

# Analysis of English Translation of Terms in the Constitution of the People's Republic of China based on Skopos Theory

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## Abstract

**This study explores the English translation of legal terms in the Constitution of the People's Republic of China (PRC) through the lens of Skopos Theory. Given the Constitution's role as the foundation of Chinese law, its translation is crucial for international legal communication and understanding. The paper examines how Skopos Theory's core principles—the Skopos rule, coherence rule, and fidelity rule—are applied in translating key constitutional terms. Through case studies, the analysis highlights challenges in rendering uniquely Chinese legal concepts into English while ensuring accuracy, readability, and functional equivalence. The study finds that Skopos Theory effectively guides translators in balancing linguistic precision with cultural and legal adaptation, making legal terms comprehensible to international audiences without distorting their original intent.**

## Keywords

**Legal Translation; Skopos Theory; Legal Terminology; Functional Equivalence.**

## 1. Introduction

Every country's constitution plays a pivotal role within its legal system, serving as the fundamental law and a reflection of specific socio-economic and cultural conditions. A constitution outlines the state's primary institutions, encapsulating principles of societal and governmental systems, organizational structures of state power, and the basic rights and obligations of citizens. Consequently, the content of constitutions is distinctly characteristic of each country. The Constitution of PRC not only includes the historical struggles of the Chinese people over thousands of years but also incorporates legal forms from more developed legal systems, such as those in the UK and the USA, creating a constitution with unique Chinese characteristics. As China's economy becomes increasingly integrated with the global market, the country's international standing and influence continue to grow, leading to more frequent interactions with other nations. However, during many international activities, communication issues often arise due to a lack of deep understanding of Chinese law by other countries, which can impede effective legal communication and hinder the protection of China's interests and the expansion of international cooperation. Therefore, the precise and accurate translation of Chinese laws into English is of great importance. Since the constitution sets the fundamental direction for all other laws, its translation demands particular attention.

## 2. Literature Review

### 2.1. Legal Translation and Functional Theory

In the research domain of legal translation, Susan Šarčević's (2000) theory has been influential in shaping the field with her extensive research on multilingual and multicultural legal communication, exploring the complexities and considerations in legal translation within the context of modern translation theory. And she highlights the importance of creating legal translations that are not only linguistically but also legally equivalent, and the necessity for such

translations to be understood and effectively used by legal practitioners in various jurisdictions. So scholars had been working on finding out the proper method or theory to translate legal text. Shiflet (2019) argues that legal translation is a challenging and complex process due to factors like legal language specificity, cultural and social norms, and differences between legal systems. Legal translators are required to be not only proficient in the languages but also deeply familiar with the legal systems involved. In such cases, finding functional equivalents becomes crucial. Functional equivalence refers to translating a term in a way that conveys the same function or concept in the target legal system. (Galdia, 2013, p.79) And Garzone (2000) also points out that on the whole in legal translation a functional approach is not only viable, but recommendable as well as effective in consideration of its comprehensiveness and flexibility. If one single unifying principle to guide the choices of legal translators is to be set out, a functional model seems to be the only viable alternative, mainly on account of its high level of abstraction.

Scholars have made abundant research on functional equivalent translation in law. Titela and Stoenică (2021) study on linguistic and cultural mediation in legal translation. Pozzo (2014) argues that the quest for exact equivalence in legal translation is a myth because legal concepts are deeply rooted in the culture, history, and society from which they originate. Legal translation, therefore, involves not just a linguistic exercise but also a profound intellectual effort to grasp the underlying meanings and implications of legal terms in both the source and target languages. By far we could know that functional theory is generally considered as the proper approach in terms of legal translation. And Pozzo's research leads to another significant issue in legal translation: legal terminology translation. Fernando Prieto Ramos (2021) gives an empirical cross-genre study on why terminology is an important difficulty in international legal document translation. In his another work, he emphasizes that legal terminology and phraseology present significant challenges for translation due to the incongruity of legal concepts across jurisdictions on one hand, and the need for harmonization and consistency in multilingual legal instruments on the other. For inter-systemic translation, comparative legal analysis is crucial to bridge conceptual gaps based on communicative purposes. In institutional settings, standardization and concordance take priority, with translators playing a key role in multilingual harmonization. (Stepanova, 2017, p.237)

