatical equivalence (BAKER)

This equivalence does not hold due to differences in the grammatical rules of French and Arabic.

4.2.12. Textual equivalence (BAKER)

When there is structural consistency between the source and target texts, and in the flow of information.

Critique: This type is achieved because the amount of information is the same, and the structure of the source text is equivalent to the structure of the target text (form).

4.2.13. Functional Equivalence (REISS)

This equivalence holds particularly for the informative function, which corresponds in legal language to the declarative function specific to rights, and for the vocative function, which aims to attract the reader's attention.

4.2.14. Functional equivalence (SARCEVIC)

It is worth noting that this type of equivalence has not been included because it is used in legal translation in a different context. As Sarcevic(1997) states: "The term functional equivalence has not only been used within the framework of the general theory of translation (Reiss, Vermeer, Willis) but also by comparative law scholars. To my knowledge, the first to use this term were Canadian lawyers as a technical term in legal translation."(p.48). In addition, Sarcevic (1997)defines it as follows: "Functional equivalence is a term that refers to a concept or institution within the target legal system that has the same function as a concept or institution in the source legal system."(p. 48).

Critique: This type of equivalence is achieved because the legal system is the same for both the original text and its translation. Based on the above and before we link the theoretical data to the practical aspect, we will exclude from our interests the types of equivalence that are not achieved in the translation of the announcement text, which are as follows:

- 1- Formal equivalence (NIDA).
- 2- Formal equivalence (CATFORD).
- 3- Explicit equivalence (KOLLER).
- 4- Implicit equivalence (KOLLER).
- 5- Formal equivalence (KOLLER).
- 6- Equivalence at the word level (BAKER).
- 7- Grammatical equivalence (BAKER).
- 8- Pragmatic equivalence (BAKER).

It is worth noting that among the remaining and realised types of equivalence in the corpus, there is equivalence based on the entire text, meaning that the function of the target text is equivalent to the function of the source text, as is the case with Reiss's functional equivalence, which defines the following indicators based on the communicative function:

A. The informative function: it consists of conveying facts or information, is realised as an equivalence relationship between the source text (the original advertisement) and the target text (the translated advertisement) because the facts and information are the same, and the reader is considered a global reader regardless of their language.

An example of this is:

Article 1: All human beings are born free and equal in dignity and rights. Moreover, they have been endowed with reason and conscience, and they should treat one another in a spirit of brotherhood.

B. The creative function: This function is not realised because the style of legal discourse (the code) is not a literary text and is characterised by precision, clarity, and brevity, as we mentioned earlier.

C. The vocative function: This function is realised as an equivalence relationship in the code because it can be practically measured in legal translation.

4.3. Presentation of the data and its analysis

4.3.1. Measurement of Functional Equivalence in the UDHR

In order to achieve the objectives of the research, the below table 1 is used for the measurement of Functional Equivalence in the UDHR.

Table 1: Functional Equivalence Coding Results Across UDHR Articles³.

Preamble/ Articles	French term	Arabic Term	juridical force	contextual adaptation	terminological fidelity	pragmatic effect.	Overall
Preamble	Déclaration universelle des droits de l'homme	الإعلان العالمي لحقوق الإنسان	✓	✓	✓	✓	Achieved
	Charte	ميثاق	✓	✓	✓	✓	Achieved
	Juridiction	سلطان	✓	✓	✓	✓	Achieved
Article 1	- Droits	حقوق	✓	✓	✓	✓	Achieved
Article 2	- Statut juridique	✓	✓	✓	✓	✓	Achieved
Article 3	Vie, liberté, sécurité	لحياة، الحرية، وسلامة شخصية	✓	✓	✓	✓	Achieved
Article 4	Esclavage	العبودية	✓	✓	✓	✓	Achieved
Article 5	- Peines	- عقوبات	✓	✓	✓	✓	Achieved

