

Review of Legal Terminology Translation Research

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Abstract: Since legal terminology is characterized by rigor, precision and specificity, legal terminology translation is an important task in translation work. This paper firstly clarifies the definition of legal terminology and its sources, and then reviews the current research status of legal terminology translation on this basis. It then analyzes the current problems of legal terminology translation from the three levels of logic, language and culture respectively, and summarizes the principles of terminology translation proposed by scholars to cope with the problems of legal terminology translation. According to the characteristics of legal terminology translation, the legal terminology translation with Chinese characteristics is analyzed separately.

Keywords: Legal Terminology; Legal Translation; Synthesis.

1. Introduction

With the increasingly close exchanges between China and other countries, legal translation has increasingly become an important way to spread the rule of law abroad in China. The translation of legal terminology is the most important part of legal translation, and it can even be said that the translation of terminology is the main part of legal translation, because whether the translation of legal terminology is accurate or not is directly related to whether the information contained in the law is accurate or not, which in turn affects the reliability and authority of the law. It also relates to whether people can communicate accurately in international exchanges and legal affairs to avoid misunderstanding or causing legal disputes.[1] In addition, there is an urgent need to build a Chinese discourse and a Chinese narrative system, which requires us to tell a good Chinese story and disseminate a good Chinese voice. This is reflected in the legal level, we need to translate the basic legal terminology, so that the basic legal categories at home and abroad at the same time with Chinese characteristics, which is rich in scientific and practical significance for the development of a new international trade order norms, the establishment of China's foreign-related legal discourse system. Therefore, the importance of legal translation is self-evident. It believes that it is necessary to review and summarize the status of legal terminology research in China and to look forward to its future.

2. Current Status of Research on Legal Terminology

Terminology is the name used to describe concepts in specialized or professional aspects, but usually the translation of terminology itself faces considerable difficulties because the knowledge system expressed by the terminology is often not large enough for the term itself. Legal terminology, on the other hand, refers to words or phrases that are integrated in the language structure, have unique meanings, and reflect the essential characteristics of legal affairs and legal phenomena (Chen Jiong, 2004). As a legal term, its basic elements may be words, such as "legal person", "control" and "cause of action"; it may also be the components of the fixed, the arrangement of the way determined. It may also be phrases with fixed components and a definite arrangement, which are

closely related to each other, such as "branch", "emergency evacuation", "non-natural body" and "extension of time", etc. (Li, Wenlong and Hu, 2004). (Li, Wenlong and Hu, 2021: 53) Because of the unique nature of China's legal development, we cannot clearly distinguish whether legal terms are of foreign or domestic origin, but rather, in the process of localization of Chinese law, our legal terms have transcended the concepts that were initially imported from the West and become new concepts combining East and West. Therefore, accurately translating legal terms with Chinese characteristics is a challenging task. Firstly, it is necessary to have an in-depth understanding of the meanings represented by these terms; secondly, it is also necessary to have a cognizance of the development process of these terms in China, so as to be able to grasp the associated concepts in a more comprehensive way.[2]

Since the Opium War of 1840, China's legal system has gone through a process full of ups and downs and changes, marking the beginning of its transition from the millennia-long legal era of feudal society to the modernization of the rule of law. This transition has triggered a series of major institutional, conceptual and cultural changes, making China's legal science still at a relatively developing stage in comparison, mainly because it is younger than the hundreds of years of accumulation in advanced capitalist countries, such as Western Europe, after the completion of industrialization. Since the reform and opening up, China's legal science has flourished and continued to make numerous achievements through self-reflection: we have gained a higher understanding of the theoretical independence of legal science; we have gradually formed a discourse system with Chinese characteristics; and we have successfully transcended the construction of the traditional framework of legal disciplines. [3] Many research results have sprung up, and many scholars have begun to pay attention to the principles of translation of legal terminology, and put forward the principles of translation required for legal terminology with different characteristics; focusing on the etymological characteristics of different languages. For example, Xiao Yunshu, in his article on the characteristics, etymology and translation of English-Chinese legal terminology, focuses on the characteristics of English-Chinese specialized legal terminology and summarizes them as four points: First, the univocity of word meaning, that is to say, in the same

discipline, a term can only express a single meaning. Secondly, antithesis, that is to say, a set of conflicting and contradictory terms is very common in the legal field, because in the legal system, two opposite words are usually used to describe conflicting legal relations, for example, the plaintiff and the defendant. Third, the variability of use, that is, legal terminology is used differently in the linguistic habits of different peoples. Fourth, the class translation of words, that is, there are a large number of class translation of words in English and Chinese law. In common parlance, there are a number of sub-concepts under a certain concept; reveals the current problem of translation of legal terminology.

