

## The Original Text

كۆمارى عىراق

سهروكايهتى كۆمار

ديوانى سهروكايهتى

بسم الله الرحمن الرحيم



Republic of Iraq

جمهورية العراق

رئاسة الجمهورية

ديوان الرئاسة

الدائرة القانونية

بأسم الشعب

رئاسة الجمهورية

قرار رقم (٤٠)

بناءً على ما اقره مجلس النواب طبقاً لأحكام البند (أولاً) من المادة (٦١)

والبند (ثالثاً) من المادة (٧٣) من الدستور.

قرر رئيس الجمهورية بتاريخ ٧ / ٢ / ٢٠١٢

إصدار القانون الآتي :

رقم (١٩) لسنة ٢٠١٢

قانون

مكافحة التدخين

الفصل الاول

التعريف والأهداف والوسائل

المادة - ١ - يقصد بالعبارات الآتية لأغراض هذا القانون المعاني المبينة ازاؤها:

أولاً: الوزارة: وزارة الصحة.

ثانياً: الوزير: وزير الصحة.

ثالثاً: التدخين: تعاطي منتجات التبغ بجميع أنواعها كالسيجارة والشيشة

والغليون.

رابعاً: التدخين السلبي او التدخين اللاإرادي : تنفس دخان تبغ الآخرين .

خامساً: التبغ : نباتات التبغ بجميع انواعها واجزائها من جذور واوراق وثمار

• ويزور خضراء ومجففة •

(٨-١)

## **The Translation**

In the name of God, the Most Gracious, the Most Merciful  
Republic of Iraq

Presidency of the Republic  
Presidential office  
Legal department

In the name of the people  
Presidency of the Republic

### **Resolution No 20**

Based on what was approved by The Parliament in accordance with the provisions of Clause 1 from Article (61), and Clause (3) from Article (73) of the Constitution

The president of the Republic decided on the date of (2012/2/7) to issue the following law:

No. (19) for the year 2019  
The Anti-Smoking Law

### **Chapter One**

#### **Definitions, Objectives and Means**

Article -1- Meaning with expressions For the purposes of this law, the following are the meanings shown:

First: The Ministry: The Ministry of Health

Second: The Minister: The Minister of Health

Third: Smoking: Use of tobacco products of all kinds, such as cigarettes, hookahs and pipes.

Fourth: Passive smoking or involuntary smoking: breathing the tobacco smoke of others

Fifth: Tobacco: tobacco plants of all kinds and their parts from the roots, leaves and fruits of "green seeds" And dried.

## The Analysis

### A) Layout features

- 1- It was quite natural for draftsmen to compose whole documents in the form of one long sentence, leaving no space for any change, scratch or deletion to break this format. This characteristic of single block- drafting was justified by the fact that legal text were not meant to be read aloud for they are "supposed to be scrutinized in silence" .
- 2- Indentation in legal texts is a significant layout feature, but when inappropriately used, a paragraph may accept more than one interpretation.
- 3- Capitalization in English legal texts is highly functional and initial capitalization, in particular, is " used to dignify lexical items" and the decoration of initial words or letters" give them a special visual appearance (Al- Ghazali 2008:62).

### B) Lexical Features

#### -1- Archaic diction of legal English:

Legal English lexicon is considerably made of archaic legal terms. However, this touch of Archaism is not in vain, it is done on purpose. There are reasons behind this tendency towards archaic words. Tiersma (1999) states that “legal language often strives toward great formality, it naturally gravitates towards archaic language”.

According to this quotation, archaisms give a flavor of formality to the language to which they belong. Some lawyers prefer to use antique terms instead of new ones. For example, they use ‘imbibe’ as an alternative of ‘drink’, ‘inquire’ rather than ‘ask’, ‘peruse’ instead of ‘read’, ‘forthwith’ as a substitution of ‘right away’ or ‘at once’ and so on.

There exist also some archaic adverbs, they are actually a mixture of deictic elements: ‘here’ ‘there’ and ‘where’ with certain prepositions: of, after, by.

**i.e. approved**

## **-2- Legal English as a technical language:**

Another noticeable feature of legal English is its technical terminology. According to Tiersma (1999) “if a word or a phrase is used exclusively by a particular trade or profession or if that profession uses it in a way that differs from its normal meaning and the term has a relatively well-defined sense, it should be considered a technical term”. This reveals that a technical term is an unshared term used exclusively by a specific trade or profession. In other words, specialists in the legal sphere are actually equipped by a distinct language peculiar to ordinary people and highly characterized by a vocabulary of technical nature. Accordingly, Alcaraz & Brian (2002: 17) present a classification of technical vocabulary: purely technical terms and semi-technical terms.

**1- Purely technical terms:** are those that are only applicable in the legal sphere but nowhere else.

### **I.e. Constitution**

Actually, the understanding of such kind of terms is of great importance in grasping any given legal text in which they occur.

**2-Semi-technical terms:** words and phrases of this group belong to everyday lexicon which has gained extra-meanings in the legal context. So, terms of this type are polysemic, tougher to recognize their precise meaning without resorting to the context in which they occur. The following examples are terms of this type:

### **I.e. Resolution**

### **I.e. Passive**

### **I.e Article**

Actually, purely technical terms are monosomic; that is, having one legal meaning and so having no difficulty for the translator. The latter can simply consult a bilingual dictionary, of course, not a standard dictionary but a specialized legal one. However, semi-technical vocabulary is a more complex type of terms; they have one meaning or more than one in everyday language and another in the field of law.

## C) Syntactic Features:

As for the syntactic features of English legal texts; at the sentence level, sentences are complex and long. "They tend to introduce excessive information load at various points in the syntax of such statements, thereby creating barriers to effective understanding of such statements." (Bahtia 1997).

### -1-Nominalization

Preferring the usage of nouns instead of verbs.

**I.e. in accordance**

### -2-Impersonality:

Texts are typically cast in the third person. According to (Haigh 2004:37) it is inappropriate to use he / she in a document to refer to a person whose sex is unknown. In such cases, a number of gender-neutral pronouns such as *anyone*, *everyone* and *no one* and a number of other workarounds can be used.

### -3-Use of phrasal verbs :

Phrasal verbs Play a large role in legal language , and often used in a quasi-technical sense.

**I.e approved by**

### -4-Sentence length and complexity:

the length and complexity of sentences in legal register in English is seldom found in other registers. If legal language is perceived as complex, unwieldy, and incomprehensible, it is partly because of the desire to ensure that the language is precise, clear and unambiguous.

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### كۆمارى عىراق

سەرۆكايهتى كۆمار

ديوانى سەرۆكايهتى



Republic of Iraq

جمهورية العراق

رئاسة الجمهورية

ديوان الرئاسة

الدائرة القانونية

المادة -٢- يهدف هذا القانون إلى حماية الأشخاص من أخطار التدخين الصحية والبيئية والاقتصادية والاجتماعية وتقليل نسبة المدخنين من خلال وضع معايير لمكافحة التدخين.

