



A Study of the Translation of English Legal Vocabulary under the Guidance of the Skopos Theory

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ABSTRACT

With the rapid development of society, most of countries around the world are all attaching importance to the construction of the rule of law. Many countries are drawing lessons from each others' excellent legal achievements. Legal translation is an important branch of translation field and is playing an increasingly essential part in legal changes. With the deepening of China's rule of law, China's construction of legal system has stepped into a new phase. A large number of excellent Chinese legal documents are being translated into English, and many laws of Britain and America also have been translated into Chinese. The globalization of law has been an irreversible tendency. With the vigorous development of legal translation, how to correctly translate foreign legal achievements into Chinese has become a very arduous task for translators. The research field of legal translation includes the study of vocabulary, discourse, sentence and so on. The quality of translation of English legal vocabulary is key to deciding the quality of the whole translation of the legal text. Guided by the Skopos theory, which is a well-known theory put forward by German School of translation, the author makes a preliminary study on the translation of English legal vocabulary. By using and analyzing example sentences, the author makes summary about five characteristics of English legal vocabulary: common English vocabulary expressing legal meanings, use of ancient English vocabulary, parallel use of synonyms, use of modal verbs, use of professional terms and legal jargon. On the premise of conforming to the Skopos theory, four strategies of translating English legal vocabulary are summarized by the author according to these characteristics of English legal vocabulary, which are respectively fuzzy processing of English legal vocabulary, giving play to translators' subjectivity, possessing consciousness of legal texts, correct use of domestication and foreignization. The author stresses the important role of translators' subjectivity in the translation of English legal vocabulary, the correct use of domestication and foreignization and lastly links characteristics of English legal vocabulary, the Skopos theory and strategies of translation of English legal vocabulary effectively. The study has the certain innovation and reference significance in improving the quality of legal translation.

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1. Introduction

1.1 Purpose of the Study

Legal translation is a type of very applied and formal translation in the field of translation. The author chooses to study the translation of English legal vocabulary because it is the core of legal translation and is an important part in displaying the seriousness and exactness, solemnity of legal language. Firstly, the author uses some representative sentences to conclude main characteristics of English legal vocabulary, which are common English words expressing legal meanings, the use of modal verbs, the use of old English vocabulary, the use of special terms and legal jargon and parallel use of synonyms. According to these characteristics of English legal vocabulary, the author uses the Skopos theory as the guidance to conclude some strategies to cope with the translation of English legal vocabulary to make the author have a more thorough understanding of legal translation. This study of translation of English legal vocabulary is the first and new challenge to the author. The intention of the author is to make use of this study to improve the ability of analyzing and solving questions, further open the horizon of studying translation. The author hopes the study of translation of English legal vocabulary will be meaningful and helpful to improve the quality of legal translation.

1.2 Significance of the Study

As students majoring in English, they should not only learn and command rules and methods about common translation, but also have a basic knowledge about the formal translation such as legal translation. Through this study, people can initially learn about the standardization and exactness in legal translation. Furthermore, through writing this graduation paper, the author systematically learns about a famous translation theory—the Skopos theory, which includes development, founders and main opinions of representatives. The study can show people how to apply authoritative translation theory called the Skopos theory to translation of English legal vocabulary, which is the first and new challenge to the author and will be helpful to the whole legal translation and displays the exactness and seriousness of legal translation.

1.3 Background of the Study

With the acceleration of globalization of law, china's construction of rule of law also achieves remarkable progress, simultaneously, legal exchanges with foreign countries have been increasingly frequent. Therefore, the legal translation becomes an effective media and tool to

realize complementary advantages in the interaction of laws. The legal translation becomes more and more important in exchanges with other countries, especially with countries who use English as their mother language. With deepening the conception of governing the country by laws, the process of modernization of china's legal system is advancing rapidly. In order to participate in political and economic activities with the international community, China has also accelerated the pace of learning excellent legal achievements from developed countries.

