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Problems of Translating Kurdish Legal Texts into English

A B S T R A C T

The problems involved in the translation of legal texts have grabbed the attention of many translators, linguists and researchers. These problems seem common in general but the level of difficulty seems to change according to certain factors.

The current study aims at providing available definitions of legal translation, introducing legal language and its linguistic characteristics. In addition, it attempts to identify the best techniques and methods employed by professional legal translators and explore these methods and techniques in the selected samples and see how their effectiveness is evaluated.

In order to achieve the aims above, the following hypotheses are set:

1. The Non-standardized Kurdish language poses a challenge to translators in general and legal translators in particular. 2. The importance of form in legal texts could lead a legal translator to stick to literal translation even though it might be an inappropriate method at times. 3. Technical terms in legal texts are legal system and culture related. Therefore, it is also hypothesized that legal translators are especially troubled by them. 4. Syntactic structures of Kurdish legal texts do not pose any difficulty for legal translators. 5. The employment of the right translation method or strategy can fill the gaps that the different legal systems and language create. 6. The teachers of the Department of Translation are less likely to make grammatical and spelling mistakes compared to the certified legal translators. The data chosen for analysis consist of two Kurdish texts, each has been translated by four translators. The analysis of the data is based on an eclectic model developed by the researchers for the specific objective of the study.

The application of the eclectic model adopted to the selected data has validated all the hypotheses above. However, this difficulty can be overcome by employing the right translation strategies. The researcher found the translations of the teachers of translation to be more professional and contain very few mistakes, but they seem to be as troubled as the certified translators when it comes to legal terms.

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مشكلات ترجمة النصوص القانونية في اللغة الكوردية الى اللغة الانجليزية

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الخلاصة:

جذبت المشاكل التي تحتويها ترجمة النصوص القانونية انتباه المحامين و المترجمين و اللغويين و الباحثين على حد سواء، و درس العلماء هذا الموضوع من نواح مختلفة في مختلف اللغات، تتشارك النصوص القانونية في مشاكلها و لكن صعوبتها قد تزداد حسب عوامل مختلفة.

تهدف هذه الدراسة لتقديم التعاريف المتداولة للترجمة القانونية و تعريف اللغة القانونية و ميزاتها اللغوية، و بعد ذلك تحديد الطرق و التقنيات التي يوظفها المترجمون القانونيون المحترفون ثم التحقق منها في العينات المختارة لتقييم مدى فعاليتها.

ولتحقيق الاهداف المذكوره اعلاه تم وضع الفرضيات التالية:

اولاً، ان عدم وجود لغة كوردية موحدة تشكل عائقاً للمترجمين عامة و للمترجمين القانونيين خاصة، ثانياً، ان اهمية الصيغة في النصوص القانونية قد يدفع المترجم القانوني الاستمرار في اتباع الترجمة الحرفية حتى في اماكن غير مناسبة، ثالثاً، المصطلحات التقنية هي غالباً ما تشكل عائقاً للمترجم القانوني بسبب ارتباطها بمجتمع و النظام القانوني في مكان معين، رابعاً، المترجمون القانونيون لا يواجهون صعوبة في ترجمة تركيبات الجمل في النصوص القانونية الكوردية، خامساً، استخدام الطريقة او الاستراتيجية المناسبة يمكنها سد الثغرات التي تنشأ من الاختلافات في النظام القانوني و اللغة، سادساً، يرتكب اساتذة قسم الترجمة اخطاءً قواعدية و املائية اقل من المترجمين المحلفين.

وتشتمل عينة البحث على نصيين قانونيين باللغة الكوردية قام بترجمتهما الى اللغة الانجليزية اربعة مترجمين. وللتحقق من صحة الفرضيات، تم تطبيق النموذج المختار على العينات و تم اثبات صحة الفرضيات و كيف ان استخدام استراتيجيات الترجمة المناسبة يمكنها حل هذه المشكلات، و توصل الباحثان لاستنتاج ان ترجمة اساتذة قسم الترجمة اكثر احترافاً و تحتوي اخطاءً اقل و لكنهم يواجهون الصعوبة ذاتها التي يواجهها المترجمون المحلفون عند ترجمة المصطلحات القانونية.

الكلمات المفتاحية: اللغة القانونية - الترجمة القانونية - مشكلات الترجمة - استراتيجيات الترجمة - مترجمين

محلفين

1. Introduction

1.1 Statement of the problem

The main concern of every translator is to find equivalents for the original. The legal translator is no exception. However, it is difficult to find equivalents for legal texts, and sometimes they are not even found, especially when the legal systems that employ the two legal languages are very different. The Kurdish legal language is considered poor because the legal system followed by the court itself is written in Arabic and Kurdish legal language cannot be compared to Arabic legal language in its current status. In addition, there is the English legal language that is well-established and rich in vocabulary, technical terms and well-formed structures. So, translating a Kurdish legal text into English is especially difficult for legal translators particularly when it comes to terminological matters.

1.2 Aims of the study

The study aims at:

1. Giving a general introduction to legal language.
2. Defining legal translation.
3. Identifying the general characteristics of legal language.
4. Investigating the applied methods and techniques in the selected samples and see how their effectiveness is evaluated.

1.3 Hypotheses

The study hypothesizes the following:

1. The non-standardized Kurdish language poses a challenge to translators in general and legal translators in particular.
2. The importance of form in legal texts could lead legal translator to stick to literal translation even though it might be an inappropriate method at times.
3. Technical terms in legal texts are legal system-culture related. Therefore, legal translators are especially troubled by them.
4. The syntactic structures of Kurdish legal texts do not pose any difficulty for legal translators.

