

Difficulties of Sight Interpreting of Islamic Court Texts from Arabic into English

Abdullah Shunnaq*

Abstract

Sight Interpreting (SI) as well as Courtroom Interpreting (CI)-interviews in immigration authorities, customs' offices, lawyers' offices, and police departments-occupies these days higher position than other types of legal interpreting. The present paper attempts to substantiate the argument that student interpreters need special training in legal-religious terminology before they are expected to produce working SI of Arabic-Islamic documents. The results are based on a study that used students of the University of Jordan (JU) enrolling in MA translation program during the first semester of 2004/2005. The subjects demonstrated a low standard of competence in translating Arabic-Islamic legal terms, a fact that stresses the importance of introducing training in various fields of oral interpreting.

Further, the study argues that technical training should be firmly based on the availability of a workable general language competence in candidates. It also shows that the more technical and register-specific the term is, the more problematic it would be, and *vice versa*. In particular, special attention should be paid to the translatability of Arabic culture-bound religious terms and the various procedures that should be considered when translating such terms into English.

The study arrives at the conclusion that the subjects do not have enough experience in interpreting court documents. As a result, it recommends that the Department of English at JU should include CI and SI as separate courses in the translation programmes. It is hoped that the present study would help student interpreters to improve their performance and make them familiar with different problems which affect the CI and SI and how they should be dealt with.

1. Introduction and Review of Related Literature

Translation consists of providing, in the receptor language, the closest natural equivalent of the source language message, first in terms of meaning and second in terms of style. ⁽¹⁾.

© Copyright 2006 by The Society of Arab Universities Faculties of Arts, All rights reserved

* Faculty of Arts, Yarmouk University, Irbid, Jordan.

A paper to be presented at CUITI Forum 23 March 2006, United Nations Headquarters-,Switzerland.

Translation theorists such as Jakobson (1959), Nida (1964), Catford(1965), Newmark 1981 and 1988, Hatim and Mason (1990), Bassnet (1991), Toury (1995), Qian (1994), Pym (1998) among others, point out that the most suitable translation is the one that can properly reproduce the source language (SL) in the target language(TL).

Translation is a difficult task and translators have an awesome mission when they translate from one language into another with cultural and ideological prejudices that it entails. In addition, there are no practical guides for translators/ interpreters whether from Arabic into foreign languages or the other way round. Books on interpreting/ translation tend to concentrate on the theoretical aspects of the discipline rather than on providing practical advice. As a result, the field has remained beset by a functional problem, and too often translations have continued to be mechanical, awkward and lifeless.

Today the "shrinking" nature of the world and growing linkages have come to mean that the translator is now a mediator between different cultures. A good translator is a competent, bilingual and bicultural translator, one who is able to move from one culture to another and from one language to another with the same agility, speed and vivaciousness.

Legal documents can be problematic, particularly Islamic documents such as certificates of legacy, custody, guardianship, conversion to Islam, non-liability and maintenance of legal minors. These terms are not in everyday legal translations, and can be of immense importance to the practicing lawyer, as a rough tool.

Oral interpreting includes: Simultaneous Interpreting in which interpreters are asked to simultaneously interpret spoken material; Consecutive Interpreting in which the interpreter gives the rendition of a certain utterance after the speaker stops. In Consecutive Interpreting, it is recommended that the interpreter take notes. In Sight Interpreting, the interpreter translates written documents. It is recommended that he read documents quickly before uttering his oral translation.

Sight Interpreting is the transfer of a written text in the SL into a text delivered orally in the TL. Martin ⁽²⁾ points out that in some cases Sight Interpreting is the name given to "simultaneous with the text "in which the interpreter has to process a visual, in addition to an aural stimulus. When Sight Interpreting is used in translation courses, the student may be required to give an oral version of the written text, or may be trained to use a Dictaphone, in which case the final version will ultimately be a revised written text, thus avoiding the written to oral transposition present in other applications of this activity.

Concerning Sight Interpreting, Martin ⁽³⁾ quotes Dejean le Feal saying that the original text has all the characteristics of a translation, whereas the final product has the demands of an interpretation, namely instant understanding and reformulation of cognitive content.

Farghal and Shunnaq ⁽⁴⁾ noticed that the problematic areas in translating UN legal documents from English into Arabic fall into three categories: syntax-related problems, layout-related problems, and tenor-related problems. Ilyas ⁽⁵⁾ classifies the problems involved in the translation of legal texts into lexical, syntactic and cultural.

Hatim and Mason ⁽⁶⁾ explored possible applications of text linguistics to the training of interpreters. They showed that the three strands of textuality—texture, structure and context—correlate in a number of interesting ways and to varying degrees of relevance, with the three basic forms of interpreting—**liaison**, **consecutive** and **simultaneous**.

AL-Salman and Al-Khanji ⁽⁷⁾ examined how well the two adequacy criteria of "linguistic adequacy" and "strategic competence" are utilized in the actual performance of interpreters. They point out that the linguistic adequacy criteria for successful interpretation include Semantics, Grammar, Discourse, Pragmatics, and Style; as well as the strategic competence criteria for successful interpretation include interaction skills, predicting strategies and compensatory strategies.