Skopos Theory is the core of functional translation theory. (Jabir, 2006, p.41) Under the guidance of this theory, translators can finish their legal text translation more flexibly but completely. Because three rules of Skopos Theory can make sure the translation work be accuracy and readable at the same time, and its significant role in legal translation has also been discussed. Qian (2021) chooses the Skopos theory as the guidance to make a primary study on the translation of English legal vocabulary. He claims that translators should integrate their own thoughts, feelings and critical thinking into translation texts in the process of legal translation, although characteristics of legal translation set more limitations for translators than common translation. Translators should ensure the readability of translation and make translation texts convey correct and effective messages to readers on the basis of respecting original texts, making full use of legal translation to make more excellent and valuable foreign laws to be absorbed by China and serve the construction of China 's rule of law. And Skopos theory seems to be the optimal choice for translators. (Duan, 2023, p.585)

## **2.2. Studies on Translation of the Chinese Laws**

As the world becomes increasingly interconnected and globalized, China's role and influence on the international stage continue to grow. Consequently, there is a heightened need for the global community to gain a deeper understanding of Chinese laws and the country's legal system. (Chan, 2023, p.125) The translation of legal texts serves not only an academic purpose but also fulfills economic, political, and social objectives. By making Chinese legal texts accessible in other languages, it facilitates a better comprehension of China's legal framework,

which is crucial for fostering effective international cooperation, trade, and diplomacy. The translation of legal texts acts as a bridge, fostering cross-cultural understanding and facilitating communication between China and the rest of the world in the realms of law, governance, and societal norms (Gao, 2023, p.80). Considering that Chinese law contains a large number of legal terms with Chinese characteristics, the Skopos theory plays a significant role in the translation of Chinese law.

The purpose of this expression is to distinguish whether the legal concepts expressed by the terms are unique to China. Cao (2002) investigates the lexical equivalence and non-equivalence that often present special challenges to Chinese/English translators. It identifies three lexical features and discusses the meanings, equivalents and translation strategies associated with them. The paper suggests the essential requirements for translational competence of a legal translator and argues that, in legal translation, it is essential to consider the contextual factors and to strive to achieve the optimal communicative results given the relative nature of equivalence and the difficulties in cross-cultural and cross-jurisdictional communication. Some scholars also conduct research on the translation of legal terms of specific Chinese law applying Skopos theory. An (2011) analyzes the translation strategies and principles for legal terms with Chinese characteristics in the Civil Code of the People's Republic of China, based on the Skopos theory and Eco-translatology. It proposes five principles: accuracy, readability, traceability, conventionality, and unification. The principles are applied to a corpus of 42 legal terms, classified into newly-coined and inherited terms. The essay explores how to select and apply these principles, deal with conflicts among them, and examines the relationship between principles, strategies, and term types. And Li (2015) also conducts a case study of examples from the criminal law of the PRC applying Skopos theory. These studies underscore the importance of accurate legal translation in facilitating international understanding by addressing the unique challenges of translating Chinese laws, emphasizing the need for specialized translation strategies such as those proposed by Skopos theory.

### **2.3. Studies on Translation of the Constitution of PRC**

The Chinese Constitution, as the foundational legal document of the PRC, contains numerous terms and concepts that are deeply rooted in Chinese history, culture, and legal tradition. Translating these terms into English presents unique challenges, requiring translators to navigate linguistic differences, cultural nuances, and divergent legal systems. However, among all the researches that have been done, the number of those focus on the study of translation of the Constitution of PRC is very limited. Wei (2015) made a comparison of the English translation of the constitution of the PRC with the constitution of the United States. But few scholars dive into the translation of legal terms in the Constitution. Wang's research (2019) classified the Chinese characteristic legal vocabulary in the Chinese Constitution into three categories: substantive terms, procedural terms, and mixed terms. But she did not fully apply Skopos theory to analyze these legal terms. Ding (2012) explored the English translation of the Constitution of the People's Republic of China from the perspective of associative translation theory. The study draws the conclusion that associative translation theory is feasible for legal translation to some extent. However, the study is supported only by a limited number of cases, and theoretical framework in this essay is vague. Huang (1997) argues that while the translation generally distinguishes between modal expressions and declarative statements well, there are inconsistencies in translating specific modal words in the English translation of the Constitution of PRC. But the paper does not consider potential cultural or legal system differences that might affect translation choices. And it focuses solely on the translation of modal words in the Constitution of PRC.

