Challenges of Translating Persian Books of Islamic Laws into English

Mohammad Shanazary

Department of English Language, Mofid University, Qom, Iran
shanazarymohammad@yahoo.com

Abstract

In this study, challenges in the translation of Islamic Shi'a texts of practical laws were investigated. The English translations of the books of Islamic laws written according to three Iranian Twelver Shi'a mujtahids namely, Grand Ayatollah Wahid Khorasani, Grand Ayatollah Sistani, and Grand Ayatollah Makarem Shirazi were examined. Next, the culture-bound terms concerning practical laws of religion in the three English translations were looked at to see what kinds of procedures have been used by different translators and which procedure(s) is/are the most frequent one(s). The results of this study indicated that the challenges found in the translation of Islamic law texts could be classified into two groups: lexical challenges and structural challenges. Moreover, it was found out that the main challenges include Islamic words, culture-specific items, units of measurement, common words with uncommon meanings, fixed expressions, and modal verbs. In addition, it was found that the translators of these texts have used six procedures more than others and those are transliteration, literal translation, cultural equivalent, functional equivalent, descriptive equivalent and recognized translation. The analysis of examples in this research suggests that among all procedures, the translator, in most cases, has used transliteration and literal translation to cope with the lexical gap.

Keywords: Islamic laws, Culture-bound terms, Religious texts, Translation challenges, Translation procedures

Introduction

If a person accepts a religion, he is expected to behave as required by that religion. Now, the question is how he can be instructed about the duties to perform and practice. Since the instructions may not be available in all languages, the medium of translation becomes vital. In this study, challenges on the way of translating books of Islamic laws of Shi'a Islam will be looked at. Islamic law (also known as sharia) refers to the Islamic codes and rules which are derived and understood from religious jurisprudence resources. Deducing the rules of Islamic law from its sources with the use of proper methods is called "ijtihad'. The oxford dictionary of Islam defines ijtihad as an Islamic legal term that means "independent reasoning." For Shi'a Muslims, a mujtahid is a scholar who is competent in deducing Islamic laws by means of ijtihad. A mujtahid who is trusted and followed by people is referred to as a marja' which literally means a reference. A book of Islamic laws is a book written by a Shi'a marja', and it contains his rulings and judgments arranged according to topics dealing with ritual purity, worship, social issues, business, and so on. The text of a book of Islamic laws is characterized by a very high level of formality, which stands close to the legal style. Unarguably, when someone wants to translate a legal text, they need to pay full attention to details and be very alert to the consequences of subtle contextual changes. In those texts, messages must be transmitted in a language that is definite and precise. Also, many Arabic words and expressions are found in a Persian book of Islamic laws due to its sources. Old fashioned words and expressions can commonly be found in such texts too. The translators of books of Islamic laws deal with many concepts which are culture-specific; however, they are supposed to transfer them with no change of meaning. These concepts should be made known and familiar to TL readers, and at the same time they should not undergo any changes.

The most important element in a book of Islamic laws is the message which is intended to be communicated. Since the addressees of those texts are all groups of people, and those texts provide readers with their responsibilities and duties toward themselves, each other, and God, translating them demands extreme attention and carefulness. However, it is very difficult to find lexical equivalents for the items which are not known for the receptor culture, i.e. culture-bound items. Newmark (1988, p.78) maintains that translation problems caused by culture-specific words arise due to the fact that they are intrinsically and uniquely bound to the culture concerned and, therefore, are related to the "context of a cultural tradition." One of the categories of culture-bound terms in the Muslim

culture is that of practical laws of Islam. A book of Islamic laws is a kind of specialized text which involves technical translation. "Technical translation covers the translation of many kinds of *specialized texts* and requires a high level of subject knowledge and mastery of the relevant terminology" (Chesterman, 2002). 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 culture-dependent and may not correspond to conventions in the target culture. As Arsentyeva puts it, "a typical feature of specialized texts is the extensive use of some grammatical structures, such as the passive voice with the verbs: suppose, assume, conclude, infer etc." (Arsentyeva, 2003, p. 171). It shows that specialized texts are written in an impersonal style. Participle structures, the use of the third person, repeated performatives such as declare and confirm, or frequent consent verbs like permit and authorize are typical of legal texts in particular. In addition to that, the extensive use of modal verbs is a typical feature of contracts as they regulate obligations, rights, and prohibitions. Subjective and expressive expressions generally do not occur in style. Literary expressions are a rare phenomenon in this style. Scientific style starts from the known theme, the conveyor of logical subject as the element bringing no new information but relating to the information mentioned before or known from the context, and proceeds to the rheme, the conveyor of logical predicate. With all that being said, this study aims to explore and find out the challenges the translators face at the time of translating books of Islamic laws from Persian into English and also to look at the existing translations in order to uncover the procedures used in them.