2. Features of Legal Discourse

Legal language deals with different types of activities such as agreements, court documents and drawing up statutes. Crystal and Davy ⁽⁸⁾ point out:

To speak of legal language as communicating meaning is in itself rather misleading. Of all uses of language it is perhaps the least communicative, in that it is designed not so much to enlighten language-users at large as to allow one expert to register information for security by another. This is another factor which has provided opportunities for unusualness.

Some linguists such as Crystal and Davy (1985), Danet (1985), Ghazala (1994) Emery (1989), Abdel Aziz (1991), Shunnaq and Farghal (1998), Farghal and Shunnaq (1992), Barik (1994) among others discussed the most important stylistic features of legal texts and their functions concerning layout, grammar, vocabulary, and phonology.

They summed up the main features of legal texts saying that the sentences of legal texts, whether Arabic or English, are long and complex. In fact, the whole text in English, to a lesser extent in Arabic, might be considered as one

complex sentence that begins with full stop and ends with comma. In Legal English, one can easily observe that the use of pronouns is rare to avoid ambiguity of reference; conjunctions are used to maintain texts' cohesion; passive verbs are more recurrent than active; the verb "shall" is used in the sense of "must" rather than referring to future; the use of nouns in favor of verbs; and the use of formal expressions.

In Legal Arabic, the nominal may be introduced by the relative **ما** as in **ما تقره المحكمة يكون ملزماً لجميع الأطراف**, we use the marker **إن** and the emphatic article **قد** as a marker of the main clause as in the United Nations resolutions **إن مجلس الأمن إذ يعرب عن قلقه المتواصل** (The Security Council, expressing its continuing concern). One also observes the frequent use of passive voice and use of conditionals. The vocabulary of legal language include archaisms as in **أبرأت ذمة زوجي** (text 5), doublets such as **غير (القيّم)** text 4, **مدهوشين ولا مكرهين** (text 1) and binomials as in **قوله وفعله**.

Legal language has its own prosodic features. Though they are important in interpreting, little attention has been paid to the distinctive features of the legal register.

Prosodic features include assonance, and phonemic contrast as in: "each" and "either" which contain assonance of /e/ and of rhyme and rhythm in "contained" and "implied". These prosodic features add to the beauty of the text. To illustrate the above point further, consider the following examples taken from our texts: **المعرفين المذكورين** (the aforementioned identifiers, text 1), **لقوله** (statements, actions and judgments).

3. Statement of the Problem

The present paper attempts to underline the main problems facing the court sight-interpreters and tries to suggest certain measures by which problems resulting in court Sight Interpreting can be solved. These problems are manifested through linguistics and non-linguistics issues.

4. Significance of the Study

The present study differs from the previous studies as it directly deals with Sight Interpreting of some Islamic court documents from Arabic into English. It integrates written translation with oral interpreting and applies that to legal discourse, more specifically the Islamic court documents.

It is assumed that this paper will be beneficial to interpreters in general, and court interpreters in particular, through offering possible solutions, making suggestions and providing guidelines. It is also hoped to be of some help to researchers in the fields of translation and interpreting.

5. Purpose of the Study

The paper aims at highlighting linguistic difficulties that may arise during the process of SI of Islamic court documents to show the basic skills required by court interpreters. It also aims at furnishing solutions for such difficulties. These difficulties include the use of technical terms, synonyms and couplings, archaic expressions and sentence structure.

6. Method

Since this paper is concerned with the problems encountered in court sight-interpreting from Arabic into English, the researcher has chosen six Islamic court documents. They were taken from Hatim et al ⁽⁹⁾.

These texts were given to twelve student-translators enrolled in an interpreting class in the M.A. program of translation at JU to record their interpreting within sixty minutes for the purpose of substantiating the claim that the student translators will find it difficult to interpret these documents into English without being given adequate training in the field of Sight Interpreting and legal translation. All twelve MA students received their BA degrees from Jordanian and non-Jordanian universities. None of them had an adequate background in Islamic Law, legal discourse or oral translation. Seven of the subjects, aged from 23-30, were males and five of them were females.

As for the material, it consists of 6 Arabic-Islamic court documents (see appendix) : (1) وثيقة طلاق بائن مقابل الإبراء بعد الدخول (2) إقرار بنسب (3) حجة رجعة : (4) حجة نفقة قاصرين (5) حجة إبراء (6) حجة إسلام.

In order to test the adequacy of the interpretations, the subjects' interpretations were compared with what might be termed as 'standard translation' produced by Hatim et al ⁽¹⁰⁾.

The interpreting process was conducted in the Language Centre laboratory at JU under the direct supervision of the researcher for the purpose of analyzing the students' performance aiming at finding the problems encountered by the subjects.

7. Difficulties of Sight Interpreting at Islamic Courts

Kattschinka ⁽¹¹⁾ points out that a number of conference interpreters were asked what they thought made court interpreting different from conference interpreting. She summed up the gist of their answers as the court interpreter does not work from the comfort and isolation of the booth; the average "client" of a court interpreter is rarely fluent as a conference delegate; a court interpreter rarely has the advantage of working in a team of interpreters; court interpreters work in sessions which often take place at unsocial hours and they must observe neutrality regarding the content and impartiality between parties.

