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Adab Al-Rafidayn Journal

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in the field of arts and humanities both in Arabic and English**

Supplement Vol. ninety-one / year Fifty- Second/Jumada al-Thani - 1444 AH / December 2022 AD

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Editor-in-chief

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Problems of Translating Iraqi Official Identification Documents into English

Ali Mohammed Al Jawali *

Luqman A. Nasser **

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Abstract

The current paper assesses and investigates three translations, performed by authorized and competent translators in legal field, for two types of the most wide documents which are obtained by every citizen in Iraq; the Iraqi Identity Card and Nationality Certificate. These two documents represent the legal documents that prove the identity of their holder and constitute the most official documents which are needed in most official dealings. The analysis of the translation is based on the theory of dynamic and formal equivalence initiated by Nida (1964) which includes some techniques of adjustment, addition, subtraction and alteration. The analysis shows that formal equivalence is the best procedure for translating such types of texts. However, Dynamic one can be used only when there is a problem related to a cultural gap or a problem related to the differences in legal systems of the languages involved in translation. The paper also asserts the importance of the legal background in translating such highly sensitive documents .

Keywords: Translation, Document, Certificate, Law.

1. Official Identification Documents

IDs are written documents issued by the authorities to the individuals so that they may be used to prove the identity of their owner. In Iraq, six types of identification documents are acquired by almost every person. They are as follows:

- Civil status identification card which is being substituted now by the unified national card
- Nationality certificate
- Residence card

*Master student/Dept. of Translation/College of Arts/University of Mosul.

** Prof/Dept. of Translation/College of Arts/University of Mosul.

- Passport
- Ration card
- The biometric voter card

The first and the second documents are the most important in this research because they are only written in Arabic and constitute the most required types for translation when a person has a desire to study or work outside Iraq. These documents are not only used to prove the identity but also to prove some other things such as gender, date and place of birth, religion, marital status...etc. They are also used for various purposes such as to get access to the basic services in any sector like education, healthcare, travel...etc.

2. Characteristics of Legal Language in Arabic

The quality of legislative rules depends on many linguistic properties. This section is devoted to explaining the most common characteristics of legal language in Arabic. The purpose of this illustration is to give the reader an idea about these linguistic properties and their importance in translation.

2.1 Stylistic Features

The aim of draftsmen is how to achieve the highest degree of clarity and accuracy. However, if a law is to be drafted in an unclear language it is going to be interpreted differently according to the own intent, purpose and desire of the parties involved (Sabrah,2007:26).

The correct use of language has an effect on organizing different sectors of life. The Chinese philosopher Confucius highlights this point as:

“If language is not correct, then what is said is not what is meant; if what is said is not what is meant, then what ought to be done remains undone. If this remains undone, then morals and acts deteriorate and justice goes astray. Hence there must be no arbitrariness in what is said. This matter above everything”. (Wilks,2008: 57).

According to Beiyomee (2010:8), a legal text is not only a series of sentences larger than the unit of a sentence, but it is a different semantic and pragmatic unit; a unit of meaning within the context. Sabrah(2012:28), maintains that legal language has a straightforward feature which means that every word has a specific

intended meaning. Furthermore, every place occupied by each phrase is chosen deliberately for clarity and accuracy. Therefore, it is right to say that legal language is not suitable for general conversation. For these reasons also, legal language is free of rhetorical expressions and figures of speech like; metaphor, simile, metonymy ...etc. The use of such expressions adds vagueness to the meaning which is necessary for literary writing but it is considered as taboo in legal texts.

The impersonal style of addressing can also be clearly seen in legal language. Legislations are neither directed to a specific person nor to a specific event but they address people in general regardless of their personalities, characters or origins. All people who fulfill the conditions of the legal rule should follow it. Arabic uses certain words to reflect this style such as (على جميع , كل فرد, جميعا... الخ) (Sabrah,2012:28). The following example is taken from the Iraqi constitution (2005):

المادة 15

أولاً: لكل فرد الحق في الحياة والأمن والحرية، ولا يجوز الحرمان من هذه الحقوق أو تقييدها إلا وفقاً للقانون، وبناءً على قرار صادر من جهة قضائية مختصة

Article 15:

Every individual has the right to enjoy life, security and liberty. Deprivation or restriction of these rights is prohibited except in accordance with the law and based on a decision issued by a competent judicial authority.

