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Do they Speak the Same Language? Language Uses in Juba Local Courts

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Language Description and Language Uses: the unavoidable discrepancy

K. Versteegh’s book (1984) on Pidginization and Creolization in Arabic was one of the first attempt to link two previously separated domains, i.e. Arabic studies and Pidgin/Creole studies. The controversy which follows the publication of his book participates in the diffusion of information about the main contemporary Arabic based Pidgin-Creole varieties of the South Sudanese basin, namely Ki-Nubi and Juba Arabic (and former Turku). No serious Arabicist can now ignore the three above names and a number of publications have been devoted to the description of these varieties. To recall but a few: B. Heine (1982), X. Luffin (2005), U. Mahmud (1979), C. Miller (1984, 1992), J. Owens (1991, 1997), M. Tosco (1993, 1995), R. Watson (1984), I. Wellens (2005), E. Yokwe (1995).

Most of these studies provide a systemic description of Ki-Nubi or Juba Arabic, and compare them with either other Pidgin-Creole languages or with other Arabic vernaculars or with local African languages in order to establish their specificity and autonomy and to postulate hypotheses about their genesis and development. Although still considered as the ‘orphan of the orphans’ (Owens 2001) because yet marginalized in both the Creole Studies and the Arabic studies, Juba Arabic and Ki-Nubi start to be rather well described, even if many more need to be done. One of the impacts of all these studies is the acknowledgement that ki-Nubi and Juba-Arabic are indeed autonomous and specific varieties which cannot be confused with any other Arabic vernaculars. They are identified through their specific name, and, as it is well known, to name something is to provide it with a specific identification.

An interesting development of this linguistic achievement is the fact that, since Ki-Nubi and Juba Arabic have been identified as “specific” languages, the local speakers (Nubi people from Uganda or Kenya and all Sudanese Southerners) are expected to speak what the linguists have described as Juba Arabic and Ki-Nubi. This is what is happening for example in the case of language tests applied to
asylum seekers in a number of European countries. If somebody claims to be a Southern Sudanese but speaks an Arabic variety close to Northern Sudanese colloquial varieties instead of the Juba Arabic described by the linguists, he cannot be a “true” Southerner. Asked to provided some counter-expertises, I realized that the way of speaking of these “doubtful Southerners” was sometimes rather similar to some cases I recorded long ago in some local courts of Juba, with well attested Southerners!

In many contexts, most Sudanese Southerners constantly shift from a more “Creole” level of Juba Arabic (or basilectal level) to a level more influenced by Northern Sudanese Colloquial Arabic (mesolectal level). The coexistence of different levels of Juba Arabic was first highlighted by U. Mahmud (1979), who applied the Creolistic concepts of continuum and basilectal and mesolectal varieties to describe the variation found in the verbal system. I myself dedicated a number of papers to emphasize the degree of variation and diversity included under the generic label of Juba Arabic (Miller 1984, 1987, 1989).

In the continuum approach, each pole (basilectal/mesolectal) is characterized by a number of specific features (isoglosses), while the intermediate levels of the continuum are characterized by different degrees of occurrence and melting of the various features. It appears, however, that it is extremely difficult to draw an implecationnal scale, that will be characterized by a regular acquisition of dialectal features along the continuum scale. In fact, each speaker tends to have its own way of mixing the various features, some focusing more on phonological features, others on lexicon or morphological features.

I myself, insisted on the fact that the evolution of Juba Arabic was far to be linear, and was not automatically leading to a process of decreolization. Different trends of change and restructuration were simultaneously recorded in a city like Juba and different influences were operating on the daily language, one leading towards a rapprochement to Khartoum Arabic, the other toward what I have called a process of vernacularization (Miller 1987).

This diversity and variability of Juba-Arabic raise the following questions: where are the boundaries of Juba Arabic? On which criteria can we decide that a person speaks or does not speak Juba Arabic?
Are the speakers conscious that they are mixing different features and variables in their speech? Do the speakers and auditors have the same perception than an outsider linguist?

**Languages Uses in Juba local Courts**

In order to illustrate the diversity prevailing under the generic label of Juba-Arabic, I choose to present complete samples of interaction, instead of short extracts given as examples. These samples were recorded in 1981 and 1984 in two local Courts of Juba, the capital-city of Southern Sudan. Local Courts were of particular interest, because very different kind of people were coming to present and defend their cases. Taking into account that more than twenty years have passed since the mid 1980s, and that almost nothing is known about the present linguistic reality of Juba, such samples could be considered as a kind of linguistic testimony of what speaking Juba Arabic meant in the 1980s.

The term “local Court” and its Arabic equivalent *maḥkāma ʾahliyya ~ makama ahliya* was applied to Southern Sudanese A and B Courts at the levels of the village, the district or the city. Various languages were used in these local Courts.

- Outside Juba, the A Court was the village’s Court headed by the village’s chief, assisted by two or three elders. The language of communication was, most of the time, the local African vernacular (Bari, Kakwa, Zande, Moro, etc.). The B Court was the district Court headed by the paramount Chief assisted by the village chiefs. It dealt with matters not solved in the A Court. In multilingual districts of Equatoria, such as Yei B Court, the languages spoken were local vernaculars (Kakwa, Moro, Madi, Avokaya), Juba Arabic, Bangala (the local variety of Lingala) and a few English.

- In Juba, the only A Court was the Garawiyya, located in the center of Juba, near the main market, and dealing with low-level criminal cases (robbery, neighbors’ quarrels, etc.) involving any person living in Juba, whatever his ethnic affiliation and period of stay were. The Court was headed by an appointed local Judge (Ramadan, 49 y. old) and two assistants. The main language of communication was Arabic (Juba Arabic up to NSA). A few speakers used an African vernacular and were assisted by a translator. The summary of the case was always pronounced in Arabic but written in English.
The Kator B Court was the Bari local Court (the Bari being the main local group of the Juba-Rejaf area), located in Kator district. It was dealing with personal matters involving at least one Bari participant. The President of Kator B Court was a Bari (Stephen, a retired policeman), assisted by two or three Bari elders. The language of communication were mainly Juba Arabic, Bari and a few English.

The localization and specialization of each Court influenced the language uses. In Juba, the Garawiyya Court was far more exposed to the influence of NSA than the Kator B Court. In the Garawiyya, only 4 speakers, not resident in Juba, spoke in their native vernaculars, while 35 speakers spoke only in Arabic (with 16 speaking a more mesolectal variety and five speaking NSA). In Kator, 10 speakers spoke mainly in Bari against 24 in Arabic (with none speaking NSA and 14 more or less mesolectal):

![Figure 1: Language Uses in Kator and Garawiyya Local Courts](image)

<table>
<thead>
<tr>
<th>Courts</th>
<th>Speakers*</th>
<th>Non-AR Vernaculars</th>
<th>Juba Arabic</th>
<th>NSA</th>
<th>English</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kator B</td>
<td>34</td>
<td>10 Bari</td>
<td>24</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Garawiyya</td>
<td>39</td>
<td>3 Bari</td>
<td>30</td>
<td>5</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 Dinka</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>73</td>
<td>14</td>
<td>54</td>
<td>5</td>
<td>0</td>
</tr>
</tbody>
</table>

* Number of speakers do not include the Judges

The above figure classifies each speaker according to the use of one dominant language (English, NSA, JA and Non Arabic Vernaculars). In fact, the delimitation between each language was not that clear-cut and there were many cases of language mixing, as will be evident in the Corpus presented in Appendix 1, 2 and 3.

**Presentation and Brief Analyse of the Corpus**

The samples presented in Appendix are taken from three cases, considered to be representative of three types of speaker. The participants involved in Case 1, belong to the important Nilotic Dinka-
speaking group, a non-local Juba ethnic group. They aren’t educated, and speak Juba-Arabic as a second language. In Case 2, the participants belong to a small ethnic group from Western Southern Sudan (Bay from Bahr al Ghazal Region), are educated and work in the police or the army and speak a level of Arabic very much influenced by NSA and WSA (Western Sudanic Arabic). In Case 3, speakers are all Bari Juba citizen and speak Bari or a vernacularized Juba Arabic, very much influenced by Bari features.

In both Courts, the procedure was rather similar. The case starts by an oath (on the Bible, the Quran or a spear according to the participant’s religion, – see (s.9) in Case 1 and (s.14) in Case 2. Then the plaintiff tells his/her story; after some questions, the Judge summarizes the story and asks the defendant to present his/her own version. Additional questions follow and some time additional testimonies are required. After listening to all parties, the Court deliberates and announces its verdict. Most of the cases took between 30 to 40 mm in Juba while they could take hours in the villages. Cases tended to be shorter in the Garawiyya than in Kator.

Speakers are presented as follow : J.= Judge  S.= Court’s Secretary. T.= Translator, P. = Plaintiff, D. = Defendant and  W.= Witness.

