

Legal Text Translation (E to C) under the Guidance of Skopos Theory

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Abstract

With the rapid development of Chinese society and economy and the increasingly significant trend of globalization, people's demand for legal text translation is becoming more and more urgent. It not only exists in various foreign trade contracts, but also exists in the mutual reference of Chinese and foreign legal systems. In the process of development. The translation of legal texts plays a pivotal role in the cultural exchanges between China and the West. At the same time, society also puts forward higher requirements for the quality of legal text translation. However, the differences between English and Chinese language culture and legal culture bring great difficulties to the translation of legal texts. Skopos Theory believes that the entire translation process of legal texts should be closely focused on the purpose of translation, paying attention to the intended text function and intended reader status of the translation, and choosing the appropriate translation method when the translation purpose and intended function of the translation are clear. Successfully complete the translation task. Therefore, this article explores the translation strategies of legal texts under the guidance of Skopos Theory and conducts analysis and research from the two basic levels of vocabulary and syntax, which has certain practical and research value.

Keywords

Globalization, Legal Text Translation, Skopos Theory

1. Skopos Theory

Skopos Theory is the core of functional translation theory (Newmark, 1981). Under the guidance of this theory, translator can finish their legal text translation more flexibly but completely. Because three rules of Skopos Theory can make sure the translation work be accuracy and readable at the same time.

It is a theory that applies teleological concepts in translation and its core concept is that the most important factor in the translation process is the purpose of the overall translation act. It is the core theory of German functional translation theory, which can be traced back to Catherine Reiss's 1971 publication of *The Possibility and Limits of Translation Criticism*, and later her student Hans Vermeer continued to develop this idea, explicitly putting forward Skopos Theory (Shi, 2019). The main content of Skopos Theory is those three principles of purpose, coherence and fidelity.

According to Nord's research, Skopos Theory believes that translation strategies cannot be generalized, but should be analyzed on a case-by-case basis, and different translation methods should be adopted for different translation purposes (Shi, 2019). Translators can choose alienation or naturalization strategies in translation and choose different translation strategies according to factors such as the original subject matter, reader needs, writing intention, and translator's purpose. If the translation needs to maintain the original writing intent and linguistic characteristics, the translator can use alienation for cultural translation. Teleology emphasizes that the development of translation activities should be determined by their intended purpose. This theory can help translators break shackles of the original text and put forward new ideas through the analysis of translation activities, so it can ensure the translator does better translation work under the guidance of this translation theory.

2. Legal Texts

2.1. Research's Current Status

With the development of economic globalization, the communication between countries has become increasingly close, which has made foreign language translation a very important medium of communication. It plays a very important role in international finance and trade, but more importantly, with the occurrence of many international legal disputes, foreign language translation has become more and more important. English text translation has become a necessary skill. At present, more and more countries are paying attention to the construction of their own rule of law. In the construction of the rule of law, when other countries perfect their own legal system, we need to study through exchanges with them too. It needs our legal text translation to be more accurate and efficient.

2.2. Problems Existing in Legal Text Translation

When translating those advanced foreign legal systems, most translators are not from the legal major. A large number of translators do not know much about law. In the consideration of accuracy of the translation of legal text, the only thing they can do is simply translate the legal text word to word, trying to deliver its surface meaning. Such as some translators will translate "*the income tax law*" into 收入税收, but it is not the professional term version, in our country's law

we call it 所得税. In fact, this cannot translate the superiority and key points of foreign legal systems. It is hard for target reader in china to get the proper meaning of these foreign laws (Liu, 2018). This may be a simple mistake of a translator in their translation work, but sometimes, a legal text translator misinterprets his legal text translation will cause a terrible disaster.

3. Legal Text Translation

3.1. Vocabulary

The basic characteristics of legal text English terminology can be basically summarized as: the wide use of foreign words (especially Latin words and French); Use common words with different meanings; use legal jargons, and clichés. Old English and Middle English are also often used in legal text (Ma et al., 2012).

3.1.1. Foreign Words

Roman law and later French law contributed to the prosperity of jurisprudence throughout the world, so legal English contains Latin and French vocabulary in large numbers. Latin, for example, was introduced to England in 597 AD and it is still mainly used in some professional fields such as legal text.

| | | |
|--------|---------------|--------|
| Latin | alibi | 不在犯罪现场 |
| | quorum | 法定人数 |
| | ultra vires | 越权行为 |
| French | easement | 地役权 |
| | force majeure | 不可抗力 |
| | laches | 疏忽延误 |

3.1.2. Common Words with Different Meanings

This kind of vocabulary requires more careful handling by translators and slowly accumulates over long-term practice.

| Words | Ordinary meaning | Meaning in law |
|--------------|------------------|----------------|
| brief | 简短的, 简洁的 | 案由说明书 |
| construction | 建设 | (法律)解释 |
| finding | 发现 | 判决; 裁定 |

