

English Translation of Legislative Terms in China: Present Scenario, Problems and Prospects

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This article purports to describe the present scenario, problems, principles and possible approaches to the standardization and unification of English translations of legislative terms from Chinese in the Four Jurisdictions in China. “Jurisdiction” herein means any geographical region with its own ultimate judicial power and a relatively independent legal system. China is a multi-jurisdictional country including jurisdictions including China’s mainland, Taiwan, Hong Kong, and Macau. The phenomenon of multiple jurisdictions within a country, within which a particular set of law applies to a particular geographical area, is not rare. For instance, the United States of America has 52 jurisdictions, Canada 11, Britain 7, and Australia 8.¹⁾

In consequence of some political, historical, geographical, and economic reasons, the legal system in Hong Kong is similar to the Common Law System primarily used in the UK and the USA, and the legal systems in Macau and Taiwan are similar to Civil Law System, while the China’s mainland has basically established a Socialist Legal System with Chinese Characteristics. It is foreseeable that the coexistence of four jurisdictions and three legal systems will maintain for a long time under the existing framework of “one country, two systems”.

Although there is an emerging trend of unification and integration as to the meaning (“the signified”) of legal terms in China’s mainland, Taiwan, Hong Kong, and Macau, the differences and conflicts among the expressions and concepts of existing Chinese legal terms in the above mention Four Jurisdictions in China have never disappeared. In this article, the differences among Chinese legal terms in these territories will be presented in several tables through an intuitive way.

1) Weng, Qiyin: “On ‘One Country, Two Systems’ and Multiple-jurisdictions”, *The Social Sciences*, vol.1, 1990; Xie, Hui: “The Conflicts and Controls among Chinese Multiple-jurisdictions”, *The Chinese Journal of Law*, vol. 4, 1996.

I. English Translations of Chinese Legal Terms in the Four Jurisdictions

In view of the fact that the legislative terms are more reliable than administrative terms for enforcement (by the police, the border soldiers, the customs, and the prisons), judicial terms (in the indictment by the procuratorate and judgment by the court), and words in the legal research context, legislative terms in the Four Jurisdictions in China will be the main sources of reference data in this article unless there is other need. Also, considering the facts that existing legislative documents in the four jurisdictions are now easily accessible on the Internet and the limited space of the article, the provenance from which each term is cited in the following tables will be omitted. Three types of representative terms are illustrated as examples, among which the first and second types are allographic synonyms (terms of different shapes but same meaning), and the third is homonym.

1. English translation of Chinese words with reversed morpheme order but identical meanings

The change of morpheme order or morpheme sequence in Chinese often leads to the change of meaning, such as “聯邦”(federation) and “邦聯”(confederation), “社會”(society) and “會社”(Kaisha or Company), “罪犯”(criminal) and “犯罪”(to commit a crime), “國民”(citizen) and “民國”(the Republic of China) so on and so forth.

However, some Chinese legal terms in the Four Jurisdictions have basically the same semantic meaning, although they are different in morpheme sequence. So when translators and interpreters are trying to translate such kind of Chinese legal term into legal English, they will be clear that what they will be doing is to translate those different Chinese into the same English legal term.

Taking the translations of “盜竊”/“盜竊罪” (used in the mainland, Hong Kong and Macau) and “竊盜” /“竊盜罪” (used in Taiwan) as example, they are all supposed

to be translated into the same “theft”/“crime of theft”. The total number of this type of terms is limited, other examples may include “隱私”(in China’s mainland, Taiwan, and Macau) and “私隱”(in Hong Kong and Macau), “物証”(in China’s mainland and Macau) and “証物” (in Taiwan and Hong Kong). And both “隱私” and “私隱” should be translated into “privacy”, and both “物証” and “証物” should be translated into “exhibit (also known as “physical evidence”).

2. English translation of Chinese words with different morpheme choice but identical meanings

Among the Chinese legal terms in the four jurisdictions, there are many terms that are varied in the choices of morpheme but indicating the same legal concept. Taking the English translation of “要約及承諾” (in the mainland, Taiwan and Macau) and “要約及承約” (in Hong Kong) as examples, both of them will be translated into “offer and acceptance”, although one may find “承諾” is different from “承約” in form (but they have the same meaning in a legal context). Please refer to the following table for more typical examples (non exhaustive). The sign “*” in the remark column indicates that the author has referred to the English-Chinese Glossary of Civil and Commercial Law Terms (the 2nd edition, 2004, pp. 310-413) by the Hong Kong Department of Justice. In the following table, the format such as “撤銷婚姻 (撤銷結婚)” in the Column Taiwan means both the main and the subordinate expressions are in use in the said jurisdiction while the one NOT in the bracket is more frequently used.

(1) 4 jurisdictions, 2 translations (28 examples)

| Mainland | Taiwan | Hong Kong | Macau | English translation | Remark |
|----------|----------------|-----------|-------|---------------------|--------|
| 撤銷婚姻 | 撤銷婚姻 (撤銷結婚) | 廢止婚姻 | 撤銷婚姻 | annul a marriage | * |
| 未遂 | 未遂 | 企圖 | 未遂 | attempt | |
| 持票人 | 執票人 | 持票人 | 持票人 | bearer | * |

| | | | | | |
|---------|-----------|------------------------|------------------|--|---|
| 善意 | 善意 | 真誠 | 善意 | bona fide[also on/of good faith] | * |
| 因果關係 | 因果關係 | 因果律 (成因) | 因果關係 | causation | |
| 對价 (代价) | 對价 | 代价 (約因) | 對价 | consideration | * |
| 著作權人 | 著作權人 | 版權擁有人 | 著作權人 (著作財產權之權利人) | copyright owner | * |
| 反訴 | 反訴 | 反申索 | 反訴 | counterclaim | * |
| 答辯狀 | 答辯狀 | 抗辯書 | 答辯狀 | defence | * |
| 出票人 | 發票人 | 出票人 | 出票人 | drawer | * |
| 注意義務 | 注意義務 | 謹慎責任 | 注意義務 | duty of care | |
| 被背書人 | 被背書人 | 承背書人 | 被背書人 | indorsee [also endorsee] | * |
| 被保險人 | 被保險人 | 受保人 | 被保險人 | the insured; the assured; the person insured | * |
| 知識產權 | 智慧財產權 | 知識產權 | 知識產權 | intellectual property | * |
| 負連帶責任 | 負連帶責任 | 負共同及個別的法律責任 (共同及個別地負責) | 負連帶責任 | jointly and severally liable; liable jointly and severally | * |
| 信用証 | 信用証 | 信用狀 (信用証) | 信用証 | letter of credit | |
| 抵押權人 | 抵押權人 | 承按人 (抵押權人) | 抵押權人 | mortgagee | * |
| 抵押人 | 抵押人 | 按揭人 (抵押人) | 抵押人 | mortgagor | * |
| 質權人 | 質權人 | 承押人 | 質權人 | pledgee | * |
| 出質人 | 出質人 | 質押人 | 出質人 | pledgor | * |
| 處分權 | 處分權 | 處置權 | 處分權 | power of disposition | * |
| 國有資產 | 公帑 (tǎng) | 公帑 | 公帑 | public funds | |