Literature Review

A book of Islamic laws is a specialized text and this study focuses on culture-specific items in it. Therefore, there are two kinds of literature that are related to this study. The first kind is that of translating specialized texts. In relation to specialized texts, some researchers have tried to find general and common characteristics of these kinds of writings. In this regard, Asensio (2007) puts the concept of specialization of texts into two categories: horizontal and vertical. As for the vertical axis, he believes that the concept of specialization is mainly subjective, and for the horizontal axis, he maintains that it is used when categorization of different realities is made subject to a variety of parameters. Fields of knowledge are not strictly isolated from each other and their categorization varies according to time and place. Even when translation is frequently divided into scientific, technical, economic and legal types, fuzzy boundaries among

them are evident. This, according to Asensio's categorization, is also correct about Islamic law texts. It is not a quite separate type of text and it cannot even be determined in terms of horizontal, vertical or genre, whether it is general, specialized, religious, legal, etc. To solve this problem (fuzziness in categorization), Stolze suggested the concept of "reader's understanding." Regarding the lexical gaps, Al-Ghazali (2012) states that cultural differences between languages constitute the main reason behind the rise of lexical gaps. He also claims that lexical gaps are more frequent in religious texts and scientific texts than other text-types. He concludes that **explanation**, **loan-translation** and **transliteration** are the only resort for translators to get around the problem of lexical gaps. Mastná (2010) enumerates some general characteristics for scientific and technical style in English. She says that this style has informative function and its second distinctive feature is the use of terms specific to each given branch of science. She lists the main characteristics of scientific and technical style according to Knittlová as strictly logical syntax and sentence ordering, explicitness, objectiveness, impersonality, condensation, lack of emotional load. In addition, she says that the usage of passive suppresses the author's role and exclusively aims to describe the facts and phenomena. As for the terminology of scientific and technical texts, Mastná (2010) maintains that words used in scientific prose will always tend to be used in their primary logical meaning. In the end, Mastná (2010) says that functionality is considered to be the most important criterion for a translation, but certainly not the only one. There has to be a certain relationship between the source and the target text. In 2011, Samadi, Shomoossi and Eslami Rasekh studied the problems in the translation of legal terms from Persian into English. The study revealed that legal translators prefer the strategy of using paraphrase by related words which suggests that for solving the problem of non-equivalence. The strategy of translation by a loan word or loan word plus explanation and the strategy of translation by a cultural substitution are the next strategies they used. For the translation of the legal terms with lack of an established terminology in the Persian legal language, the strategies used for the translation of such terms is primarily cultural substitution. The next frequent strategy is using a more general word. To translate the dated and archaic-sounding terms, translators prefer the procedure of cultural substitution. For the problems caused due to the use of common words with uncommon meanings, the dominant strategy is cultural substitution.

The second kind of literature pertains to the translation of culture-specific items. Based on Baker's discussion of non-equivalence at the word level and following her categorization, Kashgary (2011) categorizes the cases of non-equivalence between English and Arabic in six categories.

Some of the categories she suggests are Islamic terms and concepts such as salat, hajj, and adhan, Arabic customs, food and social life such as mahram, and Arabic words that are semantically complex like taharah and najasah. Elewa (2014) classifies religious terms into three categories in the Islamic context:

1) unfamiliar Islamic terms that are only used in Islamic contexts such as taqiyyah (dissimulation), and khul' (divorce for payment by the wife);
2) familiar Islamic terms that are used in non-Islamic contexts such as alwala' (allegiance to Muslims), and alfat-h (liberation);
3) familiar Islamic terms that are also used in non-religious contexts, but which do not obviously look as if they are being used in some Islamically specialized way in the ST such as: almukatabah (liberation by virtue of an agreement with a slave), alhajb (exclusion of some relatives from inheritance).