In conclusion, the paucity of research on the English translation of the Constitution of PRC is noteworthy, and studies focusing specifically on the translation of terms within this

foundational document are even more scarce. This dearth of scholarly attention underscores a significant gap in the field of term translation studies, particularly concerning the intricate task of rendering China's constitutional language into English. Thus, a study focuses on the English translation of terms in the Constitution of the PRC is of great significance. And the paper aims to explore the following questions:

1. How are the principles of Skopos theory applied in the English translation of terms in the Constitution of PRC?
2. Is Skopos theory applicable in the translation of the Constitution of PRC?

### **3. Theoretical Framework**

The Skopos Theory, developed by Hans J. Vermeer in the late 20th century, is a functional approach to translation studies that emphasizes the purpose (Skopos) of the translation as the primary determinant of the translation strategies employed. According to this theory, the translation process is guided by the intended function or purpose of the target text in the target cultural context. In the context of this study, the Skopos Theory will serve as the theoretical framework for analyzing the English translation of terms in the Constitution. The analysis will consider the intended purpose of the English translation, which is to convey the legal concepts and principles enshrined in the Constitution to an international audience, while preserving the cultural and linguistic nuances of the source text (Jabir, 2006).

According to various viewpoints of the German functionalist translation approach, translation is an extremely purposeful communicative activity, and the translator's task is to achieve effective communication between different cultural groups. The development of the Skopos theory in the Western world and its introduction, affirmation, dissemination, acceptance, and criticism in Chinese academia mainly focus on its three major principles: the Skopos rule, the coherence rule, and the fidelity rule. Among these principles, the coherence rule takes precedence over the fidelity rule, while both adhere to the Skopos principle (Du, 2012).

#### **3.1. Skopos Principle**

"Skopos" originates from the Greek word meaning purpose or goal, and within the functionalist translation approach, it specifically refers to the purpose of translation or the intention behind translation actions. Additionally, there are four concepts subordinate to Skopos: aim (the ultimate result of translation actions), purpose (the various stages and stage-specific results in the translation process), intention (the translator's goal in producing the translated text and the understanding of the source text by the client or initiator of the translation task), and function (the meaning of the text as perceived by the client or initiator of the translation task when the textual meaning is transmitted between the source and target cultures). These concepts are all subsumed under Skopos, or purpose. According to the Skopos rule, the translation process, including the choice of translation methods and strategies, is determined by the translation purpose. In order to achieve cultural and academic exchange regarding the Constitution of PRC, the translation should remain faithful to the original text. Translators are not allowed to arbitrarily add, delete, or change the order, as any slight difference could lead to significant disagreements, violating the principle of accuracy. However, even though accuracy is crucial, it alone cannot achieve the goal, as the dissemination effect depends not only on accuracy but also on understandable connotations.

#### **3.2. Coherence Principle**

The coherence principle is another key rule of Skopos theory. It states that a translation should be coherent with both the source context and target context. It means that a translation should make sense to its intended recipients within the context in which it will be used. Internally, the translation must be logical itself and convey the concept and idea of the source text consistently.

Externally, where it must align with the expectations, cultural nuances, and functional requirements of the target audience. This approach shifts the focus from a word-for-word fidelity to source text, advocating instead for a dynamic equivalence that prioritizes the translation's purpose and effectiveness in its new context.