Legal language should be written with clarity, smoothness and preciseness away from mistakes, affection and complexity)Al-Ahmed, 2017(.

2.2 Grammatical Features

According to Sabra (2007:61), legal language in Arabic tends to heavily use verbs in present tense such as (ينبغي , يجب, يتعين , يجوز). It is worth mentioning that the use of the present simple in Arabic indicates the current state as well as the future. The following is an example taken from Iraqi Penalties Law (1969):

Article 22, Act 1:

"السجن المؤبد محل الاعدام في الجرائم السياسية يحل"

- "Life imprisonment shall replace death penalty in political crimes."

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Generally speaking, Arabic uses verbs in present tense in drafting legal documents and contracts. However, there are some cases in which the past is used to indicate the present time as in the following example:

الطرف الاول السيارة المرقمة الى الطرف الثاني باع

First party sells the car No.... to the second party

The structure of legal language in Arabic tends to use the active voice in favour of using the passive because it specifies the legal subject (the entity that is addressed by the legal act) at the beginning of the sentence, which makes the act easily understood by the addressee (Sabra,2012:271). The following is an article derived from the Iraqi "Labour Law" (2015);

- المادة 80. اولاً - " يستحق العامل اجازة مرضية بأجر تام يدفع من صاحب العمل لمدة (30) ثلاثين يوماً عن كل سنة عمل".

Article 80. First. "The worker deserves a 30 days sick leave with full pay by the boss for every year of work"

2.3 Terminology

legal texts use a singular form in most legal acts and avoid the plural as in the words (worker and boss) in the previously mentioned example. Arabic legal texts also use some words of authorities like (... يجب, يتعين, ينبغي) each one of these words expresses a certain degree of commitment or authority. Subsequently, legal acts are issued to be imposed and applied in the society therefore; legal rules should include (obligations, prohibitions, permissions ...etc.) in order to achieve their purposes. These verbs are used in Arabic to reflect these functions (Beiyomee,2010:54).

3. Characteristics of Legal Language in English

The peculiarities of legal English have been examined by many researchers like (Mellinkoff:1963; Crystal & Davy: 1969; Espenschied, 2010; Wydick: 2005b) and others. They examined the language of law at many levels and from different perspectives. Here are some stylistic, grammatical and semantic features:

3.1 Stylistic Features

At the time before ancient Rome and Greece, there was no punctuation system, therefore; long sentences were used extensively

in legislative writing. The entire act of law was used to be expressed only with one long sentence. With the development of societies and the appearance of a well-formed punctuation system, a law or a regulation began to be divided into several segments in order to be thoroughly comprehended and easily understood. However; the old habit of using one sentence in the structure of the law is still being used in drafting and translation until this moment (Zhang, 2021:61).

In a view of the stylistic nature of legal texts, it appears that long sentences are found in legal texts more than in other types of writings. This is one of the main reasons why English legal language has been criticized frequently. From reading a legal text it is not hard to notice that most sentences are composed of about 50-100 words in length. This is closely related to the stylistic features of legal writing. The length of legal sentences is due to the restrictions in introducing and defining the legal concept. To achieve the formality and the accuracy in defining the concept two clear points are usually adopted by the lawmakers(ibid):

- 1-Extensive use of modifiers.
- 2- Several subordinate clauses can be composed around one main clause.