2. Literature Review

2.1 Foreign Research

Famous foreign research once put forward that the very nature of legal language makes it a very difficult language to teach. In this process of teaching legal language, special attentions must be given to the teaching of highly specific legal terminology. Gibbon also advocated that the law and its practitioners have developed a range of unique legal concepts, and these can be expressed efficiently only by using legal jargon^[1].

There are some renown translators from the German school of translation, they proposed and developed an very important theory called the Skopos theory, main representative research includes Katharina Reiss, Hans. J. Vermeer, Justa Holz-manttari, Nord.

Kathleen Les put forward the prototype of functional translation theory and advocated that the textual function should be regarded as a criterion of translation criticism when people take the original equivalence theory as the center. Hans Vermeer formally proposed the Skopos theory. He holds that intentions of translation determine processes and strategies of translation. Jasta Herz Mantali further put forward the conception of the translation action and advocated viewing the process of translation as the transmission process of messages between people. Chris Tyenne Nord presented principles of function and loyalty in translation.

2.2 Domestic Research

Gu Xueliang and He Jianle make studies about characteristics of English legal vocabulary in legal translation from the aspect of linguistics. They summarize that some characteristics of English legal vocabulary in legal translation, which are the use of common words expressing special or professional meanings, the application of old English vocabulary, the use of repeating synonyms, the use of the technical terms and professional routines, the use of modal verbs^[2]. Dai Yongjun, Zhong Weihe mainly study the translation of English legal vocabulary on the basis of the Skopos theory.^[3]Dai Yongjun summarized

that the Skopos theory mainly includes three key principles, which are the principle of purpose, the principle of coherence and the principle of faithfulness. Translators should take advantages of the Skopos theory as an important guidance to study the translation of English legal vocabulary. The professor Ye Shaoning emphasizes the importance and necessity of translator's subjectivity in the translation of legal professional terms. He refers to that the translation of special terms is a kind of transformation and is very linked with the translator's subjectivity. The Researcher Yuan Huaping stresses that it is necessary to have a thorough knowledge about strategies of domestication and foreignization in legal translations.

3. Research Theory

3.1 Reasons of Choosing the Skopos Theory

The Skopos theory is one of the most celebrated translation theories and once exerted big influence in the world of translation. The Skopos theory is not suitable for the literature translation but is very suitable for the formal and applied type of translation. The Skopos theory has the strong adaptability and vitality to translations of legal texts because it mainly emphasizes the faithfulness to original texts and importance of the translation purpose, which is very coordinated with the exactness and solemnity of legal texts. So, the Skopos theory is perfectly corresponded to the requirement of the translation of English legal vocabulary and can be used as a perfect guidance to study the translation of English legal vocabulary.

3.2 Introduction of the Skopos Theory

Firstly, the Skopos theory was created by the famous German School of Translation in the 19th century. The Skopos theory is based on the functional linguistic in a broad sense and the intention is to make translators free from the bond of source language. What emphasizes in the Skopos theory is the treatment of the translation from the new perspective of translators. An essential core of the Skopos theory is that methods and strategies of translation rest with intentions and functions of specific translation texts. Secondly, supporters of the Skopos theory also emphasize that translators should avoid paying full attention to original texts and advocate eliminating limitations that original texts bringing to readers. They also encourage translators to step out of the limitation of traditional equivalent theory during the process of translation. The use of the Skopos theory endows people with certain level of freedom to give play to their subjectivity. Thirdly, the Skopos theory mainly includes three core and elementary principles, which are the principle of intention, the

principle of coherence and the principle of faithfulness to original texts. The principle of purpose emphasizes that strategies and principles of translation are decided by purposes of translations, the principle of coherence refers that the logic, the order, the consistence should be displayed in translation texts. The principle of faithfulness emphasizes that translators should make translation texts become loyal to original texts as soon as possible.

