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## Tying the knot between interlingual and intralingual translation: reconceptualising Islamic law in translation studies

**Summary:** In the contemporary Muslim and Western world, Islamic law finds a niche in family law and the financial domain. At least forty-seven countries worldwide implement Islamic law as a primary or secondary source in their legal system (Hellman 2016). Most research on Islamic law derives from legal philosophy and historical studies; however, there are relatively few commentaries within linguistics and translation studies. This article aims to advance the understanding of Islamic law by tapping into two fundamental approaches within translation studies: ‘interlingual’ and ‘intralingual translation’ (Jakobson 2000). It contributes to this under-researched area by offering a new model for reconceptualising the discourse of Islamic law in English as an intralingual form of mediation, which involves an act of ‘cultural translation’ that regards cross-cultural discourse as a ‘translation without translation’ (Wolf 2007; Pym 2014). The study identifies further gaps in current approaches while suggesting a comprehensive model for more systematic investigations drawing on the state-of-the-art research agendas in empirical and legal translation studies.

**Key words:** Islamic law, interlingual translation, intralingual translation, legal translation, research methodologies, empirical approaches

### 1. Introduction

This article sets out to offer a framework for exploring Islamic law within translation studies by drawing on Jakobson’s (2000/1959) distinction between interlingual and intralingual translation. Recently, there has been renewed interest in the applicability of Jakobson’s (2000) ideas to legal translation studies. In this regard, Doczekalska and Biel (2022) focus on the case of international law which involves multilingual legal systems (interlingual translation), law-

making processes that translate policies into law and decode legal rules from legal provisions (intralingual translation), and legal verbal signs being transmitted into visual or spatial signs, particularly in legal design and sign interpreting (intersemiotic translation). Doczekalska and Biel's study (2022: 100) is the 'first' to employ Jakobson's typology to legal translation studies.

In the past two decades, a number of researchers have sought to understand the genesis of Islamic jurisprudence, its historical development, and fundamentals from the perspective of legal theory (Hallaq 2004; 2009; Coulson 1964; Schacht 1964; Rohe 2014), focusing particularly on family law matters (El-Alami and Hinchcliffe 1996; Giunchi 2014) and commercial law and finance (Saleem 2013; Jamaldeen 2012; Kettell 2011). These studies have established the importance of Islamic law as a subject matter; here, Hallaq (2004:1) argues that "Islamic law is today a significant cornerstone in the reaffirmation of Islamic identity, not only as a matter of positive law but also, and more importantly, as the foundation of a cultural uniqueness". Hallaq (1997: vii) also demonstrates how Islamic jurisprudence is premised on the key concept of *uṣūl al-fiqh*, which is defined as "the theoretical and philosophical foundation of Islamic law".

Meanwhile, Islamic law is of interest to translation studies because it is born from the fusion of Islamic scriptures and Arabic culture; therefore, it provides an ample room for accommodating a distinctive legal diction that is not only culture-bound but also system-bound.

The lexicon of Islamic jurisprudence is also deemed to bear witness to the concept of *i'jāz al-Qur'an* (inimitability of the Qur'an in form and content), which represents a significant tool in linguistic or stylistic interpretations of religious terminology. Thus, considered a divine legal system, the expression of shari'a law in English would fall under the paradigm of intersystemic translation, which occurs upon the mediation of two legal systems and poses the challenge of incongruity of legal terminology (Šarčević 1997: 13-232; Biel 2022a: 384). Such terminological incongruity arises because English legal language draws its conceptual frameworks from the common law system, which is applicable in the UK and US and uses legal precedents instead of codified statutes that inform the civil law system (Tetley 2000: 701). Legal systems, as Biel (2017: 78) contends, have distinctive features including "their own history, developments, principles, axiology" and as a result "they shape their concept systems and term boundaries to respond to their own needs". The central question of this article thus asks what methodological and conceptual approaches are used to study Islamic law within linguistic and translation studies and what are the key objects of query?

