PhD thesis

A Corpus-based Study of Chinese and English Translation of International Economic Law:

An Interdisciplinary Study

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Abstract

International Economic Law (IEL), a sub-discipline of International Law, is concerned with the regulation of international economic relations and the behaviours of States, international organisations, and firms operating in the international arena. Due to the increase in commercial intercourse, translation of International Economic Law has become an important factor in promoting cross-cultural communication. The translation of IEL is not purely a technical exercise that simply involves the linguistic translations from one language to another but rather a social and cultural act. This research sets out to examine the translation of terminology used in International Economic Law (IEL) – drawing on data from a bespoke self-built Parallel Corpus of International Economic Law (PCIEL) using a corpus-based, systematic micro-level framework – to analyse the subject matter and to discuss the feasibility of translating these legal terms at the word level, and the sentence and discourse level, with a particular focus on the impact of cultural influences. The study presents the findings from the Chinese translator's perspective regarding International Economic Law from English/Chinese into Chinese/English with a focus on the areas of law, economics, and culture. The contribution made by a corpus-based approach applied to the interdisciplinary subject of IEL is explored. In particular, this establishes a link between linguistic and non-linguistic study in translating legal texts, especially IEL. The corpus data are organized in different semantic fields and the translation analysis covers lexical, sentential and cultural perspectives. This research demonstrates that not only linguistic factors, but, also, cultural factors make clear contributions to the translation of terminology in PCIEL.

Acknowledgements

I wish to express my sincere appreciation to those who have contributed to this thesis and supported me in one way or the other during this amazing journey.

First of all, I am extremely grateful to my main supervisor, Dr Saihong Li, for her guidance and all the useful discussions and brainstorming sessions, especially during the difficult conceptual development stage. She has taken care of every aspect of my campus life from the first year I came to the UK. Her deep insights helped me at various stages of my research. I remain indebted, also, to her understanding and support during the times when I was really down and depressed due to personal family problems. I will never forget her support and for providing me with numerous opportunities to learn and develop both as an university teacher as well as a researcher.

My sincere gratitude is reserved too for my second supervisor, Dr Sabine Dedenbach Salazar, for her invaluable insights and suggestions. I really appreciated her willingness to meet me at short notice every time in order to work through the several drafts of my thesis. I remain amazed that, despite her busy schedule, she was able to go through the final draft of my thesis and meet me in less than a week with comments and suggestions on almost every page. She is an inspiration.

I owe a debt of gratitude to Maria Cassidy for the continuous support of my study and related research, for her patience, motivation, and immense knowledge. I would like to thank her for encouraging my research and for allowing me to grow as a researcher. Her advice on both my research and on my career has been priceless.

I extend particular thanks to Mr. Xingmin Zhao for his valuable comments and support. Thanks are given to Professor Binhua Wang, Professor Xin Zhou, Dr

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List of Abbreviations

BRI: Belt and Road Initiative

BT: Back Translation

BNC: British National Corpus

B2B: Business-to-Business

CAT: Computer Assisted Translation

CIDRA: Consumer Insurance (Disclosure and Representations

CIRC: China Insurance Regulatory Commission

EOP: English for Occupational Purposes

EPC: European Patent Convention

ESP: English for Specific Purposes

EST: English for Business and Economics

ESS: English for the Social Sciences

EU: European Union

ID: identification

IEL: International Economic Law

IFC: International Finance Corporation

ILO: International Labour Organization

IMF: International Monetary Fund

LT: Literal Translation

MP: Members of Parliament

NGO: Non-Governmental Organizations

NL: Natural Language

NPC: National People's Congress

OCR: Optical Character Recognition

PCIEL: Parallel Corpus of International Economic Law between Chinese and English

POS: Part-Of-Speech Tagger

SL: Source Language

SPSS: Statistical Product and Service Solutions

ST: Sour Text

TEC: Translational English Corpus

TL: Target Language

TT: Target Text

TM: Translation Memory

UK: United Kingdom

UN: United Nations

USA: United States of America

WTO: World Trade Organization

Chapter 1 Introduction

1.1 Introduction

The aim of this thesis is to examine the translation of Chinese and English legal texts in the field of International Economic Law using a corpus based systematic micro level framework (PCIEL). This framework will be used to analyse the subject matter to enable an accurate translation of legal vocabulary and content.

For China, improved market access and increased transparency and predictability in the trading environment resulting from WTO membership, have helped it become a major force in the 21st-century global marketplace. China is now the world's leading exporter with the value of exports in 2014 exceeding US$2300 billion (International Trade Statistics 2015: WTO). Underpinning this growth in trade is the negotiation of effective business contracts, which falls within the realm of International Economic Law. Given such growth in international trade, the translation of international laws and regulations has become an important factor in facilitating business communication across languages and cultures. What happens at the level of translation may have a profound effect on the later effectiveness of a trading agreement. For translators working in this environment, it is important to analyse content, and context of the relevant international law and work with knowledge based skill.

This research is based on a thorough analysis of the relevant literature and other publicly available documents. The process involves first and foremost consideration of legislation pertaining to International Law, using three officially translated sources of United Kingdom Law available from the Chinese Government and three appropriate Chinese legislation documents. The specific subject matter chosen recognises the historic base of international trade and legal

systems and the unique terminology of legal agreements and contracts. In this research, the Parallel Corpus of International Economic Law (PCIEL) between Chinese and English has been built for the translation analysis of International Economic Law (IEL) from three different perspectives: legal, economic and cultural entity. The research methodology initially uses a quantitative corpus-based approach to the systematic comparison and contrast between translated texts in English and Chinese. Consideration is then given to the translation of legal terms using corpus samples at the word level, the sentence level and the impact of cultural influences. Finally, the study presents, and considers, the findings from the perspective of the Chinese translator of International Economic Law from English/Chinese into Chinese/English, with a focus on the areas of law, economics and culture.

1.2 Research context and rationale

On the 11th December 2001 China became a formal member of the World Trade Organisation (WTO) and took a major step towards becoming a truly 21st-century global trading nation (Wu, 2011). As a result of the commitments required within the WTO Agreement, a sea-change had taken place in Chinese legislation concerning foreign trade and economic cooperation. Since 2001 China has continued to open and liberalise its business regime in order to better integrate in the world economy, and to offer a more predictable environment for trade and foreign investment (Abeysinghe & Ding, 2003: 164). As a sub-discipline of International Law, the principal purpose of IEL involves international law with a focus on world trade, investment, taxation, banking and financial law, and international development law (Garcia, 2010: 78).

The last fifty years there has been a unique boom in international trade cooperation in (Ferreri, 2014). Law, in a multilingual context, reveals issues worth considering, such as the interpretation of trade contracts, work contracts, addressing authorities in a language other than the official language of the state,

e.g. the language of labelling. The translation of international business contracts and agreements crucially presupposes relevant language awareness and therefore requires conscious linguistic choices to be made by the translators. Translation plays an important role both in an official and non-official context, for mistranslation or non-translation is not only harmful for the consumer, but it might also trigger reputational damage and have legal consequences for the producer or trader.

The translation of International Economic Law is not purely a technical exercise that simply involves the linguistic translation from one language to another. The issue of language interpretation cannot be ignored, for international contracts and agreements are the main written legal sources of trade when goods, services or capital cross borders (Šarčević, 2013: 29). The language used, therefore, must be clear, specific and explicit because the interpretation of these contracts and agreements can have a serious impact on their authenticity, for the terminology in which they are written is binding. Not only do the translators have to have some subject knowledge, but Garzone (2000) claimed that translators involved in the legal framework should alsohave a basic knowledge of legal texts and the terminology of legal texts, for very often the legal language used is based in archaic terminology and is beyond the usage of everyday vocabulary. This "legalese", or jargon, presents particular problems for the interpreter and translator.

In contractual relations, the language of the communication between contracting parties is equally important as the language of the contract. It might happen that certain terms and concepts in the contract do not have equivalents in the applicable legal system, or when translated they might alter their scope of definition, presenting challenges for translators. In our globalised economic world financial contracts and agreements are very often drafted in English, this can impact on the understanding of the businessman of the commitments involved when dealing in a globalized market place (Cartwright, 2006), particularly for a

non-English speaker. It is in these circumstances that the accurate translation of International Economic Law is particularly relevant. In this context, the Parallel Corpus of International Economic Law will contribute to the understanding of how translation can be effective.

Within the context of the Chinese government's Belt and Road Initiative (le Pere, 2017), thisstudy begins by examining the relevant literature on the domain of legal translation, with a particular emphasis on International Economic Law. The literature review sets out with the examination of the differences in the legal systems between China and the UK, then describes the Belt and Road Initiative and relates this to International Economic Law. Links are made to the translation of International Economic Law. Legal translation and theoretical frameworks used in legal translation are examined. A range of translation strategies are available; in particular the translation strategies from Vaney and Darbelnet (1995) and Ye and Shi (2008) are described in detail, and the research question is presented with the sub-questions which form the basis for the data analysis presented. Finally, the challenges in this field for translators are described with suggestions to improve translation research in this field.

1.3 Research background

As one of "the oldest legal traditions" in the world (Zhaojie, 2002: 20), Chinese law plays an important role in legal history. With social and cultural exchanges in modern society however, Chinese law has drawn from Western countries and, since the 20th century, has shown "a complex mix" of traditional Chinese approaches and Western influences (Chen, 1999:1-2). For most of China's history, its legal system was based on the "Confucian philosophy" of social control through moral education as well as the legalist emphasis on codified law and criminal sanction. Following the 1911 Revolution, the Republic of China adopted a "largely Western-style legal code" in the civil law tradition which was specifically German-influenced (Li, 1995: 327). The establishment of the People's

Republic of China in 1949 brought "a more Soviet-influenced system of socialist law" to China (Yigong, 2011: 458). Traditions from Chinese history, however, continue to maintain their influence today, and some of these ideologies have been identified during the translation analysis of this research, particularly in Chapter 5. In the People's Republic of China today, the law is undergoing gradual reform as many factors, both home and abroad, stress the need to "strengthen the rule of law in China", while international treaties and globalization "spur transformations in various areas of Chinese domestic law" (Chen, 1999:20).

Due to the different legal traditions there are foundational differences between Chinese and British law, which will be further discussed in the following chapters. These include the manner of sanctions; the basic rights and obligations; cultural traditions; ethics and religiousness; and academic study (Nonet, 2017: 1-5). There are, however, also similarities in both Chinese and British law. The law aims to improve human society, although people from different civilizations have different cultures. On this basis of building an ideal society, the law reflects the pursuit of rule and justice.

Language plays a significant role in human affairs; this includes the conveyance of the purposes of law, and indeed law would not exist and survive "without language" (Danet, 1985:273). As Trosborge (1997) put it, legal language can be categorized into different groups: "1) the language of law; 2) the language of courtroom; 3) the language in law textbooks; 4) lawyer's communication; and 5) people talking about the law." Huang (1998:16) provides another classification of legal language: "(1) the language of courtroom; 2) written legal language; and 3) the language of officialdom".

Trosborge's point of view gives detailed categories of legal language according to different legal resources, which explain different branches in the legal field. Huang, in contrast, divided legal language briefly into the basic forms of language: spoken and written patterns. This research uses written materials: legislative texts,

international treaties and legal documents, and "legal translation" refers to the translation of written legal language.

1.3.1 A definition of International Economic Law (IEL)

International Economic Law helps regulate the international economic order and economic relations among nations (Ryan, 1975). The term "International Economic Law" encompasses a large number of legal fields. According to Subedi (2006: 33), the International Economic Law Interests Group of the American Society of International Law includes the following, non-exhaustive, list of topics within the term International Economic Law: (1) International Trade Law, including both the international law of the World Trade Organization, GATT and domestic trade laws; (2) International Economic Integration Law, including the law of the European Union, NAFTA and Mercosur; International Economic Law Section A 22 (3), Private International Law, including international choice of law, choice of forum, enforcement of judgments and the law of international commerce; (4) International Business Regulation, including antitrust or competition law, environmental regulation and product safety regulation; (5) International Financial Law, including private transactional law, regulatory law, the law of foreign direct investment and international monetary law, including the law of the International Monetary Fund and World Bank; (6) The role of law in development; (7) International Tax Law; and (8) International Intellectual Property Law.

Within this broad legal field, International Economic Law is based on the traditional principles of international law such as: *pacta sunt servanda*, freedom, sovereign equality, reciprocity, economy, and sovereignty (Chinkin, 1989). It is also based on modern and evolving principles such as: the duty to co-operate, permanent sovereignty over natural resources, preferential treatment for developing countries in general and the least-developed countries in particular (ibid). The sources of international economic law are the same as those sources of international law generally outlined in Article 38 of the Statute of the International

Court of Justice (Article 38 (1)). According to Subedi (2016), the Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply: (a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states; (b) international custom, as evidence of a general practice accepted as law; (c) the general principles of law recognized by civilized nations; (d) subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

Due to the breadth of international economic activities and transactions, international economic law is a highly interdisciplinary field of study. Decisions in one area, such as tax or financial regulation, can impact upon the transmission of monetary policy, which can, in turn, impact upon the effectiveness or operation of a trade regime, and vice versa. Consequently, a wide range of influential governmental and intergovernmental organizations are involved in formulating international economic law and policy. Auboin (2007: 1-35) advocates that the most important are:

- National finance ministries, trade officials, and financial market supervisors;

- multilateral institutions including the IMF, WTO, Bank for International Settlements, IFC, World Bank, EU, ILO, United Nations, and European Central Bank;

- "minilateral" institutions associated with regional and bilateral trade, IP, financial regulatory accords, and other targeted diplomatic efforts.

In this research, the translation of International Economic Law will be analysed from different semantic categories in each empirical chapter based on the relevant interdisciplinary domain. For example, in lexical translation three categories are

classified for qualitative and quantitative approaches: the legal, economic and political fields.

The translation of IEL is regarded as an interdisciplinary research, rather than multidisciplinary. This is because of the nature of legal translation. Multidisciplinari draws on knowledge from different disciplines but stays within their boundaries. Interdisciplinary analyzes, synthesizes and harmonizes links between disciplines into a coordinated and coherent whole. The objectives of multiple disciplinary approaches are to resolve real world or complex problems, to provide different perspectives on problems, to create comprehensive research questions, to develop concensus on clinical definitions and guidelines, and to provide comprehensive health services. A strictly legal analysis is not sufficient to provide useful answers for the study of these phenomena. The issue of legal translation must, therefore, be studied in an interdisciplinary manner in order to use the scientific tools, the research models and the conceptual frameworks that have been developed in related disciplines, such as linguistics, translation studies, psycho-linguistics, history etc. A concerted inter-disciplinary effort will provide the necessary knowledge, and analysis, for the both the providers and the end-users of these translations; this will enable researchers to construct analytical tools, to understand and map the use and sometimes the misuse of these translations, thereby providing the providers and end-users of such translations with the knowledge and analysis to improve translation practices, which will necessarily impact such things as inter/supranational governance and access to justice.

The research uses a self-built corpus, Parallel Corpus – International Economic Law (PCIEL), to analyse the translation of International Economic Law from the lexical, phrasal, sentential, textual and discourse levels. This research also introduces cognitive linguistic methods to cultural analysis in the translation of IEL. In this process, the example is extracted from the PCIEL because it is believed that the corpus-based approach enables new insight into the translation studies in this field.

1.4 Research questions

The status and impact of language and translation in a globalised legal environment are largely uncharted and deserve thorough investigation. Since China has continued to develop its trade with the world, the need for high-quality and accurate translations increases. Most existing research in the translation of Chinese (Mu, 2008, Wang, 2009) currently remains at the theoretical level without evidence from empirical research. While there are recent studies (Zhu, 2007; Wang, 2009) in the field of International Economic Law, there continues to be a lack of systematic and rigorous study of the translation of International Economic Law, particularly between English and Chinese.

The aim of this thesis, therefore, is to examine how legal texts in International Economic Law are translated. A corpus-based systematic micro level framework and authentic text corpora will be employed for this study. The study will seek to explore:

How has the legal lexicon been translated at word level in International Economic Law?

How has the legal lexicon been translated at the sentence level in International Economic Law?

How has the legal culture been translated in International Economic Law?

1.5 Thesis outline

The main part of this thesis consists of seven chapters. Chapter 1 is the introductory chapter, which gives an overview of the thesis. Chapter 2 is the literature review chapter which reviews and summarises the major existing research in Legal Translation Studies. Chapter 3 is the methodology chapter,

which describes the main methods of this study and how the data will be collected and then analysed. These first three chapters form the foundation of this study and the subsequent three chapters are empirical chapters that detail the analysis of the datasets and the findings of the analysis. In this regard, Chapter 4 focuses on the analysis of the translation of legal lexicon at the word level; Chapter 5 focuses on the analysis of the translation of legal lexicon at the sentence level, and Chapter 6 investigates the translation of cultural concepts in texts of International Economic Law. All three empirical chapters are based on corpus methodology by applying both quantitative and qualitative approaches. Finally, this thesis is completed with a concluding chapter summarising the major findings and contributions of the academic domain as well as acknowledging its limitations and envisaging its potential for future research.

Chapter 2 Literature Review

2.1 Introduction

In the field of IEL, intercultural communication has enabled the formulation of many treaties, contracts, and international laws; and the mutual understanding of these documents demonstrates the translator's important role in commercial legal translation. As a sub-discipline of the legal domain, International Economic Law regulates the behaviours of states', international organizations, and firms operating in the international business world (Picciotto, 2003). Due to the increase of commercial communication between nations, translation of International Economic Law has had an increasingly important impact on cross-culture communication.

According to Sager (1990) translation can be classified regarding the division of natural and artificial language based on language usage and on the types of translation activities, literary or industrial (Cao, 2007). Legal language does not only cover language of law but also, all communications in legal settings. This means legal translation can be classified according to different criteria, such as laws, regulations, codes, contracts, treaties, and conventions. Šarčević (1997: 11) questions whether or not, according to the function of the legal text, legal texts could be classified into different primarily prescriptive categories. This is particularly so where these texts act as regulatory instruments which contain rules of conduct or norms. For more specific classification in legal translation, Cao (2008) identified sub-varieties of legal texts in terms of the written form. She advocated that different sub-text types of legal text have their own peculiarities. Within this context, economic translation is referred to as a sub-type in legal translation, because legal language is not homogeneous - it is not one legal discourse but 'a set of related legal discourses" (Maley, 1994:13).

Over the past thirty years, China's rapid economic growth has meant that Chinese scholars have tended to pay more attention to translation in the economic arena. Song (2006) put forward translation principles of the international trade contract, and Li & Zhang (2006) discuss the empirical translation in the legal field, and the authors define the characteristics of legal texts in terms of finance, business and trade. With China's rapidly expanding international business, there is a great demand for bilingual and bicultural translations in order to facilitate business communication between parties with different cultural backgrounds. International business and political negotiations are especially sensitive and challenging for the translators. Chinese / English translators face difficulties in dealing with business negotiations and cross-cultural communication. While there has been an increase in research exploring the specific features of legal translation, few pay attention to the translation of IEL. As a result, there is no systematic method to guide the translator in approaching the translation of international economic laws.

2.2 The domain of legal translation

Sources of difficulty with legal translation include the systemic differences in law, linguistic differences and cultural differences. As law is a culture-dependent subject field, it is important to be aware and to deal with cultural transfer during the analysis of legal translation. The definition of "culture" as given in the Concise Oxford Dictionary varies widely from descriptions of the "Arts" to plant and bacteria cultivation, and includes a wide range of intermediary aspects. More specifically concerned with language and translation, Newmark defines culture as "the way of life and its manifestations that are peculiar to a community that uses a particular language as its means of expression" (1988:94), thus acknowledging that each language group has its own culturally specific features. He further clearly states that operationally he does "not regard language as a component or feature of culture" (ibid: 95). This is in direct opposition to the view taken by Vermeer who states that "language is part of a culture" (1988:222). According to Newmark, Vermeer's stance would imply the impossibility to translate, whereas

for the latter, translating the source language (SL) into a suitable form of TL (Target Language) is part of the translator's role in transcultural communication.

The notion of culture is essential in considering the implications for translation and, despite the differences in opinion as to whether language is part of culture or not, the two notions appear to be inseparable. In discussing the problems of correspondence in translation, Nida confers equal importance to both linguistic and cultural differences between the SL and the TL, and concludes that "differences between cultures may cause more severe complications for the translator than do differences in language structure" (Nida, 2001:130). It is further explained that parallels in culture often provide a common understanding despite significant formal shifts in the translation. The cultural implications for translation are thus of significant importance as well as lexical concerns.

According to functional theory in translation studies between Chinese and English, functionality and trans-culture are deemed to be fundamental features of both Source Language and Target Language (Yan & Huang, 2014: 487). By adopting relevant concepts of behavioural theory, the method defined translation as a form of communicative event driven by certain purposes; this related not only to the traditional function of information producer and recipient but also to other roles involved (Kocbek, 2006).

In this context, the analysis of translation in Parallel Corpus of International Economic Law (PCIEL) is an approach to dealing with the relationship between law and language within a complex legal cultural background. Legal culture is the phenomenon involving people from different groups and is characterized by the use of legal terms. Sam & Berry (2010) claimed that people from one cultural background may have a different reaction to the circumstances in which they find themselves in an unfamiliar or "foreign" cultural situation. Similarly, legal culture is embodied within specific legal terms, and despite the interrelationship between

legal language and legal culture, the transfer of linguistic and cultural factors should be dealt with separately.

After examining legal translation research both within and outside of China, the culture-oriented method in legal translation is a prevalent trend in modern translation studies (Janssens, Lambert & Steyaert, 2004). Previous studies have, however, paid less attention to the cultural function within legal translation, which leads to a lack of systematic methods to deal with the intercultural transfer. Little research has been carried out in this field, leading to a gap in the available literature specifically on translation of International Economic Law between Chinese and English. There is a lack of in-depth analysis to evaluate the translation approaches within this sub-field of legal translation.

This research aims to investigate the use of a systematic framework of International Economic Law translation and to carry out an in-depth analysis of the lexical, sentential and cultural levels.

2.3 Main differences of legal system between China and UK

Political difference is one of the most important challenges in translating IEL between Chinese and English, with major differences of legislature and judicature between the Chinese and the UK systems. The following comparison of legislature will focus on three areas: composition of the authority, members of the authority, and law-making procedure. In comparing the Judicature, four facets: court jurisdiction, appointment of judges, procedure and the Judgment will be examined.

a. Legislature

Parliament is the legislative authority in the UK whilst it is the National People's Congress (hereafter referred to as NPC) in China. The two authorities are different in many aspects.

(i) Composition of the authority

The UK Parliament is bicameral in consisting of an upper house (the House of Lords) and a lower house (the House of Commons). The Sovereign forms the third component of the legislature (the Queen-in-Parliament) (Lijphart, 2012: 9). Under China's current Constitution, the NPC is structured as a unicameral legislature. It has the power to legislate; the power to oversee the operations of the government; and the power to elect the major officers of state. The NPC has a standing committee that exercises the power of legislation when the NPC is not in session (O'Brien, 2000).

(ii) Members of the Authority

In the UK, the public elects Members of Parliament (MPs) to represent their interests and concerns in the House of Commons (Heitshusen, Young, & Wood, 2005). Being an MP is a privilege and a full-time job and MPs are paid a full-time salary. While in China, the members of the NPC are called representatives and are elected by representatives of provinces or autonomous regions. The citizens directly elect the representatives of either the counties or towns. The majority of the NPC representatives work part-time without payment and attend the sessions in Beijing annually. The members of the Standing Committee are full-time paid employees appointed by the Standing Committee (Unger, 1996).

(iii) Law Making Procedure

In the UK, a proposed piece of legislation or "Bill" becomes an Act of Parliament when it has been debated by, and is approved, by both the House of Commons and the House of Lords. In the final and purely symbolic stage, it is signed by the Queen (Elliott, 2007). The Bill's Parliamentary debate process is open to the public in the House of Commons and debates are broadcast in the media. Whereas in China, a draft law becomes a law when it is approved by either the NPC or the

Standing Committee of NPC and is signed by the President of China. The majority of laws can be approved by the Standing Committee, while any amendments to either the Constitution or some basic codes, like Criminal Law, have to be approved by the NPC. The review or debate of the draft is generally open to authorized persons or journalists (O'Brien, 2000:782).

b. Judicature

(i) Court Jurisdiction

An English court only has jurisdiction of certain types of cases; these are based on the severity of the case (Fagan, 1996). For instance, the Supreme Court and the Court of Appeal hear only appeals, and a County Court (also known as Sheriff Court in Scotland) hears civil cases, etc. In China, however, every Court can hear civil or criminal cases and every Court can hear the first instances, and the Supreme Court decides cases on Jurisdiction regarding the first instance (Cohen, 1997).

(ii) Appointment of Judges

In the UK, in accordance with the Constitutional Reform Act (2005), the Queen appoints the Justices of the Supreme Court on the recommendation of the Prime Minister. The recommendations for these appointments are based on the proposals of the selection commissions that are founded specifically for this purpose. On the recommendation of the Prime Minister, the Queen formally appoints the Heads of Division and Court of Appeal Justices. The Queen appoints High Court judges on the recommendation of the country's most senior Judge, the Lord Chancellor, after a fair and open competition administered by the Judicial Appointments Commission. Consequently, appointment as a High Court Judge is based on professional ability and esteem rather than being a political appointment.

In China, the NPC elects the Head of the Supreme Court and, on the recommendation of the Head of the Supreme Court, the NPC's Standing Committee appoints all other Supreme Court Judges (Zongling, 1993: 163). Similarly, the local people's congress elects the head of local courts, and, on the recommendation of the head of the local court, the Standing Committee of the local congress appoints the other Judges.

(iii) Procedure

The civil or criminal procedures of the UK and the Chinese legal systems are totally different. In the British system the Crown Prosecution Service, or in civil cases the prosecutor, must present the evidence against the accused with the assumption of innocence until proved guilty (Ashworth, 2006:63-97). The accused presents evidence to show his or her innocence. Where the case is serious enough to require a Trial by Jury, the English Judge is neutral and does not investigate the evidence (Drewry, 1975). In the Chinese system, the judge sometimes needs to investigate the evidence and there is no jury in the Chinese system. An appeal to the higher Court may require permission in the English system while, in China there is a statutory right of appeal.

(iv) The Judgement

In the English system, it is the Judge(s) who deliver(s) the sentence, while in China it is Court which does so.

2.4 The "Belt and Road Initiative" and IEL

The Belt and Road Initiative (BRI) is designed to extend and deepen cooperation along an economic belt following the route of the ancient Silk Road through Asia to Europe (the 'road') and a new 21st Century Maritime Silk Road linking China's maritime neighbours across the seas to East Africa and even into Europe (the "belt") (Summers, 2016). As the major foreign policy initiative of the Chinese

government, this announces that China aims to enhance integration and connectivity between more than 65 countries and could reach 70% of the world's population. It involves funds, trade agreements and investments amounting to around $900 billion. Many forums have been held, aiming to invigorate the BRI and to translate it into further practical progress, with a raft of 40 further policy coordination mechanisms and 60 trade agreements translated for signature. In scale and commitment, this is undoubtedly a game-changer for international development co-operation. There is however, an alternative view that suggests this broad vision is masking what is fundamentally an economic project. Economics is almost always entwined with politics, and from this angle, the BRI is an overtly empire-building exercise, in which China is exerting its hard, and soft power on a global stage in a new bid for Asian domination. The BRI therefore, plays a significant role in the IEL field, especially the economic ties between China and the rest of the world. The West today knows much more about China's politics, culture and society than it did a few years ago, although much is still framed by stereotypes and prejudices that can easily lead to misunderstandings. It is expected that through the BRI, the understanding of mutual culture, economy, and policy will be deepening worldwide.

The economic foundation of China's cooperation with the western world has been firmly established since its membership of the World Trade Organization. For that to continue, it is imperative to go beyond economic relations and to develop a more intense level of cultural dialogue. Just as China's new initiative retraces the ancient Silk Road westward, it is necessary for people with different cultural backgrounds to expand understanding in relevant fields of the BRI, such as economy, law and policies. These factors are crucial components of IEL.

Three different semantic fields have been selected in this study which allows interrogation in relevant fields regarding law, economy and policy. The analysis of IEL covers the basic fields of IEL from both linguistic and cultural level, and

the innovative semantic categories could be applied to people involved in International business and trade between China and the UK.

2.5 Status quo of International Economic Law in the UK and China

Legal Translation is a specialised area of translation studies due to the nature of law and legal language, and the translation "embodies both linguistic and legal impact". The translation of legal texts of any kind, from statute laws to contracts to courtroom testimony, is a practice that stands at the crossroads of "legal theory, language theory and translation theory" (Joseph 1995). It is, therefore, important for the legal translator to grasp a basic understanding of the nature of law and legal language and, also, the impact it has on legal translation. With increasing worldwide legal communications, there is a need for China and the countries of the West to engage in legal translation research.

2.5.1 Legal translation research outside China

The development of legal translation in the West has developed from the perspective of linguistic study on cultural analysis. Efforts devoted to legal translation have seldom followed the macro perspective, and the research tended to be concerned more with syntax and terminology.

Translation studies in the 1980s and more recent translation theorists and practitioners have proposed new theories and principles concerning the shift to cultural aspects in translation studies. Snell-Hornby (1988; 2001) set new linguistic approaches to translation studies while Šarčević (2007) put forward a theoretical framework in legal translation. Both rejected the traditional "bottom-up" approach of linguistic processing and consideration of the communicative function of translation, and suggested a more macro-to-micro level analysis.

Traditional theories of translation studies involve a trans-coding process during which the recipient should decode the linguistic code of the message. Šarčević

(1997) demonstrated the process of legal translation is not only an activity of trans-coding of the message but an act of communication in the mechanism of law. According to Šarčević (ibid: 60), communication in legislative process happens primarily between two groups of specialists: lawyers who interpret and apply the law and legislators who make laws.

Snell-Hornby (2001) posed an integrated approach to translation studies by categorizing legal translation as a sub-variety of specialised translation. She dealt primarily with translation studies of "an independent, integrated discipline embracing the whole spectrum of language, whether literary, "ordinary" or "general" language, or language for special purposes." (ibid: 120) Her revolutionary approach was based on the principle of the *gestalt*[1] and proto-typology concept. The bottom-up method (micro-to-micro linguistic approach) was replaced by a more comprehensive method, as she rejected the notion of considering translation as a mere process of transcoding in language transfer, and redefined it as a cross-cultural activity. She advocated that translators and theorists ought to be rather less concerned with a word between disciplines, languages and cultures and, essentially, translation studies were more concerned with a web of relationships. The importance of an individual item is therefore decided by its relevance in the "larger context of text, situation and culture" (ibid, 2001:35). She also advocated that the central feature of special language is the specialized factual knowledge of the subject concerned and the understanding of the text. This does not involve simply familiarity with words and structures but, presupposes the ability to penetrate the sense of the text, both as a complex multidimensional whole and, at the same time, in its relationship to the cultural background (Snell-Hornby, 2011). This is true of legal translation, however, in the

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[1] A German word for "form" or "shape", referring to a concept of "wholeness" in English.

last chapter of her book she employed only a linguistic approach to problems related to legal translation without a comprehensive illustration of the role of culture in translation studies.

2.6 Legal translation research in China

A group of Chinese researchers attempted to determine the scope of legal linguistics (Zhou, 2003). They dealt with linguistic legislation and with different private law traditions in mainland China and in Hong Kong which had been strongly influenced by common law. They also had to cope with the unusually long history of legal terminology development from the Tang to the Qing dynasty, and within the Occidentalization process in the Chinese law. They also underscored the importance of linguistic legislation in China that, in their view, results from the power exercised by language. Finally, modern voice analysis methods, as well as quantitative analyses, are also explored (Zhou, 2003). Forensic linguistics seems to dominate the practically oriented research, e.g. in Zhang's An Acoustic Study on Disguised Voices, published in 2005 as a PhD-thesis by the Department of Forensic Science of the Nankai University. Du (2004) also published a work dedicated to the construction of forensic linguistics, and stressed its systematic structure as well as its theoretical research basis. Explicitly, pragmalinguistic research on illocutionary and perlocutionary acts in legal discourses has been undertaken by Liu (2005), and Cao (2008) discussed ambiguity and vagueness issues in legal Chinese texts from a cross-linguistic perspective.

In the past decade, there has been a vigorous growth in translated works of literature available in Chinese, but religion, science and technology and legal translation have not witnessed a corresponding growth, leaving a gap in translation studies. Due to the complex nature of legal language, Chinese legal translation studies have tended to draw on Western models. Few people are competent both in legal knowledge and translation strategy, let alone legal

translation. Following the return of sovereignty of Hong Kong and Macao to China in 1999 and the increased volume of international trade following China's accession to international organizations such as the WTO (2001), there has been a corresponding increased demand for legal translation in China.

As an emerging multi-legal and multilingual country, the number of published articles and books concerning legal translation is limited. Most of these studies are focused on "theoretical considerations on legal translation; linguistic features of legal texts; principles of legal translation; methods of legal translation and translation of legal terms" (Li and Hu, 2006:47). The aim of these publications is to instruct legal translators tin developing skills in the translation of specified areas of law and legal documents, Ji (1999) and Qiu, (2000). While the focus has been at the textual level, aiming to explain the features of legal text to help readers to distinguish legal texts from general writing, the scope needs to be broadened in terms of further learning in this field. Following basic analysis, Jin and Hu, (2000) and Liu (2001) made comparative studies of legal translations among different countries. In these studies, legal translation was studied from a linguistic perspective according to case studies. From 2000 there has been an increase in published articles and books about the legal translator. Ciao (2001), Huang (2002), Wang, (2003) present studies of legal translation through detailed branches in legal language. Translators and writers observe each factor existing in the legal field and explore unknown information in this field. Writings on legal translation by Lin and Jie, (2004), Du, Zhang and Yuan, (2004) and Liu (2004) present difficulties in modern legal translation and try to solve them from different perspectives.

2.6.1 Review of legal translation in the past 20 years

Legal English, also known as the language of langue is regarded as one of the ESP (English for specific purposes). In Chinese legal translation studies, it is widely accepted that ESP consists of EST (English for Science & Technology), EBE

(English for Business and Economics) and ESS (English for the Social Sciences). In order to explore the Chinese literature review on legal translation, papers were collected from 82 influential Chinese journals in the fields of Foreign Language Studies, Translation, and Law. Based on the distribution of this literature, further analysis will be undertaken on the development of legal translation studies. The research period is from 1997 to 2016, and there are 503 articles in total.

Before 1997, there was a limited range of published research available for Chinese scholars in the relatively new field of legal English. From 1997 the number of articles increased, reaching a peak in 2004, with 80% of the literature available published between 2001 and 2013. The table [3] below (Footnote 3) illustrates the main topics of legal English: linguistic theory, linguistic and stylistic features, terminology, legal text, legal translation history, teaching, legal translator training, and legal book review.

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[2] The 8 influential Chinese journals on legal English are: 《中国外语》《外语学刊》《外语教学》《外语与外语教学》《外国语文》《山东外语教学》《当代外语研究》《外语研究》

[3]

Linguistic Theory	linguistic and Stylistic Features	Terminology	Legal text	Legal Translation History	Teaching	Legal Translator Training	Legal Book Review
35%	15%	15%	13%	11%	9%	2%	2%

The distribution of literary focus is displayed as follows:

Early Chinese literature on legal English tended to focus on general aspects including legal terminology, legal sentence and legal style. Later on, scholars made more detailed definitions on legal English, covering legal environment, practitioner, approaches, and subject matter. More recent research on legal language evidences an increase in number and new topics. The most popular topics focus on the following three fields:

a. Theories of linguistic and translation studies: these theories appear after 2005 and include legal English from a linguistic perspective with a strong theoretical stand, such as Huang's *Translation of English legal text in context* (2008)，Hu's *A corpus-based study on modal verbs in legal English* (2011)，and Tan and Xiang's *Cross-cultural translation of legal terminology from functional equivalence* (2012).

b. Linguistic stylistics: this field includes grammatical features, lexical features, sentence, tense, voice and other linguistic details. At the beginning of the 1990's, studies which focused on linguistic style were particularly popular. The studies focus on terminologies, archaic words, loan words, etc. For example, Li's *Some lexical features of English legal language* (2003) systematically summarizes the basic lexical features of legal English. Articles of this category comprehensively discuss the linguistic features of legal language regarding its adequacy, and authentic perspective.

c. Terminologies. Chinese legal terminology has been undergoing a transformation as China aims to globalize its legal system by introducing legal concepts from other countries, and adapting them to work within the confines of local culture (Potter 2001: 4–15). There is, therefore, a great need for systematic study of the legal terms between Chinese and English to clarify confusion between similar terms, and to cast light on the subject field. While a considerable

amount of research is available in the field of terminology, Li and Hu (2006) claim that there is a lack of creative thinking concerning legal translation in China.

There is only a limited number of articles on corpus studies and its application in legal translation, such as Hu's *An overview of modal verbs in legal English (2011).*There are no articles on self-built corpus on legal translation at present. Based on analysis of Chinese literature of legal translation since 1997, the trends which emerge are: the development of legal English research has a narrow range of focus; Chinese scholars tend to be less innovative in their approach and use established theories in research; the process of translation is the main research field in legal English studies. In addition topics of research articles are cluster in linguistic and stylistic features, and terminology. It is therefore necessary for Chinese scholars to further explore the underpinning features of legal English, which is of significance for the further research of legal English studies.

The literature presented (in Footnote 3) below plays a significant role in facilitating legal translation studies in China. From a comprehensive study of legal translation in China however, the conclusion could be reached that most of the existing legal translation studies stress the assessment and analysis of translation at the micro-level by means of terminology, syntax and legal translation techniques and skills. Most of these studies have adopted empirical-based research, with little effort made to combine legal translation study with computer technology, and no systematic and integrated approaches have been carried out in related research.

2.7 Theoretical background and application

This thesis will analyse six examples of legislation: three from China and three from the UK. The data is available in both Chinese and English and have been translated by official Chinese translators. The aim is to explore the translation of the selected examples in terms of their lexical, sentential and cultural entity,

extracted from the PCIEL database of this research, which is based on the framework of Skopos theory. As part of the discussion, the applied translation strategy will be explained. In order to explore the translation equivalence between source text and target text in IEL, both linguistic and non-linguistic factors will be taken into consideration. In the translation process of IEL, the translator's role will be discussed in dealing with challenges, especially when dealing with culture-loaded terms and concepts.

2.7.1 Skopos and equivalence theories

Theory is the crucial guidance for the analysis of translation of PCIEL in this research the Skopos theory was adopted to act as a key principle in analysing the translation of IEL. In the analysis of the translation, the use of Skopos in PCIEL will be reviewed and this principle will be applied throughout the process. Each of the examples selected from the six bilingual laws used in PCIEL will be presented in the data analysis chapters. During the analysis process, the following three questions will further explore the translation of PCIEL: Where does the source text come from? UK or China. Who is the target reader - Chinese or English?. How can equivalence and Skopos be applied to the comparative analysis between the source language and target language?

In order to answer the questions, the source of the selected examples of PCIEL will first be displayed, to explain its source law and the connection to IEL. Source language and source culture are included in the analysis, and the target language and culture will be considered when thinking about the receivers of the translated text. In order to explore more potential benefits of PCIEL, different semantic fields will be established according to the possible reader from different sub-fields of IEL. For example, the lawyer may be more interested in translation of legal terms/concepts, while the businessman may prefer economic terms/concepts and cultural difference in trading. In order to achieve equivalence in translating IEL between Chinese and English, the application of different translation strategies

will be discussed, and this is followed by an in-depth illustration of the translator's role in dealing with cultural differences. To produce a framework for this research, in each data analysis chapter the theoretical background found in the literature regarding Skopos theory will be reviewed. Each semantic field is unpacked and this later forms the individual framework of each data analysis part.

With respect to the communication process Vermeer (1989) suggested that the purpose of translation is determined by the so-called Skopos. He maintained that translation in "specific situations" was influenced by relevant "specific circumstances" that were deeply "rooted" in certain cultures (Vermeer, 1996). If people are from the same cultural background, it is easy for the producer and the recipient to have many understandings in common, making it possible for communication between them. If communicators have different cultures however, it may be necessary for them to have a mediator (i.e. a translator or an interpreter) in order to assist them in the process of communication. This mediator has to make sure that a translation is functional, i.e. that it bridges SL and TL.

Before the emergence of *Skopostheorie*, the translation field was dominated by equivalence-based linguistic approaches which focused on the ST, whose features were meant to be preserved in the TT (Nord, 2001: 109). Through their *Skopostheorie* Reiss and Vermeer emphasised that the TT requires a change of function; therefore adequacy to the intended function will take the place of equivalence as the valid standard for evaluating the TT (Nord 2001: 99). Not unlike this more recent approach, Nida had already recognised that the relative adequacy of different translations of the same text can only be determined in terms of the extent to which each translation successfully fulfills the purpose for which it was intended (Nida, 2003: 76). Thus it can be seen that different theoretical approaches are not necessarily mutually exclusive. Rather, from a more comprehensive perspective, the two theories can be used in a complementary manner in order to analyse the relation between ST and TT. In

this research study therefore, both skopos theory and functional equivalence theory will be applied to verify the purpose of the IEL texts.

With respect to the relationship between translation and culture Nord (2001) put forward her theory in which translation involves a comparative study of different cultures with the translator explaining the cultural phenomena of the source based on his or her acquired knowledge of that culture. The employment by the translator of an in-depth or explicitly detailed explanation is determined by either the translation of a source language into one's native language and culture or the translation of one's native language into the foreign language and culture (Nord, 2001:34).

As the process of translation aims to overcome trans-lingual and cross-cultural barriers in order to ensure smooth communication, careful consideration will be given to the differences which exist between source and target cultures, and the Skopos theory, including certain aspects of functional equivalence, provides a basis for this process. Within the outlined theoretical approaches, "strategies" are used in order to capture the necessity of the translation of the Skopos because they contribute to a better understanding and analysis of the IEL texts.

2.7.2 Translation strategy

In the data analysis chapters, the framework of translation theory has been adopted, including Skopos theory, equivalence theory and translation strategies from Vinay and Darbelnet (1995), which identifies two main categories – direct translation and oblique translation. Further analysis was then carried out by using seven translation strategies; borrowing, calque, literal translation, transposition, modulation, amplification, and conversion. While these categories proved to be useful in the translation of lexicon in IEL where individual lexical terms were being analysed, in translating sentences of IEL, with respect to the translation of

complex legal sentences another method of categorisation for Chinese – English translation was required.

Translation between Chinese and English (and vice versa) poses problems related to the features of Chinese and UK law and the specific nature of legal language. The examples used in data analysis chapters are taken from a range of legal texts: from insurance, security, patent, purchase legislation, etc.

There is also a range of literature on translation strategies available in the Chinese language on the translation of Chinese into English, however, few are written in English. Ye and Shi (2008:25-71), identify eight basic techniques involved in the practice of translation between Chinese and English. These are conversion, amplification, omission, changing perspective, division and combination, relative clauses, adverbial clauses, and the passive voice. Based on translation theories both from the English and Chinese perspectives, a combination of both analytic approaches has been chosen. 3.2 demonstrates how three of the translation techniques applied in 3.1 will continue to be used (borrowing, literal translation, amplification) and also an additional four translation techniques identified by Ye and Shi (2008) which are relevant to the research (conversion, omission, changing the perspective, and division and combination).

Strategy One: Borrowing

According to Vaney and Darbelnet (1995), borrowing refers to a word taken directly from another language. Arguably, if a term is formally transparent or is explained in the context, this strategy can be used on its own. In other situations, particularly where no knowledge of the SL is presumed of the reader, transcription is accompanied by an explanation, or a translator's note will be used as an alternative strategy.

For example, "tofu" in English comes from "豆腐 [dòu fǔ]", the Chinese pronunciation of this term, and "lychee" comes "荔枝 [li zhi] in Chinese. The pronunciations of "tofu" and "lychee" remain the Chinese pronunciation in English. Both "tofu" and "lychee" originated from China, and English speaking countries have borrowed, not only the food but also the phonetic names from China.

Strategy Two: Literal translation

"Literal translation" is a technique within the category of direct translation and involves translating word for word. Adjustments are required for grammatical features such as prepositions, endings, and in particular tense because in Chinese there are no future or past tenses of a word. For example,

SL: 我[wo3[4]]看[kan4]电[dian4]影[ying3]了[le]。

LT: I watch film.

TL: I watched a movie.

In Chinese, an action verb describes a "doing thing", such as "to look" (看 kan) or "to eat "(吃 chi).To indicate that an action verb is completed or in the past, the particle 了(le) is added after the verb.

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[4] Numbers are used here to indicate the tone in Chinese pronunciation. 1 stands for first tone; 2 stands for second tone; 3 for third tone and 4 for fourth tone.

The clearest way to indicate that an action occurred in the past is to use a time phrase or adverb (listed below: 昨天晚上 yesterday night). The time phrase tends to go before the verb to emphasise that specific time that the action took place

SL:我[wo3]昨[zuo2]天[tian1] 晚[wan3]上[shang4] 看[kan4]电[dian4]影[ying3] 了[le].

LT: I yesterday night watch film.

TL: I watched a movie last night.

Chinese does not have a future tense, therefore something that has yet to occur is expressed by using time phrases that indicate the future. A time phrase usually comes after the subject to emphasise that particular time expression.

For example,

SL: 我[wo3]今[jin1]天[tian1]晚[wan3]上[shang4]会[hui4]去[qu4] 北[bei3]京 [jing1]。

LT: I today night go Beijing.

TL: I will go to Beijing this evening.

In this example, the time phrase "this evening" comes after the subject "I", which emphasises that the action "go to Beijing" will happen in the future.

Strategy Three: Conversion

When there is no equivalent institution or concept in the target culture and when a literal translation will not make sense to the reader, it may be necessary to explain and convert the SL concept. In the learning process of the author, those who study

a foreign language study grammar intensively and devote particular attention to the functions, and uses, of various parts of speech. In written text, where there are no paralinguistic features of spoken language, grammatical features are extremely useful in helping the reader understand the meaning of the language used. Unfortunately, it may also hamper translation by tying the translator to rigidly fixed categories.

For example,

SL: I showed my parents around the city.

TL:我[wo2]带[dai4] 父母[fu4mu3] 游览[you2lan3]了[le]这坐[zhe4zuo4]城市[cheng2shi4]。

LT: I take parents travel this city.

In this example, the English preposition "around'' becomes the Chinese verb 游览 (take). The "conversion" technique is used between nouns, verbs, adjectives, adverbs and prepositions. The specific word or term does not have to be retained as such in the target text but can be freely converted as the need arises.

Talking about past events in Chinese is straightforward because Chinese does not have past, present or future tenses. There is no need to change the verb to indicate when something happened as there would be in English. Chinese relies on context to indicate that something has happened in the past with the use of a time word such as "yesterday" or "two hours ago".

In the above example, the use of the particle 了 [le] in Chinese is to mark the completed aspect, meaning it happened in the past.

了 will often appear in sentences about the past, but it can also appear with present or future actions. It is an aspect marker (amongst other things), not a tense marker.

Strategy Four: Amplification

Amplification occurs when the TL uses additional signifiers to cover syntactic or lexical gaps. This is the addition in the target text of words that did not appear in the source text but without affecting the original meaning (Ye and Shi, 2008:33).