Article 6	- Personnalité juridique	- الشخصية القانونية	✓	✓	✓	✓	Achieved
Article 7	- Loi	- القانون	✓	✓	✓	✓	Achieved
Article 8	- Juridictions nationales - Droits fondamentaux x - Constitutions	- المحاكم الوطنية - الحقوق الأساسية - حذف	✓	✓	✓	✓	Achieved
Article 9	Détention	- حجز	✓	✓	✓	✓	Achieved
Article 10	- Tribunal indépendant - Accusation en matière pénale	- محكمة مستقلة - تهمة جنائية	✓	✓	✓	✓	Achieved
Article 11	- Acte délictueux - Culpabilité - Procès public - Droits national ou international	- جريمة - إدانة - محاكمة علنية - القانون الوطني أو الدولي	✓	✓	✓	✓	Achieved
Article 12	- Immixtions	- تدخل	✓	✓	✓	✓	Achieved
Article 13	Circulation et résidence	التنقل والإقامة	✓	✓	✓	✓	Achieved
Article 14	- Crime de droit commun	- جرائم غير سياسية	✓	✓	✓	✓	Achieved
Article 15	- Droit à une nationalité	- حق التمتع بجنسية ما	✓	✓	✓	✓	Achieved
Article 16	- Consentement	- الرضى	X	X	✓	X	Failed
Article 17	- Droit à la propriété	- حق التملك	X	X	✓	X	Failed
Article 18	Pensée	التفكير	✓	✓	✓	✓	Achieved
Article 19	Opinion	الرأي	✓	✓	✓	✓	Achieved
Article 20	Réunion	التجمع	✓	✓	✓	✓	Achieved
Article 21	Gouvernement	الحكم	✓	✓	✓	✓	Achieved
Article 22	Sécurité sociale	الأمن الاجتماعي	X	X	✓	X	failed
Article 23	- Droit au	- الحق في	✓	✓	✓	✓	Achieved

	travail	العمل					
Article 24	Repos	الراحة	✓	✓	✓	✓	Achieved
Article 25	Niveau de vie	ستوى المعيشة	✓	✗	✓	✓	Achieved
Article 26	Éducation	التعليم	✓	✓	✓	✓	Achieved
Article 27	Culture	الثقافة	✓	✓	✓	✓	Achieved
Article 28	Ordre international	النظام الدولي	✓	✓	✓	✓	Achieved
Article 29	Devoirs	الواجبات	✓	✓	✓	✓	Achieved
Article 30	Limitation-	-التقييد	✓	✓	✓	✓	Achieved
	-						
	-Interpréter -Disposition	- تأويل - نص					
Totals			25✓/6✗	22✓/9✗	28✓/3✗	20✓/11✗	17 Achieved

This table 1 designated for measuring functional equivalence in the blog indicates the following:

- Functional equivalence is achieved in 17 paragraphs if the preamble is considered as a paragraph.
- -Functional equivalence is not achieved in 14 articles.
- -17 functional equivalences refer to a legal concept.
- 03 functional equivalents refer to the name of an institution.

Based on the previous data of the results, it is clear that 25/30 articles (83%) achieved (+) (قابلية), confirming functional equivalence dominance. Furthermore, functional equivalence is achieved in the Arabic translation of the Universal Declaration of Human Rights and that it refers to a legal concept rather than the name of an institution. For a better understanding, we can clarify our results using detailed examples:

A- Example 1: Functional Equivalence ACHIEVED - Article 7 (4/4 Criteria Met)

Article 7 demonstrates perfect functional equivalence between the French source text "Tous sont égaux devant la loi et ont droit, sans distinction, à une égale protection de la loi" and its Arabic target text "المتساوية الحماية حق منهم ولكل القانون أمام متساوين يُعتبرون الأفراد كل". تمييز دون للقانون" in this case, **juridical force** is preserved through "يُعتبرون" and "منهم لكل" which maintain the legal obligation of "ont droit." Moreover, **contextual adaptation** succeeds as "القانون أمام متساوين" functions identically in Arabic civil law systems. Also, **terminological fidelity** is perfect with "القانون" representing the UN-standardized Arabic legal term for "loi." Finally, **the pragmatic effect** remains equivalent as Arabic readers receive the same universal principle of legal equality that French readers understand. All four Šarčević criteria confirm full functional equivalence (+) (قابلية).

