Assessing the English Translation of Grand Ayatollah Khorasani's Book of Islamic Laws with Reiss's Model¹

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Abstract

Religious texts, particularly texts of religious laws, are among the most delicate and crucial kinds of texts to translate. This paper examined the English translation of Grand Ayatollah Hossain Wahid Khorasani's book of Islamic laws through the window of Katerina Reiss. Reiss's theory has three levels. First, the text type (informative, expressive, or persuasive) is decided. Then, the linguistic elements are analyzed and it proceeds with the examination of the extra-linguistic determinants. This text is certainly informative and content-focused. Applying Reiss's theory of criticism to this text, the researcher came to the conclusion that firstly, Reiss's model could be applied to texts of Islamic laws, and secondly, the English translation of Grand Ayatollah Wahid Khorasani's book of Islamic laws met 80 percent of Reiss's suggested requirements for a translation. Furthermore, the findings indicated that most mismatches of Reiss's criteria in this translation pertained to the semantic elements (linguistic components). Moreover, the place factors were mainly overlooked in the translation.

Keywords: Book of Islamic laws, extra-linguistic factors, linguistic components, Reiss' model, specialized translation, text types

Introduction

Islamic law, also known as Sharia, is the religious law of Islam. It is derived from two primary sources, the precepts set forth in the Qur'an and the example set

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by the Prophet and his pure progeny. A book of Islamic laws is a book written according to the judgements of a Shi'a mojtahed (also known as "Ayatollah") and "contains his rulings and judgments arranged according to topics dealing with ritual purity, worship, social issues, business, and so on" (Shanazary & Tahririan, 2019). People practice their religious obligations in accordance with the judgements stated in such manuals. The aim of this study is to assess the English translation of a Persian text of Islamic laws by means of Katharina Reiss's model.

Specialized Translation

Specialized translation covers the specialist subject fields. "Stylistic and syntactic cultural differences (at least in English and Persian pair languages) can be called the most deceiving parts for scientific-technical translation" (Karimnia, 2015). "The main problem of translating Islamic laws lies in finding the right lexical as well as cultural equivalents for items. Apart from lexical gaps, a translator should focus on the fact that textual conventions in the source language are often culturedependent and may not correspond to conventions in the target culture" (Shanazary & Tahririan, 2019). The style of science has informative function not only in particular field of science, but also in broader sense, because administrative style can be considered as scientific style as well. (Knittlová 2005, as cited in Mastná, 2010). Mastná (2010) states that according to Knittlová the main features of the scientific and technical style are:

- Strictly logical syntax and sentence ordering
- Explicitness
- Objectiveness
- Impersonality
- Lack of emotional load
- Condensation

Words used in scientific prose will always have tendency to be used in their primary logical meaning. No words should be used in more than one meaning.

Furthermore, terms are coined so as to be self-explanatory to the greatest possible degree. (Miššíková 2003 as cited in Mastná, 2010). Selection of lexical units also complies with the requirement of precise transmitting of thoughts and ideas. Scientific style is conceptual, typical word classes are nouns, possibly adjectives, and mainly technical expressions (terminology). Subjective and expressive expressions generally do not occur in the style. (Knittlová 2005, as cited in Mastná, 2010).

Translation of a Book of Islamic laws

Religious translation is characterized by its use of specialized lexical items (Elewa, 2014). Pirnajmuddin and Zamani (2012) believe literal translation is not only the most frequently used procedure but also the most appropriate one in translating such terms. In the same direction, Moradi and Sadeghi (2014) maintain that the most appropriate procedure for translating culture-bound terms of the Holy Quran into English is literal translation.

In a book of Islamic laws, the content matters and the purpose is to provide information. This kind of writing "is characterized by a very high level of formality, which stands close to the legal style" (Shanazary & Tahririan, 2019). Obviously, translating legal texts requires painstaking attention to detail and sensitivity to the consequences of subtle contextual changes. "For the sake of preserving the letter of the law, legal translators were traditionally forced to be faithful to the source text. As a result, it was generally accepted that the translator's task is to reconstruct the form of the source text as closely as possible. Thus, literal translation was the golden rule for legal texts and is still advocated by some lawyers today" (Samadi, Shomoossi, & Rashekh. 2011).

