

Translation Based on Skopos Norms: Excerpts from Legal Documents in Focus

الغائية القائمة على المعايير في الترجمة القانونية بين العربية والإنجليزية: نصوص قانونية أنموذجا

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Abstract:

This research paper presents a comprehensive study of norms-based skopos in legal translation between Arabic and English, aiming to highlight the legal translation norms via the skopos theory. The problem is whether the skopos in legal translation is the source or the target text-oriented, and which norms a translator can retain to align the skopos. Through the empirical study, the paper examines the norms-governed activity based on a previous theoretical background applicable to English and Arabic legal texts. The findings reveal that translation choices should be guided by the intention beyond the target text, with the translator who shapes the translation to attain the specific purpose of the ultimate document. Actually, it contributes to a deeper understanding of legal texts' principles. The study provides valuable insights for professional legal translation applications and implications, as well as for future research directions in the field of skopos theory and translation norms.

Keywords: Skopos; Source Text Oriented; Target Text Oriented; Norms-Governed Activity

ملخص:

تعكس هذه الورقة البحثية دراسة شاملة في الغائية القائمة على المعايير في سياق الترجمة القانونية بين العربية والإنجليزية، وتسلسل الضوء على معايير الترجمة ضمن النظرية الغائية. تكمن الإشكالية الرئيسة في تحديد ما إذا كانت الترجمة القانونية وفق الغاية موجهة نحو النص المصدر أم النص الهدف، والمعايير التي يمكن الاحتفاظ بها بما يتماشى مع الغائية. ومن خلال دراسة تطبيقية قائمة على خلفيات نظرية سابقة قمنا بتحليل الترجمة القانونية كنشاط محكوم بالمعايير، وذلك باستخدام نصوص قانونية عربية-إنجليزية بوصفها نماذج للدراسة. وقد كشفت النتائج أن اختيارات المترجم يجب أن تُبنى على الوظيفة المقصودة للنص الهدف، بحيث تُشكّل الترجمة بما يخدم الغاية النهائية من الوثيقة، مما يساهم في تعزيز الفهم العميق لمبادئ الترجمة القانونية. توفر هذه الدراسة رؤى تطبيقية مهمة لمجال الترجمة القانونية المهنية، كما تفتح المجال أمام دراسات مستقبلية أكثر تخصيصاً ضمن إطار النظرية الغائية والمعايير الترجمة.

كلمات مفتاحية: الغائية، توجيه نحو النص المصدر، توجيه نحو النص الهدف، نشاط محكوم بالمعايير.

1. INTRODUCTION

Translation studies has long been source text-oriented, with translation assessment being source-text based. In the past, translators used to focus on the writer's intention, paying little attention to the aim of the translation as a product and to the target text readership. However, in the 1970s, the Greek term *SKOPOS* was introduced by the German linguist Hans Vermeer, meaning *purpose* or *aim* of the translation. In legal translation, the translator faces various challenges, including, but not limited to, terminological difficulties arising from differences in legal systems and cultures between source and target texts. But, even if the *skopos* may be influenced by the target legal system and culture norms, it helps the translator to overcome these difficulties by selecting the strategy to use during the translation process. Hence, since the "translation is a norm-governed activity" as Gideon Toury states (1995, p. 53), and knowing that the target readership expectations and possible legal interpretation of the translation must be carefully considered, this paper examines the problem of the norms that could be retained to achieve the purpose of legal texts translation.

2. Norms-Based Skopos in Legal Translation

The *skopos* of any translation determines the decision that must be made by the translator. In legal translation, a translator must not ignore the norms governing the target text legal language, system, and culture, i.e. the purpose imposed by the target legal language, system, and culture must be achieved. Accordingly, translating a legal document requires not just conveying the source text meaning, but also the respect of the target text legal language and legal system. A legal text translator must have the capacity of facing these challenges in order to obtain a final product legally valid and acceptable.

2.1 Legal Translation

Translation studies has long focused on whether the translation should be literal or free, but in legal translation, which has been existing for more than three thousand years, the issue of literal or free translation was controversial because of the linguistic and cultural complexities and legal systems differences.