| | | | | | |
|-----------------|------|--------------|------|--------------------------------|---|
| 合理注意 (合理的注意) | 合理注意 | 合理的謹慎 | 合理注意 | reasonable care | |
| 選舉權 | 選舉權 | 表決權 (選舉權) | 選舉權 | right to vote | |
| 被選舉權 | 被選舉權 | 參選的權利 | 被選舉權 | right to stand for election | |
| 搶劫罪 | 強盜罪 | 搶劫罪 | 搶劫罪 | robbery | |
| 中標人 | 得標人 | 中標人 | 中標人 | successful tenderer | * |
| 傳喚 | 傳喚 | 傳召 | 傳喚 | summon | * |

(2) 4 jurisdictions, 3 translations (13 examples)

| Mainland | Taiwan | Hong Kong | Macau | English translation | Remark |
|----------------------------|----------------|----------------|--------------|---------------------------|--------|
| 自然災害 (不能抗拒的災禍 ; 人力不可抗拒的災害) | 天災 (天然災害) | 天災 | 自然災禍 | act of God | * |
| 保管人 | 保管人 (受寄人) | 受托保管人 (受寄人) | 受寄人 | bailee | * |
| 寄存人 | 寄托人 | 委托保管人 (寄貨人) | 寄托人 | bailor | * |
| 競買人 | 應買人 | 競投人 | 競投人 (競買人) | bidder | * |
| 合同 (合約; 契約) | 契約 (合約; 合同) | 合約 (合同) | 合同 (合約) | contract | |
| 案由 | 案由 | 訴訟因由 | 訴因 | cause of action | * |
| 勞動合同 | 勞動契約 | 僱傭合約 | 勞動合同 | contract of employment | * |
| 專有技術 (工業知識 ; 技術秘訣) | 專門技術 (專有技術) | 工業知識 | 專有技術 | know-how | |
| 生父母 | 本生父母 | 親生父母 | 生父母 | natural parents | * |
| 被代理人 | 本人 (被代理人) | 主事人 (委托人) | 被代理人 | principal | * |

| | | | | | |
|------|----------------|---------------|---------|------------------------------|---|
| 强奸罪 | 强制性交罪 | 强奸罪 | 侵犯性自決罪 | rape | |
| 搜查令 | 搜索票 | 搜查令 (搜查手令) | 命令搜索之批示 | search warrant | * |
| 訴訟標的 | 請求標的 (訴訟標的) | 申索的標的事項 | 訴訟標的 | subject matter of a claim | * |

(3) 4 jurisdictions, 4 translations (2 examples)

| Mainland | Taiwan | Hong Kong | Macau | English translation | Remark |
|----------|---------|---------------------|----------|---------------------------|--------|
| 証据的可采性 | 証据能力 | 証据的可接納性 (証据的可采性) | 証据之可采性 | admissibility of evidence | |
| 奸淫幼女罪 | 加重强制性交罪 | 法定的性罪行 | 對儿童之性侵犯罪 | statutory sexual offenses | |

3. English translation of words with the same morpheme but different meanings

Taking “扣押” as example, in Taiwan, it means the behavior to temporarily keep the evidence of crime or things, while in the mainland, it means custody and detention. The subject of “扣押” in Taiwan is “things” instead of “people” intended in China’s mainland. In addition, the enforcement authority in the charge of “扣押” in Taiwan is the court, while in China’s mainland, it is the public security organ that takes charge of such an action. ²⁾ In such a case, “扣押” in Taiwan is better to be translated into “to temporarily seize”, while in China it is agreeable to be translated into “to detain”.

Taking another word “領養” as example, it is a long-term behavior pursuant to the adoption order, and it is the “領養人” (instead of any other person) who is deemed as the parent of the adopted infant subject to the *Adoption Ordinance* (Chapter 290) in Hong Kong; however, in China’s mainland, “領養”, in the strict

2) Su Jinzhi: “On Homonym across the Straits”, *The Studies of the Chinese Language*, vol.2, 1995.

sense, is not a legal term, for it usually means some short-term behavior to “raise” or “foster” a kid in daily language, which thus conflicts with the semantic meaning “to adopt” as embodied in Hong Kong laws. In fact, the so called “領養” in Hong Kong is named as “收養” in China’s mainland. To conclude, “領養” in Hong Kong is the exact counterpart of “adoption” in English, and it is the same with the “收養” in the China’s mainland, Taiwan and Macau. By the way, “領養” or “收養” is different from “寄養(fostering)”. Correspondingly, both “領養人” (in Hong Kong) and “收養人” (in the mainland, Taiwan and Macau) are supposed to be translated into the English word “adopter”.

It can be seen that the signified” of the same Chinese legal term in one jurisdiction may greatly differ from that of the same word in another. Consequently, people from the four jurisdictions across the straights may likely misunderstand each other in their legal communication because of the significant differences of the same word in one jurisdiction and another.

II. Unification and Standardisation of Translation of Legal Terms

From the above table and analysis, it can be known that in the Four Jurisdictions, some Chinese legal terms in different forms might point to the same concept; some Chinese legal terms with the same form might have different meanings. Although a highly-qualified legal professional who has a good command of languages might be capable of comprehending such type of Chinese legal terms used in one jurisdiction and be able to tell them apart, reading and comprehension difficulties or challenges caused by the discrepancy of these Chinese legal terms to non-legal professionals are huge. In order to overcome the discrepancies and conflicts among the semantic meanings, certain measures have been taken, actively or passively, in the Four Jurisdictions, and substantive work has been done for the unification and standardisation of the English translations of Chinese legal terms. Some accomplished achievements are as follows.

1. Progress made in the China's mainland

The unification and standardisation of English translation in the China's mainland started relatively late with little experience inherited from predecessors. Fortunately, the experience of term standardisation work in the fields of natural science and social science (especially Committee for Terms in Linguistics) can be used as reference. On September 25, 2007, the standardisation work of legal terms in the mainland was launched, with a land mark event that China National Committee for Terms in Laws affiliated to the Institute of Law of Chinese Academy of Social Sciences was established.³⁾ Hereafter, the Committee for Terms in Laws once held the working conference, discussed and formed the scheme for the future work on December 18 in the same year. Except for the plan of time, progress and procedure, it also decided in the conference that the unification of legal terms across the straits would begin as soon as the completion of the review and approval work of legal terms. ⁴⁾But regrettably, no reviewed and approved glossary of legal terms has been published by this Committee so far.

