

# Characteristic Legal Terms in Translation and Communication in the New Era

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**Abstract:** The inherent complexity of the concept “rule of law” has triggered the contradiction between the concepts and functions of the two terms: substantive rule of law; formal rule of law. English translation of legal terms with Chinese features is a major challenge for translators. Translators should not only master legal language in both Chinese and English, but also actively pursue the joint training or education of relevant fields, and strive to make English translated terms equal to Chinese terms in legal effect. This paper firstly compares and analyzes the connotation of the rule of law in the Chinese context, and points out that the concept of socialist rule of law with Chinese features is not only superior to the ancient Chinese rule of law which is actually the rule of man, but also different from the western rule of law. Secondly, this paper proposes one of the countermeasures to offset the legal translation gap by cultivating translators with multiple education background through systematic study.

## 1. Introduction

Building a socialist country rule of law in an all-round way is a grand “systematic project”, which involves many legal construction links such as legislation, law enforcement, judiciary and law-abiding process. In the immature construction stage of the rule of law, especially for the late-developing countries under the rule of law, it is crucial to correctly handle the relationship between the construction and implementation of the rule of law. Therefore, after the formation of the term of rule of law, there will be a wide range of users, with relatively fixed meanings and formal certainty. Even if some terms are not accurate when they are formed, if their connotations are already well known, they should not be changed at will, and they are characterized by rigorous semantics. Compared with common language, semantics of legal language are relatively stable, accurate and less changeable, translation target is to reduce the arbitrariness of the application of the rule of law and realize social justice while characteristics of legal terms have caused great obstacles to translation. Therefore, translators must fully understand and define the connotation of terms in the context of culture, carefully select the target words, and compare the effects of the two texts. The rule of law culture, as a translation context, is of great significance. Translation of legal terms should not only pay attention to accuracy and smoothness, but also fully consider the characteristics of legal terms and the purpose of translation. In translating legal terms, it should be determined that its main purpose is to spread the law spirit, and more importantly, to reproduce the cultural information contained in the rule of law. Then, instrumental translation or documentary translation should be chosen according to the communicative purpose. If there are different translated terms, it is not necessary to insist on unification, but to respect language rules and allow conventions. Translation is not only a cross-cultural information communication, but also a necessary tool and channel for cross-cultural information communication.

## 2. Theoretical Basis of the Rule of Law

### 2.1. The Origin

China’s legal traditions have been evolving continuously through history. In the last few decades, China have witnessed the effort in constructing a legal system.

Compared with western culture, ancient Chinese society emphasize the absolute obedience of

individuals to groups and countries, which makes individuals have neither free will nor independent personality. There is a view that the “rule of law” existed in ancient CHN proposed by ancient Chinese legalists is the “rule by law” in the present sense, but the arguments of this view are not sufficient. The ancient Chinese “law” is a tool used to maintain Confucian ethics. It has obligations to the people but no rights protection. In other words, the so-called “rule of law” in ancient CHN is actually the rule of man now. So there are often analogous debate around two competing traditional schools of thought: Confucianism and Legalism. Legal terms with Chinese features are special legal terms with cultural load, which reflect the origin, values and legal thoughts of Chinese legal system. When no exact equivalent word in British and American law, it is difficult to realize the “terminology translation” of common Chinese legal terms. In view of the fact that most legal terms with Chinese features have no equivalents or only partial equivalents in English legal terms, the author proposes the following strategies. When the social situation has changed, its concept of freedom has been promoted more. Obviously, these are the key factors for the rule of law to take root.

## **2.2. Complex Capricious Concept of “Rule of Law”**

The primary Western view on power is: “Even in the most well-governed country, we must recognize that political power is a necessary but dangerous thing.” The rule of law, as a basic idea and model for governing a country, it must involve the relationship with power, and it is true. “Since ancient times, Westerners have been discussing the relationship between law and power fiercely and endlessly, and this debate has laid the foundation of the concept of the rule of law.” The high degree of vigilance in the exercise of power, and then the search for institutional norms, which liberal thinkers believe stems from certain assumptions about human nature. Influenced by the western rule of law theory, it emphasizes the importance of the justice of the conception of the rule of law. For example, it is advocated that the implementation of the rule of law should pursue formal justice rather than substantive justice. But the reasons given by scholars who support this concept confuse the definitions of “form” and “substantial” conception of the rule of law. For example, the mistaken belief that the formal rule of law includes both procedural justice and substantive justice, while substantive justice does not include procedural justice. The connotation and denotation of “rule of law” have always been ambiguous in Chinese and foreign legal circles and have been in constant debate for a long time. Experience has shown that the political structure of a country and the mainstream understanding of the rule of law directly affect the specific path and effectiveness of the implementation of the rule of law in that country.