For example,

南[nan2]   水[shui3]   北[bei3]   调[diao4]

South   water   north   divert

The translation is amplified to

"Divert water from the south to the north ".

Another example is

假[jia3]   冒[mao4]   伪[wei3]   劣[lie4] (fake and inferior).

The phrase has also used amplification strategy by translating the phrase into

"forgery and illegal imitation of brand-name products".

Strategy Five: Omission

Following the translation technique of amplification, it is necessary to describe its opposite, the technique of omission.

English is more likely to have complete structures, while Chinese is more likely to stress certain parts, thus some indispensable English components become dispensable or even redundant in Chinese. For example,

SL: This is the book that I am looking for.

TL:这[zhe4]是[shi4]我[wo3]要[yao4]找[zhao3]的[de0]书[shu1]。

LT: This is I want find book.

In this example, the antecedent "book" is repositioned and the particle "that" is omitted because of the structural difference between the two languages.

Some words in one language may be unnecessary, or even completely undesirable, in another language.

For example,

SL: 百[bai3]兽[shou4]之[zhi1]王[wang2]

LT: hundreds of animals' king

TL: king of all the animals

In literal translation, the numeral 百 (hundreds of) is omitted in target language. This is because, in Chinese, 百 (hundreds of) is not an actual number counting of the animals but is a metaphor to indicate a large number of animals.

There is an interesting cultural difference between the understanding of "king of all the animals" in Chinese and English. Throughout Chinese history, the tiger represents the masculine principle in nature and is king of all the animals. As is shown in the picture of the tiger, there is an obvious physical character, shown by

the four stripes on his forehead, which form the Chinese writing 王 (wang2), which means "King". In Chinese culture, the tiger is regarded as one of the four super-intelligent creatures, along with the dragon, phoenix and tortoise; for centuries they have been a major design motif in Chinese art.

The main distribution area of tigers is in Asia. In western countries, the lion is known as "king of the animals". Lions are strong, brave fighters and are one of the largest carnivorous animals in the world. In ancient Rome, lions from its North African colony, Egypt, were captured and transported to Rome for display and were used as part of the legendary spectacles in the Collosseum by Roman soldiers' army units. The lion also figures in European heraldry as a sign of strength and power.

It would be reasonable to accept an alternative "king of animals" in different parts of the world with cultural differences coming from the geographical distribution and physical experience of lion and tiger. While this may be a simplistic example, within a legal context it is a valuable example illustrating that what is known and understood in one culture may not be what is known and understood in another.

Strategy Six: Changing the perspective

It may be necessary to add or omit words in the translation of a text because translation is a complex process and strictly following the text in the source language. A word-for-word translation may restrict the translator's ability to convey the ideas in the target language. Another approach to translation is therefore, "changing the perspective", which encourages the translator to shift perspectives between source culture and target culture by saying the same thing from another angle. An example of changing perspective in translation from English to Chinese is the translation of "godfather" and "godmother". These terms are associated with the Christian Baptismal service and refer to someone chosen by the natural parents to act with special guardian status for the child. These terms

are translated as 干[gān] 爸 [bà] 干[gān] 妈[mā] and refer to the custom that is used in China. In Chinese culture, children also have a non-biological father and a non-biological mother appointed by the natural parents for their child's welfare. In China, however,, the role of 干 [gān] 爸 [bà] 干 [gān] 妈 [mā] is intended purely to be a gesture of the affection between two families, as well as a tie for the baby to his/her Chinese roots. This is not related to God or to Christian culture, and thus demonstrates a difference in culture of bringing up children in the West and in China.

Another example is

闲[xian2]人[ren2]免[mian3]进[jin4]

"loiterers keep away" is translated as "staff only''.

Strategy Seven: Division and combination

The translation technique of changing the perspective primarily occurs at the word level, but translation also involves dealing with syntactical structures and components such as the placement of subordinate clauses, division of a sentence, order reversal of components or restructuring of main and subordinate clauses. A longer sentence is usually more difficult to translate than a shorter one because there will be more modifiers of the subject, verb and object. Longer sentences need careful analysis to tease out the meaning, which will then be expressed in more accurate ways. One of the most common techniques employed for this is division.

For Example:

SL: His announcement got a mixed reaction.

TL: 他的[ta1de]声明[sheng1 ming2]引起了[yin3 qi3 le]反响[fan3 xiang3]，有好[you3 hao3]有坏[you3 huai4]。

LT: His statement arise reaction, some are good some are bad.

Example:

SL: They, not unexpectedly, did not respond.

TL:他[ta1]没有[mei2 you3]回答[hui2 da2]，这[zhe4]完全[wan2 quan2]是[shi4]意料之中[yi4 liao4 zhi1 zhong1]的事[de shi4]。

LT: He does not response, this totally is an expected thing.

These examples show that a sentence language unit can be divided into many parts and restructured. As shown in the examples above a phrase can become a clause or even a separate sentence, or a clause can become a sentence. Units of language are usually classified as follows: sentence, clause, phrase, word and morpheme. A smaller unit can be "upgraded" or a larger one "down-graded" to a smaller one. In division of a complete sentence, upgrading occurs very frequently.

The opposite of division is combination, where the translator takes several language units and combines them into one larger unit. Since division and combination are very common in translation between Chinese and English, the translator should always remain flexible and not allow the original forms or punctuation to limit the syntax in the target text.

Based on the unique translation strategy in this study, the translation of lexicon in selected examples will be discussed, then a comparison will be made between translation in lexical, sentential and cultural levels. In the concluding chapter, the general terms will be summarised with legal/economic/political meaning from the

three data analysis chapters, and put in a diagram regarding the application of different translation techniques applied.

2.8 Advances in corpus-based translation studies and their implications for legal translation

The introduction of electronic corpora to linguistics has been compared to the introduction of telescopes in astronomy (Stubbs 2001: 107). In reality, the assistance of the computer in language studies is inevitable. Corpus-based and corpus-driven language studies have been an effective methodology applied in different branches of linguistics. Since the 1990s, corpus has been applied in translation studies. It is, however, not widely used in research fields such as specialised translation, in particular legal translation. The following section demonstrates the potential of corpus-based studies as a methodology for researching legal translation and as a tool in translator training.

Legal translation research has traditionally focused on the system-bound nature of legal terms, related incongruity and limits of translatability, with relatively little interest in corpus-based methods (Biel, 2008). The use of corpus approaches have not been described in the three major literatures on legal translation: Šarčević's *New Approach to Legal Translation* (1997) and Alcaraz/Hughes's *Legal Translation Explained* (2002), which is understandable given dates of publication, nor in the most recent one, Cao's Translating Law (2007), apart from a brief mention of CAT tools. Legal translation studies is an interdisciplinary subject which is situated on the interface between translation studies, linguistics, terminology, comparative law, and cultural studies, therefore, it is impossible to ignore significant developments within translation studies stimulated by corpus-based research. From the mid-1990s, corpus-based translation studies have developed and continued to be applied in the last decade. It marks a shift from the analysis of the Sour Text to Target Text (i.e. equivalence, accuracy) to Target Text as the independent text on its own, emphasizing the significance of translated

texts in receiving cultures. This shift from the ST to the TT has been referred to by Pym as a 'paradigm shift' in translation studies (Biel, 2008). It has contributed to the polysystem theory, descriptive translation studies and skopostheorie (Baker 1993). Traces of TT reorientation may also be observed in legal translation research, with the emancipation of the legal translator, although accuracy and faithfulness have been, and will be, a priority in legal translation, (Šarčević, 1997) and a legal translation being perceived as an independent text which may "function on its own in the new situation without necessary recourse to the source text" (Engberg, 2002: 382). Focus on target texts drew attention to translated language. In the early 1990s there was an accelerated development of corpus-based studies in linguistics, which, however, tended to exclude translations as a non-representative language and, in particular, exclude them from monolingual corpora (Baker, 1996: 175). Recognising the advantages of corpus-based methodology, Baker pioneered its application in translation studies in her seminal papers (1993, 1996), where she proposed to analyse translations against non-translated texts, and to identify distinctive features of translated texts using corpus data. This proposal has been eagerly taken up by translation scholars, who with time "have come to rely on corpora to verify, refine or clarify theories that hitherto had had little or no empirical support and to achieve a higher degree of descriptive adequacy" (Granger, 2003: 19). The idea that translated language may be different from non-translated language is not new. The former has been referred to in the literature as: translationese, hybrid language, third code, third language, or translanguage, the first term being most widespread. Translationese is the language of translation usually understood pejoratively as "translation-based deviations from target language conventions" (Doherty qtd. in Olohan 2004: 29) or as "translated language that appears to be influenced by the source language, usually in an inappropriate way or to an undue extent" (Olohan, 2004: 90). It is an intermediary, hybrid language between the SL and the TL since a translated text "is essentially a third code which arises out of the bilateral consideration of the matrix and target codes: it is, in a sense, a sub-code of each of the codes involved" (Frawly, 1984: 168). As noted by Shamma, an atypical distribution of lexical

items may contribute to the translationlike impression and "leave[s] a vague impression of being culturally exotic" (Baker, 1993: 245). Obviously, the markedness of translationese may be higher in inexperienced or incompetent translators or in inverse translation into one's non-native language where it is coupled with non-

native competence. The distinctive nature of translationese is caused not only by deviations from the norm due to SL interferences but also, more interestingly, by distinctive features of the translation process itself referred to by Baker as translation universals. She sees translation as "a mediated communicative event" (1993: 243), "shaped by its own goals, pressures and context of production" (1996: 176). In consequence, translations are believed to show unique recurrent features independent of language pairs, genres, cultures, etc. According to Baker, they include:

• explicitation: translators' tendency to explicate what may be implicit in the ST,

• simplification and disambiguation: the tendency to simplify the message and/or language in TTs, • normalisation/conservatism: the tendency to exaggerate typical features of the TL, and

• levelling out: the tendency of translations "to gravitate towards the centre of a continuum" as translations are less idiosyncratic and more similar to each other than original texts (1996: 180-185).

With time the list has been extended to include other features, such as under-representation of unique TL items or untypical collocations (Mauranen, 2006: 95). Seeking generalisations about translation, Chesterman divides universals into S-universals and T-universals: the former concern the equivalence relation which holds between STs and TTs while the latter contribute to the textual fi t between translations and naturally occurring non-translated language (2004: 6-7). This

classification neatly reflects two crucial interrelated aspects of any specialised translation: accuracy and naturalness, respectively.

In addition to the methodological potential of corpus-based translation studies, corpora have practical applications in translator training, translation practice, lexicography/terminography, and development of information extraction software. Similarly to the way in which monolingual corpora have revolutionised lexicography, parallel corpora offer new vistas to bilingual lexicography and terminography. Since parallel corpora reflect translation practice, and contain "many relevant translation units and their equivalents that tend to be overlooked by lexicographers not working with a parallel corpus (and that is the majority)", they are used to complement and validate existing dictionaries and to arbitrary and idiosyncratic decisions concerning entry selection (Teubert, 2002), with special extraction software accelerating terminologists' work. Another consequence of corpora is the growing interest in phraseology and impact on equivalence: "corpora have perhaps strengthened the trend away from word-equivalence to phrasal equivalence" (Krishnamurthy, 2006). This revolution has not yet fully spread into legal dictionaries, at least not English-Chinese ones, which need to be reviewed against parallel corpora and incorporate phraseological elements to be more functional to legal translators. With time electronic bilingual databases should replace traditional printed dictionaries as they will provide contextualised equivalents at a faster speed and will offer new functionalities, such as hyperlinks. Parallel corpora are commonly used in translation practice in the form of CAT tools, such as SDL Trados, Wordfast, DéjàVu, StarTransit, and OmegaT, which store translation memories with aligned SL and TL segments and may be integrated with terminology management software. The application of the CAT tools and the bespoke self-built corpus tool set specific to this research study will be explained the Chapter 3.

2.8.1 Originality of the research

International Economic Law is a sub-branch of legal translation, and the research gap has been identified by laying out challenges in the legal translation field. These show the urgent demand for high quality legal translation. This research study adopts the self-built corpus by introducing Computer-assisted Translation (CAT) technology in recent translation studies. It is the first exploration of a combination of legal, linguistic and technological fields.

According to McEnery (2006: 86), the term "corpus" can be defined as multiple sampled texts, either in written or spoken forms, which can be read by auto-machines and annotated with different linguistic information forms. The availability of a corpus can provide readers with a means to understand foreign languages based on language structures and patterns, instead of relying only on intuition. By using computer technology, researchers can generalize patterns of language structures and better understand their application in specific texts (ibid, 86-89). Among different corpus-based translation methods, Baker (1996) put forward his Translational English Corpus (TEC) method, which is considered a good basis for translation studies. TEC-based translation studies can be categorized into three types, i.e. translationese features; studies on translator's style; and social and cultural impacts on translation (quoted by Olohan, 2003: 59-89). Translationese features imply that different translated texts have their own special features, although Baker (1996) suggested some translated texts might be too explicit, simplified and normalized. Interestingly, the TEC method can also be applied to investigating different translators' styles. By analysing translators' translation styles, language learners can maintain a comprehensive understanding of word styles translated by a certain translator (Guangsa 2010). The TEC method can help to explore cultural and social influences on translation work. For example, different areas may have different vernaculars, which can be applied into translated work, including laws between English and Chinese. An empirical example can be seen in Laviosa's work where, by adopting a corpus-based

method, she translated 396 articles and news items from German, Italian and other languages (Laviosa, 1998: 557-570).

This research study examines how these three types of TEC methods were adopted during the translation process of economic law between English and Chinese. When examining theoretical areas of the corpus-based study, the researcher needs mainly to examine the translation process through exploring how ideas conveyed in one language are transferred to another language. The researcher makes a comparison of linguistic features such as lexical and sentential level, contained in both translated and comparable languages. By adopting a practical approach, the researcher uses corpora as working criteria in guiding translators and in developing computer-aided translation systems for translators (Bowker, 2002: 136).

The aim of translation is to ensure that the same message expressed by the writer can be recovered by the target reader, this is especially difficult to achieve when discrepant socio-cultural backgrounds are involved particularly in the area of law translation. At the time when international business is prosperous in China, bilingual and bicultural translations are highly in demand in order to facilitate meaningful business communications between the different parties. International business and political negotiations are the most sensitive and challenging fields for the translators and Chinese/English translators are facing increasing demands in dealing with business negotiations and cross-cultural communications.

This can result in cultural misunderstanding in international economic activities, particularly if there is a lack of systematic comparison and explanation in economic laws by means of a statistical approach to translation. Apart from in the UK and the USA, English is the most widely used "common language" in the non-English-speaking world for the purposes of international communication, economy, acquisition of stability and prosperity at large.

Chapter 3 Methodology

3.1 Introduction

This chapter will give a succinct outline of the role of corpora in the contemporary discipline of legal translation studies. Corpora, particularly parallel corpora, have proved to be valuable sources of information in translation research and education. As Varantola (1997) indicated, translators can spend up to 50% of their time consulting reference materials (quoted by Zheng, 2014). In this context, the use of machine-aided bilingual corpora can enhance the efficiency of translation as well as its quality, "for they enable more native-like interpretations and strategies in source and target texts respectively" (Zanettin, 2013: 177-197).

The purpose of this chapter is to explain my choice of a self-built corpus method for the research. I will also explain my innovative approach to building a parallel corpus of International Economic Law which forms the database for analysing the translation of International Economic Law.

The status of qualitative and quantitative methods in legal translation is discussed, and this helps me to explain why I have used both approaches to analyse my PCIEL data. This chapter is divided into three sections in order to explain the overall research methodology from quantitative and qualitative perspectives. These include: the PCIEL corpus; corpus-based quantitative research; and the qualitative research of PCIEL.

In explaining the corpus research, decisions made in selecting six bi-lingual laws from China and the UK for my corpus are described. The rationale for the choice of a parallel corpus as the appropriate quantitative approach in my study is presented, including corpus data collection, frequency statistics analysis, Graphcoll collocation analysis and data presentation in each data analysis chapter.

Each chapter has the different semantic field identified to answer each research sub-question: lexical, sentential and cultural translation in PCIEL. The application of qualitative research of PCIEL will be explained from two perspectives, one is the Skopos of the corpus and the "invisible translator"; the others are the unique translation approaches adopted. Because of their complementary characteristics, I have adopted both quantitative and qualitative analytical methods in this research.

3.2 The PCIEL corpus

Since Baker (1995:223) suggested that "the potential for using corpora is beginning to take shape in translation studies", the past decades have seen the adoption of the corpus-based approach to translation studies. It is necessary to apply corpus-based research in order to improve the performance of translation. In my study, the English-Chinese Parallel Corpus of International Economic Law (PCIEL) is built with the purpose of demonstrating the potential of corpus-based studies as a methodology for researching the translation of International Economic Law between Chinese and English.

With the thriving of corpus-based translation, the discussion of corpus and translation studies has been carried out abroad for many years (Munday, 2004); however, similar studies in China, especially the integration of theoretical research and empirical study, are still limited. To fill the gap, innovative translation research should be applied. By building a Parallel Corpus of International Economic Law between Chinese and English (PCIEL) and applying it to the translation of International Economic Law, this research probes into the usefulness and feasibility of corpus-based translation from an interdisciplinary view. This methodology helps me to explore when to use corpus-based research, how to choose a procedure for the research, and how to build my own corpus.

3.2.1 Parallel corpora and PCIEL

The term "corpus" refers to virtually any set of oral or written texts or excerpts from texts a researcher has chosen to illustrate the points he/she wants to make (Yates, 1996). While the Latin word "corpus" (body) does not preclude using "corpus" for a variety of collections of texts, it does carry connotations of coherence and completeness (Stubbs, 2001). Thus, in Corpus Linguistics, the term is reserved for bodies of texts created according to well-specified design criteria, which match one or several research objectives and offer a safeguard against arbitrariness and circularity (Artero & Şerban, 2013). In other words, in addition to providing large amounts of real-life data and enabling certain generalisations to be made, corpus methodology puts the scholar beyond potential accusations of having chosen his/her data in such a way that it suits the argument and that, inevitably, what was discovered is what the researcher set out to find in the first place.

Parallel corpora are large collections of texts in two languages, which can be used for teaching and research in translation, bilingual lexicography, and linguistics (Hartmann, 1998). In this research, I refer to the parallel corpora as the collection of Chinese and English legal texts. "From a machine learning point of view, a translation is a training example that is represented by a set of features" (Koehn, 2009: 255) and the values of these features have to be extracted from the training data —the parallel corpus. In fact, China's legal practitioners have used machine translation as an effective tool to assist their understanding of legal English. As a way to supplement the human component to legal content translation, machine translation can save legal translators significant time and costs. In my data collection process, I realized that the particular challenge of translation study is insufficiently organized online data in specific fields; therefore, the construction of quality English-Chinese parallel corpus of legal works is an urgent demand. Parallel corpus construction has developed rapidly in China, as can be seen in the 7.5 million words/characters large scale Chinese-English Parallel Corpus by

Peking University, the 30 million words/characters Chinese-English Parallel Corpus for General Purpose by Beijing Foreign Studies University's National Research Centre for Foreign Language Education, Yanshan University's the Hong Lou Meng Parallel Corpus, and the Bilingual Corpora of Tourism Texts Corpus by Hong Kong Polytechnic University. These general and special purpose corpora give a strong boost to foreign language studies, translation studies, and even machine translation studies. However, these resources provide limited help to meet the increased demand in legal field. The few relevant research projects using legal English include a simple discussion of the construction principles of the legal English corpus and a cohesion study based on a very small English-Chinese translation corpus. Therefore, the English- Chinese Parallel Corpus of International Economic Law (PCIEL) has been established in order to improve the research in legal field by means of authentic bilingual data.

In this thesis, by collecting translated materials within the field of IEL, the bilingual corpus has become a source of linguistic data for analysis. According to computational calculation, the empirical accumulation of legal knowledge is displayed in a more scientific way.

In PCIEL, the originals and translations are aligned at sentence level according to the feature of the legal language. The design of the PCIEL is based on the following rules: firstly, the original texts should be in both English and Chinese. Translations into both languages are authentic translated work by professional translators, i.e. the translations and the originals are authentic in the sense that they are from official Chinese Government sources and are not undertaken for the purpose of being included in a corpus. The model is defined as a bidirectional translation corpus (Granger, 2003: 17). The design makes it possible to carry out comparisons from different perspectives. These are: (1) The original text and the translated text; (2) The original text of the same type in both Chinese and English; (3) Translations in both languages; and (4) Original and translated texts in the same language.

In PCIEL, the collected legal texts are all official translation made by the Chinese government. According to the concept of tertium comparationis (Krzeszowski, 1984), official translated texts can be regarded as the authentic standard to testify the feasibility of translation made by the freelance translator. In my data analysis, I use PCIEL since all the corpora are specialized in the IEL field and it is easy to find out the rules of the language and cultural difference in this specific field. By analysing data from a lexical perspective, the terminology of IEL will be explored from different aspects. Terminology is the study of the terms and concepts used in specialized fields. In specialized translation, translators often have to work as terminologists since they have to deal with terms (and their translation into the target language) which are specific to a subject area that they may not know very well (Faber, 2009). In this study, terminologies in both the legal field and economic field are collected automatically and compared in a quantitative approach. By searching legal lexicons in the PCIEL, I could establish corpora which would then serve for linguistic and translation analysis.

3.2.2 Description of PCIEL

As a new branch of law, IEL has emerged as a result of globalization after the Second World War (Maier, 1977). Currently, with the rapid development of foreign trade and international legal practice, people are in urgent need of acquiring knowledge of international economic regulations. However, bilingual materials of international economic regulations are limited. This study aims to fill the gap and provide corpus methodology to analyse the translation of International Economic Law. The specific features of this highly interdisciplinary study means that there are limited resources I could draw on, therefore, I decided to set up a self-built corpus- Parallel Corpus of International Economic Law (PCIEL) for my study.

PCIEL consists of six bilingual laws available in the field of IEL. There are three UK laws: the Marine Insurance Act, the Sale of Goods Act, the Patents Act, and

three Chinese laws: Company Law, Contract Law and Security Law. All of these laws were translated by the Chinese government[5] and the bilingual sources are in the public domain. Within these limited bilingual texts in IEL, I searched all the possible resources and make sure the transited texts are with high quality. Using official translations by the Chinese government is a way to ensure that we are using the highest standard of translation in China.

The texts of economic law based on authentic data gathered from representative cases from both China and the UK. For this research I have used search engines such as Graphcoll and ParaConc to analyse bilingual linguistic data and I have used SPSS software to scan the data from the written text to computer.

3.2.3 Presentation of International Economic Law in PCIEL

<table>
<tr><td colspan="6">Table 1 - Laws of PIECL Corpus</td></tr>
<tr><td>Name of Law</td><td>Promulgating Agency</td><td>Year</td><td>Translator[6]</td><td>Area of IEL</td><td>Word Count</td></tr>
<tr><td>Company Law</td><td>Standing Committee of the National People's Congress</td><td>2005</td><td>Chinese Institute of Translation and Interpretation</td><td>Companies</td><td>19096</td></tr>
</table>

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[5]An official Department, the Directorate-General for Translation, is a section of the the Ministry of Foreign Affairs in China.

[6] These legal texts are translated by the official institution - Chinese Institute of Translation and Interpretation, which is a governmental translation organization. In China, the official institution is regarded as a group, and most of the translations are group work. Therefore, the translators' names won't appear on the official works.

Marine Insurance Act	The Parliament of United Kingdom	1906	Chinese Institute of Translation and Interpretation	"Ship & cargo" marine insurance/ P&I cover(Protection and indemnity insurance)	89280
Contract Law	Standing Committee of the National People's Congress	1994	Chinese Institute of Translation and Interpretation	Contract	23870
Sale of Goods Act	The Parliament of United Kingdom	1979	Chinese Institute of Translation and Interpretation	English contract law/ UK commercial law	11780
Security Law	Standing Committee of the National People's Congress	2004	Chinese Institute of Translation and Interpretation	Investment	421084
Patents Act	The Parliament of United Kingdom	1989	Chinese Institute of Translation and Interpretation	Investment protection	52732

As can be seen from Table 1, the Company Law of the People's Republic of China was adopted at the Fifth Session of the Standing Committee of the Eighth National People's Congress on December 29, 1993. Revised for the first time on December 25, 1999 according to the Decision of the Thirteenth Session of the Standing Committee of the Ninth People's Congress on Amending the Company Law of the People's Republic of China. Revised for the second time on August 28, 2004 according to the Decision of the 11th Session of the Standing Committee of the 10th National People's Congress of the People's Republic of China on Amending the Company Law of the People's Republic of China. It was revised for

the third time at the 18th Session of the 10th National People's Congress of the People's Republic of China on October 27, 2005 (Company Law, 2005).

This Law is enacted for the purposes of regulating the organization and operation of companies, protecting the legitimate rights and interests of companies, shareholders and creditors, maintaining the socialist economic order, and promoting the development of the socialist market economy. In this law, the key term "company" as mentioned in this Law refers to a limited liability company or a joint stock company limited set up within the territory of the People's Republic of China according to the provisions of this Law. This legislation contributed most of the legal terms in IEL field, which will be illustrated in the following chapters.

The Marine Insurance Act 1906 is the UK Act of Parliament regulating marine insurance. The Act applies both to "ship & cargo" marine insurance, and to Protection and Indemnity insurance (P&I) cover, which is closely related to the regulation of International Economic Law. The Act was drafted by Sir Mackenzie Dalzell Chalmers, who had earlier drafted the Sale of Goods Act 1893. The Act is a codifying act, that is to say, it attempts to collate existing common law and present it in a statutory (i.e. "codified") form. In the event, the Act did more than merely codify the law, with some new elements introduced in 1906. The Marine Insurance Act 1906 has historically been highly influential, as it does not govern merely UK Law, but influences marine insurance worldwide through its wholesale adoption by other jurisdictions (Chalmers & Owen, 1907).

Two modern statutes, the Consumer Insurance (Disclosure and Representations) Act 2012 ("CIDRA") and the Insurance Act 2015 have made amendments to the law of insurance. The 1906 version was chosen as it is only this version which has been translated into Chinese. In order to build up a parallel corpus, the only bilingual version was the best choice. A contract of marine insurance is a contract whereby the insurer undertakes to indemnify the assured, in manner and to the

extent thereby agreed, against marine losses, that is to say, the losses incident to marine adventure (Sooksripaisarnkit & Cheung, 2016).

Contract Law is enacted in order to protect the lawful rights and interests of the contracting parties, to maintain social and economic order, and to promote the process of socialist modernization. This Law took effect as of October 1, 1999, and the Economic Contract Law of the People's Republic of China, the Foreign-related Economic Contract Law of the People's Republic of China, and the Technology Contract Law of the People's Republic of China were repealed simultaneously (Cheung, 2001).

According to Wand & Xu (1999), a contract in this Law refers to an agreement among natural persons, legal persons or other organizations as equal parties for the establishment, modification of a relationship involving the civil rights and obligations of such entities. The Contract Law is selected because of the prevalent of contract used in our daily life. The analysis of translating Contract Law not only provides linguistic views to translators, but also leads to deeper explanation of legal terms in contract use.

The Sale of Goods Act 1979 is an Act of the Parliament of the United Kingdom which regulated UK contract law and UK commercial law in respect of goods that are sold and bought. The Act consolidated the original Sale of Goods Act 1893 and subsequent legislation, which in turn had codified and consolidated the law. Since 1979, there have been numerous minor statutory amendments and additions to the 1979 Act. It was replaced for consumer contracts from 1 October 2015 by the Consumer Rights Act 2015 but remains the primary legislation underpinning business-to-business (B2B) transactions for selling/buying goods (Sale of Goods Act, 1979). The Act applied to contracts where property in "goods" were transferred or agreed to be transferred for a monetary consideration, in other words: where property (ownership) in personal chattels was sold. In PCIEL, the

Sale of Goods Act 1979 is served as the data with the most cultural differences (Sale of Goods Act, 1979).

Security Law is formulated according to the "Insurance Law of the People's Republic of China and other laws and administrative regulations for the purpose of strengthening the administration of stock investment business by insurance institutional investors, regulating investment activities, preventing investment risks and guaranteeing the interests of the insurant. Insurance institutional investors mentioned in the present Measures shall mean insurance companies or insurance asset management companies that meet the conditions prescribed by China Insurance Regulatory Commission (hereinafter referred to as CIRC) and engage in stock investment. Insurance group companies and insurance holding companies engaging in stock investment shall be governed by the present Measures (Security Law, 2004). Examples selected from Security Law are regarding international investment, which reveals the cultural difference in stock market exchange as well.

The Patents Act 1989 is an Act of the Parliament of the United Kingdom. One of the purposes of the Act is to give effect to the revised European Patent Convention which was agreed by Diplomatic Conference in November 2000. The Act reformed the law of patents in the UK. One of its main purposes was to bring into effect in the UK the European Patent Convention ("EPC"), which was a new European-wide patents treaty agreed in 1973. The EPC is not a Community treaty, but is a treaty agreed between its contracting states - of which there are currently 27 (Patents Act, 1989).

This is one of the PCIEL data with the most cultural differences. Patents, as an intellectual right, is regarded as one of the important constitution IEL areas. The explanation regarding Patent right and State responsibility will be discussed mainly in Chapter 5.

The six pieces of legislation which have been selected for PCIEL cover a range of commercial and economic fields. The corpus-based approach selects terms from across the range of legislative field allowing for terminology to be interrogated and analysed in detail. The data analysis chapters provide a full explanation of the technique and translations strategies applied to achieve a true translation of the terms selected from PCIEL.

3.3 Corpus-based quantitative research

Baker's (1993: 233-250) earliest paper on the potentiality of corpus-based translation studies argued that corpora would provide an empirical basis for descriptive translation studies. Since then, corpora have been used principally in the investigation of "universal" (or, more tentatively, "general") features of translation, on the one hand, and in the study of the specific styles of individual translators on the other. A number of extensive case studies have now been conducted, and advances in corpus-based methodologies have been made, but it is not altogether clear what corpora have added to our understanding of basic theoretical constructs in translation studies. Has the quantitative shift led to a qualitative shift, as Tognini-Bonelli (2001: 48) has argued in the case of linguistics in general? In this research I aim to investigate both quantitative and qualitative ways of using corpora in analysing International Economic Law (IEL) translation studies.

Taking such concepts as the unit of translation, equivalence and the translator's role as examples, I explore the comprehensive ways of looking at these data and how it influences the translation process.

In the following section, I will introduce the quantitative approach which is used for analysing the translation in PCIEL. Due to the availability of corpus data, researchers specializing in different areas are provided with more favourable conditions to expound, test or exemplify, on empirical grounds, theories and

descriptions that were formulated on comparatively limited data. As Oakes and Ji (2012) advocate, exploring the potential of corpus-based translation studies with quantitative and computational approaches, would greatly contribute to the growth of the discipline and that the interaction between theoretical assumptions and empirical findings would breathe new life into the development of both linguistics and translation studies. Therefore, quantitative methods in Corpus-based translation studies are helpful in providing an opportunity for people who are interested in certain fields to explore more differences by quantitative evidence.

In order to explain the quantitative approach in this research, I will begin by explaining my corpus data collection process; then illustrate the frequency by statistics analysis; finally, the GraphColl collocations analysis will be displayed to back up my data analysis.

3.3.1 Corpus constructions

In order to provide sufficient data for my study, I built up PCIEL as a resource for data analysis. Corpus construction is a necessary process to convert raw material into the pure text form of aligned sentences and, thus it can fulfil the task. By introducing methods and software, this section illustrates the process of corpus construction.

3.3.1.1 Text selection

Text collection is the first step to build up my corpus. There are three factors to be considered in the process of text collection: namely, the design purpose of the corpus; the quality of raw texts; and the text availability.(Bai, 1998:17) The design purpose of PCIEL is targeted mainly on the resource construction of computer(-aided) translation. It can also be adopted, in a legal English study and in a translation study. Based on Chen & Ge (2011), the first requirement of building PCIEL is the large capacity that ensures the adequacy of resources for

machine learning. The second requirement is representativeness. This means that the corpus should cover the main fields of International Economic Law and reflect various aspects of legal English. "The quality of text material mainly refers to the quality of source texts, translation and the normality of text storage" (Wang, 2004:8). For English to Chinese specialized translation corpus, the quality of source texts refers to the quality of legal English works and the quality of translation refers to the quality of Chinese translation texts. The text availability of English-Chinese legal works is different from general purpose texts or news texts because it is difficult to obtain from the Internet. This set of legislation covers most of the key fields of International Economic Law which may reflect the characteristics of legal English. I selected the English texts from the version with high standard British English and the Chinese translation of these works was, also, of good quality and vice versa. All selected texts are printed or available as electronic works. In order to construct a corpus, the paper works needed to be transferred to electronic format; this was carried out with the help of an OCR scanner. Next, I stored the recognized texts as a Microsoft Word 2003 document. After the pre-processing of deleting page headers, footers, and the garbled characters from corrupted graphs, I achieved final texts of more than thousand pages with more than 900 thousand English words and Chinese characters.

3.3.1.2 Text preparation and processing

This PCIEL is specialized in International Economic Law, which is a sub-branch of the legal field I had limited resources to use and the first principle for me was to choose data resources from legislation with official translation available. This would ensure that the official legal texts involve terminologies in IEL, promulgated by governments in China and the UK. The range of areas of bilingual laws I selected include the fields of business, finance, insurance, etc. Therefore, IEL is potentially suited to this parallel corpus approach.

Based on the characteristics of collected texts of PCIEL, there are four steps in text preparation and processing for the construction of the corpus: namely, raw text material proofreading to avoid conversion errors; English and Chinese texts separation; automatic sentence alignment; and manual alignment checking. Following a comprehensive analysis of these tasks, I prepared the following plan for building up a bilingual corpus. I designed accordingly a specific regulation and work flow for each step. Finally, I adopted a satisfactory software tool set to automate the process of text preparation, tagging, checking, alignment and proofreading wherever possible. For tasks which could not be fulfilled automatically, I resorted to software to facilitate manual processing.

3.3.1.3 Raw text scanning error recognition and proofreading

Choosing and collecting bilingual linguistic resources are the first action for building a parallel corpus. Linguistic resource is considered to be a crucial element in natural language processing applications and information retrieval. In recent research, the retrieval of cross-lingual information has been recognized as particularly important (Xu, Weischedel & Nguyen, 2001: 105-110). "Linguistic resources" refers to large sets of linguistic data and descriptions in machine readable form which are applied in building, improving the usage of corpus, or evaluating natural language (NL) and speech algorithms or systems (Godfrey and Zampolli, 1995:90). The linguistic resources include written and spoken corpora, lexical databases, grammars and terminologies. In this study, I focus only on the written-corpora related issues.

I retrieved the raw texts for corpus construction via scanning recognition technology and stored the texts of paper works as a Microsoft Word 2013 document. Although some garbled characters were deleted during the scanning process, there still existed a large number of recognition errors to be further proofreading. I had to also proofread all the texts at over three times. With the help of the spelling and grammar checker embedded in Microsoft Word 2013, I

did the initiative proofreading work by leafing through texts and correcting obvious scanning errors and, at the same time, deleting illustrations unrelated to language information in order to complete the first round of proofreading. In the second round, I read through the texts carefully to detect and correct inconspicuous errors and consulted the original printed texts if necessary. In the final round, I read through all electronic texts to ensure that no errors existed.

3.3.1.4 Source and translation texts separation

Each document contains both English and Chinese texts; these are presented alternately paragraph by paragraph with the order of source text first, followed by the translated text. In order to construct paragraph alignment units, source texts and translated texts had to be recognized and separated. Firstly, I transformed all MS Word documents to pure text documents and named them according to the original files. Secondly, I extracted English and Chinese texts from each file. During the extraction process, I cleaned up the text format, deleted all extra spaces and isolated marks, and stored each paragraph on one line and separated paragraphs by one space line. At the beginning and ending of each paragraph, I inserted tags <p>…</p>. In corpus, <p> marks the beginning and </p> marks the ending of each paragraph. This pair of tags has a property ID which marks the ordinal number of each paragraph, ranging from 1 to n, with n as the total number of paragraphs for the text. Lastly, I obtained the paragraph alignment units in pure text format. The source and translation texts share the same document names; this is the title of the original text but with different extensions.

3.3.1.5 Automatic sentence alignment

In the construction of my parallel corpus, the alignment units include different layers of construction ranging from texts, paragraphs, sentences, phrases, to words. The smaller the unit, the more linguistic information and application value the corpus can provide, and the difficulty of text processing increases accordingly.

Text alignment is relatively easy to achieve and paragraph alignment for scientific works is not very difficult. Even for manual judgment, phrase alignment or word alignment is quite difficult because of the translators' free conversion during the translation process, in addition to the automatic alignment by computers, therefore, "the most common practice for parallel corpus alignment lies at sentence level" (Piao, 2004:11). In addition, a sentence aligned parallel corpus achieves significant application value such as machine translation and bilingual dictionary compilation; this has been adopted widely as a research resource in the academic field.

Sentence alignment has become a core procedure in the current construction of bilingual parallel corpus, and there are three ways to achieve sentence alignment: length based; word based; and a hybrid of the two methods (Wang, 2005: 3). Sentence alignment is the approach which I adopted in my corpus building process. One of the reasons is that the length based method is easily understandable, for a large positive correlation usually exists between the length of translated sentences and that of source sentences (Losoya, 2009). The criteria of sentence length calculation includes words or letters (Brown, 1991), and both criteria report high accuracy of alignment; this reaches 96%-97%, or even 98% and 99.4% (Gale and Church, 1991). However, a drawback in the length based method is that accuracy of alignment for complex sentences is quite low. Once an error occurs during processing, it is difficult to correct. The word based method operates on the grounds that some words in source texts ought to have their counterparts in translation, and the distribution of these words is highly correlated. In this method, the key idea is to find two corresponding sentences with maximizing numbers of related words. It is problematic to define corresponding words across corpora because many words are polysemous. The approach to solving this problem is to identify cognitive words in both source and translation texts, as corresponding word, this achieves greater performance (Wang, 2005). Due to the automatic sentence alignment, data can be easily applied in different corpus concordance programmes.

3.3.1.6 Manual alignment checking

In order to ensure the quality of sentence alignment, the output of manually assisted computerized alignment still needs manual proofreading. If an error is detected, further adjustment is made and corresponding tags are corrected as well.

Copyright is also a key factor to be considered in the process of data selection. Ethical considerations may be relevant, because corpora are usually sourced from texts written by different people, and the authors or owners of these texts have intellectual property rights. In addition, the fact that intellectual work has gone into the sampling selection, mark-up and annotation of texts means that corpus creators have rights over the corpus as a collection. Some resources are not provided on line, and therefore it is difficult to apply many published paper books to the self-built corpus because of the costs of purchase and the huge conversion process. Some useful resources can be found online, but not all of these are free require authorization from the translators. Due to my previous working experience of CAT tools, some of my data processing was completed with the help of TM (translation memory) in Trados.

3.3.1.7 Corpus annotation

PCIEL data are all annotated because only annotated corpus can be used in data processing. For instance, parallel corpus can be used as a Translation Memory only after aligning at different levels. For a parallel corpus, alignment is the most important annotation, especially sentence alignment; this is a minimum requirement for a parallel corpus. Other annotations such as a Part-Of-Speech Tagger (POS) tagging and parsing, applicable to monolingual corpus are applicable also to parallel corpus. However, annotation of large-scale corpus is labour intensive and can be done only with the help of automatic tools (Chang, 2004:12). A distinction can be drawn between the four different types of information encoded in text corpora, metadata, structural annotation, linguistic

annotation and interpretative annotation. Metatextual data are bibliographical and other documentary information necessary to classify and select texts according to the relevant features of the translation research (Zanettin, 2013). Corpora, to be used in descriptive translation studies, require their own specific metadata; this may be different from those used for other types of corpus research or applications. Therefore, while it may seem intuitive to signal whether or not a text is a translation in a parallel corpus, this descriptive feature is overlooked in Europarl which is one of the largest available multilingual parallel corpora created for use in machine translation. In the annotated and aligned version of Europarl which is freely available on the Internet (Koehn, 2009), it is not specified what the original text language was or from which language it was translated. Translation studies-specific metadata also include bibliographical information about translators, original authors, publication date of translations, source texts, etc. The classification of texts according to a typology is crucial, also, in order to be able to compare textual varieties within and across sub-corpora of translations and non-translations. In my corpus building process, all of these were guide-lines leading me to the proper way.

Structural annotation refers to segmentation and tokenization (Cue, Xia, Chiou & Palmer, 2005: 207-238), as a preliminary step before further annotation and alignment. Linguistic annotation refers to automated or semi-automated POS tagging, lemmatization[7], parsing, semantic annotation such as the grouping of words into categories based on meaning, co-reference and named entity reference annotation. As opposed to when the first translation corpus projects were envisaged, tools and resources for the linguistic annotation of corpora are now

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7 Lemmatisation (or lemmatization) in linguistics is the process of categorizing the inflected forms of a word so they can be analysed as a single item, identified by the word's lemma, or dictionary form Don, (2010: 90-103).

available for many languages. This makes it possible to add layers of linguistic annotation even to raw-text corpora created previously. Linguistic annotation may not be necessary or even useful for many types of investigations; however, it can be extremely practical, and sometimes necessary, when looking for regularities beyond the lexical level. Finally, by interpretative annotation, I refer to all other layers of annotation based on non-linguistic categories which can be superimposed on a text and which require close human supervision and manual coding. These include the classification and annotation of translation shifts, additions, omissions etc.in parallel corpora, as well as metaphorical annotation, error-tagging, etc.

Most of the surveyed investigations are based on corpora of running text rather than on annotated corpora. This is the case of almost all studies carried out at the level of lexis, within the work of which done by Corpus-Pastor(2008:78), based on lemmatized corpora on the account that lemmas are better than word forms as indicators of lexical density for a highly inflected language like Spanish. Studies concerning syntactic structures are based either on corpora of running text or on linguistically annotated corpora. In the former case, the analysed constructions are retrieved manually by considering concordance lines for lexical strings likely to appear in the context of a given structure. For instance, in Olohan and Baker's (2000:20) study, the forms of the verbs "say" and "tell" are used to retrieve 'that' clauses. Hansen-Schirra's (2011:39) study of normalization, based on grammatical categories, could not have been carried out without linguistic annotation. Studies considering the lexical realization of semantic domains, such as that of colours (Olohan, 2004:7) or manner of motion (Cappelle, 2012:11-15), were performed by searching for lexical sets derived from external sources such as thesauruses. Arguably, this type of study could be facilitated greatly by linguistic annotation.

Finally, studies considering translation shifts in parallel corpora, were based on manual examination of aligned segment pairs which were coded according to a

predefined classification. In this case, although they depend on the examination of linguistic features, the operators are procedural rather than linguistic. In this respect, I would like to stress that, while electronic corpora facilitate translation research greatly, this still remains largely grounded in extensive manual analysis.

This brings me to my next point, namely, parallel corpus alignment. The creation of robust and reliable parallel corpora for IEL translation studies is both demanding and laborious work. The high quality needed for descriptive translation research can be obtained only through manual alignment editing. This is different from the quality requirement of corpus-based machine translation, which can be completed by automatic alignment techniques. From my previous experience, automatic alignment techniques cannot guarantee the quality, because it sometimes provides unstable results. In terms of other fields, manual alignment is especially helpful for corpus based studies of genres such as fiction and news writing, where language often carries informal and over-expressions compared with legal text, and thus is resistant to automatic alignment.

3.3.1.8 The parallel corpus tool set

Constructing corpus is highly labour-intensive work and cannot be completed without automatic tools. In order to construct the Chinese-English parallel corpus more effectively, I adopted the following set of corpus tools:

(1) CAT tools for clean-up and segment;

(2) The Chinese-English paragraph and sentence alignment program; and

(3) The Chinese segmentation and POS tagging program. These tools have been used effectively in the construction of the C-E parallel corpus as a pre-processing step before labour verification.

(4) Concordance programme consisted of ParaConc and Graphcoll to analyse data and generate frequency word list.

I adopted CAT tools such as Trados in translation studies; this is a new trend in building parallel corpus especially in corpora alignment and text clean up.

SDL Trados is an important tool in constructing corpora, especially in the process of clean-up and data storage. It is computer-assisted translation software, used by translators. It provides translation memory and terminology management and it is easier for the user to deal with data by translation technology. In terms of building a parallel corpus, users have widely adopted the functions of alignment and clean-up. In this research, I use the Trados clean-up function in corpus construction (see Figure 1 and Figure 2). It is important to clean up the target texts before building corpus. This is because there is a requirement for the form of collected material from different resources. There are a few steps to clean up texts using Trados. The results are updated automatically and shared with Translation Memory.

Figure 1-Text clean up by Trados - a

Figure 2- Text clean up by Trados--b


```
Clean Up Files - test   (Chinese-English)                              [X]

  Add...        Remove        Clear                          Clean Up
Files to clean up:                                            Cancel
C:\Documents and Settings\myhome\My                         Options  ▾
                                                             Help

                          ┌─Changed translations────────────────┐
                          │ ○ Don't update      ○ Don't clean up │
                          │ ● Update TM         ○ Update document│
                          └──────────────────────────────────────┘

                              Log File   ▾  │E:\TRADOS TM\        │

                          ┌──────────────────────────────────────┐
                          │                 0%                   │
                          └──────────────────────────────────────┘
                          ┌──────────────────────────────────────┐
                          │                 0%                   │
                          └──────────────────────────────────────┘
                                            Segments   Characters
                          Cleaned:              0           0
                          Cleaned and updated:  0           0
 <  ▭▭▭           >       Total:                0           0
```
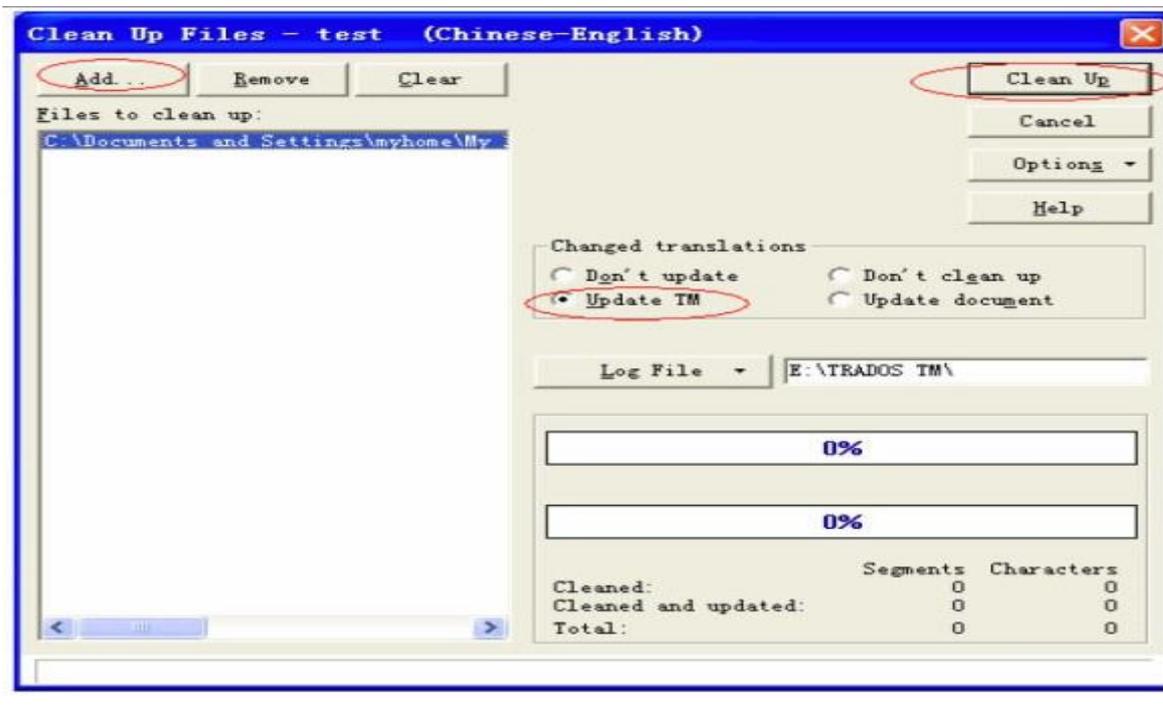
After cleaning up the original texts, alignment work has to be done to build the parallel corpus. There have been rapid developments in the use of CAT software in translation studies. In terms of professional training, CAT software like Trados, Deja vu, etc. are expensive and require specific expertise. (w)There is another translation software called Snowman which, when compared to the above-mentioned software, is much more user friendly. I have used the Snowman alignment function of Snowman for corpus construction in this study. The alignment process is much easier compared to Trados which requires an extra software package to deal with texts. The alignment processing of Snowman is as follows:

(1) Copy the collected material to txt text, then make segment and number each of them by Text processing;

(2) Editing texts by software Power Grep, type in "(\d+)(\s)" in search engine, and type "< ch \ l>{oo}：{00}{}{0o}：{o0}" in "replacement". After click "Replace" button, the edited data will be produced automatically. Then name each text according to different categories of corpora.