3.3 Main Representatives of the Skopos Theory and Their Opinions

Main representative scholars of the Skopos theory includes Katharina Reiss, Hans.J.Vemmeer, Justa Holz-mantari, Chris Dean Nord, they respectively put forward their own opinions. In 1971, Katharina Reiss firstly linked functions of texts as standards of the translation criticism in her works called the Principle of Restriction of Translation Criticism. She argued to evaluate original texts from relationships of functions of original texts and translation texts, which was the origin of the Skopos theory. Hans Vermeer is the first founder and developer of the Skopos theory on the basis of theory of the behavior. He believed that the result of translation is decided by the method of translation. The foundation of any translation are purposes and behaviors of translations. Next, Justa Holz Manttari mainly analyzed actions, conditions and effects of translators in the process of translation and further developed the Skopos theory. Finally, Christiane Nord put forward the principle of faithfulness and made the Skopos theory more affluent and complete. The important content of the Skopos theory are three basic principles, which are the principle of faithfulness, the principle of coherence, the principle of purpose. The principle of faithfulness is subordinated to coherence. The principle of coherence and faithfulness are subordinated to the purpose of principle.^[4] And the principle of purpose is the first standard.

4. Characteristics of English Legal Vocabulary in Legal Translation

By using some examples of translations of sentences can make a summary about five characteristics of English legal text: common vocabulary with legal meanings, use of ancient English vocabulary, parallel use of synonyms, use of modal verbs and legal jargon.

4.1 Common English Words with Legal Meanings

In translations of legal texts, translators usually encounter the phenomenon that some common words in legal translation usually express their legal meanings instead of initial and common meanings, because this phenomenon

is decided by the specific context of the certain legal text. For example, the word 'act' usually refers to one's own behaviors or performance, but in legal texts, it means that legal documents compiling the outcome of the careful discussion of a committee or society or a legislative body. For example, the act would force employers to adopt a quota system when recruiting workers. Act refers to a statute in draft before becoming laws in legal translations instead of one's behavior. Appeal usually refers that something is attractive for somebody or requests put forward by somebody, but in legal texts, appeal means that a kind of legal proceeding in which the appellant asking a higher court for help for the intention of obtaining a review of a lower court's decision and a reversal of the lower court's judgement or the granting of a new trial. The defendant has appealed the higher people's court to revoke accusation of him. In this sentence, Exhibit usually refers to that somebody makes something visible or apparent, but in legal texts, "exhibit" refers to important evidence or proofs in a legal case. Let us analyze another sentence: The attorney has collected enough exhibits to prove that her trustee is innocent. This sentence means that the attorney has collected enough materials that can prove his trustee is of no crime, "exhibit" should be translated into evidence. "Complain" usually refers to one's discontent, displeasure or unhappiness about something, but in legal texts, it refers to that someone makes a formal accusation of someone or put forward a formal charge. The fourteen-year-old boy was complained by the locate court for the crime of robbery. in this sentence, "complain" should be translated into "accuse". "Damage" usually refers to any harm or injury resulted from somebody or something, but in legal texts, it refers to the amount of money because somebody breaks something or harms somebody. The plaintiff seeks 7500 dollars in damages from the defendant.^[5] The word "Damages" means "compensate money of injures" instead of "harm", which is coordinated with the commonsense of law. According to above examples, the author can demonstrate that many words show professional meanings in legal texts. These common words sometimes express legal meanings in legal texts and translators should avoid translating them according to meanings of common expressions. So, we must make a concrete analysis of legal texts to make sense of legal meanings according to contexts.