Though there is no legislative document on the unification and standardisation of the translation of legal terms in the China's mainland, the General Office of the State Council of the People's Republic of China published the *Announcement of the General Office of the State Council on the Reviewing and Approving the Official English Translation of Administrative Regulations* in 2003, and the *Circular of the State Council on Translation of Trade-related Regulatory Texts in English* in 2015⁵⁾, some very general requirements were made in both announcements. Except for the above-mentioned work by the Committee for Terms in Laws, another

3) Wen, Changbin: "The Establishment of Committee for Terms in Laws", *China Terminology*, vol.6, 2007.

4) Wen, Changbin: "The Work Conference of Committee for Terms in Laws", *China Terminology*, vol.2, 2008.

5) The General Office of the State Council of the People's Republic of China published *Announcement of the General Office of the State Council on the Reviewing and Approving the Official English Translation of Administrative Regulations* in 2003, making new requirements for the English translation of administrative laws.

massive database is worth mentioning here---Peking University Center for Legal Information (www.chinalawinfo.com) , providing a vast amount of information including judicial interpretation of laws promulgated by the central government, bulletin cases of the Supreme People’s Court, interpretations of laws and regulations, regulations and rules promulgated by the local authorities, selected judgment documents, Sino-Foreign Treaties, case studies, law coursebooks, legislation background materials, foreign and international laws, arbitration awards and cases, legal documents, and database of laws and regulations in Hong Kong, Taiwan and Macau. Users only need to choose a database to have a comprehensive understanding and a comparative study of legal terms used in the laws and regulations of any jurisdiction. Tentative English versions of laws and regulations in the China’s mainland are also accessible on this website.

Moreover, several seminars about legal translation have been held in Beijing, Shanghai and Guangzhou since 2000, in which the unification and standardisation of English translation of legal terms became a hot topic among scholars. ⁶⁾National Planning Office of Philosophy and Social Science has decided to fund the project *The Research of the Unification and Standardisation of the Translation of Legal Terms in China* in 2009 (Professor Qu Wensheng as the Principal Investigator of the project). Study achievements related to this topic by some foreign sinologists have been intensively published in some academic journal. achievements in the International Conference on Translating Western Knowledge into Late Imperial China held by Georg-August-University of Göttingen in December, 1992, mainly focused on the translation of legal terms in modern China, have been translated

6) For example, The First Conference on Language and Law held in Beijing in June, 2002; Legal Translation and Modernization of Chinese Laws: Conference on the American Law Library, Legal Translation and Evolution of Laws held in Beijing in 2004; Conference on Forensic Linguistics held in Guangdong University of Foreign Studies in 2008; The First Conference on the Translation of Latin Legal Terms held in Xiamen University in 2008, Conference on Translation and Spread of Legal Concepts in Modern China in 2010, and the “Translation of Foreign Laws into China and Translation of Chinese Laws into the West” in 2013 at East China University of Political Science and Law.

into Chinese and published in Peking University Law Journal (March, 2000), and “Jus Gentium Sinense: The Earliest Chinese Translation of International Law with some Considerations regarding the Compilation of Haiguo tuzhi” by Rune Svarverud is among one of the representative articles translated into Chinese form that conference, although its focus is on the Chinese translation of foreign legal terms. Generally speaking, the study of the unification and standardisation of the English translation of legal terms in the mainland is still insufficient and the compilation of Chinese-English glossary or dictionary of legal terms has yet not been given sufficient attention.

2. Progress made in Taiwan

In Taiwan, the achievements of the unification and standardisation of the English translation of legal terms are rare and fragmentary though some scholars may, deliberately or not, mentioned it in their articles and books. As one of the achievements made in Creating English Environment Action implemented by the Executive Yuan of Taiwan, a brief *Standard Table for English Translation of Names of Laws* drafted by the Executive Yuan was published on July 3, 2003. In this *Table*, specific English translations are given to terms in laws and regulations such as “憲法”, “經立法院通過總統公布之法律”, “法律授權之法規命令”, “內部規範之行政規則”, “法規結構用語” and “法規條文結構用語”(originally, in Chinese).

According to the *Table*, the standardized English translation of “憲法” is “The Constitution”; “憲法增修條文”, The Amendment of the Constitution); “法”, Act/Code; “律”, Act; “條例”, Act; “通則”, Act; “規程”, Regulations; “規則”, Regulations; “施行細則”, Enforcement Rules; “細則”, Regulations; “辦法”, Regulations; “綱要”, Regulations; “標準”, Standards; “准則”, Regulations; “行政規則”, Directions; “編”, Part; “章”, Chapter; “節”, Section; “目”, Item; “總則”, General Principles; “通則”, General Provisions; “罰則”, Penal Provisions; “附則”, Supplementary Provisions; “條”, Article; “項”, Paragraph; “款”, Subparagraph; “目”, Item. It should be noted that the structural sequence of the articles in the mainland

laws is “條,款,項,目” instead of the above “條, 項, 款,目” in Taiwan.

3. Progress made in Hong Kong and Macau

In the four jurisdictions, the legislative terms in Hong Kong and Macau are in a special circumstance because Hong Kong and Macau are bilingual legislation regions. The former is the only Chinese-English bilingual legislation region and the later, the only Chinese-Portuguese bilingual legislation region in the world. The legislative texts of both languages are equally authentic and effective in each region. In the author's opinion, the bilingual legislation practices in Hong Kong and Macau can significantly promote the integration process of the translation of legal terms in the four jurisdictions.

Any responsible legal translator will refer to the standardized English translation of existing Chinese laws and regulations, which leads to the situation that the English translation of Chinese legislation in Hong Kong and Macau will inevitably refer to the legal term translations from the mainland and Taiwan, and vice versa.