Weller ⁽¹²⁾ points out:

One of the most frequent complaints heard by professional interpreters is "He read his papers at breakneck speed". This is a very legitimate complaint which reflects deeper concerns than many interpreters are aware of, and who usually complain more about speed than the density or complexity of language.

Translation of Islamic court documents from Arabic into English poses problems related to the nature of legal discourse and specific characteristics of both Arabic and English language systems. "The basic translation difficulty of overcoming conceptual differences between languages becomes particularly acute due to cultural and more specifically institutional reasons. ⁽¹³⁾

A legal translator overcomes the difficulty of translating a concept which is absent in the target language using paraphrasing. Here, the interpreter explains the SL concept if it is unfamiliar in the TL. For example, The Islamic term *السنة* would be paraphrased as: *Sunna* of the prophet; legally binding precedents based on the Prophet's sayings, doing or tacit approval. *مأذون شرعي* would be paraphrased as: Assistant Magistrate; Authorised Marriage Registrar and *لعان (ملاعنة)* would be paraphrased as: Oath of Condemnation; Disavowal of Paternity by Mutual Oath of Both Spouses; Sworn Allegation of Adultery.

Difficulties also arise due to differences in language systems: syntactic arrangements and word orders of the SL and the TL. The basic sentences of Arabic and English differ regarding their structures. Arabic has a VSO order whilst English has SVO order as in ... *يعوض صاحب العمل المقاول* (The Employer

indemnifies the Contractor...). Also, the language of legal texts is different from ordinary language with respect to sentence structure. It uses long sentences so it places information in one unit joining together the words and phrases.

Language used in Islamic court documents in Arabic is generally different from the currently used language. Classical Arabic is mainly derived from the Holy Qur'an. Translators, therefore, should be trained in Classical Arabic. In fact, it is difficult for an untrained student to adequately translate *يستدعي المتهم* (to summon an accused); *اعتراف بالبنوة* (Avowal of Paternity) and *دين مستغرق* (debt which equals or exceeds assets). Idiomatic expressions, technical languages and cultural expressions are real challenges for interpreters.

Furthermore, some uneducated clients might produce unintelligible utterances due to their poor educational background. And this will certainly add to the difficulties of the interpreters who might do their tasks in difficult atmospheres.

8. Analysis and Discussion

Having heard the recorded material of the subjects, it has been found that the main problems would be categorised into: lexical mistakes, omissions, terminological equivalence, collocations and synonyms, and inadequate interpreting.

8.1 Lexical Mistakes

Generally speaking, legal texts do not lend themselves to accurate translations. For instance, Islamic concepts/ terms, and realities of an Arab-Islamic society correspond partially to a western culture. In other words, certain concepts may totally coincide, while others may partially do so. To illustrate this point further, consider the following (verse 34 of Surat al-Baqara) together with its translation by N.J.Dawood⁽¹⁴⁾.

وَإِذْ قُلْنَا لِلْمَلَائِكَةِ اسْجُدُوا لِآدَمَ فَسَجَدُوا إِلَّا إِبْلِيسَ أَبَىٰ وَاسْتَكْبَرَ وَكَانَ مِنَ الْكَافِرِينَ.

In his translation Dawood produces:

"They all prostrated themselves except Satan".

Iblees is not *al-sheetan* "الشيطان" as *al-sheetan* could be of 'ins (man, mankind, human race) or of *jinn* (demon). *Al-sheetan* in the Holy Qur'an may refer to evil human beings too as in: "شياطين الأنس والجن"

Lexical mistakes include omission, addition, permutation, mistranslation, redundancy, collocation and addition.

To illustrate the problems encountered by the subjects of the study, consider table (1) below:

Table 1
Arabic Islamic court expressions taken from "Appendix" translated by 12 subjects

Arabic Expressions	Text No.	Suggested English Interpretations	Adequate Interpretations		Inadequate interpretations		No Interpretation given		Total %
			No.	%	No.	%	No.	%	
الإبراء بعد الدخول لبلوغ السن القانونية	1	non-liability after consummation of marriage	4	33.34	5	41.66	3	25	100
الدخول الشرعي	1	legal consummation of marriage	5	41.67	7	58.33	0	0	100
غير مدعوشين ولا مكروهين	1	fully aware and acting of their own volition	3	25	7	58.33	2	16.67	100
باننت منه بينونة صغرى	1	A divorce in which marriage is retrievable	4	33.33	6	50	2	16.67	100
العدة الشرعية	1	the legally waiting period before remarrying	3	25	6	50	3	25	100
إقرار بنسب	2	confirmation of parentage	5	41.67	5	41.67	2	16.66	100
فراش الزوجية	2	the state of matrimony	6	50	5	41.67	1	8.33	100
يولد مثلهم لمثله	2	the children could conceivably be born to him	5	41.67	7	58.33	0	0	100
حجة رجعة	3	certificate of remarriage to a divorced wife	6	50	5	41.67	1	8.33	100
مدخولتي الشرعية	3	with whom I had legally	3	25	6	50	3	25	100

Difficulties of Sight Interpreting of Islamic Court Texts from Arabic into English