Legal translation is the translation of a text from one language, culture and legal system into another language, culture and legal system, considering the cultural, linguistic and legal system distinctions of the source and target texts. And, since the legal data present in the source text is often ambiguous, vague and indefinite, it requires to be firstly translated within the source language, then the interpreted information should be transferred into the target language, and, at a final step, the translated data needs to be conformed to the objective of the translation and genre of the target text. (Chromá, 2007, pp 198-199)

Purposefully, the legal translator must be conscious of and capable to grasp the outstanding differences between the source legal system and target legal one, and catch the most suitable equivalent in the target language. For instance, he has to know

the meaning of a culture-bound legal term within the source text culture and legal system to render it appropriately, even if there is no any cultural equivalent.

2.2 Skopos Theory

Skopos is the Greek word for *aim* or *purpose* in English. Hans J. Vermeer introduced it into translation theory in the 1970s as a technical term for the purpose of a translation and of the action of translating as well. Vermeer asserts that the purpose of a text is the real factor that states the translation strategies. (Munday, 2008, p. 79). In legal translation, the factor that decides about the strategy to use is also the culture of the target text, as well as the end-use of the translation.

According to Jabir (2006), there is a difference between the terms *aim* and *purpose* as far as Vermeer's theory is concerned. For him, the *aim* is the ultimate result that an agent attempts to reach through an action; while a *purpose* is a temporary stage in the course of achieving an *aim*. (Jabir, 2006, p. 38). Actually, Vermeer distinguishes between the term 'aim of a translation' which is the final product, i.e. its target text purpose (who is the readership, and the purpose it will be used for), and the 'purpose of a translation', which is the way or rather the process by which this product is going to be achieved.

In legal translation, it is crucial to take into account not only the linguistic aspects, but also the legal implications and the expectations of the target readership. Vermeer explains the skopos rule (Nord 1997) asserting that each text has a purpose, and the rule of skopos applies to oral or written communication, and the translation should be conform to the function of a text (expressive, phatic etc...), taking into consideration the context and target text audience. (p. 29)

For Vermeer, any translation, whether general or specialized (which can apply to legal translation too), is target-oriented, and as such, the translator has, during (translation brief below), such as the aim of the translation, that is to say its end use, and its receiver. Vermeer calls this 'Commission', whereas for Christiane Nord they are 'Instructions' or 'Brief'.

2.2.1 Skopos and translation brief

In her book *Translating as a Purposeful Activity* (1997), Christiane Nord asserts «Translating without clear instructions is like swimming without water» (p. 78). *Instructions* is the term that Nord first used to mean *commission* or *translation brief*. Nord defines the *instructions* as a list of client's or commissioner's requirements a translator is given and has to comply with during his translational action, without which no translator will be able to get a competent translation. She came out with the fact that the translation is to be defined by the translation brief, which in an implicit or explicit manner describes the situation for which the target text is required. (p 142). Hence, she highlights the role of the *Translation brief* in guiding the choices that should be made by a translator during the fulfillment of his task.

She adds that, by definition, the source text and the target text have different functions to fulfil in terms of their situation (p.59). This suggests that it is not the function of the source text that decides about the function of the translation, but rather the receiver of the target text: that is to say, his culture and that a source text may serve different purposes or functions compared to its translation into another language or cultural context.

As Nord (1997) puts it, a brief must contain information about the intended functions of the text, the audience of the translation, the translated text reception time and place, the medium over which the translation will be submitted, and the translation production or reception motive. (p.60)

It is important for any translator, especially the professional legal translator, to know the purpose of a translation, who and where it is to be used: by law professionals, for information purposes only, or by students, because the readership is very important for the language register (formal, jargon, or general language). For instance, a legal text may be rendered using a different language register depending on the readership of the target text: if addressed to a judge or lawyer, the register must be formal and the terms specialized. If the translation is addressed to a non-specialized public, the register will be formal, the terms general and the text completely understandable.

For Xiaoyan Du, Vermeer finds that every action has a purpose, and, as translation is an action, it must have a purpose too. This is according to action theory. The purpose is actually assigned to every translation by means of commission. (Du, 2012, p. 2190)

Skopos and translation brief, also known as commission, cannot be dissociated because the commissioner (client) gives the skopos of any translation to the translator in a «translation brief». This latter includes key information a translator needs to carry out his translation, such as: language, receiver's age, profession and culture, as well as the time, the place, and the reason the translation is to be used for, by any court to pass a judgment in a country whose language and legal systems are different, etc...