### 3.3. Fidelity Principle

The principle of fidelity requires the translation to be faithful and loyal to the original source text. The form and degree of fidelity depend on the purpose of the translation and the translator's understanding of the original text. On one hand, translators are required to be faithful to the original author and balance the intentions and purposes of the original author. On the other hand, translators have a responsibility and obligation to explain their choices in the translation process to the original author, clients, translator readers, and other stakeholders. For a fundamental national law of great political significance like the national constitution, the principle of fidelity is extremely important. This precludes translators from exercising unrestrained creativity and requires them to strive to faithfully reproduce the true content of the constitutional text. Any unfaithful translation could lead to severe consequences. When translating terms with distinctive Chinese characteristics, translators should pay more attention to word selection, fully considering their connotations and potential impacts, as any minor oversight could lead to serious consequences. This study will analyze how the three basic rules of Skopos theory are applied in translating terms of the Constitution of PRC.

## 4. Analytical Framework

**Source Text:** To ensure the validity and effectiveness of the study, the source text selected is the latest official version of English translation of the Constitution of PRC from the Communist Party of China Central Committee Institute of Party History and Literature.(The Communist Party of China Central Committee Institute of Party History and Literature, 2018)

**Methodology of the Analysis:** This study adopts a Skopos theory-based qualitative approach for analysis. Typical examples from the Constitution of PRC are demonstrated with profound explanation in light of related principles and strategies of legal term translation. With a combination of examples and illustration, the analyzing process includes:

Explanation of the original Chinese term

Discussion of the English translation

Interpretation of the translation choice based on the relevant Skopos principle

Consideration of alternative translations and their potential implications

Evaluation of the translation's effectiveness in fulfilling the purpose of conveying the intended meaning to the target audience

**Case Selection:** Considering that there are three core principles of the Skopos theory, the study comprehensively examined the source text, from which the nine most representative terms were selected. Each application of the principle is supported with three examples. And the criteria of case selection include:

Terms that are unique to the Chinese political and legal system

Terms that present challenges in translation due to cultural or conceptual differences

Terms that are fundamental to understanding the Chinese governance structure

Terms that have potential for misinterpretation if not translated carefully

It is worth noting that the cases analyzed below may not solely embody the principle assigned to them. Since the Skopos theory is a unified and systematic translation approach, the cases are

very likely to reflect two or even all of the principles. The assignment of one principle for each of these cases is intended to make the analysis more targeted and representative.

## 5. Application of term translation principle in the Constitution of PRC

### 5.1. The Application of Skopos Principle

Example 1: 人民民主专政, People's democratic dictatorship (Chapter 1, Article 1)

“人民民主专政” in China refers to a state system led by the working class, based on an alliance of workers and peasants, implementing democracy for the people and dictatorship over enemies. (Zhang, 2022) It is a form of the dictatorship of the proletariat practiced by the Chinese people. The translation of "People's democratic dictatorship" effectively captures the intricate and nuanced nature of the governance model it describes. Democratic is a very common political idea for Anglo-American countries. And dictatorship means government or country in which total power is held by a dictator or a small group. In Chinese context, the power is held by all people. And the term “people’s” clarifies it. From the Skopos theory perspective, the primary goal of translation is to serve the intended purpose of the source text. Here, the translation successfully introduces English-speaking audiences to a unique Chinese political system where democratic principles are purportedly applied in a way that also involves strict discipline. It remains true to the Marxist-Leninist vocabulary, ensuring that the ideological content and implications are not lost in translation, maintaining a high level of fidelity to the original ideological term, preserving its political and theoretical essence. This is particularly valuable in legal contexts where precise terminology is crucial for correct interpretation.

The translation bridges a significant conceptual gap between Chinese political theory and Western perceptions of governance. By choosing terms that are known, albeit in different contexts, the translation fulfills its purpose of transmitting political concept and helps facilitate a deeper understanding of Chinese political structures in a global context. It can be said a model for the application of Skopos principle in the translation of the Constitution of PRC.