5. The employment of the right translation method or strategy can fill the gaps that the different legal systems and language create.
6. The teachers of the Department of Translation are less likely to make grammatical and lexical mistakes compared to the certified legal translators.

1.4 Data collection and procedure

The data comprise two Kurdish legal documents that are the most commonly translated ones by legal translators into English, namely, *marriage contract* and *birth certificate*. Each of the two documents has four translations, two by certified legal translators and two by teachers at the Department of Translation, College of Languages, University of Duhok.

For the analysis of the mentioned data, the researcher has opted for giving a theoretical background of legal language, legal texts and the obstacles and difficulties that legal translators approach in general, in addition to the translation strategies employed by translators in general and legal translators in particular

1.5 Model of the study

The model adopted for analyzing the data of this study is an eclectic one. The model followed for recognizing the lexical and syntactic features of the texts is based on Cao (2007) because her classification of these features are general and can be applied to different languages. The identification of strategies employed by translators is based on different sources, Šarčević (1985), Vinay and Darbelnet (1995) and Alwazna (2014). Šarčević and Alwazna identify the methods and strategies mostly used by legal translators. The researcher follows their model for the importance of knowing what strategies are commonly used by legal translators. However, when analyzing certain texts in a language that has not been investigated before, it is not possible to exclude some other translation strategies. Therefore, other translation strategies introduced by Vinay and Darbelnet are also presented in the literature review.

2. General Introduction to translation

The term translation has been defined differently by different scholars. Catford (1965, p. 20), for instance, defines translation as "the replacement of textual material in one language (SL) by

equivalent material in another language (TL)". For Nida and Taber (1969, p.12) "translating consists in reproducing in the receptor language the closest natural equivalent of the source-language message". On his part, Newmark (1988, p. 5) defines translation as "rendering of the meaning of a text into another language in the way the author intended the text". Newmark (1988, p.5) states that while translation process seems simple, it actually can be as complicated. Newmark remarks that there is the temptation of transferring as many source language words to the target language as possible in some text types including legal texts. Unfortunately, "translation cannot simply reproduce, or be, the original" (ibid).

Due to the influence of German scholars the focus has shifted from the linguistic aspects of translation to the cultural aspects of translation in general translation theory (Hönig and Kussmaul 1982; Vermeer 1986 cited in Šarčević 1997, p. 12). Most importantly, considering the function of the target text and the elements that constitute the socio-cultural situation in which it is produced is one of the priorities of any translator. For modern translation theorists, translation is no more a mechanical process of transcoding a language into another and the text was no longer regarded as a string of words to be turn into a string of equivalents (Snell-Hornby, 1988 cited in Šarčević 1997, p. 12).

3. Legal translation

Legal translation is considered one of the most complicated types of translation. It holds within it the complexity of literary translation and the technicalities of scientific translation (Sakareva, 2013, p. 133). Despite being a very important type of translation, legal translation is not given a separate entity in translation dictionaries and only two definitions of legal translation could be found. Didier defines legal translation as the translation of the source legal system into the target legal system (cited in Šarčević, 1997, p. 13). For Cao (2007, p.7), legal translation is "a special and specialized area of translational activity", for it involves the translation of law. In other words, the translation of legal texts does not produce linguistic effects only but often legal impact and consequence. Legal translation is special because of the special nature of the language of law and legal language. It is a practice that is related to legal theory, language theory and translation theory. That is why it is important for the legal translator to have some basic knowledge about the nature of law and legal language and how it affects legal translation (ibid).

4. Legal language

The different processes of formulating, interpreting and enforcing of law are mainly achieved by means of language in all societies where legal texts, spoken or written, serve the regulation of social behavior (Maley, 1994 cited in Cao, 2007, p.13). Bhatia, et al (2008, p. 9) comment on legal language and describe it as a tool. They argue:

Legal discourse plays an important role in the construction, interpretation, negotiation and implementation of legal justice. Through a limited set of legal genres, an attempt is made to create and maintain a model world of rights and obligations, permissions and prohibitions".

Legal language is a highly specialized language that cannot be separated from its cultural context and the socio-political realities of the legal system that bounds it (ibid). Cao(2007, p.10) remarks that legal language does not include the language of law alone, but all communications in legal settings. It is important now to introduce the function and classification of legal texts to have a better image of what legal language is.

5. General features of legal language

It cannot be denied that legal texts are more difficult and more complex than other special purpose texts. Since law is the tool for regulating social behaviour, the nature and the function of law give shape to legal language. Different features are identified for different legal languages but each separately. There seems to be very few attempts to identify the general features of the different legal languages because of the difficulty or near impossibility of the matter. Cao (2007), however, has made an attempt to identify these features. She suggests that legal languages may differ in their linguistic features, yet they can share some common linguistic features including lexical, syntactic, pragmatic and stylistic ones, which are listed below with a brief explanation for each.

5.1 Lexicon

Legal vocabulary is a distinctive feature of legal language. Unique and complex legal vocabularies are found in different legal languages. Cao (2007, p. 20) points out that the lexical feature is universal and is found in all legal languages. However, different legal languages have distinctive lexical features of their own.