Since the lengths of both English and Chinese texts are totally different even with the same meanings, generally English texts are longer than the corresponding Chinese texts, which is the same in PCIEL. Therefore, the alignment between Chinese and English is important in the process of building a parallel corpus. The Snowman software has not only an alignment function but also has an online translation engine. Therefore, when Snowman aligns bilingual corpora, it does some automatic matching between the bilingual texts, such as the number, date and time. The automatic match function is more convenient than the purely manual processes of other software. For legal texts, there are different segments according to different rules and regulations and the alignment could be completed with less manual adjustment. The Snowman alignment interface is shown below.

Figure 3- Text alignment by Snowman
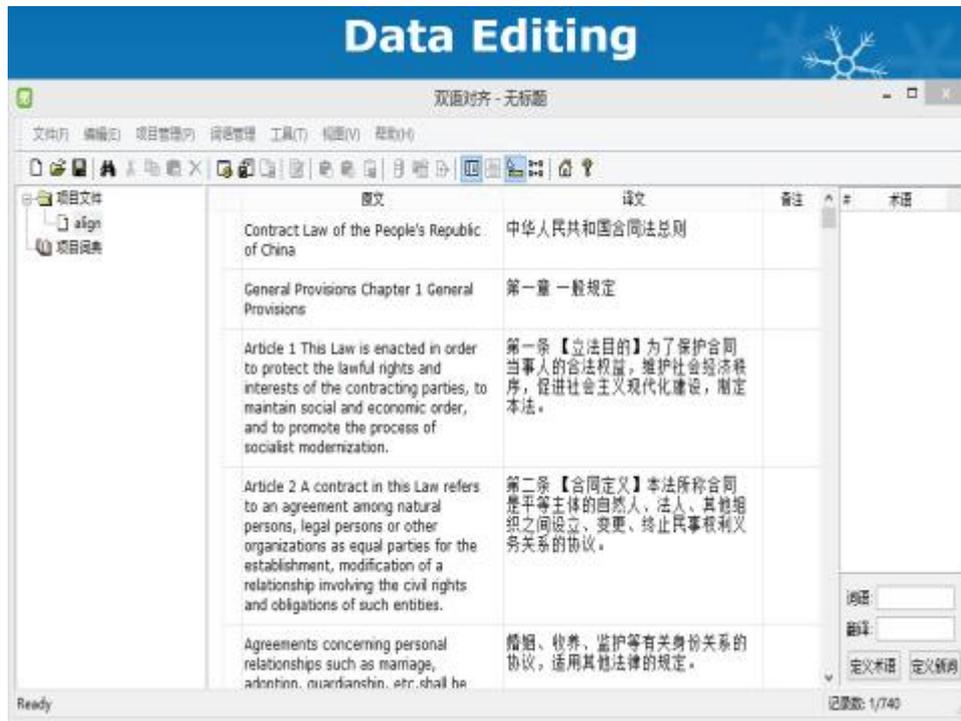
Figure 4-A segmented and POS tagged fragment of the Chinese text
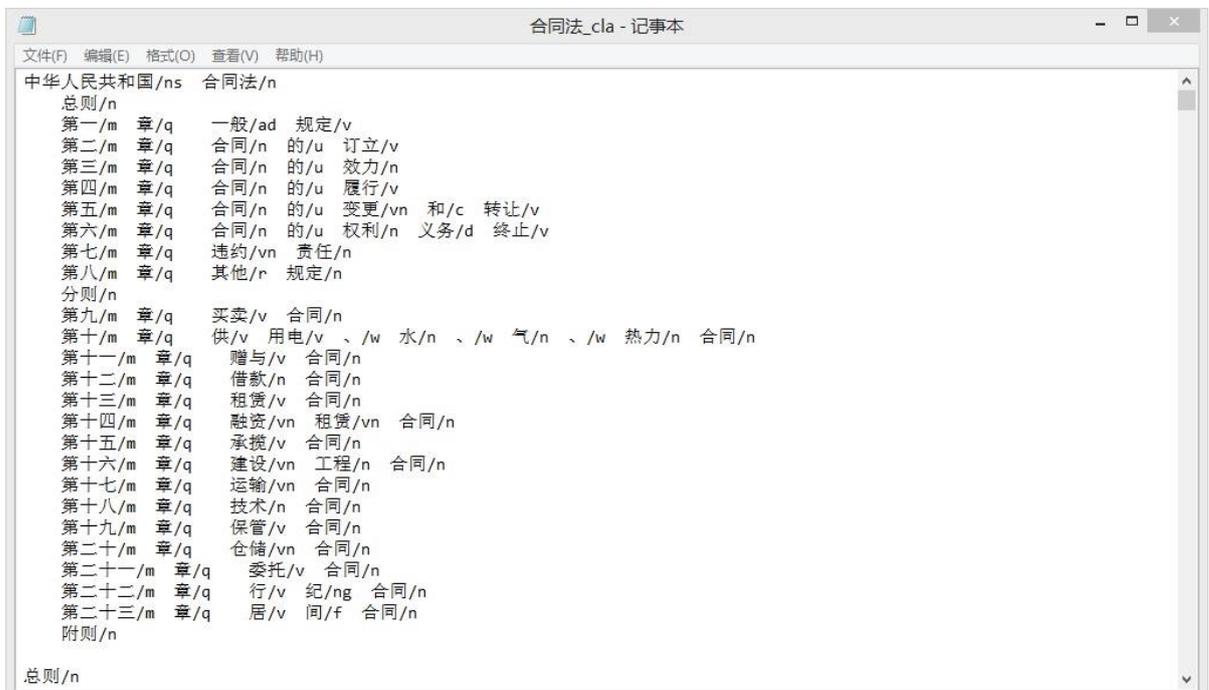
Those mentioned above are all my data collection process and I will explain the use of frequency statistics analysis and Graphcoll collocations analysis in 3.2.2 and 3.2.3.

3.2.2 Frequency statistics

In terms of the quantitative approach in my study, frequency statistics analysis is one of the most important ways to organize data in each different semantic field of International Economic Law. Frequency-sorted word lists have long been part of the standard methodology for exploiting corpora. Sinclair (1991: 30) noted that "anyone studying a text is likely to need to know how often each different word form occurs in it". Tribble and Jones (1997: 36) outlined a methodology for using texts in the language classroom, proposing that the most effective starting point for understanding a text is a frequency-sorted word list. A frequency list records the number of times that each word occurs in the text. It can therefore provide interesting information about the words that appear (and do not appear) in a text. A word list can be arranged in order of first occurrence, alphabetically or in frequency order. First occurrence order serves as a quick guide to the distribution of words in a text, an alphabetic listing is built mainly for indexing purposes, but a frequency-ordered listing highlights the most commonly-occurring words in the text. Francis and Ku!era (1982) took the simple word frequency list one stage further when they reported grammatical word frequencies drawn from the tagged version of the Brown corpus[8]. Grammatical word frequencies are associated with a specific part-of-speech (POS) tag. Although the computer saves us time when processing texts into frequency lists, it presents us with so much information that

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[8] The Brown University Standard Corpus of Present-Day American English (or just Brown Corpus) was compiled in the 1960s by Henry Kučera and W. Nelson Francis at Brown University, Providence, Rhode Island as a general corpus (text collection) in the field of corpus linguistics. It contains 500 samples of English-language text, totaling roughly one million words, compiled from works published in the United States in 1961 (Kucera & Francis, 1967).

we need a filtering mechanism to pick out significant items prior to any analysis proper. There are at least two methods that we can use. First, formulae can be applied to adjust the raw frequencies for the distribution of words within a text; in other words, to describe the dispersion of frequencies in subsections of a corpus. Secondly, we can apply statistical procedures to highlight words that occur significantly more or less frequently than expected in a corpus. In my study of PCIEL, I mainly focus on the latter method. The frequency profile for a given text can be compared to the profile of a comparable text or to a profile derived from large amounts of text. Since the high frequency items tend to have a stable distribution generally, significant changes to the ordering of the words in the frequency list can flag points of interest to the researcher (Sinclair 1991: 31). For example, Hofland and Johansson (1982) use Yule's K statistic and the chi-squared goodness-of-fit test to pick out statistically significant different word frequencies across British and American English in their comparison of the two language varieties.

This method helps me to apply the technique of key word analysis in IEL translation. This is one of the most widely-used methods for discovering significant words, and is achieved by comparing the frequencies of words in a corpus with frequencies of those words in a (usually larger) reference corpus. It should be noted that the vast majority of key words studies take place using corpora of legal language. In my research, I organized the data from both most frequency and least frequency perspectives. I classified the data into different semantic fields related with IEL. The data analysis also included further background information on statistical techniques that are used to compare frequencies in corpora of legal languages.

3.2.2.1 Analysing the data

I will examine issues related to the corpus classification of PCIEL and present the relationship between the data and translation, sketching some ideas regarding

equivalence in legal translation. The analysis of each category consists of three sub-sections: 1) introduction of each categorization; 2) the relationship between the source text and the target text displayed by diagrams and data; 3) discussion of the translation issues and strategies of legal lexicon in PCIEL. The data analysis within each case study consists of four steps: 1. Present the central term, regarded as the 'node' in corpus linguistics, and its collocations in order to discuss translation of lexical terms of the central word and its collocations. 2. Display GraphColl Figure and ParaConc Table to make statistical diagrams and find the relationship with the translation. 3. Explore differences between source text and target text by statistical comparison. 4. Discuss the equivalence of translation and cultural differences in PCIEL from an example of each semantic category.

3.2.2.2 Tables in PCIEL

For example, in Chapter 4, International Economic Law terminology has been divided into three semantic categories for the purpose of this research. The nature of legal documents attributes the first categorization of PCIEL is law related field; because of the economic field involved, the second categorization is economy-related terms; the third categorization falls into "political entity".

This division is further evidenced by the frequency list of the corpus. According to frequency word list, I classified frequent lexical terms into the above-mentioned categorizations by calculating the top 500 words. Having discussed the fundamentals of a proper approach to translating specialised legal texts, and having set out the theories that underpin them, we must now consider how those theories apply to practical translation. Based on my semantic classification, the data analysis section will deal with the translation process with reference to three groups of terms: law-related terms, economy-related terms, and political entity terms. The relevant terms are extracted from both high and low frequency word list in the PCIEL. The translation analysis of each category will begin with a

central term and I will then analyse the translation of different lexical collocations with the central term.

In Chapter 4, in the law-related lexical category the word "legal" (法 fa3) directly reflects the meaning of "law". Both "legal" and "law" share the same conceptual role to convey a binding effect in legal texts. The ParaConc programme produced frequency concordance was entered into the PCIEL model. This showed that "legal" appears over 527 times and "illegal" appears 220 times, making the concept of "legal" one of the key words for this study, and I have chosen "legal" as the first central word for examination. The translation of "legal" and its collocations, "legal person"(collocation 1) and "legal representatives"(collocation 2) have been selected as the cases studies to examine the translation of lexical terms on "legal". The discussion of the translation of the collocations will be from the frequency in PCIEL key word list, the relation of collocations displayed in GraphColl (see 2.2.4), the use of translation techniques, the difference between translation in PCIEL and literal translation, and also the characteristics of the translation in each part.

Table 2 - Collocations with "Legal"			
Collocate	Frequency	Translation	Pinyin[9]
Legal person	43	法人	Fa3 ren2
Legal organizati on	16	法定组织	Fa3 ding4 zu3 zhi1
Legal	15	法则	Fa3 ze2

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principle			
Legal representative	14	法定代表人	Fa3 ding4 dai3 biao3 ren2
Legal proceedings	13	法律诉讼	Fa3 lv3 su4 song4
Legal affairs	7	法律事物	Fa3 lv4 shi4 wu4
Legal case	7	法律案件	Fa3 lv4 an4 jian4
Legal business	7	司法事务	Si1 fa3 shi4 wu4
Legal body	7	法人	Fa3 ren2
Legal license	6	法定许可	Fa3 ding4 xu3 ke3
Legal charge	5	法定抵押	Fa3 ding4 di3 ya1
Legal certificate	5	合法证书	He2 fa3 zheng4 shu1
Legal name	5	法定名称	Fa3 ding4 ming2 cheng1
Legal persons	5	法人	Fa3 ren2

In International Economic Law, "legal" (法) is a central concept of the text, and taking "legal" as the node, the frequency diagram above shows that there are many phrases or expressions with "legal". Whether "legal" is always literally translated into 法 in different collocations in Chinese will be discussed in different cases. According to the frequency of "legal" collocations, two will be selected for further discussion, that is, "Legal person" with 43 occurrences, and "Legal

representative" with 14 occurrences. The high frequency translation study in PCIEL will prove a general rule to deal with the popular words in IEL.

In Chapter 4 (see 4.4.2), the translation of lexical terms on "Sanction" and its collocations display that there is another angle for data analysis. In the analysis, I selected the word "sanction" as the node and set out to explain the translation of two low-frequency collocates of "sanction" - "disciplinary sanction" (collocation 3) and "administrative sanction"(collocation 4) and discuss the translation of terms contain "sanction".

Table 3 - Collocations with "Sanction"			
Collocate	Translation	Frequency	Pinyin
Disciplinary sanction	法律处分	1	Fa3 lv4 chu4 fen4
Administrative sanction	行政处罚	1	Xing2 zheng4 chu4 fa2

As is shown in Table 3, both of the two collocates with "sanction" only appear only onece in PCIEL. The translation analysis of low frequency words shows the multi-perspective to explore legal language in different semantic field. According to corpus concordance, the case studies of law-related terminology show that there is a significant difference between the translation of daily language and that of legal language, for within a different context, law-related terminology may convey a different meaning.

In chapter 4, I focus on the sentential translation in PCIEL. The examples of this chapter for analysis were selected from high frequency terms and clusters, allowing me to explore the range of translation rules applied in complex sentences. The selected sentence from PICEL is displayed followed by the example

displayed in the Source Language (SL), Target Language (TT) and Literal Translation (LT). Syntactical features for discussion in the translation of lexical terms in a complex sentence are highlighted by underlining and numbering in both Source Language (SL) and in Literal Translation (LT).

Source text:

38. Unpaid seller defined

(b) (when$_7$) a bill of exchange$_1$ or other negotiable instrument has been received as conditional payment, and the condition on which it was received has not been fulfilled by reason of the dishonour of the instrument or otherwise$_6$.

Table 4 –Frequency list of Example 1 in PCIEL	
Key Term	**Frequency**
Exchange	1397
Instrument	63
Payment	201
Otherwise	189
Bill of exchange	36
negotiable instrument	24
dishonour of the instrument	14

For Example, (see tables displayed in each chapter), A Table (Table _ : Frequency List of Example _ in PCIEL) is presented to show the occurrence of the key words in the PCIEL corpus at sentential level. The table is based on ParaConc to make statistical diagrams and demonstrate the relationship with the translation. This contains absolute frequency distributions of key words / clusters of the example showing that the selected terms, checked against the entire corpus, share a

relatively high frequency, and demonstrates why they have been selected for analysis in terms of their different syntactical features.

Following the corpus statistics, I analyse and discuss the translation of legal lexicon in sentential level from different syntactical categorizations, which is the basis of semantic category in Chapter 4. Based on the sentence with high frequency word cluster, I present a detailed discussion on each of the highlighted linguistic features.

In Chapter 5, the analysis addresses cultural connotation and the translator's role in dealing with cultural terms. The corpus data serves as the reference to select examples with cultural lexicons, which is a significant challenge in cross-culture communication. The chapter analysis relies more thoroughly on the qualitative analysis with Frequency list of chapter 6 influencing the analysis. More explanation can be seen in each relevant chapter.

3.2.3 GraphColl figures presentation

GraphColl is licensed under BY-NC-ND Creative commons license and is free to use for non-commercial purposes. In the translation study of PCIEL, I mainly follow the five steps to decode my data for further analysis. Take "legal" as an example:

Step 1, Upload and explore corpora. a) Upload the PCIEL corpus to GraphColl. The corpus is available on the memory stick in the PCIEL folder. b) Check and note down the token counts for each 'corpus' under the 'Corpora' tab.

Figure 5 - Step 1
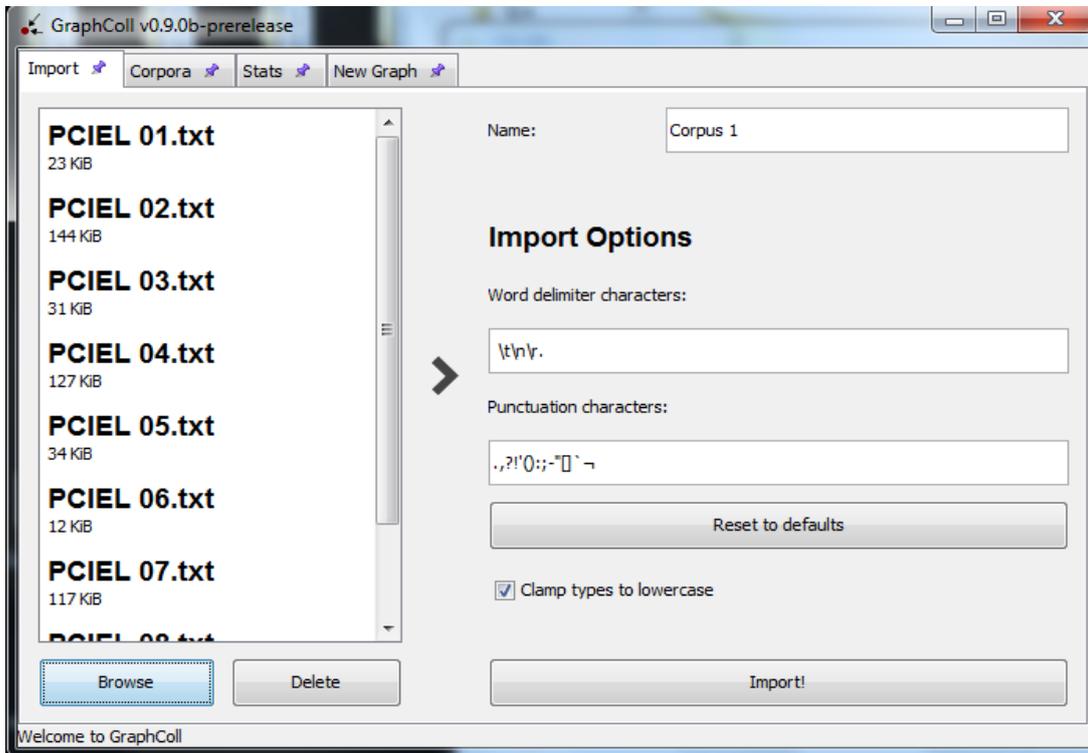
Step 2, Create graphs. Work with the whole PCIEL corpus.

a) Build the first-order collocation network around the word time using MI score and the default settings.

b) How many collocates does the graph display? Are all of them useful?

c) Go back to 'New Graph', select MI as the statistic, change the default setting

Figure 6 - Step 2
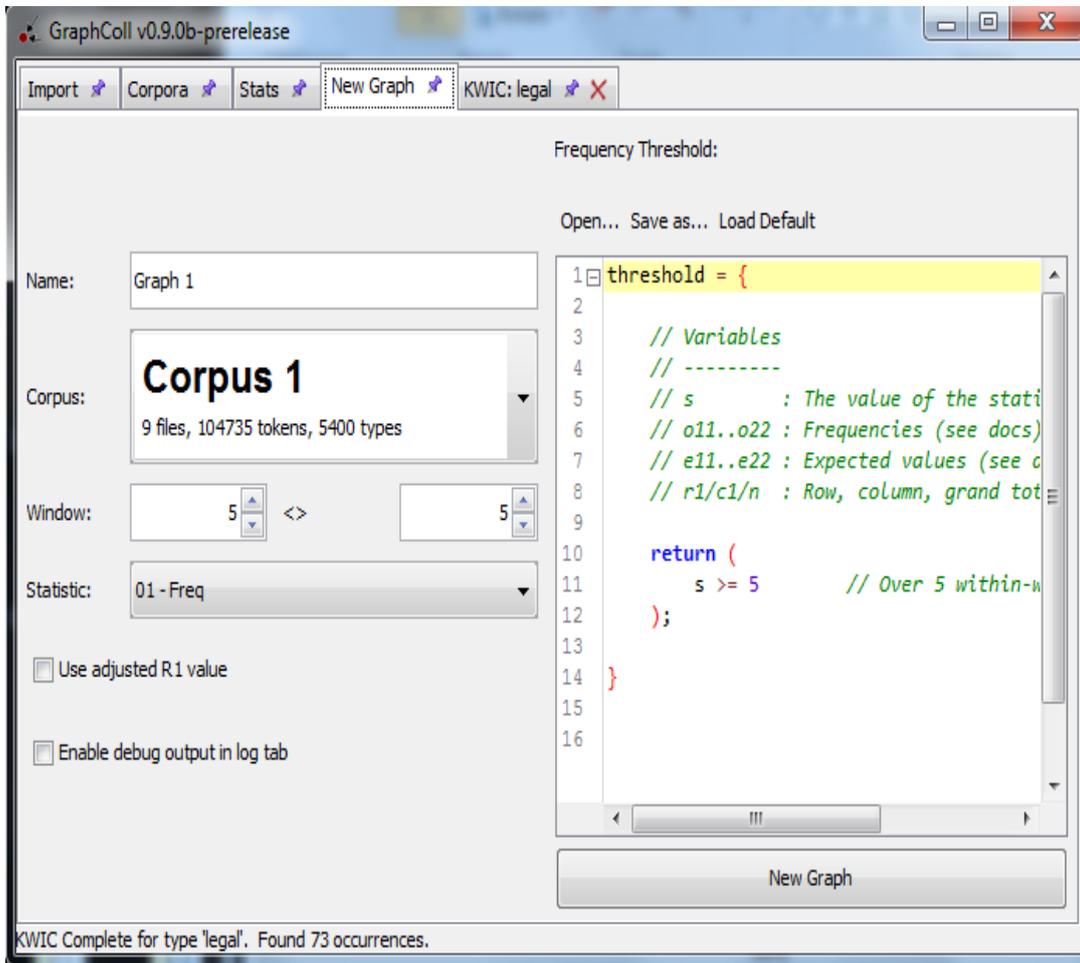
Step 3, Build collocation networks and explore graphs.

a) Go to the graph I have created in Step 2. It should be similar to the graph displayed in the Figure 7 below:

Figure 7 - Step 3
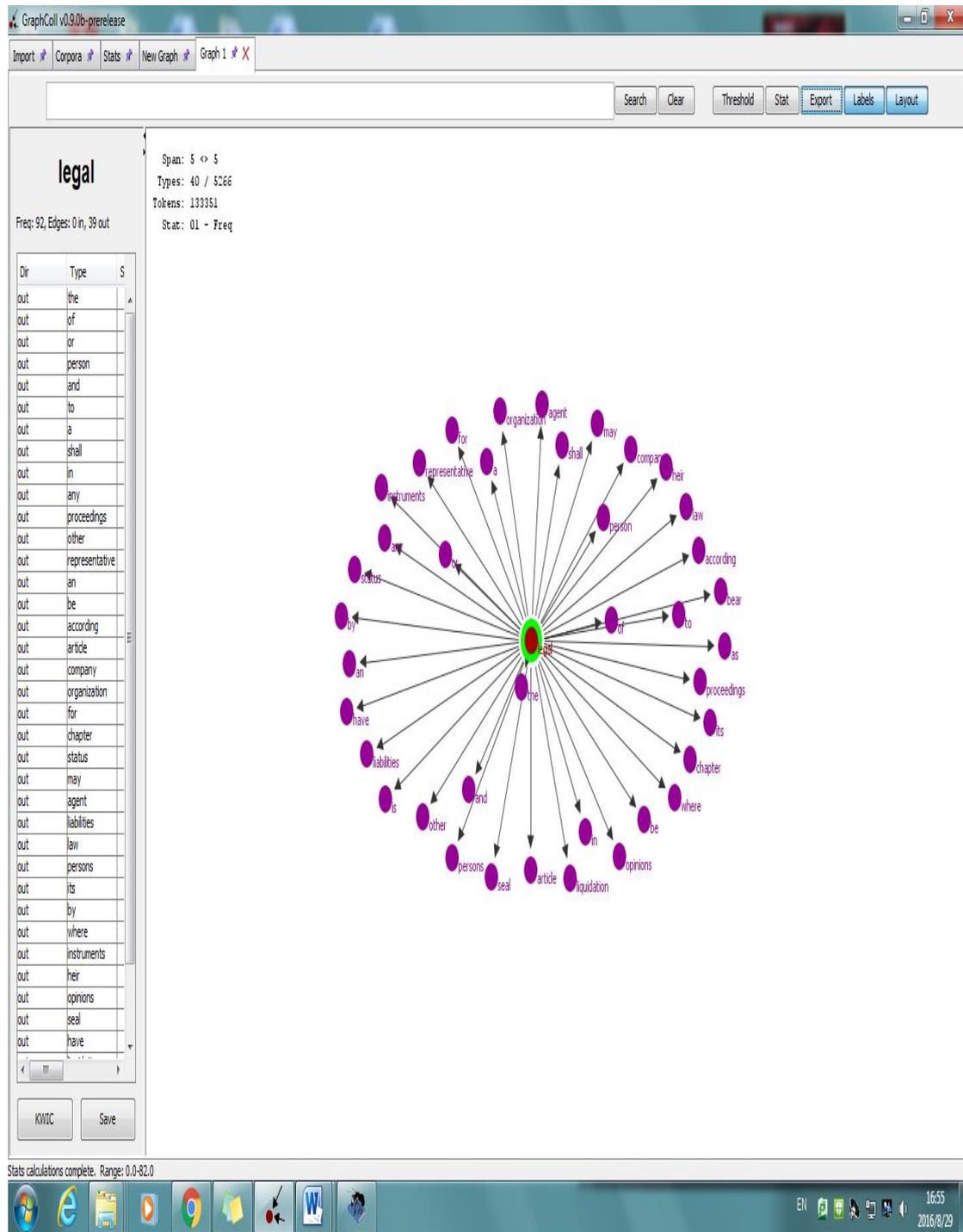
Depending on the concordance of "legal" in GraphColl, "legal" and its collocates shows "legal" acting as the node in the centre of the diagram, and the concordance hit is 93, which shows the number of collocates with high frequency.

b) Find the collocate displays in the graph and double click on it, in order to get a collocation network similar to the one displayed below. If we take "legal person" as an example:

Figure 8 - legal person: co-collocation display

Figure 9 - legal person

According to the concordance of "legal person" in GraphColl (Figure 8), both "legal" and "person" act as a node and are highlighted in the diagram. As one of the top collocates of the frequency list (see Frequency list) the collocation "legal person" appears 28 times in PCIEL. Figure 8 demonstrates the words collocated
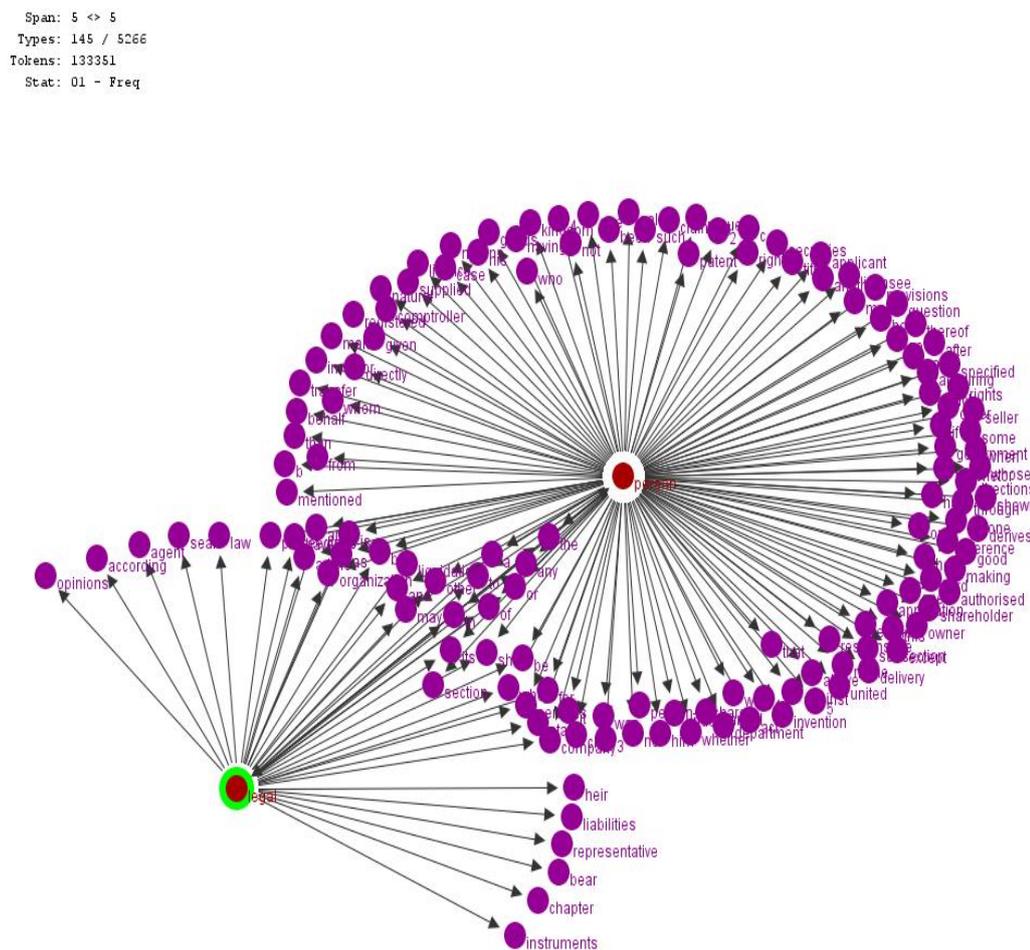
with both nodes "legal" and "person", which displays the collocations with high frequency around.

c) Find the second-order collocate "person" in the graph and double click on it. Comment on the connection between "legal" and "person" that we can see in the resulting graph that shows collocates around the node word.

Step 4, Interpret graphs. To help interpret graphs, GraphColl offers a concordance function which displays nodes in context (KWIC).

a) In the graph built in Task 3, create concordances for legal, legal person and legal representative to help interpret the collocation network.

b) One of the strong collocates of "legal" is "person". According to Graphcoll concordance, it helps me to select useful data from the following two questions: What are the contexts in which this collocate occurs? Does this collocate occur across different contexts?

c) Interpret the following collocates of "legal": "legal person" and "legal representative".

Step 5, Compare graphs. Compare the use of the word time in the academic writing, fiction and news sub corpora (each legislation) of the PCIEL corpus.

Step 6, Explore statistics. Use different statistical measures to build collocation networks of "legal" and other words of relevant semantic fields. Note how the collocation networks differ with different settings: a) Statistics b) Collocation window c) Thresholds.

In each data analysis chapter, the Graphcoll Figure of key lexicons in PCIEL will be displayed and explained in detail. (See 4.2 and 5.2 and 6.2)

3.2.4 Data presentation

In this research, PCIEL serves as the foremost tool to provide data for the translation analysis of IEL from different semantic fields. Since there is no ready source in my research area, I created the unique corpus data and applied data presentation to explore the potential use of PCIEL from an intercultural perspective.

To illustrate the practical use of parallel corpus in translation, this research makes a comprehensive study of IEL texts and their translations both in English and Chinese at lexical, sentential, and cultural levels. In order to achieve this objective, there are three data analysis chapters in this thesis. Chapter 4 first investigates the lexical translation of PCIEL. This is followed by Chapter 5, which analyses the translation of PCIEL from syntactical level analysis. Lastly, the exploitation of cultural translation of PCIEL is discussed in Chapter 6.

In each data analysis Chapter, there are two approaches designed to show the analysed data: a Table to display corpus frequency list and a Figure to show the Grapocoll collocation. In every selected "node", which is regarded as the key word for translation analysis in PCIEL, there are three steps to present data in a quantitative approach.

1. Analysing word frequent list and classified them into different semantic field.

2. Present the "node" in the Table with both collocations and frequency number.

3. Display Graphcoll diagrams to illustrate visualized statistics with both frequency and collocation of the key word for analysis (see 3.2.3).

In this section, the data presentation is provided to lay a clear foundation of the structure in each data analysis Chapter. A set of PCIEL data makes it possible to perform both qualitative and quantitative analysis in this research. It can be

observed that, regardless of the form of presentation, the total data presentation provides an innovative structure in this thesis.

I will present preliminary data in the following part to show how I apply corpus data in each chapter of my study. Examples will be selected from Chapter 4, Chapter 5 and Chapter 6 with illustration of how to present data with different perspectives. More discussion can be seen in each Chapter.

3.2.4.1 Data of Chapter Four

Quantitative analysis at a lexical level of the six chosen texts with both Chinese and English versions was explored. In Chapter 4, the use of the English - Chinese Parallel Corpus of International Economic Law (PCIEL), devised with the purpose of exploring the potential of corpus-based methodology for translating International Economic Law, is discussed. Initially semantic fields were categorised into three groups: law related; economy related; political entity related. Different translation techniques were then applied in the analysis in order to achieve functional equivalence. Two key words in each category were subsequently selected for further analysis. Similarities and differences were noted; categorisation; relationship and discussion of translation were made. For each text sourced central word, further steps were taken for more in-depth analysis: interrogation of the direct translation of the word; table of word frequency presented; diagram of collocation and finally further exploration of the translation between source text and target text.

Table 5 - Frequency list of Chapter 4			
Node/lexical term	Frequency	Collocates	Frequency
Legal	527	legal person	94
		legal persons	13

		Legal representative	82
Sanction	40	disciplinary sanction	15
		Administrative sanction	19
Customs	10	Customs clearance	1
		Customs declaration	1
Fund	1593	Rewarding fund	1
		Fund flow	6
State	642	state council	642
		state-owned enterprise	8
		State-owned Company	18
county	15	County level	4
		County court	1

Apart from KWIC concordances, the corpus concordance software Paraconc offers facilities for listing all the analysed word-forms in PCIEL. As is shown above (see Table 5), it is an extract from the frequency list of PCIEL. The translation of lexicons in PCIEL is the starting point of this study, which studies the processes by which lexically encoded meanings are modified in use; well-selected examples include the analysis relating both quantitative and qualities perspectives. As the first data analysis part, Chapter 3 embodies the most comprehensive features in lexical translation of IEL. More details of data display in each corpus file will be displayed in Chapter 4 (see 4.2).

Table 6 - Word Length of Examples in Chapter 4		
Text File	English	Chinese

Example 1	35	59
Example 2	54	101
Example 3	16	19
Example 4	29	74
Example 5	32	51
Example 6	12	30
Example 7	16	24
Example 8	25	29
Example 9	15	17
Example 10	40	126
Example 11	32	40
Example 12	24	41
Example 13	51	86
Example 14	39	49
Example 15	27	31
Average Length	28.1	49.8

According to the statistics of word length in Chapter 4 (see Table 6), it is in the shortest one among all the data analysis sentences, which is much lower than the average word length in PCIEL. This is because the focus of Chapter 4 is the analysis of lexical translation, thus most of the sentences are identified and cut for easy display.

3.2.4.2 Data of Chapter Five

In Chapter 5, corpus analysis is based on the classifications of grammatical features in PCIEL, relevant vocabulary items will be selected within

corresponding contexts. Based on corpus concordance, three grammatical features will be selected. They are obligation sentences (e.g. modal verbs), voices (e.g. passive/active), and clauses (e.g. subordinate clauses).

Frequency list below (see Table 7) is presented to show the occurrence of the key words in the PCIEL corpus at sentential level. The table is based on ParaConc to make statistical diagrams and demonstrate the relationship with the translation. This contains absolute frequency distributions of key words/clusters of the example showing that the selected terms, checked against the entire corpus, share a relatively high frequency, and demonstrates why they have been selected for analysis in terms of their different syntactical features.

Table 7-Frequency list of Chapter 5		
Grammatical Features	Key Term	Frequency
Obligation	Shall	10690
	Will	299
	Would	102
	Can	304
	Must	180
	Have to	6
	Ought to	29
Clause	When	793
	On which	64
	If	1701
	So as to	111
	That	2376
	Where	2043

	and when	17
Voice	Less than	410
	not lower than	23
	More than	397
	be imposed	148
	Not more than	121
	Has been formulated	6
	Any of the	359
	at any time	56
Terms with IEL features	Exchange	1345
	Instrument	37
	Payment	292
	Otherwise	265
	Bill of exchange	4
	Thereupon	34
	Person in charge	122
	Domestically-listed Shares	11
	referred to hereinafter as	5
	Hereinafter referred to	210
	B-share	7
	Listed company	249
	Stock	28
	Security	133
	Exchange	1345

	Thereby	121
	Premium	78
	returnable	15
	insurance	442
	negotiable instrument	1
	Dishonour of the instrument	1

In the process of building PCIEL, I identified that the task of sentence and paragraph alignment is essential for preparing parallel texts that are needed in applications such as machine translation. This is true in analysing IEL translation where lexicon is the basic unit, while the translation of lexicons sentence in PCIEL brings other views. Due to the sentential analysis in Chapter 5, the examples are selected with lexicons with different frequencies: both high and low frequent lexicons are served for translation analyses in each category. I analyse and discuss the translation of legal lexicon in sentences from different syntactical categorizations in PCIEL. This presents a detailed discussion on each of the highlighted linguistic features. Because of the complex structure of sentences in PCIEL, more detailed discussion is presented in the translation of sentential level in International Economic Law (see in 4.2).

Table 8 - Word Length of Examples in Chapter 5		
Text File	English	Chinese
Example 16	38	61
Example 17	65	73
Example 18	64	101
Example 19	25	40
Example 20	67	112
Average Length	51.8	77.4

According to the statistics of word length in Chapter 5 (see Table 8), it is shorter than the average word length of PCIEL and longer than the word length in Chapter 4.

3.2.4.3 Data of Chapter Six

In Chapter 6, I have used six examples from my corpus; these have been selected in terms of their cultural connotations and corpus concordance. In IEL translation, cultural differences were a consistent factor which emerged in the two previous data analysis chapters. The most argued ones in the previous data analysis chapters focus on three spheres: political, social cultural and institutional actors. In each of the fields, I first checked the frequency list to focus on specific central terms. For example, in political sphere, "government" and "plan" are spotted from the high frequency words with Chinese characteristics. With the central words, I went back to the original sentence to discuss the ones with most cultural difference. In the social cultural sphere, the selected example is one of the least frequent collocates "force majeure", which is one of the most interesting translating issue between Chinese and English in PCIEL. I also listed the 0 frequency of the religious word "God" in Chinese, conveying the policy-oriented translation in IEL in China. In the sphere regarding institutional actors, there is another interesting finding that the appearance of "person" is much more popular than the frequency of legal practitioner "lawyer" and "solicitor". It is worth noticing that the word "solicitor" only appears in Patent Law. All of these mentioned issues will be further discussed in the final data analysis chapter.

Table 9 - Frequency list of Chapter 6		
Cultural sphere	Key term	Frequency
Political	plan	217
	mandatory	20
	mandatory plan	1
	government	175
	government intervention	1

	Kingdom	72
	Crown	35
	State	1193
Social cultural	force majeure	18
	force	171
	Act	409
	Act of	25
	God	0
	Consideration	33
	no consideration	1
	nominal consideration	1
	compensation	174
Institutional Actors	solicitor	3
	lawyer	21
	Insurance	442
	Broker	42
	insurance broker	1
	people	737
	person	954

In terms of cultural loaded lexicons, collocation patterns and their equivalents, it makes possibilities to examine similarities and differences across languages and cultures as well as search for vocabulary and phraseology, thus engaging in a meaning creation activity and developing translator skills. In order to discuss special cultural phenomenon, in Chapter 6, the collocations selected are the least frequent ones, with 1 occurrence or even 0 occurrence (see Table 10). More details will be explained in Chapter 6.

Table – 10 Word Length of Examples in Chapter 6		
Text File	English	Chinese

Example 21	48	76
Example 22	96	205
Example 23	92	124
Example 24	126	200
Example 25	82	130
Example 26	43	55
Average Length	96	131.67

It is noticeable that the word length of chapter 6 is the longest one among all the data analysis chapters. This is because the specific cultural issues need more words to explain, and longer legal sentences intend to convey more complex meaning.

3.4 Qualitative research of PCIEL

In PCIEL, qualitative research seeks to study meanings of translation in subjective experiences. The relation between subjective experience and language is a two-way process; language is used to express meaning, alternatively, language influences how meaning is constructed. Giving words to experiences is a complicated process as the meaning of experiences is often not completely accessible for subjects and difficult to express in language. To capture the richness of experience in language, people commonly use narratives and metaphors (Van Nes, Abma, Jonsson & Deeg, 2010). Metaphors vary from culture to culture and are language-specific. For example in Chapter 6, the interpretation of "crown" has different meanings in China and the UK. Language also influences what can be expressed, and some linguists even state that social

reality as experienced is unique to one's own language; those who speak different languages would perceive the understandings differently.

Qualitative research is valid when the distance between the meanings as experienced by the participants and the meanings as interpreted in the findings are as close as possible (Van Nes, Abma, Jonsson & Deeg, 2010). Translation between languages also involves cultural interpretation, especially in the interdisciplinary subject of IEL translation. The message communicated in the source language has to be interpreted by the translator and transferred into the target language in such a way that the receiver of the message understands what was meant linguistically and culturally. Challenges in the interpretation and representation of meaning may be experienced in any communicative action, but are more complicated when cultural contexts differ and inter-lingual translation is required (ibid, 2010: 313-316). Interpretation and understanding meanings are central in qualitative research and text is the "vehicle" (ibid, 2010: 313-316) with which meaning is ultimately transferred to the reader. Language differences, therefore, generate additional challenges that might hinder the transfer of meaning and might result in loss of meaning and thus loss of the validity of the qualitative study.

There are two approaches applied in qualitative research on IEL translation analysis: the Skopos and translator's role. As presented above, the Skopos explains how to achieve equivalence in different cultural backgrounds in IEL translation. The translation strategy provides a practical approach to decode the IEL translation process.

3.4.1 Skopos and the translator's role in PCIEL

Sarcevic (2000: 238) put forward that the target readers of the legal translation could be divided into "direct receptionist" and "indirect receptionist". On this basis, the translation of Chinese laws and regulations should be targeted at the

direct receptionist and this should be embodied in every level of translation. According to German scholars Vermeer (1989), Holz-Manttar (2001), Nord (2001), Honig(1997), and Kussmaul (1997), translation is more or less regarded as a "cross cultural event". Snell-Hornby (1988) embedded that legal translation is an act of communication, therefore, the main emphasis of translation is the communicative function or purpose of a study (Šarcevic, 2000: 17). According to Vermeer's Skopos theory, the functional approach requires translators to produce a new text which satisfies the cultural expectations of the target receivers for texts with the intended Skopos (Vermeer, 1989). Therefore, the translation of sentence, terminology, and culture-loaded words should follow principles of functional equivalence. In order to produce a text which leads to the same results in practice, the translator must be able to understand not only what the words mean and what a sentence means, what legal effect it is supposed to have, and how to achieve that legal effect in the other language (Schroth 1986; Sarcevic 1989; Gemar 1995). In my point of view, translators cannot be expected to produce parallel texts which are equal in meaning, they are expected to produce texts which are equal in legal effect. As Koutsivitis (1988: 37) mentioned, this is the most serious matter to be considered by translators in their decision-making processes. Considering that the role of the translation receivers has become more and more important and their subjective consciousness has been enforced to a greater extent. The recognition of the receivers is especially important. With the method of PCIEL, the analysis of translation also adopts the Skopos theory. In the functionalist line of thought, centred on target-oriented thinking during the translation analysis in IEL, the source text is no longer to be seen as the only standard for judging a translation; it is also assessed on the basis of its adequacy to the communicative purpose in the target culture (e.g. Reiss-Vermeer 1984; Honig-Kussmaul 1982; Nord 2001). Translation of discourse and linguistic analysis should be in accordance with the communicative equivalence theory.

In the view of modern translators (Peters & Passchier, 2006) the text's "cultural" aspect should be taken into account. Translation involving the transposition of

thoughts, expressed in one language by one social group into the appropriate expression of another group, entails a process of cultural de-coding, re-coding and en-coding. Mountin (1963) underlined the importance of the significance of a lexical item; he claimed that the translated item would only fulfil its function correctly if this notion was considered. Based on Nida's theory of formal and dynamic equivalence (Nida, 2000), this study aims to deal with cultural complications in language structure and especially for the culture-loaded words. Despite significant formal shifts in the translation, seeking equivalence in culture could provide a common understanding.

Another area in which corpora have the potential to make a significant contribution is in the study of the sometimes elusive "translator's voice" (Bosseaux, 2004: 107-122). Corpora have already been used to reveal the presence of the translator, and to reveal new ways in which this presence can be traced. An example of this type of research is Bosseaux's (2004) investigation of deictic elements in two translations into French of *Virginia Woolf's The Waves*. As had been shown in previous studies based on non-electronic corpora (for example, Mason and Serban 2003), adverbs and pronouns such as "here" and there, this and that, and now and then, serve to indicate the "viewing position assumed by the narrator", in other words, the narrator's point of view, as well as the "temporal dimension in which the subject of the fiction is framed", or temporal point of view (ibid). The deictic shifts that often happen in translation thus combine to produce more or less subtle shifts in narrative point of view, and it can be shown that the translator-narrator's point of view can differ from that of the original author. Even in cases where a target text is "fluent" and the translator's visibility to the target text reader is thus diminished (Venuti 2008: 2), the translator's presence in the text can still be brought out by the analyst who is equipped with appropriate analytical categories and a sufficiently large corpus.