المادة -٣- تتولى الوزارة بالتنسيق مع الوزارات والجهات ذوات العلاقة تحقيق أهداف هذا القانون بالوسائل الآتية:

- أولاً: تضمين المناهج الدراسية والبرامج التعليمية والتربوية بمواد تبين مجمل الأضرار المترتبة على التدخين وخطورته على المدخنين وغير المدخنين .
- ثانياً: إقامة البرامج التثقيفية وبرامج التوعية الدورية في المؤسسات التعليمية والتربوية ودور العبادة والمؤسسات الصحية والثقافية وفي وسائل الاعلام المختلفة عن اضرار التدخين في اطار خطة وطنية سنوية .
- ثالثاً: طبع وتوزيع ملصقات منع التدخين والتحذير من اضراره في الاماكن العامة المحظور التدخين فيها .
- رابعاً: تنظيم برامج توعية للمزارعين لزراعة محاصيل مفيدة للمجتمع بدلا من زراعة التبغ .

### الفصل الثاني

#### حظر التدخين في الأماكن العامة

المادة -٤- يمنع التدخين في الأماكن العامة الآتية:

- أولاً: داخل مباني الهيآت الرئاسية والوزارات والدوائر والمؤسسات التعليمية والتربوية والصحية والمطارات والشركات والمصانع في المحافظات كافة .

## **The Translation**

In the name of God, the Most Gracious, the Most Merciful  
Republic of Iraq

Presidency of the Republic  
Presidential office  
Legal department

In the name of the people  
Presidency of the Republic

**Article -2-** This law aims to protect people from the health, environmental, economic and social risks of smoking and reduce the proportion of smokers by setting standards to combat smoking.

**Article -3-** The Ministry, in coordination with the ministries and relevant bodies, shall achieve the objectives of this law by the following means:

First: Including the curricula and upbringing and educational programs with materials that show the total damage caused by smoking and its danger to smokers and non-smokers.

Second: Establishing educational and periodic awareness programs in educational and upbringing institutions, places of worship, health and cultural institutions, and in various media about the harmful effects of smoking within the framework of an annual national plan.

Third: Print and distribute anti-smoking posters and warn against harms in public places where smoking is prohibited.

Fourth: Organizing awareness programs for farmers, cultivating crops that are beneficial to society, instead of growing tobacco.

## **Chapter Two**

### **Prohibition of smoking in public places**

**Article - 4 -** Smoking is prohibited in the following public places:

First: Within the buildings of presidential entities, ministries, departments, educational, health and upbringing institutions, airports, companies and factories in all provinces.

## The Analysis

### A) Layout features

- 1- It was quite natural for draftsmen to compose whole documents in the form of one long sentence, leaving no space for any change, scratch or deletion to break this format. This characteristic of single block- drafting was justified by the fact that legal text were not meant to be read aloud for they are "supposed to be scrutinized in silence" .
- 2- Indentation in legal texts is a significant layout feature, but when inappropriately used, a paragraph may accept more than one interpretation.
- 3- Capitalization in English legal texts is highly functional and initial capitalization, in particular, is " used to dignify lexical items" and the decoration of initial words or letters" give them a special visual appearance (Al- Ghazali 2008:62).

### B) Lexical Features

#### -1- Archaic diction of legal English:

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According to this quotation, archaisms give a flavor of formality to the language to which they belong. Some lawyers prefer to use antique terms instead of new ones. For example, they use ‘imbibe’ as an alternative of ‘drink’, ‘inquire’ rather than ‘ask’, ‘peruse’ instead of ‘read’, ‘forthwith’ as a substitution of ‘right away’ or ‘at once’ and so on.

There exist also some archaic adverbs, they are actually a mixture of deictic elements: ‘here’ ‘there’ and ‘where’ with certain prepositions: of, after, by.

I.e. Curricula

I.e. Periodic

I.e Prohibited

I.e Cultivating

I.e. Annual

I.e. proportion

## **-2- Archaic use of the modal “shall” in legal English:**

The modal shall pose a level of difficulty in both interpretation of clauses containing it and in the translation of such clauses. Traditionally, the modal shall, in legal texts, carries an obligation or a duty as opposed its common function: expressing futurity (Tiersma: 105)

More importantly, Sabra(1995)claims that any legal verb preceded by ‘shall’ is normally translated into Arabic in the present form.

I.e. relevant bodies, **shall** achieve the objectives of this law.

## **-3- Frequent use of doublets**

Actually, there is a common use of such collocations in which synonyms or near- synonyms are combined in pair “doublets” Alcaraz & Brian (2002: 9) . Such words can be either nouns, verbs, adjectives or even prepositions.

I.e. upbringing and educational

I.e. smokers and non-smokers

## **-4- Legal English as a technical language:**

Another noticeable feature of legal English is its technical terminology. According toTiersma (1999) “if a word or a phrase is used exclusively by a particular trade or profession or if that profession uses it in a way that differs from its normal meaning and the term has a relatively well-defined sense, it should be considered a technical term”. This reveals that a technical term is an unshared term used exclusively by a specific trade or profession. In other words, specialists in the legal sphere are actually equipped by a distinct language peculiar to ordinary people and highly characterized by a vocabulary of technical nature. Accordingly, Alcaraz &

Brian (2002: 17) present a classification of technical vocabulary: purely technical terms and semi-technical terms..

**-Semi-technical terms:** words and phrases of this group belong to everyday lexicon which has gained extra-meanings in the legal context. So, terms of this type are polysemic, tougher to recognize their precise meaning without resorting to the context in which they occur. The following examples are terms of this type:

### **I.e. Article**

Actually, purely technical terms are monosemic; that is, having one legal meaning and so having no difficulty for the translator. The latter can simply consult a bilingual dictionary, of course, not a standard dictionary but a specialized legal one. However, semi-technical vocabulary is a more complex type of terms; they have one meaning or more than one in everyday language and another in the field of law.

## **C) Syntactic Features:**

As for the syntactic features of English legal texts; at the sentence level, sentences are complex and long. "They tend to introduce excessive information load at various points in the syntax of such statements, thereby creating barriers to effective understanding of such statements." (Bahtia 1997).

### **-1-Nominalization**

Preferring the usage of nouns instead of verbs.

### **I.e. upbringing**

### **-2-Impersonality:**

Texts are typically cast in the third person. According to(Haigh 2004:37) it is inappropriate to use he / she in a document to refer to a person whose sex is unknown. In such cases, a number of gender-neutral pronouns such as *anyone*, *everyone* and *no one* and a number of other workarounds can be used.

### **-3-Sentence length and complexity:**

the length and complexity of sentences in legal register in English is seldom found in other registers. If legal language is perceived as complex, unwieldy, and incomprehensible, it is partly because of the desire to ensure that the language is precise, clear and unambiguous.

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Republic of Iraq

## جمهورية العراق

رئاسة الجمهورية

ديوان الرئاسة

الدائرة القانونية

ثانياً: المسارح ودور العرض والفنادق والنوادي والمطاعم وقاعات الاجتماعات والمناسبات ومكاتب العمل والأسواق التجارية.