3. Problems of Legal Terminology Translation

As the discipline of law develops vigorously and generates a great deal of new knowledge, it also contains a lot of repetitive information, thus forming the so-called "bubble" knowledge. This redundancy of information undoubtedly causes confusion in the use of vocabulary in the field of law, and has an impact on the professionalism and accurate expression of the legal language. Therefore, in the process of legal translation, how to effectively deal with these repetitive terms has become one of the key issues (Qu Wensheng, 2017:206). Only by establishing a set of rigorous and standardized legal terminology translation system can we ensure the smooth communication of the rule of law culture among the international community, and vice versa. It is difficult to gain the recognition and praise of our legal system from other countries (Du Jinbang, Zhang Fu, Yuan Liang, 2004:74).

The important reason for the above problems is that legal translators ignore the importance of terminology. Whether it is students studying legal translation, or experts specializing in legal translation or even legal translators, sometimes it is inevitable that they neglect the importance of understanding legal terminology correctly for legal translation. In the process of understanding legal terminology, due to the frequent lack of knowledge of legal system, culture and background, the phenomenon of wrong translation, omission and misunderstanding is common, which even affects the overall quality of legal translation, so the study of legal terminology still needs to be further refined and strengthened. [4]

3.1. Cultural Dimension: Failure to Distinguish between the Use of Terms in Different Legal Systems

When we transfer legal terms from one language to another, we may observe that because of the inconsistency of legal sources, the relationship between many terms is incomplete, and the equivalent words may be different. For example, the word "著作权" is called author's right (*droit de auteur*) in the civil law, while in the common law it is named copyright. Similarly, although the names of the official organizations in some countries are similar, their actual duties are very different.

It is important to know that translation is understanding, expression and trade-off. And correct understanding of the connotation of legal concepts is the premise of accurate interpretation of legal terms, and legal translation, in addition to the requirement of accurate understanding and expression at the language level. People should pay more attention to the

legal level of understanding to accurately convert the legal function implied behind the legal terms or concepts into another legal system, and to realize the reciprocity of the legal effect. Taking China as an example, the characteristics of legal terminology in China are mainly reflected in the emphasis on the embodiment of traditional culture and values, the correspondence with modern legal concepts, the consideration of regional cultural differences, and linguistic accuracy and rigor, etc. These characteristics need to be fully considered in translation in order to better convey the spirit and original meaning of the law. However, the current translation of some terms used in legal translation only achieves the equality of linguistic forms, and their legal functions are not the same. Therefore, in the process of language interaction, the interaction between legal cultures is more crucial than the interaction between laws. We should do a good job of translating legal terms on the premise of deep understanding of the cultures of different countries.

3.2. Logical Level: Translation of Terms that Do Not Follow Precedents Or Conventions

Although "translation unification" seems to be easy to achieve, it has always been a major historical challenge in the field of translation (Liu Fagong, 2012:1). An in-depth comparison of the official English versions of China's four major litigation statutes reveals that many legal terms are expressed in a variety of ways and orders, with different naming rules.

However, in fact, Chinese legal studies have an inherent advantage in the aspect of translation and name unification. As the environment of Chinese legal language is typical of the introduction of foreign vocabulary, these foreign legal terms have become the dominant and commonly used expressions in the field of Chinese jurisprudence (Qu Wensheng, 2011: 50). The reason why some researchers call it "translation jurisprudence" is that the Chinese legal system contains a large number of legal concepts from civil law or common law systems, and some of the key legal terms have already had clear and widely accepted translations. Although we may now consider some of these translations problematic, there is no immediate need to change them, given that they have been adopted and known for a long time. For example, the translation of common law as "普通法" has been the subject of much scholarly debate; Similarly, the translation of jury is also questioned by some scholars that it should be changed to "陪审团"; there are many other examples like this, although some translations are not perfect, but it will not affect the communication of its meaning. Therefore, when encountering such words, do not rush to innovate new translation methods, but need to refer to authoritative dictionaries, abide by the practice, which not only can make the legal communication smoother, but also can prevent the translation work become cumbersome and unhelpful.