From a linguistic aspect, this style is lexically and syntactically marked. The message must be transmitted in a language that is extraordinarily definite and

precise. Words in this type of text are used strictly according to their definitions in Islamic jurisprudence. Also, "many Arabic words and expressions are found in a Persian book of Islamic laws due to its sources" (Shanazary & Tahririan, 2019). A book of Islamic laws has specific linguistic features such as the use of some technical terms like "الظهر" /eḥtiāṭ-e vājeb/1 (obligatory precaution), "اظهر" /aẓhar/ (more apparent), "اولى" /owlā/ (preferable), using phrases that are not publicly understood for instance "عوف ذبيحه" /jowf-e dabīḥa/ (a slaughtered animal's viscera), "نظر ريبه" /naẓar-e reyba/ (lustful look), and utilizing old-fashioned measuring units for example "مد" /mod/, "ذراع" /derā'/, "فرسخ", farsak/, and the like.

It is necessary to become acquainted with appropriate terminology as well as established phrases and formulas specific for this style in the target language before translating texts of religious laws. A translator needs to take that into consideration and avoid any attempt to achieve linguistic and lexical variety, modernize the style, or make it more accessible. The functionality of this text requires its language to have some characteristics such as brevity, non-ambiguity, semantic exactness, comprehensibility, determinateness, and non-expressiveness.

In terms of sentence complexity in a text of Islamic laws, it must be said that the use of complex and declarative sentences prevails in this style. Many phrases and dependent clauses are usually needed to express a concept as exact as possible.

Reiss's model

Katharina Reiss is a German linguist and translation scholar. Her works have been important in the field of translation criticism. According to Reiss, when faced

^{1.} Persian words are romanized in this paper according to the Encyclopædia Iranica's transliteration system.

with a text, the translator has to ask himself these two questions: To which text type does it belong? What purpose does the translation serve? The answers to these questions help him to decide which method to adopt. So, her theory for translation criticism will be summarized as: deciding the text type, then analyzing linguistic elements and extra linguistic factors comparatively to see how the target text matches the source text in function.

Procedure

This research focused on the translation product. A Persian book and its English translation formed its material. The Persian book was "توضيح المسائل" by Grand Ayatollah Wahid Khorasani, published in 2010. This book has been translated into English just once and there is no other translation of it in English. The translators were two men who did the job while having access to the author whenever they had a question about the true meaning of the text. Likewise, in this study, the researcher consulted an expert (a cleric) from the office of Grand Ayatollah Wahid Khorasani to make sure of understanding the intended meanings and concepts in the original text. In this study, nearly 200 parts -including articles, explanatory notes, and headings- were selected from the original Persian text using a systematic random sampling method. Then, those parts were compared with the corresponding ones from its English translation, Islamic Rulings (Islamic Laws), to see how they were rendered into English.

Data Analysis

Text Type

Before beginning to work on it, a translator must first determine what type of text they are going to translate. Similarly, Reiss suggests the critic must be aware of the text type represented by the ST in order not to use inappropriate yardsticks to judge the TT. Text, in her opinion, requires the medium of language to express itself, so it should be examined to determine precisely what function of language it represents.

Based on Bühler's classification, Reiss posits that language has three functions: to inform, to express, and to persuade (Reiss, 2000: 25). She also believes these three functions are not represented equally in every text. Any of these functions can be dominant in a text while at the same time, other functions exist in subordination. That means every text exercises these main functions concurrently while the significance of each function varies depending on the text (Reiss, 2000). Texts are therefore divided into three categories according to their dominant function. If it is a content-based text, it is informative. The function of a text is expressive if it is form-focused, and persuasive if it is appeal-focused.

The core of the expressive function is the mind of the speaker, the writer, the originator of the utterance. He uses the utterance to express his feelings irrespective of any response. Serious imaginative literature, authoritative statements, autobiography, and personal correspondence are typical expressive text-types (Newmark, 1988: 39).