Despite being an important area that is worthy of investigation, current expositions of Islamic law within legal translation studies (LTS) show a restricted range of methodological approaches. There is a notable paucity of empirical research specifically relating to the translation of Islamic law. An implication of this is the possibility to implement the state-of-the-art research agendas put forward in the work of Biel (2017) and De Sutter and Lefer (2020), which show close affinity with the research methodologies identified by Saldanha and O'Brien (2014). Broadly speaking, these new research agendas make methodological recommendations for advancing translation studies in general and LTS in particular, based on five overriding criteria for research, which aspires to be: interdisciplinary, multi-dimensional, bi-relational, multi-methodological, multifactorial. The article begins by providing background information on Islamic law in the contemporary world and the sources of Islamic jurisprudence. It then moves to give a brief review of previous studies that have engaged with Islamic law within the scope of linguistic and translation studies, before proceeding to offer a broader framework for exploring Islamic law with an increased conceptual and methodological rigour.

## 2. Setting the scene of Islamic law

Islamic or shari'a law refers to the body of principles, rules, and laws "which govern the lives of Muslims" in all aspects of their lives, including personal matters, religion, morality, family, economics, and the legal domain. (Coulson 1964: 3; Akgunduz 2010: 19). Although shari'a in Arabic originally meant a path prescribed by God, the term now covers both the word of God and human legal interpretations (Akgunduz 2010: 19-20). This is attributed to the fact that, in essence, Islamic jurisprudence was formed based on the amalgamation of two key pillars. Firstly, divine revelation through the Qur'an (the sacred scripture of Islam) and the Sunna (i.e., the practices and sayings of Prophet Muhammad, the Messenger of Islam). Secondly, human reason and interpretive judgment (*ijtihad*) (Hallaq 2009: 27).

The employment of reasoning, however, is based on a systematic number of analytic methods that are termed *ijmā'* (consensus), *qiyās* (analogy), *istihsān* (preference), and *istislah* (public interest) (Coulson 1964: 59-61; Hallaq 2009: 22-27). *Ijmā'* (consensus) is conceived as the case where the distinguished theologians of a particular society or time period reach a majority agreement concerning a given religious matter. Such *ijmā'* does not draw upon opinions or viewpoints; rather, it has to be informed by interpretive analysis of the Qur'an and/or the Sunna (Hallaq 2009: 21). *Qiyās* (analogy)

is a form of analogical legal reasoning as it employs human reason to reflect upon and derive new legal rules from existing principles (Coulson 1964: 59). Like *qiyās*, *istihsān* (juristic preference) falls within the remit of legal reasoning and takes the sources of divine revelation as a starting point; nevertheless, it leads to a different judgment than the one extracted through *qiyās* (Hallaq 2009: 22-25). The difference between *qiyās* and *istihsān* is that the former seeks legal norms from primary revealed sources, and enforces such norms without providing room for exceptions, while the latter approaches the sources with an eye to finding exceptions through carefully selected references (ibid: 26; Alwazna 2016: 253). Finally, *istislah* (public interest) differs from the previous interpretive methods in that its inference does not directly show close affinity with the revealed texts. Rather, the mainstay of this method is that reasoning should cater to the five universal principles that shari‘a establishes as the pillars for ensuring public interest, namely the “protection of life, mind, religion, property and offspring” (Hallaq 2009: 26). Here, a legal judgment is made based on suitability to public interest. Taken collectively, these diverse types of reasoning lend Islamic law flexibility, adaptability, and mutability. Furthermore, the Qur’anic and prophetic texts that bear clear-cut norms are not numerous, and the majority of Islamic jurisprudence is attributed to the contribution of *ijtihād* (ibid: 27). Islamic norms can thus travel and adapt to versatile geographies, while continuing to evolve through the novel rulings that emerge from legal reasoning to meet the requirements of the status quo.