4.2 Use of Modal Verbs

The Law is mandatory and compulsory for people, and it stipulates people's rights and obligations and order people to observe regulations and rules, so legal texts include many modal verbs with distinct imperative tongue. People usually meet some common modal verbs such as

"shall", "should", "must" and so on, which are used by in many legal documents. The modal word "may" mean that somebody can do something or somebody has rights to do something. The modal word "must" mean that somebody has no reason to refuse to do something and show people strong subjectivity. The modal word "shall" mean that somebody has the legal obligation or duty to achieve something. "Shall" is the most frequent modal verb in the legal texts. For example, a people's court shall have the authority to require the parties to provide or supplement evidence.^[6] In this sentence, "shall" means that the responsibility and obligation that should be undertaken by someone, and "require" refers to orders or requirements put forward by someone, both of which are all compulsory and obligatory. For the second sentence: no common citizens may be arrested except with the approval or by decision of people's procurator or by decision of people's court, and arrests shall be made by a public security organ.^[6] In these modal verbs, "shall" is the most frequently used in legal documents, because "shall" can mostly describe objective facts and is more formal. "Shall" differs from "must" with strong subjectivity, and "shall" also expresses the directive and mandatory implications and one's legal obligation, at the same time, we should distinguish "should" and "shall". Should refers to the ordinary duty or moral duty, but it is difficult for translators to differentiate the two words, so when we translate "shall" or "should", we can sometimes omit their meanings of regulation. For the third example, the maximum term of an indeterminate sentence shall be four years and the term shall be fixed life imprisonment for A level of crime.^[8] In these sentences, if we choose to ignore the translation of "shall", the translation texts will be more exact and objective and be helpful to rule out translators' subjectivity to make translation become more exact.

4.3 Use of old English Vocabulary

There are existing large amounts of old English words in legal documents because these old words have been endowed with specific implications and has been acknowledged by people after a long time. Secondly, the use of old English vocabulary can also make the legal texts become more succinct and solemn and adds much stylistic features to legal language. Use of these old English words are the most distinctive characteristics of legal translation differs from common translation. By instance, "hereafter" means "later", "whereof" means "about", "thereby" means "so", whereas means "according". For example, This contract is made in a spirit of friendly cooperation by and between Party A and Party B, whereby party A shall invite party B for service as a foreign staff on the terms and conditions stipulated as follows.^[7] In this translation, whereby party

A means by which Party A, whereby is equivalent with by which. In this translation, translators can use other structures or expressions to replace old English vocabulary so as to make sense of the original sentence but it does not comply with the rule of legal translation. For the second example, the sellers reserve the right to cancel this contract at any time if they cannot make the delivery as called for the terms hereof by reason of circumstances beyond buyer's control.^[3] In this translation, hereof means the terms of this contract itself. Translators should observe the omission in the sentence and supplement this contract, otherwise, the sentence will be translated incompletely. Translators should summarize the old English vocabulary that often appears in the legal text. "Hereby" can be replaced by "in according with", "whereas" can be replaced "by considering that", "hereby" can be replaced by "by reason of" and so on. Then it will be easier for translators to translate old English vocabulary.

4.4 Parallel Use of Synonyms

In legal translation, translators meet the phenomenon that many synonyms are in parallel use, which makes legal texts become more precise and complete and displays the seriousness and exactness of legal translation. For instance, "sole and exclusive" should be translated into "sole". "every and each" should be translated into "each". "Duty and obligation" should be translated into "duty". "Null and void" should be translated into "non-effective". "Terms and conditions" should be translated into "clause". "Losses and damages" should be only translated into "damage". "Cover and conclude" should be only translated into "conclude". For example, The property acquired by either party as a result of a contract shall be returned to the other party after the contract is confirmed to be null and void.^[6] In this sentence, the phrase "null and void" is a fixed pair of synonyms, "null" stresses lack of any legal or binding force, "void" stresses an empty area or space, which are complementary in implications. The translator should choose the most proper meaning instead of separating them to translate respectively, otherwise, the translation will be far away from the accuracy and completeness of the translation. For another example, the contents of a contract shall be agreed upon by the parties thereto, and shall in general, cover and include the following causes^[6]. The phrase "cover and include" shares the same meaning in legal texts, so the translator should only need to choose the most proper and exact Chinese explanation to translate these pairs of synonyms instead of translating them solely and separately. For the third example: The contract stipulates that the packing and wrapping fee paid by the seller shall be borne by the buyer. The phrase called "packing and wrapping" belongs to the parallel use of synonyms,

which makes the legal texts more precise and ensures the integrity and exactness of the whole legal text.