ثالثاً: وسائل النقل العام والخاص الجماعية البرية والبحرية والجوية في الرحلات الداخلية والخارجية .

رابعاً: محطات الوقود كافة .

المادة-٥- تخصص مواقع خاصة للتدخين في الاماكن المنصوص عليها في البندين (اولا) و(ثانيا) من المادة (٤) من هذا القانون بمواصفات تحددها تلك الجهات بعيداً عن تواجد غير المدخنين .

المادة -٦- أولاً: أ. يمنع الترويج للتدخين بصورة مباشرة او غير مباشرة .

ب. يسري حكم الفقرة ( أ ) من هذا البند على وسائل الاعلام المرئية والمسموعة والمقروءة والمؤسسات الثقافية والرياضية ودور النشر والتوزيع ومكاتب الدعاية والاعلان .

ثانياً: يمنع الصغير والحدث من التدخين او ممارسة مهنة بيع وشراء التبغ ومشتقاته.

ثالثاً: على المحلات التي تمارس بيع السكائر او التبغ وضع لوحات تتضمن التحذير الصحي في مكان بارز .

المادة -٧- أولاً: يمنع صنع وتداول واستيراد شعارات منتجات التبغ ومشتقاته على منتجات اخرى كالقبعات والقمصان والاكياس والمظلات والاشارات المرورية واللافتات الدعائية بمختلف انواعها .

ثانياً: يمنع طلاء أي جزء من وسائل النقل او الجدران او الجسور بما يرمز لأي نوع من انواع التدخين .

## The Translation

Second: theaters, hotels, clubs, restaurants, meeting/events rooms, work offices and commercial markets.

Third: Mass, public and private transportation by land, sea and air in domestic and overseas trips.

Fourth: All petrol stations.

Article -5 - Special sites are designated for smoking in the places marked on it in the two items

(first) And (second) from Article (4) of this law, with specifications that are determined by these agencies, far from the presence of non-smokers.

Article -6- First: A. It is prohibited to promote smoking directly or indirectly.

B. The provision of Paragraph (A) of this clause shall apply to the visual, audio and print media, cultural and sports institutions, publishing and distribution houses, and Advertising offices.

Second: The young and the underage shall forbidden from smoking or practicing the profession of buying and selling tobacco and its derivatives.

Third: Shops that sell cigarettes or tobacco should place panels that include health warnings in a prominent place.

Article -1- First: It is prohibited to manufacture, trade, and import slogans of tobacco products and their derivatives on other products such as hats, shirts, bags, umbrellas, traffic lights and signs Propaganda of various kinds.

Second: It is forbidden to paint any part of the transportation means, walls, or bridges in a way that symbolizes any type of smoking.

## The Analysis

### A) Layout features

- 1- It was quite natural for draftsmen to compose whole documents in the form of one long sentence, leaving no space for any change, scratch or deletion to break this format. This characteristic of single block- drafting was justified by the fact that legal text were not meant to be read aloud for they are "supposed to be scrutinized in silence" .
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There exist also some archaic adverbs, they are actually a mixture of deictic elements: ‘here’ ‘there’ and ‘where’ with certain prepositions: of, after, by.

I.e. Domestic

I.e. specifications

I.e. forbidden

## **-2- Archaic use of the modal “shall” in legal English:**

The modal shall pose a level of difficulty in both interpretation of clauses containing it and in the translation of such clauses. Traditionally, the modal shall, in legal texts, carries an obligation or a duty as opposed its common function: expressing futurity (Tiersma: 105)

More importantly, Sabra(1995)claims that any legal verb preceded by ‘shall’ is normally translated into Arabic in the present form.

I.e. The provision of Paragraph (A) of this clause **shall** apply.

## **-3- Unusual use of the words ‘the same’, ‘such’ and ‘said’:**

Using such words in legal language is quite different from using them in ordinary one.

I.e. other products **such** as hats, shirts, bags, umbrellas, traffic lights and signs.

## **-4- Frequent use of doublets**

Actually, there is a common use of such collocations in which synonyms or near- synonyms are combined in pair “doublets” Alcaraz & Brian (2002: 9) . Such words can be either nouns, verbs, adjectives or even prepositions.

I.e. directly or indirectly

I.e. young and underage

## **-5- Legal English as a technical language:**

Another noticeable feature of legal English is its technical terminology. According toTiersma (1999) “if a word or a phrase is used exclusively by a particular trade or profession or if that profession uses it in a way that differs from its normal meaning and the term has a relatively well-defined sense, it should be considered a technical term”. This reveals that a technical term is an unshared term used exclusively by a specific trade or profession. In other words, specialists in the legal sphere are actually equipped by a distinct language peculiar to ordinary people and highly characterized by a vocabulary of technical nature. Accordingly, Alcaraz &

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I.e. Paragraph

I.e. Article

Actually, purely technical terms are monosomic; that is, having one legal meaning and so having no difficulty for the translator. The latter can simply consult a bilingual dictionary, of course, not a standard dictionary but a specialized legal one. However, semi-technical vocabulary is a more complex type of terms; they have one meaning or more than one in everyday language and another in the field of law.

### **C) Syntactic Features:**

As for the syntactic features of English legal texts; at the sentence level, sentences are complex and long. "They tend to introduce excessive information load at various points in the syntax of such statements, thereby creating barriers to effective understanding of such statements." (Bahtia 1997).

#### **-1-Nominalization**

Preferring the usage of nouns instead of verbs.

practicing

#### **-2-Passives**

Legal texts usually contain many passive forms rather than active forms because "passive permits an indirect and formal tone with which lawyers instinctively feel comfortable" (Haigh 2004).

- Special sites are designated for smoking in the places marked on it in the two items.

- It is prohibited to promote smoking directly or indirectly.

### **-3-Conditionals**

Complex conditionals are very common in legal language , Arabic legal texts are usually crammed with conditionals. Clauses that include if, unless, should.

I.e. Shops that sell cigarettes or tobacco **should** place panels that include health warnings in a prominent place.

### **-4-Impersonality:**

Texts are typically cast in the third person. According to(Haigh 2004:37) it is inappropriate to use he / she in a document to refer to a person whose sex is unknown. In such cases, a number of gender-neutral pronouns such as *anyone*, *everyone* and *no one* and a number of other workarounds can be used.

### **-5-Use of phrasal verbs :**

Phrasal verbs Play a large role in legal language , and often used in a quasi-technical sense.

I.e. forbidden to

### **-6-Sentence length and complexity:**

the length and complexity of sentences in legal register in English is seldom found in other registers. If legal language is perceived as complex, unwieldy, and incomprehensible, it is partly because of the desire to ensure that the language is precise, clear and unambiguous.

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سەرۆكايهتى كۆمار

ديوانى سەرۆكايهتى

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



Republic of Iraq

جمهورية العراق

رئاسة الجمهورية

ديوان الرئاسة

الدائرة القانونية

ثالثاً: تقوم الشركات المصنعة والمستوردة بإزالة الدعاية المنصوص عليها في البند

(أولاً) من هذه المادة خلال مدة لا تزيد على (٦) ستة أشهر من تاريخ نفاذ هذا

القانون .

