

The Legal Translation Profession in Morocco: Perceptions of Moroccan Sworn Translators

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ABSTRACT

Morocco has Recently witnessed an increasing demand for legal translation services as a result of the establishment of various relations with many countries all over the world. These relations have given birth to partnerships and agreements in the public and private sectors. Such agreements and contracts used to be drafted either in French or Arabic. But recently, there has been a tendency to draft them in English as well. This article sets out to shed some light on the present situation of translation in Moroccan higher education institutions, the status of the translation profession in Morocco and the certification process of sworn translators, and finally, the perceptions and views of Moroccan sworn translators about the current challenges and future prospects of legal translation practice in Morocco.

Keywords: legal translation, pragmatic approach, source text, target text, translation theory.

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I. INTRODUCTION

Legal translation has imposed itself as one of the most prominent and demanded specialisations both in the translation market and in translation studies. This makes the demand for legal translation more pressing than ever thanks to the flexible social, political and economic exchanges between individuals and communities. Its influential scope and challenges have attracted growing attention amongst scholars who have tackled a wide range of issues primarily related to methods of legal translation, practical challenges of legal translation, different legal genres, training legal translators, etc. However, studies on the legal translation profession in Morocco are still scarce, if any.

One of the factors that has boosted legal translation in Morocco is the increase of the migration flow into and out of Morocco in comparison with the past few decades (UNDESA World Social Report / DISD, 2020 & OIM Maroc/ International Organization for Migration/ Morocco, 2020). This can easily be observed in the cases of mixed marriage, enrolment in foreign universities and institutes, in addition to tourism. Due to this mobility, some documents require certified or official translations from English into Arabic or vice versa. They include, inter alia, certificates, diplomas, reports, court decisions, agreements, etc. In this case both the source and target language versions should be legally valid, unlike some contracts where one language prevails, especially in cases of potential disputes or disagreements.

The above-mentioned documents are characterised by brevity, economy and neatness, chiefly in order to prevent fraud, additions, omissions or alterations (Crystal & Davy, 1969). This implies that any translational inaccuracies in legal documents may cause large financial and business losses or a total rejection of the translation itself by an official authority. The language layout and wording of legal documents should be precise, expressive and should not be liable to other interpretations apart from the ones attributed to them. Unlike literary language, legal language strives to avoid ambiguity and decorative language.

II. TRANSLATION IN MOROCCO

A. Translation in Morocco: A State of the Art

Research in the history of translation unveils that Moroccan Sultans employed translators and interpreters mainly for diplomatic and defensive purposes. The exception in this regard was, presumably, the translation of works of philosophy, astronomy, mathematics, etc. in Andalusia by a number of Arab translators during the Islamic rule of the Iberian Peninsula. Translation activity in such a way should not, however, be considered as a clear manifestation of the formation of a fully-fledged translation movement in Morocco as these initiatives were sporadic and not institutionalised.

Among the attempts to institutionalise translation in Morocco were those attempts carried out by Moroccan associations working in the field of translation and interpreting, such as the Moroccan

Association of Professional Translators, Moroccan Association of Conference Translators and Interpreters, Association of Moroccan Authors for Publication, International House of Literary Translators, all of which outline as their main objectives improving the status of the translation profession in Morocco, providing financial and moral support for Moroccan translators, and acting as a link between translators and authoritative bodies. These associations, however, are not officially recognised by the state as bodies for the organisation of translation profession in Morocco. The first and only recognised association which brings together Moroccan translators and interpreters in one single body is the Association of Translators Accredited to the Courts briefly referred to as “ATAJ”.

B. Translation in Moroccan Higher Education Institutions

Perhaps, the first attempt to introduce translation in Moroccan universities was the establishment of King Fahd School of Translation in Tangiers in 1983. This school was established with the aim of training professional translators and interpreters in several languages including Arabic, French, English, Spanish and German. The training aimed to help graduates integrate public and private sectors as well as international organisations. The school was later integrated within the University of Abdelmalek Essaadi in Tetouan. Aside from this school which offers four diplomas in three language combinations (Arabic-French-English, Arabic-English-French, Arabic-Spanish-French and Arabic-German-French), an MA in interpreting, and an MA in translation, communication and journalism, only few Moroccan institutes offer courses and programmes purely specialised in translation or interpreting (9 programmes in BA, MA, and doctoral studies). Otherwise, some sporadic researches on translation and interpreting are conducted within the broader scope of applied linguistics. All the same, the private sector is no exception in this regard, as there only exist two institutions specialised in translation and interpreting, namely the Ecole Supérieure Marocaine de Traduction et d’Interprétariat in Casablanca (ESMTI) and the Institut Supérieur de Traduction in Rabat.