5.2 Syntax

The formal and impersonal writing style coupled with long and complex sentences are a common syntactic feature of legal texts. Sentences in legal text are considerably longer than sentences of other text types. They are necessary for the various purposes they serve and the complexity of the subject matter (Cao, 2007, p, 21). The legal text should carry most of the details in the shortest forms possible, because writing all the details in simple forms consumes a lot of time and effort (Bhatia, 1993, p. 188). The extensive use of conditions, qualifications and exceptions are other syntactic features of legal languages that are employed to express complex cases (Cao, 2007, p, 21). Such linguistic devices are employed for the sake of clarity, precision, unambiguity and all-inclusiveness, which may seem devices for creating obscurity for the lay person (Bhatia, 1993, p. 188).

5.3 Pragmatics

Language has a performative nature. We do not speak just to say something but to perform something. We speak to make an assertion, to make a question, to give an order or make a wish and many other things that can be expressed through speech. This is related to the speech act theory (see Searle, 1969). Law depends heavily on the performative nature of language. "Legal utterances perform acts, creating facts, rights and institutions. Typically, legislation is a prime example of 'saying as doing'" (Cao, 2007, p. 21).

Speech acts are not the only pragmatic features of legal language. The importance and effect of legal words may differ depending on their speaker, time and place (Hart, 1954, cited in Cao, 2007, p.22). Other linguistic features such as ambiguity and vagueness that are found in legal documents are the source of legal contention (ibid) (See also Alcaraz and Hughes 2002).

The importance of identifying pragmatic features of any legal text lies within the reliability of the pragmatic considerations in determining the function of a text (Malcolm, 2002, p. 179).

5.4 Style

Style is defined as “a particular manner of language, utilizing particular and prominent linguistic features, devices or patterns, most (or least) frequently occurring in a particular text of a particular variety of language” (Khan and Khan, 2015, p. 632). Style is a key notion for a translator. Recognizing and identifying the style of a text is a very important step for the translator to be able to reproduce the original text with the same stylistic and pragmatic effect for the reader (Sakareva, 2013, p. 135).

Style is a wide concept since it includes other things that are related to the graphological features such as *paragraphing, indentation, and graphitic choices, i.e., capitalizing, italicizing, underlining and bold-typing*. It also includes *the use of brackets, missing lines and use of dots and punctuation* (Khan and Khan, 2015, p.634). When analyzing a text, all these features are to be taken into consideration before deciding its style. And as mentioned before, recognizing the style of the text enables the translator to create a TT that is as effective as the ST.

Legal style is used to refer to the linguistic aspects of legal texts and how problems are approached, managed and solved. Legal style is the result of legal traditions, thought and culture (Smith, 1995 cited in Cao, 2007, p. 22). In general, legal texts are identified by its impersonal style and the extensive use of declarative sentences. However, each legal language is characterized by its own style and major differences can still be found between different legal languages (ibid).

Recognizing the linguistic features and other stylistic features of any text is pre-translation process and is very important for the production of a translation that carries the same effect of the original text, and in our case the same legal effect.

6. Data analysis and discussion of results

6.1 Introduction

Written legal documents in Kurdish are limited and thus only certain types of documents are available in Kurdish. Some are translations of the Arabic texts and those are the ones in the court. Others are originally written in Kurdish but they are rarely translated into English or the translators are skeptical about handing them to researchers, fearing that their work will be stolen by others. Their fears are not groundless, however.

The texts used in this study are the types of documents that are most commonly translated by legal translators and are retrieved from the court's translated texts archives. Consequently, this study deals with the analysis of the translation of two legal documents; namely, marriage certificate and birth certificate. The two documents are translated by four different translators. What they have in common is that two of them are certified legal translators and the other two are university teachers specialized in translation in general. The texts are numbered one to four and the four translators of each text are referred to as A, B, C and D. Translators A and B are certified legal translators, whereas translators C and D are university teachers at the Department of Translation, College of Languages, University of Duhok.

This study attempts to discover the problems that legal translators face when translating legal documents from Kurdish into English and compare them with those translated by the university teachers to see if those problems proceed.

Not all aspects will be covered in this study. Only the problems springing from the two linguistic features of the legal documents, mainly, lexical and syntactic features will be tackled. The translation strategies used by the translators will be pointed out. For that purpose, the strategies introduced in the literature review will serve as a model to compare them to the translation strategies found in these translations.

6.2 Data Analysis

6.2.1 Text (1) Marriage Certificate

Renderings

ST	به ناوی خودا بهخشهنده و دلۆڤان
----	--------------------------------

Translation	A	In the name of God
	B	IN THE NAME OF GOD, THE MOST MERCIFUL AND COMPASSIONATE
	C	In the Name of Allah, the Merciful, the Compassionate
	D	In the Name of Allah Most Merciful Most Compassionate

Discussion

In the preamble, the expression 'به ناوی خودا بهخشمنده و دلۆقان' can be translated accurately into *'In the name of Allah, the merciful and compassionate'*. It can be noted that each translator has his own rendition of the expression. Translator A has provided an appropriate equivalent for this expression, whereas translators B, C, and D have rendered it from Arabic literally.

It is to be noted that according to Mayoral Asensio (2003, p.21), such expressions are called ritual formulas. They are intertextual references and have their full meaning in Islamic cultures but this intertextuality is lost in non-Islamic cultures. They are not related to the legal validity of documents and can be omitted in translation (ibid). So, translating such formulas does not cause any problem and the option of keeping or translating them is available to the translator.