Cao (2007:21) attributes the length in legal sentences to the complex nature of the concepts of law and the prospective nature of legal drafting. Gutafsson (1975 cited in Tiersma & Solan) explains that the average number of words used in English legal sentences is about (55) words, which constitutes double the number of words used in sentences of scientific text and eight times the number of words used in oral sentences. The length in legal sentences is attributed to the number of words that are needed for explaining and the avoidance of any possible ambiguity or misunderstanding. Another reason is that legal language avoids anaphoric reference, which is a common cohesive device in ordinary language, in favour of repetition. This preference is reflected in the need to increase clarity and the avoidance of any ambiguity that may happen from using the anaphoric reference of personal pronouns (ibid:55). ***The Member Firm, any and third party*** are examples on this point:

“The Member Firm shall notify Grantor in writing of any infringement, imitation, passing off or use of Service Marks or any confusingly similar marks by any third party which comes to its attention. The Member Firm shall have the right to decide whether” (Gotti, 2008:223 as cited in *ibid*).

Wydick (2005b:59) argues that the prominent features of English legal sentences are the length as well as the complex structure. This is due to the fact that lawyers want to convey all that they want to say in one bulky sentence. He also emphasizes the need for using what he calls "plain English" in legal writing. He claims that a document should be free of archaic words, not much wordy as well as the use of simple active forms and avoid the complex passive form of verbs. He asserts that good legal writing must not be different, unless there is a good reason, from the natural ordinary language

3.2 Grammatical Features

Syntactically, sentences can be classified according to their structure into four different types (Muir, 1972:68):

- a- Simple sentence: consists of only one independent clause.
- b- Compound Sentence: consists of more than one independent clause.
- c- Complex Sentence: consists of one independent clause and one or more dependent clauses.
- d- Compound Complex: consists of more than one dependent and independent clauses.

Legal sentences have to be clear and precise. This can only be achieved through detailed statement and the avoidance of ambiguity. Thus, it is clearly obvious that the majority types of sentences that are being used in the legal settings are the complex and the compound complex, whereas simple and compound sentences are relatively rare (Tiersma & Solan, 2012:43).

A sentence in English represents the basic syntactic unit which normally consists of a noun followed by a verb and a complement. This is the normal active English construction by which the noun is both the grammatical subject as well as the actor. However, English legal language excessively depends on passive construction in which the grammatical subject is not the actor which

is omitted or can be optionally placed at the end of the sentence preceded by a preposition (by+ noun). This form helps judges and legislators in making their orders and commands more objective by de-emphasizing the actor to give their commands more authoritative and rhetorical force. For instance, instead of saying *I order*, the judge can say *it is ordered*. (Tiresma, 1999:76).

Similarly, nominalization is another linguistic device used in legal language. It is easily defined as a noun that is used instead of a verb by adding different suffixes as in (propose, proposal /insure, insurance). Nominalization is also used to allow the speaker to omit the reference to the actor. For instance, instead of saying *the defendant robbed the bank at 12.00 pm.*, the defendant's attorney can say *the robbery happened at 12.00pm.*(ibid).

3.3 Lexical Features

Mellinkoff (1963:11) summarizes the nature and the origins of the words that are being used in drafting legal texts. He figures out that legal language contains frequent use of words from Latin, French, Old English, Argot, terms of arts as well as archaic words. Basically, Alcaraz & Hughes (2002:16-18) Classify legal terms into three different types:

-Pure Technical Terms: legal language includes certain terms that are only used in the legal sphere. This group carries the legal meaning and may be hardly understood by non-specialists. Mellinkoff (1963:16) calls this group "words of art". Some of these are (plaintiff, solicitor, barrister, law, convict ... etc.)

- Semi-Technical Terms: are found in ordinary and legal language but their meanings are completely different when they are used in legal settings.

-Common Terms: the ordinary words that are used in legal language and ordinary one in the same meaning.

Archaism is a salient feature of English legal language. Archaic words are distinct group of words "having the characteristics of the language of the past and surviving chiefly in specialized uses"(Webster). Mattila (2006:58) argues that all communities have a desire for security and a need for stability. For this reason, they keep following familiar things. Legal language is a

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part of the community, and the stability of legal legislation is one of the main sources for the archaic words used in legal language. Ossification in legislative writings has not only a negative impact on understanding them but also a positive one represented in the preservation of the cultural heritage of the community. Adverbs and prepositional phrases are the widest elements of this group. Here are some of them:

Adverbs: herein, hereby, hereunder, hereinafter, thereby, therein...etc.