C. Certification of Translators in Morocco

The nomenclature of translators’ certification varies throughout the world. Jiri Stejskal carried out a series of studies on translator certification from 2001 to 2005. For Stejskal (2003), the general field dealing with certification is known as ‘credentialing’. Within this field, Stejskal distinguishes between certification, accreditation, authorisation, registration and licensure. The following is a brief account of each appellation:

- **Certification:** A voluntary process by which an organisation grants recognition to an individual who has met certain predetermined qualification standards.
- **Accreditation:** A process by which an authority grants public recognition to an organisation such as a school, institute, college, program, facility, or company that has met predetermined standards.
- **Authorisation:** A mode of certification that grants not just recognition but also the power to act on behalf of the certifying institution. Translators who are “sworn” in this sense can produce a translation that is legally valid. These translations are “authorised” by a government agency.
- **Registration:** A process by which the possession of specific credentials relevant to performing tasks and responsibilities within a given field is verified.
- **Licensure:** A mandatory credentialing process by which a government agency grants permission to persons to engage in a given occupation or profession by attesting that those licensed have attained the minimum degree of knowledge and skills required. (Stejskal in Pym *et al.*, 2012, pp. 17-18).

In Morocco, each translator is required to obtain certification from the Ministry of Justice before practising legal translation. All certified translators in Morocco must adhere to the Association of Translators Accredited to the Courts (ATAJ). This association was formed during its constitutive General Assembly which took place on October 26th, 2002, at the Cultural and Social Compound of the Lawyers’ Bar in Rabat. According to the provisions of Chapter IX of Law n° 50.00, published in the official gazette (Bulletin Officiel) n° 4918 on July 19th, 2001, “all translators accredited to the courts shall adhere to the same professional association ...”

In order to become a certified translator (also sworn translator), the applicant must meet the following requirements as set forth in Law n° 50.00:

- be of Moroccan nationality;
- obtain a translation diploma from a recognised university or institution in Morocco, namely King Fahd School of Translation in Tangiers or another accredited institution;
- be of good behaviour and not to have been sentenced to a felony or misdemeanour for acts contrary to honour, integrity or morals;
- enjoy the ability to practise the profession of certified translation;
- be in a sane position to practise military service;
- reach at least twenty-five (25) years of age;
- succeed in the examination for access to the profession of a sworn translator;

- spend a full year of professional training in a translation office with at least five years' seniority in practising sworn translation, and pass the examination at the end of the exercise;
- take the following oath: "I swear by Almighty Allah to translate honestly and faithfully utterances spoken or exchanged by persons as well as the documents entrusted to me and respect professional secrecy";
- be listed in the register of sworn translators recognised by the Ministry of Justice;
- exercise translation in a translation office or agency.

The above requirements plainly show that there is a 'protection' of the title "sworn translator" in Morocco, unlike the generic term "translator" which is 'unprotected', since almost anyone can be called a "translator" or act in this quality. This implies that in order to give an invoice for an official translation, the translator needs to be professionally qualified as a "sworn translator", with a degree or diploma in Translation and Interpreting or in one of the language pairs recognised by the Moroccan Ministry of Justice (Arabic ↔ English, Arabic ↔ French, Arabic ↔ Spanish, Arabic ↔ German, etc.).

D. ATAJ Association: Translator's Commitments and Obligations

The deontological code established by ATAJ association is a complement to the provisions of law n° 50.00 regulating the profession of the 'translator accredited to the courts' side by side with the statutes of the Association approved by the Ministry of Justice. According to the Association, the translator accredited to the courts is held to:

- provide an official translation of documents requiring an official certification within the certified language pair;
- ensure an indisputable quality translation within the rules of the profession;
- confine to the professional qualifications which are granted to him or her by law;
- refuse a work exceeding his or her qualifications;
- personally, assume the responsibility of works having his or her signature and seal;
- translate the entire documents. In case the client requests a partial or analytical translation, the translator is bound to clearly mention it in his or her translation;
- classify and keep copies of works carried out during a five years period;
- ensure the confidentiality of personal information of his or her clients as already seen in the oath taken by the translator; and
- provide his or her clients, before accepting the work, with all information related to the fulfilment of the translation, notably, the price and time limits. Furthermore, the translator reserves the right to request an advance on the total price (of the work) before embarking on the translation. In case of failure to respect the time limits of delivery, he/she must inform the client as soon as possible in order to reach a suitable solution for the two parties.

In terms of the translation method or strategy to be used by the translator accredited to the courts, the code stresses on the fact that he/she must not in any case translate a document on the basis of his or her personal interpretation; his or her utmost role must be restricted to the reproduction of the content of the ST with full faithfulness and accuracy. However, the extent to which a translator should intervene (i.e., interpret and manipulate rather than operate a purely linguistic transfer) will be in accordance with beliefs about which frame(s) most influence translation. Following the 'ice-berg theory', translation scholars tend to focus on the more hidden levels, while practitioners are more concerned with what is visible on the surface (Katan, 2009).

III. RESEARCH QUESTIONS AND METHOD

The present study explores Moroccan practitioners' perceptions and views about the current challenges and future prospects of legal translation practice in Morocco. It specifically addresses the following questions:

1. What are the various challenges facing legal translators in Morocco and how do they deal with these challenges?
2. What are the recommendations of Moroccan legal translation agents for enhancing the translation profession in Morocco?