المادة -٨- يمنع استيراد او تصنيع مقلدات منتجات التبغ او أي مواد تمثل دعاية للتدخين .

### الفصل الثالث

#### حظر استيراد وتصنيع وبيع التبغ

المادة-٩- أولاً : يحظر استيراد او بيع\* او تصنيع أي نوع من أنواع التبغ او منتجاته

تزيد نسبة النيكوتين فيه عن (٠,٨) ملغم والقطران عن (١٢) ملغم بناء

على تقرير صادر عن جهاز التقييس والسيطرة النوعية .

ثانياً: تتولى الوزارة وضع مواصفات دقيقة للتصنيع والاستيراد بتعليمات تصدرها

لهذا الغرض تضمن تخفيض اضرار التدخين وتتولى بالتنسيق مع

الجهات المعنية الرقابة على تنفيذها .

ثالثاً: تتولى وزارة التجارة اصدار اجازات استيراد التبغ ومنتجاته للحد من

الاستيراد المخالف للحد الأدنى من الشروط المحددة لمواصفات استيراد

هذه المادة .

رابعاً: تتولى الشركات المصنعة والمستوردة ترتيب اوضاعها ومنتجاتها وفق

المواصفات المنصوص عليها في البند (ثانياً) من هذه المادة خلال (٦)

سنة اشهر من تاريخ نفاذ هذا القانون .

## **The Translation**

In the name of God, the Most Gracious, the Most Merciful  
Republic of Iraq

Presidency of the Republic  
Presidential office  
Legal department

In the name of the people  
Presidency of the Republic

Third: The manufacturers and importers remove the advertisement stipulated in Clause (1) of this Article within a period not exceeding (6) Six months from the date this law comes into effect.

Article - 8 - It is forbidden to import, sale or manufacture any kind of tobacco or its products or any materials that represent advertising for smoking.

### **Chapter Three**

#### **Prohibition of the import, manufacture and sale of tobacco**

Article - 1 - First: It is prohibited to import, sell or manufacture any type of tobacco or its products whose nicotine content exceeds (0,8) mg and tar more than (12) mg based on a report issued by the Standardization and Quality Control Authority.

Second: The Ministry shall set precise specifications for manufacture and import, with instructions issued for this purpose, to ensure that smoking damage is reduced, and in coordination with the relevant authorities, it will monitor its implementation.

Third: The Ministry of Commerce shall issue licenses to import tobacco and tobacco products to limit imports that violate the minimum requirements specified for the import specifications of this article.

Fourth: The manufacturing and importing companies shall arrange their conditions and products according to the specifications stipulated in Clause (Second) of this Article within (6) months from the date of the enforcement of this law.

## The Analysis

### A) Layout features

- 1- It was quite natural for draftsmen to compose whole documents in the form of one long sentence, leaving no space for any change, scratch or deletion to break this format. This characteristic of single block- drafting was justified by the fact that legal text were not meant to be read aloud for they are "supposed to be scrutinized in silence" .
- 2- Indentation in legal texts is a significant layout feature, but when inappropriately used, a paragraph may accept more than one interpretation.
- 3- Capitalization in English legal texts is highly functional and initial capitalization, in particular, is " used to dignify lexical items" and the decoration of initial words or letters" give them a special visual appearance (Al- Ghazali 2008:62).

### B) Lexical Features

#### -1- Archaic diction of legal English:

Legal English lexicon is considerably made of archaic legal terms. However, this touch of Archaism is not in vain, it is done on purpose. There are reasons behind this tendency towards archaic words. Tiersma (1999) states that “legal language often strives toward great formality, it naturally gravitates towards archaic language”.

According to this quotation, archaisms give a flavor of formality to the language to which they belong. Some lawyers prefer to use antique terms instead of new ones. For example, they use ‘imbibe’ as an alternative of ‘drink’, ‘inquire’ rather than ‘ask’, ‘peruse’ instead of ‘read’, ‘forthwith’ as a substitution of ‘right away’ or ‘at once’ and so on.

There exist also some archaic adverbs, they are actually a mixture of deictic elements: ‘here’ ‘there’ and ‘where’ with certain prepositions: of, after, by.

I.e. advertisement

I.e. manufacture

I.e. Commerce

## **-2- Archaic use of the modal “shall” in legal English:**

The modal shall pose a level of difficulty in both interpretation of clauses containing it and in the translation of such clauses. Traditionally, the modal shall, in legal texts, carries an obligation or a duty as opposed its common function: expressing futurity (Tiersma: 105)

More importantly, Sabra(1995)claims that any legal verb preceded by ‘shall’ is normally translated into Arabic in the present form.

**I.e. Ministry shall set precise specifications for manufacture and import.**

**I.e. The manufacturing and importing companies shall arrange their conditions and products according to the specifications.**

## **-3- Legal English as a technical language:**

Another noticeable feature of legal English is its technical terminology. According toTiersma (1999) “if a word or a phrase is used exclusively by a particular trade or profession or if that profession uses it in a way that differs from its normal meaning and the term has a relatively well-defined sense, it should be considered a technical term”. This reveals that a technical term is an unshared term used exclusively by a specific trade or profession. In other words, specialists in the legal sphere are actually equipped by a distinct language peculiar to ordinary people and highly characterized by a vocabulary of technical nature. Accordingly, Alcaraz & Brian (2002: 17) present a classification of technical vocabulary: purely technical terms and semi-technical terms.

**1- Purely technical terms:** are those that are only applicable in the legal

**I.e Authority**

Actually, the understanding of such kind of terms is of great importance in grasping any given legal text in which they occur.

**2-Semi-technical terms:** words and phrases of this group belong to everyday lexicon which has gained extra-meanings in the legal context. So, terms of this type are polysemic, tougher to recognize their precise meaning without resorting to the context in which they occur.

Actually, purely technical terms are monosomic; that is, having one legal meaning and so having no difficulty for the translator. The latter can simply consult a bilingual dictionary, of course, not a standard dictionary but a specialized legal one. However, semi-technical vocabulary is a more complex type of terms; they have one meaning or more than one in everyday language and another in the field of law.

I.e. Article

### C) Syntactic Features:

As for the syntactic features of English legal texts; at the sentence level, sentences are complex and long. "They tend to introduce excessive information load at various points in the syntax of such statements, thereby creating barriers to effective understanding of such statements." (Bahtia 1997).

#### -1-Passives

Legal texts usually contain many passive forms rather than active forms because "passive permits an indirect and formal tone with which lawyers instinctively feel comfortable" (Haigh 2004).

I.e. It is prohibited to import, sell or manufacture any type of tobacco or its products.

#### -2-Impersonality:

Texts are typically cast in the third person. According to (Haigh 2004:37) it is inappropriate to use he / she in a document to refer to a person whose sex is unknown. In such cases, a number of gender-neutral pronouns such as *anyone*, *everyone* and *no one* and a number of other workarounds can be used.

#### -3- prepositional phrase

Prepositional phrase is another syntactic feature of English legal language.