Prepositional Phrases: subject to, notwithstanding, at the instance of...etc.

The use of doublets and triplets is also a distinctive feature of legal writing. The use of these expressions emerged in the Middle Ages due to the influence of French and Latin. Draftsmen were usually uncertain about which word is better to convey the meanings; therefore they used several words that have a relatively similar meanings to indicate what they want to explain (Espenschied, 2010:164). Here are some of these:

- Change and alter
- Appropriate and proper
- Bind and Oblige
- Convey, transfer and set over
- Good and sufficient

4. The Analysis of Iraqi Identity Card

المهنة:..... الديانة او المعتقد: مسلم تاريخ الولادة رقما:..... كتابة:..... محل الولادة:..... العاهات الظاهرة: بلا الحالة الزوجية:..... اسم الزوج:..... محل التسجيل:..... الاوصاف: لون العين : نرجسي لون الوجه: حنطي لون الشعر :اسود الطول: توقيع صاحب الهوية فصيلة الدم:.....	الدائرة: جمهورية العراق الرجل: وزارة الداخلية الصحيحة: مديرية الجنسية العامة البطاقة الشخصية (ب-8) صادرة بموجب قانون الاحوال المدنية رقم 65 لسنة 1972 المعدل الاسم:..... اسم الاب والجد :..... اللقب:..... اسم الام والجد:..... الجنس: ذكر توقيع الموظف المخول: تاريخ التنظيم:..... توقيع المنظم:..... اسمه الكامل:.....
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The translations under investigation show a high degree of inconsistency in using the appropriate equivalence for certain lexical items. This may be reflected by different problems faced by the three translators. The following analysis is going to explain each point in isolation.

ST	TT	Procedure	Technique	Appropriateness	Proposed Translation
1-صادرة بموجب قانون الأحوال المدنية	1- Issued <u>in accordance with</u> Civil Status Law	Dynamic	Addition (Grammatical restriction)	+	Issued under Civil Status Code <i>Dynamic Alteration (word classes)</i>
	2- Issued <u>according to</u> Personal Affairs Statute	Dynamic	Alteration Semantic problem	-	
	3- <u>Issued in accordance with</u> the Civil Status Law	Dynamic	Addition (Grammatical restriction)	+	
2-البطاقة الشخصية	1- Civil status identification	Dynamic	Addition (Amplification)	-	Personal Card <i>Formal</i>
	2-Identity card	Dynamic	Alteration (Semantic problem)	-	
	3- Personal Identity Card	Dynamic	Addition (Amplification)	-	
3- نرجسي	1-Daffodil	Dynamic	Alteration (word class)	-	Hazel brown <i>Dynamic Alteration (Semantic problem)</i>
	2 Narcissus	Dynamic	Alteration (word class)	-	
	3-Narcissus	Dynamic	Alteration (word class)	-	
4-حطبي	1-Corny	Dynamic	Alteration	-	Wheat- coloured or Tan-coloured <i>Dynamic</i>
	2-Brown	Formal	//	+	

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	3-Tan-coloured	Dynamic	Alteration (Semantic problem)	+	(Semantic problem)
5-المهنة	Profession	Formal	//	–	Job Dynamic (Semantic problem)
	Profession	Formal	//	–	
	Occupation	Dynamic	Alteration (Semantic problem)	–	

Discussion:

It is not difficult to find the translation equivalent in translating civil IDs since they are only composed at the levels of the word and phrase save the only sentence which refers to the law by which this document is issued (صادرة بموجب قانون الاحوال المدنية رقم 65 لسنة 1972 (المعدل)). This reflects the fact that the translator will opt for choosing formal equivalence more than dynamic one as in the case of (Name, Name of father and grandfather, sex, marital status). However, the translator uses dynamic equivalence to (as he\she believes) fill the gaps that cannot be bridged with a formal one. This claim is obvious from the different translations for some phrases which are highlighted in the previous table. This part is devoted to deal with each item in isolation.