Mahmoud (2015) states that Ghazala (1995) has also classified the Islamic religious items into three categories:

1. New items that did not exist in the Arabic language before the advent of Islam such as Quran and martyrdom;
2. Familiar Arabic item that Islam gave it new implications such as Salah, and Hajj;
3. Items that were already known and used in the Arabic language such as Ka'bah.

One of the most recurrent difficulties encountered by translators is to find equivalents for culture-bound terms. Baker (1992) believes that it is necessary for translators to have knowledge about semantics and lexical sets and the value of the words in source language. She mentioned that a translator can develop strategies for dealing with non-equivalence semantic field. These strategies are arranged hierarchically from general (superordinate) to specific (hyponym). Similarly, Newmark (1988) suggests seventeen translation procedures to deal with culture-specific items and fill lexical gaps. Those procedures are: 1) **Transference** (transferring a SL word to a TL text and it includes transliteration), 2) **Naturalization** (adapting SL to TL punctuation and morphology), 3) **Cultural equivalent** (replacing a SL cultural word with that of TL), 4) **Functional Equivalent**, 5) **Descriptive Equivalent**, 6) **Synonymy**, 7) **Through translation**, calque or loan translation, 8) **Shift/Translation** (a translation procedure via a change), 9) **Modulation** (changing the viewpoint), 10) **Recognized Translation** (using official or generally accepted equivalent), 11) **Translation Label** (a temporary translation usually of a new institutional term), 12) **Compensation** (when loss of meaning, sound-effect, etc. is made up for in another part), 13)

Componential analysis (expanding a lexical unit into basic components of one to two or more translations), 14) **Reduction** and **Expansion** (narrowing down the meaning of a phrase into fewer words or vice versa), 15) **Paraphrase** (expanding via amplification or explanation of meaning of a segment of the text), 16) **Couplets** (combining two or more of the mentioned procedures when dealing with a single problem), and 17) **Note**, **additions**, **Glosses** (adding cultural, technical, or linguistic information of the mentioned translation procedures for rendering CSIs).

Tabrizi and Pezeshki (2015) have examined the strategies used in the translation of a special technical book to deal with lexical gaps. In their study, seventy new terms which have not been employed in Persian (in that field) were selected and examined, the qualitative and quantitative analysis of the words indicated that loan words were the most prominent procedure to cope with new lexicons; in addition, it also showed that loan translation had the highest rate of usage (68.5%) among other techniques and in scientific contexts and it is widely preferred. However, Al-Jaberi (2008) claims that literal translation is one of the reasons for incomprehensibility of the translations of Quran. He maintains that there may be no object or event in receptor culture that corresponds to the same object in the source text. Rather the equivalent function represented by another object or event. In his conclusion, Al-Jaberi writes that the results of the questionnaire he has distributed showed that the given examples were incomprehensible to 95.24% of the respondents. He claims that style, literal translation, cultural differences, use of old fashioned words, transliteration, unusual orthography and punctuation, excessive use of brackets are the major reasons of incomprehensibility.

Regarding religious elements in English and Persian, Sharififar (2010) investigated the differences between English and Persian religious elements which may be problematic in translating from English into Persian. His findings indicated that there was no evidence to show a consistent effort on the part of translator to use any particular translation approach in the process of achieving adequate translation. In another case, Dweik and Abu-Shakra (2011) investigated the most serious problems that translators face when rendering collocations in religious texts namely, the Holy Quran, the Hadith and the Bible. The study revealed that translators encountered problems in lexical and semantic collocations due to the specificity of certain religious collocations that are deeply immersed in the Arabic culture. Pirnajmuddin and Zamani (2012) examined the procedures used in translating the terms related to practical laws of religion in the English translations of Qur'an. The study reveals that literal translation is not only the most frequently used procedure but also the most appropriate one in translating such terms. Two other Iranian researchers did something

similar to Pirnajmuddin and Zamani (2012) and just obtained the same results. Moradi and Sadeghi (2014) worked on terms related to Islamic laws in the Arabic text of Quran and their translations into English and the translation procedures selected for that by seven translators. They noticed that the most frequently used procedure was the literal translation.