Since the opening of the port till 1989, English had always been the dominated legislative language in Hong Kong. In September, 1989, regarded as a momentum in the Hong Kong legislative history, *Securities and Futures Commission Ordinance*, the first bilingual ordinance was officially promulgated by the Legislative Council. The Chinese legal terms in this ordinance referred to the mainland and Taiwan versions and became the reference text for Hong Kong Acts in Chinese because this is the first legislation practice both in Chinese and English. Among the Chinese legislative terms in Hong Kong, there are phenomenon deliberately made by the translators of Law Drafting Division, such as the creation of new words for the purpose of achieving the exact equivalence of the meaning and validity between Chinese and English texts. Though conciseness and words that have been used by people through long legal practice are helpful to translators, they might endanger the legal concepts or intentions of the source texts, and thus some other new terms have to be employed or coined and the elegance of Chinese language has to be

sacrificed when it is the case.⁷⁾ The situation is similar in Macau. To establish a bilingual legal system in Macau and to equally use the two official languages in the legislation procedure and the court, a set of professional Chinese legal terms should be firstly made through translation, which is an indispensable foundation for making laws in Chinese.⁸⁾

Reference books compiled and published by the Law Drafting Division of the Department of Justice are the by-products of bilingual legislation in Hong Kong. because of their signification to the unification and standardisation work of the translation of legal terms in the Four Jurisdictions, some of them are worth mentioning here. *The English-Chinese Glossary of Legal Terms* was first published in 1995 and its latest edition was established in 2004 (the 4th edition, three volumes). It is a convenient referential book for looking up the English and Chinese legal terms in Hong Kong laws, 32,000 entries included. Another work is *The Chinese-English Glossary of Legal Terms* published in 1999 based on the 3rd edition of *The English-Chinese Glossary of Legal Terms* in 1998. Other important reference books are *English-Chinese Glossary of Civil and Commercial Law Terms* published by the Law Drafting Division of the Department of Justice, and the latest 3rd edition of which was published in 2010 and *Glossary of Electoral Law* published in 1998 including about 660 entries of the *Election Ordinance* compiled from August, 1997 to February, 1998.

Undoubtedly, the experience on bilingual legislation and legal translation in Hong Kong and Macau are helpful to the unification and standardisation work of the Chinese legal terms in the mainland and Taiwan as well. Some official legislative terms translated from English into Chinese can be listed as examples, “辯論式/對辯式訴訟制度”(adversary system), “无合理怀疑点”(beyond reasonable doubt), “相對可能性的衡量”(balance of probabilities), “小額錢債審裁處” (Small Claims Tribunal),

7) Li, Changdao: “Bilingual Laws of Hong Kong at Present and in the Future”, *Fudan Journal (Social Sciences Edition)*, vol. 1, 1997.

8) Jia, Lelong: “Legal Translation in Macau and Transition”, *Journal of Comparative Law*, vol.1, 1999.

“入屋犯法” (burglary) . The experience in Hong Kong has significant referential value and is of benefit for the legal research and legislation in the China’s mainland. Successful translation of legal terms can function as bridges that can effectively connect the four jurisdictions.

III. English Translation of Chinese Legal Terms in the China’s mainland: Problems and Principles

1. Insufficient importance is attached to the standardisation work

The Standardisation of legal terms translation in China consists of two parts. One is the translation of foreign legal terms into Chinese, and the other is the translation of Chinese legal terms into foreign languages. So far, achievements in these two parts are made by the efforts of the Legislative Affairs Commission of the Standing Committee of the National People’s Congress of the People’s Republic of China, the Division of Translation and Foreign Affairs (now Division of International Affairs) of the Legislative Affairs Office of the State Council of the People’s Republic of China, the various departments of the State Council, and the local Legislative Affairs Offices at the provincial, municipal or autonomous region level.

The Legislative Affairs Commission of the Standing Committee of the National People’s Congress of the People’s Republic of China is currently responsible for the translation and editing of Chinese laws and relevant decisions. The Division of Translation and Foreign Affairs (now Division of International Affairs) of the Legislative Affairs Office of the State Council of the People’s Republic of China takes charge of the translation work of administrative regulations promulgated by the State Council. The various departments of the State Council translate the regulations made by themselves. The local Legislative Affairs Offices at the provincial, municipal

or autonomous region level, translate local regulations (autonomous regulations and separate regulations), rules, and normative documents. ⁹⁾The above-mentioned authorities are supposed to shoulder the responsibility to promote and standardize the English translation of Chinese legal terms.

The Legislative Affairs Commission of the Standing Committee of the National People's Congress of the People's Republic of China has organized the translation of *the Constitution* and more than 230 laws, published 25 volumes of *The Laws of the People's Republic of China* in English. ¹⁰⁾The Legislative Affairs Office of the State Council of the People's Republic of China has organized the translation

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- 9) It is known that so far, legal authorities of the government in 28 provinces, autonomous regions and municipalities established divisions for reviewing and translating regulations and rules, and recruits specialized staff. Moreover, legal authorities of the government in 18 larger cities also launched the translation work of regulations and rules. The data here is quoted from the speech of Zhang Fu, the deputy inspector of the Division of Translation and Foreign Affairs (now Division of International Affairs) of the Legislative Affairs Office of the State Council of the People's Republic of China, themed on the Socialist System of Laws with Chinese Characteristics and Achievements of Translation of Laws and Regulations in China in the Second Forum on Translation from Chinese into Foreign Languages. This forum sponsored by China International Publishing Group and Translators Association of China, held in Beijing on September 23, 2011.
- 10) *The Laws of the People's Republic of China* (1979-1982) (431 pages), *The Laws of the People's Republic of China* (1983-1986) (360 pages) were published by Foreign Languages Press in 1987, which were the first compilation work of the English translation of laws organized and translated by the Legislative Affairs Commission of the Standing Committee of the National People's Congress of the People's Republic of China and the first compilation work of the English translation of laws supported and organized by the national legislative authority after the founding of the P. R. C. These 2 volumes include the Constitution, and 56 laws passed during 1979-1986 by the NPC and the Standing Committee of NPC, 21 decisions about the revision and amendment of laws, 30 decisions about legal problems, the report made by Peng Zhen on the draft amendment of the Constitution, and 7 explanations of legal drafts. These two books were soon regarded as "the most important materials for foreigners who are interested in studying laws in modern China". Afterwards, through Science Press, the Legislative Affairs Commission of the Standing Committee of the National People's Congress of the People's Republic of China published *The Laws of the People's Republic of China* (1987-1989) in 1990 (361 pages), *The Laws of the People's Republic of China* (1990-1992) in 1993 (533 pages), *The Laws of the People's Republic of China* (1993) in 1995 (385 pages), *The Laws of the People's Republic of China* (1994) in 1996 (385 pages), *The Laws of the People's Republic of China* (1995) in 1996. After 1996, *The Laws of the People's Republic of China* of a certain year is published in the following year by Law Press.

work of more than 700 administrative regulations and published 24 volumes of *The Chinese-English Glossary of Terms of Laws and Regulations of P. R. C.*

¹¹⁾The local Legislative Affairs Offices translated more than 4,500 local regulations, rules and normative documents.¹²⁾ Though the Legislative Affairs Commission of the Standing Committee of the National People's Congress of the People's Republic of China officially launched the translation of laws in 1985 and officially published 2 volumes in 1987, and the Legislative Affairs Office of the State Council of the People's Republic of China launched the translation project in the 1980s and officially published 3 volumes in 1991, the standardisation achievements did not come out until 1998, among which the representative work is the *Chinese-English Glossary of Terms of Laws and Regulations of P. R. C.*, and China National Committee for Terms in Laws was established until in 2007.