I.e. to limit imports that violate

#### **-4-Sentence length and complexity:**

the length and complexity of sentences in legal register in English is seldom found in other registers. If legal language is perceived as complex, unwieldy, and incomprehensible, it is partly because of the desire to ensure that the language is precise, clear and unambiguous.

## The Original Text

كۆمارى عىراق  
سهروكايه تى كۆمار  
ديوانى سهروكايه تى

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



Republic of Iraq

جمهورية العراق  
رئاسة الجمهورية  
ديوان الرئاسة  
الدائرة القانونية

المادة - ١٠ - أولاً: على الجهة المصنعة وضع تحذيرات صحية مكتوبة باللغتين العربية والكردية وتحذيرات صحية صورية على علب منتجات التبغ المصنعة محلياً بمختلف أنواعها وتثبيت نسب مكوناتها.  
ثانياً: يمنع استيراد أي نوع من انواع منتجات التبغ التي لا تحمل تحذيرات صحية او نسب النيكوتين والقطران المنصوص عليها في البند (اولا) من المادة (٩) من هذا القانون .

المادة - ١١ - لا يجوز إعفاء صناعات التبغ من الضرائب والرسوم ولا تمنح الامتيازات المنصوص عليها في قانون الاستثمار رقم (١٣) لسنة ٢٠٠٦ او أي قانون آخر .

### الفصل الرابع

#### العقوبات

المادة - ١٢ - أولاً: يعاقب كل من صنع او استورد او باع التبغ او منتجاته خلاف المواصفات المقررة بموجب أحكام هذا القانون بغرامة لا تقل عن (٢٥٠٠٠٠٠٠٠) خمسة وعشرين مليون دينار عراقي ولا تزيد على (٥٠٠٠٠٠٠٠٠) خمسين مليون دينار عراقي ومصادرة الكمية المخالفة وإتلافها.  
ثانياً: تسحب إجازة الاستيراد او التصنيع او بيع منتجات التبغ من قبل الجهة مانحة الإجازة في حالة تكرار المخالفة بالإضافة إلى الغرامة المنصوص عليها في البند أولاً من هذه المادة .

## **The Translation**

In the name of God, the Most Gracious, the Most Merciful  
Republic of air Iraq

Presidency of the Republic  
Presidential office  
Legal department

In the name of the people  
Presidency of the Republic

Article - 10 - First: The manufacturer shall place health warnings written in the Arabic and Kurdish languages and graphic health warnings on tobacco boxes locally manufactured in various types and fixing the proportions of its components.

Second: It is forbidden to import any type of tobacco product that does not carry health warnings or the proportions of nicotine and tar stipulated in Clause (First) of Article (9) of this law.

Article - 11 - Tobacco industries may not be exempt from taxes and fees and the privileges stipulated in the Investment Law No. (6) for the year 6 or any other law are not granted.

### **Chapter Four**

#### **Penalties**

Article - 12 - First: Whoever makes, imports, or sells tobacco or its products contrary to the specifications prescribed under the provisions of this law, with a fine of no less than (25000000) twenty five million Iraqi dinars and no more than (50000000) fifty million Iraqi dinars and confiscating and destroying the violating quantity.

Second: The license to import, manufacture or sell tobacco products is withdrawn by the granting authority in the event of a repeat offense in addition to the fine stipulated in clause (first) of this article.

## The Analysis

### A) Layout features

- 1- It was quite natural for draftsmen to compose whole documents in the form of one long sentence, leaving no space for any change, scratch or deletion to break this format. This characteristic of single block- drafting was justified by the fact that legal text were not meant to be read aloud for they are "supposed to be scrutinized in silence" .
- 2- Indentation in legal texts is a significant layout feature, but when inappropriately used, a paragraph may accept more than one interpretation.
- 3- Capitalization in English legal texts is highly functional and initial capitalization, in particular, is " used to dignify lexical items" and the decoration of initial words or letters" give them a special visual appearance (Al- Ghazali 2008:62).

### B) Lexical Features

#### -1- Archaic diction of legal English:

Legal English lexicon is considerably made of archaic legal terms. However, this touch of Archaism is not in vain, it is done on purpose. There are reasons behind this tendency towards archaic words. Tiersma (1999) states that “legal language often strives toward great formality, it naturally gravitates towards archaic language”.

According to this quotation, archaisms give a flavor of formality to the language to which they belong. Some lawyers prefer to use antique terms instead of new ones. For example, they use ‘imbibe’ as an alternative of ‘drink’, ‘inquire’ rather than ‘ask’, ‘peruse’ instead of ‘read’, ‘forthwith’ as a substitution of ‘right away’ or ‘at once’ and so on.

There exist also some archaic adverbs, they are actually a mixture of deictic elements: ‘here’ ‘there’ and ‘where’ with certain prepositions: of, after, by.

I.e. manufacturer

I.e. graphic

I.e. license

I.e. privileges

### **-2- Archaic use of the modal “shall” in legal English:**

The modal shall pose a level of difficulty in both interpretation of clauses containing it and in the translation of such clauses. Traditionally, the modal shall, in legal texts, carries an obligation or a duty as opposed its common function: expressing futurity (Tiersma: 105)

More importantly, Sabra(1995)claims that any legal verb preceded by ‘shall’ is normally translated into Arabic in the present form.

I.e. The manufacturer **shall** place health warnings written in the Arabic and Kurdish languages.

### **-3- Legal English as a technical language:**

Another noticeable feature of legal English is its technical terminology. According to Tiersma (1999) “if a word or a phrase is used exclusively by a particular trade or profession or if that profession uses it in a way that differs from its normal meaning and the term has a relatively well-defined sense, it should be considered a technical term”. This reveals that a technical term is an unshared term used exclusively by a specific trade or profession. In other words, specialists in the legal sphere are actually equipped by a distinct language peculiar to ordinary people and highly characterized by a vocabulary of technical nature. Accordingly, Alcaraz & Brian (2002: 17) present a classification of technical vocabulary: purely technical terms and semi-technical terms.

**1- Purely technical terms:** are those that are only applicable in the legal sphere but nowhere else.

I.e. offense

I.e. Penalties

I.e. privileges

**2-Semi-technical terms:** words and phrases of this group belong to everyday lexicon which has gained extra-meanings in the legal context.

So, terms of this type are polysemic, tougher to recognize their precise meaning without resorting to the context in which they occur.

### I.e. Article

Actually, purely technical terms are monosemic; that is, having one legal meaning and so having no difficulty for the translator. The latter can simply consult a bilingual dictionary, of course, not a standard dictionary but a specialized legal one. However, semi-technical vocabulary is a more complex type of terms; they have one meaning or more than one in everyday language and another in the field of law.

## C) Syntactic Features:

As for the syntactic features of English legal texts; at the sentence level, sentences are complex and long. "They tend to introduce excessive information load at various points in the syntax of such statements, thereby creating barriers to effective understanding of such statements." (Bahtia 1997).

### -1-Passives

Legal texts usually contain many passive forms rather than active forms because "passive permits an indirect and formal tone with which lawyers instinctively feel comfortable" (Haigh 2004).