Method

In this study, the Persian terms related to Islamic law were compared with their equivalents in English in order to find culture-bound items and to investigate in detail the translation procedures adopted by the translators in dealing with these items. It means, culture-bound terms concerning practical laws of religion in the three English translations were contrasted to see what kind of procedures have been used by different translators and which procedure(s) is/are the most frequent one(s). For this purpose, three Persian books of Islamic laws written according to three Iranian Twelver Shi'a marja's, namely grand ayatollah Wahid Khorasani, grand ayatollah Sistani, and grand ayatollah Makarem Shirazi were examined to find items that are specific to Islamic laws. Then, the corresponding equivalents were identified in the English translations of those books. Next, the procedures used for the translation of those items were identified. Finally, the most frequent procedures were found. The reason for selecting these books is that these three marja's are the most prominent mujtahids who are alive and their books are very similar in structure, format and order of articles. The original Persian versions of these three books are published in papers. However, the English translations of grand ayatollah Wahid Khorasani's book and that of grand ayatollah Sistani have been printed in papers, but the English translation of grand ayatollah Makarem's book has not. The English translation of grand ayatollah Makarem's book is available on the website of his office. So it was studied through internet. As for the translators, these books are translated by some groups of translators. It is also worth mentioning that these translations have been done by their offices and no one have re-translated them yet. Due to the fact that a book of Islamic laws is a long text and also full of culture-specific items, it was necessary to select just some parts especially the titles (more than 200 parts) quite randomly. Then, the selected parts were compared to the counterpart items in the other books. This study uses parallel corpora which consist "of original, source language-texts in language A and their translated versions in language B" (Baker 1995 as cited in Krein-Kühle 2003). Therefore, the translation corpus, which means the SL and TL parallel texts constitutes the basis for an equivalence-related investigation.

Results

Challenges

Analysis of the data revealed that there are two main challenges that a translator faces in the process of translating a book of Islamic laws. Furthermore, six procedures were found that have been adopted most frequently to cope with the culture-bound items in that type of text. The challenges found in the translations of the books of Islamic laws can be classified into two groups: Lexical challenges and Structural challenges.

Lexical Challenges

In a book of Islamic laws, there are many words which are specific to Islam such as the words for classification of different types of water.

Table 1
Translations for Types of Water

Translation of Wahid Khorasani's Book	Translation of Sistani's Book	Translation of Makarem's Book
MuÔlaq	Natural	Unmixed
MuÃÁf	Mixed	Mixed

Due to their primary resources, Islamic words are mainly Arabic such as mudharabah, istibra, 'iddah, qadha, ada, ju'alah, zakat, etc.

There are also some challenges related to the translation of culture-specific terms. Books of Islamic laws are written by those who live in a certain region and for the people of that region. It means that the marja' have issued some rulings for the events encountered by the people. So, as its function is to inform the people of their responsibilities and duties, when translating the text for those living in other regions, cultural characteristics of the target readers need to be taken into account carefully. These texts the translations of which were examined in the study are written for Iranian people; therefore, it has some Iranian culture-specific or region-specific materials. For instance:

آب جاری . . . مانند آب چشمه و <u>قنات</u>

…like water of a spring or a <u>canal</u>

The translators tried to find an equivalent for the word "قنات" (Qanat). Qanat is specific to the Middle East, in particular, Iran. There are various culture-specific or region-specific items which are peculiar to Iran or more generally, to the Middle East such as سفره (sofreh), سلت (sult), جهیزیه (jahiziyyeh), کوزه (kuzeh) and سرمه (sormeh) to name just a few.

The third lexical challenge involves units of measurement. There are many scales such as farsakh and mithqal in a book of Islamic laws and they are specific to Islam or to the region. The reason for mentioning measurement units in a separate class, not under the category of culture-specific items, is that although they may be specific to a certain region or culture, their intended meanings are not, for instance, فرسخ (farsakh) which is a unit for measuring distances and intends to mention a particular distance regardless of the scale or unit. Another example is نخود (nokhod) which is a unit for measuring weight. The word "nokhod" is a Persian word which means chickpea and as a measurement unit, one nokhod equals to 0.19 grams.