The significance of Islamic law nowadays is reinforced by developments in the socio-political and economic arena in Western as well as Muslim countries. In the current globalised world, shari‘a is becoming increasingly applied in non-Islamic countries, typically to resolve civil or family disputes or to promote Islamic financial investments; thus, making understanding of Islamic law a crucial tool for intercultural communication. The UK, for instance, has 85 official shari‘a/Islamic councils, and shari‘a law was incorporated into the legal system in 2014 (MacEoin and Green 2009; MacGregor 2014). Islamic courts are also found in other European countries, including Germany, Belgium, Sweden, Denmark, Netherlands, and Greece (Warner 2015). A key factor to be considered is the ever-increasing flow of Muslim migrants and refugees across the world. Accordingly, shari‘a is emerging as a channel for boosting foreign policy and diplomatic relations with the increasing presence of the law in Europe across family law and financial domains.

### **3. Islamic law and the synergy between interlingual and intralingual translation**

There are two distinct scenarios for investigating Islamic law within LTS. The first scenario involves studying translated materials; for instance, texts translated from Arabic (which is the original language of Islamic law) into other languages. This case is known in Jakobson's (2000: 114) model as 'interlingual translation' or 'translation proper' involving "an interpretation of verbal signs by means of some other language". This is the traditional conception of translation as a target text that has a corresponding source text as its point of departure. The second scenario investigates non-translated materials, i.e., texts originally written in English on Islamic law as translations of another culture (an Arabic Islamic culture). Employing translation as a metaphor, this scenario counts intercultural writing as translation; this is a situation involving crossing cultural borders whereby language A translates a culture originated in language B by merely expressing it in language A. Hence, this scenario aligns with Jakobson's idea of 'intralingual translation', which is a process of 'rewording' or "an interpretation of verbal signs by means of other signs of the same language" (ibid: 114).

Thus, it can be argued that Islamic law opens the door for non-canonical forms of translation. Typically engaging with culturally loaded contexts, Islamic legal discourse in English manifests a technical discourse that aims to 'translate' a culture. Both English writing and translations about this topic can be considered a translated discourse of another culture. This is because the English content on Islamic law, translated or non-translated, offers a mediation of an Arabic-origin culture; therefore, it resonates with the evolving paradigm of 'cultural translation'.

### **4. Cultural translation**

Despite the fairly "new" status of cultural translation as a reflective paradigm in translation studies, there are different dimensions to the understanding of its concept (Pym 2014: 156). Pym (2014: 138) sees 'cultural translation' as "a process in which there is no start text and usually no fixed target text. The focus is on cultural *processes* rather than products". Thus, for Pym, cultural translation signifies the transfer of concepts or ideas from one language or culture into another. A key objective of cultural translation is to create a hybrid space for the heritage of less dominant cultures to be expressed and represented in the dominant languages (ibid: 148). Exhibiting translation as a radical force of

resistance, cultural translation thus allows minority cultures to gain representation by writing about and translating their cultural phenomena in hegemonic languages such as English.

This transmission of cultural messages in specialised language shines new light on the metaphorical use of translation (what metaphorically counts as a translation). Asad (1986) argues that anthropologists view a culture as a text waiting to be translated. The ethnographer in his account of producing descriptions about foreign cultures is in fact conducting a cultural translation (ibid:160). Meanwhile, Bhabha (1994: 163) reflects on 'cultural translation' as a language that travels across cultures and creates "hybrid sites of meaning". Bhabha's handling of the concept validates the claim that "a certain kind of cross-cultural writing can be translational" (Pym 2014: 140). Bhabha's (1994: 231) main concern is, however, "the border problem" facing the various kinds of minority groups and how the discourse of minorities travels across boundaries.

This emerging translatory discourse is likely to contribute towards broader interdisciplinarity for translation studies drawing on the principle of "translation without translation" (Wolf 2007: 27) carried out by a 'figurative' translator (Pym 2014: 142) within an imaginary setting called an "in-between reality" or "in-between space" where languages and cultures interact through processes of translation (Bhabha 1994: 13-38). Thus, it proceeds from the contention that "Language is a translation of thought" (Pym 2014: 153). Since the emergence of an Islamic legal discourse in English involves border crossing both in the conventional and metaphorical acts of translation, it is thus considered an act of cultural translation.