Example 2: 全国人民代表大会, National People's Congress (Chapter 1, Article 2)

In the source language, “全国人民代表大会” refers to the highest organ of state power in China. Its permanent body is the Standing Committee of the National People's Congress. (China Government Network, 2013) Both the National People's Congress and its Standing Committee exercise the state's legislative power. The National People's Congress is composed of deputies elected from the provinces, autonomous regions, municipalities directly under the Central Government, special administrative regions, and the military. Each ethnic minority should have an appropriate number of representatives. The translation “National People's Congress” effectively mirrors this institutional role and structure, aligning with Skopos theory by fulfilling the purpose of making the term both comprehensible and contextually appropriate for the target audience. The term “Congress” in English is a widely recognized political term. It refers to a large meeting that is held to discuss ideas and policies. For example, The United States Congress is the legislature of the federal government of the United States. Though it differs from the “全国人民代表大会” in many aspects, they generally share similar role and function to some extent. Both of them are responsible for enacting national laws, overseeing national affairs, and serving as a forum where representatives from various regions come together to discuss and resolve issues. Each is composed of multiple representatives from across the country, representing diverse geographical areas and populations. Additionally, they all hold regular sessions to review and pass legislation, amend laws, and scrutinize government policies and actions, playing pivotal roles in their national governance systems.

So, even though “congress” is not completely equivalent to “人民代表大会”, it is a suitable and acceptable translational alternative. It's shorter, simpler, and easier to understand for English

readers. This choice aids in enhancing the target audience's understanding by drawing parallels to similar democratic structures in their own contexts, thus fulfilling the function of transmitting political concept by facilitating commonality and relatability.

Example 3: 各尽其能，按劳分配 From each according to his ability, to each according to his work (Chapter 1, Article 6)

This is the principle of distribution based on the socialist public ownership of the means of production, that encourages all people with the capacity to work to the best of their ability to work for the community in the light of the realities of the development of the productive forces, and that distributes individual consumer goods according to the quantity and quality of the work provided to the community by each worker after all necessary deductions are made from the total product of the community, so that the worker who has worked more will receive more and the one who has not will not be allowed to work at all. (Lin, 1981) As explained above, it's a relatively complex idea for target audiences to understand. It emphasizes the participation of all capable individuals in contributing to community production according to their abilities and receiving from it according to the work done. And the English translation effectively encapsulates this core idea in a concise manner. It summarizes a complex principle that involves incentives for productivity, equitable distribution, and a relationship between contribution and reward, maintaining high fidelity to the ideological and practical aspects of the principle. "From each according to his ability" aligns with the idea that all people are encouraged to work to the best of their capacity. "To each according to his work" mirrors the policy of distributing goods based on the quantity and quality of each worker's contribution, ensuring that the translation logically represents both the inputs (work ability) and outputs (distribution based on work) of the economic equation.

This translation is aimed at conveying the principles of a socialist distribution policy to an English-speaking audience. By using the phrase "From each according to his ability, to each according to his work," the translation not only faithfully represents the original meaning but also aligns with familiar Marxist terminology in English, thereby ensuring that the target audience can relate it to established concepts in Marxist literature. The translation makes the concept accessible to those who are not experts in Chinese language or socialism. The structure of the sentence in English, with its parallel construction ("from each" to "to each"), effectively mirrors the balance and reciprocity that is foundational to the concept being translated, enhancing understanding and retains the philosophical essence of the original statement. In conclusion, the translation effectively serves its intended purpose by being both a faithful and functional rendition of the original Chinese, fitting smoothly into the lexicon of English-language political and economic discourse related to Marxism and socialism.

## 5.2. The Application of Coherence Principle

Example 1: 受监督 Shall be subject to oversight (Chapter 3, Article 77)

In the translation of "受监督" to "shall be subject to oversight", the choice of the term "oversight" rather than a direct literal translation like "supervision" plays a crucial role in enhancing the text's acceptability and function within the target legal culture. "Oversight" in English context means systems or actions to control an activity and make sure that it is done correctly and legally. It carries a connotation of thorough, ongoing monitoring and regulatory review, which keeps a great coherence with the English legal lexicon, particularly in the context of governance and public administration. This choice underscores the systematic, accountable governance mechanisms described in the Constitution of PRC, meeting the expectations of English-speaking legal professionals and scholars. This translation not only facilitates a more coherent integration into the target legal system but also preserves the authoritative tone inherent in the source text. By using "shall be subject to," the translation introduces a mandatory, formal tone, reinforcing the prescriptive nature of constitutional mandates. In the

Constitution of United States, the expression “shall be subject to” could also be seen: “The net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.” (U.S. Senate, n.d.)

