

Translation of Legal English Vocabulary From the Perspective of Intercultural Communication

ZHANG Haoyu

University of Shanghai for Science and Technology, Shanghai, China

With the development of global economy, politics, and culture, the links between different countries are getting closer and closer, and the cultures of all ethnic groups collide and communicate. The role of international law is becoming more and more significant in the era of increasingly globalized world. As the main means of communication between China and the West, translation plays an indispensable role. Legal language, as a comprehensive discipline of English linguistics and legal science, involves interdisciplinary fields, and legal vocabulary is complex, professional, stable, and solemn. Therefore, this paper studies how to deal with the difficulties in legal English vocabulary from the perspective of intercultural communication.

Keywords: legal English, lexical features, intercultural communication

Introduction

The language used by lawyers in writing contracts or complaints is called legal language, which is obviously different from ordinary conversation and is a French language (Oates, 1993). As a bridge between different cultures and languages, how to make the translated text recognized by readers is a problem that translation practitioners need to think about. Considering the legal authority, translators must keep legal terms rigorous and accurate, so they put forward very high requirements for translators engaged in legal terms. Moreover, due to the profound influence of cultural differences between China and the West on the translation of Chinese-English legal vocabulary, there are relative restrictions on the translation of Chinese-English legal vocabulary, and the differences caused by cultural and legal systems have become the root of these problems. First of all, language is the carrier of culture and the cultural symbol of the nation. Chinese and English belong to different language families. As a Sino-Tibetan language family, Chinese pays more attention to parataxis. However, English, which belongs to Indo-European family, pays more attention to hypotaxis, so there are great differences in language expressions and ways of thinking, which inevitably lead to the lack of complete equivalence, which brings certain difficulties to Chinese-English translation. In addition, the differences between Chinese and western legal systems directly lead to the improper translation of many legal terms.

Features of Legal Vocabulary

Legal English is a kind of English for specific purpose, which is different from general English in many ways. Therefore, legal translation also has different characteristics from general translation. Understanding the

ZHANG Haoyu, postgraduate, College of Foreign Languages, University of Shanghai for Science and Technology, Shanghai, China.

difficulties in legal English translation, a special field, is helpful for translators to solve and deal with legal translation texts.

Professionalism: Polysemy of Common Words

In the field of legal English, a large number of technical terms have accumulated in the long-term use. Many common words in general English have multiple meanings, some of which involve specific legal meanings. In legal translation, translating according to the meaning of general English is of great importance. This can be seen everywhere in foreign judicial activities and official judgments of courts. If we cannot understand these words correctly, we cannot really understand their actual meanings in a specific context, and may even misinterpret their original intentions. For example, “count” is translated as “calculate” in general English, but it is translated as “(accused) crime, matter” in legal English. In general English, “prior” means “previous, earlier”, but in legal English, the plural form is more commonly used to mean “criminal record”. It can be seen that common words in legal English are often given different meanings, and their professionalism and uniqueness make it impossible to compare with general English.

Complexity: The Existence of a Large Number of Foreign Words

Historically, English vocabulary has undergone two major changes, which have had an important impact on legal English. The first change took place during the Norman Conquest, and a large number of French words were incorporated into English. The second revolution took place during the Renaissance, when the vocabulary of ancient Greece and Rome entered English with the academic wave of Britain and entered the English kingdom. These two changes have had an important impact on the formation of legal English. Especially in the first reform, due to the influence of the invading ruling class, a large number of French words were introduced into English legal terms, and French was widely used in many official languages. However, the Greek cultural achievements introduced in the second reform were adopted and used in the later cultural exchanges, because there were no suitable words corresponding to them due to the constraints of the conditions at that time. With the progress of society, law has gradually become an indispensable part of people’s lives. The foreign words used in some legal documents are also widely accepted, and the sources of these words are gradually forgotten. The etymology in legal English mainly comes from Latin and French. For example, “versus” is translated as “confrontation” and “parol” is translated as “verbal”.

Stability: Many Reservations of Old English Vocabulary

With the integration and development of English language, especially under the requirement of concise legal language in Britain and America, many old English words are gradually forgotten or even no longer used. However, in some special fields, such as legal English, old English words frequently appear. It is precisely because of the rigorous and formal language characteristics of old English that many seemingly simple old English expressions need to be expressed clearly in complicated modern English. Some adverbs here/where/there in idioms are followed by prepositions to form compound word structures, such as “herein (in this thing)”, “whereof (of what)”, and “where by”.