Thus it can be seen that the standardisation of legal terms is way lagging behind the translation practices because insufficient importance is attached to the standardisation work by the relevant authorities. Fortunately, the English translation

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- 11) According to the author's knowledge, the Legislative Affairs Bureau, the predecessor of the Legislative Affairs Office of the State Council of the People's Republic of China published *Chinese-English Laws and Regulations of the People's Republic of China Governing Foreign-related Matters: 1949-1990* in 1991, including 3 volumes, 1989 pages in total. This work includes 226 foreign-related laws, administrative regulations and regulatory documents that were effective in that year published by the NPC and the State Council. In 1994, *Laws and Regulations of the People's Republic of China Governing Foreign-related Matters: 1991-1992* was published (including 41 foreign-related laws, administrative regulations and regulatory documents that were effective in 1991 and 1992, 695 pages in total). In 1998, after the establishment of the Legislative Affairs Office of the State Council, *Laws and Regulations of the People's Republic of China Governing Foreign-related Matters* from 1993 to 2009 were published one after another since 1999. According to the convention, 2010 *Laws and Regulations of the People's Republic of China Governing Foreign-related Matters* will be published in 2012, which has not been published till the completion of this article in August, 2012. Recently, through China Legal Publishing House, the Legislative Affairs Office of the State Council published the Chinese-English version of *Laws and Regulations of the People's Republic of China* dividing by department of laws. The volumes of Economic Law, Civil and Commercial Law, Administrative Law, the Constitution, Criminal Law and Procedure Law and Social Law are published.
- 12) Zhang ,Fu: "*The Socialist System of Laws with Chinese Characteristics and Achievements of Translation of Laws and Regulations in China*" (September, 23, 2011). Speech on the Second Forum on Translation from Chinese into Foreign Languages.

practices of many laws and regulations in the China's mainland will provide rich experience for the compilation of Chinese-English dictionaries for the benefit of English translation of Chinese legal terms in the future.

2. Insufficient attention to the predecessors' achievements

The achievements here are mainly legal dictionaries in the early Republic of China. Compared with legal dictionaries in the Republic of China, C-E legal dictionaries in the 1980s are neither dignified nor massive, and they failed to inherit the priceless standardisation experience from the predecessors. The history of standardisation was regrettably disrupted.

Take *A Complete Law Dictionary* (Dadong Publishing House, Shanghai) by Wang Hanzhang in 1934 as an example, it has more than 7,800 entries, corresponding English, German, French, Italian, Japanese, Latin, Spanish and Sanskrit terms and more than 299 pages¹³⁾ index in various foreign languages (including 9 pages of Latin words, 28 pages Italian words, 72 pages of French words, 97 pages of German words and 93 pages of English words).

Great Law Dictionary published by the Commercial Press in 1936, chiefly edited By Zheng Jingyi, is the pinnacle of the compilation and publishing of legal dictionaries in modern China. Research of modern legal dictionaries has significance for the study of origins, evolution and communication of modern legal terms as well as the standardisation work.

Other examples are *Law Dictionary* by Li Zuyin in 1927, *A dictionary of Words and Phrases of Government, Law, Commerce, and Education in English and Chinese* by Zhao Minggao in 1930, both including Chinese legal terms with corresponding English translations, most of which are reliable and standardized. Inheriting the above compilation tradition, *Jurisprudence*, the sixth volume of the

13) "299 pages" was mistakenly written as "more than 400 pages" because of the author's negligence; the author hereby clarifies and apologizes lest the reader may be misled. See *Compilation and Publication of Law Dictionaries in Late Qing Dynasty and Early Republic of China (1905–1936)*, *Lexicographical Studies*, vol.4, 2012.

Yun Wu Social Science Great Dictionary, chiefly edited by He Xiaoyuan, was published by The Commercial Press, Taiwan in 1970. However, reference books with standardized translations in foreign languages (not limited to English) of Chinese legal terms are rare after 1949 in China (Encyclopedia of China·Jurisprudence is somehow exceptionally representative though).

A Dictionary of Law Terms in English, German, French and Japanese for the Use of Students and Lawyers compiled by the Commercial Press in 1912 is worth mentioning here because no matchable multilingual legal dictionary has ever been published in China ever since.

3. Lay and unprofessional translation of some legal terms

The standardisation work has a long way to go. One of the problems is the unification and standardisation of the translated terms. From the contents, some translators make interpretative translations instead of using legal terms, which violates the “translating terms into terms” principle under the circumstances that a corresponding term exists in the target language.

One of the main problems that translators use unprofessional plain English to translate Chinese legal terms is attributable to their insufficient legal knowledge. An experienced translator’s thorough knowledge of laws, both in China and foreign countries counts for a lot in the translation of legal terms practice. If a Chinese legal term was originally translated from English, and the translator has no idea about the existence of the corresponding terms in Anglo-American law, it is impossible that he could correctly “back-translates” the term. Sometimes, translators choose interpretative translation as a safer strategy to avoid mistakes. Taking “侵權行為地法律” as an example:

The translation in *The Chinese-English Glossary of Terms of Laws and Regulations of P. R. C.* (page 70) is “law of the place where the infringing act is committed”.

Analyses: The translation is grammatically correct. Only a definite article “the” before “law” is missed. And the meaning of the translation basically expresses

the meaning of the term. It sounds good if one doesn't know there's corresponding term in Anglo-American law. This is a typical example of "translating terms into interpretative vernacular". And the suggested translation would be "*lex loci delicti*" in Anglo-America law.

Reasons: "lex" means "law" in Latin; "loci" is "place"; "delict" is "tort". "*lex loci*" means "the law of the place"; "*locus delicti*" means "place of the wrong". In Anglo-American laws, there are a series of legal terms begin with "lex" or "lex loci" indicating "the law of the place" in the conflict rules. ¹⁴⁾ Among these terms, "*lex loci delicti*" is the translation of "侵權行爲地法 (律)".

In the 9th edition of Black's Law Dictionary, the entry of "*lex loci delicti*" is "The law of the place where the tort or other wrong was committed. - Often shortened to *lex delicti*. - Also termed *lex loci delictus*; *lex loci delicti commissi*; *place-of-wrong rule*; *place-of-wrong law*".¹⁵⁾

A legal translator is supposed to know that there are many Latin, French and medieval English words in legal English. In the Middle Ages, as a legal community, the continental laws shared great consistency, and most statutory laws were written in Latin. Although the plain English movement has been quite effective in influencing the redrafting of some legal English terms, the alternatives would be "place-of-wrong rule" or "place-of-wrong law" instead of "law of the place where the infringing act is committed".