I.e. **Whoever makes, imports, or sells tobacco or its products contrary to the specifications prescribed under the provisions of this law.**

### -2-Impersonality:

Texts are typically cast in the third person. According to (Haigh 2004:37) it is inappropriate to use he / she in a document to refer to a person whose sex is unknown. In such cases, a number of gender-neutral pronouns such as *anyone*, *everyone* and *no one* and a number of other workarounds can be used.

### -3- prepositional phrase

Prepositional phrase is another syntactic feature of English legal language.

I.e. It is forbidden to import any type of tobacco product

**-4-Sentence length and complexity:**

the length and complexity of sentences in legal register in English is seldom found in other registers. If legal language is perceived as complex, unwieldy, and incomprehensible, it is partly because of the desire to ensure that the language is precise, clear and unambiguous.

## The Original Text

كۆمارى عىراق  
سهروكايهتى كۆمار  
ديوانى سهروكايهتى

بسم الله الرحمن الرحيم



Republic of Iraq

جمهورية العراق  
رئاسة الجمهورية  
ديوان الرئاسة  
الدائرة القانونية

المادة - ١٣ - تصادر أي كمية من التبغ او منتجاته تدخل أراضي جمهورية العراق بصورة غير قانونية ويعاقب الشخص المهرب بغرامة لا تقل عن (٥٠٠٠٠٠٠٠٠) خمسين مليون دينار عراقي ولا تزيد على (١٠٠٠٠٠٠٠٠٠) مئة مليون دينار عراقي مع عدم الإخلال بأي عقوبة اشد تنص عليها القوانين النافذة .

المادة - ١٤ - تعاقب وسائل الاعلام والثقافة ودور النشر والصحف والمجلات والمطابع ومكاتب الدعاية التي تروج للتدخين بما يأتي :  
أولاً: الإغلاق لمدة لا تزيد على (٣٠) ثلاثين يوماً وبغرامة لا تقل عن (٥٠٠٠٠٠٠٠٠) خمسة ملايين دينار عراقي ولا تزيد (١٠٠٠٠٠٠٠٠٠) عشرة ملايين دينار عراقي.

ثانياً: الإغلاق لمدة (٦٠) ستين يوماً وبغرامة لا تقل عن (١٠٠٠٠٠٠٠٠٠) عشرة ملايين دينار عراقي ولا تزيد على (٢٠٠٠٠٠٠٠٠٠) عشرين مليون دينار عراقي في حالة تكرار المخالفة المنصوص عليها في هذه المادة .

المادة - ١٥ - تصادر اعداد الصحف والمجلات والكتب والنشرات الاجنبية المخالفة لإحكام هذا القانون ويمنع دخول الإعداد اللاحقة لمدة لا تزيد على (٣٠) ثلاثين يوماً.

المادة - ١٦ - يعاقب بغرامة لا تقل عن (٢٥٠٠٠٠٠) مائتين وخمسين ألف دينار عراقي ولا تزيد على (١٠٠٠٠٠٠٠٠) مليون دينار عراقي كل من خالف أحكام البند (ثالثاً) من المادة (٦) من هذا القانون، وفي حالة تكرار المخالفة يغلق المحل لمدة (٣٠) ثلاثين يوماً .

## **The Translation**

In the name of God, the Most Gracious, the Most Merciful  
Republic of Iraq

Presidency of the Republic  
Presidential office  
Legal department

In the name of the people  
Presidency of the Republic

Article - 13 - Any amount of tobacco or its products entering the territory of the Republic of Iraq illegally shall be confiscated and the smuggler shall be punished with a fine not less than (50000000) fifty million Iraqi dinars and not more than (100000000) one hundred million Iraqi dinars without prejudice to any more severe punishment stipulated by the laws in force.

Article - 14 - The media, culture, publishing houses, newspapers, magazines, presses and advertising offices that promote smoking shall be punished with the following:

First: closure for a period not exceeding (30) thirty days and a fine of no less than (5000000) five million Iraqi dinars and no more than (10000000) ten million Iraqi dinars

Second: the closure for a period of (60) sixty days and a fine of no less than (10000000) ten million Iraqi dinars and not more than (20000000) twenty million Iraqi dinars in the event of a repeat of the violation stipulated in this article.

Article - 10 - The foreign newspapers, magazines, books and publications issued in violation of the provisions of this law shall be confiscated, and subsequent preparation for a period not exceeding (30) thirty days shall be prohibited.

Article - 16 - Whoever violates the provisions of Clause (Third) of Article (1) of this law, and in the event of a repeat of the violation, closes the shop for a period of (30) Thirty days.

## The Analysis

### A) Layout features

- 1- It was quite natural for draftsmen to compose whole documents in the form of one long sentence, leaving no space for any change, scratch or deletion to break this format. This characteristic of single block- drafting was justified by the fact that legal text were not meant to be read aloud for they are "supposed to be scrutinized in silence" .
- 2- Indentation in legal texts is a significant layout feature, but when inappropriately used, a paragraph may accept more than one interpretation.
- 3- Capitalization in English legal texts is highly functional and initial capitalization, in particular, is " used to dignify lexical items" and the decoration of initial words or letters" give them a special visual appearance (Al- Ghazali 2008:62).

### B) Lexical Features

#### -1- Archaic diction of legal English:

Legal English lexicon is considerably made of archaic legal terms. However, this touch of Archaism is not in vain, it is done on purpose. There are reasons behind this tendency towards archaic words. Tiersma (1999) states that “legal language often strives toward great formality, it naturally gravitates towards archaic language”.

According to this quotation, archaisms give a flavor of formality to the language to which they belong. Some lawyers prefer to use antique terms instead of new ones. For example, they use ‘imbibe’ as an alternative of ‘drink’, ‘inquire’ rather than ‘ask’, ‘peruse’ instead of ‘read’, ‘forthwith’ as a substitution of ‘right away’ or ‘at once’ and so on.

There exist also some archaic adverbs, they are actually a mixture of deictic elements: ‘here’ ‘there’ and ‘where’ with certain prepositions: of, after, by.

I.e. confiscated

I.e. advertising

I.e. closure

#### -2- Archaic use of the modal “shall” in legal English:

The modal shall pose a level of difficulty in both interpretation of clauses containing it and in the translation of such clauses. Traditionally, the modal shall, in legal texts, carries an obligation or a duty as opposed its common function: expressing futurity (Tiersma: 105)

More importantly, Sabra(1995)claims that any legal verb preceded by ‘shall’ is normally translated into Arabic in the present form.

I.e. The media, culture, publishing houses, newspapers, magazines, presses and advertising offices that promote smoking **shall** be punished.

### **-3- Legal English as a technical language:**

Another noticeable feature of legal English is its technical terminology. According to Tiersma (1999) “if a word or a phrase is used exclusively by a particular trade or profession or if that profession uses it in a way that differs from its normal meaning and the term has a relatively well-defined sense, it should be considered a technical term”. This reveals that a technical term is an unshared term used exclusively by a specific trade or profession. In other words, specialists in the legal sphere are actually equipped by a distinct language peculiar to ordinary people and highly characterized by a vocabulary of technical nature. Accordingly, Alcaraz & Brian (2002: 17) present a classification of technical vocabulary: purely technical terms and semi-technical terms.