Arabic Expressions	Text No.	Suggested English Interpretations	Adequate Interpretations		Inadequate interpretations		No Interpretation given		Total %
			No.	%	No.	%	No.	%	
		consummated the marriage							
عصمته الشرعية	3	his legal matrimonial authority	2	16.67	8	66.67	2	16.66	100
عينت ونصبت	4	appointed and installed	6	50	4	33.33	2	16.67	100
القيم	4	custodian	2	16.67	8	66.67	2	16.66	100
الحالة المعتبرة شرعاً	5	being legally competent	7	58.33	5	41.67	0	0	100
إيمان بالله سبحانه وتعالى	6	a belief in the Almighty God	8	66.67	3	25	1	8.33	100
وبرنت من كل دين يغير دين الإسلام	6	I hereby renounce all religions other than the religion of Islam	5	41.67	7	58.33	0	0	100
زواجا شرعيا على كتاب الله وسنة رسوله		marriage in accordance with Islamic Shari'a, God's Holy Book, and the Traditions of His Prophet	8	66.67	4	33.33	0	0	100
المأذون		marriage registrar	9	75	2	16.67	1	8.33	100
بلغا السن القانونية		are of legal age	7	58.33	5	41.67	0	0	100
Total			98	42.98	105	46.06	25	10.97	100

The above table shows that the number of the subjects' adequate renditions totals 98 out of 228 instances (i.e.42.98%), the inadequate totals 105 instances (i.e. 46.06%), and the no interpretations totals 25 instances (i.e. 10.96%).

8.2 Omissions

Omissions and misrenditions are the major categories of lexical mistakes. Omissions means omitting any linguistic unit, be it a word or a phrase, sentence, etc. Barik ⁽¹⁵⁾ classifies omission into skipping omission (skipping over a single lexical item or a phrase) or comprehension omission (omission of a larger unit of a text due to the interpreter's inability to translate).

In the above table, omissions constitute 10.96%. This could be attributed to the subjects' unawareness of the meaning of certain lexical items. In fact, omission constitutes a major problem for sight interpreters. Omission has its adverse effects on the interpreted texts. The erroneous interpretations due to omission are more serious than the other problems. For instance, the expression "الدخول الشرعي" "legal consummation of marriage" in text no. (1) was omitted by the twelve subjects. Similarly the expressions "يولد لمثلهم لمثله" "the children could conceivably be born to him" in text 5 was also omitted. Of course, such omissions lead to distortion of the meaning of the SL text.

8.3 Terminological Equivalence

Due to the differences between Arabic and English legal registers, the terminological equivalence constitutes a translation problem normally encountered by interpreters of Arabic legal texts into English. Unlike scientific texts, where there is an objective reference, legal texts create their own realities from patterns and norms of historic traditions and culture of the language. Furthermore, each legal system has its own framework. Here, translation between two languages of different cultures, like Arabic and English, would be incongruent. Incongruency in meaning might be ascribed to denotation (dictionary, cognitive, or referential meaning), connotation (psychological, social or the cultural aspects as well as emotional associations aroused by words) or implication (what is meant though not said) of the lexical items of a certain text. There might be partial equivalence between the terminology of the SL and the TL. To illustrate this point further, consider the following examples: فراش الزوجية (text 2) (lit. the outcome of marriage bedding). This term in Arabic has connotative and denotative meanings. Unfortunately, even the adequate interpretation (the state of matrimony) provided above could be considered only as a partial equivalent. The Arabic expression connotes the sanctity of marriage between husband and wife. Hence we observe incongruency between the two terms. By the same token, the so-called adequate English translation (custodian) of the Arabic term القيم is also partial equivalent. It could mean in English: caretaker, custodian, and superintendent.

8.4 Collocations and synonyms

Collocation refers to the way in which certain words are often used together or a particular combination of words used in this way as in **appeal against a sentence** (يستأنف ضد العقوبة) and **deny the crime** (ينكر الجريمة).

Collocations of synonyms are a problem that encounters translators between two different languages such as Arabic and English. They are found in the Arabic documents for clarity, but not all of them could be rendered congruently into English because what might collocate in Arabic does not necessarily collocates in English. The writer of legal texts resorts to use a number of synonymous/ near synonymous expressions in the form of couplings. To put it differently; he uses two words instead of one to express a certain meaning. These words could be nouns, verbs, adjectives, or prepositions. Consider the following examples:

made and signed (تحرر) , **terms and conditions** (شروط) , **by and between** (بين) , **true and correct** (صحيح) . English couplings may be translated by Arabic couplings as in: **shall be and remain** (يكون ويظل) , and **null and void** as (لاغ وباطل).

To illustrate this argument further, let us consider table (2) below of synonymous expressions taken from the corpus of the present study.

collocations of synonyms	text number	most subjects' interpreting	suggested interpreting
عصمتي وعقد نكاحي	3	my marriage and wedding	my matrimonial authority and my contract of marriage
عينت ونصبت	4	appointed	appointed and installed
الواجبات الدينية والشعائر الإسلامية	6	religious duties	religious duties and Islamic rites

8.5 Inadequate interpretation

In table (1) above, inadequate interpretation constitutes the highest percentage (i.e. 46.06%). This might be termed as "mistranslation" which occurs when the interpreter gives an erroneous interpreting of the linguistic stretch and this of course distorts the intended message of the text. Table (1) shows that the subjects made numerous mistakes that fall under this category. Consider the following illustrative examples:

1. الإبراء بعد الدخول was erroneously and inappropriately interpreted by five subjects (41.66%) as "the non responsibility after entering the marriage" instead of the collocationally appropriate one: "non-liability after consummation of marriage".