The author did a research of this interpretative translation on Google, and it is only used in the translations of Chinese laws and regulations into English, such as Article 146, *General Principles of the Civil Law of the People's Republic of China* (English Version) and Article 273, *Maritime Law of the People's Republic*

14) *ex fori* means "law of the forum" (法院地法), *lex loci commissi* (行爲地法, *lex loci actus*), *lex loci contractus* (契約地法), *lex loci domicilii* (住所地法), *lex loci rei sitae* (物之所在地法, *lex situs*), *lex loci celebrationis* (婚姻締結地法), and *lex loci solutionis* (履行地地法). *lex fori* is equal to law of the forum(法院地法), *lex loci commissi*(行爲地法, also *lex loci actus*), *lex loci contractus*(契約地法), *lex loci domicilii*(住所地法), *lex loci rei sitae*(物之所在地, also *lex situs*), *lex loci celebrationis*(婚姻締結地法) and *lex loci solutionis*(履行地地法).

15) Garner, Bryan A. *Black's Law Dictionary* (9th ed.) [Z]. St. Paul: West Publishing Co., 2009. p. 995.

of China (English Version).

Article 146, *General Principles of the Civil Law of the People's Republic of China*: 侵權行爲的損害賠償, 适用侵權行爲地法律……

Original translation: The law of the place where the infringing act is committed shall apply in handling compensation claims for any damage caused by the act.

Revised translation: The *lex loci delicti* applies to the tort case for damages.

Article 273, *Maritime Law of the People's Republic of China*: 船舶碰撞的損害賠償, 适用侵權行爲地法律……

Original translation: The law of the place where the infringing act is committed shall apply to claims for damages arising from collision of ships.

Revised translation: The *lex loci delicti* applies to the claim for damages arising from collision between vessels.

“Claim for damages arising from” can also be translated as “claim for damages due to”. And as to the translation of “損害賠償” into “claim for compensation of damages” by some translators, the part of “compensation of” seems redundant. By the way, the author disagrees on the translation of “侵權人” into “infringer” and “侵權行爲” into “tortious act” in the *Chinese-English Glossary of Terms of Laws and Regulations of P. R. C.* (page 69). I suggest that “侵權人” can be translated into “tortfeasor”, “wrongdoer”, and “infringer”; “侵權行爲” can be translated into “tort”, “tortious act”, and “infringement”. I suggest that the glossary list can be done in the following form:

侵權人 *n.* 1. tortfeasor 2. (civil) wrongdoer 3. infringer (專指對專利權、商標權或著作權等知識產權所有人享有的排他性權利的侵犯；如商標侵權人/trademark infringer)

侵權行爲 *n.* 1. tort 2. tortious act 3. infringement (專指對著作權、專利權、商標權、外觀設計等的侵權)

The author believes that a standardized entry of C-E legal term should include the Chinese entry, part of speech, standardized English entry/entries (one or more, the first listed is the optimal choice); and explanation for the ambiguity if there

is any. Illustrations from articles in Chinese laws and regulations and their corresponding English translation are also needed.

4. Discrepancy and inconsistency of English translation of Chinese legal terms

The English translation of Chinese legal terms should be connected to and coordinated with other legal terms. There are civil law terms and criminal law terms, terms originated from civil law and common law systems, traditional Chinese legal terms and terms of international laws, terms from substantive laws and procedural laws. In brief, the English translation of legal terms shall be consistent and systematic.

In the *Chinese-English Glossary of Terms of Laws and Regulations* and the *Chinese-English Glossary of Terms/Sentences of Laws and Regulations of P. R. C.* published by the Translation and Foreign Affairs Division of the Legislative Affairs Office of the State Council of the People's Republic of China, there are more administrative legal terms because the contents are "regulations" instead of "laws". As to the English translation of legal terms in civil or criminal laws, the unification and standardisation work of the legal term translation is also arduous. Taking two common criminal law terms "有期徒刑" and "无期徒刑" that are not included in the *Chinese-English Glossary of Terms of Laws and Regulations* and the *Chinese-English Glossary of Terms/Sentences of Laws and Regulations* as example, though these terms were mentioned in the "Expert Forum" of *Law Translation Journal* in 2003 (3) and 2005 (3) issues, the translations are definitely non-standardized in the practices.

Current translations of "有期徒刑" include "fixed-term; fixed-term imprisonment; penal servitude for a fixed term; imprisonment for a fixed term; limited period of imprisonment; and set term imprisonment" (not exhaustive listing).¹⁶⁾ Generally

16) The author has organized these translations, the references are: *Translation of Laws and Regulations*, vol. 3, 2003; Yao, Xiaoping chiefly edit: *Chinese-English Dictionary* (the 3rd edition), Foreign Language Teaching and Research Press, 2010, p.1710; Cheng, Yiqun chiefly edit: *English-Chinese and Chinese-English Two Way Law Dictionary*, China University of Political Science and Law

speaking, among these translations, the use of the core word “penal servitude” in feudal law is not recommended; the use of “fixed-term” is not recommended either, for it implies “a definite period” and “unchangeability”.

Current translations of “无期徒刑” include “life; imprisonment for life; life sentence; life imprisonment; penal servitude for life; and penalty for life (not exhaustive listing)”.¹⁷⁾

Before we judge the translations of the above words, the early English translation of the Chinese “徒刑” shall be studied. As one of the The Five Punishments (五刑; 笞杖徒流死), it was first translated into “punishment of temporary banishment to any distance not exceeding 500 *lee*, with the view of affording an opportunity of repentance and amendment” by George Thomas Staunton in 1810. ¹⁸⁾This translation is the first and a typical interpretative translation of “徒刑”. In 1994 American scholar William C. Jones translated it into “penal servitude”, ¹⁹⁾which perfectly reflected the function of “徒” as one of the main punishments in the Great Qing Code and can be regarded as an equivalent translation of the word.

What the author wants to clarify is that, “徒刑” in the Criminal Law of the P.R.C. is essentially different from “徒刑” in the feudal law. “penal servitude” is the exact translation of “徒” or “徒刑” in the legal history but not an ideal word for the translation of the same word in the modern Chinese Criminal Law.

It is a complicated problem when it comes to the difference between “无期徒刑” and “life imprisonment” in Anglo-American law. From the concept, “无期徒刑” in the Chinese context does mean “to imprison a criminal for an indefinite term

Press, 1999, p.415; *Encyclopedia of China · Jurisprudence*, Encyclopedia of China Publishing House, 2006, p.633.