This study is based on a phenomenological qualitative research approach. The study employs in-depth semi-structured interviews that seek to describe the essence of a phenomenon by exploring it from the perspective of those who have experienced it. The goal of phenomenology is to describe the meaning of this experience – both in terms of what was experienced and how it was experienced (Tehrani *et al.* in Neubauer *et al.*, 2019). According to Fylan (2005), semi-structured interviews are conversations in which the researcher knows what he/she wants to cover and has a set of questions and a foundation of knowledge to help guide the exchange. The goal is to create a safe space in which the participant feels comfortable to reflect upon his or her own personal experiences (ibid). In such studies, data collection continues until new information saturation is reached. Romney *et al.* as quoted in Kafi (2017, p. 5) claim that if the interviewees

possess an acceptable degree of knowledge and expertise in the specific domain, sample sizes as small as four can provide almost complete information in a specific cultural context. In the current study, it is concluded that saturation has been reached after conducting 10 interviews. The collaborators were willing to be interviewed and have trusted me to protect their identities. Their responses are important and I am grateful that they have repeatedly given of their time to further this research.

As a result of a comprehensive review of the relevant literature about translation theory, legal discourse, translation strategies, etc., several themes have been identified as indicators of a true profession. The themes covering a wide range of issues were used to design the interview for data collection. In the interview sessions, the participants were asked to express their opinion about the following issues and their recommendations for enhancing the translation profession in Morocco:

- Relevance of general translation theory for legal translation practitioners;
- Importance of legal discourse as a background for the legal translator;
- Practical challenges faced in translating legal documents;
- Major translation strategies and procedures used by Moroccan translators;
- Suggestions and recommendations to enhance legal translation practice in Morocco.

It is worth mentioning that because of the ongoing pandemic of coronavirus disease (COVID-19), the interviews have been conducted virtually, essentially via email, but also via WhatsApp and telephone. According to Hewson et al. as quoted in Saldanha and O'Brien (2019, p. 188) compared with traditional interview methods, "the email interview may be less spontaneous and flowing, but it allows participants to answer in their own time and at their own convenience, which may encourage more detailed and carefully considered answers." Furthermore, participants may also be more accurate in answering factual questions for which they need to check information, enhancing the validity of the data obtained (ibid). It is important to emphasise that remote interviews make it possible for interviewers to come back for clarification at a later stage.

In order to analyse the data, grounded theory (Glaser & Strauss, 1967) has been employed. Grounded Theory (GT) is not a theory but a research method, and more specifically a mode of data analysis. According to Saldanha and O'Brien (2019), GT is based on two basic principles. The first is that the data analysis should be based on empirical or grounded findings and follow a specific sequential coding system. The second is that the analysis should produce some 'theory' as an outcome of the investigation. The achieved theory describes the phenomenon in question and explains how it works.

Grounded theory entails a three-level coding system, consisting of open coding, axial (or theoretical) coding, and selective coding:

Open coding involves segmenting the data into units of analysis and assigning conceptual categories to the segments, based both on the data and on the researcher's conceptual knowledge.

Axial coding involves connecting and grouping these first order concepts into more encompassing concepts that subsume several subcategories.

Selective coding consists of selecting a core category that will be the centrepiece of the theory proposed (ibid).

IV. DISCUSSION AND FINDINGS

A. *Relevance of General Translation Theory for Legal Translation Practitioners*

Most of the interviewees in this study (8/10) consider that general translation theory is of no use for legal translators in the course of translation practice. Legal translation theory, however, for them can restrictedly be employed to handle some culture-bound terms. According to a number of the interviewees, translation theory is acquired by the legal translator through extensive exposure to various types of legal documents.

This idea is otherwise expressed by Pym (2014) who takes the view that translators are theorising all the time; for instance, in situations which involve generating a range of solutions to a particular translation problem and then selecting from this range one solution. This is in itself an act of theorising. Pym distinguishes between 'this private, internal theorising' (ibid, p. 1) and 'public theory', which develops out of 'disagreements over different ways of translating' (Pym, 2010, p.2).

Pym's idea goes in line with the crucial distinction made by Farghal (2012, pp. 56-57) between the concepts of 'theory of translating' and 'theory of translation'. The first is essentially said to be subconscious, i.e., "it consists of a set of practical principles and guidelines which are intuitively implemented in translation practice by practitioners on the market." It is also said to be "naturally acquired through extensive translation activity wherein the set of principles and guidelines reaches a high degree of automatization in finished translators". The second, on the other hand, is said to be conscious, i.e., "it consists of a set of theoretical or abstract principles and guidelines which are formally learned and consciously applied by translators." To sum up, "a theory of translating is subconscious, intuitive and naturally acquired, whereas a theory of translation is conscious, informed and formally acquired. (Bnini, 2016)

Chesterman as quoted in Williams (2013), however, argues that a translator must have a theory of translation, considering that to translate without a theory is to translate blindly. Theoretical concepts,

according to him, can be essential tools for thought and decision-making during the translation process. The decisions taken by a translator during the course of a translation job, for example, about the terminology to opt for or layout to adopt are taken on the basis of theoretical considerations.

Pym (2014) expresses the same idea arguing that all translators theorise, not just the ones who can express their theories in technical terms. In fact, untrained translators may conduct their job faster and more efficiently because they know less about complex theories; they have fewer doubts and do not waste time reflecting on the obvious. However, awareness of different theories might be of practical benefit when facing problems for which there are no pre-established solutions, where significant creativity is required.