Solemnness: The Juxtaposition of Words

There is another interesting phenomenon in the field of legal English, that is, the frequent use of synonyms. In order to ensure the accuracy and authority of legal language, legal English often uses two or three words with the same meaning for redundant collocation. This unique expression is one of the important features of legal

English. Although formal legal documents usually require concise language, in some cases, it is the use of redundant expressions to highlight rigor and become a necessary choice. For example, in some legal documents, “null and void” is often translated as “invalid”. It can be seen that both “null” and “void” have the meaning of “invalid”. Connecting these two words with the conjunction “and” once again emphasizes the meaning to be expressed, and the juxtaposition of words realizes the goal of pursuing strict legal language.

Extensibility: Semantic Transfer of Words

The extension of legal terms refers to expanding the concept of specific words from narrow sense to relatively wide range, so that the new meaning includes the old meaning and gives new connotation on the basis of the old meaning. Generally speaking, semantic expansion can be summarized into four main categories: from specific reference to general reference, from specific reference to abstract concept, from technical term to general term, and from proper noun to general vocabulary. For legal terms, the evolution from technical terms to common vocabulary is the main form of semantic expansion. For example, the word “alibi” was originally used to refer to the fact or evidence that someone was elsewhere at the time of the crime (for example, the suspects all had alibi for the day of the robbery), but in modern legal English, it has been expanded to include all kinds of “excuses”, covering all kinds of excuses for failure and inadequacy (for example, a catch-all alibi for failure and incompetence). The original meaning of the word “summon” is to send a message to inform someone to come, which means calling. As the object of summoning changes to the person related to the lawsuit, the word acquires another meaning, namely “summoning”, which means the act of ordering someone to appear in court.

Vacancy: Legal Terms Do Not Correspond

When translating Chinese and English legal terms, we find that they are not completely and accurately matched. In China’s Constitution, proprietary procedural terms, such as “equal election” and “differential election” lack corresponding English legal terms, which makes it impossible for translators to find suitable words for translation, thus leading to confusing translation results and failing to meet the requirements of norms.

Fuzziness: The Law Covers a Wide Range and Is Unpredictable.

Although legal language is famous for its accuracy and rigor, there are also relatively vague words, which reflect the flexibility and foresight of law. For example, “within” in legal terms means that the parties shall perform their obligations at any time within a specific period, but it shall not exceed that period. This expression defines the time range, but it also limits the extension of time. In addition, “appropriate” is a vague expression, which is used in law because the future is uncertain and it is impossible to accurately predict the required actions or situations. Although a more precise expression can be used, it is more appropriate to use a vague expression like “approximate” because of uncertainty. These examples show that in the translation of Chinese-English legal language, some legal terms are expressed in vague ways to meet the needs of uncertainty and flexibility. This flexibility can ensure the applicability of legal provisions in different situations and take into account possible changes in the future.

Difficulties in Legal Vocabulary Translation

1. In the process of translation, how can a translator fully understand the meanings of words, phrases, and terms in the original text, and how to choose appropriate translation methods and strategies?

As a special genre, legal texts are different from other types of document translation terms. Precise wording, complex sentence structure, professional expressions, and unique concepts all make the translation of legal texts

a great challenge for translators, because it requires them to master not only translation skills, but also legal knowledge, both of which must be sufficient to accurately translate legal texts. In view of the above, translators should avoid ambiguity and misunderstanding. Translators can clarify possible ambiguities in the text through explanations and annotations, or choose more common and easy-to-understand expressions. There are differences in language style and structure between legal English and Chinese. Translators can appropriately adjust sentence structure, modify words, or use cohesive words to make the translation results more in line with the language habits and expression habits of the target language.

2. Based on the translator's own understanding and translation, how can the translator make the text information easier for the recipients of different cultural backgrounds to understand in the process of communication?

The translator's rich legal knowledge, including the understanding of legal concepts, systems, procedures, and legal documents, helps him accurately understand the legal meaning in the original text and choose appropriate terms and expressions in the translation process. At the same time, understanding the differences between different cultural backgrounds, especially those related to legal system, legal culture, and legal system, helps translators avoid translating legal concepts and culture-specific expressions in the original text directly into the target language, but adopt expressions that are more in line with the cognitive habits of the target culture.