2.2.2 Role of Linguistics in Legal Translation

Languages differ in many aspects, including style, grammar and culture, even if they have the same roots (like Spanish and French). As a specialized field of translation, legal translation involves a specialized language which is usually ambiguous and vague. Therefore, a legal translator should have high linguistic skills, namely in semantics and syntax, in order to understand the legal concepts of source and target texts within their own legal systems, and be able to improve the quality of his translation. James S. Holmes' « Translation aids » mentioned in his map (cited by Munday, 2008, p 10) refer to dictionaries, glossaries and information technology as translation tools that assist translators during the translation process in conveying the exact meaning of terms without distorting the source text.

It is common knowledge that the most significant difficulty in legal translation is the absence of the equivalent terms in the target language culture. In order to avoid any misinterpretation and legal implications, a legal translator must have the ability to face the translation challenges generated by « (...) the specificities of each language (...) », (Bouregbi, 2014, p 278), because every legal language is different from the other in terms of grammar, vocabulary, syntax and style, and evolves in a specific cultural environment. To find a solution to any translational problem related to legal terms, a translator should have such linguistic skills that make him « recycle » and « adapt » them to the target text (Bouregbi, 2014, p 276), i.e. have enough control of the language to find the most appropriate way to convey the exact meaning intended by the writer, and have a translation that sounds original.

3. Norms in Legal Translation

In the following parts, the researcher intends to show how Toury and Chesterman see and define the norms influencing the translator's choice during the translation process. Actually, Toury's focus is either on the source text or on the target text, whereas Chesterman determines two norms: expectancy norm, i.e. meeting the expectancies of the target audience, and professional norms, i.e. complying with the translation ethics. Obviously, the norms mentioned may be applied on the translation of legal texts.

3.1 The Concept of Translation Norms

The term *norm* is borrowed from sociology and refers in translation to the implicit rules and conventions that govern the translation process and the product. Gideon Toury first introduced the term *norms* into the field of translation in his book «Descriptive Translation Studies and Beyond», in 1995, within the framework of the descriptive translation studies which is an empirical branch of Translation Studies that deals with the translation as a process and a product as well.

For Toury, the norms, source-text norms or target-text norms, influence the translation process. The translation may be influenced by the source text, maintaining the legal implications without considering cultural nuances. Whereas the latter may influence the translation, and render the meaning by adhering to the target text cultural context. (Toury, 1995, p. 55)

It is commonplace that the concept of *norms* has been used in a different way within translation studies, but Toury and Hermans have themselves contributed to its development within Translation Studies. The definition given to *norms* and that Toury used is the translation of general values or ideas that a community shares – as to what is right or wrong, adequate or inadequate – into performance instructions appropriate for and applicable to particular situations. (Toury, 1995, p. 55)

The concept of 'norms-based skopos' in legal translation outlines the influence of the purpose (skopos) of a translation on the target legal system and culture. In each community, there is a knowledge of what counts as correct or appropriate behavior,

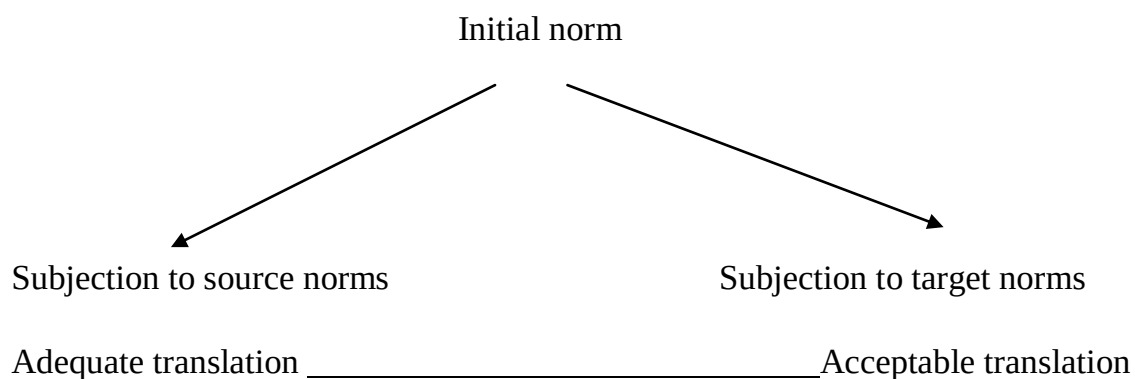
including communicative behavior. The concept of ‘norms-based skopos’ in legal translation outlines the influence of the purpose (skopos) of a translation on the target legal system and culture.