Translators engage in translation theory when they comment on their work in paratexts such as translator's notes and prefaces or in correspondence with lawyers or peers. Nowadays, this might also include the email correspondence between a professional legal translator and his trainee. Robinson and Kenny (2012) distinguish between this kind of theorising and 'formal translation theory'.

Concerning the application of functional theories to legal translation (e.g., Reiss 1971, 1977, Reiss and Vermeer 1984/2014, Holz-Mänttari 1984, Nord 1997, etc.), all the interviewees reject this idea claiming that such procedure may result in the distortion of the ST. Indeed, Vermeer himself notices that the change of purpose in translation may result in a different TT being produced by a translator (Matulewska, 2013). An interviewee expressed this idea by considering that the application of functional theories of translation such as Skopos theory, which focuses on the TT, runs the risk of "mistranslation or inaccurate translation, especially if the TT generates legal consequences."

B. The Importance of Legal Discourse for the Legal Translator

As we have already highlighted in chapters 2 and 3, legal discourse is unique in terms of its stylistic, syntactic and lexical features. It is a definite, precise and technical type of discourse involving archaic terms, Latinisms and words of French origin. These features have continued to exist in legal texts in spite of the plain language campaign calling for the simplification of legal language.

The practice of legal translation requires from the translator to be familiar with legal discourse as well as the legal systems to which or from which he/she is translating. This does not imply that the translator has to be a lawyer in order to be a legal translator, but the translator should be fully aware of the way the law functions in both source and target language communities. Otherwise, the translator may mistranslate the whole substance of a particular text. This presupposes that the legal translator should have not only language competence, but also expertise in both the source and target legal systems, cultures, and the methods of interpreting legal texts.

Turning now to the interviews, the participants confirm the idea that the translator should have a solid background in legal discourse in order to produce an accurately functional TT. Only 3/10, however, believe that the features of legal discourse (high formality, archaic terms, Latinisms, doublets and triplets, etc.) constitute a source of difficulty for the sworn translator. Thus, these interviewees advocate the maintenance of the specificities of the language of the law and the rejection of plain legal language where possible, because abundance of translation material such as specialised dictionaries, internet websites, machine translation services, parallel texts, encyclopaedias and pre-established models have considerably facilitated the task for the sworn translator. Another reason behind rejecting the use of plain language in translating and drafting legal documents, as argued by an interviewee, is that "the target text may look like an explanation or interpretation of the source text".

It goes without saying that delving into the history of legal discourse in general and the respective legal systems of the SL and TL in particular is of utmost importance for the legal translator. Taking the example of the length of the sentences and paragraphs of legal documents raised in chapter 2, the legal translator should take into account that this length was not only for the sake of clarity, but most importantly because drafters were usually paid according to the number of pages they had written. However, the texts of the last few centuries were shorter, but with a higher rate of technical and sometimes incomprehensible terms, as opposed to the texts of the earlier centuries in which content was simpler. The page-long sentence structure tended to disappear in the 19th and 20th century when new layout models were adopted by legal translators.

Another notable example is the *raison d'être* of doublets and triplets in legal discourse. Doublets (binominals) and triplets (trinominals) are redundancies in which two or more synonyms or near synonyms are combined. Historically speaking, French-English and Latin-English doublets and triplets were used in early Medieval English to make a legal case understandable to all the communities of England. The word-for-word translation method used by legal translators since the dawn of history has resulted in the strict adoption of doublets and triplets by other languages including Arabic.

C. Practical Challenges Facing the Legal Translator

Overall, five main challenges were elicited from the interviews: culture specific and system-based terms and expressions, ambiguity, short deadlines, unofficial translation services, undesirable economic conditions.

1) Culture-specific and system-based terms

The interviewees unanimously consider that finding suitable functional equivalent terms is a real problem for them when translating legal contracts between English and Arabic. Interestingly, these findings are in

agreement, to a great extent, with Baker's view:

the most common problems that legal translators face during the rendering of a legal text are the lack of verbal / functional equivalence in the target language. It requires [a] highly competent translator whose task is to stay faithful to the intent, tone, and the format of the original, source legal document and make the text clear and understandable to the receiver without taking any creative liberty which is considered unacceptable in the formal constraints of legal language. (Baker as quoted from Holi, 2016, p. 132)

The different developments of source and target language systems are highly significant for the translator, as each system has its own jargon, rules and techniques. Legal translation becomes more complicated when the source and target legal systems are culturally different. A case in point here is the Moroccan legal system which is a mixture of Civil law, due to the past French influence during the Protectorate era, and Islamic law (or *Sharī'ah*), mainly based on the Maliki school of *Sharī'ah* jurisprudence. There also countries whose legal system is rooted in the Common law, such as Oman, which had close ties with the United Kingdom. Within this context, Kananer (2005) points out that

legal translation is [more] difficult than any other types of technical translation because of the system-bound nature of legal terminology, unlike scientific or other technical terminology, as each country has its own legal terminology which has no counterpart in other legal systems. (p. 1)

In line with this statement, one of the interviewees thinks that the striking difference between the Anglo-Saxon and Moroccan legal systems makes it difficult to render certain notions from one language to another. Legal terminology is not hard to find when translating between French and Arabic because the Moroccan legal system is modelled on the French one. The notion of 'ضابط الحالة المدنية', for example, is not difficult to render into French since the French 'officier de l'état civil' and the Moroccan 'ضابط الحالة المدنية' have approximately the same tasks. They, amongst other things, register and deliver birth certificates and authenticate signatures. Thus, it can be argued that the term 'civil status officer' used by most of the translators in Morocco to translate 'ضابط الحالة المدنية' does not properly translate this notion into English. Instead, the term 'registrar' is its closest equivalent, though this term which is used in the Anglo-Saxon system differs from 'officier de l'état civil' (ضابط الحالة المدنية). In other words, the English 'registrar' do not have all the tasks conferred upon the French 'civil status officer'; for example, registrars do not authenticate signatures. This is done by the notary public in US, by the commissioners of oath in Canada and solicitors in UK.