Theoretical Guidance on Legal Vocabulary Translation From the Intercultural Perspective

In the process of legal English translation, it is not only the transformation of language, but also the blending of legal system and culture. In 1969, Lawrence Friedman, an American scholar, put forward the concept of legal culture for the first time, emphasizing that legal translation is a process of mutual infiltration between legal system and culture. Therefore, translators engaged in legal English should not only have profound English language ability, but also be proficient in professional knowledge and institutional system in the legal field. They need to study the legal system of our country in an all-round way and fully understand the Anglo-American legal system, because the deficiency of any link may lead to the failure of legal English translation.

Language Level

1. Normative terminology:

Example 1: Miranda warning—米兰达警告

Example 2: 《理赔决定通知书》—*Decision of Insurance Claims Payment*

Example 3: 《人身保险投保书》—*Life Insurance Policy*

In Example 1, "Miranda warning" means that when a criminal suspect or defendant is interrogated, they have the right to remain silent and refuse to answer questions. If the police do not inform the suspect in advance of the basic interrogation principle of "the right to remain silent", the confession of the interrogated person shall not be used as the basis for the court to determine the punishment. These terms have been widely recognized in theory and practice, and this recognition also limits the initiative of translators. It is beneficial for translators to follow precedents to form a unified system (Liu, 2018). In Examples 2 and 3, the "通知书" and "投保书" were not translated into "admission letter" and "manual". It is also because a standardized terminology database has been formed for translators to deal with certain commonly used words in the professional field of law. If translators create new words according to their own understanding of the literal meaning of words, it is likely that the law will be lax or even ineffective.

2. Formal wording:

Example 4: 上海金融法院于2019年5月5日作出（2018）沪74民初330号民事判决：被告方正科技公司赔偿潘某等四人268,536.5元。

Translation A: On May 5, 2019, the Shanghai Financial Court delivered a civil judgement ([2018] Hu 74 Min Chu No. 330), ordering the defendant Founder Technology Company to pay RMB268,536.5 to Pan and three others.

Translation B: On May 5, 2019, the Shanghai Financial Court rendered a civil judgement ([2018] Hu 74 Min Chu No. 330), ordering the defendant Founder Technology Company to pay RMB268,536.5 to Pan and three others.

In Example 4, the main difference between Translation A and B is the underlined words. In the English-Chinese dictionary of Anglo-American law, “deliver” means “publish, announce” and “render” means “make (a judgment or ruling)”. Therefore, “render” is obviously more formal than “deliver”, so the translator chooses to translate it into “render” to achieve a certain degree of equivalence.

Legal Level

1. Context collocation method:

Example 5: 保险合同的射幸性决定了保险合同的签订是双方对风险认识的博弈。

Translation A: The fortuitous nature of the insurance contract determines that it is a game between the two parties' understanding of risk.

Translation B: As a kind of aleatory contract, the insurance policy is a gambling of the two parties on the understanding of risks.

Example 6: baby cat—以合同缔结人未成年为由的抗辩

In legal English translation, when the exact meaning of polysemous words cannot be determined from specific context, collocation context could be applied in the translation of words with culture-loaded meanings. “射幸性” is one of the legal characteristics of insurance contracts. This so-called “射幸” means “lucky”. It is different from the deterministic contracting principle in daily life, so it is easy to stimulate people's speculative mentality and bring moral hazard. Therefore, it is generally believed that “aleatory contract” is inappropriate. Thus, translators should have derogatory feelings when translating. In Translation A, “fortuitous” is a neutral word, while in Translation B, “alertness” has a certain emotional color. Once the meaning of this word is fully understood, functional equivalence can be realized in a sense. Example 6 is composed of two very common English words, but it has a specific legal meaning in legal English, which refers to the defense on the grounds that the contractor is underage.