The core of the persuasive function is the readership, the addressee. The readership is called upon to act, think or feel, or in a word, to react in the way intended by the text. Notices, publicity, propaganda, and advertisements are typical persuasive texts (Newmark, 1988: 41).

The core of the informative function of language is external situation, the facts of a topic, reality outside language, including reported ideas or theories. Informative texts are concerned with any topic of knowledge and often have standard formats: a textbook, a technical report, a scientific paper or agenda of a meeting (Newmark, 1988: 40). These texts convey information, facts, knowledge, opinions, etc. plainly and their content is the main focus.

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Books of Islamic laws seek to establish clearly defined rights and duties for individuals. It is essential to ensure precise correspondence of these rights and obligations in the source text and the translation. As mentioned above, a book of Islamic laws contains practical rules of the religion. That means the content is the main focus of this text and its objective is to provide information. Therefore, it can definitely be said that this text is (dominantly) informative.

Linguistic Components

After going through the typology of the text, the investigation moves on to the language of the text. Here, the text must be examined in detail to discover how the linguistic characteristics of the ST are reflected in the TT. According to Reiss, linguistic components include four elements: semantic, lexical, grammatical, and stylistic elements.

Semantic Elements

Semantic component is very crucial in preserving the content and meaning of the original text. Here, the importance of the context comes to be highlighted. It means, not only individual words and expressions but also the whole sentence, paragraph, and the whole text must be considered as clues to the meaning.

According to Catford (1965: 94), untranslatability occurs because it is impossible to build functionally relevant characteristics of the situation into the contextual meaning of the TL text. It happens when the difficulty is linguistic such as ambiguity (due to shared exponent of several SL grammatical or lexical items and polysemy) or cultural.

In this translation, nearly 70 percent of the items were semantically rendered correctly, yet some parts did not fulfill the requirement, for instance:

اگر روزهدار <u>سهواً</u> یکی از کارهایی که روزه را باطل میکند انجام دهد و به خیال این که روزهاش باطل شده عمداً دوباره یکی از آنها را به جا آورد، روزه او باطل میشود. (مسئله ۱۶۶۲)

If a person who is fasting <u>forgetfully</u> commits an act which invalidates his fast, and then thinking that his fast is invalidated, intentionally commits another act that invalidates a fast, his fast will be void. (Article 1662)

In this Islamic law, there is no difference if one does those acts forgetfully or mistakenly but the translation conveys the message that the rule is only applicable when the acts are done out of forgetfulness. The adverb "when the acts are done out of forgetfulness. The adverb "sahvan/ describes an act that is done unintentionally (Dehkhoda dictionary).

In the example below, the law was changed through translation toward more intensification. This article reads:

مستحب است ... جایی بنشیند که... (مسئله ۷۹)

... one should sit in a place where ... (Article 79)

This sentence begins with "مستحب است" /mostaḥab ast/ meaning "it is recommended/better to do" but the translation says "one should do". In English, "should" and "ought to" are used for recommendation and weak obligation (Swan 2009, pp. 510–511). By using this word, the translators have made it unclear whether it must be done or it is preferable to be done.

In some cases, an item is translated very literally, for example, the word "habit" is used as the equivalent for women's menstrual period. In Persian, as in Arabic, this concept is referred to as "عادت" / 'ādat/ but the first denotative meaning of the word "عادت" is habit and custom and the translators simply used the first denotative meaning.

Lexical Elements

Reiss suggests that the standard for the lexical component is adequacy. So, it must be determined whether the lexical components are adequately represented in the TT or not. The lexicalization of the same concepts in another language constitutes translation problems and difficulties. Owing to the very close relationship between language and culture where cultural differences are mirrored by linguistic ones, Teleoaca (2009) speaks of cultural gaps especially realized in technical terminology. This causes translators to always face the problem of how to treat the cultural aspects implicit in the ST and how to find the most appropriate techniques for successfully conveying these aspects in the TT.