**1- Purely technical terms:** are those that are only applicable in the legal sphere but nowhere else.

I.e. prejudice

Actually, the understanding of such kind of terms is of great importance in grasping any given legal text in which they occur.

**2-Semi-technical terms:** words and phrases of this group belong to everyday lexicon which has gained extra-meanings in the legal context. So, terms of this type are polysemic, tougher to recognize their precise meaning without resorting to the context in which they occur.

I.e. Article

I.e. provisions

Actually, purely technical terms are monosomic; that is, having one legal meaning and so having no difficulty for the translator. The latter can simply consult a bilingual dictionary, of course, not a standard dictionary but a specialized legal one. However, semi-technical vocabulary is a more complex type of terms; they have one meaning or more than one in everyday language and another in the field of law.

### **C) Syntactic Features:**

As for the syntactic features of English legal texts; at the sentence level, sentences are complex and long. "They tend to introduce excessive information load at various points in the syntax of such statements, thereby creating barriers to effective understanding of such statements." (Bahtia 1997).

#### **-1-Nominalization**

Preferring the usage of nouns instead of verbs.

preparations

#### **-2-Passives**

Legal texts usually contain many passive forms rather than active forms because "passive permits an indirect and formal tone with which lawyers instinctively feel comfortable" (Haigh 2004).

I.e. Any amount of tobacco or its products entering the territory of the Republic of Iraq illegally shall confiscated.

#### **-7- prepositional phrase**

Prepositional phrase is another syntactic feature of English legal language.

I.e. Whoever violates the provisions of Clause

#### **-8-Sentence length and complexity:**

the length and complexity of sentences in legal register in English is seldom found in other registers. If legal language is perceived as complex, unwieldy, and incomprehensible, it is partly because of the desire to ensure that the language is precise, clear and unambiguous.

## The Original Text

كۆمارى عىراق  
سهروكايهتى كۆمار  
ديوانى سهروكايهتى

بسم الله الرحمن الرحيم



Republic of Iraq

جمهورية العراق  
رئاسة الجمهورية  
ديوان الرئاسة  
الدائرة القانونية

المادة -١٧- يعاقب من يدخن في الاماكن العامة المحددة في المادة (٤) من هذا القانون  
بغرامة قدرها (١٠٠٠٠) عشرة آلاف دينار .

المادة -١٨- تعاقب الجهات المحظور التدخين فيها المنصوص عليها في المادة (٤) من هذا  
القانون بغرامة قدرها (٢٥٠٠٠٠) مائتان وخمسون ألف دينار عراقي في حالة عدم  
تخصيص مكان للتدخين وفقاً لإحكام المادة (٥) من هذا القانون .

### الفصل الخامس

#### إحكام عامة وختامية

المادة -١٩- أولاً: على وزارة المالية تخصيص جميع الموارد المتحصلة من تطبيق إحكام هذا  
القانون إلى دوائر الصحة في بغداد والمحافظات كافة وتكون نسبة كل دائرة  
صحة حسب مبالغ الجباية فيها .

ثانياً: تتولى الحكومات المحلية تنظيم عمليات الجباية وفق تعليمات وزارة المالية.

المادة -٢٠- للوزير اصدار تعليمات لتسهيل تنفيذ احكام هذا القانون .

## **The Translation**

In the name of God, the Most Gracious, the Most Merciful  
Republic of air Iraq

Presidency of the Republic  
Presidential office  
Legal department

In the name of the people  
Presidency of the Republic

Article - 17 - Whoever smokes in public places specified in Article (4) of this law shall be punished with a fine of (10000) Ten thousand dinars.

Article - 18 - The smoking-prohibited bodies stipulated in Article (4) of this law shall be penalized with a fine of (250000) two hundred and fifty thousand Iraqi dinars in the event that a place is not allocated to smoking in accordance with the provisions of Article (5) of this law.

## **Chapter Five**

### **General and Final Provisions**

Article - 19 - First: The Ministry of Finance shall allocate all resources obtained from the application of the provisions of such law to the health departments in Baghdad and all provinces, and the percentage of each health department will be the amounts collected in it.

Second: Local governments organize the collection operations according to the instructions of the Ministry of Finance.

Article - 20 - The Minister may issue instructions to facilitate the implementation of the provisions of this law.

## The Analysis

### A) Layout features

- 1- It was quite natural for draftsmen to compose whole documents in the form of one long sentence, leaving no space for any change, scratch or deletion to break this format. This characteristic of single block- drafting was justified by the fact that legal text were not meant to be read aloud for they are "supposed to be scrutinized in silence" .
- 2- Indentation in legal texts is a significant layout feature, but when inappropriately used, a paragraph may accept more than one interpretation.
- 3- Capitalization in English legal texts is highly functional and initial capitalization, in particular, is " used to dignify lexical items" and the decoration of initial words or letters" give them a special visual appearance (Al- Ghazali 2008:62).

### B) Lexical Features

#### -1- Archaic diction of legal English:

Legal English lexicon is considerably made of archaic legal terms. However, this touch of Archaism is not in vain, it is done on purpose. There are reasons behind this tendency towards archaic words. Tiersma (1999) states that “legal language often strives toward great formality, it naturally gravitates towards archaic language”.

According to this quotation, archaisms give a flavor of formality to the language to which they belong. Some lawyers prefer to use antique terms instead of new ones. For example, they use ‘imbibe’ as an alternative of ‘drink’, ‘inquire’ rather than ‘ask’, ‘peruse’ instead of ‘read’, ‘forthwith’ as a substitution of ‘right away’ or ‘at once’ and so on.

There exist also some archaic adverbs, they are actually a mixture of deictic elements: ‘here’ ‘there’ and ‘where’ with certain prepositions: of, after, by.

I.e. specified

I.e. provisions

I.e. instructions

## **-2- Archaic use of the modal “shall” in legal English:**

The modal shall pose a level of difficulty in both interpretation of clauses containing it and in the translation of such clauses. Traditionally, the modal shall, in legal texts, carries an obligation or a duty as opposed its common function: expressing futurity (Tiersma: 105)

More importantly, Sabra(1995)claims that any legal verb preceded by ‘shall’ is normally translated into Arabic in the present form.

I.e. Whoever smokes in public places specified in Article (4) of this law **shall be punished**.

## **-3- Unusual use of the words ‘the same’, ‘such’ and ‘said’:**

Using such words in legal language is quite different from using them in ordinary one.

I.e. The Ministry of Finance shall allocate all resources obtained from the application of the provisions of **such** law.

## **-4- Frequent use of doublets**

Actually, there is a common use of such collocations in which synonyms or near- synonyms are combined in pair “doublets” Alcaraz & Brian (2002: 9) . Such words can be either nouns, verbs, adjectives or even prepositions.