3.3. Linguistic Level: Failure to "Translate Terminology into Terminology".

As a special way of expression, legal vocabulary is not only characterized by high precision, strictness and formality, but also forms an independent and complete system with strong influence and enforcement ability. New legislative vocabulary needs to follow the existing legal framework to be accepted [Du Jinbao (2004): 81]. Therefore, when we translate these special words, we should choose the most

normative wording possible and make sure that it is precise, rigorous and elegant; in this way, we can make our expressions fit the source text in appearance and preserve their core meaning, which will help them enter the rule of law environment of the target culture smoothly. Due to the great differences between the various schools of law and their related legal systems, certain terms in English cannot be found in mainland China, or words in Chinese cannot be found in English: this phenomenon determines the importance of explanatory translations. However, for those words in specialized fields that have been clearly defined, they should be cross-referenced with each other by searching for their Chinese counterparts, rather than being converted into Chinese text by using colloquialisms, in order to preserve the high level of character of the legal text and to guarantee the correctness of the Chinese judicial information when it is transmitted to the world. [5]

4. Principles of Legal Terminology Translation

Legal terminology translation is characterized by high professionalism, high precision, strong logic, high rigor, standardization of terminology, deep understanding of the legal system and background, that is, the need to accurately convey the legal meaning of the original text, but also the need to avoid ambiguities and misunderstandings. So the translator need a wealth of legal knowledge and language skills, and need to follow a certain principle of translation to achieve accuracy, rigor and uniformity when translating legal documents. These points are extremely important in the legal translation. When translating legal documents, to achieve accuracy, rigor and uniformity, and these points are extremely important in legal translation.

4.1. Consistency Principle

The principle of consistency of terminology can be divided into macro-level and micro-level. On the whole, the principle of consistency means that if Chinese legal terms already have their English equivalents in the English legal system, translators should follow the laws and regulations of English-speaking countries to find suitable English words and regard them as the only translation names, rather than creating new words or using slang to replace formal legal terms. For example, both Chinese and English legal systems regard "诉状" as a legal document for filing a lawsuit, so the translator needs to consult an authoritative legal dictionary to find the corresponding English word complaint, and then compare the contents of the original text and the translated version to reach a conclusion: Complaint can be applied to "诉状" in civil, criminal, administrative and maritime courts. Since complaint matches not only the meaning but also the structure of our "诉状" and is in line with the corresponding legal terminology in English-speaking countries, we have decided to use it as the only English translation of "诉状".

From micro level, this means that the same legal vocabulary must always be used to express the same idea during the translation of a legal text, i.e., once a fixed translation name has been determined, the translator should ensure the consistency and continuity of the name and always follow Henri Weihofen's advice to lawmakers: "Don't be afraid to use the same word over and over again!" (Weihofen, 1961: 16). Legal texts do not fear repetition; frequent changes in wording or the choice of synonyms may jeopardize the

precision of the legal text and may lead to needless legal strife. (Liu Fagong and Wang Lin, 2021: 123).

4.2. Principle of Accuracy and Rigor

Precision is regarded as a core element of legal translation due to its ability to ensure fidelity to the content of the original text and strive for zero errors, which is a key characteristic of legal translation compared to other types of translation. The legal system is committed to fairness and equality, so the words that form its core need to be precise and logical, as well as easy to understand. Precision has become an inherent quality of legal terminology, and has been called the "lifeblood of legal language". For example, the word accused (person) is directly interpreted as "被告人" in many English to Chinese legal dictionaries, but it should actually be interpreted correctly as "刑事被告 (人)". In fact, it should be correctly interpreted as "criminal defendant (person)". The reason for this is that the defendant in a civil action is the defendant, not the "defendant" as in a criminal action, which is confusing.

In addition, we often see: in one or more similar or even the same meaning of the key words to form a small sentence to realize the original only a single word can be described clearly a legal concept. This use of homophony allows us to ensure that precision and rigor are maintained in judicial translations. For example, "无效" is rendered as "null and void", while "义务和责任" can be understood as "obligations and liabilities"; as "合理" is to use "fair and reasonable" can be summarized.

However, given the significant differences between the Chinese legal system and its Western counterparts, Chinese legal terminology often fails to find a direct match in Chinese English legal translations. In such cases, we can maximize equivalence by choosing English words that reflect the meaning of the Chinese legal term as accurately as possible. Taking "诉讼费用" as an example, "诉讼费用" in Chinese law covers more expenses than court cost, which is not exactly equivalent but closest to the connotation of "litigation cost" in Chinese law. Although it is not exactly equivalent, it is the closest to the connotation of "诉讼费用" in Chinese law, and we can determine court cost as the unified translation. The same applies to other cases: if a Chinese legal term cannot be found in foreign English legal texts, translators can study the legal literature of these countries and use professional legal dictionaries to find the English word that can best convey the meaning of the Chinese legal term.