Renderings

ST		هەریمی کوردستان / عێراق
Translation	A	Kurdistan <u>Regional</u> / Iraq
	B	Iraq / Kurdistan Region
	C	Kurdistan Region/ Iraq
	D	Kurdistan Region – Iraq

Discussion

There should be no problem concerning the translation of the heading of the marriage certificate. However, there is a notable mistake in the translation given by translator A. The translator has provided the adjective *regional* instead of the noun *region* as an equivalent for the Kurdish word ههريمي. This means that the translator has used *transposition* where it is not needed. On the other hand, translators B, C and D have translated this word properly.

Renderings

ST		ماره برين
Translation	A	Marriage certificate
	B	MARRIAGE CERTIFICATE
	C	Marriage Contract
	D	Marriage Contract

Discussion

The original expression '*mara brin*' came from the Arabic expression '*qati*' (*brin*) *al-mah'r* (*mara*)' which means literally '*cutting the dowry*'. The intended meaning here is '*dowry settlement*'. A dowry can be *named* (the amount is specified) or *unnamed* (the amount is not specified) in a marriage contract (Karim, 2004, p. 122). Dowry is neither a pillar nor a condition but it is still an after effect of every marriage contract. So, even if the value of the dowry is not named in the contract it is still one of the rights of the wife (ibid). It seems to the researcher that this is the reason why the Kurdish marriage certificate is named as '*mara brin*'. However, the literal expression '*dowry settlement*' does not appear in any translation since the literal expression will be in need of an explanation and additional strategies will be required. Hence, the title is translated into its equivalent '*marriage certificate*' or '*marriage contract*'.

Renderings

ST		من (ناوی سیانی) که قازی دادگای باری که سایه تیم له (شویین) نهم رووداوهی خوارموم تومار کرد:
Translation	A	I, the <u>magistrate</u> of the court of personal status in (place), <u>Mr.</u> (full name) registered the following:
	B	I, the judge of personal affairs court in (place), <u>Mr.</u> (full name) have registered the following:
	C	I, (full name), the judge of social affairs court in (place), have registered the following:
	D	I, (full name), the judge of Personal Status Court in (place), registered the following Event:

Discussion

Three lexical items are to be noted in the part above. First, the word *magistrate* is used as an equivalent for the lexical item *qazi* (قازی) in the translation provided by translator A, while it can simply be translated into *judge*. A magistrate's authority is not the same as a judge's. According to Black law dictionary (2004), a judge is a public official appointed or elected to hear and decide legal matters in court (p. 2460). On the other hand, a magistrate is a judicial officer with strictly limited jurisdiction and authority, often on the local level and often restricted to criminal cases (p. 3020). Therefore, the word *judge* is a better option here.

Second, the honorific '*Mr.*' is added to the judge's name in the translations supplied by both translators A and B. This adds nothing to the target text because individuals do not refer to themselves by honorifics in English. The translators are obviously affected by the Arabic text.

Third, translators A, B, and C have preferred not to translate the word *rodaaw* (رووداو) because this specific word is added to the Kurdish text to add formality to the text. In other words, it is a stylistic matter. Thus, translating the word *rodaaw* or omitting it will not affect the overall meaning and does not reduce the formality of the TT.

Renderings

ST		خواريار (نافي سياني) و خوارراو (نافي سياني) له دادگا نامادمبون و راپورتی تندرستيان پيشان دا كه توشی هيچ نهخوشی يهکی درم نه هاتونه
Translation	A	Both <u>Mr.</u> (full name) & <u>Miss</u> (full name) appeared in front of court. They proved to be free from communicable diseases according to <u>reliable</u> medical report.
	B	Both <u>Mr.</u> (full name) and <u>Miss</u> (full name) attended the court and they proved to be free from communicable diseases according to the <u>two</u> presented medical reports,
	C	Each of <u>Mr.</u> (full name) and <u>Miss</u> (full name) were present in the court. Both were healthy from any infectious disease based on the medical <u>reports</u> .
	D	Attended before the court, Mr. (full name) and Miss. (full name), with their medical <u>reports</u> submitted to the court confirming their safety from diseases.

Discussion

The ST identified the two sides as خواريار (proposer) and خوارراو (proposee) but the honorifics, *Mr.* and *Miss*, are used instead in all four translations. It does not seem that there are any legal consequences for omitting or translating the words literally. However, keeping the form of the original can be considered a cultural transmission of the legal style of a specific region or country which is also important.

Translator A has used the symbol & instead of the conjunction *and*, which is not acceptable in an official legal document.

With regard to the expression *medical report*, each translator has made some additions. Translator A has added the word *reliable* to the TT although it is not mentioned in the ST. The translator, perhaps, has the intention to clarify that the medical report is from a reliable source to omit any possible future problems for his client. Translator B has mentioned two medical reports in the TT although they are not mentioned in the ST. The translator is again affected by the Arabic text. On the other hand, both translators, C and D, have pluralized the word *report* though it is singular in the ST.