3.1.1 Gideon Toury’s Norms

Toury identifies two translation strategies: ‘source-oriented’ and ‘target-oriented’. A source-oriented translation involves a formal approach aimed at reproducing forms and structures of the source language, whereas a target-oriented translation aims at adapting the text to the target language structures and cultural context. For Toury, there are two approaches to translation: acceptability and adequacy. An ‘acceptable’ translation has to comply with the target language rules and structures. The primary objective is to convey the meaning of the source text, increasing readability and adapting texts to the language structures of the receiving culture. Toury states that «if a translation is source-text oriented, the target text will be adequate, whereas a target-text oriented approach will result in an acceptable translation» (Toury, 1995, p.56). This is on the one hand. On the other hand, an ‘adequate’ translation stays true to the source language and complies with the structures of the original text. A translation aiming at full adequacy is unacceptable because it does not take into account the demands of the target reader.

In this regard, everything depends on the kind of translation required and its purpose. But, regardless of a target-oriented or source-oriented approach, the goal of a translation is to reveal the meaning of the original text.

Figure 1. Toury’s initial norm and the continuum of adequate and acceptable translation



(Munday, 2008, p. 113)

Toury (1995) states that socio-cultural constraints have been described along a scale anchored between two extremes in terms of their ‘potency’: general, relatively absolute rules on the one hand, and pure idiosyncrasies on the other. He adds that between these two poles lies a vast middle ground occupied by intersubjective factors commonly designated *norms*. (p. 54). For Toury, any translation is a norm-governed activity, and its norms determine the equivalence shown in translations.

In the Arabic legal terminology, certain terms have specific cultural and legal implications that may not have direct equivalents in English. If a translator is not mindful of the legal norms that guide the understanding and usage of the terminology, he will not have the cultural equivalent of the term.

Complying with the translation norms ensures that the translation is accurate, because these norms can influence the translator's decision-making process in translating legal texts and the choice of the term that best conveys the meaning and ensures an equivalence between the source and target texts.

3.1.2 Andrew Chesterman's Norms

Andrew Chesterman has researched the concept of norms in translation. He has focused on norms by analyzing the rules, expectations, and conventions that govern the act of translation, rather than focusing solely on the linguistic aspects of translation. For Chesterman, norms are the socially and culturally accepted practices that govern how translations are produced and received. These norms can guide the choices a translator makes when translating a text, helping him to comply with the expectations of the target culture and the context in which the translation occurs.

For Chesterman, (1997), there are two kinds of translation norms: *product norms* and *professional norms*. The product norms are guided by the expectancies of the target text audience, which he calls *expectancy norms*. (p. 64). In other words, the readers of a translation make the product or expectancy norms, i.e. a translator has to produce the appropriate text expected by them.

To make things clear, the product or expectancy norms are imposed by the translation tradition in the target culture, and economic and ideological factors. Chesterman (1997) states that these norms permit to the reader to create evaluate translations he receives because he knows how the translation of a precise text should be 'appropriate' or 'acceptable' (p. 65). Additionally, the expectancy norms are often 'validated by a norm-authority of some kind' (experts, like translation critic, etc.) (p. 66). Nevertheless, Chesterman believes, there may sometimes be a clash between the norm 'authorities' and society in general.

The *professional norms*, as stated by Chesterman, have the task to regulate the translation process itself. (p. 67). A translator has to comply with them in each stage of the translation process to be ethical. He also suggests three kinds of professional norms: *accountability norm*, *communication norm*, and *relation norm*. The accountability norm «is an ethical norm, dealing with professional standards of integrity and thoroughness.» (1997, p. 68). Chesterman states that the communication norm is «a social norm, which specifies the translator's role as a communication expert» (1997, p. 69). The third kind of the professional norm is the *relation norm* (pp. 69–70) which is a linguistic norm.