## **5. Islamic law within linguistic and translation studies**

The growing importance of shari'a law outside of Arabic-speaking areas has been accompanied by increasing interest in the translation of shari'a law into other languages, most importantly, English. Within the disciplines of linguistics and translation studies, previous research has engaged with the Islamic legal discourse either through looking at its lexicon from linguistic perspectives or investigating aspects related to its translation. Islamic law has hitherto solely been studied as interlingual translation and analysed based on two methodological approaches: prescriptive and descriptive. Generally, research that has a descriptive orientation aims to "describe what translations actually are", while prescriptive studies "just prescribe what they should be like" (Pym 2014: 63).

### 5.1. Prescriptive approach

Current scholarship has mostly sought to understand the culture-bound nature of Islamic legal terms in general and to provide useful insights into the different translation strategies that could be used in handling such terms. The main object of query, thus, seems to be terminological and phraseological patterns. Legal terminology, as Biel (2022b: 70) suggests, are considered ‘fundamental’ components of legal discourse’ as they require a level of “surgical precision in information transfer”.

Most literature on Islamic legal lexis has tended to be prescriptive, telling translators what to do and which path to follow. Scholars also apply their own intuition to examine terms that are selected arbitrarily or subjectively, i.e., without extracting them from particular texts. Another prescriptive method is evaluating translations to judge quality. This category of research employs qualitative methods of analysis through its focus on “discursive examples” (Pontrandolfo 2019: 16).

Discussing terminological challenges emerging from “conceptual incongruence” (Šarčević 2000: 7), Alwazna’s (2016: 215-216) study concentrates on one problematic Islamic term *māl*, often rendered into English using the ready-made equivalent “property”. Alwazna concludes that the terms *māl* and “property” have different meanings in their respective systems: the former means the act of ownership or the right itself, whereas the latter refers to any item that people have benefit from or have possession of. In another article, Alwazna (2013: 904) discusses eight culture-bound commercial terms that are sourced from Islamic law, seeking to suggest translations that would make clear the legal effect. Here, Alwazna makes a remark about the lack of established and approved translations for Islamic legal terms, which is attributed to the emerging nature of the Islamic lexicon in content generated in/translated into English. Overall, Alwazna (2016; 2013) suggests a hybrid translation strategy that combines elements from the source and target cultures, through transliterating the source term and situating the loanword in the new context by the means of paraphrase or definition.

The phraseological and terminological units pertinent to Islamic family law have received scholarly attention. Islamic lexical elements related to marriage were part of El-Farahaty’s (2016) study which discusses two categories of the shari’a-based lexical elements while prescribing different methods for dealing with them in translation. The first set comprises Islamic phrasemes (i.e., idiomatic phrases) that do not have a technical legal function, albeit they represent religious expressions that are used in legal documents such as marriage

and divorce contracts. Omission of such religious formulas is a common strategy in translating official documents at international organisations such as the UN. The second category addresses eight legal terms that are peculiar to Islamic jurisprudence and hence have no existing equivalents in English. El-Farahaty advocates supplementing English equivalents with Arabic transliterated forms, which is recommended to indicate that this concept is established elsewhere in another legal system (ibid: 483-485). It is thus implied that this kind of concepts may merit further investigation, where legal implications are involved.

The prescriptive approach has certain limitations because it overlooks the importance of actual texts and also because individual Islamic terms and/or phrasemes are put under scrutiny, often to suggest possible translations rather than showing what translators actually do. Consequently, the terms were examined out of context, without a thorough investigation of how they appear in representative specialised legal materials.

## 5.2. Descriptive approach

A number of studies implement the descriptive approach, aiming to describe and interpret the translation of Islamic lexis as evidenced in textual material. In general, the use of corpus methods facilitates parting with the prescriptive approach in favour of the descriptive approach, in line with current trends in translation studies (Pontrandolfo 2019: 15). Nevertheless, despite its growing popularity in descriptive and legal translation studies, corpus methods have not yet been usefully utilised to study Islamic law. Some studies also resorted to a semi-automatic corpus analysis, which results in methodological limitations, given that nowadays corpora are generally analysed using text processing software which allows for rigorous investigation. In the meantime, the participant-based approach is so far applied on a small-scale (through questionnaires) to corroborate textual evidence.