Renderings

ST		<p>و به پئی ی ناسنامه ی باری شارستانی خویان به دادگا ناساند. دوا ی پیشکش کردن و رهمه بندی همدو وکیان ماره بیهکه لهسهر (نرخ به دیناری عیراقی) براء، مارمی پیشهکی که وهرگیراوه و (--- مثقال زیر) مارمی پاشهکی که له نهستوی میژدهکه ماوتهوه.</p>
Translation	A	<p>After their identities were legally confirmed, <u>and their consent to marry each other was obtained</u>, marriage took place on the basis of an <u>advanced dowry</u> of (value in Iraqi Dinars) <u>already paid</u>, and a <u>delayed dowry</u> of (--- <u>carats</u> of gold) which are owed by <u>him</u> to <u>her</u>.</p>
	B	<p><u>After making sure</u> of their <u>identity cards</u> and <u>their agreement</u>, the court certified the marriage between them on a <u>paid dowry</u> (value in Iraqi Dinars) and a <u>deferred dower</u> (--- <u>Mithqal Gold</u>) <u>kept by the husband yet till one of the deadliness</u></p>
	C	<p>They identified themselves before the court via their <u>IDs</u>. <u>After taking offer and acceptance from both parties</u>, the contract has been signed on (value in Iraqi Dinars) as an <u>advanced dower</u> and (--- <u>mithqal</u> of gold) as a <u>deferred dower kept as a debt on the husband</u>.</p>
	D	<p>After the verification of their <u>civil status identities</u> and <u>the occurrence of the consent and acceptance</u>, the two had their marriage contract registered o the dowry of (value in Iraqi Dinars) as the <u>immediate (prompt) dowry</u> received, and (---) <u>mithqal</u> of gold as the <u>deferred dowry due from the husband</u>.</p>

Discussion

In the ST, it is mentioned that their identities are confirmed by their *civil status identity cards*. This detail is missing in the translation given by translator A. On the other hand, translators B, C and D have mentioned this detail and each of them has used a different expression. The researcher, however, agrees more with translator D concerning this expression.

For the expression رهزامندي هاردووكيان (**razamendi hardokiyan**), the four translators have provided totally different equivalents. Translator A has rendered it as ***and their consent to marry each other was obtained*** which is the rendition of its meaning. Translator B has chosen to leave the expression as a phrase as in the original after adding ***making sure*** referring to both ***their identity and their agreement***. Though there might not be any problems with the lexical choices, the structure itself is confusing. Translator C has rendered it into ***'after taking acceptance from both parties'*** by resorting to the use of an explanatory translation, in which a few words are added to clarify the expression and that is totally acceptable. Lastly, Translator D has rendered it as ***the occurrence of the consent and acceptance*** which is also acceptable. The researcher suggests that this expression be translated into a ***mutual consent*** after adding a suitable verb.

As for the word ***Mara*** (مارة) it is taken from the Arabic word, ***mah'r***. This term has been translated into the cultural equivalent ***dowry*** by translators A, B and D to adapt the TT to the target culture and it is acceptable. It is worth mentioning that recently the meaning of ***mah'r*** has been added to the list of the meanings of ***dowry*** in Merriam-Webster's online dictionary. It is defined "as a gift of money or property by a man to or for his bride". Nevertheless, ***dowry*** is a culture and religious specific term and has different definitions in other cultures and having the correct meaning in only one dictionary is still not enough. According to Black's Law Dictionary (2004) and Faruqi's Law Dictionary (2005), "***dowry is the money, goods, or property that a woman brings to her husband in marriage***" (p. 1495, p. 233) and this is the case in most online and legal dictionaries. Therefore, the researcher believes that it is more appropriate to transliterate the word مارة ***mara*** instead of translating the word provided that a footnote is added to explain the term. In this regard, Mayoral Asensio (2003, p.62) comments:

The Arabic *sadaq* is regularly translated as *dowry*. But the dowry (in fact, *shiwar*) is offered to the bride by her father as a custom whereas the *sadaq* is offered by the bridegroom as an element necessary for the legal validity of the marriage. This is usually low-risk information but could become critical. For instance, it could lead to the annulment of the marriage by a Spanish judge applying Moroccan law.

Translator C has used the word *dower* since *mah'r* is *the widow's part of the deceased husband's real estate given by law* (Black's law dictionary, 2004, p. 1492 and Faruqi's Legal dictionary, 2005, p. 232). So, the use of the word *dower* is incorrect.

Mara consists of a *peshaki* (پیشہ کی), a *down-payment*, and a *pashaki* (پاشہ کی), a *deferred payment*, and depending on Hatim, Shunaq and Buckley (1995 cited in El-Farahaty, 2015, p. 82) these two English expressions are better suited than other expressions.

Mithqal has been rendered into *carat* by translator A. However, one mithqal equals 18.21 carats. The value is changed considerably here. The term can be either transliterated or be replaced by its values in grams. One mithqal is 4.25 grams. It is worth mentioning that the word mithqal can be found in Oxford online dictionary and *mesghal*, *miscal*, and *miskal* are other forms of the same word in the dictionary.

Translator B, C, and D have used a transliteration of the word *mithqal* (مِثْقَال). The researcher agrees with this translation because the transliteration gives the accurate value of the gold to the reader. That has been said, a translation couplet will make the translation even clearer. That is a transliteration and the value of one mithqal given in parentheses.

Translator A has replaced the word *mêrd* (میرده که) by the pronoun *him* and the pronoun *her* is used to refer to the wife. However, *mêrdaka* should be translated into its equivalent, *husband*, to avoid any confusion.

Translator A has also used the word '*deadliness*' as an equivalent for the term '*ajal*' (أجل). The term *ajal* does not exist in the ST. It actually exists in the Arabic text on which the current ST is based. The term has actually two forms: *ajals* and *ajalayin* (أجلين) in the Arabic text. That is why it is translated into one of the **deadliness**. Regardless of the fact that the term is not mentioned in

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the ST, the word *deadliness* cannot be a translation of *ajal*. *Ajal* means deadline and *deadliness* is *the property of something being deadly* (Webster online dictionary).

The last sentence, *la astoy merdaka mawatawa* (لهستوي ميردهكه ماووتهوه), can be more accurately translated into: (The deferred dowry) that is indebted by the husband to the wife. i.e., '*still not paid to the wife and is to be paid*'. Accordingly, translation given by translator C is the most accurate one.

