



جستاری در رویکرد تحول گر ایانه حقوق محیط زیست در کشورهای اسلامی (مطالعه موردی جمهوری اسلامی ایران و کشورهای حاشیه

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ویژگی‌های یک مترجم خوب با نگاهی به مترجمان در حوزه حقوق - زهرا وهبی، عاطفه قربانی



## Characteristics of a Good Interpreter with a Look at Translators in the Field of Law

## ویژگی‌های یک مترجم خوب با نگاهی به مترجمان در حوزه حقوق

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### Abstract

The field of English translation is one of the applied fields in all countries of the world. Considering that the English language has a special position in relations between countries, universities, specialized, medical and legal affairs, it is necessary to examine this field. However, it should be known that English language translators do not provide services only in written form. Sometimes translators work as interpreters in international meetings and as interpreters in courts where one of the litigants does not have Iranian nationality or does not understand the Persian language. It is essential. On the other hand, the use of oral or written translators is not considered, but the translator must have special skills, including: general literacy, cultural competence, a general knowledge and understanding of the institutions in which the clients need language assistance, specialty knowledge, accreditation, soft skill, asking the right questions and listening skills. The purpose of this article is to motivate translators and pay attention to their position. The method used in this article is the library method.

Received: 2022/10/29 - Review: 2023/01/03 - Accepted: 2023/02/04

**Keywords:** Oral Interpreter, Law, Court.

### چکیده

رشته مترجمی انگلیسی یکی از رشته‌های کاربردی در تمامی کشورهای دنیا می‌باشد. با توجه به این که زبان انگلیسی در روابط بین کشورها، دانشگاه‌ها، امور تخصصی، پزشکی و حقوقی از جایگاه ویژه‌ای برخوردار است، بررسی این رشته ضروری است. اما باید دانست که مترجمان زبان انگلیسی فقط به صورت مکتوب خدمات ارائه نمی‌دهند. گاهی اوقات مترجمان به‌عنوان مترجم در جلسات بین‌المللی و به‌عنوان مترجم در دادگاه‌هایی که یکی از اصحاب دعوا تابعیت ایرانی ندارد یا زبان فارسی را نمی‌فهمد، کار می‌کنند. از سوی دیگر، استفاده از مترجم شفاهی یا کتبی در نظر گرفته می‌شود، اما مترجم باید دارای مهارت‌های ویژه‌ای باشد، از جمله: سواد عمومی، صلاحیت فرهنگی، دانش و درک عمومی از مؤسسه‌ای که مراجعین در آن‌ها به کمک زبان نیاز دارند، به‌ویژه: دانش تخصصی، اعتبار، مهارت کلامی، پرسیدن سوالات مناسب و مهارت گوش دادن. هدف این مقاله ایجاد انگیزه در مترجمان و توجه به جایگاه آن‌ها است. روش مورد استفاده در این مقاله روش کتابخانه‌ای است.

دریافت مقاله: ۱۴۰۱/۱۰/۰۷ - بازنگری مقاله: ۱۴۰۱/۰۱/۱۳ - پذیرش مقاله: ۱۴۰۱/۱۱/۱۵

**واژگان کلیدی:** مترجم شفاهی، قانون، دادگاه.

ارجاع:

وهیبی، زهرا؛ قربانی، عاطفه؛ (۱۴۰۱)، ویژگی‌های یک مترجم خوب با نگاهی به مترجمان در حوزه حقوق، تمدن حقوقی، شماره ۱۳.

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## Introduction

Translators have a special position in the system of each country, whether in the field of international communication (at the level of communication with other countries in the political field or communication between universities at the global level and from the side of creating communication in international organizations such as the United Nations, Council of Europe and other organizations that are active at the global and regional level) it should be noted that translators, in addition to working in these fields, who are generally known as interpreters; In communicating between companies at the international level and also benefiting from an interpreter, either verbally or in the form of a written interpreter, in courts in Iran and other countries to support and protect the rights of the accused or the victim as a main title of The Principles of Fairness Apply. As an example, in the laws of Iran, in two general Code called the Criminal Procedure Law and the Civil Procedure Law, in articles 200 and 58, respectively, in these two laws, the presence and use of an interpreter, both verbally and in writing, in cases where It has been mentioned that one of the parties to the dispute does not know Farsi. In this article, in a general classification, we discuss the characteristics of translators in general, on the one hand, and the use of special translators who have mastery of legal matters.