Elements in italic are considered to be “average basilectal” Juba Arabic. Elements in bold are considered to be more “mesolectal”. Underlined elements are borrowings from the local languages, mainly Bari. Plain words are English borrowings. Many elements are common to both basilectal and mesolectal Juba Arabic. They have been put in both italic and bold, but the distinction between more basilectal or more mesolectal remains very fluid. The transcription of the Bari sentences have been done in 1987 by a Bari student, who followed the standard Bari written system used in Equatoria.

Mesolectal features taken into consideration include a) phonological features (consonants ʃ, x, γ, t, d, s, c, h, long vowels and geminates), b) morphological features (object suffix pronouns, definite article, plural and gender affixes, TMA and person verbal affixes) c) lexical items. It must be noted that the insertion of mesolectal features lead often to mix forms, which are neither Northern Sudanese Arabic (NSA), nor Creole Juba-Arabic.
African vernacular features taken into consideration include a) phonological features (p, η, ŋ, ɔ, ɛ, ʌ, ə, j strong palatalization and affrication) b) lexical items and idiomatic expressions. Syntactic features will not be discussed here.

The brief analysis that follows intends to highlight individual level as well as main examples of mixing with focus on mesolectal insertion. But readers are invited to go to Appendix 1, 2 and 3 in order to evaluate the degree of mixing within each individual speech.

Text 1, The Dinka Case, Garawiyya Juba, 1981.

Summary: A Dinka woman coming from a village accuses a Dinka man living in Juba to have robbed her a sac of sorghum when she came down from the ferry. She speaks only Dinka and her speech is translated by another Dinka from Juba. The case started the day before but was postponed in order to look for an additional witness who could prove the identity of the defendant. The woman affirms that he is called Maluk while the defendant claims to be called Deng. At the beginning of the second audience, the secretary summarizes the facts (s.1) and then the Judge is looking for the witness (s.2 to s.9) who finally arrives and supports the plaintiff against the defendant that he knows since 1975 (s.10 to s.20); the later is finally recognized culprit by the Court (s.21).

This case illustrates a type of language uses rather common in the Garawiyya Court, that I will define as a formal basilectal non vernacularized type of Juba-Arabic. This type of speech is very common among non L1 speakers of JA (rural people, older generation) in formal situations and lead to many mix forms. Although it contains most of JA basilectal features (such as verbal invariable forms), it is characterized by numerous instances of phonological variation (s/f; k/x; j/z; a/ā, etc.) and by the frequent dropping of the verb’s final epenthetic vowel (kelem vs. JA kelemu “speak”, gal vs. JA gale “say”, baaref vs. JA bi-arifu “know”, etc.). A number of lexical items are taken from NSA like der “want” (NSA dāyir/ JA aoju), bet “house” (NSA bēt/JA jua), particle aw “or” (JA wela), etc. Some “old” terms inherited from the Ottoman military language remain like dosoman “troubles, fight” (cf. s.8) and appear to be part of the Court vocabulary. One notes the irregular insertion of a number of
mesolectal morphological features borrowed from NSA such as definite article al- (ol/el) “the”, verbal suffixes and prefixes as well as affix pronouns.

In Case 1, all speakers speak this formal non vernacularized JA, with various degree of mesolectal insertions.

The two Dinka participants (the translator and the witness) use independent personal pronouns and invariable verbal stems like Translator (T.) in sentence (s.3) nina má dar māthi “we don’t want to go” or sentence (s.5) yau ána kêlem leč ḥede “I talked to him like this”. The pronunciation shows the influence of the Dinka Mother Tongue, particularly concerning the realization of the phonemes /ʃ/ /s/ and /z/ realized as [θ] (a frequent pronunciation among Nilotic speakers) like in ḥenū “what” (JA senu /NSA šenū); ṣol “somebody” (NSA zōl/ JA jol), etc. Vernacular influence is also noticeable in the realization of the vowels, with a tendency to realize /e/ like an open [ɛ] and /o/ like an open [ɔ]: kǒŋ (s.3), leɔ (s.5), bɔlís (s.12), baάrfọ (s.13), nugaser (s.12), bɛθ and ḥeka (s.16), etc.

The Dinka witness (W) realizes a number of inflected verbal forms and affix pronouns: (s.12) nugaser (JA ana bigeseru/NSA agaš̃ar) (“to limit, shorten”, (s.20) axuk (JA aku btak) “your brother”, gutta lek (JA ana gale le-ita) “I told you”, negabel (JA. ana bigabalu/NSA agābil) “I meet”, nesalem (JA ana biwodi salam to/NSA asallam) “I great”, neddu (JA ana wodi leo/NSA naddū) (“I gave him”). It may be noted that 1st sg. imperfective form is n-+ verb (similar to WSA) and not a-+ verb (= NSA).

The secretary (S) has a JA pronunciation : (s.1) asrin “twenty” (NSA ḋafrīn), asan “because” (NSA ḋafān), jól “person” (NSA zōl) but izebu “he brings” (JA jibu/ NSA iğib).

The Judge displays many instances of phonological variation:

z/j (s.2) winū zól el-bārefu jól da (with dominance of [j] cf. (s.4));

x/k (s.6) axu “brother”, (s.15) kemsa “five”, (s.17) inta bikutu “you put”

ʃ/s (s.4) afan/asan “because”, (s.17) musu “isn’t it”
He keeps many invariable verbal forms: cf. (s.4) *nina fil “we take”, (s.8) *nina balasu “we stop”,
(s.21) *inta bigul sehi “you say right”, etc. and many independent personal and possessive pronouns:
(s.9) *el-makhāmā nadi eta “the Court call you”; (s.15) *inta baarlo aglaK hitao “you know his
behavior?”; (s.21) *weled btak suker winu “where is you small boy?”.

The mesolectal variables include 2cd sg. personal pronoun *inta “you” (JA *ita), pl. deictic *del “this”
(JA *de), definite article *al (JA *de) and a number of conjugated verbal forms: (s.9) *towori “you show”,
(s.21) *kizibta “you lied”, *sarekta “you stole”, etc. Conjugation of verbs leads to some cases of
malapropism such as (s.9) *nasaltak “we ask you” with the coexistence of -1st pers. imperfective and
-t 1st or 2cd pers. perfective. Another mix form is the verb *gul in (s.4) *ğiği wörü gül “he just come
to tell that” (JA bas bija wori gale/ NSA *ğiği igül or *ğiği iworri ?innu). The insertion of mesolectal
features increases at the end of the case (s.22), when the Judge is enouncing his verdict and is using a
number of “technical terms” such as *tazāvir “falsification”, *ğiça “faults/punishment”. Note however that
the Judge always alternates basilectal and mesolectal realizations like the alternation *sarekta/*ita sereG
in (s.22).

A number of mix JA/NSA realizations recorded in Case 1, were almost permanent in the Judges’
speech of the Garawiyya and appear also in Case 2. They seem to indicate that, indeed, this type of
mix level was considered as the appropriate level in the Garawiyya Court.


Summary: a young Bay police-lady (Hawa) from Bahr al Ghazal accuses two Bay guys to have try to
attack her the night before. She recalls that she was going back to her home when the two young men
started to insult her and beat her. Fortunately she was able to call for help and a soldier came to rescue
her and, after many events, managed to bring the two boys to the police office. The two defendants
contest the lady’s version and claim to be victims of a confusion, i.e. the soldier took them instead of
the real culprit. The lady and the two boys agree that they never met before, in spite of the fact that
they all belong to the same small tribe (Bay). The two Judges argue between them concerning the importance of this common ethnic background. The soldier is called as a witness and makes a very long testimony, which supports the police-woman’s story. After many discussions and controversies, the two boys are recognized culprits and have to pay a fine of 36 Sudanese pounds.

This case illustrates a more mesolectal level, mastered by the persons who have been educated in Arabic and particularly those coming from the region of Bahr al-Ghazal. However, each speaker has his specificity, and while the young lady is the most influenced by colloquial features, the men alternate between basilectal and mesolectal features and create many mix forms. A number of lexemes appear to be shared by all the participants such as der (JA auju) “want”, bet (JA jua) “house”, gul (JA gale) “say”, fat (JA futu) “pass”, darab (JA dugu) “heat”, suf/ʃuf (JA ainu) “see”, le-raet-ma (JA lakadi) “until”, etc.. At the level of the verbal system, one notes many occurrences of participial forms such as ġay “coming”, gaad “staying”, fāyel “working” and the frequent use of TMA auxiliaries/verbal particles like kan, bikun, gam/gum, gaad, lisa, biga/baga, ġa, aoz.

Hawa (s.15 & s.17), the young police woman speaks a level very close to NSA or rather to Western Sudanese Arabic (WSA). She pronounces many long vowels, as well as velar fricative /x/ and sibilant /ʃ/ but she realizes few pharyngeal and emphatic consonants : i.e. (s.15) saa “watch” (NSA sa‘a) , saba “morning” (NSA šabāh), talāta “I came” (NSA šala‘i) but end of (s.17) sa‘a fekka “the watch drop”. She conjugates almost all verbal forms: cf. (s.15) ġit, saketta, zitta, hum zādu and (s.17) gumta, wageftu, gulta, tefhām, netfahim, majet, etc.. Personal object and possessive pronouns are systematically suffixed: (s.15) garas-ni fi-ğulb-i “he pinched me in my buttocks”; (s.17) daggaj-ni, axwān-i, masak-ni, xaʃm-ak, bedugg-ək, etc. She uses a number of TMA auxiliaries,like gam and ġa to mark inchoative:

(s.15) ana gumta zitta katwa btay “I accelerated my walk”

(s.17) da tawāli masaknī ġa garasni “He immediately sized me and start to beat me”.