The translators have mostly employed a free translation for this paragraph, unlike the other parts of the text where literal translation has been mostly used. This is excusable due to the difficulty of rendering the paragraph literally, which will produce odd structures to the English reader.

Renderings

ST	<p>ناسنامه‌ی باری شارسثانی</p> <p>ژن</p> <p>مژرد</p> <p>تۆمار: --- م</p> <p>لاپهره: ---</p> <p>شوین: ---</p> <p>تەمه‌ن: روژ/هه‌یف/سال</p> <p>باری هاوسهری: کچ</p>	
	<p>تۆمار: --- م</p> <p>لاپهره: ---</p> <p>شوین: ---</p> <p>تەمه‌ن: روژ/هه‌یف/سال</p> <p>باری هاوسهری: کچ</p>	
Translation	A	Date of birth
	B	Birth/ Date
	C	DoB
	D	Age

Discussions

The word *Taman* (تەمه‌ن) which means *age* has been rendered into *date of birth* by translators A, B and C, which is more appropriate. Although in that column the age is what is required in the

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ST, the date is written in that column in there. Therefore, translators have corrected the word which matches with the Arabic text. Translator D has chosen to remain faithful to the ST. As for the translation provided by translator C, the use of such abbreviations reduces the formality of the text.

6.2.2 Text (2) Birth Certificates

Renderings

ST		بەلگەنامەى لەدایک بوون دانەى کەس و کارى منداڵەکە
Translation	A	Sub.: Birth Certificate
	B	Sub.: Birth Certificate
	C	Birth Certificate A copy for the child's parents
	D	<u>Certificate of Birth</u> Parents Copy

Discussion

The title has been rendered into *birth certificate* by all translators. It can be considered both a literal translation and an equivalent. There is nothing wrong in the title itself, but what attracts the attention is the abbreviation of the noun *subject* that precedes the title in translations supplied by translators A and B. The word *babat* (بابەت) which is an equivalent of the word *subject* in the SL is usually put before titles or the subject of texts but when translated into English it is usually omitted to match the English language style of writing. The problem is that it is not even found in the ST, so it should not exist in the TT as well.

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The phrase *danay kaso kari mindalaka* (دانهي كاس و كاري مندالكة) which says that this copy of the birth certificate is issued for the family of the child has not been translated by translators A and B but it has been rendered by translators C and D.

Renderings

ST		تومارکراوه له لایهن دهسه لاتی تهندروستی له: له ژیر زنجیره ی: (ژماره) بو سالی (سال)
Translation	A	It was registered at the healthy authority birth Hospital directorate under sequence (No.)... of the (year)
	B	It was registered at the healthy authority in birth bureau in under sequence ... (No.)... of the (year)
	C	Registered by the health authority Serial number: Year:
	D	Registered under the Health Authority in: Serial Number (No.) in (Year)

Renderings

Both translators, A and B, have used the expression '*healthy authority*' as a an equivalent for the expression *dasalati tandrosti* (دهسه لاتی تهندروستی) which is an improper translation. The proper translation is *health authority*, because if the expression *healthy authority* is back-translated it will become *dasalati tandrost* (دهسه لاتی تهندروست); and of course they are grammatically different as well. In these two translations *Birth hospital* and *birth bureau* actually refer to *Maternity hospital*. In any case, this is not even mentioned in the ST. On the other hand, both translators C and D have given appropriate renditions of the ST.

Renderings

ST		كوتانى (بى-سى - جى)) له ريكهوتى: / / و مرگرت
Translation	A	The baby was vaccinated with vaccine of the B-C-G
	B	The baby was vaccinated with vaccine of the B-C-G
	C	BCG Vaccine
	D	Vaccines B –C – G were taken on / / /

Discussion

There are no hyphens in the vaccines' name in English. It is an abbreviation and it is written as BCG (Bacillus Calmette-Guérin). It is important to refer to the date when the baby is vaccinated. However, all the translators except for translator D have neglected this detail. Though translator D has referred to BCG vaccine in plural, it is in fact only one vaccine.

Renderings

ST		5 - ريكهوتى له دايك بوون: كاتزميزر: روژ: به نووسين: مانگ: بو سالى/ .201	4 - له دايك بوونهمكه: تاكه: دووانهيه: سيئانه: زياتره: رؤژ: به نووسين: مانگ: بو سالى/ .201	مندالهمكه
Translation	A	The Born	4-The birth : Single ...×... Twins Triple More	5- Date of birth: Hour at:in. The dd.mm.yyyy Day .. ddth Month of the year.. Year
	B	The Born	4- The birth : Single ...×... Twins Triple More	5- Date of birth: Hour at: ... Day : dd/mm Month : dd.mm.year of the year Year ..
	C	Child	4- Offspring was Single Twin Triplet More	5-DOB: Hour day Year written month
	D	Child	1- Type of Birth Single Twins	5- Date of Birth: Hour: Day:

			Triple Twins More	Year: In writing: Month:
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Discussion

Both translators, A and B, have rendered *mindalaka* (مندالكة) into *the born*. The word *child* is used in birth certificates in the UK and the USA alike, which is what both translators C and D have done.

In point *number four*, the proper equivalent for *la daikbonaka* (له دايك بوونهكه) is *childbirth* and not *birth* as in the translations supplied by translators A and B. Translator C has used the word *off spring* and made it clearer by adding the *verb to be*, *was*. Translator D has provided *Type of Birth* as an equivalent which may actually give the idea of the delivery type. Nonetheless, the options given in the column may clear up any confusion.

