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On Legal English Translation from the Perspective of Legal Linguistics

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ABSTRACT

With the deepening trend of globalization and the development of economy and society, the demand for international exchange talents is increasing. Especially with the increasing number of transnational corporations, almost every company should have professional legal translation employees to guarantee their legitimacy of transnational trade and effectively prevent the infringement of related rights and interests. Therefore, to improve the quality in transnational translation business and optimize legal English translation skills from the perspective of legal language can not only offer a reference for the industry, but also provide evidence for the problems arising from the actual legal translation process. Based on the perspective of legal linguistics, this paper tries to put forward appropriate legal English translation measures mainly by analyzing the skills of legal English translation, with a view to providing some references for relevant scholars.

1. Introduction

Language, known as the external form of thinking, not only embodies a person's quality, but also is a pronoun of an enterprise, a nation and a national culture^[1]. Therefore, in terms of improving the efficiency of legal English translation and providing legal basis for multi-party communication, it is necessary, from the view of legal linguistics, to analyze the vocabularies, sentences and predictions in legal languages, to obtain as much practical experience and possible and to fully motivate translators' subjective initiative.

2. Conceptual Analysis of Legal Linguistics

The study of any language is based on the comparative study of its language and culture in the context of a language-speaking country, so as to create a relatively mature and scientific linguistic rule, namely linguistics. To define the concept of legal linguistics, it is necessary to understand that the studies of legal linguistics are a study of judicial and legislative language and other related studies, which are mainly based on the cross-study of jurisprudence and linguistics with legal language as the core. These studies are trying to find solutions to the common

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problems that may arise in the process of legal translation through the analysis of the variability and difference of legal language^[2]. However, Jurisprudence and linguistics under the legal linguistics are not simple models overlapping each other. Instead, appropriate linguistic research contents are added to the laws which have been relatively consolidative language so as to lay a foundation for cross-national language translation practice.

Besides basic jurisprudence and philosophy, Legal linguistics has a wide range of research realms, which include legal culture, language culture, legal language logic, legal linguistic psychology, and legal language rhetoric and so on. Meanwhile, lawyer language, court language and legal bilingualism and multilingualism, which are inalienable supplements to laws, are also included.

3. The General Features of Legal Language

The general features of the current legal language can be elaborated from three aspects: Solemnity; Fuzziness; Accuracy.

3.1 Solemnity

Language, as a symbol of culture, has many similarities with culture in terms of characteristics, one of which is seriousness.

Unlike languages in dramas and cultures, legal language is one of classes of unemotional language. It is expressed in more solemn and explicit way without any personal language preference. Furthermore, verbosity and redundancy are prohibited^[3]. In addition, the law itself has a strong authority and binding force. Translators need to integrate the opinions between two sides or among multi sides and ensure that the authentic attitudes and opinions from the legislators have been consistently preserved. For instance, words like hereby, hereinafter and vis-a-vis are solemn words. When spoken in some important occasions, it generates a certain deterrent force.

3.2 Fuzziness

One of the inherent characteristics of legal language is fuzziness. People, when engage in a majority of legal activities, are from different cultural backgrounds, or at various levels of cognition, or in all kinds of social environments. Provided that every translator insists that his/her opinions or methods towards translation are absolutely correct, there will be no hope for effective cooperation and interactions. Even worse, relationships among them are expected to be influenced in a negative way^[4]. For example, when explanatory or recapitulative words are used in translations, this feature is now useful on the occasion.

By fuzzing those generally-understandable concepts or problems closely related to local cultures of translators, it becomes easier for them to reach an agreement. Furthermore, what calls for special attention is that, if the feature is desired to take effect, translation shall be on the basis of e of legal language instead of fuzzing major concepts, which, otherwise, will lead information being translated to distortion. Taking an English-Chinese translation case happened in an Australian medical as an example, the sentence *He [The patient] has access to all knowledge necessary for him to give an intelligent and informed consent.* was translated into Chinese *他有权获得一切必要的知识, 以便获得知情权。* Although there seems to be no linguistic or grammatical errors, the translation is aimed at the situation of hysterectomy, and *He* translated into (*他*) under this situation is obviously inappropriate^[5].