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Hawa masters the morphological rules of NSA and shows very few occurrences of malapropism or mix form. Gender and plural agreement however remains irregular: (s.15) *ana ġay* “I came-masc.”, *ana māfyā* “I went-fem.”; (s.17) *arabiya aba yagif* “the car (f.) refuse (masc.) to stop (masc.)”, *awlād der iyamal mayi mufākel /boys (pl.) want (sg.) he-makes with me problems/ “the boys want to make me problems”.

Defendant 1 (John Gabriel, s.28, s.30, s.34) starts answering both Judges with mesolectal features:

(s.7) J2: *sógol btāk? “Your work” D1: *mā fiyel/řaleb “Not working/student”*

(s.24) *samētu “I heard-it”*

(s.28) *ana kunt ġay min hay kōmerfyal li-l-bēT “I was coming from district Commercial to the house”.*

Then he alternates between few inflected verbal forms and many invariable verbal forms as well as between affix and independent pronouns:

(s.30) : *ú ma bōlis gaadin isuggū zōl de / uman ġa giddām/ ana ġa wara/ nama ana wosol mōbil/ /he and police stay-pl they-drive person this/ they pass (sg.) in front/ I came (inv.) behind/ when I arrive (inv.) Mobil./

“He and the police officer were driving this person, they passed in front, I was coming behind when I arrived at the Mobil Station”

(s.38) *bass darab bitoman ana ġa katal /only fight of-them I came (inv.) kill (inv.)/

“I just came to stop their fight”.

Defendant 2 (William Peter, s.45, s.47, s.51) realizes many inflected verbal forms and affix pronouns:

(s.52) *gabodāni zamān qale nemfi-l-nukta niřuf/ min wisolat unak ġan nera mufkila bta džn kif*
“They captured me when I went to the police station to see/since I arrived there to assess the problem of John…”.

Like the Dinka witness in Case 1, William uses the WSA n- 1st sg. imperfective pers. pronoun instead of NSA ʔa-. Note also the use of verb gale “say” to introduce an embedded sentence (zamān gale “time that”).

The witness (W. the soldier) starts with a formal mesolectal level: (s.75) ana kunta fayal fi-l-ğawazāt, ana sāken fi Muluk “I was working in the passports, I lived in Muluk”.

But very quickly he alternates between basilectal and mesolectal features : ana ġit ġa wosolu fi medresa/ ana āt/ fialan fatet.. “I arrive near the school/ I passed/ of course I passed”; baadin ana ġit ana gul “when I arrived I say”, ana gulta tayib ya axwāna matakum sakal bit fi tarīka zede « I said good oh my brothers, don’t quarrel a girl in this way » (note JA negative imperative marker matakum “dont’!”).

He ends up speaking almost only Juba-Arabic, including at the phonological level (ʃ > s, x > k). Unlike the speakers of Case 1, his level of Juba Arabic is more grammaticalized. It includes many verbal TMA markers as well as embedded sentences:

(s.75bis) dā tawālī gum amol musakīl fo mōbili li raat ma aoz kaser mōrat bta arabiya zatu « He immediatly started making problems in the Mobil station until he was almost breaking the mirror of the car »

ana biğa fūt fi ġawazāt ya neselem kelem kabār li ġamaa fi taakhir el ana aker line zaman “I was going to the passeport (office) in order to bring the news to the people about the delay that I delayed before”.

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Compared to Case 1, Judge 1 (Ramadan) shows the same level of phonological variation (s/f, x/k, z/j) but uses more lexical and morphological mesolectal features (see s.25, s.37, s.52, s.74, s.79). It may be noted that in (s.25) when Judge 1 is summarizing the testimony of the police-woman, he makes more gender agreement than she did and employs the 2cd and 3rd fem. personal pronouns inti and iya:

(s. 25) **el-bint de gāl iya mafya** “The girl said (masc.) that she was going (fem.)”; **inti ḡāya min wēn** “you (fem.) coming (fem.) from where?/; *saa btao fakkat waga* /watch (fem.) of-him drop (fem) fall (mas.)./

But he also mixes with more basilectal JA and consistently uses the invariable form *gul* “say”:

(s. 25) **intakum gul inti jermuta sake**T /you-pl say you (fem.) prostitute only/

(s.52) **nāker u gāl woketa dak kalam inti gul ma hasal kālu-kālu** /deny and say time-that word you (f.) say not happen all-all/ “He denied and said (that) at that time what you say never happened”.

As in Case 1, conjugation of verbs and auxiliaries lead to cases of malapropism or mix form

(s.52) **asa nafarēn de badi sumit kalamu** /now person-Dual this after I-listened word-his/

“now after I listened the word of these two persons” (*sumit* vs. JA *asuma* and NSA *sami*)

**fi tarīka gāmo daribtu bi daraba fadid** /in way they-stand you-beat with beat strong/ “On the way you started to beat her strongly” (*gāmo* vs. NSA *gumtu*).

Compared to Judge 1, Judge 2 (see s.66, s.70, s.76, s.78), sticks to a more basilectal pronunciation (f > s, x > k, etc) and grammar:

(s. 66) **musu barau rūtan bta bay keda wonosú** /Neg alone language of Bay like-this spoken/

“Isn’t it a specific Bay language which is spoken?” (note impersonal structure rendered by shift of stress to final syllable of *wonosu*).

Case 2 highlights the coexistence of different levels (types?) of (Juba) Arabic and different degrees of mixing. The level of the police-lady and the intermediate level of Judge 1 and D2 could be an indication that the mesolectal level is indeed the prestigious urban formal level, that people speak or
try to speak in formal context like the Court. This hypothesis is however not sustained by the data from Kator B Court, which indicates another type of urban uses.

Appendix 3 Kator B Court, Judge Stephen, 1984

Summary: This case starts in a noisy atmosphere and the Judge Stephen asks for silence from the audience (s.1). The secretary and the police-officer try then to stop a person who wants to talk (s.2 to s.5). The case concerns the non-payment of a dowry. The plaintiff Gabriel (from s.10 to s.30) accuses the defendant (Santino) to have marry his sister during the first civil war and to have never paid the dowry. The sister had died and Santino did not take care of the four children, and one died in an accident. Gabriel now takes care of the children and is asking for the payment of the dowry. From (s.31) to (s.33) there is another interruption from a woman. In (s. 35) the defendant explains why he was in the incapacity of paying the dowry. A number of relatives come to give their testimony (parts not reproduced in the Appendix). At the end, the family of the defendant agree to pay the remaining of the dowry and the Judge Stephen (s. 36) ask everybody to reconcile.

The plaintiff is speaking in Juba Arabic while the Defendant is speaking in Biir. The Judge Stephen, as well as the police and the secretary shift between Juba-Arabic, Bari and a few English (see s. 30 for an example of code mixing Bari-English).

This Case illustrates a type of language uses very common among the Bari population of Juba and surrounding areas, with a deep inter-penetration between Bari and Juba-Arabic, which certainly helped the vernacularization of JA.

When the Judge Stephen and the plaintiff are speaking in JA, one notes the phonological influence of the Bari languages with realizations

\[ f > p \quad \text{pi} \text{ “in” (NSA } fii) ; \quad \text{pogu “on” (NSA } fōgu) , \]

\[ z > j \quad \text{julumin “spoiled” (NSA mazlūmīn)} \]

\[ ā > a’at \quad \text{bana’at “girls” (JA } banat/NSA } banāt) , \text{ma’at “die” (JA } mutu/NSA } māt) \]

\[ e > \hat{\lambda} \quad \text{gādiyat “case” (JA } gediya/NSA } gadiya) (/\hat{\lambda}/ \text{ is noted } ā \text{ in Bari script and by Bari speakers}). \]
A number of words are common to both JA and Bari like *mali* “dowry” from Arabic *maal* “money” or *kurju* “cultivate” from Bari *kuruju*. Some expressions are idiomatic translations from Bari expressions such as (s.38) *tusu bujak ~tufu busaK* “spit saliva”, i.e. give benediction”.

When the defendant is speaking in Bari, one notes the presence of a number of Arabic (sometimes from Ottoman military Arabic) words like temporal markers *kan* “was/before”, *badin* “then/at that time”, *asa* “now”, discourse markers *taban* “of course” *kalas* “OK”, numerals (all numbers are in Arabic) and words linked to administration or political event such as *hawadis* “civil war”, *hukum* “judgement”, *korba’at* “whip”.