Cultural Level

1. Interpretation method:

Example 8: yellow dog contract—黄狗合同

Example 9: fruit of the poisonous tree—毒树之果

As the translation of Example 8 cannot accurately reflect the real meaning of “employment contract on the condition of not joining a trade union”, special comments are needed to explain its connotation (Mu, 2015). Example 9 “fruit of the poisonous tree” frequently appears in Anglo-American law, which has a special meaning in the legal field, indicating that if the source (tree) of evidence is polluted, then any evidence (fruit) obtained from it is also polluted, which will not be accepted during the trial, even if the evidence is enough to reverse the

verdict. “Evidence obtained by illegal means such as extorting a confession by torture cannot be used as the basis for finalizing the case” is a concrete manifestation of this principle. Therefore, if it is only translated as “the fruit of the poisonous tree”, it cannot reflect the uniqueness of western legal culture.

2. Equivalent translation:

Example 10: highest penalty—极刑

In the translation of words with special cultural connotations, the equivalent translation is faithful to the original content, and the translation is more in line with the requirements of the target language. There are differences in the meanings of Example 10 in Chinese and American legal provisions. In American law, it refers to the highest punishment, but it is often translated as “capital punishment” in Chinese translation. However, it should be noted that in China, the death penalty is the highest penalty stipulated in China’s criminal law, and the United States has already abolished the death penalty. Therefore, in American law, “capital punishment” refers to imprisonment for life rather than death penalty.

Conclusion

Under globalization in politics, economy, and culture, the contacts and exchanges between countries are becoming increasingly close. Thus, translators have become a vital link to bridge the gap between Chinese and western legal fields. In legal translation, understanding the characteristics of legal English vocabulary and accurately translating them are the basis of constructing legal English text. The intertranslation of Chinese-English legal language involves not only the language transformation, but also the mutual understanding of culture and the transmission of legal ideas. Literal translation, which is divorced from cultural background and realistic situation, cannot meet the needs of laws and regulations in today’s globalized society in most cases. This is because legal language is not only the transformation of vocabulary, but also involves the differences in legal system, values, and social and cultural background. Two suggestions are put forward for translators here. First of all, for uncertain terms, translators should avoid subjective translation. Because most of them are technical terms, what needs to be done is not to deal with translation skills, but to supplement the relevant legal knowledge background in time and fill the knowledge blind spot. Since most legal texts involve professional content, the first thing is to consult dictionaries or materials in time to supplement relevant knowledge instead of dealing with translation skills. Secondly, although the style of the original text has certain particularity, it is not necessary to translate it word by word, but some skills can be adopted appropriately, which will not change the meaning of the original text, but will be more in line with the translation, thus making the translation more authentic and easier for readers to understand.

References

- Baker, M. (2000). *In other words: A coursebook on translation*. Beijing: Foreign Language Teaching and Research Press.
- Cao, D. (2008). *Translating law*. Shanghai: Shanghai Foreign Language Education Press.
- Fan, H. Y. (2021). Cognitive motivation and translation strategies of legal English polysemy. *Journal of Shanxi Politics and Law Institute for Administrators*, 34(3), 103-104.
- Kou, J. Y. (2017). A study on translation strategies of legal vocabulary based on the lexical characteristics of legal English. *Journal of Higher Education*, 3(15), 188-189+193.
- Liu, Y. (2018). Study on the localization of English-Chinese legal translation language. *Journal of Hubei Open University*, 31(21), 177-179.
- Ma, M., & Yu, P. (2014). Lexical characteristics of legal English and its translation methods. *Journal of Fuyang Normal University (Social Science)*, 33(1), 44-46.

- Mu, K. J. (2015). Untranslatability of terms in legal English translation and its disposal. *Foreign Language Research*, 3, 111-114.
- Oates, L. C. (1993). *The legal writing handbook* (p. 669). Little, Brown & Company.
- Sergiovanni, T. J. (2006). The change process. In *The principalship: A reflective practice perspective* (5th ed.) (pp. 340-365). Boston: Pearson Education, Inc.
- Sun, X. H. (2020). A study on the dilemma of Chinese-English legal vocabulary translation. *English Square*, 10(33), 39-42.
- Su, Y. (2006). EFL teachers' perceptions of English language policy at the elementary level in Taiwan. *Educational Studies*, 32(3), 265-283.
- Tu, X. Q. (2021). Research on translation strategies of legal English vocabulary from the perspective of interdisciplinary. *English Square*, 11(6), 24-26.
- Zhao, L. R. (2007). The influence of differences in thinking modes between China and the West on translation. *Science & Technology Information (Scientific Teaching and Research)*, 35, 676.