4.5 Use of Professional Terms and Legal Jargon

In legal texts, the profession and exactness of legal vocabulary is one of the most distinct characteristics. There exist many special terms that express specific legal concepts. These special terms are produced from long-time development of laws and legal exchanges, such as goods, witness, omission, construction, determination, avoidance, execution, plaintiff, defendant, recidivism, bigamy, claims, monogamy. There are other legal jargon such as "court below, day in court, "Liquidated damages. Legal jargon has been created and shaped in many years of legal development and used among jurists. Lawyers and judges and other persons related to law. Special terms or legal jargon are profession terms are different in the daily use, special terms are usually used in official documents, but legal jargon are only used among internal professionals. Legal translators working on legal translation should command meanings of a certain amount of common special terms and legal jargon to cope with legal texts with strange terminology. Translators should remember fixed and habitual legal implications of these special terms. For example, the day on which the limitation period commences is not included in the period^[6]. In this translation, limitation refers to that a period of time that a legal case makes effects instead of restrictions or refinements of something. Without prejudice to section, the following shall be treated as properly executed^[6]. The phrase "without prejudice to" means that the principle of not violating certain law instead of not producing harm to somebody or something. Translators should make sense that this is a fixed legal jargon. Translators should not translate these special terms in according with literal meaning. By contrast, the correct choice is to use their specific meanings with legal implications. This treatment also meets the principle of faithfulness in the Skopos theory.

5. Strategies of Translating English Legal Vocabulary

The chapter mainly includes strategies of coping with English legal vocabulary according to above characteristics of English legal vocabulary on the basis of the Skopos theory. These translation strategies are based on characteristics of English legal vocabulary and the guidance and principles of the Skopos theory.

5.1 Fuzzy Processing of Translation of Legal English Vocabulary

The strategy of fuzzy processing of translation of legal

English vocabulary is suitable for two situations. When we encounter some uncertain or fuzzy English legal words or the phenomenon of parallel use of synonyms, translators should avoid translating rigidly, otherwise, it will have bad effects on the frequency and readability of translation texts. On the contrary, translators should adopt the fuzzy processing of translation of legal English vocabulary, which can further improve the quality of the legal translation and is coordinated with the principle of coherence of the Skopos theory.

5.1.1 Reasons of Adopting the Fuzzy Processing of English Legal Vocabulary

Firstly, the author should make a definition of the fuzziness of legal language. The fuzziness of legal language refers to that some legal provisions or expressions can not be defined clearly in semantics. The fuzzy processing is used by translators when they do not make sure they can accurately translate the meaning of one legal word or parallel synonyms. For example, translators often touch these fuzzy expressions such as reasonable time, appropriate action, not more than. Some parallel synonyms such as losses and damages, terms and conditions. The fuzziness of legal language is not contradictory to the accuracy of legal language. The intention of taking the fuzzy processing of translation of legal vocabulary is to make translation more rigorous and exact, simultaneously, it can also add the flexibility to the legal translation and leaves more room for translators, on the contrary, if translators choose to translate English legal vocabulary meticulously and arbitrary, then translation texts may distort meanings of original texts and bring misunderstandings to readers. Two sides will maintain contact and hold appropriate consultations on bilateral and international issues of common interest.^[9] In this translation, “maintaining contact” and “holding appropriate consultants” belongs to fuzzy expressions, which displays the uncertain extent of two behaviors, and this fuzzy processing is more exact and persuasive than concrete numbers.