The above statement illustrates the translator's role from a general perspective. Moreover, in the analysis PCIEL translation, the translator's voice can also be

spotted in terms of cultural difference. For example, the omission of the subtitle in Article 28 is for the purpose of expressing the mandatory plan under Chinese circumstances (see Chapter 6). More evidence of the translator's role can be seen in the process of translation analysis, which helps to prove that the translator presents greater insight into the different cultural context than what the original version targeting in source culture.

Based on the Skopos theory, this research tries to explore systematically the similarities and dissimilarities of the Chinese and English legal languages in PCIEL, and shows the translator's choices to translate legal terms and economic terminology into the target text with cultural interpretation. In bilingual texts used in PCIEL, the source languages share in the lexical, syntactic and textual layers similar linguistic and stylistic features. It is necessary for translators to think out of the structure in source language and therefore adopt flexible strategies to make the target language convey the original intentions properly. In the coming section, I will introduce the main translation strategies applied in the translation of IEL.

3.4.2 Translation strategy

The theory of legal translation has identified numerous requirements that must be considered when the translator's practical work is to lead to an accurate satisfying result. More precisely, taking these theoretical requirements into consideration is necessary in order to provide a professional legal translation and not merely a work that may satisfy some urgent daily needs. The translation theory that forms the foundation of my research is rooted in the concept of functional linguistic equivalence. The equivalent transfer of meaning between the source language and the target language is the fundamental purpose of the translation. Based on this foundation, the specific theories applied for this research were adopted in order to determine the conditions under which equivalent semantic transfer may take place in the translation process. As interdisciplinary research, the translation of IEL is more difficult, for it includes not only terminological problems but also the cross-

cultural differences between linguistic and non-linguistic subjects. Translators have to develop specific professional strategies in order to integrate such formal requirements into their working habits.

Due to the specific feature of Chinese/English translation in PCIEL, I have used different theoretical approaches to of translation, selecting the most useful ones for my research, which I have then adopted in all my data analysis processing. Regarding the specific features between Chinese and English, I have drawn on the established translation strategies from Vaney and Darbelnet (1995) and Ye and Shi (2008:25-71). Seven translation strategies are applied in PCIEL in total, including borrowing, literal translation, conversion, amplification, omission, changing the perspective, division and combination. More detailed discussion can be found in 2.7.2 and in each relevant analysis chapter.

3.5 Structure of the data analysis

Using quantitative and qualitative analysis at a lexical level of the six chosen texts with both Chinese and English versions, Chapter 3 addresses the first research question "How has the legal lexicon been translated at word level in International Economic Law?" The use of the English - Chinese Parallel Corpus of International Economic Law (PCIEL), devised with the purpose of exploring the potential of corpus-based methodology for translating International Economic Law, is discussed. Initially semantic fields were categorised into three groups: law related; economy related; political entity related. Two key words in each category were subsequently selected for further analysis. Using seven functional translation categories defined by Viney and Darbelnet (1995), appropriate translation techniques were selected and applied in the analysis of the lexicons in order to achieve functional equivalence. Similarities and differences were noted; categorisation; relationship and discussion of translation were made. For each text-sourced central word, four further steps were taken for more in-depth analysis – interrogation of the direct translation of the word; table of word frequency

presented; diagram of collocation and finally further exploration of the translation between source text and target text. Chapter 3 examines the particular semantics of legal texts and discusses how it may be necessary to place words in context before interpreting and explaining them. In order to do so, further critical corpus analysis follows to more deeply interrogate the texts at a lexical level for linguistic and extra-linguistic features that could impact on the accuracy of translation. Consideration is given to the reliability of the data collected from a range of perspectives e.g. literal translation, style of legal texts, linguistic differences between English and Chinese semantic fields. Chapter 4 addresses the second research question "How has the legal lexicon been translated at word level in International Economic Law?" Five examples of high frequency word clusters within sentences were selected from PCIEL in terms of their syntactical analysis and translation techniques. It is in translating complex legal sentences that the challenges for the translator become more apparent. Chapter 4 continues to use three of Viney and Darbelnet's translation techniques applied in chapter 3 (borrowing, literal translation, amplification) and now also uses four translation techniques identified by Ye and Shi (2008) which are relevant to the research (conversion, omission, changing the perspective, division and combination). Two sentences were chosen for in-depth case study analysis. In addition to the syntactical features, syntactical analysis was used to study the selected vocabulary items within their legislative context. In order to show clearly each of the features being studied, clusters of terminology are displayed with underlining and with a subscript number, which is further explained in Tables below each example. Footnote choice is quantitative as it is based on frequency and is qualitatively based by particularly selecting interesting features of the corpus sentences.

For a proper comprehension of IEL and its operations "It is not sufficient merely to understand the legal framework of IEL along with its rules. Its framework and its rules are driven by its purposes and objectives, and are operated, within the constitutional limits of IEL, by a sense of what IEL ought to be" (Herdegen, 2016). Chapter 5 explores culturally loaded words. Chinese academic study of international economic law and the practical application of knowledge in

international organizations, including the WTO, signify a new milestone for China's entrance into the family of nations. This milestone also represents a shift in the Chinese attitude toward international law and, more notably, international dispute settlement mechanisms. From the Chinese perspective, while the admission of the People's Republic of China (PRC) into the United Nations (UN) acknowledges its legitimacy as the 'real' China, the country's WTO membership further affirms its increasing status with Western powers. However, there are limited research on translations of IEL between Chinese and English. This study aims to fill the gap by providing cultural perspective on the IEL translation.

3.6 Discussion

Corpus-based translation studies demonstrates the motivation and rational for exploring the process of translation through corpora. The core areas of linguistic structure, such as lexical analysis in the following chapter could be studied from a use perspective by applying both quantitative and qualitative approaches, which make sure the examination of the non-linguistic and linguistic associations of the semantic field related lexicons. In the investigation of parallel corpus in the legal domain, I found generally that there were fixed language structures in both English and Chinese texts.

In the following data analysis chapters, all the mentioned methods will be explained in the translation analysis of IEL, which not only helps de-coding the data, but also display a cross-culture view in legal translation from political, social and institutional perspective related with IEL. The existing research of IEL translation is still limited, therefore it is increasingly important that IEL translation should be researched from as many angles as possible, since each methodology has a unique focus and capacity to look at a different facet of language. The corpus-based approach is one such effective methodology, with both theoretical and practical applications. It opens up new perspectives on legal language and legal translation. In particular, the comprehensive methodology

concern the traditional relation of translations to their STs, as well as the underlying cultural relation of translations to non-translated language, which may help to assess cross-cultural boundary on legal languages and improve the naturalness of translation by minimising the effects of translation universals and SL interference. If more representative and balanced parallel corpora could be built in the future, the combination of quantitative and qualitative analysis may lead to new data-driven generalisations on legal translation and contribute to the ongoing discussion within translation studies about the specific nature of the translation analysis process.

Chapter 4 Translation of the legal lexicon in IEL

4.1 Introduction

In Chapter 3, I discussed my corpus-based methodology; how I created my own corpus - the English-Chinese Parallel Corpus of International Economic Law (PCIEL) and, the reasons why I have chosen the corpus-based approach for my research methodology. This chapter will discuss translation issues and strategies of the lexical translation "equivalents" in PCIEL both from linguistic and non-linguistic levels in order to answer my research question:

Question 1: How has the legal lexicon been translated at word level in International Economic Law?

In seeking to achieve my objectives i.e. the legal translation at the word level in International Economic Law. GraphColl (as displayed in Chapter 2), the interactive analysis program, will be used to explore the networks of linguistic collocations alongside ParaConc, to analyse both "the associations between collocate pairs and the differences between the collocations of particular words" (Biber et al.1994). Collocation is the corner stone of corpus linguistics that highlights the most important language pairs in corpus-based study. The simplest way to identify collocated pairs is by their relative frequency, that is, how commonly one pair such as "large number" occurs relative to another pair "large man". Such frequency information can give a sense of the most common collocation associations. There are many different criteria of defining collocations; however, for the purpose of this project, I have chosen to adopt three criteria in studying actual words in habitual company: 1) distance, which refers to the span of the node, e.g. L5 (Left 5), R5 (Right 5), can be seen in the top left of GraphColl diagrams; 2) frequency, meaning the frequency of the occurrence of the words in which we are interested; 3) exclusivity, showing which words appear more frequently in each other word company with other words" (Firth, 1957:14). These

criteria will be taken into account when analysing the corpus data from PCIEL in my project.

This chapter addresses problems of legal terminology translation equivalents on the linguistic level. The translation of the legal lexicon has been identified as a major problem in International Economic Law. Yan Fu (1854–1921), a famous Chinese scholar and translator, was not the only person who saw the linguistic difficulty and complication in translating legal terminology between English and Chinese (Cao, 2007:1). Based on my corpus data, the translation of the legal lexicon has been regarded as a major problem in the translation analysis of PCIEL. The prominence of this problem requires that my data analysis will begin by addressing the lexicon translation. I will begin by classifying the categories of legal lexicon of PCIEL into three fields: law-related terms, economy-related terms, and political entity-related terms. I will start with the reasons for choosing these terms with supporting evidence from Paracon and GraphColl, and then I will analyse legal terminology translation at the lexical level focusing on the linguistic aspects of legal language. Next, I will assess the translation strategies of legal lexicons from my corpus examples. Finally, I will identify the respective areas of significant difficulty that arise when using the different methods to analyse translation work of IEL. Throughout the translation analysis process, I shall be seeking to establish whether the target text achieves the objective of translation equivalence.

In order to explore both linguistic and non-linguistic aspects in the translation of International Economic Law, there are three different parts in data analysis chapters: lexical, sentential and cultural translation. This chapter focuses on three semantic categories of PCIEL at lexical level: law-related, economy-related and political-entity related fields. Therefore, in the analysis of PCIEL translation, I will adopt both qualitative and quantitative approached. In the following section, I will also present the quantitative data and its analysis; then I will introduce lexicon and the translation of lexicon in PCIEL. Based on corpus data, three

lexical categories will be identified, and the qualitative analysis will be therefore applied in the three different semantic fields of PCIEL.

4.2 Quantitative data presentation of lexical translation in PCIEL

In this chapter, the equivalence of lexical translation in PCIEL is discussed. Therefore, three semantic fields have been put forward, which is an innovative method combining both quantitative and qualitative analysis. Each of the semantic categories is retrieved from corpus concordance first, and then the data used for analysis is selected according to its relevant semantic fields of PCIEL. In terms of the structure of translation analysis in each semantic category, there are two key words selected from the relevant field, and each of the key words will be displayed with two collocations for further discussion. In order to make a balance between most frequent lexicons and least frequent lexicons in PCIEL, the two key words of each semantic category are from a different frequency list: one is selected from the high frequent list, and the other is from the low frequent list.

In the Table below, the first column shows the three semantic fields in PCIEL according Key Word in Context (KWIC); the second column displays the Nodes, which is the key lexical term for translation analysis in this Chapter. Each semantic category consists of two lexical terms, for example, in law-related terms, "legal" and "sanction" are the selected Nodes. In the following six columns, they are the six parallel laws which are the all content of PCIEL, including Company Law, Contract Law, Marine Time Insurance Act, Patents Law, Sale of Goods Act and Security Law. In the last column, it indicates the frequency of each Node in total, which is the number of those key terms appearance in PCIEL. The separated frequency display of the key lexical term will help to identify the distribution of the data, therefore the rules of the sematic related words can be analysed from different perspectives.

The display of key lexical term proves the selection between high and low frequency words is helpful to explore different lexical features of PCIEL. There are different distributions of the high frequency term in PCIEL, one tends to appear in more different laws in PCIEL, for example, the term "state" appears 1193 times, distributing in all the six laws in PCIEL. The frequency of "state" in each law is 58, 25, 3, 42, 19 and 1035, among which it appears more frequently in Security Law with 1035 occurrence; The other distribution of the high frequency node is that the Node only with high appearance in any specific law, which is highly relevant with its semantic field. For instance, "fund" with the highest frequency 1594 in this chapter, only appears in 3 laws: Patents Law (1 time), Sale of Goods Act (2 times) and Security Law (1587). The result shows that most of the occurrence of "fund" contributed to Security Law. In terms of the low frequency terms, they only appear in two or three specific laws. For example, the word "country" with a low frequency of 15, only distributed in two laws: Patents Law and Security Law.

Table 11-Frequency list of Chapter 4								
KWIC		Frequency						
Semantic Field	Node/lexical term	Company Law	Contract Law	Marine Insurance Act	Patent Act	Sale of Goods Act	Security Law	Frequency in total
Law-Related Terms	Legal	27	18	2	12	6	486	551
	Sanction	2					38	40
Economy-related Terms	Customs				1	2	7	10
	Fund				1	6	1587	1594
Political Entity-related Terms	State	58	25	3	42	19	1035	1193

	county				4		9	15

The law-related terms of PCIEL, shows "legal" is a central concept in each law with high frequency. The ParaConc-produced frequency concordance was entered into the PCIEL mode: this shows that "legal" appears 551 times (see Table 4, Page49) and "illegal" appears 320 times making the concept of "legal" one of the key words. For this reason, the term "legal" has been chosen as the first central word for translation analysis in PCIEL. In order to further analyse the translation of "legal", two "legal" collocations are selected: one is "legal person" with 94 occurrences and the other is "legal representatives" with 82 occurrences. They have been selected as the analysed data. (More analysis can be seen in 4.3)

In order to explore the distribution of "legal" and its collocations in PCIEL, the Figure generated by Graphcoll is displayed as follows:

Figure 10 Graphcoll-legal

Type	Freq (within)
legal	12
the	574
of	297
and	208
a	136
or	125
person	119
to	95
representative	88
shall	84
article	78
by	74
in	70
company	67
other	57
any	49
as	49
opinions	46
for	45
liabilities	43
with	43
securities	37
be	37
chapter	36
opinion	35
on	31
business	31
is	29
law	29
where	27
organization	27
an	25
documents	25
relevant	24
issued	23

legal

Freq: 546, Edges: 1 in, 187 out

Span: 5 <> 5
Types: 187 / 10651
Tokens: 543268
Stat: 01 - Freq

KWIC   Save

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The above figure shows the display of "legal" with its collocations. Depending on the concordance of "legal" in GraphColl, "legal" and its collocates shows "legal" acting as the node in the centre of the diagram, and the concordance hit is 527, which shows the considerable number of collocates with this high frequency term.

In the Graphcoll Diagram, the word "legal" is used as the node, which is highlighted by the lighter circle in the centre. The other dots surrounding "legal" are "legal" collocations which indicate word pairings of legal in PCIEL. The density of the dots' circle shows that "legal" is regarded as the high frequency word with very many collocations. The diagrams on the left- hand side of Figure 10 are the statistical display of "legal" collocations, including the number of occurrences of the "legal" collocations in frequency order. The frequency order is also visually displayed in Figure 10 as dots surrounding the Node. Each of the dots has a different distance from the node "legal". For example, the term "the" is the closest dot of the Node "legal" in the figure and on the left hand the table shows that "the" appears 574 times as word cluster "the legal" in PCIEL. Therefore, the closer to the node, the more frequency it has, and vice versa. On the other hand, the greater distance from node, the less frequency in PCIEL. According to the Graphcoll figure (Table 8), the selected collocations "legal person" and "legal representatives" are also displayed in both purple dots and diagrams on the left- hand side of the figure. The discussion of the translation of the collocations will be from the high and low frequency in PCIEL key word list, the relation of collocations displayed in GraphColl, the use of translation techniques, the difference between translation in PCIEL and literal translation, and also the characteristics of the translation in each part.

Another key concept of law-related terms is "sanction", which is displayed with a low frequency of 40 (Figure 11), as opposed to the high frequency term "legal", "sanction" is regarded as having a similar meaning to punishment. However, the

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lexicon "punishment" has not been selected as the analysed data, because the frequency of "punishment" is 105, which is another high frequency word in PCIEL. In order to balance the table between most and least frequency words, "sanction" is representative of low frequency word in this semantic field, which brings the contract in this quantitative study.

Figure 11-Graphcoll- Sanction

Span: 5 <> 5	
Types: 21 / 10651	
Tokens: 543268	
Stat: 01 - Freq	

sanction

Freq: 40, Edges: 0 in, 20 out

Type	Freq (within)
be	27
given	27
shall	22
to	21
administrative	21
an	20
a	19
of	18
the	15
disciplinary	15
or	14
and	10
according	8
article	7
in	7
law	6
any	6
where	5
subject	5
provisions	5
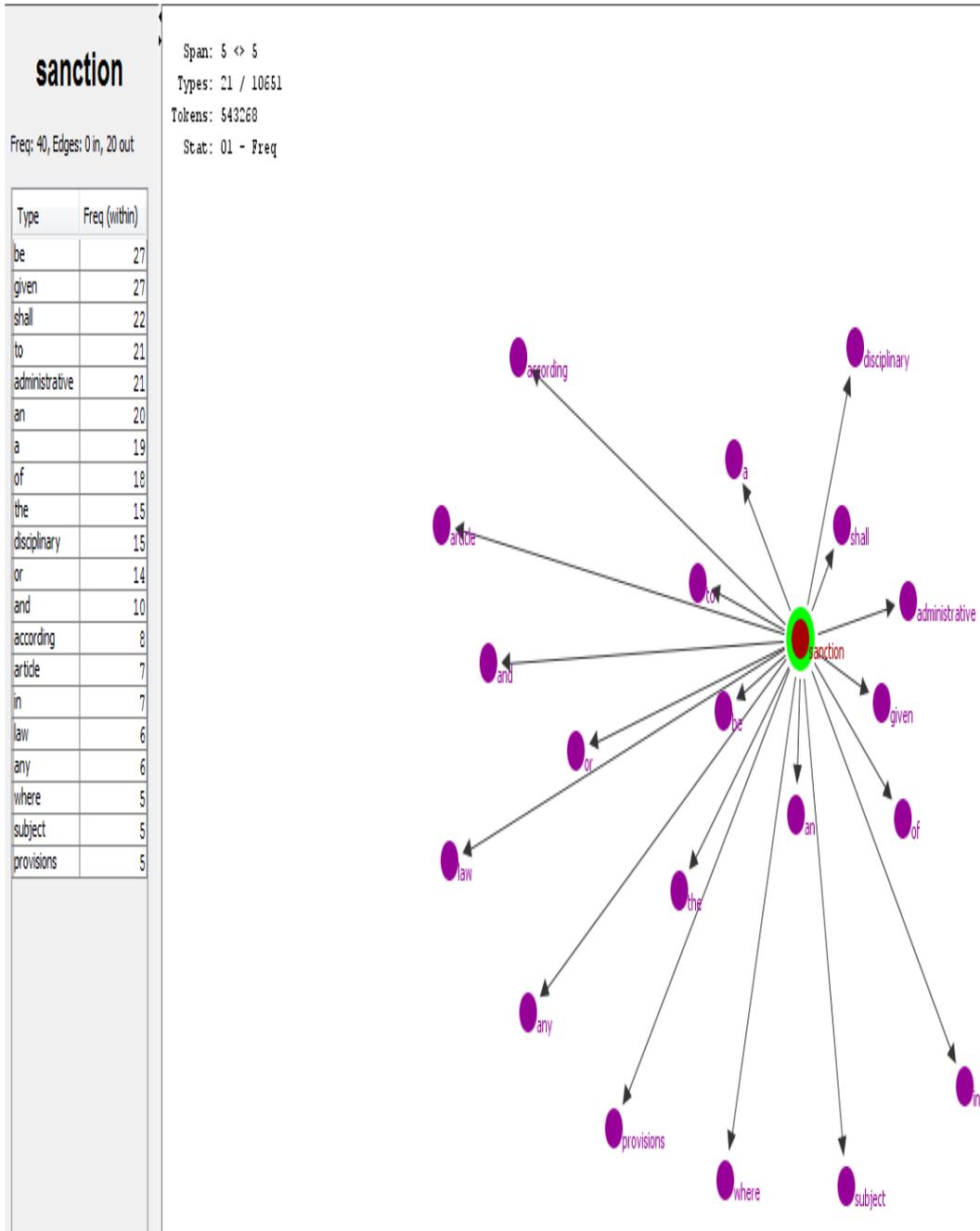
The Graphcoll Figure 11 of "sanction" above shows the node "sanction" with a frequency of 40, which is highlighted in the green circle. It demonstrates that "sanction" is one of the less frequent lexicons appearing only 2 times in Company Law. Unlike the crowded dots surrounding "legal", there are less collocates of

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"sanction" in the Figure. "Sanction" is also an interesting concept as legal punishment or authorised retribution is a particular feature of law. As for the "sanction" collocates, "disciplinary sanction" and "administrative sanction" are selected as the analysed data, and are also shown in the collocate diagrams on the left-hand side.

From the GraphColl display of "disciplinary sanction" and "administrative sanction", the concordance is shown where both "disciplinary" and "administrative" are collocate pairs with "sanction" in the diagram. As less frequent collocates from the frequency list, the collocation "disciplinary sanction" appears 15 times and "administrative sanction" appears 19 times in PCIEL. Other words related with this node are "legal" and "person" and show collocates with high frequency.

The translation of economy-related lexical terms is the second category to be examined in PCIEL. Economic translation might be regarded as a challenging and time-consuming process that requires not only domain-specific knowledge but also firm decision-making that takes due account of relevant political, socio-economic, cultural and linguistic parameters. The statistical analysis of the corpus shows high frequency "fund" – 1593 times and low frequency "customs" – 10 times have been selected as the two central words for examination. Taking the balance between frequent and less frequent lexicons in PCIEL, the two key lexicons are "customs" and "fund" in the economic semantic field.

Figure 12-Graphcoll-customs

Dir	Type	Freq (within)
out	or	8
out	the	6
out	and	5
out	of	5

customs

Freq: 10, Edges: 0 in, 4 out

Span: 5 <> 5
Types: 5 / 10651
Tokens: 543268
Stat: 01 - Freq
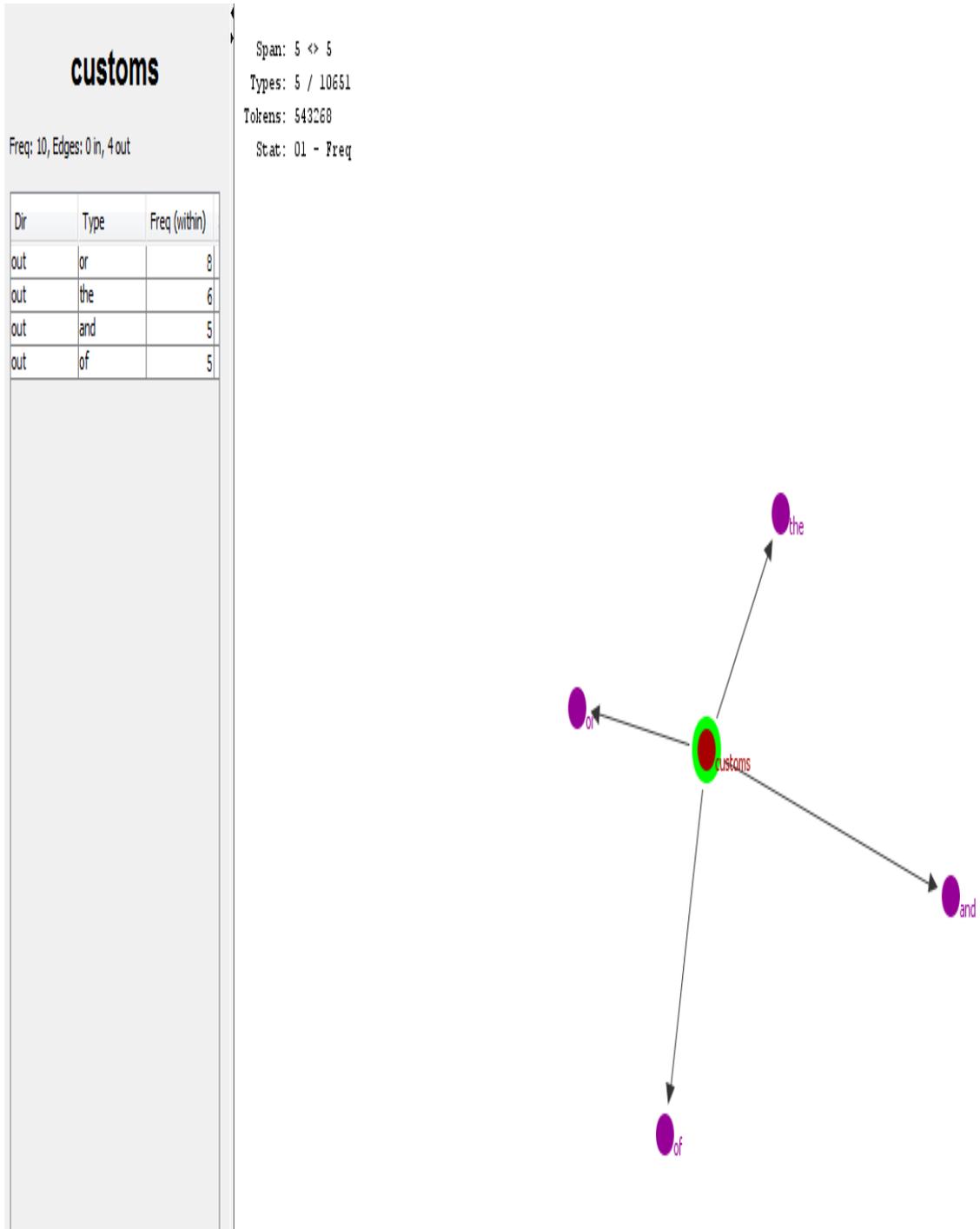
As shown in Figure 12, "customs" is the low frequency central node because of the low number (4) of collocate dots surrounding it. In concordance with

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GraphColl, "customs" acts as a node and is highlighted in the centre, appearing 10 times in PCIEL. This shows the relationship between the node and the collocate with high frequency surrounded. Two collocations of "customs" have been selected for examination: "customs clearance" and "customs declaration" are regarded as the terms with prominent linguistic features. The two "customs" collocates each appear one time, and the translation process of the two collocations reveals many cultural connotations. The translation of the two collocates is discussed in detail (see 3.5.1) by means of translation analysis and corpus statistics.

Unlike the low frequency word "customs", the other key concept in economy-related lexical terms is "fund". This is a key economic concept and it has one of the largest collocation connections, and the highest frequency of 1593 in the selected data analysis presented in this research. Two collocations with "fund" are selected for further analysis: one is "rewarding fund" and the other is "fund flow". It is interesting to note that the two collocations selected are the least frequent pairings with "fund", which is one of the most frequent lexicons. This is because, as a common word in English financial communication, the focus of "fund" collocations is highly relevant in IEL. These least frequency collocations provide clear access to the specific features of IEL.

Figure 13-Graphcoll-Fund
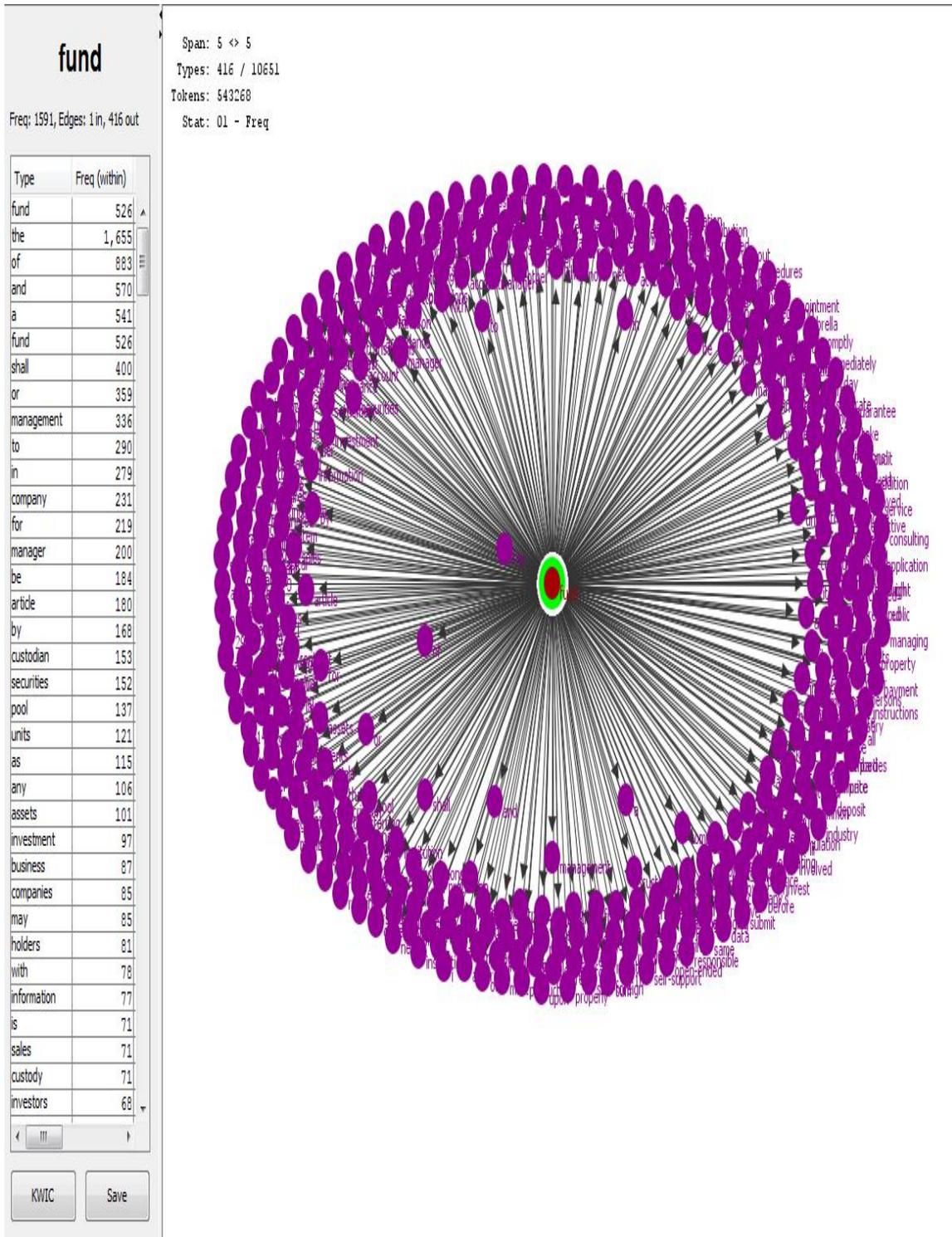
As shown in Figure 13, "fund" with high frequency occurrence in the PCIEL corpus, has been taken as the node for analysis this section, and the translation of frequent collocates with that node will be discussed. According to the concordance of GraphColl, "fund" is highlighted in the centre and the concordance hit is 1593, showing its collocations with high frequency surrounded. However, because of the limited space, the two "fund" collocations with least frequency cannot be displayed in the diagrams on the left-hand side.

As the third semantic field, political entity-related lexical terms are examined in part three of this chapter. International Economic Law involves the inclusion of "political entity" terminologies due to the regulation of cross-border legal and economic issues. Two central lexicons "state" and "county" have been selected for examination and discussion of the translation of the lexicons and collates. In this field, "state" represents the high frequency lexicon and "county" is the least frequency one for the contrast. Drawing on the main context of PCIEL, the discussion of "state" in this study will mainly focus on cultural communication between China and the United Kingdom.

In the concordance of GraphColl, "state" acts as the central node and has a concordance hit of 1193, showing the collocations with high frequency surrounded. There are two collocations of "state" selected, one is "state council" with high frequency, and the other is "state-owned company" with less frequency. The Graphcoll figure is displayed as follows.

Figure 14-Graphcoll-State
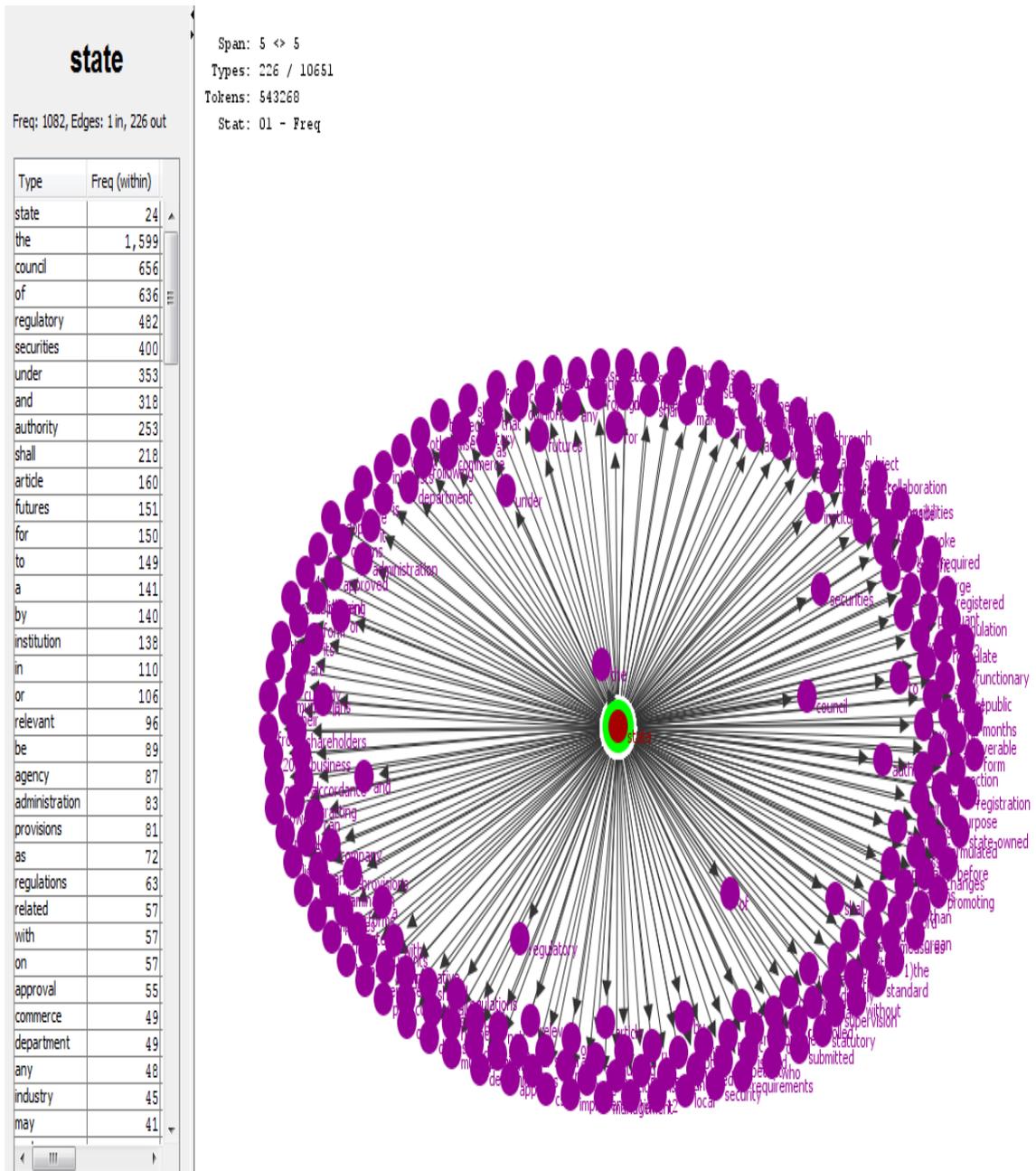
We can see in Figure 14 above, "state" is one of the top frequency words in PCIEL with a plethora of collocation dots surrounding. With an occurrence of 642, it is similar to the display of "legal" and "fund" in the previous categories as a high frequency node.

On the other hand, "county" is selected as the less frequency lexicon for the political entity-related lexical term in PCIEL. In China and the UK, the term county has a similar geographical concept of a region, but this term has different concepts and meanings in China and UK because of the different political systems. The translation of "county" must take these differences into account and this is the reason I have chosen this lexicon and its collocations for examination.

Figure 15-Graphcoll-County
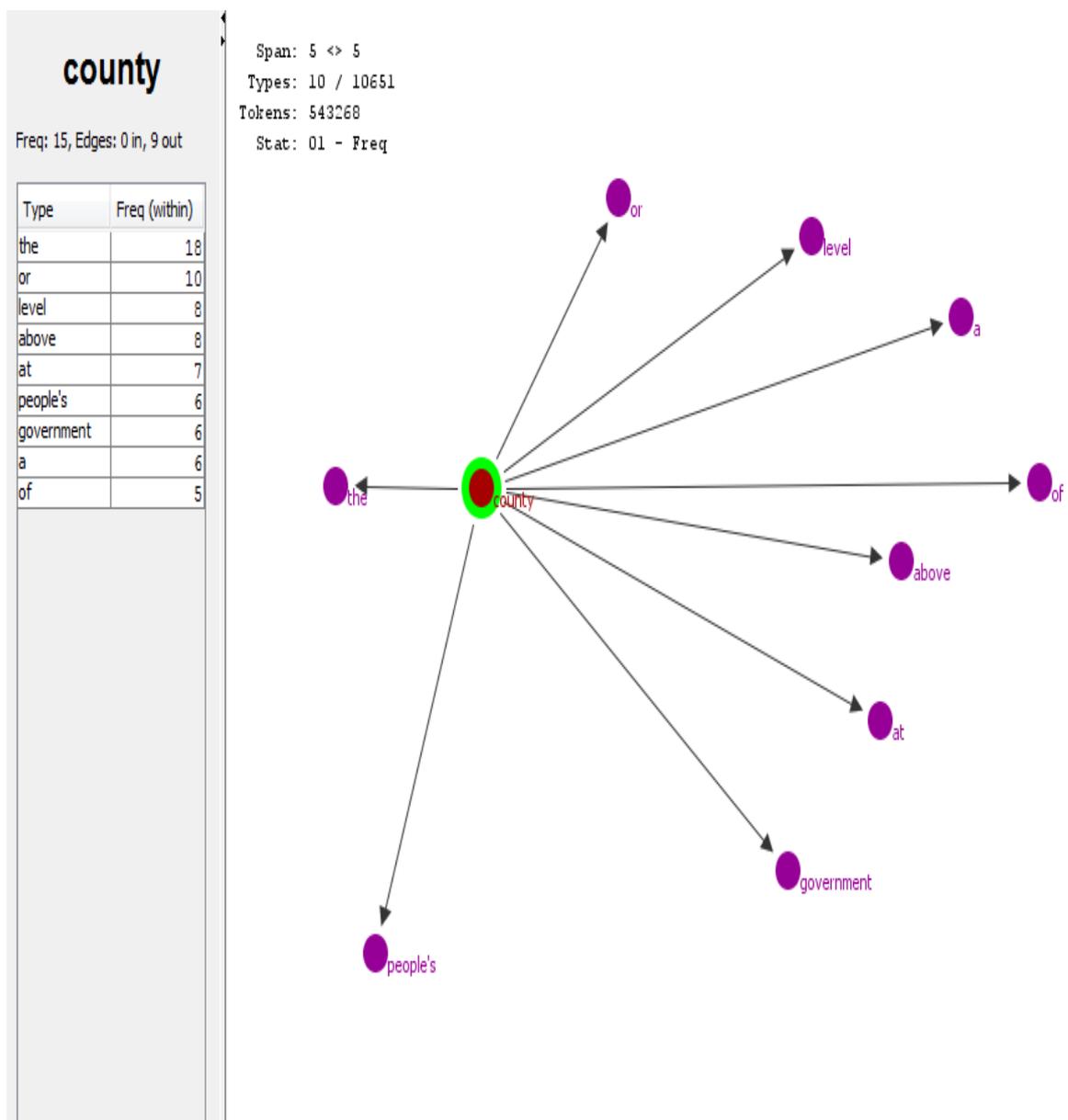
"County" has been selected to discuss the translation of political entity terms, for in contrast to "state", "county" is a low frequency word, hitting 15 occurrences. There are two collocations of "county" for translation analysis - "county court" and " county level".

This chapter has focused on the terminology translation of International Economic Law, as a means of addressing the research question: This chapter addresses the need to examine the role of culture in IEL. "How has the legal lexicon been translated at word level in International Economic Law?" The three semantic fields: "law", "economy" and "political entity" were examined using a corpus-based method as the creative approach. Two lexicons from a high collocation frequency category and two lexicons with a low collocation frequency for each category were selected and provided the opportunity for deeper analysis of data through case studies. More analysis of translation regarding the key lexical terms with their collocation translation can be seen in the following sections.

International Economic Law terminology has been divided into three categories for the purpose of this research at word level – legal, economic and political entity. This division has been evidenced from the frequency list of the corpus in the quantitative analysis. The key lexical terms have been extracted as presented before (see 4.2), and the translation analysis of the three semantic categories will be discussed, beginning with the central term (Node). Then I will analyse the translation of different lexical collocations of the central term.

Having discussed the fundamentals of the quantitative approach to translating specialised legal texts, and having set out the theories that underpin them, it is necessary consider how those theories apply in the actual translation process. The relevant terms are selected from both high and low frequency word list in the PCIEL. The translation analysis of each category will begin with a central term and I will then analyse the translation of different lexical collocations with the central term.

4.3 Law-related terms

The discussion of translating legal texts at word level has long been a subject of debate amongst legal scholars who hold varying attitudes towards the translation of law-related terminologies (Tiscornia, 2011). Many scholars argue that because of the differentiated roles conveyed by law interpretation, the different textual features of law, and because of the existence of some fundamental constituents in law terms (Sandrini, 2016), the translation of International Economic Law needs to follow some regulated law-related terminologies. For example, the terms "ownership" and "responsibility" in the Chinese context are regarded as problematic terms in the translation process of International Economic Law, as they contain specific historical change and legislative evolution in China.

4.3.1 Translation of the Lexical Term "legal" and its Collocations

The translation of International Economic Law is a sub-branch of legal translation, with law-related lexical terms accounting for the highest frequency according to the PCIEL corpus key word list. In IEL, the term "legal" is a central concept in texts. ParaConc produced frequency concordance was entered into the PCIEL mode: this showed that "legal" appears over 551 times and "illegal" appears 320 times, making the concept of "legal" one of the key words. For this reason, I have chosen "legal" as the first central word for examination. The translation of "legal" and its collocations, "legal person" and "legal representatives", have been selected as the analysed data.

Language anisomorphism leads to a relative absence of direct and one-to-one translation equivalents ((Hartmann & James, 1998: 6)). Languages such as English and Chinese differ in grammar and syntax, and there are normally no exact equivalents in Parts of Speech (Jurafsky and Martin, 2008: 59). A translator, as a socially recognised expert, is acknowledged as "possessing the special competence to convey information from one sign system to another" and to

reconceptualise terms from one sign or language system to another (Álvarez & Vidal, 1996: 38). For example, the translation equivalence between 法 and "legal" in first semantic category, in Chinese, the translation of "legal" can be either 法 (fa3) or 法律 (fa3lü4), because both of terms are conceptualised as similar entities in Law.

Most nouns and pronouns in English, and many verbs, have distinct singular and plural forms (Pellatt & Liu, 2010: 156) and most nouns and verbs follow certain rules in forming plurals. "Legal" can be used as an adjective in English, but in the more heavily context-dependent Chinese language, 法 can be used both as an adjective and a noun. When 法 acts as an independent word in Chinese it can be regarded as a noun, which is comparable with the noun "law" in English. When 法 is collocated with other words, it performs the same adjectival function as the word "legal" does in English. Despite the preponderance of words in Chinese that can serve as multiple parts of speech, a literal translation of the word "legal" as 法 or 法律, in most cases achieves the conceptual equivalence.

Example 1

ST: Article 3 A company is an enterprise "legal person", which has independent "legal person" property and enjoys the right to "legal person" property. It shall bear the liabilities for its debts with all its property.

TT: 第三条 【公司的界定】公司是企业"法人"，有独立的"法人"财产，享有"法人"财产权。公司以其全部财产对公司的债务承担责任。

Example 2

ST: Article 13 The stocks issued by a company may be registered stocks or unregistered stocks.

The stocks issued to promoters or **"legal persons"** shall be registered stocks, which shall state the names of such promoters or **"legal persons",** and shall not be registered in any other person's name or the names of any representative.

TT: 第一百三十条 【股票种类】公司发行的股票，可以为记名股票，也可以为无记名股票。公司向发起人、"法人"发行的股票，应当为记名股票，并应当记载该发起人、"法人"的名称或者姓名，不得另立户名或者以代表人姓名记名。

In Chinese, "the function of number in nouns and of tense in verbs is shaped through the use of particles and word order rather than through inflections" (Li, 2011: 161), the plural form of a noun is normally coded with a classifier and co-occurs with a quantifier. Examples 1 & 2 demonstrate both "legal person" and "legal persons" are translated with the same strategy into Chinese as 法人 (fa3ren2).

In Black's Law Dictionary (2004), "legal person" is defined as an entity that is "treated as a person for limited legal purposes". A "legal person" has legal rights and can own property, sue and be sued, enter into contracts. Legal persons have no civil rights, that is, cannot vote, marry, or hold a public office. However, outside the legal field, a "legal person" can be one who "holds natural or constitutional rights, such as the freedom of speech", with the term in this context belonging to objective reality (Cambridge Dictionary, 2015). As Schane (1987) described it, in different registers, even the same word may be used to describe different things in different cultural contexts. The legal context "legal person" acts as a fixed concept and the need for specificity dictates that "legal person" is converted to "legal persons" as shown in example 2 where ''promoters and legal persons'' convey a parallel meaning in this legal text.

The translation above demonstrates the need for translators to be aware of the changes of singular or plural expression in different texts. These changes reflect a

difference between Chinese and English, with the former being more flexible to realise textual coherence. Additionally, some grammatical devices typically used in English are prone to be awkward or ungrammatical in translation between English and Chinese.

Example 3

ST:（一）当事人的名称、住所及"法定代表人"姓名；…

TT: (1) The name, domicile as well as the name of the "legal representative" of the parties concerned; …

Example 4

ST: 第十三条 【公司法定代表人】"公司法定代表人"依照公司章程的规定，由董事长、执行董事或者经理担任，并依法登记。"公司法定代表人"变更，应当办理变更登记。

TT: Article 13 The **"legal representative"** of a company shall be assumed by the chairman of the board of directors, acting director or manager according to the company's bylaw and shall be registered according to law. If the "legal representative" of the company is changed, the company shall go through the formalities for modifying the registration.

"Legal representative" is also one of the top collocates in the frequency list, appearing 11 times in PCIEL. In English, as mentioned above, "legal" is an adjective. When it is used in the phrase "legal representative", "legal" is used here to describe the noun "representative". Examples 3 & 4 show that the term "legal" in the collocation "legal representative" is translated as 法定 (fa3ding4). The term 法定 can be interpreted as "legal" in Chinese; 定 here serves to emphasise the authorisation function of "法", raising the possibility of a conflict in meaning

when translating "representative". "Representative" could be translated as either 代表 (dai4biao3) or 代表人 (dai4biao3ren2). When adding "legal" in front, it can be translated as 法定代表and 法定代表人; however, the two terms constitute entirely different concepts. 法定代表 has a general meaning; anyone may be appointed a 法定代表 by a company or organisation. With only a written certification as proof of identity, any individual who works for the institution in question can be called the "legal representative". In contrast, the legal procedure for establishing a company in China requires the presence of 法定代表人, and only those individuals recorded under that procedure as the company's 法定代表人are licensed to act as representatives of the business, and their authority cannot be arbitrarily transferred.

