

Study on the Application of Eco-translatology in Legal Translation

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Abstract: This paper aims to analyze the application of Eco-translatology theory in legal translation. Eco-translatology theory emphasizes achieving adaptability through multidimensional transformation, including linguistic, cultural, and communicative dimensions. Taking the common high-frequency term in legal texts as an example, this paper explores its specific application methods in legal translation using three-dimensional transformation theory. By analyzing some translation examples of relevant laws in the People's Republic of China, the paper demonstrates adaptive transformations in language, culture, and communication dimensions. It argues that the application of Eco-translatology theory in legal translation facilitates the accurate conveyance of legal concepts, promotes cross-cultural communication, enhances the comprehensibility and applicability of legal documents, thereby realizing the efficacy and justice of the law.

Keywords: Eco-translatology; Legal Translation; Three-dimensional Transformation.

1. Introduction

Legal language, as a specialized form of communication, serves the purpose of legal activities with strong functionality, representing a societal variant of language function. Legal terminology, designed to accurately convey unique legal concepts, poses a challenge at the core of legal English due to its distinct and specialized meanings. Moreover, legal language, once established, tends to be exclusive, catering to specific user groups with fixed meanings. This exclusivity lends authority to legal English, contributing to the pursuit of social fairness and justice. Professor Hu Gengshen proposed Eco-translatology, which shows that translation is a process of adaptive selection for translators, and believes that translation is a process of multi-dimensional transformation, focusing on linguistic, communicative, and cultural dimensions. In addition, he also proposed the "translator-centered" argument, which means that translators must first "adapt" to the translation eco-environment during the translation process, and then "choose" the translation based on the translation eco-environment. This paper will focus on the frequently used terms annul, disqualify, and revoke as examples, conducting further analysis in conjunction with the theory of eco-translatology.

2. Definition of Eco-translatology

Eco-translatology is an interdisciplinary field of study that focuses on the interconnection of environment, culture, and language in translation. The translation process is not a simple language conversion, but a complex process involving various cultural and environmental factors. Ecological Translation Studies aims to examine the impact of translation on environmental sustainability and cultural diversity by considering the context of the source and target texts. It also involves considering the impact of translation on society and exploring ways to achieve greater harmony between humans and nature through translation. It shows that translation is a process of adaptive selection for translators, and believes that translation is a process of multi-dimensional transformation, focusing on linguistic, communicative and cultural dimension.

One of the essential aspects of Eco-translatology is to take into account the cultural and environmental factors of the target audience to produce high-quality translations that are tailored to the local culture and environment. In summary, Eco-translatology is a vital field of study that considers the interconnectedness of environment, culture, and language in the translation process. By considering the context of the source and target texts, it helps produce high-quality translations that are appropriate and relatable to the local culture and environment.

3. The Core Concepts of Eco-translatology

Eco-translatology requires the translator to play a central role in the translation process. They need to selectively adapt to the ecological environment, carrying out appropriate "three-dimensional transformation" in the three dimensions of language, culture and communication.

When it comes to the adaptation and selection, from the vantage point of Eco-translatology, the translator's primary responsibility is to "preserve" the ecological environment of the original text. However, due to the influences of language, geography, and culture, the transition from one language to another often renders the original text's ecological environment challenging to adapt. Consequently, the translator must "harmonize" with the aim of fostering re-adaptation. When discordant contradictions arise, the translator is tasked with "reconstructing" the translation's ecological environment, ensuring compatibility with both the original context and the new environment, fostering survival and growth. During this process, if striking a balance between "fidelity, expression, and elegance" proves arduous, and if simultaneously achieving "beauty of meaning" and "beauty of spirit" is unattainable, the translator must exercise subjective judgment within the specific translation ecology and make appropriate adaptive choices. In doing so, the translator navigates the delicate equilibrium of "fidelity, expression, and elegance" while striving to harmonize "beauty of meaning" and "beauty of spirit," ultimately making well-informed adaptive decisions.