Inter-penetration between the two languages goes over phonological and lexical transfers. It includes also syntactic similarities like the use of verb ‘say’ (*gale* in JA, *adi* in Bari) to introduce embedded clauses (Miller 2001).

(s.7)  
*taban ana sufu zede gal kan uwo ro pxisu mal ...*
/naturally I saw like-this say if him go look dowry.../

« I realized that if he was going to look for the dowry »

(s. 36)  
*kirut adi monye sarji adi ukum nagwon kōju monye a ukumbe adi asa man ‘dek pitōnō kwe*

“Then her father sent a message that the judgement passed before was that now I want the remainder of my money”.

Note that almost none of the mesolectal features, so common in the Garawiyya, were recorded in this case. I noticed that the Judge Stephen never tried to imitate a mesolectal level, even if some of the young participants were talking in mesolectal JA. If he had to alternate and adapt to the speaker, it was between JA and Bari and not between JA and mesolectal. Stephen’s way of speaking is still a rather formal and juridical way of speaking and cannot be associated with an informal level of JA. However his speech (particularly s.37), as well as that of Plaintiff Gabriel, was rather similar to the level of JA broadcasted by the radio of the Sudan Council of Churches and is rather similar to what linguists will consider as Juba Arabic (see Watson (1984) in particular).
Conclusion

The three cases illustrate different levels/types of Juba-Arabic. Of particular interest was the attitude of the two Judges, Ramadan in the Garawiyya and Stephen in Kator. Ramadan realized a number of mesolectal features and used some Arabic Juridical terms. However, he was adapting his speech level to his interlocutors (cf. compared degree of mesolectal insertion between Case 1 and Case 2) and he never tried to assert his Authority through the exclusive use of a high linguistic norm. He also never commented about the language uses of the other participants. As for Stephen, he always spoke a basilectal vernacularized Juba Arabic and was playing between Bari and Juba Arabic. He often made some comments about the Southern identity (rena fi januub “here in the South”, kalam bta januub “words/languages of the South”, arabi bitana bta januub “our Southern Arabic”) and once criticized a young man talking like a Northerner.

The language uses of the Judges indicate that while the Garawiyya Court was influenced by its surrounding Arabized Malekiyya neighborhood, the Kator B Court was influenced by the Bari surrounding, even if most speakers prefer to speak Arabic than Bari. Two types of urban models were present here. On the one hand, the Northern Sudanese Arabized urban model symbolized by the merchant community (both Arabs and non Arabs living near-by), which still had an influence upon part of the Southern population (old settlers as well as new comers). On the other hand, the East African urban model (Nairobi, Kampala) brought back by the returnees and supported by the local Churches and the political Southern activists. In 1984, at the breaking of the second civil war, these two urban models were still coexisting together with more rural traditional ways of life. Language diversity, as well as religious and ethnic diversity, were considered natural components of the city. How far did somebody like Hawa, the young Bay police-woman, and Stephen, the former policeman or Gabriel considered that they were speaking the “same language” (Juba-Arabic?), or considered that they were speaking two different languages? This was a question that I did not ask at the time of recording and that I can’t answer. I later worked with some Bari informants in Khartoum. They could very easily reproduce Creole/basilectal Juba Arabic features, when asked to do so. For those who knew NSA, they were perfectly able to distinguish between the two systems. They had therefore a clear consciousness of what JA was, as a distinctive linguistic system. I noticed, however, that when I
asked some of them (students trained in linguistics) to transcribe some of the tapes recorded in Juba local Courts, they tended to systematically transcribe them in a basilectal Juba Arabic phonology, without reproducing the mesolectal variations. It was as if, for them, people from Juba were speaking one language. I did not discuss with them the reasons of their attitudes and I don’t know if they were or not aware of these variations.

The recording of ‘natural’ corpora help to better grasp the ‘natural’ diversity. But it makes the linguistic analyses more complex and renders the concept of ‘autonomous linguistic system’ rather problematic. As it is also the case with Standard and Colloquial Arabic, it is possible to describe the two poles of the continuum as two different systems. But it is hardly impossible to decide where is the boundary between these two languages within the continuum.
References


(1) S. **ombāre gediyə fi mantār tultu miya tnēn u asrin/ tabān ombāre azimó asan māra de igitsu nās/jól el ga-āref asān zādu bta jól de/ gal ō yāani dēn wa ō gāl mālūk/**

   “Yesterday the case in the register (was recorded as) three hundred twenty two. Of course it has been reported so as the woman could bring people, somebody who knows him [i.e. the defendant] and could testify. Because the man said he is called Deng and she said he is called Maluk.”

(2) J. **winú suúd/ zól el-bārefu jól da/ inta**

   “Where is the witness? The one who knows this person? You?”

(3) T. **alfna ṭol igül ṭenū ya wākotu/ gūl nās tōmon fi kān kōn / lākan maθi lomon/ oman gāl zól de arāmī / mumkin fi ġerima tānī nīna má der māṭī/ unon kāfū bē/ má der māsī/**

   “Listen she says what ô Wakotu (??)/she says that their people are in Konyo Konyo/ if she goes to them/ they say this person is a thief/ maybe there are other crimes/we don’t want to go/ they are afraid of him, they don’t want to come.”

(4) J.: **Nīna bas fīl haḡ-cf:fenū/ nīna nādìn jōl /úwo biği aǰīn ğe-wōrī isim ta jōl de bęs/ múš kālām tānī/ bas ğī ĝwōrī gūl ya makhama ānā bārefu jōl de/ isim tō filān/ asān úwo indi tnēn isim ena/ jōl de biwōrī yatū el-numero biyāref fōgó/ bes kālām tānī mā fī/**

   “We take him for what?/ we called the person/ (so that) he comes to show the name of the person only/ Nothing else/ He just comes and tells ô Court I know this person/ his name is so/ because he has two names here/ The person tells which number (name) he knows/ there is nothing else.”

(5) T. **Yaū ānā kēlem leğ ḍede bät nagāfa / gāl lē/ lākān intākum der kalam/ kalita ṭol irū wōdīna ma bōlūf fi kān kōn**
“Indeed I talked to him like this but he refused/ he says to me/ if you want words/ let’s somebody go take us with the police in Konyo Konyo”

(6) J. La la/ tāyeb hūwa indu āxu/ jōl bitaō fī / rağel bitaō wēnū?

“No, no/ OK does she have a brother/ does she have somebody/ where is her husband?”

(7) T. ay fī fī bāra

“Yes he is outside.”

(8) J. Tāyeb/ kan uwo ra ma axu bitaō/ ma rağel bitaō/ uwa birūh wōri nas del/ yağeb nas del/ ma fī kalam dosoman /keli nasma bōlis lokan fī bōlis

“Good/ she should go with her brother/ her husband/ she goes to tell this people/ she brings this people/ there will be no troubles/ let’s listen to the police if there is a policeman.”

[interruption] The policeman refuses to go with the woman and says:  /you can not approve a sick man/ you cannot approve it a all/ because we bōlis ma negder/ . /

(8bis J.) it’s up to us/ lakin de ya ma besma min kalâm tay aja zede/ de fikra ana kelem ta sakeT/ maales/ kan keda kwayis/ izakan u ma jebu nas de / jol/ nas el beat ed el ġa wōri isem/ nina balasu-I-gediya/

“It’s up to us/ but this one does not listen to me/ this was a simple idea/ no matter/ if so ok/ if she does not bring the people/ the person/ people of the village who come to show the name/ we will end the case.”

[the case is suspended, the woman goes outside and comes back with a witness]

(9) J. inta bahalef harba wala būk/ bibol/ asma el-mahkāma nūdi eta afan hağa / nasaltek ağa/ tawori kalam mosbūt inta baaref/ eta ma taddisu/ mara de gāl aslu inta baarfu jōl de/ jōl de gabel keda besufō ?
“You swear on the spear or on the Book?/ the Bible?/ Listen the Court call you for something/ we ask you something/ you tell the right thing you know/ you don’t hide / this woman say that you know this person/ this person did you see her before?”

(10) W. ḥaʃa de/ ana baaref yisin bitaɔ/ isem tɔ maluk/ maluk aywen

“This person/ I know his name/ his name is Maluk / Maluk Aywen”

(11) J. ñaʃa arfu da mitin

“Since when do you know him?”

(12) W. ḥaʃa zɔl taban ana bigul neʃiŋa/ asa ŋiŋa asa ʁayɔl ma kæsɛ yɛdi/ ʁa wɔd de mɔʈa alɛ u ʁɔliʃ masa alɛnɔ/ u wɔd de taban u barefu zɔl de taban/ lakin u mʊbaʃeK/ badelma ana baref zɔl de/ ana ma mumken nʊgæʃer/ gediyu bitaɔ lɔ/ /interruption/

“O naturally I will say the truth/ actually I work as a cleaner/ and the boy came to me and the police came to me/ and this boy of course he knows this person/ but he is the plaintiff/ since I know him (not clear if it is the plaintiff or the defendant) I cannot shorten(?) his case if …”

(13) J. tegriban ṣo kem sanawat eta baarʃɔ?