In the field of legal translation, and more specifically PLDs, culture-specific terms are usually related to *Sharī'ah* law system as in the terms of 'زكاة', 'كفالة', 'صداق', 'هبة', 'متعة' etc. This kind of terminology does not have equivalents in English legal systems and, thus, calls for translation techniques to be adequately handled.

2) Ambiguity

Legal translation is a very complex process, essentially because it requires a linguistic and legal interpretation of the source legal text as a whole, then its translation using an appropriate equivalent text in a given TL. Disregarding these requirements may lead to a disastrous outcome. With this regard, an interviewee argues that

Ambiguity can lead to serious misconceptions and translation errors, especially if the translator is not familiar with the topic and does not have enough time to [conduct] a thorough terminological research. In [the] case of ambiguity, the translator should [have more information] more about the topic. Having more background about issues dealt with in the translation helps the translator to dispel ambiguities and uncertainties.

Chroma (2004, pp. 197-122), puts her finger on the importance of linguistic and legal interpretation of the source legal text prior to its translation with an appropriate equivalent text. She writes:

Translating legal texts means transferring legal information from one language and culture into another language and culture, considering the differences in the legal systems and the purpose of translation. [...] Since the legal information contained in the source text (ST) is often vague, indefinite, and may also be ambiguous, it should be interpreted within the source language (SL) first, the interpreted information translated into the target language (TL), and, finally, the translated information conformed to the purpose of translation and genre of the target text (TT).

Therefore, the translator is required to undertake a process of conceptual analysis by means of which he/she would be able to identify and assess the most noteworthy differences between the source and target legal systems as they are expressed in the text in question. This conceptual analysis would allow the translator to find the most appropriate equivalent in the TL that will best serve the purpose of translation.

3) *Short deadlines*

One of the most frequent complaints Moroccan sworn translators make is that the overwhelming majority of their clients are unaware of the time it takes for the translator to produce a translation. The present study reveals that 10 interviewees consider short deadlines their biggest challenge. Gouadec (2007), in his turn, thinks that all translators' lives are dominated by time management preoccupations and deadlines.

As they may have never practised translation, some clients expect a translator to deliver their documents within one or two days. This time challenge has aroused the interest of machine or automated translation. Within this context, Robinson and Kenny (2012, p.29) observe that

the frustrating slowness of translation (as of all text production) is one of several factors that fuel dreams of machine translation: just as computers can do calculations in nanoseconds that it would take humans hours, days, weeks to do, so too would the ideal translation machine translate in minutes a text that took five people two weeks to write.

This user-oriented perception about translation is product-driven. The common expression clients excel in is "we need it now, and it has to be good!" How it is done and at what human cost are secondary issues. The main thing is that the translations should be done reliably, quickly, and cheaply (ibid). In this case, the translator's goal can never be the perfect translation, or even the best possible translation; it can only be the best possible translation at this point in time (ibid).

But should the translator accept all translations? A number of the interviewees in this study think that he/she should refuse the translation task if the allotted time is not enough to deliver a good-quality translation, since the translator knows his or her own abilities and schedule and working habits well enough to make down-to-earth promises to clients or agencies regarding delivery dates. The tight deadlines, however, should be negotiated, otherwise the translator can seek help from another agency or a professional translator to complete the job.

As a strategy to surpass these time-related challenges, Gouadec (2007) suggests that translators should take the following points into account:

- Always build in a safety margin when planning work schedules.
- Always keep some time on hand for urgent work from regular clients.
- Use translation memory systems;
- Require that source material always be provided in digital format;

4) *Unofficial translation services*

According to nearly two-thirds of the interviewees, unofficial translation companies and freelancers are another challenging issue facing the profession in Morocco. As already seen in the Moroccan context, official translation agencies are translation service providers which are authorised by the Ministry of Justice. These agencies or offices are often managed by a legally sworn or certified translator. Only the translated documents certified by such agencies are accepted for legal procedures. The fees of the translation services charged by such agencies are much higher compared to the abundant freelancers or unofficial translation services which do not operate under the legal regulations. These unofficial offices are often run by non-linguists who sign low-paid contracts with, trainees, novice translators or university students to keep the prices competitively low, while still profitable. Ultimately, the entire picture results in cheap yet sometimes low-quality translations, which in turn harm the national image of Moroccan translators and lead to an unfair pricing imbalance.

Unlike official translations, unofficial translation services are neither recognised by the Moroccan Ministry of Justice nor by courts and consulates. In other words, a wide range of documents, including PLDs, require certified or sworn translations. This entails a professional sworn legal translator to ensure accuracy in both translation and procedure.