17) The author has organized these translations, the references are: *Translation of Laws and Regulations*, vol. 3, 2005; Xue, Bo chiefly edit: *Chinese-English Dictionary of Law*, Foreign Languages Press, 1995, p.736; Yao, Xiaoping chiefly edit: *Chinese-English Dictionary* (the 3rd edition), Foreign Language Teaching and Research Press, 2010, p.1463.

18) Staunton, George Thomas, *Ta Tsing Leu Lee; Being the Fundamental Laws, and a Selection from the Supplementary Statute of the Penal Code of China*. London: T. Cadell and W. Davis, 1810. p. 2.

19) Jones, William C., *The Great Qing Code*. New York: Oxford University Press, 1994. p. 33.

without personal freedom in the prison or other execution places”.²⁰⁾ Seemingly, translations such as “life imprisonment”, “imprisonment for life”, “life incarceration”, “lifelong incarceration” or “life sentence” are acceptable.

However, according to Chinese criminal law, parole and commutation apply to “无期徒刑”, and from the actual situations, many criminals have not been imprisoned for their whole life. Therefore, “无期徒刑” is not “life imprisonment” in the strict sense.

The author translates “有期徒刑” into “imprisonment with work for a definite term”, “无期徒刑” into “imprisonment with work for an indefinite term”.

The above translations not only avoid the ambiguity in the meanings but also clarify that “有期徒刑” in China is a punishment depriving the criminal’s personal liberty for a definite term (instead of a fixed-term); “无期徒刑” is a punishment putting the criminal in the prison for an indefinite term. Both penalties are the punishment implementing compulsory labor and educational reform to the criminal.

The following are several related Japanese legal terms and their standardized English translation in the *Japanese-English Dictionary of Legal Terms* revised and published in March, 2008. This dictionary is the standard for the English translation of Japanese legal terms and was first published in 2006.²¹⁾

懲役(ちょうえき) imprisonment with work (page 205)

無期禁錮(むききんこ) life imprisonment without work (page 273)

20) Encyclopedia of China·Jurisprudence, Encyclopedia of China Publishing House, the 2006 edition, p.530.

21) Details about the *Japanese-English Dictionary of Legal Terms*, see Xuan, Xiaoying: Brief Introduction to Legal Translation in Hong Kong and Japan, *Translation of Laws and Regulations*, vol. 1, 2010. See Chen, Xiaoyan: Retrospect and Prospect of English Translation of Local Regulations and Rules in China in 20 Years, on [chinalaw.gov.cn](http://www.chinalaw.gov.cn) of the Legislative Affairs Office of the State Council, <http://www.chinalaw.gov.cn/article/jggz/ysyd/llyj/201202/20120200360519.shtml>, accessed on August 1, 2012.

無期懲役(むきちょうえき) life imprisonment with work (page 273)

有期懲役 imprisonment with work for a definite term (page 280)

The Japanese characters “无期懲役” may refer to an indefinite term in prison plus compulsory labor, “无期禁錮” may refer to the punishment of an indefinite term in prison that only behind “死刑”(death penalty) and “无期懲役”.

IV. Want of Guiding Principles for Translation of Legal Terms

In the field of terminology studies, “one term one meaning” is the theoretical premise for term standardisation. Subject to the requirement of term standardisation, any term in a language shall have one and the only corresponding concept.²²⁾ Once this principle is broken, the use of terms will be chaotic.

However, this theoretical presupposition is more applicable to regulate the “synonym” in the native language in the field of natural science. In the field of law, the application of this principle cannot always be verified in the standardisation work of legal terms because of the distinctiveness, let alone the objective change of the concept itself. Though terms have the feature of “one term one meaning”, after the one-to-one relationship built between a term and a concept, the concept will change along with the change of the object while the term has its “inertness”, or “stability”.²³⁾ Thus, under the circumstances that the concept of a term has already changed, it is inappropriate to insist on the singleness principle of terms.

The author found that in the standardisation work of English translation of Chinese

22) Feng, Zhiwei: “Traditional Definition of Terms and Limitation”, by Wei, Xiangqing and Pei, Yajun chiefly edit, *Study on Term Translation*, Nanjing University Press, the 2011 edition, pp.5-6. Feng Zhiwei: *Introduction to Modern Terminology* (revised edition), The Commercial Press, 2011, pp.104-105.

23) Liang, Yong: “Generation and Evolution of Chinese Civil Law Terms”, Feng, Tianyu, [Japan] Liu, Jianhui and Nie, Changshun chiefly edit, *Cultural Evolution of Semantics*, *Wuhan University Press*, 2007, p. 374.

legal terms in China, translators try to comply with the “one term one meaning” but often found they are trapped in this principle and helpless. In the preface of the *Chinese-English Glossary of Terms of Laws and Regulations*, it is saying that “to realize the standardisation work of English translation of legal terms, this *Glossary* tries to adopt the one term one meaning principle, but with regard to some words and sentences, several common used translations are also included.” This explanation indicates the translators’ helplessness when facing the “one term one meaning” principle as well as a reason for the flexibility in their translations. In the author’s opinion, many of Chinese legal terms need more than one standardized English translation.

The author thinks “one term two translations” or “one term several translations” are common in translation of legal terms, whether in the translations from English to Chinese or vice versa.

Eugen Wüster, the founder of modern terminology and the representative scholar of German-Austria School once defined “term” in the 1930s that an “object” becomes a “concept” through “conceptualization”; “concept” is the thinking mode to reflect the “object” and becomes a “term” through “designation”. The concept of a term precedes the name of a term, which makes possible the standardisation of terms.²⁴⁾ Terms can be standardized. Similarly, the translation of terms can and should be standardized. Last but not least, the author believes that some principles should be followed in standardisation work of legal term translation.

First, to follow the “translating terms into terms” principle as much as possible. Legal translation is regarded not as a process of linguistic transcoding but as an act of communication in the mechanism of the law. Therefore, the translation work of legal terms, which are the basic tools for studying and building a subject, should be professional and scientific.

For over a hundred years, China has transplanted Western jurisprudence so that the legal language in modern China is a language of foreign words, which gradually

24) Feng, Zhiwei: Traditional Definition of Terms and Limitation, by Wei Xiangqing and Pei, Yajun chiefly edit, Study on Term Translation, *Nanjing University Press*, 2011, pp.4-5.

became the common terms in the modern Chinese jurisprudence. In other words, these legal terms are international, the translation of which can be standardized and regulated. Many Chinese legal terms have their corresponding foreign words in Japanese, English, German, French, Russian, and Portuguese. Some Chinese legal terms are originated from legal English (including English, French and Latin) and others are originated in English origination indirectly from Japanese. These terms shall be able to back-translated into the original English terms accurately and correctly.