### 1- Interpretation Types

There are several types of interpretation for each translation, which include:

A- Consecutive interpreting. This mode is characterized by rendering spoken messages back and forth after each person has spoken. It is defined as interpretation of an utterance after it has been completed; one person speaks at a time. The consecutive mode works well for dialogues or for question and answer sessions. It requires note-taking skills and good memory. In addition, this mode is recommended for working in educational settings, such as in one on-one or small group meetings.

B- Simultaneous interpreting. This mode is characterized by rendering a message from a source language into a target language almost simultaneously and slightly behind the speaker. It is defined as interpretation of an utterance while in progress. The speaker does not stop talking, and the interpreter must not stop either. This mode requires an excellent command of both languages and highly practiced pacing and memory skills. This system is used in some educational events with audio equipment for the interpreter and headsets for the target audience.

C- Sight translation. This mode involves the verbal translation of written text on sight. It might be used for medical records, foreign birth certificates, foreign school records, or legal documents required of parents or guardians of English learners. This mode is challenging since there is generally no preparation time or materials.

D- Paraphrasing. This mode is characterized by simplifying and summarizing what is said. This mode should not be used because it allows unintended biases, omissions, and inaccuracies to affect the final product and meaning. Interpreters should completely and accurately interpret everything that is said.

Interpreting is an intense activity that requires not only knowledge and skills in both languages that are being interpreted and their respective cultures, but also the ability to provide spontaneous responses to information being exchanged verbally at an unpredictable rate of speed and register. The interpreter serves as a conduit and plays a critical role in the accurate and complete conveyance of information (Milcu,2012,4254).

## **2- Interpreter Features**

In order to be able to carry out his/her activities correctly and with complete mastery, the interpreter must follow a series of principles and have the following characteristics:

### **1-2- General Literacy**

Mastery of both source and target languages along with a general knowledge of the second language.

### **2-2- Cultural Competence**

Interpreters should not only be very familiar with more than one language, but they should also have a cultural understanding of the languages they interpret for. This is the ability to detect certain nonverbal cues or customs that are specific to a particular group of people or geographical place. Having a strong grasp on cultural norms will help an interpreter better convey what a non-native speaker is trying to get across (United Language Group,2).

### **3-2- a General Knowledge and Understanding of the Institutions in Which the Clients Need Language Assistance**

It is important for interpreters to understand the rules, expectations, and requirements of the institutions to be served because they need to be able to communicate and work effectively with the people who work in those institutions (Francis,1997,176). Interpreter has extensive vocabulary in both languages, he interprets the message completely and accurately, he allows parties to speak for themselves, he refrains from interjecting personal opinions, he does not engage in side conversations, the interpreter is courteous and professional, he is experienced and able to document his qualifications.

### **4-2- Specialty Knowledge**

Most translators work in a specific industry or field.<sup>1</sup> This means they need to have specialized knowledge in a certain area to be successful communicators. Even though someone might be an amazing multilingual speaker, they wouldn't get far providing medical interpreting services at a hospital if they had no experience with the vocabulary and lingo.

### **5-2- Accreditation**

Certification or accreditation from a reputable interpretation institution shows that an interpreter has put the necessary work in and has the credentials to do the job well. Those who have undergone professional training will not only have a better grasp on language requirements, but also codes of ethics used by interpreters. At the same time, someone who has received credentials is less likely to make mistakes on the job. And errors can lead to serious consequences for both interpreters and the institutions they work for.