The examples confirm the conceptual differences in the respective legal systems in the source and target texts, and no existing definition in English could precisely explain this special situation without the addition of the word "appointed" as legally appointed representative. The terminology translation of Examples 3 & 4 falls into the category of oblique translation strategies, aiming to achieve functional equivalence between different legal cultures. This strategy encompasses the expansion of words and conceptual amplification. Because of the cultural differences between two languages, even words that share similar meanings can express different meanings with different collocations (Termorshuizen-Arts, 2015: 183).

4.3.2 Translation of the lexical term "sanction" and its collocations

To balance the table, I also chose "sanction" as central node, which is one of the less frequent lexical items that appears twice in PCIEL. "Sanction" is also an interesting concept as legal punishment or authorised retribution is a particular feature of law. Black's Law Dictionary (2004) defines "sanction" as "a strong action taken in order to make people obey a law or rule, or punishment given

when they do not obey". The term "sanction" is translated as "罚" (fa2) in Chinese, which means "punishment". The translation equivalents of "Disciplinary sanction" and "administrative sanction" will be used here for discussion.

Example 5 below, shows that the translation of "sanction" in "disciplinary sanction" is 处分(chu4fen4) with two Chinese characters. "Disciplinary sanction" is rendered as 纪律 (ji4lü4) 处分 (chu4fen4) with four Chinese characters. In English, "sanction" is a noun while in Chinese this term can be used both as a verb and as a noun. 处分is a compound word that consists of 处 and 分; each individual character may have different meanings with different collocations, and it may not necessarily mean "punishment". Both 纪 and 律 share the similar meaning of discipline, and these two verb characters form a verb phrase in this collocation. In Chinese, comparable 'verb + verb' phrases are very common whereas in English this is not the case. In Example 5, "disciplinary sanction", the translation category is oblique translation and the technique used is amplification; the two English words in the Source Text are translated into four Chinese characters in the Target Text. The two English words produce two Chinese phrases 纪律处分. The technical translation into Chinese would apply to misconduct and invoke a less serious punishment as defined by the policy of the stock exchange company to act as a warning on misconduct to staff. This draws on Chinese culture to add logical soundness to the translation "disciplinary sanction".

Example 5

ST: 第一百二十一条 在证券交易所内从事证券交易的人员，违反证券交易所有关交易规则的，由证券交易所给予纪律处分。

TT: Article 121 Where any staff of a stock exchange who is engaged in securities trading violates any trading rule of the stock exchange, the stock exchange shall impose [on] him **disciplinary sanctions**.

As shown in Example 6 and Example 7 below, the translation of "administrative sanction" in Chinese is 行政 (xing2zheng4) 处分 (chu4fen4), which is the financial punishment of a fine and is intended to be regarded as a warning. In example 8 the translation of "administrative sanction" is 行政(xing2zheng4) 处罚 (chu4fa2) which is a more serious punishment than 行政处分 and could involve a more serious penalty, such as being dismissed by the company, or expulsion from the Communist Party. The challenge for the translator, therefore, is not simply to directly translate the individual lexical unit, but the context should also be taken into consideration. The translation of "administrative" is the same as in collocation 4: 行政. However, the translation of "sanction" 处罚 requires a closer examination of cultural equivalence. In English, an administrative "sanction" could be regarded as a "penalty" for committing an administrative offence or misdeed with the purpose of preventing new offences either by the offender himself or by other persons. The sanction may be imposed verbally, in writing or, in more serious cases established by the state, by a fiscal measure. The imposition of a "sanction" or "penalty" would reflect the seriousness of the offence or misdeed and may also have to comply with Employment Law.

In Chinese, the addition of 处intensifies the level of the punishment: the character 处 has a close relationship with criminal law and is sometimes employed as its shorthand form. Thus, the translation of "sanction" also belongs to the category of amplification, by which words are supplied to make an abstract concept clear. In collocation 5 处 emphasises how serious the nature of the offence is. The translation expresses its underlying meaning in Chinese legal culture, which cannot be literally translated, and acknowledges a relationship with China's Supreme Law. In the translation of the negative phrase "administrative sanction" a

meaning that is hidden in the SL should be expressly shown in order to carry the same meaning in a Chinese context.

Example 6

ST: 第二百零七条 …; 属于国家工作人员的，还应当依法给予"行政处分"。

TT: Article 207 …, an **"administrative sanction"** shall be given according to law.

Example 7

ST:（三）违反规定对有关机构和人员实施"行政处罚"的；

TT: (3) Violating the relevant provisions by giving any **"administrative sanction"** to the relevant institution or personnel;

Discussion

The term "legal" is the most commonly occurring word in the law-related category of PCIEL. From the earliest days of human socialisation norms of expected and accepted behaviour have existed with the aim of survival, and the concept of rules and "law" has evolved from this base across all human societies. The term "legal", as in pertaining to the law, is a term that occurs with consistency of meaning across languages and cultures.

In the analysis of the translation probability in PCIEL, for selected word collocations that received more than a single translation, translation accuracy was calculated by frequency of use in terms of the frequency in the target language and source language. The results showed that the translation was variable depending on different collocations and contexts.

The meaning of 'legal' is fixed in PCIEL and whenever "legal" occurs in collocation with other words this signifies a legal concept in PCIEL. In this law-related category we have found that the translation of the two central lexical items, "legal" and "sanction", can be different from the translation of their collocations depending on the context in which they are used, as evidenced in the literal translation.

The linguistic differences between Chinese and English make word-for-word equivalence in translation difficult. However, the different translations of "legal" and its collocations show that different translation techniques may be applied, and that translations will vary from one collocation to another. The first case study reviewed "legal person" in the form "legal"+[noun], with the noun being translated directly using literal translation. The translator must, however, be wary of a simplistic approach as illustrated in the translation of the plural "legal persons" rather than the plural "people". The translation shows equivalence in structure and connotation between Chinese and English and the objective of maintaining meaning in translation is achieved.

The translation of "legal" depends on the property of the noun where the corpora of PCIEL is related to International Economic Law, and in the term "legal representative" the task was not straightforward. In collocation "legal representative", the translation strategy employed was amplification as additional words were required to clarify the status and authority of the term "representative" with the translation of "legal" requiring the Chinese character 法 to signify its status.

In the two translations of "administrative sanction", 处罚and处分, there is just a small difference in one character 罚and分. While they both represent punishment, the meaning of 处罚 has more serious consequence than that of处分, which is simply a fine.

With informative texts, it is often sufficient to inform the reader that the source language concept contains something that approximates to a concept in the target system which, represented by a particular term, already exists in the target system, particularly whose function corresponds with that of the source concept. Sarcevic (1997: 24-36) warned that problems could arise in the translation of cross-cultural elements including over-translation or adding factors not relevant in the target language. He identified a number of approaches to dealing with this issue, including description or explanation of the source language concept in the target language or, alternatively, conversion (ibid: 250-254). Conversion is a technique of over-translating where the term from the source language is adjusted or adapted to a term from the target system which has a function comparable to that of the source term in its own system i.e. a functional equivalent, or what Sarcevic (1985: 130-132) refers to as a "cultural equivalent". In order to compensate for the incongruity of the two concepts, information is added to the target text, so that the text is expanded to a useful and reasonable extent and the concept in the source system becomes clear in the target system. To resolve any incongruity between concepts in the source language system and concepts in the target language system (which come into consideration as translations) aspects of the source language term, which do not appear with sufficient clarity in the target language translation, can be supplied through a descriptive translation, such as in the case of "administrative sanction".

In PCIEL, law-related terminology cannot be translated simply through word-for-word translation, with the node/central word of the collocation expressing a fixed conceptual meaning. The case studies of law-related terminology have shown that there is a significant difference between the translation of daily language and that of legal language, for within a different context, law-related terminology may convey a different meaning. While it is possible to identify some useful techniques to follow when dealing with legal terminology, the approach to translation must be flexible and take into account the context.

Legal documents or contracts form the basis of economic transactions, ensuring clarity of the business agreement between provider (seller) and receiver (buyer). The legal contract will, for example, set out the agreed item description, price, and quantity with any conditions, requirements, and penalties involved. Clarity of understanding for all parties involved is essential to the success of the agreement. In the following section, therefore, we examine economy-related lexical terms in International Economic Law.

4.4 Economy-related terms

IEL is related with the field of economy, thus the translation of economy-related lexical terms is the second category to be examined in PCIEL. Economic interactions across different international economic communities follow some common rules during the transaction processes. For example, product patents and contractual agreements are presented in substantially the same form globally. Consequently, economy-related terminologies should be translated in a semantic way, avoiding the culturally biased opinion of the translator. The social-cognitive approach also makes it easier for translators and readers to trace the original economy-related term (Fairclough, 2003: 59). From an economic perspective, the translation of different categories and the inclusion of economy-related terminologies in the processes of translating International Economic Law, help economists to capture and convey the subtlety of economic policy documents and to anticipate and regulate the behaviour of those who receive such documents.

It is worth stressing here that the translation strategy to be adopted in relation to a term in a business text depends not only on the source text but on the wider cultural context in which the text is embedded (Hatim and Munday, 2004: 293). The translation of IEL text can be regarded as a challenging and time-consuming process that requires not only domain-specific knowledge but also firm decision-making that takes due account of relevant political, socio-economic, cultural and linguistic parameters. The statistical analysis of the corpus shows that "customs"

and "fund" are the most representative lexical items in "economy" and have been selected as the two central words for examination.

4.4.1 Translation of lexical terms on "customs" and its collocations

As a homonym, "custom" has two basic meanings: one is "duty and tax", which can be translated as 税 (shui4), and the other is "habitual practices", which is translated as 风俗 (feng1shu2)、传统 (chuan2tong3)". In a business context, it means the documented permission of a national customs authority allowing imported goods to enter the country or exported goods to leave the country. "Customs" can be the plural form of 'custom' in the economic context. In the Black's Law Dictionary (2004), customs have two conceptual meanings as "*money paid* to the *government* when one takes *particular goods* from one *country to another*", and "*the government department* that *deals* with *taxes* on *goods coming into and leaving a country*". The term "Customs" can be translated as 税 (shui4) and 海关 (hai3guan1) respectively in Chinese.

Example 8

ST: To improve services, strengthen the supervision and control, increase the efficiency of **"customs clearance"**. To deepen the reform of the operational rules for **"customs clearance".**

TT: 改善服务, 加强监督, 提高 "报关" 效率。 深化通关作业制度改革。

"Customs clearance", as can be seen from Example 8, is typically given to a shipping agent to prove that all applicable import regulations have been met, customs duties have been paid and the shipment has been approved for import. The first "customs clearance" is translated as 报关 (bao4guan1) (report to customs); the second is translated as 通关 (tong1guan1) (go through the customs)". In terms of word units, both "customs" and "clearance" are nouns in

English and they combine to form the noun + noun phrase "customs clearance". It is a prominent characteristic of the translation of "customs clearance" in Chinese that the word order in SL and TL are opposite. In Chinese, 报关 means "report to customs" conveying this special connotation of the economic term with cultural equivalence between Chinese and English. 通关 is also called 清关 (qing1guan1) in Economics and Trade, which is a specialised term used in Economics and Trade meaning the action of reporting to customs. The example shows that translating "customs clearance" applies the oblique translation technique of conversion which means a shift to a different cultural environment.

The translation of 关 (guan1) (custom/barrier) is the most common interpretation in Chinese. In the two case-studies the translation of "customs" and its collocations are different because the implicit meaning of "tax (税)" does not convert either into the collocation "customs clearance" or "customs declaration". The word order of the translation is also opposite to the source language, with "customs" in front of collocates in English "customs clearance" and "customs declaration". In Chinese, the translation of "customs"(关) is at the end, e.g. 清关，报关 because "customs" does not act independently without any collocations. It is only when the lexical item of "customs" goes with different collocations, which expresses a full meaning or concept in a text. "Customs declaration" is one of the most representative translations because of the reverse order between SL and TL. There is no common rule in translating "customs" collocations but the conceptual meaning of 'customs' is constant when used with collocations: e.g. 'customs inspection' or 'customs border' in PCIEL.

In English, "custom" or "customs" is a homonym, meaning that the word "customs" have an alternative and entirely different meaning. Customs can also mean an established practice that would be reflected in "conventions" or "social rules". Interestingly this alternative meaning of customs is also reflected in the Chinese language where the most frequent collocation of "customs" in everyday

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language is "customs and culture", which in Chinese is 民(min2) 俗 (su2) 文 (wen2) 化(hua4): "folk customs and culture". This may be a reflection of the historical influence of British trading culture during the late Qing dynasty. It was at this time that China began to emerge as a global maritime trading country in addition to the traditional overland routes.

The above examples provide a general guide to translating "customs" collocations. "Customs" is an existing economic term in its own right; however, when it is combined with other words, it is difficult to adhere to a policy of translating the word literally according to its meaning in isolation. The translation of the single word "customs" might reflect its conceptual meaning, but it will need to sacrifice its full meaning when tied together with other words which act as modifiers. Any translation of a "customs" collocation must first distinguish between the term's meaning in the legal domain and the meaning in everyday language, and should then take account of the appropriate word order in the target language. Through this approach, and through the use of culture-specific description, translation allows readers in the target language to localise the meaning of unfamiliar concepts and assimilate and understand those concepts, converting aspects of culture into universally shared codes.

4.4.2 Translation of lexical terms on "fund" and its collocations

"Fund" refers to money or capital. It is a key economic concept and it has one of the most frequent collocations. The word "fund" expresses the notion of either market or capital, putting the collocations of "fund" in the semantic field of economy. In Chinese, "fund" has two meanings: the general meaning, as in English, refers to money needed or available to spend. The other meaning is in the narrower context of the stock market where "fund" helps to define a specific pool of finance, e.g. trust investment funds, provident funds, insurance funds, pension funds, and foundation funds. These concepts are of a clearly financial character and are familiar to many Chinese people today as sources of investment.

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Black's Law Dictionary (2004) defines "fund" as "an amount of money saved, collected, or provided for a particular purpose". "Fund" can be translated as 金 with one character or 资金 "capital 资" and "gold 金" with two characters in Chinese. "资, 金 and资金" are nouns, just as "fund" is a noun in English. Noun-noun phrases also exist in English, as in "school day", "computer game" and "Beijing opera". In Chinese 资 and 金 are synonyms, like their literal meanings capital 资 and gold 金. Dating back to China's ancient times, gold was the first "money" used for trade, thus most Chinese words or phrases relating to money or capital will feature "gold" to form a new word or phrase.

Example 9

ST: "奖励资金"由本市受益财政按比例承担

TT: Governmental **"rewarding fund"** shall be arranged in the general budget or fund budget of finance.

The translation of "rewarding fund" falls into the category of oblique translation. In translating "rewarding" into 奖励 (jiang1li4), the amplification technique was used in Example 9 in achieving meaningful translation into Chinese. Both 奖 and 励 share a similar connotation as reward, although the first character is more to reward, the second one is more to encourage. The translation of "rewarding fund" demonstrates that we cannot add words that go beyond purely functional or grammatical requirements in order to produce a fluent translation. It is important that nothing should be added that was not present in the original meaning, however, subject to this proviso, the translator can exercise reasonable latitude in the translation.

The translation technique applied in "rewarding fund" belongs to amplification, but this time the purpose of its application is to suit the logic of Chinese thinking.

Since 资金 (zi1jin1) has the broad meaning of real money and capital, 基金 (ji1jin1) is a term used more in financial stock markets by those specialists who work in portfolio investment. The meaning is shifted further, but it still achieves equivalence by considering the context of the TL.

Example 10

ST: 为进一步规范上市公司与控股股东及其他关联方的资金往来，有效控制上市公司对外担保风险，保护投资者合法权益，根据《公司法》、《证券法》、《企业国有资产监督管理暂行条例》等法律法规，现就有关问题通知如下：一、进一步规范上市公司与控股股东及其他关联方的资金往来**.**

TT: Further regulating the **fund flow** between listed companies and their respective controlling shareholders or other associated parties. The **fund flow** between listed companies and the controlling shareholders thereof or other associated parties, shall be in compliance with the following provisions.

"Fund flow" is translated as资金往来in Example 10. The collocation with "fund" is "flow" translated as 往来 (wang3lai2) in Chinese. "Flow" is the motion of flowing fluid, and the translation demonstrates the metaphor indicating money is similar to human beings who may "come and go". It falls to oblique translation in terms of translation techniques. As an example of economic terminology, this is a common concept and uses modulation to create the image of the movement of the funds from one account to another.

The challenges of translating economics-related terms from English to Chinese have been investigated by analysing the translation of the collocations "customs clearance"; "customs declaration"; "rewarding fund" and "fund flow" from PCIEL. The structural-semantic analysis of parallel English-Chinese terms of economics in legal translation has been outlined and the translation is stable from the number of frequency. The classification of the translation strategies and

techniques performed demonstrate features of the translation method changes based on using appropriate approaches to achieve translation equivalence.

In the above analysis, the translation of economy-related terminology produced similar outcomes whether the terms were drawn from everyday language or from legal texts. In PCIEL, the economy-related terminology could not be translated exactly using literal translation, but the node/central word of the collocation did express the fixed conceptual meaning. It is straightforward to establish some guidelines for translating economy-related terminology in the legal field, however beyond the legal domain; law-related terms may convey an entirely different meaning. The approach to translation must be flexible, taking into account matters of context. This is particularly important with the field of political entity-related language, which is our third area for examination.

4.5 Political entity-related lexical terms in the PCIEL

International Economic Law involves the inclusion of "political entity" terminologies due to the regulation of cross-border legal and economic issues. Two key lexical items, "state" and "court", have been selected for examination and discussion of the translation of the terms and their collocates.

In dealing with economic issues it is necessary for global economic entities to be conscious of the political regimes operated by different governments. Sarcevic (1997) recorded a growing awareness of the diversity in this field in the 1980's and 1990's, and demonstrated that international community activities had expanded into different fields, such as international trade, communications, emigration, tourism, and political integration. In some cases, such as the European Court of Justice, this has also involved the integration of different legal systems. As a result of political integration, international "political entity"-related terminologies have emerged and developed. Some "special" languages utilised for communicating specifically in fields such as economics and politics have evolved,

and in the process of translating International Economic Law, translators may now need to translate terms that describe newly integrated political, legal and social entities. In meeting this challenge, the availability and use of "political entity"-related terminologies would be of great assistance.

4.5.1 Translation of lexical terms on "state" and its collocations

In this section, the word "state" is discussed, because it carries a deep cultural meaning that might be hidden in translation. The terminology of political language is related to the special language of political philosophy, since this terminology aids the formulation of the most common questions concerning the relationship between the individual and society. In the English language the use of the word "state" represents political and legal concepts that have different specific meanings in different political systems. For instance, a "sovereign political state" refers to the entity in international law, which commonly is regarded as a "country". It covers the notion of Estates; States; National Assembly or a legislature. In addition, there is the constituent state, which is one type of political subdivision of a nation. In contrast, in China, "state" only refers to the People's Republic of China.

In this section, "state" is literally translated as 国 (guo2) which is a literal translation. Both "state" and 国 can act as a noun or an adjective in different contexts, and the translation of the single word "state" causes no confusion. In Table 9 the translation of "State council"(国务院) (guo2wu4yuan4), "state" is translated as 国务; in "State-owned"(国有) (guo2you3) "state" is translated as 国. All other collocations with "state" in Table 9 share the translation 国家 (guo2jia1), which in literal translation means "country home". Of the 16 collocates of "state", 14 share the translation of 国 (country) 家 (home). Based on the word's high frequency of occurrence in the PCIEL corpus, the word "state" is taken as the node in this section. The translation of frequent collocates will be discussed, and

finally we will explore different ways to translate "state" with an eye to the resolution of cultural differences.

"State council" is the translation of 国务院 and refers to the Central People's Government, the chief administrative Authority of the People's Republic of China. The translation expresses the underlying meaning of the institution in China, and 国务院 is a proper noun in Chinese political ideology. According to the corpus data in PCIEL "State Council" appears 161 times. Other words related with nodes "state" and "council" show collocates with high frequency.

Unlike collocations previously examined, the two words "state" and "council" are translated into three Chinese characters国务院. The translation strategy applied to "state" is amplification in order to establish the correct meaning within Chinese culture. "Council" is translated as 院 which means a common yard (shared space) and the translation strategy applied to "council" is therefore substitution. For, as shown in Example 11, the context for "state council" is as an authentic institution for stock companies, and as one of the most important institutions for the Chinese market economy.

Example 11

ST: 第十四条 公司公开发行新股，应当向"国务院"证券监督管理机构报送募股申请和下列文件：

TT: Article 14 A company that makes an IPO of stocks shall apply for public offer of stocks as well as the following documents to the securities regulatory authority under the "**State Council**":

The translation technique of Example 11 falls into the category of oblique translation, and the translation procedure is conversion. Using this translation strategy, the SL term is formulated or "adapted" to convey the particular meaning that resides in the social reality of the target language and can therefore have the

same function (Sarcevic, 1985: 130-131). In other words, the translator resorts to the use of a cultural equivalent. Dickins, Hervey, & Higgins (2016: 32) suggested that, in a narrow sense, conversion is no longer deemed translation for it is a kind of cultural transplantation. Alternatively, Kade (1968) clearly differentiates between translation and conversion, stating that in the case of translation, the translator is required to reproduce the information content of the source text, while in the case of conversion, the translator adapts the source text to match up to the culture of the target language by making changes to the information content of the text in question (quoted by Cheng & Sin, 2016: 240).

This distinction becomes evident when a back-translation test is performed on the target text and may reveal considerable divergence between the source and target text due to the fact that cultural equivalence usually has no one-to-one equivalence in the source language (ibid, 1985: 131). The translation of "State"(国务) is different from the literal translation国. Instead of the concept of "a nation", the term "state council" refers to the special meaning of China's chief administrative authority and in this case the translation of "state" indicates the administration of the nation. The translation of example 11 reflects the sense of cultural difference between different countries which is important for legal translation. Since China and the UK have different political systems there are many words with culturally specific political features. In order to translate these lexicons properly it is important for translators to have background knowledge of the political field.

"Enterprise" and "company" carry similar meaning in Chinese culture; "state-owned enterprise" and "state-owned company" both appear 4 times in PCIEL. The common feature of these two terms attributed to "state" is that they are state-owned. The difference being that they have different laws regulated by the Chinese Government. For example, a "state-owned enterprise" is regulated by the Law of Industrial Enterprises owned by all People in China, whereas a "state-owned company" is regulated by Company Law in China. This all-encompassing

concept of state ownership and parallel meaning is recognized in the English interpretation of the terms "state-owned enterprise" and "state-owned company" but the notion is less relevant culturally because in the UK there are relatively fewer state-owned companies and enterprises compared with China. Although "state-owned enterprise"（国有企业） (guo2you3qi3ye4) and "state-owned company"(国有独资公司) (guo2you3du2zi1gong1si1) share the same format and word order, the number of Chinese characters in their translation are different. Because in the translation of "state-owned company" the extra conceptual meaning of "sole proprietorship" (独资) (du2zi1) is added which is not in the SL, this requires translation with paraphrase.

Both collocations use literal translation国有企业in Chinese but in the original legal text the two similar collocations have totally different translations in Chinese; the distinctive and significant characteristics of these collocations justify the focus of this section on them. In the present set of analyses, translation probability was used as the dependent variable.

Across a range of international possibilities, a state-owned enterprise may also be known as a state-owned company, state-owned entity, state enterprise, publicly-owned corporation, government business enterprise, crown corporation, government-owned corporation, commercial government agency, or public-sector undertaking. A state-owned enterprise is a legal entity that undertakes commercial activities on behalf of its owner, the government (Black's Law Dictionary, 2004). The legal status of State Owned Enterprise (SOE)'s varies from that of being a part of the government to that of being a stock company in which the state is a regular stockholder. The defining characteristics of SOEs are that they have a distinct legal form and are established for the purpose of operating in commercial affairs. While they may also have public policy objectives, SOEs should be distinguished from other forms of government agency or state entities established to pursue purely non-financial objectives (Business Dictionary). SOEs in China are under the control of the state-owned Assets Supervision and Administration

Institution, which is an official governmental organization. In Example 12, the SOE is apparently also under the control of "provisions of the state". This is in line with the translation of the central lexical item "state".

Example 12

ST: 第八十三条 "国有企业"和国有资产控股的企业买卖上市交易的股票，必须遵守国家有关规定。

TT: Article 83 The **"state-owned enterprises"** and state-holding enterprises that engage in any transaction of listed stocks shall observe the relevant provisions of the state.

Example 13

ST: Article 70 None of the chairman, deputy chairmen, directors and senior managers of a wholly **"state-owned company"** may concurrently take up a post in any other limited liability company, joint stock limited company or any other economic organization unless it is so consented by the state-owned assets supervision and administration institution.

TT: 第七十条 【高级职员的兼职禁止】"国有独资公司"的董事长、副董事长、董事、高级管理人员，未经国有资产监督管理机构同意，不得在其他有限责任公司、股份有限公司或者其他经济组织兼职。

For the translation of "state-owned", a literal translation procedure was adopted as the main translation technique. In terms of the word unit, "state" is a noun in English, which is translated to 国 in Chinese. "Owned" (有) is a verb in Chinese, and the combination 国有conveys the nature of the "enterprise". The translation of "state-owned" is a word-for-word translation. "Enterprise" is a noun in this phrase, which can be literally translated as the noun企业 in Chinese. Both 企业

and "enterprise" share the same meaning of business or company; therefore, although there is a word expansion between "enterprise" and 企业, there is a comparable expression in both the TL and SL which achieves functional equivalence. In terms of their connotations in English and Chinese, the translations do indeed match up in terms of meaning.

4.5.2 Translation of lexical terms on "county" and its collocations

The term "county"县(xian4) is the second central word selected to discuss the translation of political entity terms. In contrast to "state", "county" is a low frequency word. "County court" and "county level" will be discussed here.

In Britain, a "county" is a geographically defined area with an administrative remit to provide services for the people living within that area. The "County Court" is a primary level legal court, with unlimited financial jurisdiction covering one or more administrative "county" areas. According to the Constitution of the People's Republic of China 1982 and the Organic Law of the People's Courts 1980, the Chinese courts are divided into a four-level court system: Supreme People's Court and Courts of Special Jurisdiction (covering military, rail transport and maritime and forestry) are the highest level of jurisdiction. Local People's Courts are the courts of first instance and handle criminal and civil cases. These people's courts make up the remaining three levels of the court system and consist of "High People's Court" at the level of the provinces, autonomous regions, and special municipalities; "Intermediate People's Courts" at the level of prefectures, autonomous prefectures, and municipalities; and "Basic People's Courts" at the level of autonomous counties, towns, and municipal districts. The "County Court" could most closely be compared to the "Basic People's Court" in China.

In China "counties" are county-level divisions found in the third level of the administrative hierarchy in Provinces and autonomous regions, with the "county court" in China being a sub-level of the Basic People's Court. In simple word-for-

word translation "Court" as a common concept both in China and the UK can be translated simply as 法院 (fa3yuan4). In translation "county" is translated as 地方 (di4fang1) which means local. However, to achieve cultural equivalence of meaning when translating "county court" the translation strategy of expansion must be adopted resulting with a literal translation of "local side legal yard".

Example 14

ST: In England and Wales any costs awarded under this section shall, if a **county court** so orders, be recoverable by execution issued from the county court or otherwise as if they were payable under an order of that court.

TT: 在英格兰和威尔士，假如郡法院有命令，此费用可根据该郡法院的执行令退回否则应作为根据该法院的命令征收.

Example 15

ST: 市、县级人民政府奖励金由各市、县在财政一般预算或基金预算中安排。

TT: The people's governments of the cities (prefectures) and **counties** (cities of the county level) shall reward the non-governmental investment attractors in combination with their respective actual situation.

In Example 14, the translation "County" comes from a Chinese concept of the second level in municipalities and Hainan, a level that is known as "county level". This level contains autonomous counties, county-level cities, banners, autonomous banner, and City districts in China. There are 1,464 counties in Mainland China out of a total of 2,862 county-level divisions (Seckington, 2007: 204-227). Example 14 shows that a borrowing concept is adopted and the translation technique used is literal translation. The translation of "level" with literal translation gives the meaning of different "classes" or levels of society. The

translation of "county" is also a literal translation, but it carries a different concept from the translation of "county court". The meaning of "county" could be defined as "local" whereas the meaning of the Chinese lexical item 县 (xian4) now relates to an administrative concept. The counties of the United Kingdom are geographical and these are often historically defined divisions identified for the purposes of administrative and political demarcation. In China, due to its large population and geographical area, the Constitution of China provides for three levels of administrative division: the provincial, county, and township. As of August 18, 2015, there were 2,852 county-level divisions (Yuan, Jian, He, Wang & Balabanova, 2017: 44). The translation is literally equivalent, but the meaning is not exactly equivalent between Chinese and English because of the different political systems.

When dealing with the political-entity category, the translation of "state" and "court" provide interesting translation challenges and show that it is very important to identify ways to cross political and cultural barriers of understanding. This process is especially challenging when translating terms which do not exist in the target language or where the meaning is totally different in the target language.

The term "state" was chosen as a high frequency lexical item and of the 1193 collocations, 914 had the same translation 国家. In contrast, "state" was translated as 国务 in "state council" and 国有 in "state owned" and these two collocations were chosen for examination. As discussed above, it became clear that in the translation process of political language it is critical to find the correct terminology in the target culture, which will make it more straightforward for readers of the target text to understand that meaning. The translator is

forced to reconstruct, through interpretation, those concepts which are established in the political context of the original text. This reconstruction is a mental process

through which the text is rebuilt according to our knowledge in order to gain a better understanding of its meaning.

The translation of "county court" and "county level" proved to be the most difficult in this Chapter because of the different political systems in the UK and China. The translation of "county", for example, is quite different. Whereas in one country this is the name of a governmental institution, in the other it describes a geographical and political demarcation. It is difficult to achieve lexical equivalence in these translations, because as we see from the literal translation of county court it is almost impossible for a non-Chinese speaker to understand the meaning of the term. "Yard" is never used to describe a public or governmental institution in English, yet in translation it achieves functional equivalence in the target culture.

The (technical) translation of political terminology in legal texts is a demanding process, requiring accuracy, thoughtfulness, and meticulousness. Consistency is a prerequisite in both source culture and target culture, as the uniform use of terminology prevents misunderstanding, but there remains scope for creativity and flexibility in the process of "building" the target text. Finding or creating true equivalence in communicative purpose, employing the appropriate syntactic or grammatical structures, can lead to a clearly understood text in the target language that achieves accuracy of meaning equivalence. Although translation from English to Chinese often amounts to an "amplification" science, we have found that this special "political" language cannot exist without the support of normal, everyday language, and it is this everyday language that is the vehicle to convey meaning, by helping form the complete sentence.

4.6 Discussion

Terminologies related to political and economic expression have a more stable tendency when the legal concepts in political and economic fields are comparable across cultures.

As a socialist country, the Chinese economic and political system has developed in its own way, and some terminologies in the wider economic and political fields cannot easily be changed into or from the socialist context. Nevertheless, functional social-cognitive equivalence depends not only on the terminology, but also on the legal text with all its syntactic, semantic and pragmatic implications. There are many strategies for translating the apparently untranslatable, such as explanation or footnotes: this entails the loss of some original meaning, but can be mitigated in other parts of the text or discourse. No translation can replace the original text. The translator's task is "never to copy what is said, but to place himself in the direction of what is said (i.e. in its meaning) in order to carry over what is to be said into the direction of his own saying" (Newmark, 1988: 79).

This chapter has demonstrated that it is a challenging task for the translator to transfer specialist terminology of IEL. The result of each semantic field has been summarized as follows. Translating economy-related lexical terms "customs" – *customs clearance: customs declaration*, and "fund" – *rewarding fund: fund flow* provided more challenges than the legal terms had risen. While the same economic concepts exist in both English and Chinese business practice, the expression of these concepts and the terminology used is different. The lexical item "customs", as a form of taxation, has the same meaning in English and Chinese even in translation change of the word order, i.e. in English customs (noun) + clearance (verb) and the translation is 清 (verb) + 关 (noun). The term "rewarding fund" provided a very interesting case study. There was a shared meaning of the term "fund" as a resource of finance available and the Chinese literal translation revealed the continued value placed on the traditional monetary

value of gold. In translating "rewarding fund" the terminology is easily transferred; however, the concept can only be directly translated into the English context by the use of the word "bonus". This demonstrates that there is no correspondence between the lexicon of two different languages and two different social systems, and the challenge for the translator is to somehow reproduce the sense of the original.

The analysis of the translation of political entity terminology provided thought-provoking examples, which shows that political words cannot be analysed in isolation. Moreover, such analysis must take into consideration the whole sentence and even the entire discourse. The lexicon "state" was chosen from the high frequency list in PCIEL. In the UK, the term "state" in political terms is understood to be a defined national geographic area ruled by an elected government with decision making powers for the good of the whole nation, whereas for Chinese people, the translation of "state", which is 国 (country) 家 (home) in Chinese, reflects the cultural perspective of the "state" in China. Two sayings identify strongly with this concept of "country (China) is home" as a cultural understanding. One, "I'm proud of being Chinese", the other "I'll protect my home and my country always". This is in line with the Chinese translation. 国 (country) 家 (home) as not just the place of birth, but also what makes a Chinese citizen and encompasses the "state" as defined in The People's Republic of China. As Hart explains, "the primary function of these words is not to describe something but to set up" (quoted by Sárosi-Márdirosz, 2014).

In the Political-Entity related field, terms such as "*state council*" and "*state owned enterprise / state owned company*" shows that, there is a comparably stable translation of terminology in the political semantic field. As high frequency collocates, both "state-owned" and "State Council" have a single translation in PCIEL. However, in order to examine equivalence of meaning between Chinese and English, these terms presented substantial challenges.

Legal translation as culture dependent translation requires the translator to be fully linguistically proficient in the source and target languages, as well as to be thoroughly familiar with the cultures and legal systems of the source and target countries. Often the legal terminology in the source language cannot be translated directly, or literally, and one of the challenges of legal translation lies in the fact that legal terminology is very system and country specific.

This became clear, first, in the translation of "state council" where there was a clear difference between the Source Text "state council" and its translation "国务院", back translated as "state affair yard". The term "state council" is not used in the English context. The nearest equivalence in the meaning of "council" would be a "district council". This would be understood as a small group of people who have been elected by the people as the representatives of a defined geographical area. This "district council" has decision-making powers and fiscal resources to provide services for the wellbeing of the people of that local area, and is accountable to the electorate. This provides a stark contrast to the Chinese interpretation of "state council" where the term means the most senior government authority of the Central People's Government. The term "yard" found in the literal translation would not make sense in the English context and requires the translation strategy of substitution and the need for functional equivalence.

Functional equivalence is the process where the translator understands the concept in the source language and finds a way to express the same concept in the target language by which the same meaning and intent as the original is conveyed. This can be achieved through finding a phrase of the same meaning, lexical expansion, or descriptive paraphrasing. Consequently, the method that the legal translator chooses will depend on the degree of equivalence within the concept.

The collocation "state owned enterprise/state owned company" is now a less familiar concept in the UK where many of the previous nationalindustries have moved to the domain of private ownership since the 1980's. Only a very small

number of national services remain under control. While the notion of the government having sole ownership of a manufacturer, industry, or company has now no parallel in the UK in the translation process equivalence of meaning could be achieved in literal translation.

The second collocation to provide a significant case study was "county court" which in literal translation is "local side legal yard". The term "court" is a homonym and has several meanings in English. One of these is the legal interpretation and refers to the chamber in which justice is administered with the "county court" a primary legal level jurisdiction. The use of the term "yard" would therefore appear to be a confusing and inappropriate translation of the word "court". "Yard" as a homonym, has a few meanings, one of which is to describe a piece of enclosed ground or land, but it has no legal connection. The connection can, however, be found if we examine the historical social context where the traditional Chinese courtyard house (四合院) was an arrangement of several individual houses around a shared open space. This shared open space or "yard" in inns and public buildings was often the primary meeting place for common purposes. In this context, "yard" has the meaning of a common meeting place where discussions and decisions about local matters took place. Together, as discussed in collocation 1 and 2, any word combined with the word "legal" takes on a legal concept. Thus "legal yard" (or court) is a "government yard" (institution) and a place to deal with legal disputes by a legal authority.

Based on the data presented in three different fields, the translation of law-related terminology has proved to be the most stable with different collocations. The translation of economy-related terminology has some variable tendency; while the political entity-related terminology translation is the most variable when compared with the previous two semantic fields. The function of entity-related language is to convey specific meaning found in one political system to another. It is for this reason that the translator needs translation strategies that are made up of different translation techniques. To conclude, I think evidence has shown that the

application of a social-cognitive approach – both at the linguistic and non-linguistic level – provides a new framework in legal terminology translation.

Chapter 5 Translation of legal lexicon at sentence level

5.1 Introduction

Chapter Four explored the first main research question: "How has the legal lexicon been translated at word level in International Economic Law?" The legal terminology translation on the lexical level was examined, focusing on the linguistic aspects of legal language and discussed the translation strategies of legal lexicon selected from high and low-frequency appearance in PICEL in my corpus examples.

In order to address the second research question, "How has the legal lexicon been translated at sentence level in International Economic Law?" the data from the statistical analysis will be presented, and then an analysis of grammatical features in PCIEL will be undertaken, and selected vocabulary items will be studied within their context. For the purpose of understanding and analysing the complexities of the task facing the translator of complex legal sentences of Chinese – English documents, in the first section of this chapter three grammatical features will be examined based on the translation of the selected sentence examples in PCIEL. These are obligation sentences (e.g. modal verbs), voice (e.g. passive/active), and clauses (e.g. subordinate clauses).

Secondly, Five examples related to IEL will be introduced from the corpus selected in terms of their grammatical features and translation techniques. These examples will be used to explore problems of legal terminology translation equivalence, at the syntactical level, by analysing sentences in the two languages. Analysing lexical features and syntax in the structures in which they are embedded enables the demonstration that a translation can more accurately be produced and studied in larger word units. An analysis will therefore be undertaken of the features mentioned earlier on the basis of the five example sentences. It is in long sentences that the complexity of translating certain terms

becomes apparent. In order to show clearly each of the features being studied, clusters of terminologies are displayed with underlining and with a subscript number, which is further explained in diagrams following each example. Footnote is a quantitative approach used in this chapter as it is based on frequency and is also qualitatively based by particularly selecting interesting features of the chosen corpus sentences.

Finally, based on the example analysis, the grammatical features will be summarized in accordance with the linguistic aspects mentioned earlier: obligation sentences, voices, and clauses. In-depth discussion of the challenges for the translator working with complex legal texts, whether in understanding the Source Text, as Sarcevic (1997: 70-71) posits, the translator must "….be able to understand not only what the words mean and what a sentence means, but also what legal effect it is supposed to have, and how to achieve that legal effect in the other language." Finding an appropriate translation technique, therefore, is vitally important in achieving this aim and avoiding the problems, and errors, raised by the differences in legal systems and languages. In order to explore the translation process of IEL, the third section addresses the translation of vocabulary related to International Economic Law in complex sentences.

5.2 Quantitative data of sentential translation in PCIEL

In this chapter, the analysis of translation equivalence is focused on the sentential level. Each sentence in this Chapter is selected by high frequency and low frequency word clusters, instead of the individual lexicon as shown in Chapter 4. The semantic fields of this chapter are classified by the grammatical features shown in Table 19 below: obligation, clause and voice. In each grammatical category, there will be one representative word selected and displayed with its frequency in different laws and PCIEL. They are high frequency words which occur actively in each law, apart from the word "formulated", which is a notional word unlike grammatical words "shall" and "when".

Table 12-Frequency List of Chapter 5								
Gramma tical Feature	**KWIC**	**Comp any Law**	**Contr act Law**	**Marin e Insura nce Act**	**Pate nts Law**	**Sale of Goo ds Act**	**Secur ity Law**	**Total Freque ncy**
Obligatio n	Shall	490	502	26	433	469	13	10690
Clause	When	22	30	20	10	33	32	793
Voice	Formul ated	6					178	184

In the first grammatical category of obligation, the modal verb is regarded as one of the most common expressions in this semantic field. The modal verb of English is a small category of auxiliary verbs used to indicate the way in which something is experienced or happens – that is: permission, certainty, necessity, obligation, likelihood. Examples would include - will/would; can/could; may/might; shall/should (Gramley & Pátzold, 2004). In legal English modal verbs are often used, as the goal of legal texts is to confer rights and impose obligation (Trosborg, 1995). Among these, "shall" is the most commonly used in legal English and appears as one of the top words in PCIEL's frequency word list of modal verbs with an occurrence of 10690. When "shall" is used to describe a status it is often translated as future tense to describe future action (Cambridge Dictionary, 2015). Danet (1985: 281) however, claims that in legal texts, rather than in futurity, "shall" expresses authority and an obligation. Two examples of the use of "shall" are discussed regarding translation techniques. There is further discussion in the following section.

As is shown in Figure 16, the GraphColl figure of "shall" represents one of the highest frequency lexicons with more collocations in PCIEL. See the Figure 16, where there are too many collocation dots to show the image clearly. The Figure reflects the prevalent use of "shall" in PCIEL. Thus, more specific features of "shall" in obligation sentence will be discussed in the following section.

Figure 16-GraphColl-Shall

Type	Freq (within)
shall	112
the	11,942
be	4,907
of	4,319
and	2,999
to	2,461
a	2,230
in	1,623
company	1,570
article	1,379
by	1,206
for	1,151
it	977
securities	882
not	868
as	790
or	673
with	657
an	636
on	523
its	497
any	430
csrc	409
shareholders	402
fund	400
board	398
directors	386
listed	385
make	385
following	378
institution	365
that	346
report	330
this	328
other	321

shall

Freq: 10689, Edges: 1 in, 1848 out

Span: 5 <> 5
Types: 1848 / 10651
Tokens: 543268
Stat: 01 - Freq

In the second grammatical category, the frequent use of clauses is deemed as one of the prominent features in PCIEL, which makes legal text different from other texts, therefore translators have to face more challenges when dealing with long legal sentences especially those with several clauses. In PCIEL, since lexical concordance is the basic way to have access to long sentences, and as one of the representative factors of clause, subordinating conjunctions are used as the way to distinguish and analyse clauses and sentences, such as: "when", "where", "if", "which", and "in order to", have been shown in Table 12.

In the GraphColl Figure 17, "when" is also regarded as a high frequency word in PCIEL, with 793 occurrences. It acts as a node, which is displayed in the central part of the figure. The surrounded dots are those collocated with "when" in PCIEL. Based on the data, and GraphColl figure, the term "when" is used frequently in PCIEL. The frequent use of "and when" demonstrates the prevalent use of "when" as subordinating conjunction of long sentence in PCIEL. In the diagram statistics on the left-hand side, the collocation "and when" registered as the fourth most frequent word cluster. In this Chapter, because of the special features of "when" in translating clauses in PCIEL, the analysis of translating "when" and "and when" will be discussed in the following section.

Figure 17 -GraphColl-When
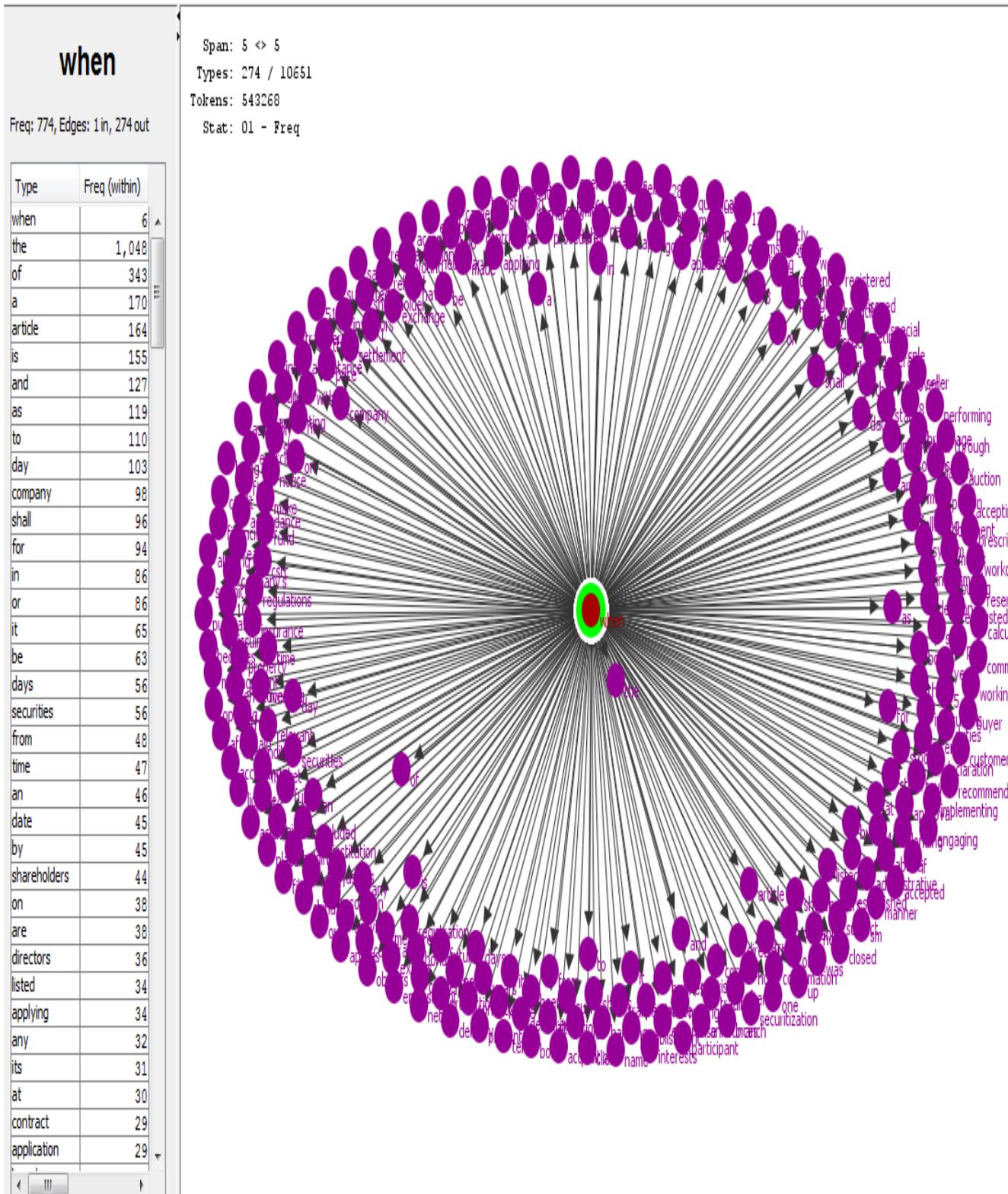
In the third grammatical category, voice is another distinguishing feature in translating legal text between Chinese and English in PCIEL. Taking linguistic differences between Chinese and English into consideration, the translation of passive and active voice is also a challenge for translators. For example, according to concordance of the term "formulated" in PCIEL, one of the most frequent collocation is "be formulated". Law formulation is one of the most frequently mentioned actions in legal field, thus "formulated" can be regarded as a frequently used verb collocation in different legal documents or acts. The translation of this frequent legal action is important for translators in this field, especially when translating voice in legal text between Chinese and English.