Although not focusing on Islamic law, Simbuka *et al.* (2019) compiled a corpus from which generic Islamic terms were extracted. Comprising textbooks related to Islamic studies at an Indonesian Islamic State Institute (IISI), this corpus constituted 305,701 tokens (running words) and 18,058 word types (different words) covering religious topics about the holy book of Islam, the Qur'an, and the prophetic hadith, law and jurisprudence, as well as texts focusing on Islamic theology and philosophy. From a purely religious angle, Kargozari and Akrami (2016) also present a corpus-based study of selected proper names sourced from the Qur'an, and the diverse strategies used to render them from Arabic into English, investigating the impact of the translator's background



on their linguistic choices. Kargozari and Akrami (2016: 202-203) concluded that the translators of the Sunni denomination foreground English equivalents, whereas the translators of the Shiite denomination opt for borrowing either in the form of transliteration or transcription. Another finding was that the translator's cultural background weighs significantly on their linguistic choices, bearing in mind that the two translators, Pickthall and Ali, who showed a preference for using the English substitute, might have been influenced by their understanding of Western audiences. Such tendency to avoid alienating the English reader is commended by the authors as it prevents confusion between the Arabic and English forms of the same proper noun.

Thus, the scope of existing literature tends to be generic since the concepts inspired by shari'a are often treated as a collective whole. The differences between specialised Islamic terms, whether religious, legal, or financial, etc., remain blurred, overlooking the fine line between the use of shari'a-based terms in religious contexts versus the technical domains. Therefore, further empirical investigations are needed to explore the contribution of shari'a to technical disciplines of knowledge and the means by which such concepts become integrated and translated in pragmatic contexts.

El-Farahaty (2015) has used corpora to examine Islamic lexicon through semi-automatic statistical methods, i.e., without using a text processing software. El-Farahaty's study presents a quantitative analysis of Islamic religious and legal lexis related to marriage and divorce. Drawing on Vinay and Darbelnet's (1958/1995) model, El-Farahaty examines how such lexical items are translated from Arabic into English in a corpus inclusive of three legislative documents (The Arab Charter of Human Rights (AChHR), The Universal Islamic Declaration of Human Rights (UIDHR), and The Decree of the Establishment of the National Council of Women), as well as excerpts (involving legal contracts) from three textbooks. The analysis indicated that adaptation, i.e., using a near equivalent expressing a similar reality, was the most frequently used technique in translating culture-specific and system-based terms and phrases. Borrowing, however, was the least used technique, preceded by the techniques of expansion, literal translation, and transposition (El-Farahaty 2015: 79). The study also found that omission was particularly predominant (77 instances) in handling the Qur'anic verses and hadiths in Arabic-English translations in international legislative settings (ibid: 88). The empirical evidence in this study is, however, limited to two genres, translation textbooks and the above-mentioned international legislation.

Al-Saleem (2013) touches upon the under-researched area of Islamic finance as part of a doctoral dissertation that focuses on financial translation

between English and Arabic. Al-Saleem discusses Islamic finance in his analysis of fatwas that appear in a seminal volume *A Compendium of Legal Opinions on the Operation of Islamic Banks*, a book translated and edited by Talal DeLorenzo (Al-Saleem 2013: xli-5). This research falls within the scope of descriptive translation studies, seeking to identify translation strategies, while delving into quantitative aspects by empirically exploring the frequency of such strategies and the extent of their acceptability as gauged by the means of a small-scale questionnaire involving students and professional translators (ibid: p.xli). The strategies of hyponyms, hypernyms, and synonymy are found to be the most acceptable. The least recommended techniques are calque/literal translation, paraphrase, and transliteration (ibid: 47-48). Nevertheless, transliteration is tolerated where the Islamic term has gained popularity or where it is well defined by its context of use (ibid: 413-415). Overall, the Islamic financial terminology discussed as part of Al-Saleem's work is examined across a small set of texts, therefore providing limited empirical evidence about the norms of translating such concepts. Moreover, the recipient-oriented investigation in this study is only concerned with aspects of acceptability and comprehensibility without taking account of wider ideological consequences of particular translations. Thus far, Islamic finance has received scant attention as there is still little empirical investigation of Islamic financial concepts and their translation.