5.1.2 Two Approaches of Fuzzy Processing of Legal Vocabulary

The equivalent translation and the fuzzy variation translation are usually applied in the fuzzy processing, the equivalent translation usually refers that using fuzzy vocabulary of a kind of language to translate the other fuzzy vocabulary. If sentence of imprisonment is imposed, there are limits on the term of imprisonment-more than eight months and less than two years^[9]. In this sentence, the translator can adopt the literal translation method of fuzzy

equivalence, using “more than”, “less than” in the original sentence in Chinese. The fuzzy variation translation refers that using non-equivalent fuzzy vocabulary to translate the same fuzzy conception. The state constitution provides that it is lawful for the citizens to hold guns, with the result of hundreds and hundreds of innocent people being died of gun-killing^[5]. Hundreds and hundreds of in the original sentence is a vague conception in English. Translators should adopt the method of variation and vague equivalence to translate hundreds or thousands of people according to Chinese expression habits, which means that the number of people who died is large because of unrestricted use of firearms. Except using the two methods of fuzzy processing. Translators should also remember some common and fixed meanings of fuzzy vocabulary, such as due process, It reasonable means and so on. It is two and two makes four that the term of imprisonment administered by the defendant was minimal and not excessive. “Two and four” is an exact expression, which is translated into vague words “obvious” to make legal translation more precise and is coordinated with the law. Partners of special general partnerships shall bear unlimited joint liabilities for loss and damages caused by intentional or gross negligence the phrase “loss and damages” should be only translated into “loss”, because “loss” is equivalent with “damage”. In some extent, which are the synonyms. So, we should adopt the fuzzy processing to use one meaning to replace, which shows the seriousness and exactness of legal translation. This translation of strategy is very accorded with the faithfulness of principle in the Skopos theory.

5.2 Giving Play to Translator’s Subjectivity

5.2.1 Reasons of Choosing the Strategy

In any kind of translation, translators should be loyal to original texts firstly instead of showing own creativity and subjectivity casually, but it did not mean translators are completely limited by original texts. Any translation is a kind of creation on the basis of original texts. The task of translators is to make his translation texts understood by most of people and simultaneously make translation texts become as accurate as soon as possible, so it is necessary for translators to give proper play to their subjectivity to make the translation more exact. This strategy is coordinated with the faithfulness of principle in the Skopos theory.

5.2.2 Definition of Translator’s Subjectivity

Translator’s subjectivity refers to that a translator reflects his actions, status, ability in the process of translation on the basis of obeying the objective of translation.

Traditionally, translation was deemed as a process of switching code. Translators was subordinated to the legal texts, but in modern study of translation, translation is more usually defined as a kind of communication behavior. The famous jurist Constantinesco once defined legal translation as a dual operation including the switch of law and interlingual transfer.^[8] Although legal translation stresses the faithfulness to original texts and high-level exactness and seriousness, but this cannot fully deny and kill translators' subjectivity in legal translation.

5.2.3 Concrete Applications of Translators' Subjectivity

In general, translator's subjectivity in the translation of English legal vocabulary is mainly showed in the phenomenon of polysemy and the choice of modal words. : for example, this is the toughest crime bill that congress has passed in a decade, Democratic leaders have challenged the president to sign the bill. Translators translate "bill" into "act", instead of translating them into paper "money". Therefore, when translating English legal vocabulary, translators must give play to their subjectivity and carefully distinguish specific meanings of words in the text, because many words have more than one meaning, so it is imperative that legal translation should not be done without a serious attitude towards translation instead of adopting a step-by-step manner. For the second example, Contractor shall assume full responsibility for the entire project work until its acceptance^[5]. It is inexact to translate acceptance into "receive". Because in the contract of project, the quality of the project must be carefully checked and is accorded with quality before it is formally completed, otherwise the contractor will not be liable, so it is more reasonable to translate it into "check and receive", instead of being translated into "receive". Translators should play their subjectivity to make common sensual judgement and think and observe to find out hidden meanings. When translators meet the uncertain English legal vocabulary, they should refer to the dictionary or literature in time to ensure the seriousness and exactness of legal texts instead of relying on experience or guessing, which is an irresponsible behavior violating regulation of translation. For the third example, the balance shall be settled upon the arrival of goods at the port of destination.^[5]. There are two kinds of translations are only different in one word, but in fact, it is contrary in the concrete meanings. The first translation violates the rule of law. Because in the contract of big goods, relative laws stipulate that buyers should pay money at once, but the first translation does not point out the specific time, which will cause the misunderstandings to readers and may produce risks and