“Approximately, for how many years do you know him?”

(14) W.: aʃwa sà/ min kemɔta u ɔtabain

“Yes true/ since 1975”

(15) J. ñaʃa mudda de/min kemsa u sabain li haddi nahar de/ ḥaʃa de/ ḥaʃa de/ aʃta bɔrfo uwo/ hɔl ñaʃa

baarʃo æɡłaK bitaɔ/ u ḥaʃa kwayis wala kan indu ʃerimə bta nas biʃil haʃa bta nas

“You, during this period/ since 1975 until now/ this person since you know him/ do you know his behavior?/ Is he a good person or someone who has crime of people stealing things of people?”

(16) T. sà kálm ŋa ɔrayed el-reyis/ ñaʃa tabʃan ta-aref zɔl wa ñaʃa yikun kunta ʁeɡad fi bet wɔd/ ñaʃa ma botaʃeʃ tani jol de/ baref beɔ u bimun wɛn/ ñaʃa ainu fi ʃeʃkə/ teselem yɛdu u baref taban/ u lekin ñaʃa mɔ ʃeʃeʃ baaʃɔl ʃeʃu aw baaʃɔl ʃeʃu
“You are right Mr. the President/ Of course you know a person if you are staying with him / you don’t know else/ this person you just know where he sleeps/ you see him on the way/ you great him you I know him of course/ but you don’t know what he is exactly doing.”


“Not bad/ Deng Mayen didn’t you put your name as Deng Aywen?/ But this one says that your name is Maluk Aywen/ Do you have a question for him?/ Ask!”

(18) D. uwa dé/ ana indu sual wae gidamu/ uwo ak'ut/ ana naīm seta yom/ uwa ma adana akel wala mōya/ de lujal jer/ [laughter in the room]/ mara de der fegri ana bi bi bọ-I-awanta

“This one/ I have one question for him/Is he a brother?/ I slept six days/ he did not give me food nor water/ He’s a ?!/This woman wants to make me poor by her tricks!”

[The witness and the defendant start to argue between themselves in Dinka]

(19) J. mutarğem winu “where is the translator?”

(20) W. nerga le₂ kalam de/ uwo gal ṭenu / izakan ana axūk ita addūni futur aw ita adūni ṭay/ u gal keda / lekin ya asāsi ana gutta lek ġebel/ al-zol de ana baaref u-binum wën/ wa baamol ṭenu fi-I-yom u baamol ṭenu ana ma baaref /negabel fi seka nesalem yeda / fa neddu al-akel/ mà indi akwān rabcto kulu

“Shall I return to you the words?/ What did he say?/ if I am your brother you give me breakfast or tea/ He said like this/ but I told you before/ this person I know where does he sleep/ and what does he do during the day I don’t know/ I meet him on the way, I great him/ and I would give him food?/ Didn’t I have brothers that I all raised?”

(21) J. to W. izakan ita kan kazāh/ inta begul sehi lama kan al-makhāma sala /lokan gal ana aarfa kalam btau uwa jol batal/ lakin inta betkelem ez-zin/ al-haG/ inta gul ma baaref el ağa uwo baamol/ bes inta ligo fi seka bes/ de mus kwayis?/ teb ya mara/ weled btak suker winu/
“If you were a liar/ you would have say true when the Court ask you/ if you had say I know hos words he is a bad man/ but you speak the right/ the truth/ you say you don’t know what is he doing/ you just meet him on the way/ isn’t it fine?/ Ok ô woman/ where is your small boy?”

(22) J. to D. delwokti maakama ligak bi galata galatatēn/ alēla inta kizibta/ inta gulta isma bitaki Deng / wa hini akwana btāk īgulu là de mūs isema btak/ da tazāwir/ isem btak Maluk Aywen/ de barau īgiza/ īgiza numero itnin/ sarckta dura bta mara de/ inta sarckta dura li?ana inta ģer isma bitak/ lōkan ita ma sercG inta ma mumkin bitager isma btak/... [the story continues again and again..] fa keda/nina bin suf nas/ daiman mu rimin ketir/ nama gabodū bikcr isem/ .../ ūn keda kalam de nihna gul inta muznīb ala-t-tnin/ fa kalam el-mahkama/ inta biyemsi sita suur fi sijin/ izakan inta ma ģibtu talāta u talātin gine bta mara de/ w ģiza btāk an inta xāin āl-aman/ inta bōmsoku talata suur/ kulu ġuna ģs-siğin btak tesa saăr/izakan ma dafa grūs/ kan dafa grus inta tāla bara min siğin

“Now the Court find you with two faults/ today you lied/ you said your name is Deng/ and your brothers say no it’s not your name/ this is falsification/ your name is Maluk Aywen/ this alone is a fault/ the fault number two/ you stole the sorghum of this woman/ you stole the sorghum because you changed your name/ if you did not steal you would not change your name/ [the story continues] and like this/ we see people/ many criminals always / when they are taken they change their names/ because of this we say that you are culprit for two things/ and the decision of the Court/ you go six months in jail/ if you don’t bring the 33 pounds of this woman/ and your fault that you are a perjurer/ you take three months/ the total of the jail is nine months/ if you don’t pay the money/ if you pay you will got out from the jail.”
Appendix 2 : The Bay’s case

/.../ indicates a cut.

(4) J2: ismu minu D1: John Gabriel
“Your name?”

(5) J2 ṣabalı? D1 Bay
“Tribe”

(6) J2 säken win D1 Hay is-sinema
“Living where?”

(7) J2 sogol btāk D1 ma ṣāyel/ṭāleb
“Your work?”
“I’m not working/student”

(8) J2 omrūk D1 tin u ifrīn
“Your age?”
“Twenty two”

(9) J2 mutxem numero tin ismu minu D2 welyam pitir

(10) J2 ṣabalı D2 bay

(11) J2 sogol btāk D2 ma ṣāyel/ṭāleb

(12) J2 styudent/ ah yr edʒ D2 ʾomri/ sabaatāfer sāna

(13) J2 yur edʒ by ingliz/ etu mus asa tāleb wela kif
“Your age in English/ aren’t you student or what?”


“Ô soldier you take an oath/ ah in order to say the truth/ put your hand here/ of course Christian isn’t it ?/ say Ô Lord the Great/ Sacred book/ I say the truth/ all the truth/ nothing else than the truth/ so tell the matter to the Court/ what did these two-persons make to you?”
By God, yesterday/ around seven o’clock in the evening I was coming by the road of the Commercial School/ I came/ There is a soldier walking before me, wearing his official clothes/ then the boys also are before me/ I came near them/ this one told me ‘of my brother, no greetings?’/ the other also said ‘no greetings?’/ I kept silent/ I did not say any thing/ I was walking/ then I accelerated my walk/ they also accelerated their walk/ this one started to pinch my buttocks/ and then the other started to beat me…”

“With the hand or with foot?”

With the hand or with foot?...
bādrad ḏōK/ gaadin nesāru / baadin de gām bādrabni bi wara kamān/ .../ saʿā fekka min yaddi/
ma ʿāref kān úwa yau ḏālu/ wela kan wga wēn/ ḍa ma ārfu/ .../ yau ḏumna ḡina lahadd-ḏl-nūkta/
sābbo le/ inta ǧennī ḏinek wa inta fermita u bass/ inta maṭī ḥariya sākēT/.../

“With his hands he pinched my buttocks with his hand/ then this one slapped me/ I stopped/ I
said what’s the matter ô my brother/ he said what the matter how?/ let you understand us!/ I said I
understand you I tell you what?/ He said to me ‘you shut up’/ you are just a pimp/ I told him thank
you/ I went/ this one sized me directly and pinch me/ I told him what’s the matter/ he said close your
mouth now I will beat you/ .../ I immediately called the soldier/ I said ô soldier come and see this
people who are attacking me/ immediately he/ the boy started beating me badly/ the soldier run/asked
what the matter ô boys/ I said they attacked me/ this is why I shout after you/ the soldier said ok ok
this is a simple matter/ let’s go!/ the boy still wanted to make me problems/ .../ we brought them to
the post directly/ .../ the soldier/ there was a car coming like this/ the soldier stopped the car
immediately/ the car refused to stop/ it went stopping at some distance/ when he run after the car there/
both of them immediately attacked me again/ this one beat me again/we were fighting/ then this one
hit me from behind/ my watch came off from my arm/ I don’t know if he took it/ or if it fall
somewhere/ I don’t know/ .../ so we came up to the police-station/ they insulted me/ what are you/
Curse on your religion you are just a pimp/ you go in the street for nothing...”