As is shown below, the Graphcoll figure 18 "formulated" has been displayed as a node in the centre with 184 occurrences. It is actively collocated with different words with ranging frequencies, among which, "be formulated" is regarded as the collocation with key features in explaining translating voices in IEL.

Figure 18-Formulated

formulated

Freq: 184, Edges: 0 in, 65 out

Span: 5 <> 5
Types: 66 / 10651
Tokens: 543268
Stat: 01 - Freq

Type	Freq (within)
the	221
by	92
shall	67
be	66
of	65
are	60
measures	52
securities	44
and	41
article	39
in	38
to	36
with	33
for	28
present	28
law	25
accordance	25
1	25
according	20
regulatory	20
rules	20
company	20
provisions	19
these	19
as	18
separately	18
is	16
relevant	14
state	13
council	12
a	12
been	11
companies	11
hereby	10
administration	10

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5.3 Grammatical features

Legal texts are generally considered difficult to read and understand because they are generally framed in "legalese", which is language specific to the legal profession, and applies only to the social functions of control and regulation of the law. In order to provide a firm foundation for legal decision-making processes, which have to be systematic and just, the text of the law needs to be clear, explicit, and precise (Lisina, 2013:5). It is only to be expected that such strict conditions will impose equally strict requirements on the design of the language of legal texts. To illustrate how this language for special purposes (LSP) came about, and how it differs from "ordinary English", researchers have turned to the language of the law as a linguistic phenomenon in its own right, through tracing its evolution and noting the peculiarities of its vocabulary and sentence structure(Kurzon, 1997).

According to corpus concordance, frequent words of PCIEL have been classified into three categories, which are obligation sentences, voice and clauses. grammatical features of PCIEL are taken as headings according to which the translation IEL texts from sentential level are analysed. These features, however, are not specific to one particular type of written language of the law. There are different types of legal texts such as legislations, contracts, official documents, court proceedings, etc. In the following part (see 5.4), relevant examples of different English and Chinese legal documents have been selected and will be explained in the second part.

Legal syntax is distinctly idiosyncratic in terms of both the structure and arrangement of the principal sentence elements. This chapter addresses the language of legal texts with special reference to their grammar and structure, focusing on written legal texts as materializations of the language of the legal code. Within the framework of IEL translation study, this chapter discusses the common lexical and grammatical features of legal discourse in English and Chinese. The rationale behind this analysis is to compare and contrast the

discourse of both languages, explore the similarities and differences between them and to come up with the most problematic areas in legal translation. The translation strategies applied in the process of the analysis are described.

5.3.1 Obligation sentences

The legal action (obligation, right, privilege, or power) is the element on which "the whole function of legislation exercises and exhausts itself (cited in Dodova, 1989:75)". Lexicons in obligation sentence have been one of the prominent features of legal language, among which the frequent usage of "shall" is regarded as the key word to discuss the translation of IEL.

Research in languages for special purposes has qualified legal texts as a distinctive type of professional text. The purpose of this section is to examine the linguistic features of modal verbs located in the range of legislative documents forming the data base for the PCIEL used in this research, and to examine their usage and purpose. The use of modal verbs in International Economic Law will be analysed to investigate the expression of obligation in legal texts. This would include contracts which are the texts detailing the specific obligations and rights of the parties involved.

The modal verbs of English are a small category of auxiliary verbs used to indicate the way in which something is experienced, or happens – that is: permission, certainty, necessity, obligation, or likelihood. Examples would be - will/would; can/could; may/might; shall/should. In legal English modal verbs are often used as the goal of legal texts is to confer rights and impose obligation. Among these, "shall" is the most commonly used in legal English and is one of the top words in PCIEL's frequent word list of modal verbs with 9470 occurrences. When "shall" is used to describe a status it is often translated in the future tense to describe future action (Cambridge Dictionary, 2015). Danet (1985: 281) however, claims that in legal texts, rather than in futurity, "shall" expresses authority and an

obligation. Two examples of the use of "shall" are discussed regarding translation techniques.

5.3.2 Clauses

Translating legal text is generally considered to be difficult because legal text has some characteristics that make it different from other documents in daily-use, and legal text is usually long and complicated. In order to boost the legal text translation quality, splitting an input sentence becomes a necessary translation strategy; in order to adapt the logical structure of legal text, sentences are divided into clauses. Consequently, grasping the structure of clause is important for the translation analysis of IEL. In this chapter, the subordinate clause is regarded as the most frequent form of clauses, therefore, the main discussion of the translation of clauses in IEL will be the subordinate clause.

According to the Cambridge Dictionary (2015), there are various definitions of clauses as follows. Generally, a clause is a group of words that contains a verb (and usually addiional components). A clause may form part of a sentence or it may be a complete sentence in itself. Every sentence contains at least one main clause. A main clause may form part of a compound sentence or a complex sentence, but it also makes sense on its own. A subordinate clause depends on a main clause for its meaning. Together with a main clause, a subordinate clause forms part of a complex sentence, for example:

After we had had lunch,   we went back to work.

[subordinate clause]   [main clause]

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If it looks like rain   *a simple shelter can be made out of a plastic sheet*

[subordinate clause]   [main clause]

A subordinating conjunction, such as "if" in the above example, refers to a word that connects the main clause to a subordinate clause. The main clause is an independent clause that can stand alone as a sentence. In other words, a main clause does not need any additional information to operate as a sentence. A subordinate clause is a dependent clause that adds extra information to the main clause (Lehmann, 2008: 207). The phrase of the subordinate clause cannot stand by itself, because the translation of each word cluster brings separate meaning, and it is only when the different clauses form a whole sentence that the full meaning is revealed. For example, "because she didn't study" is not a complete idea being defined as a sentence. If the two clauses are combined together, a new sentence is formed as "The student failed the test because she didn't study." A complete idea has been expressed, and enough information has been presented in order to fully explain the thought.

In English, there are many subordinating conjunctions, take the most common ones as example in PCIEL, such as: "when", "where", "if", "which", and "in order to". They have been shown in the Table above. The concept of a "subordinate clause" is different in Chinese and in English. In Chinese, a subordinate clause is a clause acting as "a non-head constituent of a monocentric sentence (or a monocentric clause)" (Eifring, 1995: 49). In general, the Chinese word 但当 (but when) means relation. In order to relate words syntactically, the grammatical meaning is of a relative or subordinate clause. It is the same as a relative pronoun, a subordinating conjunction (and/if) may be used

to introduce a subordinate clause. The most common such particle is 而 (so) which is usually translated as "that".

5.3.3 Voice

In grammar, voice is related with a verb indicating the relation between the participants in a narrated event (subject, object) and the event itself, and common distinctions of voice found in languages are those of active, passive, and middle voice (Barber, 1975: 16-24). Because of linguistic differences between Chinese and English, the translation between passive and active voice is a challenge for translators. As Hiltunen (1990: 80) points out, the passive is the predominant voice in legal English. He says that "it is preferred to generic subjects such as one, we or they" and that "the passive is more in line with such functions of legal language as impersonality, objectivity and non-involvement" (Hiltunen, 1990: 81). Biber et al, (1994) show that "passives are most common by far in academic prose, occurring about 18,500 times per million words." The advocates of the Plain English Movement claim that the drafters of legal documents should avoid using passives, and Haigh (2004: 37) claims that the "over-use of the passive can lead to lack of clarity" and that it "also leads to less effective and less forceful communication with the reader." Haigh (ibid.) gives an example: "A meeting is to be called." In the passive variant, Haigh claims, it is not clear "…. who is going to call the meeting" and that the passive allows some information to be hidden, and therefore should be avoided.

In contrast, those who criticise the use of Plain English in legal texts defend the passive voice and argue that it should definitely not be avoided. In Hiltunen's (ibid) opinion, "the active and passive have some distinctive functions of their own." Driedger (1976: 7) stresses that "There are many situations where the passive is not only proper, but preferable." It is used for example where the subject is universal e.g. "This Act may be cited as the Criminal Code" or, in "modifying clauses" "Every person who has been summoned shall appear." Hiltunen (1990:

81) remarks that the active voice also has its place in legal English: "the active is always used in the definitions e.g. In this Schedule". "*The Act of 1949" means the Justices of the Peace Act 1949*', and in cases denoting application or limitation `*The entry of a person's name in the supplemental list shall also not preclude him'*. In other instances, he points out, the passive is preferred due to several factors. First, it is the possibility of "thematization" of the object, which would otherwise be rheumatic. Second, instead of having specific named subjects in a legal text, the passive voice is used to provide a more generic category. Finally, the passive voice is considered to be impersonal and objective. For these reasons, the frequent use of the passive voice in legal documents seems to be appropriate.

In Chinese legal documents, the active voice is commonly used, for the reason that active voice is more direct and less confusing, and usually requires fewer words to convey the same meaning. Passive voice can perhaps exemplify the object character of the law in a better way, therefore, the translator should pay attention to the difference between the linguistic features of Chinese law and English law and change the voice accordingly when translating legal documents to make the English version as objective and impartial as the language of the original Chinese law. In daily language, the active and passive structures are mutually interchangeable, and there may not be a change in the overall meaning although there may still be small differences of tone or nuance.

5.4 Discourse genres

Since the 1980s, theoretical insights have been provided into a variety of written academic and professional legal genres associated with receptive and productive conditions of use (Tessuto, 2012: 13). In many discourse analysis approaches to legal language, the notion of genre is one which offers a socially informed theory of legal language, and the ways rhetorical patterning of specific genres construe varying personal and institutional purposes of writers within the "broader social context" (Tessuto, 2012: 6). In this research, five examples from four different

fields (Sale of Goods Act, Contract Law, Patent Act, Security Law, Marine Insurance Act) of IEL have been selected. They represent a range of subject matter for the investigation of stylistic features particular to legal discourse of IEL in English and Chinese. Based on a close reading of parallel English and Chinese legal texts, the five selected examples are connected in four different areas of IEL: International Sales and Contract Law (Example 16), The agreement on trade-related aspects of intellectual property rights (Example 17), Customary Standards and Foreign Investment (Example 18&19), The interplay of Investment Protection and other areas of international law (Example 20).

5.4.1 Presentation of the data

Each example of a complex sentence is presented in four steps in this chapter:

1. All of the examples for analysis were selected from high frequency terms and clusters, to allow for an exploration of the range of translation rules applied in complex sentences. The selected sentence from PICEL is displayed, followed by the example displayed in the Source Language (SL), Target Language (TT) and Literal Translation (LT). Syntactical features for discussion in the translation of lexical terms in a complex sentence are highlighted by underlining and numbering in both Source Language (SL) and in Literal Translation (LT).

2. A Table (Table _ : Frequency List of Example _ in PCIEL) is presented to show the occurrence of the key words in the PCIEL corpus at sentential level. The table is based on ParaConc to make statistical diagrams and demonstrate the relationship with the translation. This contains absolute frequency distributions of key words / clusters of the example showing that the selected terms, checked against the entire corpus, share a relatively high frequency, and demonstrates why they have been selected for analysis in terms of their different syntactical features.

3. Another Table (Table _ : Key Syntactical Features in Example _) presents the data identified in step 1. The target English text (TT) and Chinese text in literal translation (LT) with the different linguistic and syntactical features underlined and subscript numbers are displayed. Table 2 also demonstrates the different translation techniques applied. Each of the features categorised will be further discussed in the following sub-sections.

4. The translation of legal lexicon in sentences coming from different syntactical categorizations are analysed and discussed in PCIEL. This presents a detailed discussion on each of the highlighted linguistic features. At the end of the example analysis section, there is a summary of translation techniques applied to the main linguistic features. The focus is primarily on the overall quality of the translation and specifically on the translational "way-outs" and solutions to some of the problematic points of the linguistic analysis and of the language transfer between the two different languages.

5.4.2 International Sales and Contract Law

Example 16 is selected from UK Sale of Goods Act, which describes the definition of "unpaid seller" and "dishonour of the instrument". It falls within the scope of International Sales and Contract Law. According to the requirement of International sales and contract law, in international business relations the parties have a vital interest in reliably knowing their mutual rights and obligations. A contract does not necessarily settle all contentious issues and may give rise to controversies and lead to litigation. It may be a matter of doubt which law applies to the contractual relation, and the courts in different countries may reach different conclusions in this context. International sales and contract law respond to this problem (Herdegen, 2016: 351). Steps to harmonize the substantive rules for contracts for the sale of goods have met with very modest success. The Hague Convention failed to qualify as a universal standard, UNCITRAL drafted and adopted the UN Convention on Contracts for the International Sale of Goods of

1980 (CISG). Before June 2016, 85 States had ratified the CISG including the United States, China, Russia, France, Canada, and Germany. Some significant trading countries such as South Africa and the United Kingdom have not yet ratified the CISG. For Chinese development of IEL, the International Sales and Contract Law inspired other initiatives at the international level and it is considered as a level of standards in international business.

Example 16

SL:38 未受偿卖方的概念

(b) 收到附条件 $_3$ 支付方式的汇票 $_1$ 或其他流通票据 $_2$，但当 $_4$ 票据被拒付 $_5$ 或其他原因 $_6$ 而使条件不能成就的时卖方。

TT:**38. Unpaid seller defined**

(b) (when$_7$) a bill of exchange$_1$ or other negotiable instrument$_2$ has been received as conditional $_3$

 payment, and the condition on which$_4$ it was received has not been fulfilled by reason of the dishonour of the instrument$_5$ or otherwise$_6$.

LT:(b) Receive sub conditione $_3$ payment method's remit note$_1$ or other circulate ticket note$_2$, But when$_4$ ticket note is refused payment $_5$ or other reasons$_6$ (thus/thereby) make conditions cannot accomplish at that time is the seller.

Sale of Goods Act (UK: 1979)

Table 13 –Frequency list of Example 16 in PCIEL	
Key Term	**Frequency**
Exchange	1397
Instrument	63
Payment	201
Otherwise	189
Bill of exchange	36
negotiable instrument	24
dishonour of the instrument	14

Table 14 - Key syntactical features of Example 16				
No.	**TT**	**LT**	**Discussion**	**Explanation**
1	A bill of exchange(BOE)	remit note	Terminology	Economic terminology vs daily use
2	Negotiable instrument	Circulate ticket note	Terminology	Economic terminology vs daily use
3	Conditional	Sub conditione	Terminology	Economic terminology vs daily use
4	The condition on which	But when	Translation technique	Omission of logical connection "but". Subordinate clause
5	Dishonour of the	is refused	Terminology	Economic terminology

	instrument	payment		vs daily use
6	Or otherwise	Or other reason	Terminology	Different use of "otherwise", more discussion compared with other examples.
7	When		Grammar	Subordinate clause
8		The seller	Linguistic tradition	The repetition of Chinese language.

1. "Bill of exchange" - Table 13 shows "bill of exchange'' as one of the high-frequency word clusters in PCIEL with an occurrence of 36. The Business Dictionary (2012) defines "bill of exchange (BOE)" as: "a written, unconditional order by one party (the drawer) to another (the drawee) to pay a certain sum, either immediately (a sight bill) or on a fixed date (a term bill), for payment of goods and/or services received. The drawee accepts the bill by signing it, thus converting it into a post-dated check and a binding contract". The phrase is based on the economic concept, which belongs to terms with economic meaning. However, in Chinese, the literal translation of "bill of exchange'' (汇票) is ''remit note'', which is a literal translation of 汇票(hui piao). In Chinese, the literal definition of 汇票 (hui piao) means that it is a note which is used for the drawer to remit money to the drawee. There is not a lexical equivalent between ST and TT, and therefore one cannot make a literal translation and the translation technique used is "borrowing''.

Table – 15 remit note		
ST	Remit	Note

TT	汇	票
CP	Hui	Piao
LT	Remit	Note

A "bill of exchange'' was the original method of transferring money without the use of coins, initially devised by Italian merchants in the 14th and 15th centuries. It was a contract between private parties and one or more moneylenders, and became widely used by traders across European trading centres. Four individuals were involved in the transaction: (a) the issuer of the bill and the drawer of funds (the payer / debtor) and (b) the acceptor of the bill and the receiver of funds (creditor). In the 17th century a much simpler version of a bill of exchange evolved as banking developed. The "cheque" is a bill of exchange between banks, payable by one of the banks to whoever presents the cheque to a bank (Business Dictionary, 2012). The term "bill of exchange" however, continued to be used for 800 years as an economic term to describe a safe and reliable means of transferring funds from one source of money to another.

Chinese financial institutions developed as early as the Song Dynasty (960-1279) and were conducting all banking functions such as accepting deposits, money-exchange, and as early as 1024 they issued paper currency. The modern concept of commercial banking in accepting deposits, making long term loans, investments and the practice of "fractional-reserve banking" was however, unknown in China until the late 19th century, when it was introduced by European bankers (Bagus & Howden, 2011: 83). With the development of international trade in the late 19th Century modern banks opened for business to support large industrial projects and also supported domestic trade and enterprise. It was at this time that China began to use the terminology used in European banking, and therefore "bill of exchange" originated from both daily business activities and cultural exchange with the world. (Reksulak, Shughart & Tollison, 2004) From the history of the banking term, the Chinese term 汇票(remit notes) can be seen to

have the same functional meaning as "bill of exchange'' as a non-interest-bearing written order used primarily in international trade that binds one party to pay a fixed sum of money to another party at a predetermined future date. The concept of a "bill of exchange" as a transaction can only be translated into Chinese therefore, with a localized literal meaning. A bill of exchange has a fixed concept of a financial function in Chinese and English, and the term has been integrated into Chinese with the specific purpose of use within economic activities as 汇票 (hui piao).

2. "Negotiable instrument'': this occurs 24 times in PCIEL. A "negotiable instrument'' is defined as: "a document that promises payment to a specified person or 'the assignee'. The person receiving the payment must be named or otherwise indicated on the instrument." A cheque is considered a negotiable instrument. This type of instrument is a transferable, signed document that promises to pay the bearer a specified sum of money at a future date or on demand.(Business Dictionary, 2012) A "negotiable instrument'' is a general name with sub-categories such as bill of exchange, promissory notes, drafts and certificates of deposit.

In terms of the literal translation 流通票据 "circulate ticket note", there is no equivalence between the English term "negotiable instrument'' and the Chinese term "circulate ticket note'', and unlike the translation of "bill of exchange'', there is not a specific fixed terminology. The translation technique required is the use of "changing the perspective'' (which means saying the same thing from another angle). When dealing with this type of translation, the translation takes the context into consideration, and finds an equivalent expression in the target culture, which is in line with the purpose of functional equivalence.

3. "Conditional": the Cambridge Dictionary (2015) gives two main definitions of the word "conditional''. One is: (relating to) a sentence, often starting with "if" or "unless", in which one half of the English phrase expresses something which depends on the other half; the other is: a conditional offer or agreement, and depends on something else being done. In my example sentence, the second definition is the appropriate one for our use.

The translation technique is "conversion'' because the adjective "conditional'' is converted to a noun "sub conditione''. In Chinese, 附条件[10] (sub conditione) is a common legal term, especially in legal contracts. Here the different use of terminology, "conditional'' could be a everyday term used in any situation. Within a legal context however,, 附条件 conveys the characters of legal language, and the literal translation here adopts "sub conditione" in order to show both the legal meaning and the form of special legal language.

In English, the meaning of "conditional' is abstract, which defines a condition, like the first clause in the sentence "If it rains, he won't go.'' It is a common word in any situation, not a special term in legal language. The words "Sub conditione''are not, however, commonly used in daily language and only appear in the legal context.

Outside of the legal sphere, there is a main difference in the meaning of the "conditional" tense. In Chinese, "conditional" is related more with the conditional tenses, which are used to speculate about what could happen, what might have happened, and what we wish would happen. In English, most sentences using the conditional contain the word *if*. For example, "If it rains, he won't go." Many conditional forms in English are used in sentences that include verbs in one of the past tenses.

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ST		Conditional
TT	附	条　件
CP	fu	Tiao　jian
LT	Sub	Conditione

Apart from tense, "conditional" is flexible to collocate with nouns such as "a conditional offer", "a conditional acceptance", "a conditional clause", etc. It is a common word in any situation and not specifically related with the legal field. The words "Sub conditione" are, however, a Latin-Portuguese legal term, which is not commonly used in daily language (A dictionary of law, 2015). In most legal translation from Chinese to English, Chinese translators tend to use "sub conditione" to indicate conditional legal acts in written legal text, but if it is used in the other way in English law, the use of "conditione"would be a spelling mistake.

In Chinese, 附条件 (Sub conditione) would not be used in daily language, since 附条件 in Chinese is a special legal expression whose function and meaning is more equivalent to the use of "Sub conditione" in source language. So this phrase is suggested as the literal translation of "conditional" here.

4. The translation of 但当 (but when) in English is totally different from its literal and grammatical meaning in Chinese. The translation technique is "division and combination''. In SL, there is a turning tone "but'', then followed by 'when'' which means "the situation will happen''. In TT, however, when considering syntactical structures and components in long sentences, the 但 (but) converted into "and'', then "当 when'' is changed to a subordinate clause "the condition on which''. A longer sentence is usually more difficult to translate than a shorter one, especially in this kind of legal document, because there will be more modifiers of the subject, verb, and object. Thus, longer sentences need to be divided into small units, and then the small units combined in different ways.

5. The translation technique of 票据被拒付 (bill is refused payment) is "conversion''. In TT, "the dishonour of the instrument'' is a different expression compared with ST, and this is because the verbal action 被拒付 (is refused) is translated into a transitive verb "dishonour'' in which the object (the cheque / bill

of payment) is treated in a disgraced manner and acts as an economic concept when combined with the economic terminology "instrument". In Chinese, "dishonour" more often refers to "disgraceful or dishonest character or conduct". If it is translated without any context, the literal translation of "dishonour" will be 耻辱 (shame). Only when considering the context and collocation, such as "the dishonour of the instrument" or "dishonour a payment", the translation of "dishonour" is no longer 耻辱 (shame), it is 拒付 (refused payment).

If the example of a cheque being used as an "instrument" of payment is taken, in the UK it is illegal for a drawer to sign and use a bank cheque for payment if there are not sufficient funds in the drawer's bank account at the time of signing. The bank holding the drawer's account will make an administrative charge (a fine) for processing the cheque and inform the drawer and drawee that the cheque has been "dishonoured" i.e. refused payment. If the cheque is again presented with insufficient funds to cover payment, legal action may follow (Business Dictionary, 2012).

6. According to Cambridge Dictionary (2012) "or otherwise" is a conditional term that refers to the opposite of the words that comes before it. "Otherwise" is, however, a versatile word that can be used in different scenarios as either an adverb or an adjective. "Otherwise" is commonly used as an adverb that means "or else", "except that", or "in another way", but it can also be used as an adjective, meaning "in another scenario".

The translation technique applied for "or otherwise" is "omission", and in this sentence the last Chinese phrase 卖方 (LT: the seller) is omitted and replaced by "or otherwise" at the end of the TT. This is because in the long sentences, the translation tends to require the re-organization of the original structure of SL. Considering the co-text and the title of this legal article – "Unpaid seller defined", the sentence is used to describe the definition of "unpaid seller". In translation

therefore, 卖方[11] (the seller) is omitted to avoid repetition, which conforms in English logical tradition.

Table 16 -卖方(seller)

The following comparison illustrates the technique applied between SL and TL with the same format:

SL:38 未受偿**卖方**的概念

(b) 收到<u>附条件</u>$_3$<u>支付方式的汇票</u>$_1$或其他<u>流通票据</u>$_2$，<u>但当</u>$_4$<u>票据被拒付</u>$_5$或<u>其他原因</u>$_6$而使条件不能成就的时***卖方***。

TT:38. Unpaid **seller** defined

(b) (<u>when</u>$_7$) <u>a bill of exchange</u>$_1$ or other <u>negotiable instrument</u>$_2$ has been received as <u>conditional</u>$_3$ payment, and <u>the condition on which</u>$_4$ it was received has not been fulfilled by reason of the <u>dishonour of the instrument</u>$_5$ or otherwise$_6$.

LT: Unpaid **seller** 's definition

(b) Receive <u>sub conditione</u>$_3$ payment method's <u>remit note</u>$_1$ or other <u>circulate ticket note</u>$_2$, <u>But when</u>$_4$ ticket note <u>is refused payment</u>$_5$ or other reasons (thus/thereby) make conditions cannot accomplish$_6$ at that time is the ***seller***.

The word order (place) is totally different between ST and TT. This is because in the long sentences, the translation tends to be re-organize the original structure of SL.

ST	或其他原因 6	***卖方***
TT	or otherwise6	
LT	or other reasons (thus/thereby) make conditions cannot accomplish6	***the seller.***

ST	或其他原因$_6$	卖方
TT	or <u>otherwise</u>$_6$	
LT	or other reasons (thus/thereby) make conditions cannot accomplish$_6$	the seller.

In Table 16, the word order is totally different between ST and TT, because in the long sentences, the translation tends to re-organize the original structure of SL.

卖方(seller) is shown in the Chinese text but omitted in English because there is already the term "seller'' in the title of "TT: 38. Unpaid seller defined''. From the title "Unpaid seller defined'' it is known that the purpose of the sentence is to describe the definition of "unpaid seller''. In legal Chinese if the word seller appears at the beginning of the sentence and is being used to name the category of the legal item, then the seller should be omitted in the case of repetition.

The literal translation of 或其他原因 (or otherwise)$_6$ should be "or other reasons (thus/thereby) make conditions cannot accomplish$_6$''. Obviously, there is no equivalent between TT "or otherwise'' and LT "or other reasons (thus/thereby) make conditions cannot accomplish$_6$'' This is because there is an omission between ST and LT, because of the linguistic features of Chinese. In SL, 票据被拒付$_5$ (is refused payment$_5$) already contains the meaning of "conditions which cannot be accomplished"$_6$, and if not omitted there would be repetitions, which is not the precise and accurate feature of legal language in Chinese.

Discussion:

Example 16 is a long, complex sentence with a fairly complicated structure but with clear meaning and purpose. Five translation techniques are applied to the translation of the five examples presented: borrowing, conversion, omission, division and combination, changing the perspective. There is a significant change

of sentence order between ST and TT and subordinate clauses are introduced by "when"; "and"; "the condition on which". At the beginning of the TT "when" is inserted in parentheses and has an important function to perform in the TT, as an adverb acting as a qualifier indicating time – that some action must have taken place before the following action can be taken. 'When' is omitted in both ST and LT. Grammatical omission is one of the most common features in subordinate clauses and will be further discussed in the following sections.

Example 16 has two clauses in the Chinese sentence, whereas in the TT it has been combined into one independent sentence. For the key words, the translation techniques should take context into consideration, such as "dishonour of the instrument'' where the translation of "dishonour" as a transitive verb has taken account of the economic context of the sentence, otherwise "dishonour" as a noun has flexible meanings of disgrace in different contexts. Compared with "dishonour", the phrases "bill of exchange" and "negotiable instruments" are fixed economic concepts whose meaning is clear are therefore the translation is more straightforward.

5.4.3 The agreement on trade related aspects of intellectual property rights

Example 17 is selected from the Patent Act, which describes the amount of "illegal gains" and the "disciplinary sanction" for the "directly liable persons". Within the framework of IEL, the Patent Act belongs to the agreement on trade related aspects of intellectual property rights, and the role of patent protection has been addressed as: the scope of patents, trademarks, and other intellectual property rights is territorial. In international trade, availability and protection of the patent becomes a crucial issue. If the country of destination does not effectively protect patent property rights, this vulnerability of intellectual property rights will affect the willingness to "export" certain forms of knowledge. Herdegen (2016: 273) points out that "Intellectual property rights and their protection were long relegated to the margin of the world trading system". In

Article 76, there are some legal lexicons with Chinese characteristic, which display the difference between China and the UK.

Example 17

ST: 第七十六条 没有违法所得或者违法所得不满 $_2$10 万元的，并处 10 万元以上 $_2$50 万元以下 $_2$的罚款。对直接负责的主管人员和其他直接责任人员给予降级直至开除的纪律处分。

TL: Article 76 If there are$_1$ no illegal gains or the amount of the illegal gains is less than$_2$ RMB 100, 000 yuan, a fine of not lower than$_2$ RMB 100,000 yuan but not more than$_2$ RMB 500,000 yuan shall$_3$ be imposed$_4$ thereupon$_5$. The directly liable person in charge$_6$ and other directly liable persons shall$_3$ be given$_4$ a disciplinary sanction$_7$ such as demotion or even removal$_8$.

LT: No illegal gains or illegal gains not enough$_2$ RMB100,000, and impose RMB100,000 above$_2$ RMB500,000 below$_2$ of the fine. For direct responsible of chief executive staff $_6$ and other directly responsible staff give$_4$ degradation until dismiss$_8$ of disciplinary sanction$_7$.

Table 17 –Frequency list of Example 17 in PCIEL Patent Act (China: 1977)	
Key Term	**Frequency**
If	1580
If there are	87
Less than	445
A fine of not lower than	15
More than	414
Shall be imposed	313
Thereupon	34
Person in charge	146
Shall	9740
Not more than	216

Table 18 - Key syntactical features of Example 17				
No.	**ST**	**LT**	**Discussion**	**Explanation**
1	If there are		Translation technique	**Subordinate clause**
2	1) less than 2) a fine of not lower than 3) but not more than	1) not enough 2) above 3) below	Translation technique	Negation Fixed expression
3	1) shall 1) shall		Translation technique	Modal verbs
4	1) be imposed	1)	Translation	Passive voice

	2) be given	2) give	technique	
5	Thereupon		Legal terminology	Archaic diction of legal English
6	directly liable person in charge	direct responsible of chief executive	Chinese terminology	Chinese culture specific

1. In Table 17, "if" is one of the most frequent words in PCIEL with 1580 occurrences, and the word cluster "if there are'' also has a high frequency appearing 83 times. The authority of a legal text depends on providing a consistent, orderly, and easily applicable expression of the actual law (Jansen; 2010:140). "If" clauses can be used as a significant text-related factor of legal documents, and in this context "if'' is identified to convey that a condition applies i.e. that a particular thing can or will happen only after something else happens or becomes true; sharing the same grammatical function of "when7" in Example 16. When dealing with this sentence translation, the translation technique for "if there are" is omitted in both TT and LT.

2. According to the figures in Table 17, "less than'' (445), "not lower than'' (15) and "not more than'' (216) are quantitative terms and are frequently used with the numbers specifically relevant to the use of the term in its immediate context. In this case it specifies the amount of money illegally gained and the applicable amount of money to be applied in the fine. In terms of translation techniques this is "conversion". In the English source text, the three phrases are all negations. In Chinese there are fixed positive expressions to use with numbers instead of using negative terms. This requires a totally different form of linguistic expression, thus the conversion applied in "number" translation is one of the linguistic features in translation study. The translation technique of these negative polarity items is "conversion", which means all the negative meaning has to be transferred into a positive terminology in Chinese.

3. There are two examples of "shall" in example 17 and both have been omitted in TT and LL with the translation technique being grammatical "omission''. Taking the context into consideration, the function of "shall'' acts as a warning. There is a pre-condition in this text, which is that the illegal gains have been made. Then the situation mentioned in Example 17 will take place, meaning the fine will be imposed, which is a legal punishment. The use of "shall" helps to indicate warning in legal context so a psychological presupposition is conveyed and a consequential effect is inferred and understood. The language transfer helps communicate what behaviour is required and what behaviour is forbidden. In Chinese however, the style of legal language has been identified by the use of "shall". "Shall" acts as a legal symbol, which is a specific feature of Chinese legal language.

4. The translation of the passive voice "be imposed" and "be given" adopts the technique of "conversion". An easy way to identify the passive construction in English writing is to look for an extra "be" verb (is, are, was, were) and the word "by". In most cases, writing sentences in passive voice is discouraged because it can obscure the subject of the sentence and easily confuse the reader. It can also create a wordy and awkward sentence construction.

From reviewing legal texts in English, it is shown that the use of the passive voice in legal text is different, because Courts and attorneys generally prefer active sentences to passive sentences in legal writing. Nonetheless, there are certain situations in which passive sentences are useful. In passive sentences, the subject is inferred, this is because passive sentences have a greater tendency to be vague or awkward, and are indispensable in legal writing when you wish to obscure the subject of a sentence (Garner, 2013: 38). Passive sentences are not grammatically incorrect, as some argue (ibid), and the best legal writers use the passive voice selectively to create specific, intended results.

In Chinese, passive sentences, also known as "Bei Sentences" 被字句 (bèizìjù) is a main approach to express the passive in modern Mandarin Chinese. In passive sentences, the object of an action becomes the subject of the sentence, and what would have been the subject of the normal □active voice□ sentence (the "doer" of the action) becomes secondary, and may or may not be included in the passive sentence (Keenan & Comrie, 1977).

For example,

ST: The boy ate the hot dog.

TT: 男(nan2) 孩(hai2) 吃(chi1) 了(le0) 热(re4) 狗(gou3) 。

LT: Boy eat hotdog.

In this sentence, "the boy" is the subject. The verb is 吃(chi1), "to eat," but it needs something else after it, which is 了(le0) in this case. The object is 热 (re4) 狗 (gou3), "the hot dog."

Since this sentence meets all the preconditions, the next step is to adopt the preposition 被 (bei4) and move the parts of the sentence around
1) The object is 热狗. Move that to the first part; it's the new subject in the 被 sentence.
2) Add 被 after the subject, and then insert what was previously the subject. (It's now   the   doer.)
3)   Finish   off   with   the   verb   phrase   吃   了   .
So the new 被 sentence is:

ST: The hot dog was eaten by the boy.

TT: 热 (re4) 狗 (gou3) 被 (bei4) 男(nan2) 孩 (hai2) 吃 (chi1) 了 (le0) 。

LT: Hotdog is being boy eat.

In particular, the direct pairing of be-passives in English and be-passives in Chinese has always been considered as a source of translationese (Chao, 1968: 703). Unlike passive voice in English, the use of voice in Chinese linguistics remains a controversial area in the academic field. In order to compare the voice system in Chinese and English, a new approach is required to explore the constraints of the two languages in order to provide the same basis for the comparative study of this syntactic structure.

5. The translation technique of "omission" is used for transfer "thereupon", which means "immediately after something that is mentioned" (Cambridge Dictionary, 2015, s.v. thereupon). "Thereupon" is borrowed from an Anglo − Saxon term. Latin words such as per se, de jure, and id est are frequently used in legal English making the language elevated and formal. The borrowing of words in legal English is a process in which both form and meaning are borrowed with only a slight conversion to the phonological system of the new language in some cases. Legal English has used some words that have been borrowed mainly from Latin and French. In Chinese, these words are regarded as calque or loan translation, and they are borrowed from another language by literal expression.

6. "Directly liable person in charge" is a phrase with specific political meaning in Chinese terminology. The translation technique is "division and combination". There is no equivalent phrase to describe 直接负责人（direct responsible of chief executive）in English; in order to express the special culture-bounded term, the phrase is divided and then combined in an English grammatical way.

The socialist market economy employed by the People's Republic of China is based on the dominance of the state-owned sector and an open-market economy,

with its responsibility system prevalent in Chinese state-owned institutions. In the Chinese context "Person in Charge'' is the person who is "in the most senior position", which means all job applications are sent to this person, and any challenges to the "Person in Charge'' must be signed in triplicate by the current Person in Charge. Thus, "directly liable person in charge'' refers to the primary manager of a state-owned institution in China (Ciliberti, Pontrandolfo, & Scozzi, 2008).

This is a borrowing concept from Chinese to English, because of cultural difference. Terms like "directly liable person in charge'' are highly related to different political systems and ideologies. To deal with this kind of phrase using Chinese characteristics, it is better to understand it within its cultural background, and then paraphrase it in another way in English.

Discussion:

In example 17, based on the original sentence order, there is no structural change in this sentence. Passive voice and negations are two main syntactical features. The translation technique of negations like "less than", "not lower than" and "not more than" is "conversion". Similarly, the translation of passive voice also adopts the translation technique of "conversion'' because of the different language tradition in expressing numbers in Chinese and English.

5.4.4 Customary Standards and Foreign Investment

Both Example 18 and Example 19 are selected from Chinese Security Law. The reason why there are two sentences selected for this single Chinese law is that Security Law is the largest legal file in PCIEL, which takes up large amounts of the whole corpus. In addition, with economic globalization, the security market provides an effective way for cross-country trading activities. Security Law is related to Customary Standards and Foreign Investment in IEL. Rules relating to

foreign international investments fall under the scope of Customary Law in China. Modern international investment law is clearly dominated by treaties, although treaty clauses are often meant to reflect or clarify customary standards (Herdegen, 2016: 411). Under customary international law, States are free to decide whether or not they permit foreign investments within their territory, and the freedom to exclude any form of foreign investment also implies that States may set their own conditions for the admission of foreign investments (ibid). Once admitted and established, foreign investment enjoys some basic protection under the customary standard, especially in case of expropriation.

Example 18 and Example 19 reflect the advantages and disadvantages of Domestically-listed Shares for Overseas Investors in practice. Example 18 defines the actions that the Chinese government put forward to protect the legal rights of the investors, while Example 19 forbids illegal deeds by suspending the relevant stock exchange. These principles are in line with the IEL standard, as the international minimum standard overlaps with the standards of "fair and equitable treatment" and of "full protection and security" contained in modern investment treaties. "The exact relationship between these two standards remains a controversial issue, unless it is clarified by the specific terms of a treaty or an interpretation by treaty bodies" (Herdegen, 2016: 410-411).

Example 18

ST: 第一条为了 $_1$ 加强对股份有限公司境内上市外资股 $_5$ 发行、交易及其相关活动的监督和管理，保护投资人的合法权益，根据 $_2$《国务院 $_3$ 关于股份有限公司境内上市外资股 $_3$ 的规定》(以下简称 $_4$《规定》)，制定 $_2$ 本实施细则。

TT: Article 1 This set of detailed rules has been formulated$_1$ according to$_2$ the State Regulations of the State Council on Domestically-listed Shares for Overseas Investors$_3$ (referred to hereinafter as$_4$ the Regulations), so as to$_1$ strengthen the

supervision and administration of the <u>issuing and trading</u> of <u>such shares</u>$_5$ (<u>hereinafter referred to</u>$_4$ as <u>B shares</u>$_5$) and related activities to protect the legal rights of the investors.

LT: Article 1 <u>In order to</u>$_1$ strengthen <u>stock limited company domestic in the market foreign capital strand issue</u>$_5$, transaction and its relevant activities of supervision and administration, protect investors' legal rights and interests, <u>according to</u>$_2$ the State Council in regard to <u>stock share limited company domestic in the market foreign stock</u>$_3$'s regulation (<u>below abbreviation</u>$_4$ is <u>Regulation</u>), <u>formulate</u>$_2$ this implement detailed rules and regulations.

- **Security Law (China: 1998)**

Table 19 –Frequency list of Example 18 in PCIEL	
Key Term	Frequency
Share	599
B-share	8
Referred to	292
Referred to hereinafter	6
Hereinafter referred to	213
Formulate	93
Domestically-listed Shares	17
investor	390
In order to	50
So as to	104

Table 20- Key syntactical features of Example 18				
No.	ST	LT	Discussion	Explanation
1	So as to	In order to	Translation technique	Subordinate clause
2	Has been formulated	Formulate	Translation technique	Passive voice
3	Domestically-listed Shares for Overseas Investors	stock share limited company domestic in the market foreign stock's	Economic terminology	economic terminology vs daily use
4	1) referred to hereinafter as 2) hereinafter	below abbreviation	Legal terminology	Fixed expression & Archaic diction of legal

	referred to		Vs hereinafter	English
5	1) such shares 2) B shares	1) foreign capital 2) strand	Translation technique vs terminology	Economic terminology

1. In Table 19, as frequently used word clusters in PCIEL, both "in order to" (50) and "so as to" (104) express the same meaning when expressing purpose (Table 5). In most cases in Chinese, there is an equivalent use of the phrase between 为了 (in order to) and "so as to", which is used to express purpose in the affirmative form and answer the question why it happens. Moreover, the phrase "so as to'' is also used for the expression of purpose. It carries the same degree of formality as "in order to".

The translation technique of the whole sentence is "conversion", because the first part in Chinese (In order to) represents the reason, which has been translated as the result (so as to) in the latter part of English TT.

The difference between the English and Chinese languages is one reason for variations in the positioning of meaning units: some units that are placed at the beginning of a sentence in English must be moved to the end in Chinese, and vice versa. For instance[12], 为了 "so as to" in this Example 18.

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[12] Highlighted part refers to places of source language and target language.

2. The translation technique of the passive voice "has been formulated" and active voice 制定 (formulate) is "conversion". The sentence expression would be totally changed because of a completely different word order between ST and TT. In ST, 制定 (formulate) acts as the result at the end of the whole sentence. But in TT, "This set of detailed rules has been formulated" is a premise, and the use of "has been formulated" is in order to keep the subjective neutral. As stated in Example 17, for a similar reason, the passive voice in this case adopts the translation technique of "conversion''.

3. "Domestically- listed Shares for Overseas Investors" is an economic phenomenon in China. "Domestically-listed shares" was a landmark concept of the modern Chinese Stock Market opened in December 1990. These domestically-listed shares, known as A-shares are shares in Chinese mainland companies that are denominated in RMB only, and traded in China's two stock markets in Shanghai and Shenzhen. In the United States and Europe, institutional investors are the main players in the stock market, however, the Chinese Stock Market is dominated by individual retail investors who account for 80 percent of all its trading (Joyce, 2008). In the Chinese mainland B-shares trade exchanges is along with A-shares in Chinese companies. Recent changes in government regulation have allowed Chinese citizens to invest in both A-shares and B-shares after

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ST: 第一条**为了** ₁加强对股份有限公司境内上市<u>外资股</u> ₅发行、交易及其相关活动的监督和管理，保护投资人的合法权益，<u>根据</u> ₂《<u>国务院</u> ₃关于股份有限公司**境内上市外资股** ₃的规定》(<u>以下简称</u> ₄《规定》)，<u>制定</u> ₂本实施细则。

TT: Article 1 This set of detailed rules <u>has been formulated</u>₁ <u>according to</u>₂ the State Regulations of the State Council on <u>Domestically-listed Shares for Overseas Investors</u>₃ (<u>referred to hereinafter as</u>₄ the Regulations), **<u>so as to</u>₁** strengthen the supervision and administration of the <u>issuing and trading of such shares</u>₅ (<u>hereinafter referred to</u>₄ as <u>B shares</u>₅) and related activities to protect the legal rights of the investors.

previously limiting investment to only the A-shares. B-shares are typically what a mutual fund, or exchange-traded fund that invests in China, will hold. In addition to the categories Chinese investors may also hold H-shares from the Hong Kong Stock Exchange and N-shares which trade on the New York Stock Exchange. As part of a long-term effort to open up China's economy, plans are in place for the two share types to be combined in the future to allow for more uniform investment policies to encourage more outside investment in the world's most populous country. The domestic B-share market opened to foreign companies, which means "overseas investors" (Aharony, Lee & Wong, 2000: 103-126). This is in contrast to Renminbi A shares which are for domestic traders, and foreigners who cannot purchase A-shares due to Chinese government restrictions.

Terms convey economic meaning such as "A-shares" and "B-shares" which are products traded on the stock market, however, for those who are not familiar with stock market and economic terminologies, it is better to use "amplification'' technique to convey the exact meaning of the source language.

To assist understanding, these long economic phrases need to be to broken down into different units and explained them step by step. It is necessary to apply the translation technique of "division and combination" in this kind of situation.

4. "Hereinafter" is an archaic legal English term, meaning "in all following parts of this writing or document".

"Referred to as" means "to call someone or something by a particular name", e.g. A member's cost-sharing requirement to pay for a portion of services or drugs received is also referred to as the member's "out-of-pocket" cost requirement.

The translation technique used for "referred to hereinafter as" is "amplification''. In ST, 以下简称（below abbreviation）expands the literal meaning in TT "referred to hereinafter as".

The translation technique applied in "hereinafter referred to" is also "amplification", because in ST there are no words meaning "hereinafter referred to B shares", which acts as an explanation of the concept "such shares". The translation of these two archaic terms of legal English take context into consideration, this is further proof that, in sentences, the translation of terms can never be dealt with individually because all the "amplification" are expanded within the context meaning.

5. There is a conceptual equivalence between "such share" and "B shares", because "such share" is referred to as "B shares'' in this context, and the content in parenthesis is a supplementary explanation of the context. In terms of the translation technique, it is"amplification".

Translation of terms with economic meaning is discussed with example 18, since A-shares and B-shares are commonly used in the stock market, and the expression is widely accepted in the economic arena. For those who are not familiar with stock market and economic terminologies, however, it is better to use "amplification'' technique to tell the reader the exact meaning of the source language.

Discussion:

In Example 18, according to the analysis of the translation, some of the key words introduced are economic concepts, and it is important that the translation should avoid over explanation because some of them have a fixed expression in one language, but not the same in the other language. Vocabulary such as "hereinafter referred to'' are archaic, formal, and unusual to use in daily language, but it is interesting to observe because they refer to features of legal text. To deal with the translation of "hereinafter referred to", especially in parenthesis, it could be translated in Chinese as 以下简称, which is a fixed usage in Chinese formal context.

In this sentence, the main translation technique of the sentence is "conversion", and word order has been changed between ST and TT. As discussed in 1,"in order to", the reason in ST has been changed to result, which is based on the context in this legal context.

Example 19

ST:第五十五条 上市 $_1$ 公司有下列情形之一的，将 $_4$ 由证券交易所决定暂停其股票上市交易 $_5$**：**

TT: Article 55 Where$_6$ a listed$_1$ company is in any of$_3$ the following circumstances, the stock$_2$ exchange shall$_4$ decide to suspend the listing of its stocks:

LT: No.55 article A go to market$_1$ company has following circumstances one of$_3$, will be made by security$_2$ exchange institution decide to suspend its stock listed exchange$_5$.

Security Law (Standing Committee of the National People's Congress of China: 1998)

Table 21 –Frequency list of Example 20 in PCIEL	
Key Term	Frequency
Listed company	1203
Security	119
Any of the	332
Shall	9740

Exchange	1397
Where	1637

Table 22 - Key syntactical features of Example 21				
No.	ST	LT	Discussion	Explanation
1	Listed company	go-to-market	Terminology	economic terminology vs daily use
2	Stock	Security	Terminology	economic terminology vs daily use
3	Any of the	one of	Translation technique	Use of number expression.
4	Shall	will be made by	Translation technique	Subordinate clause vs Passive voice
5	Exchange		Translation technique	Omission of repeated words.
6	where		Translation technique	Subordinate clause

1. A "Listed company" is a company whose shares are traded on an official stock exchange. It is a necessity for a company listed for trading on a stock exchange to meet financial criteria for trading recognition as a "listed company" and they should adhere to the regulations of that exchange, which may include how many shares are listed. In example 19 TT, the source language uses the phrase 上市 (go-to-market) to be identified as "listed", which is a common word from daily language. When comparing ST and TT, the concept "go to market" is similar to "go public", which means that to be able to trade a security on a certain stock exchange, it must "be listed". Thus "go public'' is the basis for the stock exchange (Huang, 2006:14-36). Not every "public" member can "go public" however, because in corporate finance, a "listing" refers to the company's shares being on the list (or board) of stock that are officially traded on a stock exchange (Business Dictionary, 2012). Normally the issuing company is the one that applies for a listing but in some countries the exchange can list a company, for example, its stock is already being actively traded according to informal channels. According to Pagano & Roell (1990), initial listing requirements usually include a history of a few years of financial statements (not required for "alternative" markets targeting young firms); a sufficient size of the amount being placed among the general public (the free float), both in absolute terms and as a percentage of the total outstanding stock; an approved prospectus, usually including opinions from independent assessors, and so on. Stocks whose market value and/or turnover fall below critical levels can get officially delisted; delisting is often the result of a merger or takeover, or the firm going private (Coffee Jr, 2002). Based on the knowledge of the stock market, the translation achieves equivalence between the Chinese and English texts.