bad results of civil compensation. So translators should avoid being very rigidly but to make a further judgement whether find out the complete meanings, which needs translators to play their subjectivity and digs out hidden legal meanings to make translation texts more precise. Therefore, in legal translation, on the premise of following original texts, exerting the translator's subjectivity to modify translation of English legal vocabulary appropriately can effectively avoid detailed errors in translation, which are reflections of the deserved serious attitude of a translator. Translators should not overexert subjectivity, otherwise, the translation texts will be far away from the meanings of original texts. In summary, On the premise of keeping a serious attitude, translators should give play to subjectivity to translate English legal vocabulary to make translation texts become more accurate.

5.3 Possessing the Certain Consciousness of Legal Texts

No matter what kind of translation is, translator should possess the certain consciousness of texts and avoid translating texts word by word and sentence by sentence. British scholar Firth once said, every word is a new word in the new content.^[10] Polish linguist Malinowski once refereed to that discourses and contexts are closely combined, and language environment is indispensable for understanding language.^[11] Translators should refuse to be a translation machine. Translators do not need to make the translation texts fully equivalent with original texts, simultaneously, translators should take readers into consideration. Beside commanding basic meanings of vocabulary, translators should possess consciousness of legal contexts, in other words, translators should deliberate and choose the most appropriate meanings according to concrete legal contexts, making the translation of English legal vocabulary coincide with the purpose and implications of the whole legal texts. The newly revised federal law prescribe the pro-choice abortion policy is lawful.^[12] The former translation translate "pro-choice" into "the policy of killing children", this translation is more oral and informal and violate the seriousness and exactness of legal language, on the contrary, it is very precise and formal to translate it into "abortion policy". For another example, a contract executed by both parties on the basis of a true declaration of intention is binding on both parties. In this sentence, "Execute" is usually translated into "implement", but in the law of contract, it should be translated into "sign" or "sign up". So translators must pay attention to the specific context and possessing the sense of legal context, otherwise, it will produce ambiguity and misunderstandings. This strategy is very coordinated with the principle

of coherence and faithfulness of the Skopos theory.

5.4 The Effective Adoption of Domestication and Foreignization

5.4.1 Definition of Domestication and Foreignization

The domestication and foreignization are a pair of relative conception in translation, which was formally put forward by American famous scholar called Laurence Venuti in her workings *The translator's Invisibility*. Domestication refers to a strategy that translators adopt the transparent and frequent translation style and try their best to reduce the reader's strangeness to translation texts. Foreignization refers to a strategy that translators deliberately break rules of translation texts and keep the features of original texts.^[13] In legal translation, most scholars argue that adopting the foreignization strategy is more reasonable because the legal translation must be loyal to original texts, but the author thinks that the legal translation is a new kind of communication activity. Translators not only respect original texts but also simultaneously take the understanding ability of readers into consideration. So the author believes that translators should study to integrate the strategy of domestication into the strategy of foreignization to cope with legal translation.

5.4.2 Applications of Domestication in Translation of Legal Vocabulary

The adoption of the domestication plays an important role in the translation of English legal vocabulary. For example: A contract is nothing but an agreement between two or more parties to do something or not to do something in return for something of value named consideration among people who made a habit of practicing contract law^[14]. In this translation, translators adopt foreignization to translate "the party and consideration" party" and "remuneration", but the translator violates the legal commonsense and related regulations of law, in the law of contract, "party" should be translated into "person concerned", "consideration" should be translated into "counter-performance". Translators should adopt the domestication to make the translation more precise instead of being content to reappear the meanings of original texts. The translators should make the translation have the stronger readability and avoid bringing misunderstandings to readers. For another example, A legal member of local Evangelical church, he believed that his pornography campaign ..., in this sentence, if translators adopt the foreignization, pornography campaign will be translated into "anti pornography campaign", but if the translator adopts the domestication to change his mind and translate it into