4.3. Principle of Standardization of Language

The standardization of legal language means that the terminology must be accurately translated, and cannot be translated according to the customary usage of the words as a matter of course. For example, motion is generally translated as "动议", but as a procedural terminology can not be translated; Attempted crime is translated as "试图犯罪" is not as standardized as "犯罪未遂"; and burden of proof is a more standardized term. Attempted crime" would be less standardized than "attempted crime"; Another example is burden of proof, which is a technical term in legal English, referring to the "举证责任", and if it is translated as "证明的负担", it would appear to be unprofessional and unstandardized.

5. Translation of Legal Terms with Chinese Characteristics

Because of China's long history and deep cultural heritage, legal terms with Chinese characteristics often draw on idioms, aphorisms or historical stories in traditional culture to better express legal principles and concepts. For example, the legal term "people-oriented" reflects the importance of human dignity and value in traditional Chinese culture, and it can be said that legal terms with Chinese characteristics emphasize more on the embodiment of traditional culture and values in the process of translation. Secondly, legal terms with Chinese characteristics will also adhere to the principle of corresponding to modern legal concepts in translation. With the continuous improvement and modernization of China's legal system, as well as in international exchanges and cross-border cooperation, accurate translation of legal terminology can promote cooperation and understanding, and ensure that all parties are clear about the contents and agreements of legal documents. Many characteristic legal terms need to correspond to internationally recognized legal terms in order to be better integrated into the international legal system. For example, the name of "人大常委会", which is a distinctive Chinese legal body, is often translated as "Standing Committee of the National People's Congress" for international understanding.

China is a vast country with large cultural differences in different regions, so it is necessary to combine regional cultural characteristics and legal contexts in translation, taking into full consideration the factors of regional cultural differences, in order to better convey the spirit of the law. For example, the legal term "land contract management right" may be translated differently in different regions in order to adapt to local culture and customs.

Chinese legal terminology can be roughly categorized into two main groups: one is the terminology named by the actual situation and environment of China, such as the term "land contract management right", which is specifically used to describe agricultural land. This type of terminology is usually translated directly, but there are some challenges: on the one hand, it is necessary to consider whether existing English equivalents can be found to match the Chinese name; on the other hand, it is necessary to ensure that the newly created English words accurately convey the original meaning, so as to avoid any confusion or misinformation. Another major category of vocabulary is the Chinese-specific vocabulary formed through the introduction of Western languages and combined into the evolution of Chinese culture and society. (Wu Janghong,2017:125)[6]

These regional legal terms are very significant, however, because of the special nature of legal translation, translators cannot be overly flexible and must follow certain rules: from the micro level, Zhang Shaoquan (2018: 169-183) in summarizing Li Kexing, Zhang Xinghong, Zhang Fa believes that the principles of translating legal terms of Chinese specialties can be summed up as follows: the principle of accuracy, the principle of clarity and conciseness, and the principle of consistency, principle of specialization. In addition, from a macro perspective, when translating legal terms with local characteristics, it should be taken into account that they are subject to factors such as social needs, selection, control, evaluation, dissemination and social influence.