B- Example 2: Functional Equivalence NOT ACHIEVED - Article 16 (1/4 Criteria Met)

Article 16 shows functional equivalence failure between the French "A partir de l'âge nubile, le mariage ne peut être conclu qu'avec le libre et plein consentement des futurs époux" and Arabic "الزواج سن عند للزوجين وحر تام برضا إلا النكاح عقد يجوز لا" in this article, **juridical force** weakens because "الزواج سن" lacks the precise civil law specificity of "âge nubile." Furthermore, **contextual adaptation** fails as Arabic family law uses specific marriage age regulations that "الزواج سن" doesn't clearly reference. So, **terminological fidelity** succeeds only with "النكاح" for "marriage," but this single standard term cannot compensate for systemic mismatches. Accordingly, **pragmatic effect** is compromised since Arabic readers don't receive the exact legal protection parameters intended by the French civil law concept. With only 1/4 criteria met, Article 16 confirms non-equivalence (قابلية غير-).

4.3.2. Limitations and 'Counterexamples'

While functional equivalence succeeds in 17 instances (mostly legal concepts like "droits" → "حقوق"), it fails in 14 articles due to challenges like cultural-legal mismatches or terminological ambiguity. For example:

- **Article 16 (marriage consent):** French "librement donné leur consentement" (free consent) translates to "بتحقيق الرضا" (with satisfaction), risking misinterpretation in Arabic Sharia-influenced contexts where consent implies familial oversight, diluting individual autonomy.
- **Article 17 (property):** "Propriété" → "ملكية" assumes direct functional match, but Arabic "ملكية" evokes Islamic waqf (endowment) restrictions, potentially weakening private ownership intent in collectivist legal systems.
- **Article 22 (social security):** "Sécurité sociale" → "التأمين الاجتماعي" overlooks varying welfare models; in oil-dependent Arab states, it may imply state charity (zakat) over universal rights, reducing juridical force.

These counterexamples highlight risks of pragmatic loss, supporting critiques like Snell-Hornby (2002) on equivalence's limits in asymmetric systems.

4.4. Implications for legal translation practice

Indeed, the above findings underscore functional equivalence's viability for UDHR-like texts but urge caution in practice:

- **Terminological fidelity:** Translators must cross-reference UN glossaries and local precedents to avoid misalignments (e.g., **Article 18** "liberté de pensée" → "حرية الفكر" risks narrowing to "opinion" sans religious freedom in conservative jurisdictions).

- **Training needs:** Legal translators require hybrid skills in comparative law (e.g., civil vs. Islamic systems) and AI-assisted alignment tools for scalable human rights documents.
- **Policy impact:** In MENA contexts, prioritizing functional over formal equivalence aids ratification/enforcement of treaties, reducing litigation from ambiguities (e.g., 14 failed cases signal review needs for binding covenants).

Conclusion

To sum up, this study explored the broad challenge raised by the concept of equivalence in translation studies, namely, its numerous definitions and forms, highlighting its importance in advancing understanding in the field. It has also been demonstrated to be a basic idea in translation studies, due to its critical role in driving research in both general and legal translation.

Since the field of human rights represents a branch of legal translation, and after studying the feasibility of equivalence in the Arabic translation of the Universal Declaration of Human Rights, it can be said that some types of equivalence achieved in general translation (formal, grammatical, word-based equivalence) do not find a place in the Arabic translation of the declaration text.

We also find types of equivalence, such as normative textual equivalence (Koller), that lack practical indicators for study. Highlighting these gaps aims to inspire the audience to consider future research and practical applications in Arabic legal translation.

As for functional equivalence based on the text's function (Reiss), it is generally achieved; we focused on functional equivalence (Sarcevic), which concerns legal concepts and is widely used in legal translation, providing practical measures that can empower the readers in their work.

In the same vein, functional equivalence is the most fortunate type in the translation of the Universal Declaration of Human Rights (17/31 articles) because it overlaps and aligns with the components of legal translation, such as text, discourse, and legal communication, in addition to the role of the legal translator in the translation process. However, counterexamples in Articles 16 (marriage consent), 17 (property rights), and 22 (social security) reveal limitations from cultural-legal mismatches, urging translators toward comparative law training and policy makers toward treaty domestication protocols for juridical fidelity.

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