"Lyons ... maintains that lexical gaps are attributed to unlexicalized concepts or objects across languages" (Al-Ghazalli, 2010: 2). For instance, due to the cultural institutionalization of the distinction between dead humans and dead animals, two lexical items are coined for those two (corpse and carcass).

There are various concepts in Islamic religious law and jurisprudence that are lacking in English such as "كر", "وضو", "رضو", "جعاله", "جعاله", "جعاله", "جعاله", "جعاله", "خمس", etc. As an example, the word قليل /qalil/ means "little". There seems to be no lexical gap in English and so the translators could translate it as little or underkurr (as opposed to kurr). Another example for a lexical gap is the concept of mahram. In this book, a man's relatives who are mahram to him are listed, for example mother, sister, and aunts. In Persian, like in Arabic, there are two different words for the aunt on mother's side (الجام الله الله المحافي) and the aunt on father's side (معله / أهام) but in English there is no such a distinction. The translators provided "maternal aunt" for allow while there was no need for that and it sounded some kind of redundancy.

Some items in this book are translated by using innovative equivalents such as "obligatory" for واجب /vājeb/, "recommended" for مستحب / mostaḥab /, and "precaution" for احتياط / eḥtiāṭ/. However, some items are not translated idiomatically, for example:

... نجاست آن محل اشکال است (مسئله ۹۳)

. . . considering it as *najis* is <u>problematic</u>. (Article 93)

The expression "محل اشكال است" /maḥall-e eškāl ast/ which literally means "it is a place of problem" is an idiom in Shi'a jurisprudence and refers to an obligatory precaution.

The other instance is the word "ربا". Literally, this word means any excess (the same as "interest" in English) but it is translated as "usury" on page 416. Usury refers to unfairly high rates of interest and applies only to the practice of lending money but up in Islamic terminology refers to any excess both in lending and transacting.

Another example is:

بر هر مسلمان واجب است به مسلمان دیگری که نزدیک است از گرسنگی یا تشنگی بمیرد <u>نان و آب</u> داده و او را از مرگ نجات دهد. (مسئله ۲۶۹۹)

It is obligatory upon every Muslim to give <u>bread and water</u> to another Muslim who is at the verge of death on account of hunger or thirst, and to save him from dying. (Article 2698)

In this example, "نان و آب" /nān va āb/ literally means "bread and water" but it is used as a symbol for food and something to drink (metonymy).

- Grammatical Elements

Grammaticality in translation means the correctness of the grammatical component of the TT. It means that the morphological and syntactical rules of the TL must be carefully observed. As Reiss suggests, grammatical correctness is satisfied if the translation conforms to the usage of the target language and if the relevant semantic and stylistic aspects of the grammatical structure of the source language have been understood and adequately rendered. In religious texts, in particular, grammar plays a very crucial role. Any change, even very slight ones, can ruin the message and distort it to a very different meaning. As it was said, the functionality of this text type requires the language to be comprehensible, semantically exact, not ambiguous, brief, etc. In the translation under study, 97 percent of the cases were correct according to English grammar. For instance:

بعد از شستن هر دو دست باید جلوی سر را با تری آب وضو که در دست مانده مسح کند... (مسئله ۲۵۵)

After washing both hands, the front part of the head should be wiped... (Article 255)

The adverb of time usually follows the verb in an English sentence, whereas its normal position in a Persian sentence is at the beginning. Yet, it can also come at the beginning of an English sentence to put emphasis on the time. That is what the translators have done in this example.

Texts of Islamic laws are characterized by using numerous modal verbs. Hence, a translator should be careful about understanding them accurately and transferring their meanings to the TT correctly. Approximately 70 percent of the modal verbs used in this English translation were "should", 20 percent "must", and 7 percent "have to". The remaining portion was rendered in a way other than by a modal verb.



Figure 1. Frequency of equivalents used for modal verbs of obligation

- Stylistic Elements

As Reiss suggests, the stylistics of the translation is the case of correspondence between them. Specialized texts have their specialized terminologies. In Islamic texts, there are plenty of Arabic words. In this English translation, many Arabic words like motlaq, możāf, 'ayn al najāsa, and ţāher were borrowed. Those words give the Arabic flavor to the text.