The translation technique is known as "changing perspective" because of the context in translation; daily words have specific economic meaning in this sentence. As a common word, "market" is defined as the sum total of all the buyers and sellers in the area or region under consideration. (Cambridge Dictionary, 2015, s.v. market) This area may be the Earth, or countries, regions,

states, or cities, but when considering the context in this sentence, which is an economic situation, "go to market" refers to the company goes to stock exchange market in China. iI is, therefore, an acceptable translation in Chinese with no conflict between ST and TT.

2. According to Business Dictionary (2012), "securities" are tradable financial assets, while stocks are a sub-category of security. Because there are two different concepts, in Chinese there are separate translations of stock and security. Stock exchange institution is a place which provides facilities for issue and redemption of securities and other financial instruments, and capital events including the payment of income and dividends. The 证券交易所 "stock exchange institution" in China mostly do not only deal with stocks, therefore the name of the 所 "institution" is (literally) called "security exchange institution". In ST, it is a vague expression between the listed company and its duties related with stock exchange.

The translation technique is "changing perspective". In ST, the literal translation of 证券交易所 is "security exchange institution", however, in ST, the translation of 证券交易所 is "stock exchange". There are two challenges between the translation of "security exchange institution'' (LT) and "stock exchange''(TT), one challenge is the equivalence between "security''(LT) and "stock''(TT) when deal with the translation; the other challenge is the addition of "institution'' in Chinese. For the first difference, as explained before, "security'' and "stock'' do not share the same meaning. This is because of the functions of a 证券交易所, and not only deals with the stock exchange, but also deals with various other trading such as such as bonds, debentures, notes, options, shares (stocks), and warrants. Considering the general context, "security" is the hypernym of "stock'', which means "stock'' could be regarded as "security". The name of an institution, in Chinese 证券交易所"security exchange institution" is a localized expression to explain the meaning of this financial place in Chinese culture he added term

所"institution'' in Chinese is, therefore, always used to name formal places such as Research Institutes including 国家癌症研究所 "The National Cancer Institute", 中国就业研究所 "China Employment Research Institution''.

3. In Chinese, 之一 (one of) means "among", which means one thing among others. But in English, the translation is "any of", which for Chinese speakers seems like another way of expression compared with source text. The translation technique therefore is "changing perspective" from "one of" to "any of". The use of "any'' indicates the tune of emphasis in legal texts, which shows the responsibilities with legal bindings.

From the grammatical perspective, in English, the translation uses "members" in the plural form, hence "any" are plural. Even if only one subject or no subject at all, of these "members" will eventually be indeed admitted, "any of them" are allowed for admission at outset. The sentence, therefore, refers to a plural number of subjects. When "any of'' is followed by a countable plural noun, the verb can be in either singular or plural form, but a singular verb is more common in a formal style: for example, "If any of your friends is/are interested, let me know." In Chinese, however, 之一(one of) is the most common phrases to emphasise "one" among "others" (Talmy, 1985).

What makes "any" interesting in this context is that there is a tension between the natural tendency of quantifiers to be contextually restricted and the peculiar properties of "any". In a seminal article on the semantics of "any", Nirit Kadmon and Fred Landman (1993) argue that what "any" contributes is a widening of the meaning a sentence might otherwise have. They suggest that the difference between "we don't have bananas" and "we don't have any bananas" is that in the latter case we claim to not even have questionable bananas. Justice Breyer (1994:747) discussed in his decision, quite plausibly, that this widening effect has

its limits. "Any court" can mean "any court in the US" without being interpreted as widely as "any court anywhere in the world".

Justices Thomas, Scalia, and Kennedy dissented (1996), saying that the court's decision "institutes the troubling rule that "any" does not really mean "any", but may mean some subset of "any", even if nothing in the context so indicates.

4. The translation technique of "shall" in this sentence is grammatical "amplification". In literal translation, "will be made by" is replaced by "shall" in source text. "Shall" is translated as 将 (jiang) and literally means "will" in Chinese. The function of this sentence is to prevent misdeed and, in the following situations, the stock exchange will discontinue its business activities. The language helps to indicate that this is a serious warning. Thus a psychological presupposition is conveyed and a consequential effect is inferred and understood in this situation. The language helps communicate what behaviour is required and what behaviour is forbidden.

In the following translation analysis, the change of word order will be explored in terms of the long sentence. The sentence structure includes a clause comma (,), which looks very similar to an English comma, however, its function is very different. It marks off short sections known as short sentences, which may behave as clauses in the English sense, or as full sentences. It can also link two short sentences, which have a co-ordinate status, or cause and effect status and it can indicate summing up or generalisation as well as indicating purpose.

5. The translation technique of "exchange" is "omission". Because there are repetitions in the same sentence, the "listing of stocks" already contains the action of exchange. However, in Chinese, there is no omission of "exchange", which is due to the linguistic difference of the two languages.

In Chinese, the use of parataxis is prevalent, and Chinese grammar is more flexible compared with English, for example, predicative verbs in Chinese sometimes have to be omitted in most cases. The translation technique of

"omission" in English-Chinese translation is used to achieve the effect of succinctness, especially regarding the excessive use of English pronouns and such functional words, and in most cases it is used to avoid unnecessary repetition. "Omission" in Chinese-English translation is generally employed in three circumstances: 1. redundant words in original Chinese, such as unnecessary repetition and wordy expressions; 2 the original meaning has already been implied in the context of the English version; 3 the original meaning is obviously shown in the English version without further elaboration. In this sentence, the "omission" belongs to the second category, because the action of 交易(exchange) is already contained in "stock exchange", thus the omission of "exchange" make the text more precise and readable.

6. The translation technique is "amplification". The comparison between ST and LT, "where'' only exists in ST. There is, therefore, no extra meaning identified in this translation because of the grammatical amplification.

The use of "where" clauses will be discussed with the sentence order in the following session.

Discussion:

In example 19, the main translation technique applies in the sentence is "changing perspective" with a less changeable sentence order. This is due to the importance of context consideration in translating legal text at the sentential level. It is helpful to translate from text to context, particularly when examining a statement or law, for example, a statement made by Congress, under certain formal conditions, becomes a law. Taking context into account helps translator to de-code language, including the language of law. Purpose is often an important part of context. This is why the word "any" was chosen as an example of why context matters in legal translation in this example. The omission of subordinate connector "where'', the amplification of "stock exchange institution", and the expression of "go to

market'' are all "changed perspectives" techniques applied in Chinese. Besides, the use of "any of" and "shall'' are features related with legal style, emphasising the tone of legal language.

5.4.5 The interplay of Investment Protection and other areas of international law

Example 20 is selected from Marine Insurance Act, which identifies situations involving the "Return of Premium" regulation. This is in line with the IEL rules - the interplay of investment protection and other areas of international law. The Marine Insurance Act, like other areas of International law must not be read in isolation from other legal regimes. For example, the international rules on investment stand in line with human rights, labour standards, and international environmental law (Alston, 2004: 457-521). Where the application of an investment treaty affects compliance with obligations under human rights or environmental law, the general principles of treaty interpretation require a "systemic integration" of both obligations, which signifies that an investment treaty must be interpreted in the light of the other obligation(Article 31(3)(c) of the Vienna Convention on the Law of Treaties) (Simma, 2011). Investment activities may often have human rights implications, especially with regard to the exploitation of natural resources. Codes of conduct for investors, self-commitments and mechanisms of surveillance by the home State of investors are instruments to establish and to control corporate social responsibility (Herdegen, 2016: 495).

Example 20

ST: Return Of Premium

(3)(f)…<u>Provided that, if</u>$_1$ <u>the policies are effected</u>$_2$ <u>at different times</u>$_3$, and any earlier policy has <u>at any time6 </u>borne the entire risk, or <u>if a claim has been paid on</u>

the policy in respect of the full sum insured thereby$_4$, no premium is returnable$_5$ in respect of that policy, and when the double insurance is effected$_6$ knowingly by the assured no premium is returnable$_5$.

TT: 保险费应比例返还

(3)(戊)…

除依前开各项规定外，于被保险人为逾量之后保险时 $_6$，该各保险费应比例返还 $_5$，但在保险契约订立时 $_2$，有先后之分 $_3$，其先订之契约，曾经开始承担全部保险义务时 $_6$，或于保险金额已经全部赔偿时 $_4$，保险费不得返还 $_5$。

LT: Except according to$_1$ previous set-up each regulations, at be insured person for exceed amount after insurance when$_6$, this each insurance fee should percentage return$_5$, but at insurance contract make when$_2$,there is before and after's divide$_3$, it's former order contract, once begin to undertake all insurance obligation when$_6$, or at insurance amount of money already all compensate when$_4$, insurance fee not get return$_5$.

-The Marine Insurance Act (UK:

1906)

Table 23 –Frequency list of Example 20 in PCIEL	
Key Term	Frequency
Provided that	24
at any time	42

in respect of	133
Thereby	85
Premium	55
returnable	15
insurance	412
and when	15

Table 24 - Key syntactical features of Example 20				
No.	ST	LT	Discussion	Explanation
	``		Grammar	Subordinate clause
	the policies are effected	but at insurance contract make when	Grammar	时
	at different times	there is before and after's divide	Translation technique	(Omission)
	if a claim has been paid on the policy in respect of the full sum insured thereby	or at insurance amount of money already all compensate when	Translation technique	Subordinate clause vs Passive voice Vs Archaic diction of legal English
	1）no premium is	1）insurance fee not get return	Translation technique	Negation

	returnab le 2）by the assured no premium is returnable	2） this each insurance fee should percentage return		
	and when the double insurance is effected	exceed amount after insurance when	Grammar	Subordinate clause

1. In Table 23, "Provided that'' is presented as one of the most frequently used terms in PCIEL, which is also a common phrase in most laws and contracts with an occurrence of 24.

The translation technique is "omission'', because it has a grammatical functional in ST, however, in Chinese, it is difficult to find equal grammar words, thus it is omitted in TT.

According to Bryan Garner (2013:100-111) "Legal Writing in Plain English", the phrase "provided that" has various meanings, which will cause ambiguity if it is not expressed properly. First of all, "provided that" can simply be a verb + conjunction combination. This is a common structure in legal writing.

Second, "Provided that" also has an idiomatic meaning as a phrase that introduces a proviso. A proviso can be a number of things, including a condition, an exception or a qualification.

1) The most common meaning is "on the condition that".

2) A less common meaning is "with the exception that". This meaning is not frequently used apart from legal writing.

In Example 20 the complex example with "provided that" is selected, which acts as a qualification conveying the specific feature of legal language. In the ST "provided that'' expresses the meaning "on the condition that." in the selected sentence, which is used to introduce the conditions of premium return. The term "if'' which follows "provided that'' is identified to indicate the recognition of the possibility of these happening. The phrase "providing that" means that it is necessary for some condition to be realized beforehand, and therefore the condition can be explained in the following content with relevance.

Provided is regarded as a conjunction in this example, which is equivalent with the meaning of "if" and "on condition that". For example, —"I'll let you go to the party, provided you take a taxi home." In Chinese, the use of "provided" is closer to the use of 如果 (if).

"Provided that" can also be regarded as the "term of enactment" in Chinese. In the nineteenth century, "provided that" was adopted to introduce statutory provisions, and in contacts, it continues to serve that function, although drafters mostly use "provided however, that," proceeded by a semicolon. It is therefore used to describe conditions, limitations and exceptions, and unrelated provisions.

2. The translation technique of "the policies are effected" in Chinese is "conversion", changing from passive voice to active voice. From A Dictionary of Law (2015), the legal definition of "effect" is the operation of a law, of an agreement, or an act, is called its effect.

As a process of learning English, most Chinese students are taught to avoid the passive because it is weaker and more cumbersome than the more energetic, more compact active voice. Lawyers, on the other hand, cannot write sophisticated, powerful prose without a skilful use of the passive voice.

In Chinese grammar, a sentence usually begins with the subject, followed by the

verb; however, in legal text, lawyers tend to use the passive to avoid agency. In English, there are two main ways of ridding a sentence of agency—the one who carried out the action. One is nominalization—making the verb into a noun.

Considering the whole sentence of the example, it omitting the subjective "Return of Premium" action, it is reasonable to use the passive voice to make vague the actor – the insured person.

3. The translation technique of "at different times" is "amplification" in Example 20. In Chinese, the meaning of 有先后之分 (there is before and after's divide3) is expanded compared with the meaning of ST "at different times''. In Chinese, the meaning of ST is paraphrased by the explanation based on the context in sentence "and any earlier policy''. "Policies at different times'' is explained in two ways, one is policies at "earlier times" and the other is policy at "later time", which is literally translated into 先 (before) and 后 (after). In terms of equivalence between Chinese and English, it is a very good translation to achieve this goal, because for Chinese readers, to expand the meaning of the "different times" helps to further understand the whole context and time period of the legal definition, which is also a connection with the following phrases "earlier policies".

4. The translation technique of "if a claim has been paid on the policy in respect of the full sum insured thereby" is "omission" because most of the grammatical elements without real meaning tend to be omitted in Chinese during the translation process. First, "if" acts as the subordinate connector, and it is used to introduce the situation that "no premium is returnable", and the situation will happen only on condition that "a claim has been paid". In this text, the amount of the "claim paid" must be the "full sum" insured in this situation. The translation of "if" in English is omitted because, in Chinese, it only has a grammatical function without any real meaning. Second, "a claim has been paid" is a passive voice in ST, but an active voice in TT. It shares the similar functional meaning of "policies are effected" in the previous part of the sentence. Third, "in respect of"

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is a formal term "concerning" or "in relation to" something. It is one of the most common concepts in legal English, and is also one of the most frequent phrases in PCIEL with 133 occurrences (see Table 22). This is due to its formal expression in a legal context, and its flexibility collocation with other words. According to the analysis, it is regarded as a representative of legal language and legal style. Legal style refers to the linguistic aspects of the written legal language and, also, the way in which legal problems are solved, approached, and managed (Cao, 2007: 22). From this view, legal style originated from legal traditions and culture, which is important to deal with translation equivalent. Legal writing is characterised by an impersonal style and is accompanied by the extensive use of declarative sentences pronouncing rights and obligations (ibid). Fourthly, according to Cambridge Dictionary, "thereby" refers to "as a result of this action". The translation technique applied in "thereby" is "omission", and this is why it does not appear in Chinese. As an important both grammatical and logical connector, "thereby'' plays a significant role in connecting the co-text, which is also a symbol of legal English.

5."Premium" is an economic terminology, and defines "a premium is a sum of money that you pay regularly to an insurance company for an insurance policy" in Cambridge Dictionary. The translation technique of "no premium is returnable" is "changing perspective", which means the negation " no premium" is "converted" into 不得返还 (not get return).

In both ST (no premium is returnable) and LT (insurance fee not get return), the translation technique applied is negation (in Example 20), but the expression of the negation is different between Chinese and English, i.e. for Chinese, 保险费不得返还 (insurance fee is not get return) emphasises that the fee is "not" returnable. In English, it emphasis there is "no" premium, therefore, the outcome of the meaning is the same, because of linguistic and cultural differences, compared with the SL the translation is changing perspective. From this perspective, the translation achieved functional equivalence by balancing the culture between

source culture and target culture.

6. The translation technique of "double insurance" is "division and combination". According to Black's Law Dictionary (2004), "double insurance" arises where one party is insured with two or more insurers in respect of the same interest, in this legal context, against the same risk and for the same period of time. It is important that insurers are aware of the consequences double insurance may have on their liability; the rules on claiming contribution from co-insurers; and the various policy clauses that insurers may be able to use to protect themselves from being liable for the full loss of their insured possession.

In Chinese translation however, there no equivalent phrase of "double insurance", thus the translation is divided into a sentence instead of terms. In Chinese, 逾量 (exceed amount) is not a common word for daily use, instead, it is a special term more related with medical context. This identified a new semantic field of medicine, which demonstrates the interdisciplinary thinking during the translation process. Even though there is no equivalent expression for '"double insurance'' in Chinese, the use of 逾量 (exceed amount) reflects the choice of translator, who adopts a medical term in the International Economic Law field in order to achieve functional equivalence.

Discussion:

The main feature of Example 20 is the frequent use of "passive voice", and the translation technique applied is "conversion" at lexical level. In terms of the translation technique of the whole sentence, it is "division and combination". As the longest sentence among the 5 examples in Chapter 4, Example 20 conveys more information during the translation process. In order to express the meaning of the whole sentence properly therefore, the division of the whole sentence is necessary to apply for the restructure in target language.

5.5 Discussion

In this chapter, most of the frequently used terms of PCIEL are general terms instead of obscure purely technical words. Their translation cannot, however, simply transfer the meaning with the function of daily use because the specific features of the legal text. As discussed in Chapter 4, based on the context of International Economic Law, there are three main categories of these general terms: terms with legal meaning, terms with economic meaning, and terms with political meaning. When it comes to the translation in Chapter 5, there is evidence that the context in International Economic Law determines the small unit translation in complex sentences, a concept of text-bound terms in the process of translation in this chapter.

Text-bound terms refer to concepts, institutions and personnel which are specific to the text of the SL. They are a useful method of introducing this approach, since different strategies have been adopted to reformulate those involving cognitive and communicative elements (Sarcecvic, 1997:232). Text-bound terms explain aspects of both translation techniques and comparative law. Since most legal concepts are the product of different legal systems, the terminology is "conceptually incongruent" (ibid). The different approach of considering the translation of text-bound terms are illustrated and explained by using examples from either translated or original texts. There are different types of equivalence, and discussion has been made to tell the advantages and drawbacks of them during the translation analysis at the sentential level.

The translation techniques range from SL-oriented strategies to TL-oriented strategies, which reflect the comparison between source-oriented and target-oriented comparative law (Biel, 2008). Thus the "equivalence" in this chapter does not refer to one-to-one correspondence, but has the pragmatic meaning of an acceptable translation. In the five selected examples, the most important translation technique in dealing with complex sentences is "division and

combination". This demonstrates that both the structure and clusters are divided into small units, by analysing the text-bond term in the target language, the combination would be completed naturally. From this perspective, this supports Lefevere (1992: xi) who describes translation as "a rewriting of an original text." Different languages, like Chinese and English, reflect different values and cultures, and any attempt to mediate different languages, values or cultures, translations "nearly always contain attempts to naturalize the different culture to make it conform more to what the reader of the translation is used to" (Lefevere, 1999: 237).

Some anthropologists raise objects to translation cultures, such as C.L. Wren (1990), André Martinet (1966), and Catford (1977). According to these researchers, culture seeks a certain coherence that can be found in people's thinking and practice. In this case, a cultural translator must have a much more widespread knowledge rather than the text actually provides. It is suggested that, there is no conflict in achieveing both linguistic and cultural equivalence between different language groups, like Chinese and English. This is because according to the data analysis of PCIEL, both linguistic and cultural factors are equally important in translation. Both Chapter 4 and Chapter 5 deal mainly with the difficulties of linguistic perspective (lexical and sentential level), which demonstrates that culture factors also influence the translator.

Based on the analysis of the translation of International Economic Law in PCIEL, there are more challenges for translator have been identified, which is related with the legal context. In order to achieve functional equivalence between SL and TL in translation within the field of economic law, based on the legal frame both linguistically and systematically, the translator is "rewriting" the source text based on the original legal text for the purpose to engage in the act of cultural and ideological communication. With the endeavour, the translation can be expressed in a proper way regardless of the differences within this fiel

Chapter 6 Translation of cultural concepts in IEL text

6.1 Introduction

In chapters 4 and 5, the translations of legal terminology at both the lexical and sentential levels were examined by focusing on the linguistic aspects of legal language. The translation strategies of the legal lexicon, selected from high and low frequency appearance in PICEL in the corpus examples, were discussed in order to answer the two research questions "How has the legal lexicon been translated at word level in International Economic Law?" and "How has the legal lexicon been translated at sentence level in International Economic Law?"

In terms of IEL translation, cultural differences were a consistent factor that emerged for translation in the two previous data analysis chapters. The analysis of cultural features in legal and economic language helps to explain that a translation can be fully accepted in different cultural backgrounds from political, social and institutional fields. Corpus concordance is applied in order to assist the process of data analysis because, as in the previous chapters, the application of a corpus-based method assists the translation analysis of legal lexicon in PCIEL. The analysis process discusses the cultural comparison of legal differences between China and the UK.

As mentioned in Chapter 2, language and culture may thus be seen as being closely related and both aspects must be considered for legal translation. When considering the translation of cultural words and notions, Newmark proposes two opposing methods: transference and componential analysis (Newmark, 1988:96). As Newmark mentions, transference gives "local colour," keeping cultural names and concepts, although placing the emphasis on culture, meaningful to initiated readers, he claims this method may cause problems for the general readership and limit the comprehension of certain aspects. The importance of the translation process in communication leads Newmark to propose componential analysis

which he describes as being "the most accurate translation procedure, which excludes the culture and highlights the message" (Newmark, 1964:96). Nida's definitions of formal and dynamic equivalence (see Nida, 1964:129) may also be seen to apply when considering cultural implications for translation. According to Nida, a "gloss translation" mostly typifies formal equivalence where form and content are reproduced as faithfully as possible and the TL reader is able to "understand as much as he can of the customs, manner of thought, and means of expression" of the SL context (Nida, 1964:129). Contrasting with this idea, dynamic equivalence "tries to relate the receptor to modes of behaviour relevant within the context of his own culture" without insisting that he "understand the cultural patterns of the source-language context" (ibid).

In their proposed approached of examining different cultural perspectives in translation studies, they attached great importance to the role of culture in facilitating translation. Factors such as the social background of the original text; the influence of the cultural tradition of the translator that is imposed on the translation; the subjectivity of translators which impacts on the shift from the linguistic level to the culture level, all help to improve the expression of translated texts.

The cultural approach emphasized the important status of culture in translation and the cultural influence of translation into receptor-language region of target language: that is, treating translation as independent literature and not a mere copy of original texts (Yan & Huang, 2014: 487). In contrast to the traditional approaches, which aimed to convey the message or function, cultural approach puts translation into the wider cultural environment, focusing on the cultural contexts, history and the norms (Zeng, 2006: 45). It provided a new perspective of translation studies.

Based on both qualitative and quantitative methodologies, in this chapter the third research question is explored: "How has the legal culture been translated in

International Economic Law?" In order to analyse the translation of IEL within the cultural perspective, culturally-specific words are classified into the following three semantic categories in IEL: political sphere; socio-cultural sphere; and institutional actors in IEL. The translation analysis of Institutional Actors examines the relation between actors and institutions in IEL field. It demonstrates certain points of agreement. Actors and institutions are seen as being closely related and influenced by each other (Brammer, Jackson & Matten, 2012). It also raises the broader issue of how institutions influence action itself in this chapter, e.g. insurance broker and insurance agent. The examples selected for the chapter are discussed at the lexical level from both syntactical and translation techniques perspectives. These culturally-specific words are introduced with linguistic analysis, and the main discussion explores cultural difference between China and the UK. The cultural impact in the translation of IEL and the role of the translator is also discussed

Six examples from the corpus have been selected in terms of their cultural connotations and corpus concordance[13]. As in the previous chapters, the six examples are displayed in Source Language (SL), Target Language (TL) and Literal Translation (LT). There is an additional description of key words based on the content of the selected sentence; this aims to build clear clues for the argument in this chapter. These examples are used to explore the equivalent challenges of translating legal terminology at the syntactical level by analysing sentences in the two languages. Each example will be described by a sub-title; consisting of key words for translation analysis and the selected culture-loaded terms, cultural perspectives and the relevant culture comparisons in terms of political, social and institutional culture between China and the UK.

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[13] The corpus descriptions of these examples are shown in the corpus methodology chapter.

With some exceptions, based on Sarcevic (1997: 9), most work defines legal translation today as "*special-purpose*" translation and deals mainly with terminological problems. While the migration of translated legal concepts and cultures is not a new phenomenon in the field of law, the implication of such movements in an era of globalization would benefit from a more thorough investigation. In translating International Economic Law, therefore, the translation of IEL should be dealt with in an interdisciplinary way, in order to explore key features in this important field.

Both qualitative and quantitative approaches have been examined in relation to the cultural implications for the translation of IEL. It is necessary to apply these approaches, bearing in mind the inevitability of translation loss when the text is, as here, culture bound. Considering the nature of the text and the similarities between the ideal ST and TT reader, an important aspect is to determine how much missing background information should be provided by the translator using these methods. It has been recognised that in order to preserve specific cultural references certain additions need to be brought to the TT. This implies that formal equivalence should not be sought as this is not justified when considering the expectations of the ideal TT reader. At the other end of Nida's scale, complete dynamic equivalence does not seem totally desirable either, as cultural elements have been kept in order to preserve the original aim of the text, namely to present one aspect of life in France.

Thus the cultural implications for translation of this kind of ST do not justify using either of these two extremes and tend to correspond to the definition of communicative translation, attempting to ensure that content and language present in the SL context is fully acceptable and comprehensible to the TL readership. (Newmark, 1988). Apart from cultural analysis, the selection of the primary data is based on a quantitative data.

6.2 Quantitative data analysis presentation

In this chapter, the analysis of translation equivalent is focused on cultural level, and the analysed data are culture-loaded words with low frequency in PCIEL. Unlike Chapter 4 and Chapter 5, the analysis of translation in Chapter 6 mainly focuses on the concepts from the relevant three semantic fields with more cultural differences between Chinese and English. The semantic fields of this chapter are classified as: political sphere, social-cultural sphere, and Institutional Actor sphere. In each semantic category, there are two examples displayed for analysis. There will be at least one concept discussed. Different from Chapter 4 and Chapter 5 applying both high and low frequency words as analysed data. Chapter 6 selects least frequency terms from PCIEL.

This chapter carries out, in the framework of cultural translational equivalence, between words by the occurrence patterns found in bilingual corpora of PCIEL. In order to improve the retrieval of equivalents for low-frequency words, which are particularly valuable during the cross-linguistic mapping of context vectors, A novel method is introduced which uses less apparent lexicons to identify challenges in translating IEL concepts with different connotations.

This analytical approach not only analyses word co-occurrences, but also discusses more reliable cultural meaning rooted in different cultures. The result has shown that some innovative finds have been underlined in relation to low-frequency words and have a considerable positive effect on the cultural translation of PCIEL.

This analytical approach not only analyses word co-occurrences, but also discusses more reliable cultural meaning rooted in different cultures. The result has shown that some innovative finds have been underlined in relation to low-frequency words and have a considerable positive effect on the cultural translation of PCIEL.

Table 25-Frequency list in Chapter Six		
Cultural sphere	Key term	Frequency
Political	mandatory plan	1
Social cultural	Act of God	0
Institutional Actors	insurance broker	1

In order to explore the specific linguistic features between Chinese and English, the word frequency list is based on the Chinese files in PCIEL because of the low frequency data selected in this chapter. It is therefore impossible to retrieve "Act of God" in English by the Graphocoll concordance in Chinese. Similarly, "mandatory plan" and "insurance broker" are shown in the figure as follows:

Figure 19 – GraphColl mandatory plan


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   Span: 5 <> 5
  Types: 1 / 10651
 Tokens: 543268
   Stat: 01 - Freq
```

Figure 20 - insurance broker

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Span: 5 <> 5
Types: 1 / 10651
Tokens: 543268
 Stat: 01 - Freq
```

● insurance broker

Both "mandatory plan" and "insurance broker" only appear once in PCIEL by searching the Chinese data, therefore, they are the only dots shown in the centre of the Figure. Due to the low appearance, it is difficult to have access to its collocations. More detailed explain of the low frequency data will be carried out in the following sections.

6.3 The political sphere

The translation of IEL differences in local politics in the UK and China can cause a major difficulty in dealing with culturally-specific words. Thus, it is necessary to take the political regime into cultural consideration.

Local government politics in the UK and China: A comparison

The UK and China both have a long history of political rule in local areas, although there are some basic differences between them. The Chinese system of governance is a combination of centralism and federalism, with a certain degree of autonomy granted to local governments (Zheng, 2007). Each Chinese province, city, town, prefecture and county is overseen by a parallel group of local leaders and Communist party officials.

Government in the UK is organized in two ways: central and local. In the UK, central government is divided nationally into 650 Parliamentary Constituencies (Johnston, 2002: 1-31). In each Constituency, voters elect a Member of Parliament (MP) to attend and represent them in the House of Commons (Searing, 1985). Devolved government of certain areas of policy (e.g. education, health, policing) exists in Scotland, Northern Ireland and Wales.

Elected local councils

In contrast to the permanent dominance of the Communist Party in China, the UK has local council elections, usually held every five years in which any number of political participants may be nominated for election. Candidates do not need to represent a recognised political party and may stand as an "independent" candidate. Each election returns a different result and no party maintains a permanent dominance (Schofield, 2011).

County Governments

In China, county governments are under the supervision of Beijing. County Governments have the authority to levy taxes; to enforce one-child family planning policies; and have jurisdictions over the police that are authorized to monitor religious and political activity (Lawrence, 1994).

At a local level in the UK, the country is divided into a series of local authorities or councils. Councils provide services in their local area. In the UK, local

government has acted for a long time as an agency of the State (Bache & Flinders, 2004). It fulfils many functions required by the central government; these are, for example, public health, education, roads, and social services.

Municipal Governments

Municipal Governments, which own all land in China, depend largely on sales of long-term property leases to provide their operating budgets (Zhu, 1999).

In the UK, although voluntary mergers are permissible under the law, municipal government boundaries owe their current boundaries to local government legislation. The Local Government Boundary Commission for England is responsible for the overall examination of local government boundaries and structures (Briffault, 1990). Municipal council officials stand for election at the time of the local elections and are elected by the population of that area (or ward).

The overall governing systems in China and the UK are similar in nature, they are different in many aspects including party control and local government's autonomy. Generally, China has a specific political system with Chinese characteristics. In China, although County governments have a certain degree of autonomy the Communist Party exerts a dominant control through naming local officials. In contrast, the UK has councils in which consistently no party wins electoral control and councillors are elected to represent his/her constituency at a local level. In the UK, local governments have acted traditionally as an agency of the State to provide services (Chadwick & May, 2003).

6.3.1 Translation of "mandatory plan" and "government intervention"

As a matter of basic principle of the International Economic order, States are free to choose their economic and social systems: every State possesses a fundamental right to choose and implement its own political, economic and social system (Hall, 1993). The reason for selecting Article 38 from Contract Law for deeper scrutiny as Example 21 is to show the State's autonomy in macro-economic choices

(Raustiala, 2003). The translator's role in dealing with the IEL lexicons related with the State's autonomy is also discussed.

In Example 21, two translation clusters were selected from Contract Law in China; these are: "mandatory plan" and "【Based on State plan to setting up contracts】" They are used to discuss two key concepts in both China and the UK: namely, the "mandatory plan"; and "government intervention".

Example 21 (Contract Law, China)

SL: 第三十八条　【依国家计划订立合同】国家根据需要下达指令性任务或者国家订货任务的，有关法人、其他组织之间应当依照有关法律、行政法规规定的权利和义务订立合同。

TL: Article 38 Where the State has issued a mandatory plan or a State purchasing order based on necessity, the relevant legal persons and the other organizations shall conclude a contract between them in accordance with the rights and obligations as stipulated by the relevant laws and administrative regulations.

LT: 【 Based on State plan to setting up contracts 】 State according to requirements give command task or State order goods task, relevant legal person、other organization among should base on relevant law、administrative regulations stipulated rights and obligations to set up contracts.

Example 21 is a definition of the State's role in making a contract in China. The translation method of "mandatory plan" is "conversion"; this aims to transfer the role of government in different cultural backgrounds. In Chinese, 指令性任务[14]

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[14] SL: 指令性任务

(command task) is a phrase used for a euphemistic expression of "government intervention". This will be proved in the analysis process.

China is a communist country and the "Chinese Communist Party" rules the country by communist rule[15] under which "mandatory plan" is regarded as key words underpinning action in governance. The different extent of "government intervention" between China and the UK has been a matter for argument in the political field, and also a cultural barrier, when dealing with translation in IEL. A "mandatory" action is an action that is required, obligatory, or compulsory (Black's Law Dictionary, 2004). For example, "mandatory" is used in opposition to optional. E.g. *If you want to compete with the swiming team at school, week night practices are mandatory*. This means that you have to go to all practices in weekday evenings since these are compulsory, though Saturday dawn swim practice remains optional.

Both Chinese and English languages share a common understanding of the term "mandatory". As a specific cultural phenomenon in Chinese politics however, "mandatory plan" conveys specific features of the socialist market economy. China has been a socialist country since 1949 and, for most of that time the Government has controlled the economy, whose entire planning process involves

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LT: command task

TL: mandatory plan

[15] China: The Communist Party maintains control nationwide in China through a network of committees that oversee the administration of the country's local governments, universities, industries, schools and army units. Usually, local officials are put in post by senior officials and claimed by party committees.

Villages and towns may have elected chiefs and mayors but, generally, they have been nominated by the Communist Party and have little power anyway. In cities and provinces, the most powerful leaders are not the mayors and governors but the party secretaries (Schurmann, 1966).

considerable consultation and negotiation (Child & Tse, 2001). The main advantage includes a project in an annual plan is that the raw materials, labour, financial resources, and markets are guaranteed by directives that have the force of law. In practice, a great deal of economic activity goes on outside the scope of the detailed plan, and the tendency has been for the plan to become narrower rather than broader in scope (Young, 2003: 1220-1261). Based on these national conditions, there are three types of economic activity in China: those stipulated by mandatory planning; those done according to indicative planning (in which central planning of economic outcomes is implemented indirectly); and those governed by market forces (Xu, 2001:229-248). The second and third categories have grown at the expense of the first. Goods of national importance, and almost all large-scale construction have, however, remained under the mandatory planning system. The market economy generally involves small-scale or highly perishable items that circulate only within local market areas, thus almost every year brings additional changes in the lists of goods that fall under each of the three categories (Fenby, 2008:138). The most important category of Chinese economic activity is the "mandatory plan". This is not the only format in the Chinese economy, but is the cornerstone for the Chinese government to improve macro-economic regulation to ensure stable and healthy economic development.

"Mandatory plan", in economic terms, conveys a different meaning in the UK. As the birthplace of the Industrial Revolution, the UK was at the forefront of technological advances during the 18th to 19th centuries and the UK was the largest and most influential economy in the world (Marsh, 2012: 250). During the 20th century other countries, in particular the USA, overtook the UK in technology and manufacturing. According to Lane (2012: 49-67), following the 2008 global financial crisis, the UK government was forced to implement austerity measures in order to ameliorate the financial crisis and reduce its global debt, with the aim of facilitating long-term economic recovery and growth. From the political perspective, Government intervention in the banking sector was a response to catastrophic banking practices and the "unsustainable" loans (House

of Commons Treasury Committee, 2008: 4) that resulted in a variety of Government bailouts implemented to stabilize the financial system. Clearly, there will always be times when there is the need for some level of government intervention in the economy.

As members of the WTO, China and the UK are subject to its regulations of International Economic Law, although, the governing systems in China and the UK are similar in nature, they are different in many aspects. These include party control and autonomous Government. This raises the question as to what extent the Government should intervene in the macro economy[16] in order to be in line with the regulations of International Economic Law. Free market economists argue that Government intervention should be limited strictly since Government intervention tends to cause an inefficient allocation of resources (Wade, 1990: 9). It is however, not difficult to find that there are cases for Government intervention in the market.

According to the regulations of WTO, States are at liberty to choose whether or not to maintain relationships with other economies. This freedom flows from the "sovereign equality" of States (Article 2(1) UN Charter) and may be exercised by entering treaty commitments. Since both China and the UK are WTO members, this discussion is within the sphere of WTO membership. On the one hand, it is certainly true that China has a specific system of market economy with its own explanation of "mandatory plan". On the other hand, international agreements govern structural economic choices for a very large part of the international community. Thus, differences are unavoidable and translation is not only the expression of the lexical meaning but also the political tendency of different countries. The real issue lies in the distinction between the control a government

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[16] "Economy" refers to both government's expenditure on government projects and the economy generated by business, manufacturing, production etc.

(state) has over its internal policies, economy and the international interactions it has through trade and business activities.

The translation of 指令性任务 "mandatory plan (TL)" is based on the consideration of balance in different cultural explanations. In the SL, the Chinese expression of 指令性任务"command task (LT)" means "a group problem solving exercise" (Black's Law Dictionary, 1999). In Chinese this emphasises developing and/or assessing teamwork and leadership, communication, interpersonal and problem-solving skills. From this definition, it is seen that between TL (mandatory plan) and LT (command task), the definition of指令性任务 is different. The translator's choice is important in defining the meaning of指令性任务 in the target language, to ensure the English translated version in TL is in line with both Chinese and British political connotations.

The translation of指令性任务 "mandatory plan (TL)" shows the sense of cross-culture negotiation. According to Casse (1981), cross- cultural negotiations are negotiations where the negotiating parties belong to different cultures and do not share the same ways of thinking, feelings and behaviour (Simintiras & Thomas, 1998: 10-28). These are exactly the same issues facing the translator when they deal with culturally words in the political field, and it is important to share the ways of thinking in different political and social backgrounds.

In terms of the translator's role, in SL, the first phrase of Article 38 is【依国家计划订立合同】(LT:【Based on State plan to setting up contracts】), and these words in boldface square brackets have not been translated in the TL. When falling into the translation strategy, these words are omitted. At the beginning of this legal article, words in boldface square brackets have a significant meaning in the legal context in order to show the compulsory economic control of the Chinese government. In this sentence, these words define the importance of "government intervention" and the government's role in setting up the contract.

Taking the whole context into consideration, in order to avoid over emphasising the Chinese government's intervention, the translator decides to omit the whole highlighted phrase with brackets "have a significant meaning in the legal context in Chinese". In the translation of 指令性任务 (mandatory plan), the word "mandatory" has already shown the role of government. When combined with the descriptive expression of指令性任务 (command task) in Chinese, the translator chooses to take the context into consideration. On the one hand, the translation expresses the political meaning - "mandatory" government intervention happens in this situation, and on the other hand, the TT lessens the prominence of the Chinese Government's role. For a Chinese translator, political sense is basic knowledge that one should always bear in mind. From the translation perspective, there is an important omission inTL; this expresses the text "in a mild manner". From the cultural perspective in the political arena, this is a good balance within a specific national background and, without losing the key concept, takes cultural difference into consideration.

This form of contract with Chinese characteristics is called "Agreement by Piece" (Zhang, 2006: 27); this is a compulsory contract (sharing similarities with standard form contract). It means that the two parties sign a contract directly, according to the State plan, and based strictly on the State mandatory plan. The Agreement by Piece is valid until approved by the Governmental institution. The Government should also authorize, the alteration / termination of a contract, for anything against the State plan will lead to a contract becoming invalid. Based on the contracting culture, the【依国家计划订立合同】in TL featuring the format of the contract - "Agreement by Piece" and, in order to avoid repetition, the translator decides to omit the words in brackets.

6.3.2 Translation of "Kingdom", "Crown" and "State"

According to the scope of International Economic Law, States in all their diversity, continue to be the most important subjects in International law and in international

economic relationships (Herdegen, 2016: 1-3). The different interpretations of State, therefore, are of great relevance within IEL. The reason for choosing this section of text is to analyse the definition of "State" with different connotations between China and the UK.

Example 22 is selected from the Patent Act in UK legislation and describes the rights of the third party in United Kingdom. Two terms have been selected for analysis in this part: "crown" and "Kingdom". In the process of translation analysis, one of the main concepts is introduced; it is "State" in China and the UK.

Example 22

(Patent Act, UK)

SL: 57.Rights of third parties in respect of Crown use

(b) In relation to anything done in respect of the invention by the licensee by virtue of an authority given under that section, that section shall have effect as if the said subsection (4) were omitted.

(4) Subject to the provisions of subsection (3) above, where the patent, or the right to the grant of the patent, has been assigned to the proprietor of the patent or application in consideration of royalties or other benefits determined by reference to the working of the invention, then—(patent law)

TL: 57. 有关王国使用的第三方的权利

（b）被许可人按该条所受权利对于该发明所做的任何事情，该条应有效而该第（4）款应等于取消。

（4）根据上述第（3）款的规定，当专利权或取得专利的权利转授给专利权人或申请案持有人，转授时付给专利使用费或参照实施发明决定的报酬，则：

（b）关于该专利或申请案所有者按政府部门的命令为服务于王国而对该发明所采取的任何行为，上述第５５条（４）款应有效，该行为就等于按该条授予的权利所进行的应用。

LT: 57 Regarding Kingdom usage's third part's right

(b) Be licensor based on this article's by accepted rights about this invention made for anything, this article should be valid, but this piece of （４）is equal to cancellation.

(4) According to above （３）'s regulation, when patent right or getting patent right delegated to patent right person or continuation-in-part application holder, delegation when pay for patent usage fee or refer to practice invention's decided payment, then:

(6) regarding this patent or continuation-in-part application holder according to government department's order for serve Kingdom then this patent 's adopt of any actions, above article 55(4) should be valid, this act is equal to base this article's authorized rights to carry on the application.

In Example 22, "Crown", as one of the most frequently used term[17] in legal context in the UK, whose political meaning is unfamiliar with most Chinese people. Thus, the translation of "Crown" is an interesting cultural difference in the political field. The translation strategy is "changing the perspective". This means that the translator is naming the State of the United Kingdom from another angle

[17] The Crown Court is one of the constituent parts of the Senior Courts of the UK. It is the higher court of first instance in criminal cases; however, for some purposes the Crown Court is hierarchically subordinate to the High Court and its Divisional Courts (Hood, 1992).

in order to enable Chinese readers, who do not have the concept of "Crown" in the legal field, to understand the exact meaning in this context. The concept of "the Crown" developed in the United Kingdom as a separation of the literal crown and the property of the nation State, from the Monarch's person and personal property. The concept spread through British colonisation and is now rooted in the legal lexicon of the British Commonwealth of Nations (Philips, 1991). In this context, it should not be confused with any physical crown such as the British royal regalia. In the British legal field, the term is found in expressions such as Crown Land, which other countries refer to as public land or state land (Gibson, 1999). The term can also be found in some public official positions such as Minister of the Crown, Crown Attorney and Crown Prosecutor. In English, the word "crown" normally has two forms; one is "crown" without capitalization, which refers to a wreath, band, or circular ornament for the head (Cambridge Dictionary, 2015); the other is the capitalized "Crown", which means (1): imperial or regal power : sovereignty (2): the government under a constitutional monarchy (Cambridge Dictionary, 2015).

In the UK, "Crown" is equivalent to two terms – "Queen" and "State". For Chinese people, however, it is not possible to "capitalize " in Chinese characters, thus there is no visible difference between "Crown" and "crown". For Chinese people, "Crown/crown" is a romantic word from fairy tales appearing together with Kings, Queens, Princes and Princesses (Doyle & Doyle, 2001:191-204). The meaning of the word "crown" in China is more accurately described as "any of various types of headgear worn by a monarch as a symbol of sovereignty, often made of precious metal and ornamented with valuable gems"(Cambridge Dictionary, 2015). This helps to achieve cultural equivalence the literal translation of "Crown" is 王国 (Kingdom) in Chinese. According to the Cambridge Dictionary (2015), "Kingdom" means a State or Government having a King or Queen as its head. The translation distinguishes "Kingdom" from the concepts of "state" or "nation". Based on the discussion of "Crown", there is a comparison of cultural differences between Sino-UK political systems.

Within the context of the United Kingdom's legal system, the term "Crown" is the British Monarch with both political and legal connotations. According to Taylor (2013), the British Monarch is the living embodiment of the "Crown" and, as such, is regarded as the personification of the State, and the person of the reigning sovereign holds two distinct personas in constant coexistence: that of a natural-born human being and that of the State as accorded to him or her through law (Moore, 1904). The Crown and the Monarch are conceptually divisible but legally indivisible, the office cannot exist without the office-holder (Nahasapeemapetilon, 2016). The terms, the State, the Crown, the Crown in Right of [jurisdiction], Her Majesty the Queen in Right of [jurisdiction] and similar are all synonymous, and sometimes the Monarch's legal personality is referred to simply as the relevant jurisdiction's name (Cox, 2002: 237-255).

In countries using systems of government derived from Roman civil law, the State is the equivalent concept to the Crown. As such, the King or Queen is the employer of all government officials and staff (including the viceroys, judges, members of the armed forces, police officers, and parliamentarians), the guardian of foster children (Crown wards); owner of all State lands (Crown land), State owned buildings and equipment (Crown held property), State owned companies (Crown corporations), and the copyright for government publications (Crown copyright) (Black's Law Dictionary, 1999). This is all in his or her position as Sovereign and not as an individual; all such property is held by the Crown in perpetuity and cannot be sold by the Sovereign and requires the advice and consent of his / her relevant Government. The Crown also represents the legal embodiment of executive, legislative, and judicial governance. While the Crown's legal personality is regarded usually as a corporation sole it can be described, at least for some purposes, as a corporation aggregate headed by the Monarch (Cox, 2002: 237-255).

In Chinese, "Crown" is symbolized by the tangible "throne" in the Chinese Kingdom. The feudal system 封建 prevailed in China in ancient times. According

to Zhao (2015), Fēngjiàn（封建）was a political ideology developed from Confucian and "Legalist" philosophers during the latter part of the Zhou dynasty of ancient China; its social structure forming a decentralized system of government based on either of four occupations, or "four categories of the people." (Killion, 2006: 30) The Zhou Kings enfeoffed their fellow warriors and relatives, creating large domains of land. The Fengjian system, which they created, allocated a region or piece of land to an individual, establishing him as the ruler of that region. Eventually, these land owners rebelled against the Zhou Kings and developed their own kingdoms, ending the centralized rule of the Zhou dynasty (Fairbank & Goldman, 2006: 49). Many Chinese historians have termed Chinese history from the Zhou or Chou dynasty (1046 BC–256 BC) to the Qin dynasty as a feudal period due to the custom of enfeoffment of land similar to that in Europe (Pankenier, 1999), although some scholars have suggested that Fengjian lacks some of the fundamental aspects of feudalism (Palmer, 1986: 41).

The difference of the cultural heritage in the political field between China and the UK lies in the symbolic state of the "Crown". In China, the feudal imperial regime has vanished, but in Chinese culture, "throne" continues to be known as "Dragon Crown". The Dragon Throne is the English term used to identify the throne of the Emperor of China, since the dragon was the emblem of divine imperial power. The throne of the Emperor, who was considered a living God was known as the Dragon Throne (Levathes, 2014). The term can refer to a very specific organization of seating in the Forbidden City of Beijing or in the Old Summer Palace. In an abstract sense, the "Dragon Throne" refers also to the head of State and to the Monarchy itself. The Daoguang Emperor (1820 to 1850) is said to have referred to his throne as the "divine utensil".