Regarding the evaluation of translation quality, ecological translation transcends the traditional focus on fidelity to the original text or a reader-centric approach, emphasizing instead the equilibrium and harmony among various facets. A significant advancement of ecological translation lies in its proposition of "translator-centeredness." Over the past several decades, the translation community has debated the ostensibly "vulnerable" status of translators and the question of their "invisibility." Translators have often been likened to "dancers in shackles," but the introduction of "translator-centeredness" in ecological translation studies has illuminated new perspectives for translation research.

Translation selection adaptation theory accentuates the subjectivity of translators and underscores their status and role within the translation process. For the translator, among the triad of "original text-translator-translation," both the original text and translated text serve as objects, while the translator represents the sole "living organism" that exercises subjective agency and actively adapts to the choices within the interplay of these three elements. Analogous to the fulcrum of a seesaw, the translator can proactively adjust their position and make calculated trade-offs to balance the relationship between the author and the reader.

Ecological translation champions the notion of "translator-centered" translation, which places the translator in a pivotal, "leading" role throughout the translation process. This perspective underscores the importance of the translator's abilities and creative efforts in enhancing text quality. Specifically, it necessitates that the translator first "adapt" to the translation ecological environment during the translation process, before determining the most suitable "translation" choices based on the ecological environment. This includes the translator's "selective adaptation" and "adaptive choice" within the translation process. In essence, all translation behaviors during translation activities, encompassing the "selective adaptation" and "adaptive selection" executed by translators, are subject to the judgment and decision-making of the translators themselves. This constitutes the core viewpoint and fundamental meaning of "translator-centeredness."

When it comes to the translational eco-environment, Hu Geng-Shen, in his groundbreaking work *The Theory of Translation Adaptation and Selection* (2004), pioneered the term "translation ecological environment." As defined by Hu, this environment embodies an ecological system composed of the translated text, cultural context, "translation community," and other relevant political and economic aspects. The translation community denotes individuals who partake in translation endeavors, with translators themselves being the foremost representatives. The translation ecosystem encompasses a comprehensive environment, including the source language, original text, and target language, while encapsulating the totality of external conditions such as language, society, author, audience, and translator. Navigating this intricate framework, translators must duly contemplate the complex interplay of political factors, national interests, values, national emotions, historical and technological backdrops, and reader responses. Similar to a natural ecosystem, the translation ecosystem constitutes a dynamic and balanced system. Within this milieu, the perpetual exchange and circulation of knowledge and information among its various constituents endure unabated.

When it comes to Three-dimensional Transformation, translation is the process of converting meaning between two

languages and cultures. As language serves as a vessel for culture, it is crucial to convey the communicative intent when facilitating a linguistic-cultural exchange. In the practice of translation, language, culture, and communication are undeniably interconnected through an inherent logic. These concepts align well with ecological translation theory. Ecological translation aims to stress the translator's multi-dimensional adaptation and selection within the translation environment. Ecological translation science promotes a principle of "multi-dimensional adaptation and adaptive choice" for translators. This means that, during the translation process, translators should strive to adapt to various levels and aspects of the translation environment, making adaptive conversion choices accordingly. Eco-translatology underscores a "three-dimensional" conversion approach, focusing on the linguistic, cultural, and communicative dimensions of the translation process. In order to maintain the ecological balance of the original text in the translated language, translators must selectively adapt to the translation environment from both the linguistic, cultural, and communicative dimensions of the original text and the translation environment surrounding the translator. By doing so, they ensure that the essence of the original work is preserved while effectively communicating its meaning across languages and cultures.

The linguistic dimension of adaptive selection pertains to "the translator's adaptive choice of language forms during the translation process," while the cultural dimension of adaptive selection involves choosing between the two languages' cultural aspects.

The cultural dimension of adaptation encompasses "the translator's consideration for conveying and interpreting the cultural connotations embedded within the language during the translation process. Translators must be deeply attuned to the original text's cultural dimension, striving to develop a robust cultural awareness. They should recognize that translation is a process of navigating cultural differences and making judicious decisions regarding transformations within the translation.