By product or expectancy norms, Chesterman refers to the carrying out of a translation following the expectations of the audience and the source and target texts

culture norms. The product norms refer to the quality expected in the target text: fidelity and the use of appropriate legal terms.

Regarding the professional norms, Chesterman focuses on the accountability norm, the communication norm, and the relation norm, which may also be applied to legal documents. The accountability norm refers to the ethical obligation of translators to produce accurate and high-quality translations. They should take responsibility for their translations and ensure they fulfill the expectations of both the client (translation brief), as seen earlier, and the target audience. Any misinterpretation or error can result in legal consequences. By ensuring precise language, the translator upholds his accountability, knowing that any errors could mislead the parties involved regarding their obligations.

On the other side, the communication norm focuses on facilitating effective dialogue between parties involved in the legal process. The translator strives to ensure that the translated text conveys the intended meaning clearly and effectively. This is essential in legal contexts where misunderstandings can lead to disputes. Thus, the translator must consider the linguistic and cultural backgrounds of the target audience to facilitate its understanding.

As far as the relation norm is concerned, it is related to the connection between the source text and the target text. Chesterman (1997) emphasizes that the appropriateness of the translation should account for factors like text type, the wishes of the commissioner, the intentions of the source text writer, and the presumed needs of the intended readers. On their turn, the professional norms involve the decision a translator makes in response to challenges during the translation process, and the translator has to make a context decision between two similar terms based on the specific legal context.

3. Skopos and Legal Translation Norms Interaction

Skopos Theory, formulated by Hans Vermeer, asserts that the translation process is guided by the purpose (or skopos) of the target text : the translator must consider the function that the translated document will serve in the target culture. But, since «translation is a norm-governed activity» (Toury, 1995, p.53), there should be an interaction between skopos and norms, and as a result, the translator should align the skopos with the dominating norms. For instance, in the translation of contracts, the skopos might be there to ensure enforceability in the target jurisdiction. This may require adherence to specific linguistic and legal norms relevant to contract drafting in that jurisdiction.

In one word, one can admit that while the skopos focuses on the purpose, norms can guide the choice of words and structure to maintain legal equivalence. For instance, a term with one legal significance in one system might have a different implication in another legal context. The translator must make choices that align with both the end-use of the translated document and the legal norms of the target country.

4.1 Legal Translation Norms

Toury's and Chesterman's translation norms analysed above can also be applied to legal translation as a specialized field of translation, even if it is concerned with legal language and legal system. The 'legal' norm is the only norm that this specialized field of translation does not share with others (which have their own jargon and style: literary translation for instance but no legal system). A legal translator must be aware of the differences in legal systems and languages of source and target texts, and have the competence to render the meaning appropriately and comply with the grammatical, syntax and style, as well as rules of the target legal language. He also must have a thorough understanding of all cultural terms of the source text legal language, and find the suitable translation strategy to be able to translate them, even if they have no cultural or functional equivalent in the target text language. Any misinterpretation or misunderstanding of a culture-bound term can affect the understanding by the readers of the target texts, and accordingly violate the readers' expectancy norm.

Moreover, to have a competent translation, a translator has to know everything about the legal system of both source and target texts. Whenever there is differences in the legal system and culture of both source and target texts, a legal translator may face many difficulties in rendering the meaning. Therefore, he has to use the most suitable translation strategies to solve translation problems and have an "appropriate" or "acceptable" translation.

Like in any other profession, a professional legal translator has to comply with the standards and ethics governing his profession, including confidentiality and privacy. Any error in legal translation may mislead the reader and lead to legal consequences, such as lawsuits against the translator.

4.2 How Do Translation Norms Influence Skopos?

It is worth mentioning that translation skopos is highly influenced by norms. While skopos theory emphasizes the translation's function for the target audience, norms are the established guidelines and expectations that dictate how that function can be successfully realized within a particular context. As such, norms dictate the acceptable terminology and structure of legal texts in the target culture. This restricts the range of possibilities available to the translator in fulfilling the skopos. In other words, if the skopos of a legal document translation is to make it legally binding in the target system, norms will dictate specific terminology, sentence structure.