/.../

(24) J1 intum samēt kalām da D1 samētu
“Did you heard these words?” “I heard”

(25) J1 el-bint de gāl iya maṣṣya w intakum ta-ṣawmtolu sākēT / gāl dik ya fermita/ u de
gerres fi ḏalbu hene/ w-inta bardu daggestū bi ketf/ u baādin gāl mālkum/intakum gul inti fermita
sākēT/ inti ḡāya min wēn/ fi tarīka gāmo daribtu bi daraba ḫadid/ wa gam korrek l-askāri ḡa/ w
bardu baad el-asāker/ kamān intu g"um darbutu baad/ asnā askāri māṭī faŋ iğib /yemsi kelem lel-l-
sowwaK el-kan waggofu/ fat giḍḍām/ enta azemtolu darobtu li-raet ma saa btāo fakkat waga /wa
wahed ḏalaK kamān/ da amīn/ entu gabeltū fi seka/ inta/ .../
"The girl said she was walking and you attack her for nothing/ this one said ô pimp/ and that one pinched her buttock here/ and you also slapped her/ and then she said what’s the matter/ and you say you are just a pimp/ from where are you coming/ on the way you start to beat her badly/ and she cried the soldier came/ and also after the soldier/ you start to beat each other/ during the time the soldier went to bring/ went to talk to the driver who stopped/ he went in front/ you attacked her and beat her until her watch came off/ and a hear-ring also/ this is sure/ you met in the way/ you /...."''

(28) D1.  **el-bit-de/ ana kunt ṣay min hay kómerrflyal li-l-beT/ ſĩ waed gidāmi/ ana ma baarfib gābel/ ma bit de waar/ towones mã bit de kē/ umon gam fi jakla/ ſan ána zeyde/ ana askate umon/**

"The girl/ I was coming from the Commercial District / there is one in front of me/ I don’t know him before/ with the girl behind/ he discuss with the girl/ they start quarreling/ because I’m like this/ I make them silent”

(29) J1  **da awši sā kem**

“This about what time?”

(30) D1  **awši sā sābaa/ ſi ṣay bōlis/ ſi ṣay/ bit kōrek le bōlis/ fialán el-bōlis ṣá/ woddit lená muškila kālu/ ana mãʃi le-beT/ yalla ez-žoļ el-daraba-l-bit de/ ú ma bōlis gaadin isuggū zōl de li-nukta/ uman ſāt giddâm/ ana ſa wara/ nama ana wosol mōbil/ uman lisa/ jōl el-dagga bit u bōlis/ ana ſa ligüm lisa fi muškila/ dél fi muškila unāk/ min kede nama bōlis ainu ána/ el-bit gāl aywa ána gibel hināk/ ana gāl filān ana gibel hināk/ jakala hāsel ana fi/ yaú al-amal min ene ana ma ārīʃ/ bōlis masako jōl de u jōl de ſut/ yaú ṣa bas masakanī wāhed be-reglan/.../"

“Around seven o’clock/ a policeman came/ the girl called after the police/ of course the police came/ and brought us the all problem/ I was going home/ Then the person who hit the girl/ he and the police they were driving this person to the police-station/ they went in front/ I was coming behind/ when I arrived to the Mobil station/ they were still, the one who beat the girl and the police/ I found them still quarrelling/ from this when the police saw me the girl said yes I was there before/ I said of course I was there before/ the quarrel happened I was there/ then I don’t know what happened/ the
police sized the person and the person went/ then one took me by the legs /.../

/.../

(34) D1 aywa/ badalnā talāta/ āna/ bōlis u bīt da/ sīllāna fi nūkta/ amdulla āna ligō waed min aez ma mōbil enāk/ baaref nās bēT/ āna gāl kwayis/ kan keda amšī kēlem nās bēt/ gāl āna fi nūkta/ filāna fi nūkta/ minnak axuy de/ nama nōsma kede / rā fi nōkta enāk/ nama aīnu axuya ḡa/ gāl yaū tānī fi/ kuttā tawālī ḡowa/ u badin sabā/ bit de gam ḡā lenā/ ḡāl saṭa woddurū u jemū/ u filan ana ma fuftu saa kūlu kūlu/

“Yes/ we stayed three/ me, the police and the girl/ they took us to the police station/ Amdullah I found one I wanted in the Mobil station/ he knows the house/ I said good/ if it’s so go and tell the people of the house that I am in the police-station/ they took me in the station/ from there my brother/ when he heard like this/ he went to the post/ when he saw my brother coming/ he said the other came/ they put him inside immediately/ and then in the morning/ the girl came and told us that her watch was lost and what/ and of course I did not see her watch at all”

(35) J1 tāyib/ lama kān wāled de/ el-biyammāl mafākil maa bit de/ inta ma mafit / inta ajiju/ inta kan barak wela ma walād da/

“Good/ when there was this boy/ who was doing the trouble with the girl/ you did not go/ you support/ you were alone or with this boy?”

(36) D1 āna baraŷ

“I was alone”

(37) J1 inta baraŷ/ tāyeb baādin hinay de/ lama bōlis gabōdu weled dāk māfī biō/ u gamaa jīkal da/ inta ajijtu maa el-bint-da/ bōlis lamma ḡā/ ḡal giddām el-bōlis eta amoltu mafākil maa bint da

“You were alone/ good and then/ when the police captured that boy and went with him/ and the group quarrel/ you supported the girl/ the police when he came/ did you in front of the police make quarrel with this girl?”
(38) D1.  

*ana ma a**mol mafïkel**/ bass darab bitóman ána ãa katal*

“I did not make quarrels/ I stop their fight”

/.../

(45) D2  

*el-zöl de ombare ma bifïll niñha/ ana gaad fi-l-bet/ yaú rasel w**odd** da min el-mõbil/**

*wodd* de mafa unâk/ gâl ya nãs el-bet* John gabâdu/ yaú ma kan nemfi yisif li-l nókta*

“The person of yesterday did not take us/ I was at home/ and he sent the boy from the Mobil station/ the boy went there/ he says õ people of the house John has been captured/ so I had to go and see at the police station.”

/.../

(50) J1  

*inta ma fis/ u gabodûk mittân*

“You were not present/ where did they capture you?”

(51) D2  

*gabodûni zamân gale nemfi-l-nukta nisuf/ min wisolta unak Jan nera muñkila bta djon kif/ bass waed askâri gâl yaú lâzêm bikûn wahed minhum/ bas ġa fi hene/ tâni ma barâga bêt/ u fialan gabûni fi-l-arâsa/ yaú sabâ bit de mafa unâk/ djon gal yaú bit bta ombare enay gabûni fi arâsa unâk/ …/ *

“They captured me when I went to the police station to see/ when I arrived there in order to assess the problem of John/ one soldier said he must be one of them/ he came here/ I didn’t come back to the house/ and of course they took me in jail/ and in the morning the girl came/ John said this is the girl from yesterday who brought me in jail/…/”

(52) J1  

*ya bit/ asa nafarën de badi sumit kalâmu/ da numero wahed de nâker/ u gûl woket dak kalam inti gul ma hasal kûlu-kûlu/gâl uwa mâfi liga inta kunta fâkal maa wahed tâni/ w uwo mâfi afân iyazîkum/ iyazîkum bas inta maa zôl dak/ el-wokT inta nâdit askâri ġa/w-el-askâri gam sôgo/ sôG el-waled maaki/ inta mâfi u bardu bi waratum kaman/ kâddam giddâm henâk intum wageftu kaman bitkelem kalmât keda/lama u masa wosolu lekum henâk/ bûlis gûl xlâs kan izan keda ta’ali inta kaman maa el-ğamaaa del/ gam xala dâk u fâlu uwa*
“Ô girl/ these two persons after I heard their words/ number one this one denied/ and said at that time, the story you tell did not happen at all/ he was going and met you quarreling with somebody else/ and he came to support you/ support you against this person/ when you called the soldier came/ and the soldier took the boy with you/ you go and he is behind you also/ in front in front there you stopped you talked/ when he arrived near you/ the police say ok if it is like this come you also with the people/ he let that one and sized him”

/…/

(66) J2 /… / keda ita indu rūtan/ musu barau rūtan bta bay keda wonosú

“Do you have a language/ isn’t it a specific Bay language which is spoken?”

(67) D1 ana borton ndogo lakin ma fi rūtan bay

“I speak Ndogo but there is no language Bay”

(68) J2 kulu ndogo intum törtan ndogo

“You all speak Ndogo?”

(69) P ana borton ay/ norton kalam fenu lakin

“Yes I speak/ but what shall I say?”

(70) J2 de bigūl uman beroton enay de rutān/ de bigul lā/ ma boroton ndogo/ beroton bay/ nina azin ārfu uman sei bay aw/… :

“This one says that they speak their tribal language/ this one says no/ he doesn’t speak Ndogo/ he speaks Bay/ we want to know if there are really Bay!”

(71) J1 tayyāb /izakan bay/ el-fakka bikun fi fenu/ lokān ma bay bikun fi fenu/ nesma el-γαρίμα bass

“Ok/ if Bay/ the difference would be in what?/ If not Bay what would happen?/ we listen to the crime only!”

(72) J1. hata kan ḳabīla tānī baraū ma tam/ jol el-aqrifu jol amel maō aqam/ biwori gul yaū de/ kan gabāil wela ma bay biwori/ bas el muhim inta ḡeb el-bōlis el-kān ahall al-mawdu/ ..