1-It is clear that the translators have almost agreed on the procedure of translating the only sentence "صادرة بموجب قانون الاحوال المدنية" into three slightly different translations. Firstly, the word "بموجب" has been translated into "According to" and "in accordance with", these expressions are synonyms with different shades of meaning. The first one refers to any source of information as a website, a person ...etc. and it is mainly used to introduce information for example, "according to the news, according to the teacher". *In accordance with* is more formal and usually used in a legal context to refer to the rule or the legal act on which something is based. However, "issued under" is a phrasal verb that is widely used in most legal acts that have a context like this. Another problem is the translation of "قانون الاحوال المدنية" into "Civil Status Law" and "Personal Affairs

Statute”. Actually, there is no law that has the character of being ‘personal’ and the translator may have wrongly perceived the ST. On the other hand, Civil Law and Civil Code are found in large parts of Europe as a branch of law that deals with the rights of citizen therefore; these two expressions can look more familiar and more natural to TL readers and with them the principle of naturalness of dynamic equivalence can be achieved.

2-The second expression "البطاقة الشخصية" has been translated by the first and third translators in a way different from the second one. The second translator changed the semantic meaning by translating the word "شخصية" into “identity” and this technique of alteration is not usually preferred when the exact equivalence “personal” is actually found. The first and third translators have followed a different technique by adding additional information to TL expression. However, as far as the expression can be translated literally into a “personal card”, most linguists (Nida 1964, Newmark 1981) hold literal translation as the best approach to be followed.

3- A terrible mistake has been made with the translation of the third SL word "نرجسي" that has been translated into two different ways “Daffodil” and Narcissus”. These two English terms are used to replace the Arabic colour adjective ‘نرجسي’ which refers to the brown colour of eyes. There is no clear reason why this adjective is used in Iraq to refer to the brown colour of eyes but it becomes culturally known to be so. The translator derived a colour adjective from daffodil plants despite the fact that English has no colour adjective derived from this noun as well as this plant is known for TL reader with its yellow flowers. Actually, English made the same thing but it derives this colour from ‘hazel’ which is similar to the brown colour of eyes as well as the round shape of them. Hence, to avoid any possible misunderstanding we have to know that English colour system includes varied degrees of brown and the most suitable interpretation for this item is “hazel brown” not “daffodil or Narcissus” which can give the reader an impression as if Iraqis have a yellow eyes colour.

4-The fourth word "حنطي" has been used in SL text to refer to the brown colour of face. The first translator has made a big mistake when he used "corny" as an equivalent for this word. the word 'حنطي' is a colour adjective derived from 'corn, henta' in Arabic. The translator has made the same thing in English despite the fact that English has no colour adjective derived from 'corn' and the word 'corny' actually means a person who is insignificant, silly or trivial. The equivalent colour adjective that can best match the Arabic 'حنطي' is 'tan-coloured' which is used by the third translator and refers to a colour between brown and yellow. The second translator uses "brown" but brown can reflect a colour of coffee mixed with a milk. "brown" is also used to refer to skin colour which is brown or has become brown because of the sun. It is a good translation in comparison with the first one. Nevertheless, 'wheat coloured' could be easily used as an equivalence since it is found in English colour system and resembles a similar reference to the Arabic word 'حنطي' and derived from 'wheat' as well .

5-Another problem is the two different translations of the fifth word "مهنة" which is translated into "profession" and "occupation". These two words are sometimes used interchangeably however there is a difference between them. The word "profession" refers to the activity that requires a special qualification, knowledge and training in a certain field of profession. For example, a teacher of English should have the professional skill which enables him to perform his "profession". On the other hand, the word "occupation" refers to an activity performed by a person in his free time. i.e. the way in which a person spends his time when he is not working. Based on the context, the suggested translation "job" may best match the required SL reference and it is widely used and universally known by English speakers as any activity performed by a person for the sake of earning a living.