Adaptive conversion in the communicative dimension refers to "the translator's focus on adaptively converting bilingual communicative intentions during the translation process. Consequently, game translation should adhere to communication principles, conveying the necessary information to the translated language's readers in a manner consistent with the norms of the target language.

The 'three-dimensional' translation method, typically used in literary translations, is also highly relevant for game translation. As games serve as a medium for intercultural communication, their communicative function must not be overlooked. When tackling translations between languages and cultures in the context of gaming, it is essential for the translator to consider linguistic, cultural, and communicative dimensions—particularly the latter two—and make adaptive choices accordingly. Translators should be well-versed in the source language's cultural ecosystem, as well as that of the target language, while also being mindful of conveying cultural connotations during the translation process. Simultaneously, it is crucial for translators to grasp the underlying communicative meaning of the game, selecting appropriate translation strategies and making informed trade-offs to effectively convey the intended impact of the game content.

In summary, Eco-translatology is founded upon the

principles of translation adaptation selection theory. By incorporating Darwin's concepts of "adaptation and selection" from biological evolution theory into translation research, translation is redefined as "the selective activity in which translators adapt to the ecological environment with them as the center throughout the translation process, both adaptation and selection must be executed by the translator. The translator's adaptation and selection are primarily manifested in their ability to navigate "needs," "abilities," and the "translation ecological environment." The translator's adaptation and selection within the translation ecological environment mainly manifest across three dimensions: linguistic, cultural, and communicative. The translation process is thus perceived as the translator's adaptation and selection of the text and the translation ecological environment.

4. Three-dimensional Transformation

Translation is a complex and cross-cultural activity that requires a deep understanding of both the source and target cultures, communicative purpose, and linguistic habits of target players. The author will analyze the words “撤销” with regard to adaption to the linguistic, communicative as well as cultural dimensions.

4.1. Linguistic-dimensional Transformation

The challenge of legal translation lies not only in the differences between Chinese and English in expression and syntactic structure, but also in the inherent peculiarity of legal language itself. During translation, translators should pay attention to the authority and formality of terminology to ensure the efficacy of the law. Examples 1 and 2 are excerpts respectively from Article 69 of the "Law of the People's Republic of China on the Protection of Cultural Relics" and Article 26 of the "Securities Law of the People's Republic of China."

Example:历史文化名城的布局、环境、历史风貌等遭到严重破坏的, 由国务院撤销其历史文化名城称号。

Translation: Where the layout, environment, historical features, etc. of a famous city of historical and cultural value are seriously undermined, the State Council shall revoke its title of Famous City of Historical and Cultural Value.

Example: 国务院证券监督管理机构或者国务院授权的部门对已做出的核准证券发行的决定, 发现不符合法定条件或者法定程序, 尚未发行证券的, 应当予以撤销, 停止发行。

Translation: Where the securities regulatory authority under the State Council or the department authorized by the State Council finds that the decision it has made on granting approval to the issuance of securities is not in conformity with the statutory conditions or procedures if the issuance in question has not been effected, it shall revoke the approval and call off the issuance.

The term "撤销" is defined in the Longman Dictionary of Contemporary English as "to officially state that a law, decision, or agreement is no longer effective." Therefore, this term is mostly used in formal contexts such as law, decisions, or contracts.

The above examples demonstrate that the use of the term "revoke" aligns with its context, fulfilling the requirement of adaptive selection transformation in the "language dimension" of legal English translation. For instances of "revocation" appearing in formal resolutions, the use of the

term "revoke" accurately conveys the original information to target language readers, while also fully reflecting the formality and seriousness of legal language.