### **6-2- Soft Skills**

A good interpreter is more than just a skilled linguist he or she is someone who is willing and able to be a good, compassionate listener. Interpretation situations can be intimidating for non-native speakers, and an interpreter should try to make the experience as comfortable as possible. Second in importance to outstanding language skills is the ability to connect with a wide range of people. These invaluable connections are a necessity for any strong interpreter.

### **7-2- Asking the Right Questions**

Asking the right questions In order to avoid any unpleasant surprises, before you accept an assignment, make sure that you ask the recruiter for all the pertinent information, including: nature of the meeting and subject matter, dates and venue,

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1- i.e. healthcare, legal, finance and etc.

working hours , technical conditions (booths, visibility and equipment) , language regime and the languages you will work from and into, availability of documents and texts, team members, booth mates, team leader, whether the interpretation will be recorded and/or broadcast, mode of interpreting: simultaneous only? Consecutive? Whispering? (Practical guide for professional conference interpreters,1999,3).

### **3- Listening Skills**

In all the actions and activities that an auditory interpreter performs, he or she must increase his/her listening skills, and this is important as a principle in all the work processes of this type of interpreters. Accordingly, auditory interpreters must have a series of special skills in Along with the aforementioned skills and characteristics, it leads to a more accurate, regular and validating activity for the translator himself or herself. These items are described below:

#### **1-3- Anticipation**

Anticipation is an important means that helps the interpreter to relieve the on-line memory load so that the processing capacity can be preserved for other efforts. From the aspect of language knowledge, anticipation can be generated from three levels, namely, the grammatical, syntactic and contextual levels. At the grammatical level, anticipation can be activated by taking care of some signals offering clues for predicting what may come next to follow up such signals. Generally speaking, the signals will lead to set phrases and expressions.

At the syntactic level, within a sentence, the meaning can sometimes be anticipated thanks to the presence of conjunctions which usually imply certain logic relationship between different parts of the sentences, such as although, therefore, etc. At the contextual level, the anticipation will be further expanded into a combination of several sentences or several paragraphs, which can be made based on the vocabulary, grammar rules, fixed phrases and idioms and the Logical relations within the context. The most important point is that all the anticipations are based on the topic-specific knowledge because all the meaning of the language comes from the combination of grammatical meaning and context meaning.

#### **2-3- Improve Psychological Preparation**

Effective listening is very important for comprehending the discourse. However, it is quite possible that the interpreters will get nervous when they are listening to the speaker's speech. As a matter of fact, getting nervous is inevitable for anyone who is going to interpret. While listening to the speaker, they should have a clear understanding of their identity and try to compose themselves as soon as possible before doing the interpreting job. The interpreters should set up confidence and enhance spirit to overcome difficulties. The interpreters should learn to listen

effectively (Zinukova,2016,20). To listen effectively needs attention and concentration. Concentrating properly does not mean adopting a certain posture, frowning and straining with clenched fist, and it means to focus on the speaker's speeches. When interpreters hear an idea that is not immediately clear to them, or miss an idea in the heat of the moment, the interpreters should keep calm and cautiously. At this time, the interpreters learn to continually fill in gaps as they listen, refer back on what they have already understood and understand difficult and unclear points by listening effectively to what is said.

### **3-3- Use Redundancy in Listening Training**

Interpreting work requires concentrated or discriminative listening, also known as active listening, which means avoiding all distractions and learning to be alert. The redundancy present in speech is a great advantage for the interpreters. In other words, they should learn to distinguish useful information from redundant information, and only concentrate their attention on the essential information. Besides following the speaker's line of thought and catching the main idea, interpreters should also try to detect his/her attitude, mood and tone, recognizing special stylistic characteristics and rhetorical strategies used by him. These can provide non-linguistic information for the interpreter, thus forming the proper context for his speech, which might provide some hints for the interpreter in case he fails to catch one word or two during listening (Ma,2013,1233).