“Even if it is another tribe it doesn’t matter/ the person who knows the person who attacked him/ he shows that it is him/ if from the Bay or not he shows/ the important you bring the policeman who
solved the matter!"

(74) J1 asma/ al-sakya da ıxtarrat gäl Ĩnta sâhid/ lama kan häsil beina wāma nafarēn del masâkal/ eta keda gul sī el etta bitaaref bi zabti/ etta īgit maamal jenu keda/ gul lenâ/ le-l-mahkâma

“Listen the lady (?) decided that you are the witness/ when the problems happened between you and this two persons/ say what you know exactly/ how did you come/ what did you find?/ tell us/ the Court!”

(75) W.: taban siyātu/ ana kuny sayal fi kart/ fi-l-ğawazāt/ maāl el-ğensiyat/ baādin ana sâken fi muluk/ lama ana īgit Ħa wosolu fi medresa Komërjiyl/ ana fâi/ taban al-bit de askâri ana ma baaref/ lâbis maleki/ ana ma biyaref askari aw ma askâri/ faalân fâtēt/ giddâm swiyya/ baâd-ma fatēt/ al-bit de gum bikore/ bi-isma-l-bâlis/ gal ya bâlis ya bâlis taâl agaad/ fîalan fi ganîn btabna/ bta al-bâlis/ ay jol bikorek bi-isim el-bâlis ma mafûd tâfôgo/ lajem ita-âgri suf fi senu fi senu/ tekusu/ fîalan ana ħay/ ana ħay legîtûm del itni n kûlu biâgêm el-bit de/ baâdin ana īgût/ ana gul ya ħamaa mâlkum fi senû/ gal el-bit de sottemuni u fât keda/ ana gutla tayib ya axwâna matakum sakal bit fi tarîka/ bi tarîka zede/ keda tōṣûf el-jisim btâna w-el jisim bitâkum wa jisim el-bit/ taâgêm el-bit fi tarîka bi-l-lêl zede mâ sâh/ wa lisa bikôroko/ lîsa bikôroko/ fa ana asala-l-bit/ hasala jenu maak/ gul nas del yaû fat keda/ nâs del âgêmu fi tarik/ agru sulbu bitao/ u nama kelem umon setemu/fîalan uman setemu.../ baâd-ma ana rajo enâka/ ana raja/ ana ħa legîtûm lîsa bisakal ala bit/ nama ana rağa min mahal taban ana fût keda/ baâd-ma ana asma korokoro waray b-ism el-bâlis/ ana ġire tawâli ġa wara w ana ħa legîtûm l-îtnûn del kullu/ uman yau/ fa filan kelemtûm liw/ ana gul ya akwânna nina ġanûbiyin ma mafûd nesâkel maa badna/ hajâät zede ma kwayis/ el-muskila de besît tâkelwokT/.../ el bit de ġe gum kelem gâl ya askâri ilâ tawasolûna fi nukta /.../

“Of course Sir/ I was working in the cards/ in the passports/ the place of nationalities / then I
am living in Muluk/ when I arrived at the Commercial school/ I passed/ of course I don’t know that
the girl is a soldier/ she wore normal clothes/ I don’t know if she is a soldier or not/ of course I passed/
a little bit in front/ after I passed/ the girl started to call by the name of the police/ she said ô police ô
police come in/ of course in our laws/ of the police/ anyone who call after the police you can’t let him/
you must run see what is happening/ you search/ of course I came/ I came and found them both
attacking the girl/ I came/ I said ô people what’s the matter/ the girl said they insulted me and went/ I
said, good ô my brothers don’t quarrel a girl in this way/by this way/ you see my body and your body
and the body of the girl/ you attack the girl by night like this it’s not correct/ and they still shout/ they
still shout/ and I asked the girl/ what happened with you/ she said this people passed like this/ this
people attacked her on the way/ they pinched her buttock/ and when she spoke they insulted her/ of
course they insulted her/ …/ when I came back/ I came back/ I found that they still quarrel on the girl/
when I came back from the place I went there/ after I listened the cries behind by the name of the
police/ I run directly back and found them both/ there they are/ and I spoke to them/ I told them ô
brother we are southerners no need to quarrel between us/ things like this are not good/ the problem is
small until now /…/ the girl spoke and said ô soldier you must bring us to the police office /….”

(75bis) W. ma fi maal hukuma keda gerîb fogo/ ../fi arabiya gaad ġâ/…/ ana gum ġire bi-wara
arabiya de bi-zâtu /…/ min ana ġire henak /ana asma baga el-bit de biga bikore /uman tâni keda
bidugu el-bit bi-wara /…/ filan ana jere kede kede kede/ ana ġa gabodu da/ xalas ‘amdullah/ fi fi
muğra waga fi jua muğra /…/ negedem kede kede kede likeaat nina wosolu mobîli /… / dâ tawâli
gum amol musakîl fo mõbîli li-raat-ma aoz kaser môrat bta arabiya zatu/ aoz amol musâkîl fi jua
arabiya zâtu/ baadu sid el-arabiya fuf kede mâ fi/ da gum maragu bara/ ana bardu gum maragu /… /
tâni arabiya ġa/ rakebna fogô le-raat wosoluna fi nokta/ baad-ma wosoluna fi nokta/ ana gul jol da
ğere kalâs lakin axu da biyaref mahal de/ dé nâker gul mâ biyaref da/ dé maal btao barao u dé barao/
u ma biyaref kûl kûl/ ana gul kîf / lajem de aku btao li’anu uman hader al-musäkel gidđämi ana /… /
el-hamdulilay lam fatâna balâK/ mowdu negla askâri de masi mustaffa/ ana biga fût fi-ğawazât ya
neselem kelem kabûr li ǧamaa fi taakir el ana aker lina zaman/ ana mäsi wodi kabar li-hum enay/
“There is no governmental place nearby/.../ a car came/ I run after the car/.../ when I run there/ I heard the girl shouting/ they were again beating her from behind/.../ of course I run like this like this../ I captured this one/ ok thanks to God/ there is a sewer canal/ he fall in the sewer/.../ we accompany like this like this until we arrived at the Mobil station/../ this one started to make problem in the station until he was near to break the mirror of the car/ he almost make problem inside the car/ then the owner of the car see it’s not possible/ this one went out/ I also went out/../ another car came/ we went in until we arrived at the police station/ after we arrived in the station/ I said this one run away but his brother must know the place/ he denied he said he doesn’t know him/ this one has his own place and this one also/ and he doesn’t know him at all/ I said how?/ It must be his brother because they attended the troubles in front of me../../ Thanks to God when we opened the case/ the matter of the transport of the soldier to the hospital/ I went to the passports to bring the news to the people there about my delay before/ I was going to bring the news to them there/ when I was coming back/ Praise God this one also arrived/ I said this is him this is him/ the two who attacked the girl, this is him../...”

/ story continues../

(76) J2 Tayib intakum āref nefsu kalatānin

“Good do you recognize that you are faulty?”

(77) D1 la la la kalâm ke ana wosol dak ana baray/ kalam de kadāb/ ana ma ġay maa jol/ ana ġay baray

“No no this words I arrived there I was alone/ these words are lie/ I didn’t come with somebody/ I came alone”

(78) J2 yaů de suhud kelem kalam btaũ/ keda wonasu ma suhud/ asalo/ indak sual yesālo

“But the witness spoke/ so discuss with the witness/ ask/ do you have a question for him?”

[Discussion between the defendant and the soldier/]
The Court says that you attacked this girl on the way without any reason and you insulted her and said pimp and you pinch her until her watch got lost. Its price was 45 pounds and she had ear-rings which got lost. Their price seven pounds and half. All because of your quarrel with her on the way. . . .

"You are faulty/ the Court says that you attacked this girl on the way without any reason/ and you insulted her and said pimp/ and you pinch her until her watch got lost/ its price was 45 pounds/ and she had ear-rings which got lost/ their price seven pounds and half/ all because of your quarrel with her on the way/ . . . . "

Juge Stephen to the public

1 J /.../ numero tni koreraK/ izakan nasi bikore bi-ataku katir ma bikali makama y’omsi/ izakan nas biasma kalam de bɔmsi bi-rã/ u gadiyat bemsi bi sūra/ gowâm/ mumkin nihina baamolu isrin gediyə pi yom /izakan ma pi pogo ija’at/ aja’at bi sikil de/ .../arjuk sabab wa intum nas mutaimin mutamain/ el ja asan asma makama/ intum ma bija ena sakiT/ eta jet asan testepiT fi makama/ asan kul wac baadin bukura bisala kalam pi bet/ aw mara kaman bana’at kan ja asma asan ma baamalu kalaT pi biyutum / sukran/ istamir gediyə təni/

« Number one, shoutings/ if people shout laugh a lot it does not let the Court going/ if people listen the words go quietly/ and the case goes quickly/fast/ we can do twenty cases in one day/ if there is no troubles/ things like this /.../ I praise young people and you the defendants/ those who came to listen the Court/ you didn’t come here for nothing/ you came to benefit in the Court/ because each one later tomorrow solve his problem at home/ or women, also girls they come to listen in order not to make mistake in their house/ thank you/ continue next case!”