In the same point we may refer to the medical term that is used for a single baby, i.e. a *singleton*, this word might not be used in everyday life since giving birth to a single baby is usually the norm, unlike the word *triplet* that is used in our everyday speech and is known commonly by people. So rather than using the word *triple*, the word *triplet* should be used.

Number five can be simply arranged like the original as follows:

Date of birth

Hour: day: (in words): month: year:

Accordingly, the renderings given by translators C and D are much more well-arranged than those provided by A and B.

Renderings

ST	6- ناوى سيانى : 11- ناوى سيانى:
----	------------------------------------

Translation	A	6- Triple Name: 11- Triple Name:
	B	6- Triple Name: 11- Triple Name:
	C	6- Full Name: 11- Full Name:
	D	6- Full Name: 11- Full Name:

Discussion

Number six and *eleven* are written *nawi siyani* (ناوى سيانى) in the ST and it literally means triple name. The proper equivalent, however, is full name. This misrendering is found in the translations provided by translators A and B but not in those supplied by C and D.

Renderings

ST		<p>ژماره‌ی له‌دايك بوونه‌كانى ترى دايك جگه لهو منداله: أ- زيندوو:</p> <p>ب- به زيندوو يى له دايك بووه ودواتر مردووه: ج. ئەوانه‌ی به‌مردوو يى له‌دايك بوونه :</p>
Translation	A	<p>16-Number of Previous birth to mother except this child:</p> <p>The born: B- The living born and then died:..... C- Those who were born dead</p>
	B	<p>16-Number of Previous birth to mother except this child:</p> <p>The born: B- The living born and then died:..... C- Those who were born dead</p>

	C	16- Other deliveries of the mother except the current one: alive: died after birth: born dead:
	D	16- Mother's Previous Birth-Giving other than this Child: A- Alive: B- Born Alive then Died: C- Born Dead:

Discussion

Number sixteen can be translated into *the number of children born to the same mother other than this child* or according to translators A and B above: *number of previous births to the mother*. It is not necessary to add the expression *except this child* because the word *previous* itself indicates that this last child is excluded.

As for the three options, they can be translated literally as a. *alive*, b. *born alive and died afterwards*, and c. *those born dead*. In medicine, there is a term for option c and it is called *stillborn(s)*.

Renderings

Translation	ST	19 - شوينى لهدايك بوون : مأل نهخوشخانه ناوى نهخوشخانه: () ژمارهى لهدايك بوونهكانى ترى دايك جگه لهو منداله: أ- زيندوو: ب- به زيندوويى له دايك بووه ودواتر مردووه: ج.ئهموانهى بهمردوويى لهدايك بوونه :
	A	19-place of birth:---hospital-- its name:- birth Hospital
	B	19-place of birth: House :- --hospital:- X its name:- Azadi

	C	Place of Birth: House Hospital Name of the hospital
	D	19- Place of Birth: Home Hospital Name of the Hospital:

Discussion

In *number nineteen*, translator A, contrary to the other three translators, has chosen to exclude '*house*' from his translation since the birth did not take place there. Yet, all options should be included as the original.

In the ST it is specified that the name required in that field is the hospital's name (*nawi nakhoshkhana* ناوى نهخوشخانه) for which translators A and B have provided the possessive pronoun *its*, to refer to the hospital's name. Although it is a common sense that the name there is the hospital's name as houses do not have names, it is always better to include details in the TT that are already in the ST.

Renderings

ST		20 - لمدايك بوونه كه روويدا به هوى: پزيشك : پهرستارى به مؤلمتى لمدايك بوون: مامانى به مؤلمت: ئيتر: ژماره مؤلمت/ بؤسالى/ 201
Translation	A	20- Birth was done by a doctor ... Maternity licensed nurse.... Licensed midwife..... other.... no of license..... of the year
	B	20- Birth was done by a doctor ... Maternity licensed nurse.... Licensed midwife..... other.... no of license..... of the year
	C	Attended by : OB-GYN, licensed nurse, licensed midwife, other

	D	20- The Birth was Attended by: Doctor Licensed Nurse Licensed Midwife Others: License No.: Year:
--	---	---

Discussion

For *Number twenty*, the translations provided by translators A and B need a rephrasing. These translations are not literal and seem like an attempt to give the intended meaning but they are inappropriate. The literal translation is *the birth was caused by a (followed by options)*. Of course, the literal version is even worse. It can be translated into *the person in charge of the labor and delivery process* or like the translations given by translators C and D which are much more professional since **attendant** stands for the whole previous phrase.

Renderings

ST		23- ناوی راگهیمه: ناونیشانی: پمپومندی به له دایک بوو:
Translation	A	23- Name of informer: Dr. X her address: Her relation to the born:
	B	23- Name of informer: Dr. X her address: Her relation to the born:
	C	Informant's name: address: relation to the child
	D	23- Name of the Reporter Address: Relation to the Child:

Discussion

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In point number *twenty three*, the word for *ragayanar* (ناوی راگهینهەر) has been translated improperly into *informer* instead of *informant* not. An informant, according to National Center for Health Statistics (1987, p.5) is any adult preferably the mother or the father who has knowledge of the personal facts concerning the birth. He or she is responsible for providing legal facts such as parents' name and signing the birth certificate to certify that the information is correct.

It seems that like it is similar to birth certificates in Iraq but here it is the physician who acts both as an *informant* and a *certifier*.