I.e.General and Final

## **-5- Legal English as a technical language:**

Another noticeable feature of legal English is its technical terminology. According toTiersma (1999) “if a word or a phrase is used exclusively by a particular trade or profession or if that profession uses it in a way that differs from its normal meaning and the term has a relatively well-defined sense, it should be considered a technical term”. This reveals that a technical term is an unshared term used exclusively by a specific trade or profession. In other words, specialists in the legal sphere are actually equipped by a distinct language peculiar to ordinary people and highly characterized by a vocabulary of technical nature. Accordingly, Alcaraz &

Brian (2002: 17) present a classification of technical vocabulary: purely technical terms and semi-technical terms.

**-Semi-technical terms:** words and phrases of this group belong to everyday lexicon which has gained extra-meanings in the legal context. So, terms of this type are polysemic, tougher to recognize their precise meaning without resorting to the context in which they occur.

I.e. penalized

I.e. bodies

I.e. implementation

Actually, purely technical terms are monosomic; that is, having one legal meaning and so having no difficulty for the translator. The latter can simply consult a bilingual dictionary, of course, not a standard dictionary but a specialized legal one. However, semi-technical vocabulary is a more complex type of terms; they have one meaning or more than one in everyday language and another in the field of law.

### **C) Syntactic Features:**

As for the syntactic features of English legal texts; at the sentence level, sentences are complex and long. "They tend to introduce excessive information load at various points in the syntax of such statements, thereby creating barriers to effective understanding of such statements." (Bahtia 1997).

#### **-1-Nominalization**

Preferring the usage of nouns instead of verbs.

implementation

#### **-2-Passives**

Legal texts usually contain many passive forms rather than active forms because "passive permits an indirect and formal tone with which lawyers instinctively feel comfortable" (Haigh 2004).

I.e. The smoking-prohibited bodies stipulated in Article (4) of this law shall be penalized.

### **-3-Impersonality:**

Texts are typically cast in the third person. According to (Haigh 2004:37) it is inappropriate to use he / she in a document to refer to a person whose sex is unknown. In such cases, a number of gender-neutral pronouns such as *anyone*, *everyone* and *no one* and a number of other workarounds can be used.

### **-4- prepositional phrase**

Prepositional phrase is another syntactic feature of English legal language.

I.e. Local governments organize the collection operations according to the instructions of the Ministry of Finance.

### **-5-Sentence length and complexity:**

the length and complexity of sentences in legal register in English is seldom found in other registers. If legal language is perceived as complex, unwieldy, and incomprehensible, it is partly because of the desire to ensure that the language is precise, clear and unambiguous.

## The Original Text

كۆمارى عىراق  
سهروكايهتى كۆمار  
ديوانى سهروكايهتى

بسم الله الرحمن الرحيم



Republic of Iraq

جمهورية العراق  
رئاسة الجمهورية  
ديوان الرئاسة  
الدائرة القانونية

المادة - ٢١ - ينشر هذا القانون في الجريدة الرسمية وينفذ بعد مضي (٩٠) تسعين يوماً من تاريخ نشره .

جلال طالباني

رئيس الجمهورية

### الأسباب الموجبة

لغرض حماية المواطنين من الاخطار الصحية والاجتماعية والبيئية والاقتصادية من جراء التدخين والتعرض لدخانته ولتجنب الآثار المدمرة له ، ومن اجل تحقيق مجتمع صحي خالٍ من التدخين من خلال وضع الضوابط الفاعلة لمكافحته وفق المعايير التي اقرتها اغلب الدول في مكافحة التدخين ،

شرع هذا القانون.

## **The Translation**

In the name of God, the Most Gracious, the Most Merciful  
Republic of Iraq

Presidency of the Republic  
Presidential office  
Legal department

In the name of the people  
Presidency of the Republic

Article - 21 - This law shall be published in the Official Gazette and implemented after (90) ninety days from the date of its publication.

Jalal Talabani  
President of the Republic

### **The reasons for the purpose:**

To protect citizens from the health, social, environmental, and economic dangers of smoking and exposure to smoke and to avoid the devastating effects of it, and to achieve a healthy society free from smoking by setting effective controls to combat it according to the criteria established by most countries in the fight against smoking, such law was enacted.

## The Analysis

### A) Layout features

- 1- It was quite natural for draftsmen to compose whole documents in the form of one long sentence, leaving no space for any change, scratch or deletion to break this format. This characteristic of single block- drafting was justified by the fact that legal text were not meant to be read aloud for they are "supposed to be scrutinized in silence" .
- 2- Indentation in legal texts is a significant layout feature, but when inappropriately used, a paragraph may accept more than one interpretation.
- 3- Capitalization in English legal texts is highly functional and initial capitalization, in particular, is " used to dignify lexical items" and the decoration of initial words or letters" give them a special visual appearance (Al- Ghazali 2008:62).

### B) Lexical Features

#### -1- Archaic diction of legal English:

Legal English lexicon is considerably made of archaic legal terms. However, this touch of Archaism is not in vain, it is done on purpose. There are reasons behind this tendency towards archaic words. Tiersma (1999) states that “legal language often strives toward great formality, it naturally gravitates towards archaic language”.

According to this quotation, archaisms give a flavor of formality to the language to which they belong. Some lawyers prefer to use antique terms instead of new ones. For example, they use ‘imbibe’ as an alternative of ‘drink’, ‘inquire’ rather than ‘ask’, ‘peruse’ instead of ‘read’, ‘forthwith’ as a substitution of ‘right away’ or ‘at once’ and so on.

There exist also some archaic adverbs, they are actually a mixture of deictic elements: ‘here’ ‘there’ and ‘where’ with certain prepositions: of, after, by.

I.e. implemented

I.e. devastating

I.e. achieve

## **-2- Unusual use of the words ‘the same’, ‘such’ and ‘said’:**

Using such words in legal language is quite different from using them in ordinary one.

I.e. to combat it according to the criteria established by most countries in the fight against smoking, such law was enacted.

## **-3- Legal English as a technical language:**

Another noticeable feature of legal English is its technical terminology. According to Tiersma (1999) “if a word or a phrase is used exclusively by a particular trade or profession or if that profession uses it in a way that differs from its normal meaning and the term has a relatively well-defined sense, it should be considered a technical term”. This reveals that a technical term is an unshared term used exclusively by a specific trade or profession. In other words, specialists in the legal sphere are actually equipped by a distinct language peculiar to ordinary people and highly characterized by a vocabulary of technical nature. Accordingly, Alcaraz & Brian (2002: 17) present a classification of technical vocabulary: purely technical terms and semi-technical terms.

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I.e. implemented

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## **-4- prepositional phrase**

Prepositional phrase is another syntactic feature of English legal language.

I.e. to achieve a healthy society free from smoking by setting effective controls to combat it according to the criteria established by most countries in the fight against smoking,

## **-8-Sentence length and complexity:**

the length and complexity of sentences in legal register in English is seldom found in other registers. If legal language is perceived as complex, unwieldy, and incomprehensible, it is partly because of the desire to ensure that the language is precise, clear and unambiguous.