When it comes to traditional Chinese legal terms and terms with Chinese characteristics without any corresponding English legal terms, some flexible methods should be taken to find whether there is any approximate system can be found in Anglo-American laws. Otherwise, transliteration and interpretative translation can be adopted.

Second, to follow the principle of popular usage, which means follow the terms translated by the predecessors and those widely accepted by lawyers in an international setting. Looking up authoritative dictionaries such as *Black's Law Dictionary* (America), *English-Chinese Dictionary of Anglo-American Law* (China's mainland), *Anglo-American Law Dictionary* (Japan), *The English-Chinese Glossary of Legal Terms* (Hong Kong), *Law Dictionary and Great Law Dictionary* in the Republic of China, English works about Chinese laws published in Britain, America, Hong Kong etc., and logging on famous database such as "Bilingual Laws Information System", "chinalawinfo" and "CNKI (National Knowledge Infrastructure)" and "Westlaw". A responsible and diligent translator should refer to any information of high credibility before finalization. It is impossible that one who has not learn the predecessors' study results achieves the highest level and makes real contribution. A regime or a time has passed, but the academic achievements shall not be abandoned.

Third, to follow the principle of one term one translation only if possible. Considering some legal terms are cross-category words, such as a word is a noun and also a verb, they will have two or more translations. Some other legal terms are "one

term several meanings”. Accordingly, they have several translations.

The variety of translation goes against the standardisation work. So specialized authorities are needed to coordinate and examine the translation of legal terms. Insufficient coordination work will lead to various translations, which is “one term different names”. Furthermore, translation of legal terms shall be written in the original form (no plural, no third person).

Finally, to follow the principle of systematic translation. The standardisation of translation of legal terms shall not be limited to one single branch of law. In fact, legal terms used in legislative texts, administrative enforcement by the police, the border police and the customs, indictments and judgments, defense attorney’s documents, notarial document, prisons and other correctional facilities, legal works, substantive laws and procedural laws, international laws, international economic laws, all need to be appropriately translated. Therefore, systematic and consistent translation of legal terms is essential to avoid the conflicts and misplacement.

The accurate and standardized translation is a requisite for the legal communication between China and foreign countries.²⁵⁾ A poor result of legal term translation will lead to foreign countries’ disapproval and discontentment to the building of legal system in China. ²⁶⁾Therefore, more efforts should be made through the participation of other authoritative organizations besides the Legislative Affairs Commission of the Standing Committee of the National People’s Congress and the Legislative Affairs Office of the State Council presiding over the translation work. The China National Committee for Terms in Laws shall take the responsibility of reviewing and publishing standardized legal terms. National Linguistic Commission of Ministry of Education, who is responsible for the standardisation work of Chinese, can also make efforts in the standardisation of the foreign translation of legal terms into Chinese.

25) He, Haibo: “English Translation of Some Key Words in China’s Administrative Law”, *Administrative Law Review*, vol.3, 2011.

26) Du, jinbang, Zhang, Fu and Yuan, Liang: “Problems of the English Translation of Chinese Laws and Regulations and Solutions”, *Chinese Translators Journal*, vol.3, 2004.

Besides the authoritative organizations, authoritative publishing houses, newspapers and journals should also become participants in the standardisation work. Experts and scholars are equally important as well. It is already noted in the 2003 Announcement that the Legislative Affairs Office of the State Council may recruit experienced legal professionals and English experts to provide advices for reviewing the official English translation of the administrative regulations. This can be regarded as proof of the recruitment of experts for translating and reviewing the translation of laws and regulations.

The poor compilations of dictionaries and the careless buildings of databases are in vain, which may solve some easy problems in translation to some extent, but can hardly realize the standardisation of legal terms. Obviously, the further update and supplementation by experts is a fundamental way to solve the above mentioned problems.

V. Concluding remarks

Problems faced by English translation of Chinese legal terms in the four jurisdictions are neither novel nor unique. German are spoken in Germany, Switzerland and many other countries as well. French are spoken in France and Quebec in Canada as well. Scholars had done similar research before. Experiences need to be learned.

For the contemporary English translation of Chinese legal terms, the most critical and direct dimension is to observe and review whether the English translations are close to the existing legal terms in western law given the fact that modern Chinese legal terms are mainly translated and transplanted from the West. Nevertheless, the English translation of Chinese legal terms in the pre-transplant era of law should focus on preserving original ones and replacing them only when necessary. For some terms, strategies such as transliteration, intra-textual gloss and extra-textual gloss are recommended accompanied with "additions" or "attachments" to "preserve" the meaning of the original text and the literal meaning of law.

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<Abstract>

The legal terms employed by legal professionals in China's mainland, Taiwan, Hongkong and Macao mainly derive from Japanese, English, French, German, Dutch, Russian and Portuguese legal terms. Although the currently used legal terms under the Four Chinese Jurisdictions show the trend of unification and integration, the differences or conflicts among them have never disappeared. Different types of problems have arisen when the English-Chinese glossaries of standardized bilingual legal terms had been published in China in recent years. Law dictionaries made during the first two decades of Republican China need to be rejuvenated to avoid people's neglect of rich historical heritage. Translated legal terms are supposed to be professional, highly recognized and definite. Current achievements of the Chinese-English translation of legal terms of P. R. C. wait for update and revision and some guiding principles for translation of legal terms need to be established.

Key Words : legal terms, translation of legal terms, standardization of translated legal terms, translation of laws, translation of regulations

중국의 법률용어 영어번역

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중국, 대만, 홍콩 및 마카오의 법률전문가들이 사용하는 법률용어는 주로 일본, 영국, 프랑스, 독일, 네덜란드, 러시아 및 포르투갈의 법률용어에서 유래한다. 현재 중국, 대만, 홍콩 및 마카오, 이 네 곳에서 사용되는 법률용어는 통일과 통합의 경향을 보이고 있지만 법률용어 간의 차이와 충돌이 결코 사라진 것은 아니다. 중국에서 표준 영-중 법률용어사전이 발간된 최근에도 다양한 유형의 문제들이 야기되고 있다. 풍부한 역사 유산에 대한 민중의 관심을 되돌리기 위해서 중화인민공화국 건립 후 초기 20여 년간 제작된 법률사전을 재정비하는 것이 필요하다. 법률용어의 번역은 전문적이면서도 매우 분명하고 확실해야 한다. 지금까지의 중국 법률용어의 중-영 번역은 앞으로 수정 갱신이 요구되며, 법률용어의 번역을 위한 기준을 마련하는 것이 필요하다.

주제어 : 법률용어, 법률용어 번역, 법률용어 번역의 표준화, 법률 번역, 규정 번역

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