"eliminate pornography".^[15] It will be easier for readers to understand and more comply with the habit of Chinese thinking, and the translation will be more accurate and brief. So translators should pay deserved attention to the role of domestication in the translation of legal vocabulary and make sense adoption of domestication can reduce the barriers of understanding for readers. The domestication is an important supplement to foreignization and they are two strategies that are complementary in the translation of English legal vocabulary. Readers' level of understanding is the important standard and judgement of any legal translation. Translation texts that set many obstacles for readers will lose values and significance. What we should do is not to deny the role of foreignization but to learn to use domestication to make translation become more precise and understandable.

5.4.3 Applications of Foreignization in Translation of English Legal Vocabulary

Domestication and foreignization are all common translation strategies, they respectively have distinct advantages. The application of foreignization emphasizes the high level loyalty to original texts. From my opinion, adoption of domestication or foreignization is mainly decided by the concrete situation of the complexity and difficulty of source texts, but sometimes may ignore the readability of translation texts and acceptance ability of readers. The author holds the opinion that when people translate some very complicated English legal vocabulary that may bring readers difficulty in understanding translation texts, translators should put the readability on the first place instead of rigidly translating word by word. Translators should adopt domestication to deal with translation of English legal texts. But when we translate professional terms and old English vocabulary, translators should be very faithful to original texts to adopt the strategy of foreignization. The general provisions of the Criminal Law of our country stipulate that if serious consequences are caused by accidents or force majeure, it shall not constitute a crime. "Force majeure" belongs to a kind of legal professional term, translator should adopt the strategy of foreignization to translate it into "force majeure", which is a fixed expression with legal implications. Please complete and return the form herein contained. Herein is an old English word and is translated into "attach". There are many other old English words, such as hereby, hereto, whereas and so on. In summary, with the long-time legal exchanges with each other among countries, these professional terms and old English vocabulary have become habitual and fixed expressions with legal meanings, so translators should adopt the strategy of foreignization, showing respect for

them and avoid changing them casually. This strategy is very accorded with the principle of faithfulness of the Skopos theory.

5.4.4 Conclusion of Four Translation Strategies of English Legal Vocabulary

These translation strategies are based on characteristics of English legal vocabulary and three key principles of the Skopos theory. In essence, the fuzzy processing of translation of English legal vocabulary, applying the certain consciousness of legal texts and adopting the domestication and foreignization are all concrete reflections of translators' playing their subjectivity. In any translation, translators must study to deal with translation in the light of specific conditions and specific texts instead of being a translation machine to translate word by word even though when we translate legal texts.

6. Conclusion

In this paper, the author chooses one of the most famous theories called the Skopos theory as the guidance to make a primary study on the translation of English legal vocabulary. Firstly, the author briefly introduces the purpose, significance, background of the study and the research situation in china and abroad. Secondly, on the premise of the Skopos theory, the author respectively analyzes five characteristics of English legal vocabulary and concludes four strategies of translating English legal vocabulary with some representative examples to demonstrate innovative opinions. Four translation strategies of English legal vocabulary are summarized under the guidance of the Skopos theory and characteristics of legal English vocabulary. Besides, in fact, the adoption of domestication and foreignization, possessing the consciousness of legal contexts and the fuzzy processing of English legal vocabulary are all specific reflections of translators' playing their subjectivity. In any kind of translation, translators should avoid being a translation machine. 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. Lastly, many domestic researchers solely study characteristics of English legal vocabulary or strategies of legal

translation or the Skopos theory, but few researchers link three aspects effectively. Besides, the author creatively emphasizes the essential role of translators' subjectivity in the translation of English legal vocabulary and when to choose domestication or foreignization. So the paper has the certain innovation and certain research meanings in improving the quality of legal translation.

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