An Study of Legal English Translation Methods—With the English Versions of The Civil Code of the People’s Republic of China

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Abstract
With the acceleration of economic globalization, the globalization trend of knowledge plays a more and more important role in communication. As an ancient discipline, law cannot cut off the communication channel with the legal culture of various countries in order to preserve lasting and fresh vitality. We can realize the foreign frontier legal culture as well as introduce the legal culture with Chinese characteristics to all over the world. Legal translation is an important way for Chinese law to construct self-expression under the global legal pluralism. The Belt and Road Initiative requires Chinese law to deliver it to world in a more open manner. Taking the English version of Civil Code of the P. R. China as an example, this paper aiming at discussing the features of legal English terms, translation strategies and translation methods so as to provide more suggestions to the global legal construction.

1. Introduction

In the context of globalization, the connection between countries in the world is deepening, and the legal communication between China and foreign countries is becoming more and more frequent. In the Belt and Road Initiative and in more and more transnational trade, the translation of legal texts is indispensable. Therefore, how to properly and regularize the translation of legal texts is becoming more and more important. As the superstructure of the new era of socialism, the Civil Code is extremely representative, involving all aspects of people’s life and the vital interests of the people. Although its English translation has been published recently, some of the translations may not be perfect, but it has gathered the essence of many professionals in the translation field, which is worth studying. In addition, this move can also let more people know about Chinese laws. It is of great significance to enhance Chinese cultural pride and national self-confidence. Since the Belt and Road Initiative was put forward, the translation of legal articles has been imperceptibly higher requirements. After consulting a large number of books and searching papers, it is found that there are few articles on the comprehensive study of the English translation of Chinese laws before. This paper attempts to do a good job in translating legal texts through the analysis of the Chinese civil code, so as to help the foreign side understand and apply the legislative mechanism and reform measures of China more clearly, and at the same time, promote the development of the domestic economy and promote the establishment of harmony and friendship with the people of neighboring countries Relations to enhance the status and influence of great powers.
2. Analysis of lexical features of legal English

As a kind of English for special purposes, legal English has its unique characteristics. The following analyzes the features of diction in the English translation of the Civil Code from three aspects: formality, accuracy and simplicity.

2.1 Formality

Legal language is the formal language of national legislation and is a special language. Therefore, in terms of word selection, it must adapt to the characteristics of standardized, serious and authoritative text and reflect the formality of its stylistic language. Correspondingly, when translating legal texts, translators will also use some more formal words. This is reflected in the choice of words in the English translation of the Civil Code. Let's take a look at two examples below.

Case 1
An offer becomes invalid under any of the following circumstances:
(1) The offer is rejected;
(2) The offer is revoked in accordance with law;
(3) The offeree makes no acceptance prior to expiration of the time limit for Acceptance.

In Example 1, we can see that in the English translation of the Civil Code, we use prior to mean "before", not before; Use "in accordance with" instead of "according to". Similar expressions use "in accordance with" instead of "according to" for the purpose "subsequent to" in accordance with "instead of" according to "of" instead of "for", means "if", but "provided that" instead of "but" and other formal words, in order to highlight the legal language is rigorous and formal.

2.2 Accuracy

The social function carried by law determines that the most important feature of legal language is accuracy and rigor. Only in this way can the content of the original text be accurately translated and the information of the source text be conveyed, which is conducive to the accurate expression of legal concepts, reducing unnecessary misunderstandings and disputes, and localization of English frontier legal terms for my use. (MA Juan) The English translation of the Civil Code has achieved excellence in the choice of words. For example, in Article 61 of the Civil Code, the representative of the legal person and Article 58 of the legal person, residence and funds are translated.

The person with the responsibility of representing a legal person in conducting civil activities in accordance with law or the legal person's articles of association is the legal representative of the legal person.

As can be seen from the above example, the "legal representative" in the Civil Code represents the legal person in civil activities, so it follows the international practice to translate the word "representative" into "legal representative", instead of translating it into legal agent, avoid pragmatic ambiguity, unclear reference, accurate meaning and not easy to cause misunderstanding (Zhang Falian, n.d.).

2.3 Simplicity

Law is the people's code of conduct, but also the law enforcement organs, judicial organs to implement and apply the standard of law. Concise and easy to understand provisions are easy for the public to understand and abide by, and also help judicial organs to accurately find, cite and apply them (Zhang Jianjun, 2010). Highly concise legal language can not only reflect the majesty of the law, but also highlight the rigor and formality of the legal provisions. In particular, legislative language should be concise to ensure that it is understood by all. Therefore, legal text translation should not only be faithful to the original text, but also strive to be concise and comprehensive, avoid lengthy, cumbersome and unnecessary repetition, and clearly convey the legal information of the original text with the least words. The English translation of the Civil Code embodies the principle of pithiness. For example, the expression of Article 184 "good man clause" and Article 110 in the translation of the Civil Code is very clear, accurate and concise.

Case:
The salvor shall not bear civil liability if he causes damage to the assisted person due to his voluntary emergency rescue.

A person who voluntarily engages in rescuing another person in an emergency situation and thus causes harm to the latter person bears no civil liability.

As can be seen from Example, the translator accurately identified the subject of the sentence "a person", combined with English's emphasis on hypotactic characteristics, added the relative pronoun "who" to guide the attributive clause,
and used the connectives "and thus" to express the following or result, so as to achieve the purpose of simplifying the sentence structure. In addition, the "aided person" in example 2 is translated into "the latter person", which avoids the disadvantages of tedious and derivative ambiguity and highlights the concise beauty of legal text translation.