2. حجة رجعة was inadequately rendered by 5 subjects (41.67%) as ' a returning document" instead of the more adequate one" certificate of remarrying one's divorced wife".

The above table reflects the fact that most of the subjects failed to interpret the legal Arabic expressions adequately. The failure may be due to the cultural differences between Arabic and English as well as to the lack of experience on behalf of the subjects.

The inadequate renditions sometimes included inappropriate paraphrases or summarizing. For instance, seven subjects (58.33%) paraphrased the Arabic stretch وبرئت من كل دين يغير دين الإسلام (text 6) into English as "I am an innocent person of any religion other than Islam". Here, they erroneously interpret the Arabic lexical item برئت as "I am an innocent person". Similarly بانة بينونة صغرى was erroneously and literally rendered by six subjects (50%) as "a divorce that appeared a small appearance." Instead of "a divorce in which marriage is retrievable."

9. Conclusions and Recommendations

In the light of the above discussion and analysis, one can observe some problems encountered by the student-translators and some kinds of distortions in the texts translated by the subjects. The main problems in Sight Interpreting at Islamic courts could be ascribed to failure in overcoming problems of omissions, producing terminological equivalence, rendering expressions involving collocations, among others.

A. Conclusions:

The paper has reached the following conclusions:

1. Due to lack of training, knowledge and concentration, the subjects made many mistakes in their interpretation.
2. Lack of understanding meanings of certain Arabic legal texts leads to inadequate renditions constitute the highest percentage of errors (i.e. 46.06%).
3. Islamic court documents constitute a major problem for the subjects as they are not familiar with such expressions in their daily life. Seven subjects. (58.33%) resort to certain strategies to overcome the problems of interpreting the Islamic texts (omissions, additions, and paraphrase) that vary from one student to another. Islamic court technical terms constituted

problems for interpreters, as in: طلاق بائن مقابل الإبراء بعد الدخول، الدخول الشرعي، المكلف شرعاً، قيماً شرعياً..... الخ

4. The heavy use of lexical repetitions and collocations requires sensitivity and awareness on behalf of the interpreters.
5. 42.98% of the subjects produced adequate interpreting while the rest failed to do so.

In brief, as Sight Interpreting is a hybrid of translation and interpretation, it constitutes a challenge for interpreters particularly when they deal with a sensitive topic such as Islamic Court documents.

The major concern of this study has been to investigate some problems sight interpreters normally encounter when translating Islamic court documents from Arabic into English. It recommends the followings:

1. Eight of the subjects (66.66%) of those who interpreted the documents were confusing between written translation and Sight Interpreting. Hence, training sight interpreters should include written translation (syntactic, semantic, stylistic and cultural features of both Arabic and English) as well as oral interpreting. However, some would disagree with this premise and think that by the time translators got to Translation and Interpreting (T & I) training, it is too late as such training requires personnel who have high IQs to begin with and have a compulsion for life-long learning.
2. Applicants who seek admission to the Post-graduate Diploma in Translation offered by the University of Jordan should sit for oral and written entrance examinations that measure their capabilities to be successful sight interpreters in the future and to develop community interpreting to guarantee legal rights to the concerned parties.
3. Translators of legal and religious issues, should be better acquainted with law and religion.
4. The sight interpreter who is under all kinds of pressure (social, political, psychological, religious, personal, among others) should be excused if an unintended and unbiased mistake took place.
5. The sight interpreter should have an access, in advance, to the material s/he is going to deal with so as to understand the legal terms that might constitute a challenge to him while executing his task.
6. To interpret Arabic Islamic documents into English adequately, the interpreter should be aware of the denotative and connotative meanings of these texts and s/he should give priority to the cultural component in the

SL. Orientation workshops and seminars which deal with skills of interpreting, legal terminology, interpreting strategies should be held from time to time to train student sight interpreters. In brief, a sight interpreter should master language proficiency and interpreting skills.

7. For future research, the present study also recommends that future studies on the difference between written translation and Sight Interpreting of legal texts should be conducted. It would also be interesting to conduct similar studies tackling different problems to compare their findings with the findings of the present study such as using sign languages at the Deaf Courtrooms and how to interpret for Deaf witnesses and defendants. This paper recommends that another study should deal with simultaneous interpreting of Islamic texts by sworn legal translators in the hope of presenting further meticulous analyses and arguments.

صعوبات الترجمة المنظورة لنصوص المحاكم الإسلامية من اللغة العربية إلى اللغة الإنجليزية

عبدالله طلال الشناق، كلية الآداب، جامعة اليرموك، اربد، الأردن .