> …12.6 *nukhud* of minted silver…   (Wahid Khorasani's)
> …12.6 chickpeas of coined silver...   (Sistani's & Makarem's)

Next challenge was found to be common words with uncommon meanings and they are those words which are used in the current language with a different meaning. These terms have different meanings in Islamic jurisprudence as well as in the communicative usage of language and the translators find them problematic when they are trying their best to convey the meanings of such terms as accurate as possible. For instance, "حدود" (hodud) which generally means "limits or boundaries" has a different meaning in Islamic laws and is a kind of "religious punishment". Similarly, we can see words such as "سلام" (salam: it commonly means hello but in Islamic laws refers to the final part of Prayer), "انقلاب" (inqilab: it literally and commonly means revolution, yet in the terminology of Islamic laws it refers to a particular kind of change e.g. vinegar to wine), and "تقلید" (taqlid: it commonly means imitation, but in Islamic legal terminology it means following a mujtahid's judgments and instructions).

The fifth challenge pertains to fixed expressions. A fixed expression is a standard form of expression that has taken on a more specific meaning than the words themselves like "all of a sudden" or "on the other". It is the standard way of expressing a concept or an idea (Wikipedia, the free encyclopedia 2015). There are various fixed expressions and phrases exclusive to Islamic law texts. These expressions and phrases contain many important meanings and so they are very crucial for understanding the true intended message of these texts. اشکال دارد (eshkaal daarad), بنابر احتیاط (banaa bar ehtiyaat), طهارت از حدث (tahaarat az hadath), and محکوم به بطلان است (mahkum be botlaan ast) are just a few cases of these expressions.. For example, when it says محل اشکال است (mahall-e eshkaal

ast), it means that the subject is based on an obligatory precaution but literally it means: it is the place of problem.

A very challenging expression in Islamic laws, for instance, is the case of سهواً (sahwan) and از روی فراموشی (az ruye faraamushi) and the distinction between the two expressions. سهواً means by mistake and it refers to a situation when someone does something not intentionally but accidentally just like a slip of tongue. از روی فراموشی, however, means out of forgetfulness and refers to a time when someone does something intentionally but due to the fact that they forget the conditions like when someone pays a person for the second time because they forget that they have already paid the person. In many cases, there is a big difference in Islamic laws when something is done by mistake and when it is done out of forgetfulness. Hence, it is necessary for the translator to be extremely careful in selecting the equivalent word or expression. In the translated texts, this distinction were ignored in some cases. The following examples will shed some light on the issue.

- 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. (Translation of Wahid Khorasani's book: Article 1662)
- If a fasting person <u>forgetfully</u> commits an act which invalidates fast and thinking that since his fast has become void, commits intentionally another act which invalidates fast, his fast will be void. Translation of Sistani's book: Ruling 1662)
- If a fasting person <u>forgetfully</u> does one of the invalidating acts and thinking that his fast has become invalid performs intentionally another act (which invalidates fast) his fast will not become void,…. (Translation of Makarem's book: Issue No. 1395)

In this Islamic law there is no different if one does those acts forgetfully or mistakenly but the translations convey the message that the rule is only applicable when they are done out of forgetfulness.

The sixth challenge of translation concerns modal verbs of obligation. According to Swan (2009), "Modal verbs can express various aspects of obligation and freedom. (These uses of modal verbs are very important in the polite expression of requests, suggestions, invitations and instructions.)" (Swan, 2009, p. 327). In English, "should" and "ought to" are used for recommendation and weak obligation. For strong obligation, "must" and "have to" are used. In statements about obligation with "must"

the obligation most often comes from the speaker. To talk about an obligation that comes from outside (for instance a law) it is preferable to use "have to" (Swan, 2009).

When the modal verbs that had been used in these three English translations were counted, it was uncovered that almost 70 percent of them were rendered as "should", 20 percent as "must" and 7 percent as "have to". The remaining portion was rendered in a way other than using a modal verb, for example:

<div dir="rtl">

... باید فوراً آن را آب بکشند

</div>

… <u>it is obligatory to</u> wash it immediately (Translation of Wahid Khorasani's book: Article 136)

Structural Challenges

When a translator tries to keep the linguistic features of the source language in the process of transfer, it may result in unnaturalness or in obscurity. So, some structural adjustments are necessary in translation to remove or reduce unintelligibility and awkwardness. Structural challenges refer the challenges encountered in translating the sentences and paragraphs that is word order. As it is clear and demonstrable, due to their exactness, these kinds of texts do not tolerate any change in structure. Any change, even very slight changes, can ruin the message and distort it to a very different meaning. Therefore, the translator needs to be very watchful and careful about his or her choices. In the books that were examined in this study, for example, it reads:

<div dir="rtl">

معامله چیزی که منافع معمولی آن فقط کار حرام باشد

</div>

This is translated as:

- Transacting a thing <u>which is usually utilized in a forbidden manner</u>... (translation of Wahid Khorasani's book: Article 2083)
- Sale and purchase of those things <u>which are usually utilised for haraam acts only</u>... (translation of Sistani's book: Ruling 2062)
- Sale and purchase of things which <u>are usually utilised for haram acts</u>... (translation of Makarem's book: Issue No. 1752)

The intended meaning of the Persian statement is something whose utilization is usually a forbidden act but as we can see, the translators do not convey the same meaning in spite of being correct in terms of individual words.

Below the challenges that were found in this study are displayed briefly:
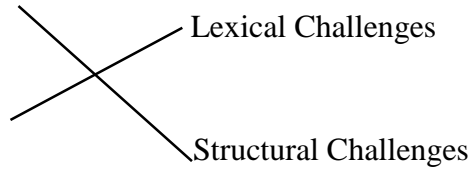
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                                                         ⎧ 1) Islamic words
                                                         ⎪ 2) Culture-specific items
                              Lexical Challenges         ⎪ 3) Units of measurement
Translation Challenges        ╳                          ⎨ 4) Common words with
of Translating a Book                                    ⎪      uncommon meanings
of Islamic Laws               Structural Challenges      ⎪ 5) Fixed expressions
                                                         ⎩ 6) Modal verbs
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Translation Procedures
Six translation procedures were identified in the books
in question:

Transliteration
Approximately 70 percent of Islam-specific words were transliterations in
the translations studied. Amongst all these, there are some words which
have the correct equivalents but the translators have not used the existing
equivalents and preferred to employ the procedure of transliteration. These
words mostly refer to natural phenomena such as the name of a city or a
phase of life, for instance, Makkah (مکه) instead of Mecca and qiyam
instead of standing.

Literal Translation
The second most frequent procedure used by the translators of the books
under study is literal translation. Literal translation or word-for-word
translation refers to the rendering of a text from one language to another,
one word at a time, with or without conveying the sense of the original
whole. In translation studies, "literal translation" denotes technical
translation of scientific, technical, technological or legal texts (Classe,
2000). An example is the expression "*به گناه افتادن*" (be gonaah oftadan).
This expression means to commit a sin but literally it says: to fall in a sin.

- If a person <u>falls into sin</u> on account of not having a wife, it
  is obligatory on him to get married. (Translation of Wahid
  Khorasani's book: Article 2506)
- If a person <u>gets entangled in haraam acts</u> owing to his not
  having a wife, it is obligatory for him to marry. (Translation
  of Sistani's book: Ruling 2450)

- Marriage is one of the recommended acts of worship, and if one fears that he might <u>fall in to haraam</u> by not getting married, then marriage will become obligatory upon him. (Translation of Makarem's book: Issue No. 2023)

Cultural Equivalent

Cultural equivalence speaks about region-specific or culture-specific materials. It is difficult to translate to a culture attempting to describe something which is outside the imagination of the target people. According to Newmark (1988), cultural equivalent refers to an approximate translation where a SL item is translated by an equivalent TL item while maintaining the same connotations, for example, heaven or hell.

These texts the translations of which were examined in the study are written for Iranian people and therefore they have some Iranian culture-specific or region-specific materials as well. For instance, the word "قنات" (qanat) which was mentioned earlier is something specific to Iran and its neighborhood and people of other parts of the world are not familiar with it. The translators have tried to find a cultural equivalent for the word and they ended up with replacing it with the word "canal". Another example is a beverage made with barley called ماء الشعیر (ma al-sha'eer). According to Islamic laws, beer is (najis) but ماء الشعیر is (tahir) and permissible to drink. This beverage is called so in Iran and Arab countries but not in other areas. In English, it can be called non-alcoholic beer, or near-beer. The translators have tried to provide an equivalent for that:

- ….barley water which is medically prepared, and is called MÁÞ al-Sha'Ðr is ÔÁhir. (Translation of Wahid Khorasani's book: Article 116)