Therefore, translation norms provide the framework within which the skopos is realized. They guide the translator's choices, determining the acceptable translation strategies, and whether the translated text achieves its intended purpose within the target cultural and linguistic context: the skopos provides the 'what', and the norms provide the 'how'.

5. Case Study

Through this paper, the researcher aims to highlight the importance of the translation norms based on the Skopos theory in reaching the purpose of any legal document translation.

5.1 Methodology and analysis

In the empirical part of this study, various are the examples to be displayed in tables, together with their translations from English into Arabic and vice versa. The translation analysis will be respectively based upon Gideon Toury's and Andrew Chesterman's translation norms, Vermeer's aim and purpose of translation, interaction between the skopos and the translation norms, how norms influence the decision-making process, as well as readership of the target text.

5.1.1 Example 1: Appear

Table 1. Examples of Toury's Adequate translation (subjection to source text) versus acceptable translation (subjection to target text)

Source text	Target text /Arabic (Adequate translation)	Target text/Arabic (Acceptable translation)
The defendant must <u>appear</u> before the Court at 11 AM on the specified date.	على المدعى عليه <u>الحضور</u> أمام المحكمة على الساعة الحادية عشرة صباحا في الموعد المحدد.	على المدعى عليه <u>المثول</u> أمام المحكمة على الساعة الحادية عشرة صباحا في الموعد المحدد.

Source : Professional Legal Translation Office

- Arabic translations analysis:
- Linguistic analysis of «حضور»:

Al-Mounjid Arabic dictionary «المنجد في اللغة العربية المعاصرة» defines the Arabic noun «حضور» as :

1. حضور مص || مَثُول: «حضور المتهم أمام القاضي».

حضر: حُضُورًا: قديم، أقبل: «حضر لملاقة فلان» || شهد: حضر احتفالًا جلسة" || مثل أمام المحكمة".

(المنجد في اللغة العربية المعاصرة، 2015)

It explains that «حضور» (substantive) is: appearance, and gives the example of «appearance of the accused before a judge», so «حضور» renders the meaning of appear in this legal context.

- **Analysis of « adequate » translation:**

The Arabic translation of the verb 'appear' by « حضور » is faithful to the source text structure and renders the meaning of the source text, but, although « حضور » can be understood by the Arab reader, it is not what he might expect in this legal text, therefore, the translation would be considered “adequate”.

- **Linguistic analysis of « مُثُول »:**

Al Mounjid Arabic dictionary « المنجد في اللغة العربية المعاصرة » defines the Arabic noun « مُثُول » as :

مثول: تلبية أمر صادر عن سلطة عليا أو القيام أمام محكمة كفريق في دعوى أو كشاهد: « مُثُول المتهم. »
(المنجد في اللغة العربية المعاصرة، 2015)

It explains that « مُثُول » is : to comply with an order issued by a high authority or appear before a court as a party in a case or as a witness: « appearance of the accused.» As the former explanation implies that the defendant had been summoned to defend himself or hear the judge's decision, « مُثُول » is very close to the meaning the verb « appear » has in the source text.

- **Analysis of « acceptable » translation:**

The Arabic translation of « appear » by « مُثُول » focused on the target readership understanding, meaning remains the same and the translation is « acceptable ». The decision by the translator to translate it by « appear » was made during the translation process, and this is exactly how an Arabic speaker would say in this legal context while conveying the same legal meaning.

5.1.2 Example 2: المدعى عليه

Table 2. Example of Chesterman's product or expectancy norms

Source text	Target text /English (Product or expectancy norms)
تم تكليف المدعى عليه بالحضور	The <u>defendant</u> has been summoned to appear.