5. Iraqi Nationality Certificate

The Iraqi Nationality Certificate is a document used to prove the nationality of Iraqi citizens. It is considered a highly important formal document and required in governmental and non-governmental institutions.

<p>_____ محل وتاريخ ولادة حامل الشهادة:</p> <p>_____ الديانة:</p> <p>_____ العلامات الفارقة:</p> <p>_____ اسم الاب الكامل:</p> <p>_____ اسم الام الكامل:</p> <p>_____ محل ولادتها:</p> <p>(الملاحظات تكتب بالحرير الاحمر)</p> <p>توقيع حامل الشهادة _____ بصمة ابهام اليد اليسرى</p>	<p>_____ رقم المحفظة:</p> <p>_____ رقم الشهادة:</p> <p>_____ التاريخ:</p> <p>شهادة الجنسية العراقية</p> <p>بناء على تحقق اكتساب _____ المثبت صورته</p> <p>الشمسية اعلاه الجنسية العراقية وفق المادة 4 \ أ من قانون</p> <p>الجنسية العراقية فقد منح هذه الشهادة.</p> <p>مدير الجنسية</p> <p>نؤيد ان هذه الشهادة منحت طبقا للشهادة الصادرة اليه</p> <p>_____ رقم الشهادة:</p> <p>_____ التاريخ: مدير الجنسية</p> <div style="border: 1px solid black; width: 100px; height: 50px; margin-top: 10px; text-align: center; line-height: 50px;">صورة</div>
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5.1 Analysis the Translations of Nationality Certificate

The first page of the Iraqi nationality certificate is composed of a sentence that consists of about 22 words and this is the norm in legal writings. However, the translation of long sentences may constitute a difficulty for the translator. Table (3-2) explains some points that have been differently translated by three of professional translators and the procedures followed by each one of them.

ST	TT	Procedure	Technique	Appropriateness	Proposed translation
1- شهادة الجنسية العراقية	1-Iraqi Nationality Certificate	Formal	//	+	Iraqi Nationality Certificate
	2-Iraqi Nationality identity Card	Dynamic	Alteration (Semantic problem)	-	
	3-Iraqi Nationality Certificate	Formal	//	+	
2- بناء على تحقق اكتساب	1-According to acquisition of	Dynamic	Alteration (Semantic problem)	-	Based on fulfilling X the conditions (or requirements) of acquiring Dynamic Addition (Amplification)
	2- In accordance with acquiring	Dynamic	Alteration (Semantic problem)	-	
	3-For the proof that	Dynamic	Alteration (Semantic problem)	-	

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3- قانون الجنسية العراقية	1-Iraqi Nationality <u>Law</u>	Dynamic	Alteration (Semantic problem)	-	Iraqi Nationality Act <i>Formal</i>
	2-Iraqi Nationality <u>Statute</u>	Dynamic	Alteration (Semantic problem)	-	
	3-Iraqi Nationality <u>Act</u>	Formal	//	+	
-4 محل ولادته	1-Place of birth	Dynamic	Subtraction (Specification of reference)	-	Her place of birth <i>Formal</i>
	2-place of birth	Dynamic	Subtraction (Specification of reference)	-	
	3-Her place of birth	Formal	//	+	

Discussion

1- Since it includes the title, the first expression is highly important. Two of the three translators have followed formal equivalence procedure which ensures an adequate translation. However, the second one translated "شهادة" into "identity card" despite the difference between the two expressions. A certificate is an official document used to prove a fact that is related to the person involved in it, whereas an "identity card" proves who is that person through the information it contains; his name, birth,...etc.