3. Analysis of legal translation methods

Legal language reflects the unique legal culture of each country under the linguistic and cultural background. As an expression of the development of human civilization, legal language and connotation under different linguistic and cultural backgrounds have some similarities and differences. To be specific, there is full equivalence, partial equivalence, near equivalence, asymmetry or lexical vacancy in the legal vocabulary of English and Chinese. Therefore, in the translation of legal English words, appropriate translation methods should be adopted according to different situations to meet the needs of accuracy, standardization and rigor of legal translation, so as to achieve the translation purpose of the equivalence of the language function and legal function of the translation with the original text.

3.1 Lexical Level

3.1.1 Literal Translation

As the most commonly used and important translation method in translation, literal translation is suitable for the exact equivalent of a word, phrase or idiom that can be found in the target language with the same meaning as the target language. Due to the strict, serious, straightforward, formal and professional characteristics of legal words, it is not allowed to randomly add modifiers when choosing words in English translation, because this will make the legal language lose its gravitas, easy to misinterpret, and lose objectivity and fairness.

In the English translation of the Civil Code, the literal translation into English according to the Chinese expression habit is relatively common. For example, the translation of various kinds of Ownership, "State Ownership, Collective Ownership and Private Ownership", translated into "state ownership, collective ownership and private ownership". Strictly speaking, ownership is used to represent the ownership relationship between people and rights, but in the process of use, ownership often refers to both the ownership relationship and ownership. According to the definition of ownership in Chinese law, ownership refers to the exclusive right of the possession, use, income and disposition of the property. We can see that the translation of ownership into ownership conforms to the Chinese expression habit and the English meaning. In addition, there are translations of real property and personal property, The English version of the Civil Code is translated into "immovable property" and "movable property", which not only maintains the dynamic equivalence of the language function and legal function of the translation with the original text.

3.2 Syntactic Level

3.2.1 Conversion method

Conversion, that is, the conversion of word classes in translation, usually includes two conditions: the conversion of word classes and the conversion of passive voice and active voice. On the one hand, "nouns or noun forms, especially action nouns and other abstract nouns, are very common in English, while verbs or verb forms are more common in
Chinese”; On the other hand, the active voice is often used in Chinese, while the passive voice is often used in English. Therefore, when necessary, translation can be used in Chinese-English translation to make the translation conform to the English writing style. Here’s an example:

The agreement establishes that the guardian shall respect the true wishes of the ward.

The true will of the ward shall be respected in the determination of guardian by agreement.

Obviously, this is a very common Chinese sentence with a subject. When writing the first draft, the author changed it into a passive sentence pattern in the English version through contextual deduction. Instead of using human subjects, the author adopted the will as the inanimate subject and changed the active voice into the passive voice to make it more objective and conform to the conversion rules from Chinese to English.

3.3 Textual Level

3.3.1 Information reorganization

Information reorganization is reflected in the information structure, Chinese is the topic prominent language, while English is the topic prominent language. Therefore, information reconstruction plays an important role in the translation of legal texts. Let’s use an example to further our understanding.

The domicile of a natural person shall be the domicile recorded in the household registration or other valid identity registration; If the habitual residence is inconsistent with the domicile, the habitual residence shall be regarded as the domicile (Shamajiha, 2020).

The domicile of a natural person shall be his or her residence recorded in the household registration or any other valid identity registration; but if his or her habitual residence is different from the domicile, the habitual residence shall be deemed his or her domicile.

From the above example, we can see that the translator does not focus on the natural person but the residence of the target audience. Then according to the principle of reader-centered theory, the translator reorganizes the information in the English version by focusing on the residence and putting the fixed elements in Chinese at the end, which is more in line with the English expression habits and makes the writing more authentic.

4. Conclusion

Taking the English translation of the Civil Code as an example, this paper analyzes the characteristics of the legal English language from the aspects of formality, accuracy and simplicity of the legal language, and then analyzes the main translation methods of the English translation of the Civil Code. From this, it comes to the conclusion that when translating legal texts, on the basis of fully understanding the legal system under different social backgrounds, we should study the legal English language Features. Although the construction of relatively perfect legal dictionary has been able to solve a lot of legal English vocabulary translation problems (Zhang Falian, 2009). However, dictionaries cannot completely solve the problem, which requires translators to analyze legal words from the aspects of legal cultural background, connotation and original meaning of legal words, apply appropriate translation strategies and methods, comprehensively consider the logical equivalence between source language and target language, and follow an accurate and rigorous approach when translating legal texts. Be clear and concise; Be consistent; Make proper translation according to the standard of style, and carry out the whole translation process. Consult relevant materials and make adequate preparations before translation, communicate closely with team members during translation, and carefully check and fill in the gaps after translation to improve the translation. The foreign translation of the Civil Code is of great value for China to go out into the world and let the world understand China and feel the changes in China. The world is undergoing profound changes unseen in a century, with both challenges and opportunities. The rule of law is the greatest consensus in international exchanges, and the dissemination of the rule of law is the core of international communication capacity building. At present, the great rejuvenation of the Chinese nation has taken solid steps, entered a new stage of development, implemented the new development concept, built a new development pattern, promoted international and domestic circular development, and promoted the international dissemination of the rule of law in China (Zhang Falian, n.d.). A good translation of legal texts will not only help standardize and institutionalize transactions among countries, but also help reduce trade frictions, spread the positive energy of legal language, and remain on the World Trade Organization stage Make a deep impression, show Chinese wisdom to the people of the world, let more people hear the voice of China, and thus add wisdom to the publicity of Chinese.
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