6. Other Research Related to Legal Terminology

This part will be divided into two aspects to describe other related researches on legal terminology, namely, the combination of legal terminology translation with other fields, and the new trend of legal terminology research. Generally speaking, the research on legal terminology focuses more on its own characteristics, for example, at present, people's research on legal terminology focuses more on how to better translate legal terminology. They have elaborated their own translation principles in legal terminology, as well as elaborated the problems arising from the translation of legal terminology. They also focus on the source of legal terminology, aiming at better translating legal terminology in a more accurate and exquisite way. However, there are some researchers who have turned their attention to other unattended fields. For example, Cheng Le and others pay more attention to the translator's subjectivity in the article of Semiotic Interpretation of the Principles of Legal Terminology Translation, introduce the concepts of semiotics and triadic relationship and point out that despite there are many different ideas about semiotics. There are two voices that are directly related to linguistics alone, translation research is more concerned about Peirce's triadic relationship theory because Peirce interpreted it from the philosophical phenomenological level and believed that symbols and linguistic relationships are the most important factors in the translation of legal terminology. Peirce explains it from the philosophical phenomenological level and believes that there is a solid triadic relationship between symbols, objects and interpretive items, and based on this theory, he proposes the theoretical framework of the triadic model including the semantic triangle and the translation triangle. Based on this theory, the author utilizes the corpus, combines the triangular theoretical framework with legal terminology translation, and, according to the semiotic interpretation, believes that the translator should follow four major principles, namely, the principle of establishment, the principle of generativity, the principle of transparency and appropriateness, and the principle of consistency. The established principle refers to the fact that translators do not need to take the initiative to establish connections but can directly capture the inherent connections; the generativity principle refers to the economy of bilingual symbolic representations; the transparency principle and the appropriateness principle require translators to understand the scope of bilingual interpretation, and then to achieve a balance between the language and the law; the consistency principle refers to the reconstruction of the scope of the bilingual meaning, and the realization of the "word with one meaning", "multiple words with one meaning", "multiple meanings", and "one word with one meaning". The principle of consistency refers to the reconstruction of the scope of bilingual meaning to realize the consistency of "one word, one meaning", "multiple words, multiple meanings", and "semantic up and down meanings". [7]In article on the Subjectivity of Translator in Legal Terminology Translation, Ye Shaoning also points out the importance of the translator's subjectivity, and points out how the translator should play his subjectivity in different situations, namely, the translator's subjectivity in the case of lexical vacancy, the translator's subjectivity in the case of semantic inequality, and the translator's subjectivity in the case of lexical choice.[8]

Besides, some scholars have also discussed the teaching of

legal terminology and the combination of legal terminology and corpus. For example, Peng Chuqiu and Tao Youlan analyze the reasons for the inconsistency of Chinese legal terminology translation in their article on the construction of Chinese "legal terminology community" based on corpus, i.e., the lack of a holistic management and coordination mechanism for China's legal terminology, and the lack of attention to the cultivation of terminology competence of translators. Based on this, the authors introduced the concept of legal terminology community management system. The establishment of legal terminology community is divided into six steps, namely, data collection, data definition, translation processing, expert proofreading, terminology editing, and terminology presentation and storage. As the construction of the corpus, the most important asynchrony belongs to the data collection, so the authors subdivided the terminology collection into two parts, i.e., terminology integration and terminology extraction, in which the source of terminology integration can be the terminology editing. The sources of terminology integration can be legal dictionaries, thesauruses, journals and magazines, and authoritative media. The terminology extraction is mainly based on dictionaries, statistics, linguistics and machine learning, which improves the limitation that legal terminology is only a one-way to show the public the required terms, and allows the public to participate in the construction of the terminology database, so that the research of legal terminology is revitalized in the new era.

7. Conclusion

Whether it is today's technological advances or the continuous development of the economy, the communication and contact between countries have been closely. However, the non-material communication is more important than the material communication. Legal translation can be regarded as an important part of non-material communication, in which the translation of terminology is the most important part of legal translation. Because the standard or not of terminology translation directly affects the authority of our laws and the quality of communication, so translators need to pay extra attention to the translation of terminology.

In legal translation, we need to closely grasp the principles to be observed in legal translation, as well as the unique characteristics of the legal language. First of all, we have to understand that legal language is known for its accurate wording, rigorous expression and serious concepts. Therefore, when it comes to terminology translation, in the face of inconsistency between Chinese and English translation of legal terms, if we want to solve the problem effectively, we should strictly abide by the principle of "the same law" of the English translation of legal terms: "In the same thinking process, each idea must maintain its identity. That is, the same name and reality, the same meaning of the same concept before and after, the unity of the system of thought" (Fang Mengzhi, 2011: 207). However, following the principle of sameness does not mean that the translation of terminology should be one-to-one correspondence according to the literal meaning, but it is a process of translation based on linguistics and jurisprudence and after deep understanding. As the starting point of legal translation, legal terminology translation has a fundamental and crucial role in legal translation. It is no exaggeration to say that the neglect and mistranslation of any legal terminology may have a significant impact on the overall legal translation.

At present, our country is in the center of international competition, so it is more urgent to tell China's story well, improve its international image and let the world see a more three-dimensional China. If the legal translation is appropriate, it can greatly promote our current stage of wanting to show the world a more real China's goal. However, there are many problems in legal translation or terminology translation in China at present, such as excessive creation of translation without complying with the commonly accepted principle of translation; failure to adapt to the specific rules of different countries' legal contexts; and substitution of technical terms with explanatory translations, etc. Therefore, we still need to invest a lot of time and energy to study the specific reasons for the above problems and further improve the quality of legal translation.

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