ملخص

في عصرنا هذا، تحتل الترجمة المنظورة وترجمة المحاكم الخاصة بسلطات الهجرة ودوائر الجمارك والمحامين ودوائر الشرطة مكانة بارزة بين أنواع الترجمات القانونية الأخرى. كما تحتل الترجمة المنظورة أيضاً مكانة مرموقة بين أنواع الترجمة الشفوية المختلفة. وتحاول هذه الورقة أن تدعم الجدل الذي يثار حول حاجة طلبة الترجمة الفورية إلى تدريب خاص بالمصطلحات القانونية الدينية قبل أن يصبحوا مؤهلين للقيام بمهمة الترجمة المنظورة لوثائق المحاكم الإسلامية المكتوبة باللغة العربية. وترتكز النتائج على دراسة أجراها الباحث على طلبة ماجستير الترجمة في الجامعة الأردنية ممن كانوا يدرسون مساق الترجمة الفورية خلال الفصل الأول للعام الجامعي 2005/2004. أظهر الطلبة عينة الدراسة ضعفاً واضحاً في ترجمة مصطلحات النصوص الإسلامية المكتوبة باللغة العربية، وهذه حقيقة تؤكد على ضرورة تدريب طلبة الترجمة على شتى

أنواع الترجمة الشفوية. وتذهب الدراسة إلى أبعد من ذلك لتؤكد على ضرورة تمكن الطالب من اللغتين المصدر والهدف قبل أن يتدرب على المصطلحات الفنية. كما تبين الدراسة أن صعوبة الترجمة القانونية المنظورة تزداد كلما كانت المصطلحات أكثر تخصصاً وفنية والعكس صحيح. وتشير الورقة إلى ضرورة إعطاء اهتمام خاص بترجمة المصطلحات المرتبطة بالسياقات الدينية والثقافية وكذلك الاهتمام بالإجراءات المتنوعة لترجمتها.

وتخلص الدراسة إلى القول بأن الطلبة عينة الدراسة لم يكن لديهم الخبرة اللازمة في لترجمة وثائق المحاكم الإسلامية، وعليه توصي الدراسة قسم اللغة الإنجليزية في الجامعة الأردنية بتدريس مساقات ترجمة المحاكم والترجمة المنظورة لطلبة برنامج ماجستير الترجمة كمساقين منفصلين. ويأمل الباحث أن تفيد هذه الدراسة طلبة الترجمة وأن تساعد على تحسين أدائهم في الترجمة المنظورة وترجمة المحاكم.

* The paper was received on Aug. 14, 2005 and accepted for publication on March 19, 2006.

Notes

- (1) Nida, E., *Toward a Science of Translating*. Leiden: E.J. Brill., 1964
- (2) Martin, A., "Teaching Sight Interpreting to Future Interpreters" in *Proceedings XIII FIT World Congress*. Brighton. (1993:398)
- (3) Martin, A., "Teaching Sight Interpreting to Future Interpreters" in *Proceedings XIII FIT World Congress*. Brighton (1993: 399)
- (4) Farghal, M. and Shunnaq, A., "Major Problems in Students' Translations of English Legal Texts into Arabic". *Babel* 38:4, (1992:203-204)
- (5) Ilyas, A., *Theories of Translation*. Mosul: Mosul University Press. (1989:93-104)
- (6) Hatim, B. & Mason, I., *The Translator as Communicator*. London and New York: Routledge. (1997:36)
- (7) Al-Salman, S. and Al-Khanji, R., "The active Language Factor in Simultaneous Interpretation in an Arabic/English Context, *META* XLVII,4 (2002: 610-612)
- (8) Crystal, David and Davey, Derek., *Investigating English Style*. London: Longman (1985:193-194)
- (9) Hatim, B. Shunnaq, A., and Buckley, R., *The Legal Translator at Work: Arabic-English Legal translator*. Irbid: Dar AL-Hilal. (1995:90, 94, 96, 98,102, and 104)
- (10) Hatim et al (1994)
- (11) Kattschinka, Liesa. *What is Court Interpreting?* www.aiic.net/ View Page. Cfm/article 150. htm (2002)
- (12) Weller, G., "Sight Interpreting: A Linguistic Challenge". *Translation: New Ideas for a New Century, Proceedings of the XVI FIT Congress*. Vancouver: FIT. (2002:233)
- (13) Weston 1983:207
- (14) N.J.Dawood (1956)
- (15) Barik, H.C.."A Description of Various Types of Omission, Additions, and Errors of Translation Encountered in Simultaneous Interpretation", in L. Sylvie and M.

Barbara (eds.), *Bridging the Gap*. Amsterdam/ Philadelphia: John Benjamins Publishing Company, (1994)