The descriptive approach also focused on describing the translation strategies solely used within a single historical instrument. Alwazna (2014) presents a detailed linguistic analysis of the Ottoman *Majalla*, as translated into English by Charles Arthur Hooper. In fact, the Ottoman *Majalla* represents the first attempt to codify shari'a in a civil code applied by courts in the Ottoman Empire (Alwazna 2014: 245). Alwazna's key finding is that a single text can interweave a multifarious set of translation strategies, including literal translation and free transposition, noting that the latter captures the sub-methods of translation by addition, omission, substitution, and paraphrase (ibid: 249-252). Perhaps the major drawback of the current descriptive approach is that it has relied on examples of contracts appearing in textbooks rather than collecting a large sample of real documents from stakeholders. Furthermore, existing research is mostly oriented towards seminal books and institutional instruments, while it overlooked the other contemporary genres in which Islamic law is currently represented (e.g., national laws, codes, media reports). Hence, the current gap or the current state of knowledge arouses concerns about contextual considerations in terminological analyses.

## 6. Limitations, gaps, and future work

Current scholarship has sought to understand the nature of Islamic terms in general and to provide useful insights into the different translation strategies that could be used in handling such terms. Nevertheless, the approaches to the translation of Islamic concepts have been overtly prescriptive, or provided limited empirical evidence without shedding light on the ideological implications of the individual decisions that make up the available set of translation strategies. There are also debates about the contentious issue of cultural-specific legal matters, particularly regarding whether such terms should be rendered using the strategies of borrowing or adaptation or a hybrid combination of both strategies. While Alwazna (2016; 2013) and El-Farahaty (2016) recommend combining the Arabic loanword with an English equivalent or paraphrase, Al-Saleem's study has indicated that paraphrase and transliteration are among the least used techniques. So far, very limited research has been carried out on actual private-law instruments that contain Islamic culture-specific concepts and on how these concepts are actually conveyed in various ways in another language, if not in another legal system; such interlingual and inter-system differences also raise challenges regarding "uniform interpretation and application" (Šarčević 2000: 5)

Research on the translation of Islamic law can thus benefit from the following: 1) Biel's (2017: 79-84) 'multi-perspective research framework for legal translation', which builds on the translation research typology described by Saldanha and O'Brien (2014); 2) De Sutter and Lefer's (2020: 2-6) 'new, updated specific research agenda' for empirical translation studies. Such frameworks aim for research that is interdisciplinary, multi-dimensional, bi-relational, multifactorial, and multi-methodological.

*Interdisciplinary* research builds upon the interconnection between various related fields (Biel 2017: 79). Islamic law can benefit from the synthesis of theoretical frameworks and ideas from (comparative) law, legal philosophy, linguistics, legal translation, translation theory, and emancipatory theories. Emancipatory theories typically focus on underrepresented or marginalised groups such as feminist theories, postcolonial and indigenous theories, racial or ethnic theories, etc. (Creswell and Plano Clark 2018: 99); thus, such theories can be useful to examine the representation of cultural groups and gender-related issues (e.g., signature culture-specific elements, gender-neutral language) within Islamic law.

Translation studies open avenues for *multi-dimensionality* by classifying translation research into product-oriented, process-oriented, participant-oriented, and context-oriented (Saldanha and O'Brien 2014). A variety of *product-*

*oriented* methods (text-oriented) can be used including but not limited to genre analysis, discourse analysis, and corpus analysis. Corpus methodologies provide a boon as they enable empirical investigation with “an increased methodological awareness and rigour” (Pontrandolfo 2019: 15). The analysis of large samples and interpretation of numerical data helps to “reduce idiosyncratic variation”, as opposed to the small samples that inform genre and discourse studies (Biel 2022b: 65). Product-oriented research in legal translation can, as Biel (2017: 80) points out, be *bi-relational*, accounting for two pivotal intertextual relations embedded in translations: 1) equivalence (i.e., the relation between source and target texts) and 2) textual fit (i.e., the relation between translated target texts to non-translated target texts in the same language). The textual fit relation can be particularly useful to explore how culture-specific concepts appear in translated versus non-translated materials on Islamic law in English.