## **3. Joint- training of Translators**

### **3.1. From “Translator” to “Communicator”: The Combination of Translation and Communication**

The complex connotation of “rule of law” is a typical example to demonstrate that the cross-disciplinary knowledge is essential for translators. Moreover, the macro role of translator is no more than a translator in translating process, but an effective communicator and influencer in society who shall receive the cross-disciplinary education or co-education programs. At present, corresponding to the changes and demands of the industry, the following three obvious changes and trends have appeared in the field of education in my country: First, the network and new media majors have been established. In facing the surging tide of the Internet, the demand for translators who are multiple-task dealer with operational skills of the Internet. For example, some English or journalism and communication majors cooperate with majors such as law, economics, international relations, etc., or receiving cross-major joint training, taking the course of double degrees. The schools also initiate the international inter-professional cooperation, such as joint training of Huazhong University of Science and Technology and University of Missouri School. The dual undergraduate degree aims to create compound talents with a background in law and journalism and an international perspective through systematic joint training of undergraduate law education and

journalism. In recent years, the actual situation of the employment difficulties of news and communication graduates also confirms this educational dilemma. At the same time, with the popularization and convenience of digital media, information dissemination has gradually become socialized, universal, and real-time. Various industries and departments have used self-media for external dissemination, communication and exchange, such as Tik Tok, Weibo, WeChat and other continuous Emerging forms of new media, etc. In the future, the demand for communication talents is no longer limited to news media, such as the demand for legal communication talents. The schematic model of the rule of law analysis architecture is shown in Figure 1.

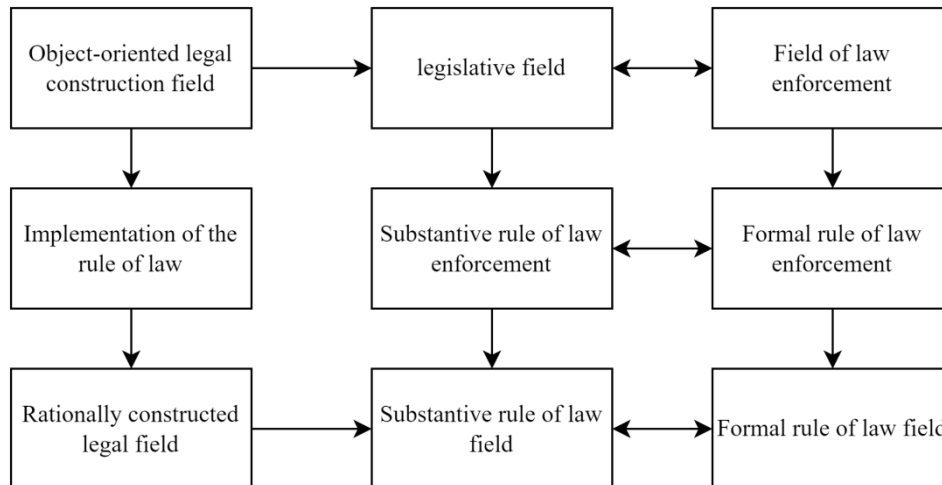


Figure 1. A schematic model of the analysis architecture of the rule of law

### 3.2. From “Legal Translation” to “Law Communication”

The dissemination, awareness and communication of information also need relevant talents. Therefore, with the comprehensive promotion of the rule of law, both the law firm and the translation industry need talents who have the skills of translation and comprehension of the legal knowledge, and can accurately and effectively disseminate professional law related information to the public.

The source of the Western rule of law has a supernatural foundation. For example, the substantive value pursued by the American rule of law comes from the tradition of constitutional liberalism, which believes that the individual takes precedence over the state, Ultimately, it can be traced back to belief in Christianity; while the socialist rule of law with Chinese features is guided by Sinicized Marxism and has no supernatural foundation. Second, the Western rule of law requires a multi-party system and universal suffrage democracy, and opposes party authority; while the concept of socialist rule of law with Chinese features respects the authority and leadership of the Communist Party of CHN that originated in a special historical period. The third is that Western rule of law theory is centered on the West, and its views come from its own special historical and cultural background; while the concept of socialist rule of law with Chinese features takes into account CHN's own uniqueness and belongs to its own theoretical logic. With the continuous development of the process of ruling the country by law in my country, the public's awareness of rights protection and the concept of litigation is increasing, and many law-related incidents are widely disseminated in the media, but they are often mixed. All should take the “rule of law” as the core and aim to promote fairness and justice.

### 3.3. Education Target

Only when there are responsible communicators who adhere to the belief in the rule of law, can there be high-quality and high-quality translation of the rule of law; only when there is high-quality translation of the rule of law can the social awareness of the rule of law be popularized and the country under the rule of law develop in a healthy way. Therefore, cultivating translators with social responsibility and belief in the rule of law, justice, and responsibility is the core concept of legal

education. The rule of law communication talents are compound talents, and they need the dual-disciplinary literacy of translation, communication, and law, and they belong to different disciplines and systems, have their own different symbol systems, and have different ways of thinking to analyze and solve problems. To achieve this goal, the integration of the way of thinking is the most fundamental support. Make full use of the simulation environment to simulate newsrooms, judicial trials, press conferences, etc., to train practical skills, and to disseminate practical works through self-media, and to continuously improve and improve according to the feedback information. It should also establish long-term cooperative relations with relevant media and legal institutions, regularly send students to practice or observe, and carry out on-site teaching.

#### 4. Conclusion

To sum up, the discussion of “rule of law” reveals that the socialist concept of the rule of law with Chinese features is superior to the so-called “rule of man” in ancient CHN, and it is different from the Western concept of the rule of law that is not accustomed to the situation. Meanwhile, the civil law system in China itself is different from the common law system, the divergence may make it difficult to find an appropriate counterpart in another system. To mitigate this divergence, translators should treat themselves as communicators in a macro prescriptive and actively pursue the further education or joint-training program of relevant fields, especially for legal translation in which meticulous errors might cause giant discrepancy and fall short of communication target. Such problems and status quo that must be faced directly in the study of translating legal terms.

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