References

- Aziz, A. 1991. *Assiyagha Attashri'yya "Legislative Drafting."* Beirut: Dar AL-Jeel.
- Al-Salman, S. and Al-Khanji, R. 2002 "The active Language Factor in Simultaneous Interpretation in an Arabic/English Context, *META* XLVII,4,607-626
- Altay, Ayfer. 2004. "Difficulties Encountered in the Translation of Legal Texts: The Case of Turkey". *Journal of Diplomatic Language*, 1:4, <http://jdonline.org/14Altay1>.
- Barik, H.C. 1994. "A Description of Various Types of Omission, Additions, and Errors of Translation Encountered in Simultaneous Interpretation", in L. Sylvie and M. Barbara (eds.), *Bridging the Gap*. Amsterdam/ Philadelphia: John Benjamins Publishing Company, pp. 121-137.
- Bassnett, S. 1991. *Translation Studies*. London & New York: Routledge.
- Besmir. 2005. *To Disappear but to Keep on Hearing*. Quicklink: <http://www.proz.com/doc/470>
- Catford, J. 1965. *A Linguistic Theory of Translation*. London: Oxford University Press.
- Crystal, David and Davey, Derek. 1985. *Investigating English Style*. London: Longman.
- Danet, Brenda. 1985. "Legal Discourse" in *Handbook Discourse of Analysis*, (Van Dijk, T., ed.) Academic Press. London LTD. pp 273-289.
- Emery, P. 1989. "Legal Arabic Texts: Implications for Translation." *Babel*, 35:1. 1-11. .
- Farghal, M. and Shunnaq, A. 1992. "Major Problems in Students' Translations of English Legal Texts into Arabic". *Babel* 38:4, 193-210.
- Ghazala, H. 1994. *Varieties of English Simplified*. Malta: ELGA publications.
- Hatim, B. & Mason, I. 1990. *Discourse and the Translator*. London: Longman.
- Hatim, B. Shunnaq, A., and Buckley, R. 1995. *The Legal Translator at Work: Arabic-English Legal translator*. Irbid: Dar AL-Hilal. .
- Hatim, B. & Mason, I. 1997. *The Translator as Communicator*. London and New York: Routledge.
- Jakobson, R. 1959. "On Linguistic Aspect of Translation" in *On Translation*, R .A. Bower (ed), New York: Oxford University Press. 232-39.

- Kattschinka, Liesa. 2000. *What is Court Interpreting?* www.aiic.net/ View Page. Cfm/ article 150. htm
- Ilyas, A. 1989. *Theories of Translation*. Mosul: Mosul University Press.
- Martin, A.1993. "Teaching Sight Interpreting to Future Interpreters" in *Proceedings XIII FIT World Congress*. Brighton. 498-404
- Newmark, P. 1981. *Approaches to Translation*. Oxford: Pergamon.
- Newmark, P. 1988. *A Textbook of Translation*. Hemel Hempstead: Prentice Hall
- Nida, E. 1964. *Toward a Science of Translating*. Leiden: E.J. Brill.
- Nida, E. and Taber, R. 1969. *The Theory and Practice of Translation*, Leiden: Brill.
- Nida, E. 1984. *On Translation*, Translation Publishing Corp: Beijing, China
- Qian, H. 1994. "Looking at Interpretation from a Communicative Perspective," *Babel* 40/4, 214-221.
- Pym, A. 1998. *Method in Translation History*. Manchester: St. Jerome Publishing.
- Radlex, A. 1998. *Translation versus Interpretation*. Northern California Translation Association, site www.ncta.org
- Sacevic, Susan. 1997. *New Approach to Legal Translation*. The Hague. Kluwer Law International.
- Shunnaq, A. and Farghal, M. 1998. "The Translatability of Technical Terms in Islamic Court Documents from Arabic into English: A Case Study". *Interface: Journal of Applied Linguistics*. 13.1, 57-69.
- Toury, E. 1995. *Descriptive Translation Studies and Beyond*. Amesterdam & Philadelphia: John Benjamins.
- Weller, G. 2002. "Sight Interpreting: A Linguistic Challenge". *Translation: New Ideas for a New Century, Proceedings of the XVI FIT Congress*. Vancouver: FIT.

Appendix

Text (1)

بسم الله الرحمن الرحيم

قاضي القضاة الرقم: / /

محكمة..... الشرعية التاريخ: / / 14

وفق: / / 20

وثيقة طلاق بأن مقابل الإبراء بعد الدخول

في المجلس الشرعي المعقود لدي أنا..... قاضي..... الشرعي

حضر المكلف _____
شرعاً.....

المعرف _____ من قبل المكلف _____
شرعاً.....

ويعد أن تصادقا على قيام الزوجية بينهما والدخول الشرعيين، وأنهما متمتعان بكامل قواهما العقلية وغير مدهوشين ولا مكرهين. قررت..... المذكورة قائله: إنني أبرأت زوجي..... هذا الحاضر معي _____
.....

مقابل أن يطلقني طلاقاً أملك به نفسي فأجابها فور إبرائها له مخاطباً لها وأنت طالق مني على ذلك وحيث صدر هذا الإقرار من الزوجين بحضور المعرفين المذكورين وهما بالحالة المعتبرة شرعاً فقد أفهمت المطلق أن زوجته..... المذكورة الحاضرة قد بانت منه بينونة صغرى ما لم تكن هذه الطلقة مسبوقة بطلقتين وأفهمت المطلق أن عليها العدة الشرعية اعتباراً من تاريخه.