2- The most confusing phrase in the nationality certificate is "بناءً على تحقق اكتساب" which has been translated differently by each translator as "according to acquisition of", "in accordance with acquiring", "for the proof that". According to Nida's three stage system of translation (1964:146), the translator is required first to decode the meaning of the SL message before transferring and restructuring it into TL. The difference in translation may be reflected by the wrong interpretation for the Arabic ST. Before translating, the translator should know that there are certain conditions which need to be fulfilled by a person in order to be awarded the Iraqi nationality. For instance, he/ she should be an Iraqi citizen, adult, from Iraqi father or mother ...etc. . "تحقق اكتساب" means the fulfillment of these conditions and the ST requires to be

clearer by adding the word "شروط" in the phrase to be "تحقق شروط" in order to remove the ambiguity in the text. However, the three translations adopt dynamic equivalence which is the suitable procedure, but they have failed in choosing the right technique of adjustment 'addition' which allows the translator to use more words for the purpose of filling this semantic gap.

3-The third phrase "قانون الجنسية العراقية" refers to the law by which the certificate is granted to Iraqi citizens. The word "قانون" has also been translated in three different ways "law", "statute" and "act". These three terms are used randomly by non- specialists however there is a difference among them. First, "statute" refers to the written form issued by a legislative body to prescribe something. It includes the law in its written form as well as the rules which are formulated by the state or the country. Law is the regulations and rules formulated by an authority to be imposed on citizen to preserve law and order in the country and to impose the will of the state or government on every citizen for the benefit of the society. An "act" is a bill that is approved by the parliament and it can be amended by another act. It is more specific and deals with a citizen under particular circumstances(Wikipedia). By analyzing the meanings of *law*, *statute* *act*, one can judge that "act" can be considered as the best equivalent to be used in this context since The Iraqi Nationality Act was legislated and passed by the parliament in 7/3/2006.

Based on the previous discussion, the whole sentence can be translated as follows:

"Based on fulfilling X ,whose photo is affixed above, the conditions of acquiring the Iraqi nationality under Article (4/A) of the Iraqi Nationality Act, He is awarded this certificate".

Conclusion

Legal translation is considered as one of the most difficult areas in comparison with other fields of translation. This difficulty can be attributed to three main points . Firstly, it includes three areas of knowledge: language , law and translation. Secondly, legal language

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is a specialized language that has certain characteristics that are different from one language to another, one culture to another and from one legal system to another. Thirdly, some common words acquire new completely different meanings when they are used in legal context.

Hence, the legal translator is required to deal with all these variables with a high degree of attention and experience and to be qualified legally and linguistically to perform the job. Otherwise, a lot of inconsistent renditions may result.

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مشكلات ترجمة وثائق التعريف الرسميّة العراقيّة إلى الإنكليزيّة

علي محمد الجوالي *

لقمان عبدالكريم ناصر **

المستخلص

يتناول البحث تقييم ثلاث ترجمات لنوعين من الوثائق الأكثر انتشاراً التي يحصل عليها كل مواطن في العراق هوية الأحوال المدنيّة وشهادة الجنسيّة العراقيّة، وتمثّل هاتان الوثيقتان المستندات القانونيّة اللتان يثبتان هوية حاملهما، ويُعدّان أكثر الوثائق الرسميّة المطلوبة في معظم التعاملات الرسميّة، ويعتمد تحليل الترجمة على نظرية التكافؤ الديناميكي والشكلي التي بدأها نايدا (1964) التي تتضمّن بعض تقنيات التعديل والإضافة والطرح. يُظهر التحليل أن التكافؤ الشكلي هو أفضل إجراء في ترجمة مثل هذه الأنواع من النصوص، ومع ذلك لا يمكن استخدام الديناميكي إلا عندما تكون هناك مشكلة تتعلق بالفجوة الثقافية أو مشكلة تتعلق بالاختلافات في الأنظمة القانونية للغات المشمولة بالترجمة، وأكّد البحث أيضاً على أهميّة الخلفية القانونية في ترجمة مثل هكذا وثائق شديدة الحساسيّة. الكلمات المفتاحية: ترجمة , وثيقة, شهادة, قانون.

* طالب ماجستير/ قسم الترجمة/ كلية الآداب/ جامعة الموصل.

** أستاذ / قسم الترجمة/ كلية الآداب/ جامعة الموصل.