3.1.3. Legal Terms and Jargon, Clichés

The vocabulary with a conventional nature developed in the course of long-term communication requires the translator to have a high degree of legal awareness and literacy, in order to translate the text more accurately in the translation work.

| | |
|-----------------|------|
| alleged | 被指控的 |
| cause of action | 诉由 |

Continued

| | |
|--------------------|---------|
| damages | 赔偿金 |
| day in court | 出庭日 |
| due process of law | 法律正当程序 |
| issue of fact | 事实上的争论点 |
| issue of law | 法律上的争论点 |

3.1.4. Old English and Middle English

Old English is English before about 1100 AD, and Middle English is English between about 1100 and 1500 AD. This also reflects the solemnity of the law.

| | |
|-------------|--------------|
| pursuant to | 根据 |
| saith | 说(第三人称单数现在时) |
| thereof | 其 |

3.2. Sentences

English legal discourse often uses long sentences with tight structure and complete reasoning, often using juxtaposition structures and complex isotopic components, and sometimes giving up conciseness and readability in order to ensure the rigorous accuracy of expression (Pang & Gao, 2018). And from the perspective of sentence use, most of them use declarative sentences, and rarely use interrogative sentences, imperative sentences and exclamatory sentences.

3.2.1. Voice Adjustment

English law mostly uses the passive voice to highlight its objectivity, while Chinese expression is mostly the active voice, so appropriate adjustments should be made in the translation of legal texts.

Courts are discouraged from passing sentences of imprisonment on offenders under 18 years of age.

译文: 不鼓励法院对未满 18 岁的罪犯作出徒刑判决。

In this example, we changed the passive voice of “are discouraged from” to active, which is more in line with Chinese expression.

3.2.2. Word Order Adjustment

Due to the excessive modification of English legal texts, the logical order should be sorted out when we are translating. The main and secondary should be distinguished, and then the word order should be readjusted, so that the translated text can better convey the meaning of the original content.

Subject to the provision of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provision of the present charter setting forth the Purposes and Principles of the United Nations.

译文: 大会对于其所认为足以妨害国际间公共福利或友好关系之任何情势,

不论其起源如何，包括由违反本宪章所述联合国宗旨及原则之规定而起之情势，可以建议和平调整方法，但以不违背第十二条之规定为限。

3.2.3. Long Sentence Splitting

The subject matter of international treaties is serious, but also profound, well-structured, and complex subject matter relations require careful and rigorous description, and the sentences become correspondingly complex and lengthy. Long sentences are mostly compound sentences, with many subordinate clauses and modifiers, overlapping each other in structure, interpolated before and after, even a sentence as a paragraph. When dealing with such sentences, the translator can make appropriate splits according to the meaning, which more suits with the characteristics of Chinese expression order.

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Version 1: 顾问就按本合同在中国境内赚取的所得并按《中华人民共和国外商投资企业和外国企业所得税法》和其他有关的法律法规而被征收的任何所得税应由顾问支付。

Version 2: 顾问按本合同在中国境内赚取的所得，按《中华人民共和国外商投资企业和外国企业所得税法》以及其他法律法规须纳税的，应由顾问缴纳所得税。

From the above two translations, it is not difficult to judge that version 2 is a little better, and the translator translates the sentence after splitting, which greatly enhances the readability of the text.

4. Conclusion

When analyzing and translating legal texts, it is important for translators to objectively and truthfully reshuffle their content and essence. Even under the guidance of Skopos Theory, it is necessary to respect differences between different languages and different cultures and find a balance between fidelity and accuracy.

Under the guidance of Skopos Theory, the translation of legal texts is studied from the vocabulary and sentences parts of the text. From many backgrounds and case materials, the author realized that in order to be a good legal text translator, the usual practice accumulation is essential, only in a large number of practices; we can have an in-depth understanding of the legal systems between two countries. The aim is to grasp the accurate meaning of legal terms, and to be familiar with the sentence structure of legal texts, so that we can do a better job of legal translation. As a translator, we should not just focus on learning English grammar, but learn more knowledge about other fields. When doing technology translation in our unfamiliar fields, professional knowledge is the key to success. At the same time, we must treat the things that we do not understand in the translation process very carefully. Ensure the accuracy of our translation and be

responsible for our own translation works. In the process of searching, we can widen our knowledge, and improve our learning ability, which are also very important qualities for us to become a good translator.

Agreement to Conditions

1) All authors of the manuscript have read and agreed to its content and are accountable for all aspects of the accuracy and integrity of the manuscript; 2) The submitted article must be original work that is not being considered or reviewed by any other publication and has not been published elsewhere in the same or a similar form.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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