*Process-oriented* research looks at “cognitive processes” and investigates “the relations between cognition and the translated or interpreted product” and uses research methods such as keystroke logging, Think Aloud Protocols, screen recording and eye tracking (Saldanha and O’Brien 2014: 109-135). Process research may study how translators and content writers on Islamic law choose their reference resources such as dictionaries, online legal corpora, in-house guidelines, and term bases while questioning the availability of such resources. In this regard, Biel (2017: 81) notes that “So far experimental and observational methods... were hardly used in the context of professional legal translation”.

*Participant-oriented* research focuses on the agents involved in the translation process including translators, translation commissioners, text producers and users as well as translation students and trainers. It has a sociological nature and can involve both quantitative methods such as surveys and questionnaires and qualitative methods including ethnographic research, participant observation, in-depth interviews, and focus groups (Saldanha and O’Brien, 2014: 150-184). For instance, a participant-based study could recruit professionals who actively work in the Islamic legal industry to investigate the translator’s attitudes and beliefs regarding translation behaviour, and the legal effects of lexical choices from the perspective of law studies. Another important object of query can be recipients’ response to lexical variation.

*Context-oriented* research into translation focus on the context of production and reception, and aim to reveal external factors (socio-political, economic, ideological) which influence the translator’s decision-making, the translation behaviour, and the reader’s expectations (Saldanha and O’Brien 2014: 206). Context-oriented research lends itself to *multifactorial* analysis which examines the communicative context and its influence on linguistic choices

or preferences. Within LTS, contextual factors are mostly associated with the purpose (normative, informative, general legal/judicial) (Cao 2007: 10-11); the type of translational situation as in intersystemic between legal systems, intrasystemic within a single legal system, or hybrid/supranational translation; and the status of the target text (authentic or non-authentic) (Biel 2017: 81; Šarčević 1997: 21). Within Islamic law, a multitude of contextual factors or variables shaping the linguistic make-up of texts can be studied across comparable genres or subject fields (e.g., financial, criminal, family law). It is also important to explore how the context would influence the lexical variation and translation choices as a step towards identifying and interpreting the translation norms governing each context.

Multi-dimensionality requires *multi-methodological* designs which rely on “The cross-fertilization of different methodological approaches in the context of one research project” (De Sutter and Lefer 2020: 6). Mixed methods design that combines quantitative and qualitative approaches to the data, analysis, and/or inference of conclusions opens the door to the much-needed methodological eclecticism in digital humanities (Johnson *et al.* 2007: 123; Pontrandolfo 2019: 16). Thus, Herrmann (2017: 2) recommends that digital humanities should move toward ‘scaling’ whereby one method can be completed with another to tap into the strengths and compensate for the weaknesses of each method. Research into digital humanities, particularly digital text analysis, can benefit from the combination of numerical findings derived from a quantitative analysis of aggregations of texts as well as non-numerical findings obtained through a qualitative interpretation of meaningful textual configuration (*ibid*: 2).

## 7. Conclusion

Overall, although Islamic law is the focus of many technical studies in the legal and financial domain, it has received little attention in studies within the area of linguistics and translation.

Existing accounts on Islamic law and translation has exclusively focused on examples of interlingual translation. This article, however, contributes to broadening our understanding of the intersection between Islamic law and translation firstly by highlighting the intralingual dimension of Islamic law and secondly by capitalising on the non-canonical cultural translation paradigm to reveal how intralingual translation can be mobilised to create resistant cultural expressions. Here, interlingual transfer carries culturally loaded content to another language, while intralingual content conveys extensive cultural images from another cultural background in the same language. It also provides a basis

for further research by suggesting a systematic agenda and multitude of contextual factors that affect translation decisions and raise questions about translation norms and ideological and ethical implications.

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