This phraseology ensures that the translated text mirrors the function and keep a coherence with source Chinese text, which aims to articulate the structures of governance and oversight with precision and authority. Furthermore, by opting for “oversight” rather than other translation, the translator addresses potential variances in the conceptualization of governance between the source and target cultures. This decision demonstrates an understanding of the target audience's expectations and the legal contexts in which they operate, facilitating a better reception and comprehension of the translated Constitution. This approach aligns with Skopos theory's emphasis on the target audience's needs and the text's coherence, ensuring that the translation is not only linguistically accurate but also culturally and contextually appropriate.

Example 2: 大汉族主义, Han Chauvinism (Preamble)

The source term “大汉族主义” includes connotations of an ethnocentric ideology that promotes the superiority of the Han Chinese over other ethnic groups. If by literal and direct translation, it might be “Great Han Nationalism” or “Han Nationalism”. However, when expressing the similar connotation in English, the word “nationalism” is rarely used. It means a feeling that people have of being loyal to and proud of their country often with the belief that it is better and more important than other countries. For instance, “the war was caused by nationalism and greed”. When people refer to this word, it expresses nationalism more externally than against the various ethnic groups within the state. So direct translation may mislead English-speaking readers.

In contrast, translating this concept as “Han Chauvinism” effectively captures the original connotation by utilizing the term “chauvinism,” which in English broadly refers to an exaggerated, bellicose belief in the superiority or dominance of one group or people. This term aligns well with the negative connotations of the original Chinese term, ensuring that the translated term is coherent with the target audience's linguistic and cultural expectations. This alignment is crucial as it not only preserves the critical tone but also adapts the ideological connotations to be immediately recognizable and understandable to an English-speaking audience, thus fulfilling the Skopos theory's emphasis on the coherence—here, to accurately reflect the socio-political attitudes inherent in the term within the appropriate cultural context. This translation also respects the intercultural coherence by being culturally and socially relevant to the target audience, who may be more familiar with the concept of “chauvinism” as a descriptor for discriminatory beliefs based on nationality or ethnicity, thereby making the ideological critique accessible and impactful. It allows English-speaking readers to immediately grasp the potentially harmful and discriminatory nature of this ideology, as perceived from a Western perspective.

Example 3: 直辖市 Cities directly under central government jurisdiction (Chapter 1, Article 30)

“直辖市” is a unique type of administrative division in China. Its administrative status is equivalent to that of provinces, autonomous regions, and special administrative regions. They are provincial-level administrative regions of the People's Republic of China and are cities directly under the jurisdiction of the central government. The translation provides a detailed explanation of the notion “直辖市” rather than directly translate it into an existing English word. This translation approach facilitates a deeper understanding of China's governmental structure for international readers and contextualizes it within a framework familiar to international audiences, possibly accustomed to different forms of municipal governance. It allows them to understand these cities' place in the administrative hierarchy without requiring prior

knowledge of China's specific system. This is particularly valuable for diplomats, scholars, journalists, and others engaging with Chinese governmental documents or studying comparative governance. This translation approach aids in bridging cultural and administrative differences by providing a clear explanation of the governance model. It aligns with the coherence rule of the Skopos Theory, being coherent with target culture and context.

It is noteworthy that some Chinese media such as China Daily have translated this concept directly into "municipalities": "Of the 21 provinces, municipalities and autonomous regions that have released their GDP figures for the first three quarters, 13 saw their GDP numbers exceed the national average growth rate, The Paper reported." (China Daily, 2023) So is this translation accurate? In Britain, a municipality is a city or town which is governed by its own locally-appointed officials. It could also refer to a city's or town's local government as a municipality. And in the United States, a municipality is a city or town that is incorporated and can elect its own government, which is also called a municipality. In contrast, "直辖市" in China are provincial-level administrative regions and directly under the jurisdiction of the central government. The concepts are fundamentally different, and this is a matter of political accuracy and seriousness. So the translation of municipality may occur misunderstanding. But given the need to save space in media reports, a shorter and concise translation is justifiable. However, in legal literature, and especially in constitution, the translation of such political concepts must not be confused. So the translation of "cities directly under central government jurisdiction" also keeps a great coherence with source text, maintaining its original definition without being misinterpreted in English.