2 S. Taban Sabastian../ Alexi Lado

S. to the J: lisa ma ja “Not yet arrived!”

(to a man nearby) kede belay atla awal haja /ihina fi gadiya/ wa mata lakbat/ ita yau ga-asma kalam ini/ ita ja bikel tem / istena lakad bad gadiya /’omsi

“Please go away from here first thing/ we are in a Case/ don’t interfere/ you have heard the words here/ you will speak/ wait until after the case/ go!”

3 J to policeman kɔli jol de yeji hina/ korba’aT btak winú ?/

“Let’s this person going here/ where is your whip?”

4 Police yau le Wani “It’s with Wany”

5 J. filu min Wany/ u de jatu barfu forkali ?/ maisu tow gene-gene bita enay /

“Take it from Wani/ and this one does he know the Court’s police/? go and sit there!”

35
6 J. mubālek minu/ Mogga lo munu D.: ana

“Who is the Plantiff?/ Who’s Mogga?”

“I”

7. J. a isim bitak D. Gabriel Morbe

“Ah, your name?”

8 J. Barinit wen D. lo’bunuk

“Bari from where?”

9 J. u eta majlum konyo fu konyo.

“From what are you victim?”

10 P. ‘de taban kan pi ukti keda/ kan iaju ukti fi jaman hawadis/ badin ana ruwa nadi māl/ /gal mal ma’ap/ taban jaman de hawadis/ taban ana sufu zede gal kan uwo ro pactsu mal/ mumkin boro ligo harib/ taban pi jaman de pi ajia de…/

“Of course there was my sister/ he married my sister during the civil war/ then I went to ask for the dowry/ he said there is no dowry/ of course it was during the civil war/ I realized that if he was going to look for the dowry he would maybe find the war/ of course at that time there were such things…”

11 J. hawādis pi sanatu km 9. P. tamanya u sitin

“Troubles of which years? » “Sixty height”

12 J. badin ada ta awadis mitin

“Then the end of the troubles when?”

13 P. tenen u sabain/ badin kida pi itnin sebeyin/ taban ina kaman nadi mal/ gal mal ma’ap/ ila nina amul ajia de/ daṣṣit marisa/ anina ajia wodi le uwo/ gali kasara ita jibu/ ana ma indu haja tani/ badin uwo amulu karama/ badin daṣṣit marisa de nina wodi le ajia de/ le uwo/ ma amul lena haja tani/ badi swiya vaha ja mat/anina amulu karama ta yaba wàṣkit ma’at/ wa asa ukti de/ ukti de mat/ wokan ma wàṣdi le ana māl/ bes teletin jine eli kan wödi le nina

«Seventy-two/ then in seventy-two/ we asked again for the dowry/ he said that there is no dowry/ only we do this thing/ beer flour/ we want to bring it to him/ he said you bring it for nothing/ I have nothing else/ then he made a ceremony/ then this beer-flour we brought it to him/ he did not do anything else
for us/ later on our father died/ we made a ceremony for our father when he died/ and now my sister/ my sister died/ and he did not give us the dowry/ only 30 pounds that he gave us.”

14 J. māt mitin “When did (s)he died?”

15 P. mat aja de fi tmin u tamin/ saar idaser “(S)he died in seventy-two/ in November”

16 J. indu iyāl “Does (s)he have children?” P. indu iyāl “He has children”

17 J. kam “How many?”

18 P. : fi tegriban arba/ wa’īT kan ge dowru ma rokuba/ uwo ma wòdī ba’āl pogo/ ja waga fi nār/ gam ja mat

“Approximately four/ one was walking on his knees/ he did not take care/ he fell in the fire/ he died”

19 J. pi talāta P. pi talāta ay “There is three?” “Yes there is three.”

20 J. talāta de fi banāt fogo P. fi wae bit u badin tmin iyāl/ tmin woled “Among the three there are girls?” “There is a girl and two boys/two boy.”

21 J. eli mutu de woled “The one who died was a boy?”

22 P. la/ bineya/ wa asa itnin iyāl de uwo ma biwòdī ba’āl pogo/ asa itnin de ge geni le ana

“No/ a girl/ and now the two boys he does not take care of them/ now these two are staying with me.”

23 J. ge gene le eta/ kalam kwes/ a’ah/ “They stay with you, good, aah?”

24 P. wa min de taban ina julumin/ bineya tanina ma mijawaz/ bez ina akudu teletin jine fakat/ u bineya kaman ma’at/ iyāl kaman ana lisa yau ge akilu “And from there of course we have been spoliated/ our daughter is not married/ we just took 30 pounds only/ and the girl died/ and the children I am still feeding them.”

25 J. itakum yau ge raba “You (pl.) are the ones who raise them”

26 P. nina yau ge raba/ yau ana majlum ma kalam de “We are the one who raises them/ I am spoliated by this story”
27 J. *ita masi leo pi bet/ le bet btonom gale malu ita keli iyal de kede…*

“Did you went to him in the house/ to their house to ask why you left the children like this”

28 P. *walay insala ana masi aslu ma bijibu kabar*

“By god, even if I go he will never inform me”

29 J. *ma ja kurju*

“He did not cultivate (for you)?”

30 P. *bikurju lakin aslu ma bowodi le iyal de*

“He cultivates, but he never gives to the children”

/……/ Interruption with another case

31 A woman: *nan kan a tu i dinit na kora na toro’bo na a nju lu nju tu ti moro ri moro ri yi ko wate*

“I went at the time of the distribution of the furniture and then he fought with me and his wives”

32 J. *nina koku koydo kiyang baligga/kede kiyang sina / maybe nan kan a mistake/ ado vino gwo’dam nyo Wani ? ma tini wuni nju lo korobat/ ti ko yege nju kunen ko ‘doggu kito kadi/ bonggwat ‘ban le*

“She had reported the case earlier/ wait first of all like this / I might have been mistaken/ why do you stand still Wani ? you go receive that whip/ let him carry these, carry these furniture/ are there no clothes? ”

33 Woman: *bonggwat ma a kekeren “Clothes! He torn them”*

34 J. *Santino makme ko “Santino there it is”*

35 D. *Walayi/ a hal ‘diri bijab i yemba nio nagwon nan yembi kiyasir nanyit na i dinit na hawadis/ a de i nju lu dinit ni kan ukum a itinasar jine badin kayayu a saba jine/ badin koyulu nan medde sona anan di min ta’ab kulu anan kan lunggi lunjaser baba Juba a ko doggi male kwe kunu Juba nyu/ kirut ni a kine mali kirut taban jur kaman kōtir ‘bayn a nan/ kalas nju tu adi kalas lo nju tu taban bubulō yemba makune mali lepeng aje dippa salet / lonutu gwe a komonit ti poki i’bang/ nyena ‘diri i gwe i di’da ko nju nuro/ taban ko yaba ko atu a nan bubulō tindu no nagwon kata/ wu hal kajelu ni a baba lo*
twane/badin ne a monye lo twane/ kirut adi monye sarji adi ukum nagwon kôju monye a ukumbe adi
asa man ‘dek pitônô kwe ti gurut kune ko na Ṯutu nan ‘dek sitin jine/

« By God/ really during the time of my marriage when I married his sister during the civil war/ by then the Judgement here was twelve pounds and ours was seven pounds/ At that time, on seeing this, and in order to avoid these troubles, I decided to call my father’s brother from Juba so that he could go to collect my dowry from Juba there/ Then from there this dowry, of course the village is large, not me alone/ ok, people said ok, this man can marry, here is the dowry, he has prepared a cooking place/ He has become an in-law, let him be in the house/ at this point I started to stay with this woman/ of course, if her father comes, I can give him what ever possible/ and at that time my father died/ then her father died too/ then her father (i.e. an uncle) sent a message that the judgement passed before was that now I want the remainder of my money of this woman I want sixty pound / …../

[The case continues in Bari and JA with many different participants. At the end the Defendant and his family agree to pay the remaining of the dowry)

Conclusion from Judge Stephen:

37 S.  dṣgīgā/ dṣgīgā/ aḥ bagi ṭam el kede eta bi silu lau pi bet le nṣibat inak/ aḥ/ u wādium kabar gal nina jain/ asan bisilu iyāl de kəli ruwa təsu bujak/ uman kaman bıpṣisu kəruP kwes kida / u jama biji yesrub/ wa nas umu yani makasutin/ nas kâlu/ kulu jene beji intum bestenu/ jebu gədiya tani

“Minute/minute/ ah the rest of the dowry you take it to them at home to your in-law there/ and give them news that we are coming/ so that they take the children for spitting saliva (benediction)/ they also look for a good sheep like this/ and the people come to drink/ and the mother’s people are happy/ the maternal uncle’s people/ every child you wait for (??)/ bring another case!”.