- ….barley water which is medically prepared, and is called 'Maush- Shaeer', is Pak. (Translation of Sistani's book: Ruling 116)

- ….the drink extracted from barley for medicinal properties which is called 'malt beverage' and is not intoxicating at all is tahir and halal. (Translation of Makarem's book: Issue No. 128)

A variety of cultural equivalents are observed in the translation of Islamic law texts for cultural words such as "fasting" for "روزه" (rouzeh), "prayer" for "نماز" (namaaz), "cash and credit" for "نقد و نسیه" (naqd va nesiyeh), "advance payment" for "سلف" (salaf), "taxable limit" for "نصاب"

(nisaab), "supplication" for "دعا" (du'a), etc. In these three books, most of the culture specific words were rendered through transliteration.

Descriptive Equivalent

In this procedure, the ST cultural word is replaced by a description of the word in the TT. In this procedure, the translator paraphrases the religious item. For example, "by immersion" or "by submerging the whole body" for the Persian word "ارتماسی" (ertimasi). Another example is the word "نان خور" (nan khor) which is translated as "one who takes meals at the house of a person" in the translation of grand ayatollah Makarem's book of Islamic laws. Another example is the word "غنا" (ghina). In these three books, this word is translated as:

> …the type of singing that is common in gatherings of vanity (lahw). (Translation of Wahid Khorasani's book: Article 930)
> …the way singers sing to entertain the people (Translation of Sistani's book: Ruling 930)
> …like singers who sing in pleasure parties to amuse the people (Translation of Makarem's book: Issue No. 860)

Another example is the phrase "عین نجاست" ('eyn-e najasat). In the translations of the books under investigation, this word was mostly transliterated, but as it was firstly introduced in the translation of grand ayatollah Wahid Khorasani's book of Islamic laws it was rendered as "an item that is essentially najis".

Functional Equivalent

When we use a culture-free word which has the same function in the receptor language as that it has in the source language, we use a functional equivalent. This procedure requires the use of a religion-neutral item. It involves neutralization or generalization of the SL word. For example, حدود (hodud) which literally means 'limits' or 'boundaries' but it usually refers to the Islamically-established penalties or punishment for committing specific crimes or felonies. Punishment for other crimes or felonies is called تعزیر (ta'zeer). This religious distinction between both terms may be discarded to give its functional equivalent in English: 'penalties'.

It is hard to produce functional equivalence in translating Islamic terms such as جهاد, حج, زکات, خمس, etc. into English on the grounds that those concepts do not exist in English culture. In books of Islamic laws, this procedure has been used for units of measurement for instance "750 grams" or "parasang" for "one mudd" or "43 kilometers" for "8 Farsakh". This procedure has been used for other concepts too and its examples are the word "revocable" as an equivalent for "رجعی" (rej'i), "irrevocable" for

"بائن" (baaen), and "pool" for "خزینه" (khazineh). In all these examples, the original Persian words are used to refer to things that their functions matter for Islamic laws.

Recognized Translation

Recognized translation refers to using generally accepted translation of any term. But, there are some problems with that. For example, some recognized translations are from Sunni resources with the meaning specific to Sunni Muslims. As an instance, we can mention the word "**fatwa**". Oxford dictionary of Islam (2015) defines fatwa as an "authoritative legal opinion given by a mufti (legal scholar) in response to a question posed by an individual or a court of law. A fatwa is typically requested in cases not covered by the fiqh literature and is neither binding nor enforceable. Its authority is based on the mufti's education and status within the community. As we notice here, this definition is so different from what is meant by Shi'a mujtahids (a judgment of a mujtahid regarding and issue). Other examples of recognized translations are words such as Islam, haram, halal, hijab, hajj, zakat, usury, mosque, kafir, Mecca, Medina, etc.

The following table briefly displays the most common procedures that translators have used in translating the three books of Islamic laws that were examined in this study.