### 5.3. The Application of Fidelity Principle

Example 1 : 国务院总理, The Premier of State Council (Chapter 3, Article 62)

"国务院" is the chief administrative body of the People's Republic of China, functioning as the country's central government authority, overseeing various administrative, policy-making, and regulatory functions. (Wang, 2021, p 210) This body is equivalent to the cabinet or executive branch in other governmental systems. The term "Council" in "State Council" typically refers to a body composed of advisors or officials who have the authority to make decisions and govern. This term is commonly used across various countries to denote similar high-level governmental bodies. For instance, France has a "Conseil d'État" (Council of State) that functions as a legal advisor to the executive branch and as the supreme court for administrative justice. Using "Council" emphasizes the collective decision-making aspect of the body, aligning with the structure and function of "国务院" as an assembly of ministers and officials who collectively decide national policies and administrative matters.

In contrast, the State Department of United States also refers to "国务院" in Chinese. But the term "Department" often means a specialized division within a government that handles specific administrative areas, just as the U.S. State Department, which is specifically concerned with foreign affairs and is equivalent to the foreign ministries in other countries. Translating "国务院" as "State Department" would incorrectly narrow down its broad governing functions to a single departmental role, which could mislead the target audience about the nature and scope of its responsibilities. By choosing "State Council," the translation conveys the comprehensive administrative authority of the "国务院" This choice ensures that the translation is both loyal to original source text by reflecting the original institution's functions and effective in communicating these to an international audience, facilitating better understanding and interaction in diplomatic and global governance contexts.

Premier is a term used to refer specifically to the head of central government in China, whose official title is "Premier of the State Council." The term "Premier" directly reflects the hierarchical and administrative nuances of the Chinese political system. In China, the Premier

is responsible for organizing the work of the State Council, which is the country's highest executive body. The Premier oversees the formulation and implementation of national policies, economic plans, and social programs. The title "Premier" emphasizes the role as a principal or chief, highlighting the Premier's leading position in the state's executive branch. In contrast, the term "Prime Minister," commonly used in parliamentary systems, often implies a role that is primarily among equals within the cabinet, with the Prime Minister being "first among equals." The Chinese system, however, centralizes more direct executive power in the hands of the Premier, making "Premier" a more accurate depiction of the authority and function of the role. What's more, the translation into "Premier" aligns with international diplomatic terminology. The term is used not only for China but also for leaders in other countries with similar governmental structures, such as Russia and France (in certain historical periods). This consistency makes contribution to the understanding of the concept by English readers.

Some may inquire why '总理' is not rendered into English as 'Prime Minister' instead of other terms. Because its Chinese translation is “总理” as well. Reasons may be the term "Prime Minister" might imply a parliamentary system where the executive leader is selected from and accountable to the legislature. In China, however, while the Premier is technically appointed by the National People's Congress, the position does not entail the same kind of legislative leadership or origin as in many parliamentary systems. The Premier's role is more directly executive and administrative, making "Premier" a more loyal translation that better captures the essence of the position within the unique context of the Chinese political framework.

Example 2: 计划生育, Family Planning (Chapter 3, Article 89)

Since the 1980s, China has implemented its family planning policy, aimed at aligning population growth with economic and social development. In the past the "one-child policy" and "two-child policy" were well-known. They were quite literal and specific, reflecting stringent governmental controls aimed at limiting families to one or two children respectively. These terms accurately described the policies in place at the time but did so in a manner that emphasized restriction over choice. However, On May 31, 2021, the Political Bureau of the Central Committee of the Communist Party of China held a meeting, in which it was pointed out that it would implement the policy that a couple could have three children. These terms then were no longer loyal to the idea of “计划生育”.

The term "family planning" emerged as a more loyal translation. This term does not only reflect an increase in the number of children allowed but indicates a fundamental shift towards a more flexible approach to reproductive rights. Unlike the previous terms, "family planning policy" encompasses a broader spectrum of reproductive choices, focusing on the planning aspect rather than the limitation. This translation better captures the essence of family planning, which is fundamentally about enabling families to plan their growth in a way that aligns with personal desires and national interests.