3.3 Accuracy

Accuracy is the precondition of any language translation, especially in the process of legal language application. Only on the premise of ensuring accuracy, can the rights and interests of many parties be protected from infringement, the opinions of many parties be summarized, and the efficiency of conversation or transaction be improved. In some important occasions, once the legal language is used, not only the judicial results will be seriously affected, but also, to some extent, could not be completely inconsistent with the legal expectations, which means that the judgment results will be effected.^[6] Hence, in translations and practice of legal language, translators must express language accurately and authentically on the basis of objectivity so as to ensure applicative efficiency and communicative accuracy, as well as to prevent negative consequences happening. For instance, in the period of a judicatory judgment, a translator mistakenly translated the phrase "*still birth*" into "*仍然出生*" which means still giving a birth to a baby in Chinese. Obviously, it both seriously deviated from the original intention of the speaker, but also eventually affected the judgement by the judge or jury^[7]. In addition, legal language also requires professionalism, especially in the field of legal English translation, which requires translators to improve the accuracy and authenticity of translation results through mastering professional terminology comprehensively.

4. Analyzing the Principles of Legal English Translation from the Perspective of Legal Linguistics

From the perspective of current legal linguistics, the principles of legal English translation can be carried out in

three aspects: First, norms and standards for the use of words; Second, Sentences are logical, concise and comprehensive, Third, text should conform to the legal content and standards; Fourth, other requirements and standards.

4.1 Norms and Standards for the Use of Words

Basically, there are two contents in legal language, one is from and based on laws and the other is related to the general meanings. The two don't have too much similarities in meanings, but are connected each other closely at some degree. As a result of this, it is a must that we abandon researches of those general meanings existing in the environment of legal language, so that the more effective legal language environment can be created for the prevention of language ambiguity. Thus, the requirements for translators' quality and professional skills are becoming relatively higher. Provided that they do not undertake any specific studies or have in-depth understanding of professional legal language terminology, as well as lack of professional legal culture background, it is inevitable to lead to difficulties in translation, and even to affect the authenticity and accuracy of information transmission. Therefore, in the process of legal English translation, translators must have excellent professional qualities in order to use legal terminology flexibly. For example, in terms of the word "*Box*", it has been generally translated into Chinese words like "*盒子, 箱子*". However, "*Box*" also has the meaning of "witness stand" in the legal sense. Only in the courts can professionals such as lawyers and judges understand and apply them^[8].

4.2 Sentences Are Logical, Concise and Comprehensive

Syntactically, there is a clear gap between legal language and non-legal language. For example, long sentences are mostly used in legal language, and their logicity, directivity and theme are prominent. In addition, they have the characteristics of solemnity, fuzziness and accuracy. Therefore, when applied, formal styles and sentence patterns, such as passive sentences, adverbial clauses, attributive clauses and declarative sentences, are usually chosen to show a person's distinctive stand. Therefore, translators should abide by their rigorous structure in the practical application of legal language and respect the legal norms of English-speaking countries on the basis of clarifying the logical relationship, so as to clearly convey the meaning of the relevant speakers^[9]. For instance, If a translator is insufficient of superb translation skills and cultural literacy, when translating the sentence "*The spoken word flies; the written word remains.*" into Chinese, the translation

would be "*口头词不靠谱会飞, 写下的词才能保留长久。*" Instead of "*口说无凭, 立此为证。*" or, the sentence "*Though few are punished, the fear of punishment affects all.*" would be translated into "*虽然惩罚的人很少, 但对惩罚的恐惧影响着所有人。*" instead of "*杀一儆百。*"

4.3 Text Should Conform To the Legal Content and Standards

There are obvious differences between internal and external textual levels at home and abroad. The basic feature of foreign texts is that they are highly stylized. Typical textual structures include legislative documents, indictments and judgments. Different instruments are written and issued by different institutions, and the internal structure of the instruments is also different. For example, legislative documents generally have clear categories of provisions, including the preamble, general provisions, sub-rules and annexes, and each structure contains chapters and articles. Such a layout not only classifies the structure from big to small, but also reflects the solemnity and accuracy of legal language. This requires translators to pay attention not only to the types and nature of legal documents, but also to their respective structural characteristics when translating legal documents with different legal effects.