### **4-3- Use the Expert or Booth Mate's Help**

In consecutive interpreting, when an interpreter runs into comprehension problems, he may run to experts on site for help. Although the credibility of the interpreter may be reduced, this tactic can save the interpreter from misunderstanding and the serious problems in reconstruction. In simultaneous interpreting, there are theoretically at least two interpreters in the booth at all times. One is active, while the other is passive. The passive colleague, who can devote full attention to listening, has a better chance of understanding difficult speech segment than the active interpreter, who has to share his attention into listening comprehension, short-term memory and reconstruction. Moreover, the passive interpreter has enough time to consult a glossary of other documents, and then give the information to the active interpreter, in writing or by murmuring.

### **5-3- Consult Document during Interpreting**

An interpreter can also look for solution in documents, especially when there is no help from experts present or from the passive colleague available. This tactic may be time-consuming and requires much processing capacity, but finding an important word in a document that had been read and marked before the conference can be very fast.

### 6-3- Sight Translation

Sight translation has been considered as a supportive teaching method for simultaneous and consecutive interpretation for a long time and, due to recent developments in various fields such as business, law, science, and technology, it has gained more attention beyond simultaneous and consecutive interpretation. Sight translation is an oral translation of a written text. However, sight translation is just as tricky as simultaneous interpretation as it involves some of the same mental processes. In the case of sight translation, an input is visual (the written text), but the interpreter still has to process thought in the source language and generate the target language version of that thought while simultaneously processing the next source language thought, and so on (Boginskaya, 2018, 696).<sup>2</sup>

### 4- Official Interpreters in Courts

Sight translation is an oral translation of a written text. This type of translation is used in many official meetings in companies, institutions, organizations, and especially courts. As stated before, in two separate articles in Iranian laws, the existence and presence of a translator in the documents presented to the court and its special use in the meetings where the parties appear to assert their rights on the one hand and to defend themselves, which unfortunately has not been paid much attention to. Article 200 of the Criminal Procedure Law states: The investigator for the plaintiff, private claimant, accused, witness and informant who is unable to speak Persian language, a trusted translator from among the official translators, and in case of lack of access to an official translator, the translator determines another trust. The translator must swear to be honest and trustworthy. Failure to take the oath does not cause the translation of the trusted translator to be rejected. On the other hand, the legislator clearly states in Article 58 of the Civil Procedure Law that the documents submitted to the court must be in Persian language. This article is stated as follows: On the other hand, the legislator clearly states in Article 58 of the Civil Procedure Law that the documents submitted to the court must be in Persian language. This article is stated as follows: If the documents are not in Farsi, in addition to the certified copy or picture, its certified translation must also be attached to the petition. The accuracy of the translation and the conformity of the copy with the original will be certified by official translators or consular officers as the case may be. The importance of Article 58 of the Civil Procedure Law is that failure to comply with its provisions causes the court office manager to issue an order to correct the defect, and if the defect is not corrected, the petition will be rejected. In these two articles, the presence and impact of the translator, both simultaneous and the translator who translates the documents submitted to the court, is clearly stated. According to these two articles, some points should be made about the translator's characteristics:

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2- For more information, refer to the following article: Lee, Jieun, 2012, What Skills Do Student Interpreters Need to Learn in Sight Translation Training?

#### 1-4- Official Translator or Trusted Translator

Official translators are not only approved by the court, but in the absence of official translators, trusted translators are also accepted. Therefore, the translator must not have passed the official translator exam, but in the absence of an official translator, the trusted translator can also take the necessary measures to do about translation.

#### 2-4- Oath

The translator must take an oath to be honest and trustworthy. However, the translator's failure to take the oath does not mean that the translator's translation will not be accepted.

#### Conclusion

Whether as a translator who translates a document or a document and then provides it to his client, or as an interpreter in courts or companies and organizations in general, must be fluent in both the source and destination languages. He/she must have specific knowledge in the field of the subject in which he works, and he/she must have high listening and understanding powers and a strong short-term memory.

**Ethical Considerations:** The matters related to ethics in the research as well as trustworthiness in citing the texts and references of the article have been fully observed.

**Conflict of Interest:** There is no conflict of interest in this article.

**Research Funding:** This research was written without financial funding.

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ISSN: 2783-1841  
ISSN: 2873-1922

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