Renderings

ST	<p>24- گهواهی دهدهم كه ئەم منداڵه به زیندوویی له دایك بولەریكەوتەى كه له سەر موه دیاره.</p> <p>ناوی منداڵ بوو: شوینی کارکردن:</p>	
Translation	A	<p>24- I certify that this child was born alive on the above mentioned date.</p> <p>Name of a doctor who caused this birth X his address...</p> <p>Birth Hospital</p> <p>His signature.....</p>
	B	<p>24- I certify that this child was born alive on the above mentioned date.</p> <p>Name of a doctor who caused this birth ... Dr. X</p> <p>.....address...</p> <p>Her signature.....</p>
	C	<p>24- I certify that this child has been born alive in the above mentioned date</p> <p>Name of the attendant: place of work:</p>

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	D	24- I certify that this child was born alive on the date stated above Name of the Attendant: Place of Work:
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Discussion

Point *twenty four* is specified for the **certifier**. The certifier is the person in charge of the labor and delivery process and he or she certifies that the child was born alive at the specified date mentioned on the birth certificate. The translations provided by both translators A and B, of line 2 of point twenty four, are improper. The suggested translation is *name of the certifier, address, and place of work* or as in the translations given by translators C and D.

Renderings

ST		بهر يومه برى نهخوشخانه ميان نهوهى له جينگه يتى: ناوى سيانى: ئيمزا:
Translation	A	In charge of hospital or his deputy. Full name: Signature and seal:
	B	In charge of hospital or his deputy. Full name: Signature and seal of health office :
	C	Manager or deputy of the hospital Full name
	D	The Director of the Hospital or his Representative: Full Name: Signature:

Discussion

Among the four translations of the column above, the translations provided by translators C and D, are again the most appropriate.

7. Conclusions

1. Legal translation is a special kind of translation that involves the translation of any text that has a legal effect.
2. Legal texts cannot be categorized under one text type. Therefore, scholars have divided legal texts and categorized them under different text types. The same is true for translated legal texts.
3. The fact that legal language is technical in nature is approved by all scholars. However, they do not categorize legal language as a separate language like the language of science or literary texts. Legal language is considered part of ordinary language with a technical nature that has its own peculiar linguistic features. Thus, it is considered a register.
4. There are no universal features that can cover all legal languages around the world. Though, they do share some features, the features every legal language has are defined separately because of their own linguistic and a-linguistic peculiarities.
5. The question of fidelity in legal translation is always repeated. Most scholars side with literal translation in which both form and content can be preserved at the same time. Nevertheless, it is seemingly impossible to stick to literal translation for a whole legal text, even in the simplest ones as the data shows.
6. When translating a legal text, the legal translator is bound to face certain difficulties including linguistic and non-linguistic ones:
 - Linguistic differences appear when:
 - There are no one-to-one syntactic structures.

- There are no one-to-one lexical items including ordinary words and terms. The difference in terms is especially concurrent when TL has a recently developed legal language like the case of Kurdish legal language.
 - There is insufficiency in the linguistic tools such as references, dictionaries, glossaries, encyclopedias, guides or manuals whether in the ST or the TT.
 - The difference between the TL style and SL style is wide.
 - Non-linguistic differences are culture and legal system related. It is known that legal systems, laws, of a certain country are designated to the needs of its people, i.e. laws are born from its culture. So, the differences between legal systems are bound to be found even between those cultures that have a lot in common.
7. Choosing the most appropriate translation method and backing it with the most suitable translation strategy is every translator's way of coping with the difficulties he face and the legal translator is no exception. This supports the fifth hypothesis.
8. On the overall level of a legal text, literal translation is legal translators' first choice as each element in legal text is put intentionally in the way they are. So, to avoid omitting any important element, the legal translator opts for literal translation. Nevertheless, if literal translation causes any mistranslations, gaps in meaning or produces any odd syntactic structures in the TT, the translator should employ a different method at that stage or depend on a translation strategy to produce the most appropriate translation. In the analysis of the data, it was evident that most of the time the translators opted for a literal translation specially translators A and B. Their attention to the form created some translations that completely missed the meaning which validates hypothesis number two.
9. In the case of legal terms, finding equivalents is the best option. In ideal cases, literal translation can serve as the equivalent and they are probably inserted in the dictionaries and became known in the legal community.
10. In most cases, the equivalents found are either situational or functional. Here, for full understanding the employment of a translation triplet is ideal, where the translator borrows

the term in the ST by transliterating it or literally translating it, giving the equivalent in parentheses followed by a description.

Conclusion 9 and 10 prove that legal terms are the most problematic in legal texts validating hypothesis number three.

11. Unlike Arabic or English or as in the case of the most languages, Kurdish does not have a standardized form. Accordingly, making dictionaries and glossaries for Kurdish is rather difficult. Therefore, there are very few Kurdish dictionaries and Kurdish legal dictionaries. This affects the legal translators considerably because of the absence of an important tool for them. This validates the first hypothesis.
12. There are not many differences between the syntactic structures of Kurdish and English of the ordinary language of course, because there is no established Kurdish legal language yet. That is why the translators are not troubled by the rendition of the syntactic structure, validating the fourth hypothesis.
13. The difference between the translations of the certified translators and those of the teachers of the Translation Department is that the teachers of the department are more aware of the syntactic structures and are more successful in their lexical choices and rarely any spelling or grammatical mistakes are encountered in their translations. However, both have troubles with the rendition of legal terms. This validates the sixth hypothesis.

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