Table 2

Procedures used in translations of the three books of Islamic laws

Translation Procedure	Definition	Example
Transliteration (about 70%)	The conversion of a text from one script to another	مضاربه to mudharabah
Literal translation (more than 11%)	Translating word for word	غسل دادن to give him a ghusl

Cultural equivalent (about 4%)	The SL cultural word is translated by a TL cultural word	سرمه to eyeliner
Descriptive equivalent (about 4%)	The SL cultural word is replaced by a description of the word in the TL	صیغه to formal declaration
Functional equivalent (about 3%)	The SL cultural word is translated by a TL culture-free word	فرسخ to kilometers
Recognized translation (about 3%)	Using generally accepted translation of any term	رمضان to Ramadan

Discussion

Every religion has some laws and codes for those who wish to follow that religion. When someone decides to translate those laws, they are facing a specialized text as well as some culture-specific items. The most important element in a book of Islamic laws is the message and as it was quite predictable, the most problematic area in books of Islamic laws was found to be CSI's. CSI's consist of two types in themselves: those specific for Islamic culture, and those specific for local culture. The problems resulting from finding proper equivalents may be due to various factors such as lack of knowledge of the source language and its culture, philology and encoding of the message in the target language.

The most frequently used (about 70% of the cases) procedure for dealing with CSC's was transliteration. That is the easiest procedure to take while rendering a word and also gives "local color." According to Veisi (2003) and Ahmadian (1999), transliteration with explanation is many times the best way of rendering religion-specific concepts. This finding is also in line with Maasoum and Davtalab (2011), who found that using general words and borrowing are the most common procedures for dealing with culture-specific items. The second most used procedure was found to be the literal translation. This procedure is thought to be used that much due to the exactness of the source texts as well as their sacredness.

Literal translation and transliteration, however, may lead to incomprehensibility. Some scholars like ElShiekh and Saleh (2011) even reject the procedure of transliteration and believe that it implies the intention of focusing on what divides religions. The results of the present study agree somehow with Pirnajmuddin and Zamani (2012) and Moradi and Sadeghi (2014) whose studies reveal that literal translation is the most frequently used procedure in translating terms related to practical laws of religion. However, it is slightly different from that of Samadi, Shomoossi and Eslami Rasekh who concluded that the first and foremost procedure chosen by translators in the translation of legal terms is cultural equivalent.

Moreover, in many cases (around 5%), none of the mentioned procedures were used, for example, the translators have omitted the original element or have used various tricks to communicate the meaning because in a book of Islamic laws the content matters and the purpose is to provide information.

Conclusion

In this study, Islamic culture in its practical laws according to twelver Shi'a Muslims came under examination. The main research objective was to find the most prominent challenges of the translation of books of Islamic laws. The English translations of three books of Islamic laws written according to three Iranian Twelver Shi'a mujtahids namely, Grand Ayatollah Wahid Khorasani, Grand Ayatollah Sistani, and Grand Ayatollah Makarem Shirazi were examined. Based on the findings of this study, in a book of Islamic laws there are two kinds of challenges that a translator faces more than others. Those are lexical challenges (Islamic words, culture-specific items, units of measurement, common words with uncommon meanings, fixed expressions, and modal verbs) and structural challenges. Lexical challenges mostly involved CSI's. Units of measurement were playing such a significant role in the texts that despite their small quantity they were selected among the most outstanding challenges. Also, the results of this study revealed that among different procedures, the translators of these books have most frequently used six procedures in order to cope with those challenges. In order of frequency, those procedures include transliteration, literal translation, cultural equivalent, descriptive equivalent, functional equivalent, and recognized translation with transliteration being the most frequent procedure used by the translators.

Through this research, it can be argued that the incomplete knowledge of the source and target language, the insufficient mastery of Islamic laws, and the lack of full awareness of one of the two cultures usually result in poor translation. Hence, religious translators, especially those who work

with religious laws, are expected to benefit from the findings of this study. In addition, this study sought to examine and analyze the process of translation in a type of specialized translation which is Shi'a Islamic laws and therefore it tried to draw researchers' attention to the translation of this sub-branch of religious texts.

Due to the need for an accurate and clear translation, many researches must be done in this regard. The results of this study apply particularly to Islamic propagation, to educate Shi'a people with different languages and cultural backgrounds all around the globe who are eager to know their responsibilities. The same needs to be done for other types of religious texts like ethical, historical, or philosophical writings or the records of Islamic narrations and traditions. In the end, it can be suggested that the same study be conducted for other religious laws such as those of Jews and Christians or simply other sects and denominations within Islam.

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