4.2. Cultural-dimensional Transformation

Cultural dimension adaptive transformation requires translators to understand the cultural backgrounds of both languages. During the translation process, attention should not only be paid to the conversion of source text information but also to adapting to the context of the target language. The term "revocation" appears multiple times in the "Drug Administration Law of the People's Republic of China" and the "Securities Law of the People's Republic of China," as shown in the following examples:

Example:对违法收取检验费用情节严重的药品检验机构, 撤销其检验资格。

Translation: Any drug testing institution that collects testing fees in violation of law. if the circumstances are serious, shall be disqualified for drug testing.

Example: 对直接负责的主管人员和其他直接责任人员给予警告, 撤销证券从业资格, 并处以三万元以上十万元以下的罚款。

Translation: The person directly in charge and the other persons directly responsible shall be given a warning, and they shall be disqualified for the securities business, and shall in addition, be fined not less than 30,000 yuan but not more than 100000 yuan.

In both Examples, the legal texts translate "撤销" as "be disqualified for." The term "disqualify" in the Longman Dictionary of Contemporary English is defined as "to stop someone from doing a job or taking part in an activity, to unfairly prevent someone from doing a job or taking part in an activity." It is evident that "disqualify" is associated with "job" or "activity." In the specific contexts of Examples 3 and 4, the content of "revocation" is related to specific "activities" or "events," such as canceling drug testing qualifications or revoking securities business qualifications. Considering the actual context, when translating the term "撤销," translators need to pay attention to the cultural dimension adaptive transformation. The alignment of the meaning of "disqualify" with the context of the legal texts in Examples can help readers further immerse themselves in the context and reduce ambiguity.

4.3. Communicative-dimensional Transformation

The communicative dimension adaptive transformation emphasizes that in addition to conveying language content and cultural connotations, translated texts should also focus on achieving communicative functionality (Liu Honglei et al., 2018). The purpose of translating legal texts is not only to promote the legal culture of various countries but also to regulate people's behavior, ensuring that all parties act under the constraints of the law and providing legal recourse for individuals in the event of legal disputes.

Expressions related to "revocation" also appear in Article 11 and Article 12 of the "Marriage Law of the People's Republic of China." The specific legal texts are as follows:

Example:因胁迫结婚的, 受胁迫的一方可以向婚姻登记机关或人民法院请求撤销该婚姻。

Translation: Where marriage is contracted by coercion, the coerced party may appeal to the marriage registration office or the People's Court for annulment of such marriage.

Example: 无效或被撤销的婚姻, 自始无效。

Translation: Any marriage that is invalidated or annulled is null and void from the very beginning.

In the above examples, "撤销" is translated as "annul" and its derivatives. According to the definition in the Longman Dictionary of Contemporary English, "annul" means "to officially state that a marriage or legal agreement no longer exists." From the English definition of this term, it can be seen that "annul" can be used to describe the status of "marriage" or official agreements, making it a term with specific communicative connotations. From the perspective of communicative dimension adaptive transformation, translating "撤销" in the "Marriage Law" as "annul" or "annulment" fully considers the cultural background of the target language readers while also meeting the communicative functionality of the law. This translation approach demonstrates an appropriate understanding and translation of the legal provisions.

5. Conclusion

"Three-dimensional" Transformation, which focuses on the adaptation and selection between the linguistic dimension, cultural dimension and communicative dimension in the translation process. In conclusion, this paper has examined the application of Eco-translatology theory in legal translation, focusing on the multidimensional transformation required for adaptability in linguistic, cultural, and communicative dimensions. Through the analysis of translation examples, particularly the vital term in Chinese legal texts, we have demonstrated how Eco-translatology theory can be effectively employed to achieve accurate and contextually appropriate translations. By considering the cultural backgrounds and communicative functions of legal language, translators can enhance the comprehensibility and applicability of legal documents while preserving their efficacy and authority. The application of Eco-translatology theory contributes to the promotion of cross-cultural understanding and the facilitation of legal communication in multicultural contexts. Moving forward, continued research and practical application of Eco-translatology theory in legal translation will further advance the field and promote justice and fairness in legal discourse across linguistic and cultural boundaries.

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