تحريراً في / / 14هـ

وفق / / 20م

قاضي.....\

الكاتب

Text (2)

بسم الله الرحمن الرحيم

قاضي القضاة الرقم: / /

محكمة.....الشرعية التاريخ: / / 14 هـ

الموافق: / / 20 م

إقرار بنسب

في المجلس الشرعي المعقود لدي أنا قاضي الشرعي حضر
لدي المكلف شرعاً من وسكان
..... وبعد التعريف الشرعي عليه من قبل و
..... قرر بحضورهما وهو في الحالة المعتبرة شرعاً
قائلاً أنه قد تولد لـي من زوجتي
الشرعية..... على فراش الزوجية
الأولاد أو الولد..... وطلب تسجيل هذا القرار. وعليه وحيث إن هذا
القرار قد صدر من أهله بعد أن تحقق لي من أن الأولاد أو الولد المذكور..... يولد مثلهم
لمثله ولم يعرف نسب لأحد غير والده المذكور وذلك بناء على الطلب وإفادة المعرفين
المذكورين أعلاه فقد تقرر تسجيله للاعتماد عليه.

تحريراً في / / 14 هـ

وفق / / 20 م

قاضي الشرعي

الكاتب

Text (3)

بسم الله الرحمن الرحيم

الرقم: / /

قاضي القضاة

محكمة الشرعية التاريخ: / / 14هـ

وفق: / / 20م

حجة رجعة

في المجلس الشرعي المعقود لدي أنا..... قاضي..... الشرعي
حضر لدي المكلف شرعاً..... من.....
وسكان.....

وبعد التعريف الشرعي عليه من قبل المكلفين شرعاً..... و.....
قرر قائلاً إنني كنت قد طلقت زوجتي و مدخولتي
الشرعية..... طلقة رجعية بموجب حجة الطلاق
رقم / / تاريخ / / 20 م الصادرة عن محكمة..... الشرعية وحيث إنها
ما زالت في العدة الشرعية فإنني أرجعها إلى عصمتي وعقد نكاحي أطلب تسجيله وتبليغها، وعليه
وحيث صدر منه ذلك وهو أهل له فقد أفهمته بأن زوجته المذكورة قد عادت إلى عصمته الشرعية
إذا كانت في العدة وتقرر تبليغها ذلك.

تحريراً في / / 14هـ

وفق / / 20م

قاضي الشرعي

الكاتب

Text (4)

بسم الله الرحمن الرحيم

الرقم: / /

قاضي القضاة

محكمة..... الشرعية التاريخ: / / 12هـ

وفق: / / 20م

حجة قيم

في المجلس المعقود لدي أنا.....قاضي. الشرعي عيّنت ونصبت المكلف
شرعاً..... قيماً شرعياً على أموال المفقود الغائب..... وليس له بيع
الأموال المنقولة وغير المنقولة أو رهنها أو قبض أي مبلغ من المال أكثر من خمسة وعشرين
ديناراً إلا بإذن المحكمة الشرعية وقد قبل القيم ذلك بعد أن تحقق إلينا أمانته وأهليته، وأن
ألغائب المذكور ليس له محل إقامة معلوم ولا تعرف حياته من مماته وإنه لم يوكل أحداً لإدارة
أمواله وذلك بناء على طلب..... المؤيد بأخبار كل واحد من..
.....

تحريراً في / / 14هـ

وفق / / 20م

الشرعي

الكاتب قاضي

Text (5)

بسم الله الرحمن الرحيم

الرقم: / /

قاضي القضاة

محكمة..... الشرعية التاريخ: / / 14هج

وفق: / / 20م

حجة إبراء

قاضي.جلس الشرعي لدي أنا..... قاضي
الشرعي حضرت لدي..... المكلف.....
شرعاً..... من..... وسكان..... وبعد التعريف
عليها من قبل المكلفين شرعاً..... و..... قررت قائلة
وهي بالحالة المعتبرة شرعاً إنني أبرأت نعمة
زوجي..... من..... تاريخ.سجيله وبناء عليه تقرر ذلك
والتأشير على القسيمة الثابتة في سجل عقد الزواج رقم..... تاريخ /.../...م
الصادرة عن محكمة..... الشرعية.

تحريراً في / / 14هـ

وفق / / 20م

الشرعي.

الكاتب قاضي

Text (6)

بسم الله الرحمن الرحيم

الرقم: / /

قاضي القضاة

محكمة..... الشرعية التاريخ: // 14هـ

وفق: / / 20م

حجة إسلام

في المجلس الشرعي المعقود لدي أنا..... قاضي..... الشرعي
حضر لدي المكلف شرعاً..... من..... وسكان.....
مسيحي..... الديانة وممن طائفة..... وبعهد
التعريف..... قرّر قائلًا أنني عن عقيدة راسخة وإيمان بالله سبحانه وتعالى
أرغب اعتناق الدين الإسلامي الحنيف وأشهد أن لا إله إلا الله وأن محمداً عبده ورسوله وبرئت
من كل دين يغاير دين الإسلام وطلب..... تسجيله للاعتماد عليه، لذلك وحيث صدر هذا
الإقرار من..... المذكور وه..... بالحالة المعتبرة شرعاً أمام المعرفين المذكورين فقد
أفهمت..... بأن..... أصبحت..... من عباد الله المسلمين وأن علي..... القيام
بالواجبات الدينية والشعائر الإسلامية.

تحريراً في / / 14هـ

وفق / / 20م

قاضي الشرعي

الكاتب