4.4 Other Requirements and Standards

First of all, we should adopt the translation method of adding vocabulary. The translation method of lexical addition requires the translator to add the necessary sentences and vocabulary on the basis of the original text, so as to express the original text more satisfactorily and richly. Only in this way can the translated sentences and texts be representative and authoritative, without ambiguity, and ensure the spiritual unity of the original and the translation.

Secondly, it is necessary to adopt flip-flop translation measures. Although English and Chinese have maintained consistency in the context of translation, there are obvious gaps in the legal environment. In order to improve the relevance between the translation and the original text, translators should not only ensure the original flavor of the original text, but also change the transformation of language vocabulary through the change of part of speech. For instance, the two sentences like "*the people's court shall notify the person that is the opponent party*" and "*Of that party in the invalidation procedure to appear as a third party*". Although they both can be translated into the same Chinese "*当对方当事人以第三人身份参与诉讼时必然是法院通知请求无效的时候。*", in terms of ex-

pression, one uses words and one uses phrases, which can be reversed from one another.

5. Measures of Legal English Translation from the Perspective of Legal Linguistics

In view of the existing problems in legal English translation, the following measures can be taken: First, to adhere to the combination of accuracy and professionalism; Secondly, to promote the conciseness of legal terms; Thirdly, to adopt legal English translation strategies from a cultural perspective, details are as follows:

5.1 Adhere to the Combination of Accuracy and Professionalism

Accuracy, as one of the principles of legal English translation, should not only ensure a high degree of unity between the source text and the target text, but also emphasize the translator's professionalism. That is to say, in the process of legal English translation, legal translation is only a small branch. Translators must ensure that they can restore the subjective matter of translation, cannot translate documentary articles into current political articles, and cannot translate the original text into literary texts by adding gorgeous adjectives to mislead users. Moreover, in the translation of legal articles, translators need to set feet on the specific cultural background of the country, consult the materials in time for inaccurate words, and avoid working blindly so as to distort the translation results.

5.2 Promote the Conciseness of Legal Terms

In the process of legal English translation, in order to improve the accuracy of the translation, we should make a concise analysis and translation of the specific legal opinions in the law, and make a comparative analysis of the original text in accordance with the principle that all staff can understand, so as to improve the accuracy of translation. Usually, different translators may choose different ways of expression and vocabulary in the process of legal translation, even in the face of the same concepts and terms. Therefore, in practical translation, translators should always adhere to the rigor of professional terms, reduce the deviation caused by legal ambiguity, and thus improve the accuracy and authenticity of translation.

5.3 Adopt Legal English Translation Strategies from a Cultural Perspective

Under different cultural backgrounds, there are also great deviations in language environment. For example, passive voice is seldom used in Chinese while passive voice is

very common in English. Therefore, translators should always adhere to the principle of passive voice conversion in practical translation work, and carry out different translation processing based on different cultural backgrounds, reflecting the professionalism and practicality of translation, so that translation can be understood by more people. For example, When translating the positive Chinese sentence “*按照规定没有缴纳年费*” into English, it should practically be translated into “*where an annual fee is not paid as prescribed*”, which is in passive voice, so that the authenticity and originality of legal English translation can be enhanced.

6. Conclusion

From the perspective of legal language, in order to improve the quality of legal English translation, translators are required to follow the specific and translation principles of legal English, adopt legal terminology pertinently and systematically, and enhance the professionalism of translation results based on cultural perspective. Therefore, in the actual translation process, we should promote the conciseness of legal terms, adhere to the combination of accuracy and professionalism, make the translation conform to legal standards, optimize the methods of legal English translation, enrich the systematic theory of legal linguistics, and provide guidance for optimizing the specific practice of legal English translation, so as to promote the improvement of legal English translation and further development.

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