5) *Undesirable economic condition*

The translation arena is strongly influenced by economic fluctuations. Translators are often among the first to be affected by an economic slowdown and the last to feel the benefits of a recovery, because translation is at best seen as an adjunct and not a core part of the products and the production process. This is a fact of life that translation service providers, whatever their status, just have to put up with (Gouadec, 2007).

According to the present study, all the interviewees have confirmed that sworn translation activity has considerably decreased since the outbreak of COVID-19. The situation turned even worse during the period of lockdown in Morocco and a number of countries worldwide. This decrease or stagnation, as some interviewees would like to call it, was due to the fact that legal translation is dependent on other activities such as immigration which was put on hold in addition to the slump of the economy which extremely

affected the activity of a number of companies and services all over the globe.

D. Strategies to Deal with the Challenges

All the interviews show that none of the interviewees distinguish between a “strategy” or “method” on the one hand and a “procedure” or “technique” on the other hand. While a translation strategy or method is the larger and overall orientation of a translated text (e.g., literal translation or free translation), a procedure or technique is a specific technique used for sentences and smaller units/micro structures of the text, (e.g., addition, omission, borrowing, calque, etc.) In other words, a strategy or method comprises several procedures or techniques which are smaller, focused and less impactful.

The interviews also reveal that all the interviewees are aware of the major translation techniques with varying degrees. Nonetheless, only five translators believe that such techniques are really useful in translating legal documents; they presumably consider literal translation the best translation method to be adopted in translating legal texts. However, this ‘literalism’ raises once again the issue of untranslatability, particularly between originally unrelated legal languages, such as legal Arabic and legal English which derive from totally different legal cultures. Indeed, untranslatability, rises not only in the legal field, but also in other subject areas.

As a matter of fact, the terminological challenge raised by a number of the interviewees is not a real challenge for the legal translator, because a great deal of legal terms is piled up in specialised dictionaries, though they are sometimes insufficient to help the TR to grasp the full legal meaning of a specific legal term, as in the example of culture-bound terms or system-related terms. In this case, the translator should resort to other sources to obtain more details about the term in question. These sources include, online sources, encyclopaedias, colleagues or lawyers, crowdsourcing¹ and parallel texts.

E. Suggestions and Recommendations to Enhance Legal Translation Practice in Morocco

It is generally agreed that there is a real need to meet an existing and a rising demand for translators; there is also an agreement for the need to train good translators and to train them well (Gouadec, 2007). The real challenge today is that too many translation graduates do not find employment and too many employers or companies do not find suitable translators or profiles for job offerings. The following section provides some suggestions and recommendations to enhance legal translation competence in Morocco.

1) Revising the Current Syllabus of Translation Studies

In addition to the problem of the scarcity of translation courses and programs in Moroccan higher education institutions, the interviewees point to the predominance of theoretical issues in the current syllabus which result in the disinterest of students. Instead, the interviewees put emphasis on the important courses which are currently missing in the syllabus such as the optimal use of machine translation services, training in SDL Trados Studio and other Computer Assisted Translation (CAT) tools, time and project management, marketing and communication, etc. With this regard, an interviewee suggested that one should “engage more with university Master programs to help the curriculum designers to meet the market requirements and teach their students the necessary knowledge regarding legal translation.” The interviewee further recommends “facilitating the contact and collaboration between the professionals and academic researchers” in order to come up with fruitful ideas that would help improve legal translation practice in Morocco.

Gouadec (2007, p. 328) draws attention to an arsenal of necessary skills that translation practitioners should be equipped with. According to him, translators must:

- master their working languages perfectly (i.e., be able to understand the slightest detail and subtle shade of meaning of the material for translation and be able to write clearly and fluently in the TL or languages),
- be perfectly familiar with every kind of documentation, information retrieval and data research technique,
- be at home with terminology and phraseology mining and management,
- have at least a layman’s knowledge of a wide range of subjects in the fields of science, technology, economics, etc.,
- master all the translation localisation (and revision) techniques, methods and procedures,
- be totally proficient in the use of all the equipment and software they are likely to come across in their professional environments,
- be familiar with best professional practice and professional ethics,
- have some knowledge of commercial and financial management,
- have some experience of project management and,
- be able to communicate and interact efficiently and amiably with a variety of people.

Although they may seem general, these skills and know-hows can also be applied to the field of legal translation. To these skills, an interviewee adds the importance of improving legal literacy of Moroccan

¹ Crowdsourcing is defined by Merriam-Webster dictionary as “the practice of obtaining needed services, ideas, or content by soliciting contributions from a large group of people and especially from the online community rather than from traditional employees or suppliers”

sworn translators as they daily have to cope with legal documents.

2) *Offering Periodic Trainings to Moroccan Sworn Translators*

All the interviewees agree that legal translation courses and trainings should be offered periodically by experts in the fields of translation and law. It can be said that having a legal background, understanding and knowledge may be useful in coping with legal translation challenges. Through trainings, translators would familiarise themselves with the legal systems of both the source and target languages before they start translating legal documents, since the legal systems vary from one country to another, including those speaking the same language. However, these trainings should rather shift their focus of concern to include the application of pragmatics to legal translation because translation competence not only presupposes thorough knowledge of legal terminology, but also an in-depth understanding of the communicative legal function of legal texts.