Source : Professional legal translation office

- **Linguistic analysis of defendant :**

Merriam Webster online dictionary defines defendant as :A person or group against whom a criminal or civil action is brought : someone who is being sued or

accused of committing a crime. <https://www.merriam-webster.com/dictionary/defendant>

- **Linguistic analysis of « المدعى عليه » :**

The Arabic online dictionary « Al Maany » (معجم المعاني الجامع - معجم عربي عربي) defines « مدعى عليه » as :

المدعى عليه (مصطلحات): الشخص الذي تُرفع عليه دعوى (قانونية).

https://www.almaany.com/ar/dict/ar-ar/%D8%A7%D9%84%D9%85%D8%AF%D8%B9%D9%89-%D8%B9%D9%84%D9%8A%D9%87/#google_vignette

It defines « مدعى عليه » as the person against whom a lawsuit is filed. So, the use of both « مدعى عليه » and defendant refers to the same meaning in the same legal context.

- **English translation analysis :**

The translation has reached the expectations of the audience and the norms prevalent in source and target texts cultures. For instance, the term « defendant » is carefully chosen to keep the legal meaning which exists in the Arabic context. In this example, the expectation of fidelity to legal definition of the term « defendant » has been reached.

5.1.3 Example 3: حكم المحكمة

Table 3. Example of Chersterman's professional norms

Source text	Target text/ English (Professional norms)
يجب على المدعى عليه الامتثال لحكم المحكمة	The defendant must comply with the <u>judgment</u> passed by the Court.

Source : Professional legal translation office

- **Linguistic analysis of term « judgment » :**

A « judgment » is defined by online Collins English Dictionary as: a decision made by a judge or by a court of law. Examples :

The industry was awaiting a judgement from the European Court.

The Court is expected to give its judgement within the next ten days.

<https://www.collinsdictionary.com/dictionary/english/judgment>

- **English translation analysis:**

During the translation process, the translator has made a context decision by translating « حكم المحكمة » by « judgment passed by the Court », which seems to be the

most appropriate. He based his choice of the term « judgement » on a specific legal context, which is a final decision made by a judge, taking responsibility of the translation.

5.1.4 Example 4: This notice serves as a formal warning of the impending eviction

Table 4. Example of Vermeer's « aim » and « purpose » of translation

Source text	Target text/Arabic (« aim » and « purpose »)
This notice serves as a formal warning of the impending eviction	يُعدُّ هذا الإشعار تحذيرا رسميا بالإخلاء الوشيك.

Source : Professional Legal Translation Office

Arabic Translation Analysis:

• **Analysis of « aim »:**

The whole Arabic translation above conveyed the seriousness of the notice to the reader in the Arabic style used in such legal context, and the “aim” of the translation (product) must have been to have such an influence on the reader and make him/her feel he/she has to leave the premises very soon. Therefore, the “aim” of the translation seems to have been reached.

• **Analysis of « purpose »:**

During the translation process, the translator must have been guided by the thought that he had to build an Arabic sentence with the following denotation in order to make the party concerned leave the premises:

- If the concerned party does not leave the premises, he will face legal consequences.
- Make the concerned person feel that he is not entitled at all to remain in the premises.
- Final decision is made by the relevant authorities to make him leave very soon.

5.1.5 Example 5: is allowed

Table 5. Example of interaction between the skopos and target text cultural norms

Source text	Target text/ Arabic
No person is <u>allowed</u> to enter into agreement with foreign parties without authorization from the relevant authority.	يُحظر على أي شخص إبرام عقود مع أطراف أجنبية دون ترخيص من الجهة المختصة.

Source : Professional legal translation office

- **Linguistic analysis of « يُحظر »:**

Al-Mounjid Arabic dictionary « المنجد في اللغة العربية المعاصرة » defines « حَظَرَ » as :

حَظَرَ: حُ حَظَرًا: منع: «حَظَرَ تَجَارَةَ المَخْدَرَاتِ».

"حَظَرَتِ الحُكُومَةُ عَلَى المَوْظُفِينَ الانْتِسَابَ إِلَى أَحْزَابٍ." (المنجد في اللغة العربية المعاصرة، 2015)

It is explained in the dictionary above that « حَظَرَ » is : prohibit : prohibition : forbid : « prohibition of drug trafficking ». « The government banned employees from joining political parties. », so the choice of the verb « يُحظر » is used to address a direct strong message to the reader.