Another characteristic of English legal style is the extensive use of the passive voice, while the number of passive sentences is not noticeable in the Persian style. The translators of this book have translated most Persian sentences into English in passive voice. For example:

باید دستها را از بالا به پایین شست (مسئله ۲۴۹)

The hands should be washed starting from above going downwards (Article 249)

In this study, there was a 95 percent stylistic correspondence between the TT and the ST. The following, however, demonstrates that one sentence is translated as five. As mentioned earlier, complex long sentences prevail in legal and religious laws texts, but the translators have not made a correspondent style in this example.

اگر به چیز نجسی که عین نجاست در آن نیست یک مرتبه باران ببارد، جایی که باران به آن برسد پاک میشود، و در فرش و لباس و مانند اینها فشار لازم نیست، ولی باریدن دو سه قطره فایده ندارد، بلکه باید طوری باشد که بگویند باران میآید، و بنابر احتیاط واجب به اندازهای باشد که اگر در زمین سخت ببارد جریان داشته باشد. (مسئله ۳۷)

If rain falls once upon a *najis* object which does not contain any *ayn al-najÁsah*, the areas which come in contact with the rain will become ÔÁhir. It is also not necessary to wring carpets, clothes or other similar items. However, if only a few droplets of rain fall, it will be of no (canonical) benefit. Rather it should rain in such a manner that one should be able to say, "it is raining." In fact, based on obligatory precaution, it should rain in such a quantity that if it falls on a hard surface, the water starts to flow on it. (Article 37)

Another distinguishing feature of texts of Islamic laws is their high level of formality, and there are many highly formal words and structures in this book, such as منفعت (maruna), تصرف (taṣarrof), تصرف (taṣarrof), مؤونه (taṣarrof), تملک (tamallok), and so on. This level of formality exists in the English translation as well. "Take an oath", "consume a liquid from a vessel", "lavatory", and many other words and expressions show such formality.

Extra-linguistic Determinants

Extra-linguistic factors are the various elements that influence the translation process and force the translator to use specific means available in his language to convey the ST's message as correctly as possible. Those factors are related to pragmatics. Reiss classifies those factors into seven groups: the immediate situation, the subject matter, the time factor, the place factor, the audience factor, the speaker factor, and the affective implications.

It was said in the text-type discussion that a book of Islamic laws is an informative text. So, it does not need to analyze affective implications, the immediate situation, the audience, and the speaker factor. Moreover, the language of a book of Islamic laws is considered scholarly and derived from Islamic primary sources, and it rarely undergoes significant changes. In other words, this language is timeless.

Subject Matter

The subject matter of a text is pivotal to its linguistic form. Hence, a translator must have a fair degree of knowledge about the subject of the text they are translating, especially if it is specialized. That knowledge enables the translator to understand the text more correctly and recode it more accurately. The translators of this book were educated in and familiar with Islamic laws as it is quite discernible in their translation that they have understood the meaning fully and managed to create the same message in English:

If a person who has a debt of *khums* makes a compromise settlement with the ÎÁkim al-shar' and takes responsibility for it, he may then utilize the wealth.

Furthermore, whatever profit he acquires from that after the settlement will belong to him (Article 1809)

• Place Factor

This factor speaks about region-specific or culture-specific materials. It is so challenging to translate such items by attempting to describe something which is outside of the imagination of the target people. This book of Islamic laws is written for the Iranian people, and therefore it contains some Iran-specific materials. For instance, it says:

آب جاری . . . مانند آب چشمه و قنات (توضیحات قبل از مسئله ۲۹)

Flowing water ... like the water of a spring or a <u>canal</u>. (the note before Article 29)

Here, the translators have attempted to find an equivalent for the word "قنات" /qanāt/. Qanat is specific to the Iran region, and people from other parts of the world are unfamiliar with it. The word they have chosen (canal) is more known to non-Iranian people.