3) *Informing the Public about the Act of Translation*

Only two interviewees suggested that the public should be informed about the vital role of legal translation in their daily life. This information may be provided through info days, seminars, conferences, TV programmes, newspaper articles, magazines and specialised websites. In addition, one of the interviewees suggested that celebrating the International Translation Day (30 September) as a national event in Morocco would help raise public awareness regarding the significant role of translators in enriching the local culture and facilitating intercultural communication.

V. CONCLUDING REMARKS

To summarise, the findings of this section have shown that the translation practitioners' perceptions about legal translation challenges are consistent with the findings in the empirical research. The study specifically shows the vital importance of legal discourse for the legal translator. It has also revealed that the most apparent challenges, in addition to language-related challenges and style-related challenges, are culture-specific and system-based terms and expressions, short deadlines, unofficial translation services and undesirable economic conditions.

The study has also concluded with some key relevant recommendations. First, there is a vital need to revise the current syllabus of TS in Moroccan higher education institutions so that it can meet the requirement of the translation market. Second, workshops and training on legal translation should be conducted periodically and training should be one of the requirements for practising and joining the legal translation profession in Morocco. Related to this point is informing the public about the act of translation. Last but not least, translation of legal documents should be conducted by experts and specialised bodies.

APPENDIX

SAMPLE SWORN TRANSLATORS INTERVIEWS

The sworn translators interviewed for the purpose of this study are labelled 'Interviewee A', 'Interviewee B', 'Interviewee C'...

Dear Participant,

This interview aims at investigating sworn translators' perceptions about legal translation, the related practical challenges encountered during the rendering of private legal documents and their suggestions and recommendations to enhance legal translation practice in Morocco. Your responses are guaranteed to remain confidential and will only be used for research purposes. Your identity will not be disclosed while reporting research findings.

Thank you very much for your time and the information you shared today.

Interview n 1:

Question: Do you face any challenges in translating legal documents and how do these challenges affect your product?

- **Interviewee A:**

Yes, I do.

Prompts: What are these challenges?

- **Interviewee A:**

Challenges generally articulate around:

- Long ambiguous sentences.
- Specialized terms or common words used in their legal unusual meaning which makes understanding the meaning from the context or even from looking the words up difficult.
- Culture-specific or system-based terms like translating 'civil partnership', which is a form of marriage in UK, into Arabic.

- Translating doublets and triplets is difficult because they are usually synonymous so rendering them into the TL may produce redundancy.

Prompts: How do these challenges affect your product?

• **Interviewee A:**

These challenges definitely slow the process of translating for more research and checking is usually needed. It also may result in inappropriate use of terms or in omission especially when the omitted term or expression does not alter the meaning.

Prompts: Which translation procedures do you use in translating contracts between English and Arabic?

• **Interviewee A:**

I mainly use literal translation, transposition and communicative translation.

Question: Have you ever received criticism from a client about the quality of the product?

• **Interviewee A:**

No, but to be fair clients don't usually have the required competence to evaluate the quality of a product unless it was rejected by an official authority, which was never the case for me.

Question: What type of legal texts do you frequently translate?

Question: Some theories of translation advocate that the client should brief the translator about the way he desires his product prior to translation process. What do you think of this opinion?

Interviewee A:

It is practical to some extent notably when the original is too long; thus, translating the whole text will be too expensive for the client especially when they only need to translate a certain part such as the operative part of a judgment. Yet, there are certain limitations to what the client can ask for. It is generally acceptably as long as they don't ask for something that contradicts with law or the ethics of the profession.

Question: Do you have any suggestion to improve the quality of legal translation practice in Morocco?

Interviewee A:

Although it is a far-flung ambition, the quality of legal discourse in courts and related institutions in general needs to be improved first for poorly written legal texts are not uncommon. Yet, the quality of legal translation practice in Morocco can be improved only via a strong active and thoughtful body that brings the community of Moroccan legal translators together and help it to expand and progress through:

- Providing regular workshops and trainings for translators not only in translation but also in legal knowledge.
- Organizing conferences, forums, and so on that bring together the different stakeholder namely sworn translators, teachers and researchers in translation as well as law professionals to discuss related matters to legal translation, encourage cooperation and research and improve the different norms, standards and ethics as well as standardizing concepts and practices.
- Having regular publications dedicated to legal translation.
- Opt for a rating system for translators that is based, for example, on how many translation products have been reported to be rejected.
- Engaging more with university Master programs to help the curriculum designers to meet the market requirements and teach their students the necessary knowledge regarding legal translation.
- Facilitating the contact and collaboration between the professionals and the academic researchers.

Question: Do you have any suggestion towards qualifications of legal translators in Morocco, e.g. a system of accreditation?

Interviewee A:

- Include legal literacy examinations to the national sworn translation exam. Hence, not only the candidate's translation competence will be assessed but also their knowledge, understanding and even ability to write legal texts.
- Dedicate a part of the one-year training of trainee sworn translators to be spent in a legal institution to receive a legal training.
- Design different levels of accreditation that allow the translator to top from one level to another; therefore, improve their competences and knowledge and create new work opportunities.