- **English Translation Analysis:**

The predicate « is not allowed » was understood by the Arab translator as being a prohibition, still he could have translated it by « لا يُسمح » and lost a significant part of its meaning, because the meaning of « لا يُسمح » perceived by the Arab reader is weaker than « يُحظر »

The translator made this translation choice deliberately, not only with the aim of reaching the skopos (purpose) of the target text, i.e. conveying a strong message of the possible legal implications for any party to the agreement failing to respect this clause, but also to comply with the norm of the Arab culture by conveying a strong meaning as exactly perceived by the Arab audience.

5.1.6 Example 6: ملزمة

Table 6. Example of how norms influence the decision-making process

Source text	Target text/English
تُعتبر هذه الاتفاقية ملزمة لجميع الأطراف.	This agreement is <u>binding on</u> all parties

Source : Professional legal translation office

- **Linguistic Analysis of « binding »:**

Merriam Webster online dictionary defines 'binding' as:

Binding (adj.): 1- That binds. 2- Imposing an obligation. <https://www.merriam-webster.com/dictionary/binding>

- **English Translation Analysis:**

The impact of the translation norm can be seen in the translator's focusing on the term « binding » to show the decision made to convey the legal enforceability

of the agreement and the relationship between the agreement and the obligations of the parties, while ensuring that the translation reflects accurately the legal implications of the original.

The example above illustrates that the translation norms guide the translator's decision-making process, from the choice of the term that best conveys the meaning and ensures an equivalence between the source and target texts.

5.1.7 Example 7 : life imprisonment

Table 7. Example of the target text audience.

Source text	Target text/Arabic
The defendant is sentenced to <u>life imprisonment</u>	حُكِمَ عَلَى الْمُدْعَى عَلَيْهِ بِالسَّجْنِ الْمُؤَبَّدِ.

Source : Professional legal translation office

- **Linguistic analysis of:** السَّجْنِ الْمُؤَبَّدِ

The Arabic online dictionary « Almaany » defines السَّجْنِ الْمُؤَبَّدِ as :

السَّجْنِ الْمُؤَبَّدِ:

○ حُكْمٌ بِالسَّجْنِ مَدَى الْحَيَاةِ، وَيُنْقَضُ إِلَى عِشْرِينَ عَامًا، حُكْمٌ عَلَيْهِ بِالسَّجْنِ الْمُؤَبَّدِ (مصطلحات قانونية)

https://www.almaany.com/ar/dict/ar-ar/%D8%A7%D9%84%D8%B3%D8%AC%D9%86-%D8%A7%D9%84%D9%85%D8%A4%D8%A8%D8%AF/#google_vignette

It explains the meaning of «السَّجْنِ الْمُؤَبَّدِ» as : a life sentence, which might be commuted to twenty years. Therefore, «السَّجْنِ الْمُؤَبَّدِ» is the most appropriate choice made by the translator for life imprisonment.

- **Arabic Translation Analysis:**

The translator used legal terms, i.e. specialized language, and the meaning successfully conveyed. One may deduce from the translation «السَّجْنِ الْمُؤَبَّدِ» that the target text is addressed to a specialist audience. Moreover, the example above shows that, by adhering to the concept of norms-based skopos, the translator obtained functional, relevant, and appropriate legal text within the target legal system. Nevertheless, if the translation was addressed to a non-specialist audience, it could have been «السَّجْنِ مَدَى الْحَيَاةِ», the language register would be formal, the vocabulary general, but understandable by any audience, and the meaning successfully conveyed.

6. Findings and Discussion:

The concept of “norms-based skopos” in legal translation outlines the importance and the mutual influence of both the skopos of a translation and the norms of the target legal system and culture, as well as the influence of the skopos on the translation process and translator decision-making. The examples above illustrate that influence and the importance of the audience in shaping the translation.

In the professional legal translation, the linguistic aspects (such as terminology, syntax and style), source and target texts legal systems, as well as translation ethics and translation norms are essential to consider.

7. CONCLUSION

Since translation is a cross-cultural activity involving readers from different cultures, the Skopos and norms in legal translation play a significant role during the translation process in rendering a message easily understandable in the reader’s culture. Translators must be aware that norms depend on the culture of the target text reader, and that they have to abide them as much as possible, because their compliance to these norms during the translation process are of a great help in decision making with a view to having a competent translation.

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