Another example is the word "سفره" /sofra/:

نشستن سر سفرهای که در آن شراب می خورند... (مسئله ۲۶۹۸)

... to sit at a table where wine is being served... (Article 2697¹)

The word "سفره" refers to a piece of cloth spread especially on the ground for putting foods and ware on it (something like a tablecloth). The intended meaning is a place where people gather around, usually sit down, to eat food, so the translators have provided a cultural equivalent for it.

However, the translators, in many cases, have not provided an equivalent that would be understandable to others. For example:

آبی که به دستور طبیب از جو می گیرند و به آن <u>ماءالشعیر</u> می گویند پاک می باشد. (مسئله ۱۱۶)

^{1.} Due to a typographical mistake, the article's number is one behind in the English translation.

However barley water which is medically prepared, and is called <u>Máp al-</u><u>Sha'ðr</u> is Ôáhir. (Article 116)

The underlined term in this sentence is called ماء الشعير /mā'ošša'ir/ in Iran and Arab countries, and it refers to non-alcoholic beer. But it is not called so in other areas of the world.

Conclusion

In this paper, an effort was made to examine the English translation of the book of Islamic laws written according to Grand Ayatollah Hossain Wahid Khorasani and assess it based on Katharina Reiss's model of translation criticism. A book of Islamic laws is a specialized text and based on Reiss's typology, an informative one. According to Reiss, the text type needs to be determined first for translation criticism then the linguistic elements and extra-linguistic factors are to be analyzed comparatively to see how the TT matches the ST functionally.

After applying Reiss's model to the translation it was revealed first of all that Reiss's model was applicable to a text of Islamic laws and was appropriate to use for assessing such a text. The findings of this study indicated that the English translation is an informative text too. In terms of linguistic components and extralinguistic factors, this translation met approximately 80 percent of Reiss's suggested requirements for a translation. As for semantic elements, it fulfilled about 70% of the requirements and matched the ST grammatically in almost 85% of the cases. Stylistically speaking, the translation matched the source text in nearly 95% of the cases, which seems to be the result of the translators' familiarity with this content and style although stylistic elements are more applicable to the assessment of formfocused and expressive texts since they have much more stylistic aspects. The analysis of examples in this research suggested that the translators have employed transliteration and literal translation more than other translation strategies, most mismatches and violations of Reiss's criteria in this translation were discovered to

belong to the semantic elements (linguistic components), and the most mismatches among the extra-linguistic factors in this translation involved the place factor.

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محمد شانظری ً

چکیدہ

متون مذهبی، بهویژه متون مربوط به احکام شرعی، جزو ظریفترین و دقیقترین متون برای ترجمه هستند. این مقاله به بررسی ترجمهٔ انگلیسی رساله عملیه حضرت آیت اللهالعظمی حاج شیخ حسین وحید خراسانی (دام ظله) از دیدگاه کاترینا رایس پرداخته است. نظریهٔ رایس دارای سه مرحله میباشد. نخست نوع متن (اطلاعرسان، بیانی، برانگیزنده) مشخص می گردد. سپس به مؤلفههای زبانی رسیدگی شده و در ادامه عوامل برونزبانی مورد بازبینی قرار می گیرد. آشکار است که این متن از نوع اطلاعرسان مواه برونزبانی مورد بازبینی قرار می گیرد. آشکار است که این متن از نوع اطلاعرسان مواه و مضمون محور است. با پیاده کردن نظریهٔ رایس در باب نقد ترجمه بر متن مورد مطالعه این نتیجه حاصل شد که مدل رایس در مورد متون احکام شرعی کاربردپذیر معیارهای پیشنهادی رایس برای ترجمه را دارا میباشد. افزون بر این، یافتهها نشان داد بیشترین شمار ناسازگاری با معیارهای رایس در این ترجمه مربوط میشد به عناصر معنایی (از مؤلفههای زبانی) و همچنین اینکه عامل مکان در بیشتر موارد نادیده انگاشته شده بود.

واژدهای راهنما: ترجمهٔ تخصصی، رسالهٔ عملیّه، عوامل برونزبانی، مدل رایس، مؤلفههای زبانی، نوع متن

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