Question: what are the current challenges of translation profession in Morocco?

Interviewee A:

The current challenges of translation profession in Morocco: administrative, social, economic, etc.

Interview n 2:

Question: What kind of document you are dealing with in your daily work?

Interviewee B:

Documents processed by Family Justice Division in Moroccan Courts (Divorce Judgments, Maintenance Judgments, Kafala Judgments, Minor-Children Abandonment Orders, Real Estate Transactions.)

Question: Which one is difficult for you: translating from English into Arabic or vice versa?

Interviewee B:

None is difficult, if you have enough time for each translation task. The most crucial factor in the quality of a translation is time.

Question: Do you face any challenges in translating contracts? If yes, please cite these challenges?

Interviewee B:

In contracts, terminology and administrative procedures relating to the contract is key. When you understand (or learn by heart) the terminology, the task is much more easier; and if you are familiar with the requirements of law regulating this contract, sometimes you'll find yourself rewriting the contract and not translating it, because you already know the terms that should be stipulated in this contract.

Question: How do these challenges affect your product?

Interviewee B:

Again, it depends on how much time do you have to render a final product. If you are not familiar with a type of contract, this means that you need more time for terminological research and more time for "literature"; or in other words, more time to read about this type of contract. When you understand it, all you have to do is rewriting in a correct language.

Question: How do you cope with these challenges?

Interviewee B:

Efficient research methods; negotiating a reasonable deadline; seeking help (teamwork) from fellow translators, notaries or lawyers.

Question: Have you ever received criticism from a client about the quality of the product?

Interviewee B:

Not from a client, but from a colleague who has more experience and educational background, whom I helped with a project. Clients, who have never been to a translation school, cannot criticise the quality of the product.

Question: what are your recommendations to develop translation profession in Morocco?

Interviewee B:

- Reconsider the translation teaching and practicing.
- Provide adequate conditions for the organization of the translation industry.
- Support university researchers in the field of translation.

Interview n 3:

Question: Do you face any challenges in translating contracts? If yes, please cite these challenges?

Interviewee C:

Tight deadlines.

Ambiguity.

The big difference between the Anglo-Saxon and Moroccan legal systems makes it difficult to render certain notions from one language to another. Legal terminology is not hard to find when translating between French and Arabic because the Moroccan legal system is modelled on the French one. The notion of "ضابط الحالة المدنية", for example, is not difficult to render into French since the French "officier de l'état civil" and the Moroccan "ضابط الحالة المدنية" have approximately the same tasks. They, amongst other things, register births, deliver birth certificates and authenticate signatures. I think "civil status officer" used by most translators in Morocco to translate "ضابط الحالة المدنية" does not properly translate this notion into English. Registrar is the closest equivalent even if registrar in the Anglo-Saxon system also translates as "الضبط كاتب" and they don't have all the tasks conferred upon the French system registrars. They do not authenticate signatures, for example (This is done by the notary public in US, by the commissioners of oath in Canada and solicitors in UK).

Question: How do these challenges affect your product?

Interviewee C:

Tight deadlines affect the quality of translation. Ambiguity can lead to serious misconceptions and translation errors.

Question: How do you cope with these challenges?

Interviewee C:

For deadlines, the translator should refuse the translation task if the allotted time is not enough to deliver a good-quality translation.

Ambiguity can lead to serious misconceptions and translation errors, especially if the translator is not familiar with the topic and does not have enough time to make a thorough terminological research. In case of ambiguity, the translator should read more about the topic. Having more background about issues dealt with in the translation helps the translator to dissipate ambiguities and uncertainties.

Question: Which translation procedures do you use in translating contracts between English and Arabic? E.g. Literal translation, free translation, borrowing, transliteration, transposition...etc.

Interviewee C:

I try to deliver idiomatic and pragmatic translations that sound natural in the target language.

Question: Do you know some translation theories? Please, mention these theories?

Interviewee C:

There are Linguistic, cultural and sociological translation theories but few of them, I think, are helpful in the practice of pragmatic of translation.

Question: Have you ever received criticism from a client about the quality of the translated document?

Interviewee C:

Some clients would discuss with me the choice of a certain word or expression or ask me to use a particular word.

Question: Some theories of translation advocate that the client should brief the translator about the way he desires his product prior to translation process. What do you think of this idea?

Interviewee C:

I strongly disagree with this idea. Legal translators should be faithful to the source text not to the client.

Question: What kind of material, methods and strategies do you use in translating contracts?

Interviewee C:

- Specialized dictionaries
- Internet websites
- machine translation services
- translation memory software
- Colleagues
- Crowdsourcing
- Lawyers
- Parallel texts

I use all these resources, depending on the situation and the type of difficulty faced. Sometimes I turn to lawyers for help if I don't understand a notion I need to translate.

Question: What is the role of ATAJ association as a body for translation agents?

Interviewee C:

- It is a part of the ministerial commission that governs the official translation profession in Morocco.
- Keeps the communication between the ministry of justice and liberties and sworn translators.
- Assists the Ministry of justice and liberties in organizing the examinations process when sworn translators are needed.
- Keeps the sworn translators updated on new official translation-related laws and regulations.

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