Example 3: 中华人民共和国主席 President of People's Republic of China (Chapter 3, Article 62)

The “中华人民共和国主席”, on behalf of the People's Republic of China, conducts state affairs, receives foreign envoys; on the basis of a decision of the Standing Committee of the National People's Congress, dispatches and recalls plenipotentiaries to foreign countries, and ratifies and abrogates treaties and important agreements concluded with foreign countries. And the translation “President of People's Republic of China” is a loyal choice. The term "President" suggests a head of state who serves as the ceremonial and administrative leader of a country, embodying both the executive authority and international representation expected in a presidential system. This aligns with the role's responsibilities in contemporary China, particularly following constitutional revisions and political reforms that redefined the position's scope and powers. "President" carries with it the connotation of a leader who

operates within a structured state framework, often with checks and balances typical of modern governance. This translation fits more seamlessly into international diplomatic discourse, where heads of state are commonly referred to as Presidents, making formal interactions and treaty dialogues clearer and more consistent.

On the other hand, before the 1980s, most of translations of "主席" are "Chairman". However, this translation could evoke images of a corporate or organizational leader, which might misrepresent the political and symbolic stature of the role on the world stage. "Chairman" in global usage often relates to someone leading a board or an assembly rather than a country, which underplays the presidential authority vested in the role by Chinese governance structures. Furthermore, continuing to use "Chairman" might imply a continuation of the old governance styles associated with earlier revolutionary periods, which does not accurately reflect the modernization and changes in Chinese political structure. Therefore, "President" not only provides a direct connection to the role as understood in the context of other nations but also respects the fidelity rule of the Skopos theory. It helps in positioning the Chinese head of state within the expected framework of international politics, where linguistic consistency aids in mutual understanding and diplomatic clarity. This translation underscores an adaptation to contemporary political norms and the role's alignment with the recognized functions of heads of state globally. Thus, using "President" is a faithful and effective translation of "主席" that enhances both comprehension and respect in international relations.

## 6. Conclusion

The application of Skopos theory in the English translation of the terms in the Constitution of the People's Republic of China (PRC) has demonstrated its appropriateness and effectiveness. Addressing the first research question, the principles of Skopos theory—particularly the Skopos principle, the coherence principle, and the fidelity principle—have been adeptly applied to ensure that the translated terms convey the intended legal concepts while respecting the cultural and functional nuances of both the source and target languages. Translations such as "People's democratic dictatorship" and "National People's Congress" not only maintain legal accuracy but also enhance understanding among English-speaking audiences, illustrating the successful application of the Skopos theory.

Regarding the second question on the applicability of Skopos theory to the translation of the PRC Constitution, the evidence strongly supports it. The theory's emphasis on the purpose of translation enables translators to prioritize clear communication of constitutional principles to an international audience while maintaining the essence of Chinese political thought. This is particularly valuable given the unique nature of many terms in the Chinese constitution that lack direct equivalents in English-speaking legal systems. Furthermore, Skopos theory's consideration of both source and target cultures facilitates translations that are not only linguistically accurate but also culturally and contextually appropriate. This is crucial for a document as significant as a national constitution, where misinterpretations could have serious implications. This study affirms the value of Skopos theory as a robust framework for legal translation, particularly in the sensitive and intricate task of translating a nation's constitution.

In conclusion, the translation of legal terms from the Constitution of the People's Republic of China into English presents a series of unique challenges that stem from profound cultural, historical, and political differences. This essay has demonstrated how Skopos Theory, with its focus on the purpose-driven approach, provides a robust framework for addressing these challenges. The application of Skopos Theory in this context underscores the necessity of a translation that is not only linguistically accurate but also culturally sensitive and functionally equivalent, preserving the spirit and legal integrity of the original text. Such translations are crucial for facilitating international understanding, cooperation, and respect for China's legal

framework, which continues to play an increasingly significant role on the global stage. As such, the study of translating constitutional terms using Skopos Theory not only enriches our understanding of legal translation but also contributes to the broader field of intercultural communication within international law. As the world becomes more interconnected, the demand for such sophisticated translations will undoubtedly increase, making the principles outlined in Skopos Theory even more valuable.

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