In both Example 21 and Example 22, the key words "mandatory plan" and "crown", reflect the difference originating from different political backgrounds. In Example 21, when dealing with the translation of "mandatory plan", the translator interprets not only the lexical meaning within the context of IEL, but also

moderates connotation meaning with Chinese characteristic in terms of political publication. The omission of "【Based on State plan to setting up contracts】" in SL reflects that the translator takes the whole context into consideration, namely emphasising the necessary key points and avoiding the over-emphasis of the role. Chinese government.

In Example 22, the translator achieves equivalence between "Crown" and "Kingdom" with an effort to combine the historic and cultural view in the political arena. The translation enables the Chinese reader to understand the meaning easily, even without much political knowledge of the Constitutional Monarchy system. This is because the connection between "Crown" and "Kingdom" exists in both the political and cultural fields. Hence, in translating political culture-loaded words, cultural equivalence aims to keep the cultural features of the source text intact in the target language. This enables a cross-cultural understanding of the subject, while the reader can also do a comparison of his culture and the one that he/she is reading.

6.4 The socio-cultural sphere

Cultural factors are those relating to a social system, geographical situation, symbols, the climate, ethics, the history, the tradition, the religion etc. (Barth, 1998: 10-27). The cultural factor can be any impact that a culture and the societies' way of living can have on a language. Social factors affect someone's way of life, and these could include wealth, religion, buying habits, education level, family size and structure and population density. What may be acceptable in one country could be inappropriate somewhere else (McPherson, Smith-Lovin & Cook,2001: 415-444). For example, if a food-related product is sold in China and the flyer or website contains a picture of food, it is necessary to ensure that the image has chopsticks as cutlery, not a knife and fork. In contrast, if the same image is used in the UK cutlery would not be added. In Chinese legal translation studies, the socio-cultural ideology has been supported by Zhao (2011) in his *On*

the information structure and its linguistic realizations in legal discourse: a Chinese-English contrastive discourse analysis.

In translating IEL, the social difference has a great impact in the process of translation. The following two examples prove social culture-loaded terms and the analysis focuses on the social cultural factors from different perspectives.

6.4.1 Translation of "irresistible force" and "Act of God"

With the improvement of an IEL framework, the globalization of economic relationships has developed rapidly. The interconnection of economies is a recent phenomenon and there are quite different degrees of market integration in terms of capital, services, and persons (Herdegen, 2016: preface). In IEL translation studies, there is not only the integration of capital markets, which has reached a very high level in modern society, but also the socio-cultural sphere, such as the British Christian tradition and Chinese Zhongyong, which are here interlaced in the process of translation. The reason for choosing this article is to show the translator's role in globalization.

Example 23 is selected from Chinese Security Law and refers to situations that happen in security trading beyond human control. The main translation analysis focuses on "force majeure" and "Act of God". In translating IEL, these are related to the concepts of religion and philosophy.

Example 23（Security Law, China）

SL: 第一百一十四条　因突发性事件而影响证券交易的正常进行时，证券交易所可以采取技术性停牌的措施；因不可抗力的突发性事件或者为维护证券交易的正常秩序，证券交易所可以决定临时停市。证券交易所采取技术性停牌或者决定临时停市，必须及时报告国务院证券监督管理机构。

TL: Article 114 Where any normal trading of securities is disturbed by an emergency, a stock exchange may take the measures of a technical suspension of trading. In the event of an emergency of force majeure or with a view to preserving the normal order of securities trading, a stock exchange may decide a temporary speed bump. Where a stock exchange adopts the measure of a technical suspension of trading or decides a temporary speed bump, it shall report it to the securities regulatory authority under the State Council in a timely manner.

LT: Article 114 As a result of sudden incidents influence security trading's carry out normally, security exchange institution could adopt technically stop cards' measure; because of unpredictable power of sudden events or for maintain security exchange's normal order, security exchange institution could decide temporarily stop market. Security exchange institutions adopt technical stop cards or decide to temporarily stop the market, must promptly report to State Council Security supervisory and manageable agency.

In Example 23, the translation of 不可抗力 (irresistible force) is force majeure (French), which is the archaic vocabulary of legal English. The translation strategy is "conversion". Force majeure is a common clause in contracts that frees parties from legal obligation when an extraordinary event or circumstance occurs (Ross: 1991). It is interesting that the French words have been selected as SL in the Chinese-English translation. This is not rare because the use of archaic vocabulary is also a characteristic of legal language.

According to Black's Law Dictionary (1999), force majeure is in line with the concept of an "Act of God". The term "Act of God" can be defined as an event which is caused solely by the effect of nature or natural causes and without any interference by human beings whatsoever, deeming them unpreventable or impossible to guard against (Black's Law Dictionary, 1999). In Insurance contracts, "Acts of God" are often excluded from the policy cover of insurable occurrences as a means of waiving the insurance company's obligations.

Examples of this are damage caused by storm damage, natural fire or lightening damage, hurricanes, floods, tornado or earthquakes. This is because forces of nature are uncontrollable and, no entity can be held accountable for the likelihood of an event that is seen as an inevitable accident (Black's Law Dictionary, 1999).

In contrast, "force majeure" encompasses human actions such as armed conflict (Ross, 1991:58). For events to constitute force majeure, they must be unforeseeable, external to the parties of the contract and unavoidable (Ross, 1991:58). These concepts are defined and applied differently by different jurisdictions. The concept of force majeure originated in French civil law and is an accepted standard in many jurisdictions that derive their legal systems from the Napoleonic Code (Black's Law Dictionary, 1999). In common law systems, such as in the USA and the UK, force majeure clauses are acceptable, although they must be explicit about the events that would trigger the clause. The use of the archaic French legal lexicons in UK Law is a symbol of "legalese" that are rooted firmly in archaic traditions (Ross, 1991:58).

In legal usage throughout the English–speaking world, an "Act of God" is a natural disaster outside human control, such as an earthquake or tsunami, for which no person can be held responsible. An "Act of God" may amount to an exception to liability in contracts (as under the Hague-Visby Rules); or it may be an "insured peril" in an insurance policy (Black's Law Dictionary). While in Chinese-English translation, 不可抗力 (irresistible force) has nothing to do with a spiritual "God". The UK's Christian traditions and the influences of Christian culture that flourished in the western world including the political, economic and legal fields, and the content of the law cannot avoid religious factors in culture. For example, Canon law forms the ecclesiastical foundation for legal authority (Berman, 2009). As the foundation of Christian beliefs, the Bible forms the basic principles, including the ideological basis, of constitutionality: Spirits of Contract and Constitutionalism (Chewning, 1990). This supports the rationality of the religious lexicon "God" in IEL from a British perspective. This religious

connection does not exist in China. China has long been a cradle and host to a number of the world's most enduring religious and philosophical traditions. Confucianism and Taoism, later joined by Buddhism, constitute the "three teachings" that have shaped Chinese culture (Langlois Jr & Sun, 1983). Christianity has been one of the religions of China since at least the seventh century and has gained influence over the past 200 years, it is not as ancient as Taoism, Mahayana Buddhism or Confucianism. Consequently, "force majeure" is a more natural and acceptable expression than "Act of God" for the Chinese. Despite the non-religious character of Chinese society, the philosophical background of Zhongyong influences language, economy and law indirectly. This is one of the possible reasons why the translator prefers the French expression "force majeure", instead of the religious word "Act of God". The Communist Party of China is an atheist institution that prohibits party members from practicing religion while in office.

When mentioning "neutral" in China, there can be no avoidance of Zhongyong (Doctrine of the Mean) as the representative of "neutral spirit". This is a doctrine of Confucianism and is, also, the title of one of the Four Books of Confucian philosophy (Zonggui, 2008:3, 005), which is one of the prevalent philosophies of life in China. In James Legge (2009)'s translation of the text, the goal of the Mean is to maintain balance and harmony from directing the mind to a state of constant equilibrium. The Master [Confucius] said that the virtue, embodied in the doctrine of the Mean, is of the highest order. It has however, long been rare among people. — Analects, 6:29 (Translator: Burton Watson). Zhong Yong has been profoundly rooted in Chinese social culture, and when engaging in International economic activity, it is important that there is a mediator during the negotiations. Zhong Yong helps to facilitate the business activity and might act as either a sign or guarantee of confidence from the eastern negotiator. As discussed in the previous example (see page 25) it is important for UK team members to study the negotiation process before travelling to China. The formal introduction phase follows with the hand shaking, which the Chinese expect to last as long as ten

seconds or more, followed by the exchange of business cards, which should be received with both hands. For the success of the negotiation, the UK team member needs to understand the Chinese negotiators and their hierarchy (Seng Woo & Prud'homme, 1999).

For the translator's role, the choice of "force majeure" rather than "Act of God" reflects, also, the application of Zhong Yong in Chinese translation. In order to avoid religious conflicts, the translator deals with the contractual term in an ancient way by maintaining the archaic lexicon. In the analysis of the translation of International Economic Law in PCIEL, social culture acts as an active way to deal with the differences between China and the UK.

6.4.2 Translation of "untranslatable" and "consideration"

The example is selected on the basis of State practice in the Patent Act and the challenge of translating "consideration" in this context.

Example 24 is selected from the Patent Act in the UK; this regulates the amount of compensation to be paid for using a patent. There are two IEL terms to be discussed: namely, "no consideration"; and "nominal consideration". In the translation analysis, the key concept "consideration" is explored in different spheres (Patent Act, Contract Law).

Example 24

(Patent Act, UK)

SL: 41. Amount of compensation

(3) Where the Crown or a Research Council in its capacity as employer assigns or grants the property in, or any right in or under, an invention, patent or application for a patent to a body having among its functions that of developing or exploiting

inventions resulting from public research and does so for no consideration, or only a nominal consideration, any benefit derived from the invention, patent or application by that body shall be treated for the purposes of the foregoing provisions of this section as so derived by the Crown or, as the case may be, Research Council.

In this subsection "Research Council" means a body which is a Research Council for the purposes of the Science and Technology Act 1965.

TL: 报酬的数额

（３）当王国政府或研究委员会，作为雇主把一项发明、专利或专利申请案的产权或其任何直、间接权利转授或赠授给一个在其职能中有责任发展或实施公众研究发明成果的团体，并且，在其发展或实施时不考虑任何收益或只收象征性费用者，那个团体自该项发明、专利或申请案获得的利益，依照本条前述规定应被认为是王国政府或研究委员会所获得的。在本款中"研究委员会"意即按１９６５年科技法建立的一个研究委员会这样的团体。

LT: Payment's amount

(3) When Kingdom government or Research Committee, as employer make an invention or patent application case's property right or it's any directly、 indirectly right transfer or grant to one at its function among which have responsibility development or implement public research invention achievement's group, and, at its development or implement when not consider any profit or just collect symbolic fees, that group since this invention、patent or application case get interests, according to this article previously regulate should be regarded as Kingdom government or research committee acquired.

In this article among which "Research Committee" meaning that based on 1965 year Science and Technology Law build's one research committee like this group.

As an important part of IEL, patent law belongs to the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). In international trade, the availability and protection of intellectual property rights in the country of destination becomes a crucial issue (Herdegen, 2016: 273).

In Example 24, "consideration" is an important key word and concept. There are two collocations of "consideration" in this sentence, one is "no consideration", and the other "nominal consideration". The translation strategy of the two phrases is "changing perspective". As one of the key words in IEL translation "consideration" is the concept of the legal value in connection with the contracts, and is anything of value promised to another when making a contract.

In Chinese, there is no equivalent concept of "consideration" in terms of legal lexicons. In order to deal with this cultural difference in IEL, the translator needs to break the structure of language in this context and adopt a more flexible approach in TL by explaining the concept from another angle. In this context, it is difficult to explain "consideration" individually without the collocated words, and the close meaning of "consideration" in this example is a monetary payment.

As stated above, according to Spirits of Contracts (Cun-fu, 2008), "consideration" is a complex and significant concept in the British legal system and contract law. An appropriate comparison could be made with academic referencing of another person's work. An academic reference acknowledges the original thinking and intellectual effort of the author, and while no monetary payment is exchanged, the explicit statement of the author's name in the reference acknowledges the author's ownership of the thinking involved in the writing. Patent law is not a specific contract situation and in this context, it discusses the amount of compensation concerned with the bargain of the payment for the use of the invention, and it is in line with the definition of ''consideration'' situations in IEL.

There is a school of thought, put forward by Ames (1998:22-97), that in UK Law it is believed that the only evidence required is the intention of the parties (in this case - to use the patent) for them to be bound to comply with the law. In common law, it is a prerequisite that both parties offer "consideration" before a contract can be thought of as binding. The doctrine of "consideration" is irrelevant in many jurisdictions; nevertheless, contemporary commercial litigant relations have held that the relationship between a promise and a deed is a reflection of the nature of contractual considerations. If there is found to be no element of "consideration", no contract is formed. In contract law, "consideration" is concerned with the bargain of the contract. According to Rousseau (2001), a contract is based on an exchange of promises, and each party to a contract must be both a promisor and a promisee. They must each receive a benefit and each must suffer a potential detriment. This benefit or detriment is referred to as consideration. "Consideration" must be something of value in the eyes of the law (Lucas, 1972). This excludes promises of love and affection, gaming and betting etc. A one-sided promise, which is not supported by consideration, is a gift. The law does not enforce gifts unless they are made by deed (Fuller, 1941). Whilst the common law adheres strictly to the requirement of consideration (although in some instances the courts seem to go to some lengths to invent consideration e.g. Ward & Byham (1956:496), Williams & Roffey (1990), in some instances, equity will uphold promises which are not supported by consideration through the doctrine of promissory estoppel.

In the early 20th century, China adopted the German civil legal code as being most compatible with its vast size and bureaucratic traditions (Beck & Levine, 2008:251-278). Once a legal system is established, it becomes a permanent institutional arrangement and continues to exercise a dominant influence over how society is ordered. The German system had a distinctive communitarian character and was the product of the Prussian desire to build up a rational state bureaucracy and a strong military command in fear of Napoleonic France. It also provided a

legal basis to unite the many small states, principalities and cities in Bismarck's Germany (Glendon, 1993).

Since "consideration" is rooted in different cultures between China and UK, interpretation varies from each different social culture in IEL. In China, there is no definition of "consideration" in either General Principles of Civil Law or Contract Law. Thus, it is impossible to seek clues of 'consideration' in Chinese legal documents regarding contract relationships. An explanation of 对价 (duijia) in Chinese Security Law, is regarded to be the definition of "consideration" within the Chinese legal environment, and means consideration is the exchange of interests between two parties. The term "consideration" however, does not appear in this definition and, therefore it is impossible to achieve an equivalent function in this term.

With no adequate "reference" for the translation of "consideration" in IEL from a Chinese perspective, the use of "reference" translations is perhaps understandable. As mentioned previously, there are different definitions of the meaning of "consideration" but they reflect different concepts, and it is impossible to borrow one concept from the source culture that does not exist in the target culture. Sometimes a party, without fully understanding the risks they are taking, accepts the "reference" approach for economic reasons. It is false economy in most cases. "Nominal consideration" is a subtle and ingenious formality. Its essence is the introduction of a contrived minimal element of exchange into the transaction (Black's Law Dictionary, 1999). Thus, A, desiring to be bound to give B £10,000, requests B to promise to give (or to actually give) A one peppercorn in exchange for a stated item (idea, formula etc). B's promise (or performance) is an element, extrinsic to a normal gift promise, introduced by the parties in an effort to render the transaction enforceable (since the law does not treat normal gift promises as enforceable). Common-law courts often accept nominal consideration when used in a business context, such as in an option arrangement or a compromise agreement; its effectiveness is understandably more doubtful in the context of a

gift promise since such a transaction involves greater dangers for one party and socially is more marginal. Civil-law systems have less need than the common law for a formality such as nominal consideration; they prescribe methods directly in their statutes. Interestingly, in some civil-law systems an analogous, judicially developed formality has emerged—the disguised donation (donation déguisée) of French law, in which the parties cast a gift promise in the form of an onerous transaction such as a sale (Chen—Wishart, 2013:209-238). It can be argued that both the nominal considerations and the disguised donation serve at least the cautionary and channelling functions of formalities mentioned above.

Taking into account the above factors, the translator considers the cultural difference when dealing with "no consideration" and "nominal consideration". Normally, in contracts, the literal meaning of "no consideration" means "no contract", and "nominal consideration" is "Sham"; this is a form instead of exchange of equal values. Considering the given context, in the TL, "no consideration" is interpreted a 不考虑任何收益 (without any consideration of earnings), and "nominal consideration" is 只收象征性费用 (collect symbolic fees). Even when they are not translated as contractually specific terms, the meaning conveys the nature of the two situations. In this case, it is cultural untranslatability. Translatability/(un)translatability is a classic yet vast and hazy topic. Catford (1978: 93) writes that translatability appears "intuitively, to be a cline rather than a clear-cut dichotomy", and "SL texts and items are more or less translatable rather than absolutely translatable or untranslatable".

In this Example, the contract lexicon "no consideration" and "nominal consideration" have been translated in and out of a "contract situation". Consequently, both the meaning and translation vary from their original meaning in Contract Law. Both of the phrases have been explained in a considerate way, conveying the contextual meaning in this Article in the Patent Act. During the analysis, "consideration" was discussed from both the legal and conceptual perspectives. In Chinese culture, there is no mention of "consideration" and "Spirits of Contract" as in the English way (Cun-fu, 2008). This is because of the

origin of "Spirits of Contract" that is the religious barrier in Chinese society. In English culture, the spirit of contract comes from the agreement between man and God, which is developed in commodity trading. Without national religious encouragement however, there is no contract between Chinese man and God. The small-peasant economy has imposed limitations on the Chinese economy for a long time, making it difficult to develop "Spirits of Contract" in China. From the translator's perspective, the translation is clear and paraphrases the meaning of the lexicon in the sentence; this is easier for the reader to understand rather than adopting the contractual lexicon "no agreement reason'' [18](no consideration) or "nominal agreement reason[19]" (nominal consideration) in Chinese. Without an understanding of "Spirits of Contract" and "consideration", it is difficult for most Chinese readers to understand the meaning in the text (Cun-fu, 2008).

In both Example 23 and Example 24, the main translation analysis focuses on the social and cultural differences between China and the UK. In Example 23, the discussion of "force majeure" is relevant within the Chinese context, whereas "Act of God" reflects the different religious traditions of the UK. Thinking of China's religious policy, and in accordance with the Chinese Zhongyong spirit, the translator chooses a moderate way to do the translation, and this also explains the difference of Contract Law between China and the UK. The language used for a Chinese contract is very important. Generally, cross border contracts raise many issues beyond those in purely domestic contracts, including those of governing language. China related contracts need special consideration if they are going to

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18 SL: 无约因

 LT: no agreement reason

 TL: no consideration

19 SL: 名义约因

 LT: nominal agreement reason

 TL: nominal consideration

be both technically sound and practical in use. The language used for a Chinese contract is particularly important if either dispute resolution or arbitration or court is to take place in China.

In Example 24, there are two difficulties of the translation, one is the lack of an equivalent concept in Chinese culture; the other is to deal with the contractual terms in an "out of contract" way. It is important that the translator thinks about the principles of IEL during the translation for a key part of what lawyers do is to ensure that an agreement becomes a contract by being technically and practically enforceable in law.

6.5 Institutional actors of IEL

Traditional international law recognized only a limited number of entities capable of possessing international rights or duties and of bringing international claims. States have been always the primary legal subjects in international law (Herdegen, 2016: preface). The scope of actors in international economic relationships reaches well beyond international legal subjects in the strict sense. International Non-Governmental Organizations (NGOs), trans-national corporations, non-formal governmental forums and inter-agency co-operations shape today's international economic scene and influence the formulation of rules and standards (Herdegen, 2016:27). This is the broad sense of the actors of IEL.

The most familiar actors of IEL are, however, the lawyers and agencies who deal with international business on our behalf. It is these local actors in IEL who strive to improve not only the practice of the state economy, but also develop human rights standards and the possibility of investors bringing claims against a State. They have strengthened the role and the legal standing of companies and individuals in international economic relationships. In this part, due to the cultural difference in legal professions between China and the UK, the translation of these important actors in IEL are discussed further.

6.5.1 Translation of "solicitor" and "lawyer"

The World Trade Organization (WTO) is at the centre of the current world trade system and operates on an institutional basis for the nations among its members (Herdegen, 2016: preface). As important institutional actors, lawyers play a significant role in providing a common institutional framework for the conduct of trade relations in the framework of IEL. The awareness of translating within different institutional systems can therefore, be a challenge for IEL translators.

Example 25 is selected from UK legislation The Patent Act and describes the solicitor's role in legal proceedings in respect of communications. Part of the Article 103 is chosen because this paragraph contains highly relevant lexicons for the following discussion. The key lexicon, adopted in translation analysis, is "solicitor", with which "legal professions" and is discussed as key concepts in the translation of IEL.

Example 25

(Patent Act, UK)

SL: １０３－（１）　It is hereby declared that the rule of law which confers privilege from disclosure in legal proceedings in respect of communications made with a solicitor or a person acting on his behalf, or in relation to information obtained or supplied for submission to a solicitor or a person acting on his behalf, for the purpose of any pending or contemplated proceedings before a court in the United Kingdom extends to such communications so made for the purpose of any pending or contemplated--

TL: １０３－（１）　宣布：在联合王国法院正在进行或准备进行的诉讼中，由于在同律师或代表律师的人沟通情况时造成的透露，或为给律师或代表律师的人提供情报在交接过程中造成的透露，在法律规则中对这类透露有给予特殊权利的规定的，则此规则可延用于正在进行或准备进行的下列诉讼中的

这类情况沟通：

LT: １０３－（１） Announcement: at United Kingdom law court is undertaking or prepare undertaking's lawsuit in, because with lawyer or representative lawyer's people communicate situation when case reveal, or for the lawyer or representative of lawyer's people provide intelligence at transition process case reveal, in law regulation among which to this kind of reveal there is to give special right's regulation, then the regulation could carry-over to the undergoing or prepare undergoing's following lawsuit among which this kind of situation to communicate:

In Example 25, the translation of "solicitor " reflects the approach of translation in IEL when dealing with the legal institutional actors in different countries. The translation of "solicitor" is 律师 (lawyer) in TL, and the applied translation approach is "modulation". It means that there is a change in point of view to express the differing concepts in a clear way, for in China there is no equivalent lexicon of "solicitor " due to the different structure of the legal system. In order to avoid unnecessary misunderstanding, the translator translates "solicitor" into 律师 (lawyer) in Chinese. According to the "Law on Lawyers of the People's Republic of China"(2007), a lawyer shall refer to a practitioner who has acquired a lawyer's practicing certificate, and accepts either authorization or appointment to provide legal services for a client. The term "lawyer" therefore, is a generic term used to describe anyone who is a Licensed Legal Practitioner qualified to give legal advice, in one or more areas of the law. In the UK legal profession, Solicitors and Barristers are both types of Lawyer. The use of the general name instead of the specific definition of "solicitor ", which does not exist in China, helps the translator to express the same meaning without extra explanation of the systematic difference.

The British legal profession has two distinct professional categories: barristers and solicitors. Solicitors advise clients, undertake negotiations and draft legal

documents. According to Black's Law Dictionary (1999), "solicitor refers to a type of practicing lawyer in English law who handles primarily office work". A Solicitor is a qualified and registered legal professional who has an academic degree in law and provides expert legal advice and support to clients. A Solicitor's clients can be individual people, groups, private companies or public sector organisations. Solicitors may have specialist knowledge of different areas of the law such as crime, property, employment, finance, or family.

In the United Kingdom, some Australian states, Hong Kong, South Africa (where they are called attorneys) and Ireland, a lawyer will hold one of the two titles (Abel, 1993: 737). "Barristers" work at higher levels of court and their main role is to act as advocates in legal hearings (Morison & Leith, 1992: 195). A Barrister will attend court to represent and plead the case on behalf of their clients in front of a judge. They also have specialist knowledge of the law and are maybe called upon to give legal advice to their clients. Barristers may be employed as in-house advisors by banks, corporations, and solicitors firms (Black's Law Dictionary, 1999). Advocates in Scotland perform the same role as barristers in England and Wales and Northern Ireland. They are specialists in the art of advocacy, which is the expert presentation of a case in court and also involves advising clients on every aspect of litigation.

In China to become a lawyer, a student must first achieve a Bachelor's degree and then pass the China National Judicial Examination (zhongguo guojia sifa kaoshi). There are three categories of jobs for which a candidate must have passed the judicial examination: namely, judges; prosecutors; lawyers (Ahl, 2006:171). As in the UK, prosecutors are considered to be civil servants and are classified separately from other types of lawyers. In addition to passing the judicial examination, Chinese judges and prosecutors must pass the civil service examination. While lawyers must complete a year of work with a law firm to be fully licensed (Ahl, 2006:171).

In Chinese, the closest definition of "solicitor " is "primary lawyer", however, in dealing with the translation of "solicitor " in SL, the translator uses the general term of 律师 (lawyer). Despite different legal systems, if "solicitor" is translated as "primary lawyer", it will cause confusion for the Chinese reader, because for Chinese people the title of "primary lawyer" refers to those who are at the early stage of their legal profession.

Having regard to the comparison of institutional actors in both China and UK, it is clear that there is a cultural difference between the lexicon "solicitor" and "lawyer". For the translator, in terms of expressing the legal context, the translation of "solicitor " conveys equal legal meaning in the Chinese and English legal texts. For Chinese readers, it is easier for them to understand the overall meaning in different cultural connotations. The difference that exists is unavoidable and it is more important to deal with the difference in a more local way in the target culture.

6.5.2 Translation of "insurance broker": people and agency

Example 26 is selected from Security Law in China which introduces the role of the insurance broker in trading. The key translated lexicon for analysis is "insurance broker" and the key concepts for discussion are "people" and "agency". The relationship between national and IEL is multifaceted, integrationist and dynamic. It is also multifaceted in that there are various processes involved in the relationship, and the discussion of "insurance broker" is a reflection of the multifaceted feature of IEL.

An insurance broker (also insurance agent) sells, solicits, or negotiates insurance for compensation. The largest insurance brokers in the world, by revenue, are Marsh & McLennan, Aon Corporation, and Arthur J. Gallagher & Co and Willis Group.

The general concept of "broker" and "agent" are not similar in the UK; an "insurance agent" is an insurance company's representative by way of agent-principal legal custom (Black's Law Dictionary, 1999). The agent's primary alliance is with the insurance carrier, not the insurance buyer. In contrast, an "insurance broker" represents the insured, generally is impartial and should have no contractual agreements with insurance providers (Black's Law Dictionary, 1999). They rely on common or direct methods of performing business transactions with insurance carriers. This can have a significant beneficial impact on insurance negotiations obtained through a broker vs. those obtained from an agent.

Example 26

（Security Law, China）

SL: 第十三条 保险公司应当将下列交易或者行为，作为可疑交易进行报告：

（十一） 保险经纪人代付保费，但无法说明资金来源。

TL: 13 A client requests for changing its information materials, but the relevant documents and materials it provided are doubtful to be counterfeited or altered.

(11) An insurance broker pays any insurance premium on behalf of others but cannot account for the source of fund.

LT: 13 Insurance companies should take the following transaction or action, put as suspicious transactions to carry out report:

(11) Insurance business person substitute pay insurance fee, but cannot explain clearly the capital source.

In Example 26, there is another institutional actor in IEL; this is "insurance broker". The Chinese translation is 保险经纪人 (Insurance business person). The translation strategy is "amplification", during which the additional signifier 人 (person) is added in SL. While in TL, no 人 (person) appears.

According to the Association of British Insurers, the UK insurance industry is the biggest in Europe. In the UK, over 3,000 operate there – Simply Business one of the many – with the City of London home to numerous brokers with all sorts of particular specialisms, from marine, property, health and mobile phones to professional footballers (Mills, 2005:1040-1044).

In terms of the translation, a Chinese reader will first think about the concept of "insurance broker" being related to "people" rather than an "agency". This is because of the special development of "insurance broker" in the Chinese market.

In the UK, "Insurance broker" is a regulated term under the supervision of the Financial Conduct Authority (FCA) which regulates the financial services industry in the UK. Its role includes protecting consumers, keeping the industry stable, and promoting healthy competition between financial service providers (https://www.fca.org.uk/). While in China, "insurance broker" is widely accepted as people who work as an agent between the insurance companies and the customers. Even though in Chinese Insurance Law, "insurance broker" is defined as an organization and not an individual person. The other concept "insurance agent" is defined as organization or individual people, known as insurance sales agents or "producers". The reason of the "people" thinking of "insurance broker" also reflects in translation of PCIEL from English to Chinese.

When compared to the UK's advanced insurance broker system, the Chinese insurance industry is still developing its capacity. In 1992, the American International Assurance (AIA) Company settled in Shanghai and introduced the personal "insurance broker" system into the Chinese Life Insurance industry, and

boosted the development in the following 10 years (Wu & Strange, 2000). The considerable development of Chinese Life Insurance comes from insurance agents, however, unlike the British system where the role of the "agent" and "broker" are defined and regulated by relevant laws to safeguard the consumer, the concept of "insurance broker" has developed differently in China and the UK. By the end of 1994, AIA had enrolled nearly 5000 insurance salesmen, with a business volume of over 100 million yuan. In 1995, the "insurance broker" team expanded to 8000 people, with premium income of 388 million RMB. As a result of the success of the Chinese model, all the insurance companies quickly began to copy it. In 2004, the number of life insurance brokers throughout China had expanded to about 1,500,000 (Wu & Strange, 2000).

As an important part of being an intermediary in the insurance market, the "insurance broker" has become more important, because the role of insurance broker is in line with the development of insurance business. Its standardization is a symbol of a mature insurance market. In order to connect with the international market, the Chinese insurance broker is needed urgently. The perfection of the insurance broker system will benefit the standardized insurance business and its development; at the same time it will, in turn, speed up the improvement of the market system. Due to their contribution to the insurance industry, each insurance company has an honouring ceremony especially for the "insurance broker" with the highest professional competence. The role of 人 (person) therefore, is prominent in the Chinese insurance arena. There is a saying that "No personal marketing, no Chinese insurance industry today." and even if the matter is much exaggerated, it reflects the public value making it is acceptable that the translator adds 人 (person) in the target text.

Insurance is a heavily regulated field with detailed contract law stipulations, according to Herdegen (2016), the Chinese insurance market is expanding enormously as risk adversity takes hold in the economy, while the State's role as guarantor of commerce is reduced gradually. From the legal perspective, it is an

incorrect concept to regard the "insurance broker" as 人 (person) in China. From Chinese legal definition (Hwang & Greenford, 2005), "the insurance broker", for the sake of the insurance buyer, is an organization which gets commission legally from providing service for the insurance buyer and the insurance company when they draft and sign the contract". "Insurance broker" is an agency/organization rather than 人 (person) in China.

This could be explained by the 人 (people) oriented translation philosophy in Chinese culture, which is the core of the Chinese Scientific View of Development. It means that the relationship-oriented leadership style is centred on people ; this is contrasted often with task-oriented leadership, which is more tightly focused on getting work done, and less focused on motivating people by tending to their emotional needs. It was promoted by Chinese leaders in 2004 and became one of the most prominent features in the development of Chinese socialism. This is not a new concept from modern China for Chinese economic market development with a Chinese characteristic. In fourth century BC, Mencius (a Confucian philosopher) had advocated "people first of all" (Li, 1997: 183-193). This was of great significance in ancient China. A similar concept in the West is "humanism" which is a philosophical and ethical stance that emphasizes the value and agency of human beings, individually and collectively, and generally prefers critical thinking and evidence (rationalism, empiricism) over acceptance of dogma or superstition (Cambridge Dictionary, 2015). In China, the meaning of the term "humanism" has fluctuated according to the successive intellectual movements which have identified with it (Moore, 1904), however, the difference is that "humanism" is used to fight against feudalism and the theocratic state. In Chinese culture, "humanism" is part of "people-oriented". Nowadays, the Chinese leadership endows "people-oriented"; meaning the government will stand on the moral high ground by aiding the weak.

This is why in many Chinese translations in IEL, there is a tendency that some of the agencies are translated into the term with 人 (person), such as 法人 (legal

person)，债权人(creditor)，代理人 (agent) and so on. This is because the ideology of "people-oriented'' influences not only Chinese philosophy but also the translation of "people" philosophy in both IEL and other texts.

In Example 25 and Example 26, the discussion is around the actors in IEL, who are the key elements forming financial services in the economic law field. The Fifth Protocol to ATS (1998) with its reference to the new schedule of commitments in financial services aims to liberalize cross-border trade in financial services. The obligation to grant market access, including possible participation of foreign banks and insurance companies in domestic corporations, varies according to the individual commitments undertaken by WTO members (Herdegen, 2016: 195-204).

In Example 25, the translator transmits the exact meaning of "solicitor " in SL by using the general term 律师（lawyer）because this is helpful for Chinese readers without enough legal knowledge of the British legal profession. Different definitions of the lawyer are discussed, also, in analysis of Example 25 because of China's actor role in IEL. In Example 26, the translation of "insurance broker" is regarded as a difficulty in insurance law. By collecting relevant writing materials on the definition of "insurance broker", commonly in China, or in the UK, people, especially in China, hold the view that an "insurance broker" is a person rather than an agency/person. Due to the clear regulation in Chinese insurance law, individual people cannot register as an "insurance broker". In terms of the Chinese culture philosophy, this is because of the "people-oriented" thinking. As discussed in the previous chapter, 人 (person) is used frequently to describe agencies in PCIEL; this proves, also, the "people-oriented" approach in translation.

6.6 Discussion

Translation communicates not only words and meanings but also includes culture, politics, social norms and even actors in the field. In this chapter three categories

were set up to analyse the translation of IEL in its cultural context. The role of the translator is of great significance in the translation as they consider the whole context, which then helps to make decisions for the word choice in the target language. It is important for the translator to understand cultural differences, in order to make clear the meaning of the text in target culture. The first and foremost step for the translators is de-coding the source text, which means that they read for meaning first, then search for the proper ideas in translation.

In this study of IEL translation, the way the ideas of IEL have been translated between the two different cultural backgrounds of China and the UK is analysed. The ideas which are rooted separately in Chinese and English culture, and which have not been realized by others, are also de-coded. During the analysis of IEL, translators are faced with the challenge of how to translate content in a professional manner, while respecting aspects of the target language and culture. When localizing and translating content into a language, numerous factors influence how the end message is perceived. What might sound succinct and understandable in one language, when directly translated might not convey the same meaning. Knowledge of culture is vital to understanding the implications for translation and, despite the differences of opinion as to whether or not language is a part of culture, the two are connected. As Pennycook (2017: 208) put forward, culture factors range from syntax, ideologies, religion, language, society and politics to art and literacy.

Example 21 and Example 22 indicate that the political environment between China and the UK has a great impact on how the message is seen and understood in IEL. Politics can be affected by geographical location, history, political stand and many other factors. There is a deep understanding of the "symbolic" Crown in the political sphere in China and the UK. In Example 22, there is equivalence between "Crown" and "Queen" in the UK. As the most famous Queen in the modern world, Queen Elizabeth is the symbolic head of the State yet has no political power. She is neutral in the political sphere, and she does not have the

right to vote. At the State Opening of Parliament, the Queen is officially invited to open the House of Parliament, which formally marks the beginning of a session of the Parliament of the United Kingdom. It includes a speech from the throne known as the Queen's Speech which sets out the government's agenda for the coming session. The speech is however, written by the new government with little contribution from the Queen (Jennings & John, 2009). Even being a symbolic head of the UK, British people love and respect Queen Elizabeth because of her commitment. 2017 was a tough year for the UK, after several terrorist attacks during the summer, and recently, the 24-story high-rise (Grenfell Tower) disaster. At this key moment, the Queen was applauded as she met Grenfell Tower survivors and the brave firefighters at relief centres, which was reported as BBC headline titled "THANK YOU MA'AM", whilst on the other hand the Prime Minister was accused that she "didn't use her humanity" (16, May, BBC News). The royal visit was symbolic, but it was crucial for the people to feel support from Her Majesty. People from other countries, like China also love her as the person of the Queen, not as a political image. The Queen and Royal families in other countries such as Spain and Denmark are less known by Chinese people. The publication and public opinion decide the influence of the "Crown" in the world. For Queen Elizabeth, her government represents the people of the country, and she works hard to take her task as head of state seriously. She is the "Queen" and is a "symbolic" head; the State is democratic and works for the well-being of people. For instance, Britain's decision to exit the European Union (known as Brexit), was decided by the results of the 2016 referendum. People are unhappy with some aspects of membership of the European Union, in particular free movement of people across national boundaries. Some decisions made by the European Court of Justice have also been unpopular in this country, and after Brexit the British Supreme Court will again be the final decision maker rather than the European Court. To illustrate this case, the translator takes the cultural factors into consideration and decides to translate "Crown" as 王国（kingdom） in Chinese. 王国（kingdom）is only used to indicate the United Kingdom, instead of any other State or "kingdom".

As shown in Example 23 and Example 24, social culture indicates the way of translation between the different languages including religion, tradition, regime and philosophy. In the UK, according to the analysis of PCIEL translation, the religious cultural root is identifiable and the connections between religion and politics in society can be found. In government policy, however, it is more difficult to find any clue of religion or theology expressions on political matters as is reflected in the translation of IEL.

Chinese philosophy Zhongyong (Doctrine of the Mean) has the instructive meaning in Chinese culture, which advocated the attitude of centrality. For example, China's voting behaviour in the UN is always an abstention vote. As a rule, the Chinese prefer that conflicts be settled by the parties concerned or, as a last option, by local and regional organizations, without external intervention, including that of the UN or the International Criminal Court (Feyyaz, 2010: 5). In Example 23, evidence has shown that the Zhongyong (Doctrine of the Mean) exists in the translation of IEL as well, e.g. The strategy also works in the translation of "consideration". The translator tends to explain the lexicon of SL in a way of Zhongyong (Doctrine of the Mean) in the target language. Translating ''consideration'' as a terminology in Contract Law, the meaning of which has been interpreted in a natural way and combined well in the context.

Example 25 and Example 26 discussed institutional actors in line with their role in IEL. The analysis compared the actors' roles in different domains such as China, the UK and organizations like the WTO. In translation, philosophy and the aim to "seek common ground and reserve differences" lead the way for the translator. Schäffner and Adab (1997), say that "a hybrid text is a text that results from a translation process. It shows features that somehow seem "out of place", "strange", "unusual" for the receiving culture. These features, however, are not the result of a lack of translational competence or examples of "translationese", but they are evidence of conscious and deliberate decisions by the translator. El-dali's (2011) idea, that "translation is the means that helps people to communicate

internationally and still maintain cultural and linguistic identity" is therefore supported.

Language and translation can be influenced by a multitude of factors which must be considered when involved in a global marketplace. Language is only one piece of localization, and developing a thorough understanding of the targeted readers help to create content that speaks to them in a way that is culturally correct, appropriate and effective. Cultural equivalence aims to keep the cultural features of the source text intact in the target language to enable a cross-cultural understanding of the content subject. Thus, the reader may also be able to do a comparative study of that culture and the one that they are reading about. Whilst cultural factors cannot be seen at the level of form or meaning of language, they exist in the background of using the language, and cultural equivalence can be achieved if the words used in the particular culture are understood universally.

Chapter 7 Conclusion

7.1 Introduction

This thesis set out to analyse the translation of legal texts used in International Economic Law (IEL) by using a Parallel Corpus of International Economic Law (PCIEL). The corpus-based approach has built a bridge between linguistic and cultural study in translating legal texts, especially IEL. The corpus data has been innovatively classified in different semantic fields and the research analyses the translation from lexical, sentential and cultural perspectives. This research has demonstrated that both linguistic and cultural analysis has contributed a lot to the terminology translation of IEL.

The comprehensive data analysis was adopted to analyse the translation of IEL by using both qualitative and quantitative approaches through specific semantic fields in the translation of IEL: legal, economic and political entity. These categories helped to investigate by means of corpus methodology the main features influencing the translation in different semantic fields.

This conclusion aims to bring together all this study's major findings and to highlight their original contributions to the existing body of literature; this includes an overview of the key findings of the three empirical chapters. Thereafter, the limitations of the study are discussed along with an indication of potential areas for future research. This final chapter is, therefore, structured in the following way. Firstly, it summarises the key findings of this research. Secondly, it presents the main objectives and contributions of this research to the literature. Finally, it explains the limitations of this study and also discussesthe potential for future research.

7.2 Implication and key findings of this research

The translation analysis of the Parallel Corpus of International Economic Law was devised to present a representative sample of legal terminology within legislature from Chinese and the UK sources. The research explored: "How has the legal lexicon been translated at word level in International Economic Law?" "How has the legal lexicon been translated at sentence level in International Economic Law?" "How has the legal culture been translated in International Economic Law?" The three research questions formed the basis for the data analysis. Underpinning the translation of IEL from the perspective of Skopos theory, the PCIEL translation examples show that the translation in IEL contexts may be affected by the aims or purposes of the source text. Based on the discussion, the appropriate translation strategies were adopted in analysing the translation of IEL. The "equivalent" between SL and TL were demonstrated in the three data analysis chapters, where for each example different translation strategies were used in order to achieve functional equivalence. Skopos theory focuses on the aim and purpose of translating texts; then, this determines the relevant translation strategies and this has been the case in the IEL. This was done by taking the translator's view as he/she actively applied PCIEL in analysing the text in order to achieve an accurate and functionally meaningful translation.

Chapter 4 answered the first research question by analysing the translation of IEL at the word level. The data is presented in three different semantic fields of International Economic Law terminology: legal/economic/political entity. The semantic division was evidenced, also, from the corpus frequency list. This chapter demonstrated that it was no simple task for the translator to deal with specialist terminology, even at the lexical level. The results of the law-related lexical terms "legal" - *legal person; legal representative*; and "sanction" - *disciplinary sanction; administrative sanction* showed that the translation of these law-related terms was stable. The lexical item "legal" could be translated directly with corresponding word-for-word equivalence. In PCIEL, the translation of

"legal" collocations was straightforward and demonstrated a translation concept of 法 + noun. It is interesting to note that the translation of "legal person" 法人 and "legal persons" 法人 is the same 法人 in Chinese, demonstrating the grammatical difference of singular and plural between the two languages. The lexical item "sanction" was stable and the translation of "sanction" demonstrated the translation concept as adjective + verb + "punishment (罚/分)" in PCIEL corpus. While there was a corresponding understanding of meaning in respect of a penalty for wrongdoing, the seriousness of the misdeed was expressed more explicitly in the Chinese character 处 and the translation process required amplification to provide clarity. Translation is a concise and careful process and the implications of the words "sanction" and, particularly, "disciplinary sanction", are very different in the UK and China. Any disciplinary action in the UK would involve compliance with the Employment Act (2002) placing it firmly within the legal domain. This would have to be made explicit at the time of translation. The findings of Chapter 4 showed that the application of the semantic approach, including both linguistic and non-linguistic aspects, provided a new framework in legal terminology translation.

Chapter 5 answered the second research question by analysing the translation of IEL at the sentential level. Each example of the PCIEL sentence was selected by high frequency and low frequency word clusters, instead of individual lexicon. The semantic division of Chapter 5 is categorized by the grammatical features: obligation; clause; and voice. In the mentioned grammatical category, there was one selected word to be chosen as representative of the grammatical feature and was displayed with its frequency in specific format which made it easier for comparable translation analysis. The different types of equivalence were discussed, also, in order to tell the advantages and drawbacks of the translation at the sentential level. Since the analysed data were mostly the frequent used terminology of PCIEL without obscure technical meaning, therefore, the translation of grammatical terms could not be completed simply by transferring

the daily meaning considering the specific feature of legal context. According to the data analysis process, the consideration of translating text-bound terms was demonstrated by using examples from either translated or original texts. Evidence showed that the strategy to translate complex sentences of IEL was from the small unit and, therefore, this chapter explored the concept of text-bound terms in the process of translation. The strategy "division and combination" was predominant in dealing with the long and complex sentences selected from PCIEL and it showed the specific thinking of word order reconstruction required between Chinese and English. In my view, there is no conflict to achieving both linguistic and cultural equivalence between different language groups, like Chinese and English. Based on the analysis of this chapter, findings showed that both linguistic and cultural factors were equally important in translation. From my point of view, there is no fundamental conflict to achieving both linguistic and cultural equivalence between Chinese and English in translating International Economic Law. Chapter 4 and Chapter 5 analysed mainly the difficulties of IEL translation from linguistic perspective (lexical and sentential level), among which, also, culture factors influenced the translator.

Chapter 6 answered the third research question by examining the importance for the translator to understand cultural differences in order to make clear expression of the text in the target culture. In this chapter, the three semantic fields were: political sphere; social-cultural sphere; and Institutional Actor sphere. Unlike the other two chapters, this chapter's translation analysis focused mainly on the cultural level and the selected data were culture-loaded words with low frequency in PCIEL. In terms of IEL translation analysis, the cultural difference was a prominent factor that influenced the translation in lexical and sentential level. The analysis of cultural features in legal and economic language of PCIEL helped me to explain that the translation between Chinese and English could be expressed in different cultural backgrounds from political, social and institutional fields. During the analysis, I introduced, also, the cultural comparison of legal differences between China and the UK. This is because translation communicates

not only words and meanings but includes, also, culture, politics, social norms and even actors in the field. By analysing cultural translation of PCIEL, the way to translate the ideas of IEL between the two different cultural backgrounds of China and the UK were illustrated. In the translation analysis process, the cultural philosophies which were rooted separately in Chinese and English culture and which were not realized by others were de-coded. During the translation analysis of International Economic Law in this chapter, the manner in which translators have to translate content in a professional manner was explored further, and how translators were further faced with the challenge of, respecting aspects of the target language and culture. The findings demonstrated that cultural equivalence aimed to keep the cultural features of the source text intact in the target language in order to enable a cross-cultural understanding of the content subject.

7.2.1 Translation of language

In order to achieve equivalents in word, sentence and culture level, different translation strategies, which were applied to different linguistic units (lexicon, lexical cluster, and sentence), are discussed and compared.

Throughout this thesis, the semantic category in each data analysis chapter contributed to a structured way to analyse translation. In this inter-disciplinary field of PCIEL, the different semantic categories (legal, economic and political entity) provide a framework for both linguistic and non-linguistic classification, and each chapter's examples demonstrated the different steps in the translation process. Data analysis begins from the lexical perspective; this is the basic data unit applied in PCIEL. The translation strategies applied were less variable in the lexical chapter because of segmented words and limited context. Chapter 5 depended on lexicons extended to the sentential level, with more high and low frequency words forming the selected sentence and more contexts being available. Grammatical features were classified based on PCIEL, and syntactical analysis

discussed in the sentential level. In Chapter 6, the selected key concepts of culture-loaded words in the legal, economic and political fields is dealt with.

Whether from qualitative analysis or quantitative corpus research, these three semantic fields underpinned the analysis of the translations in PCIEL and provided a more effective way to categorise lexicon in the key subject fields. Table 26 below shows the application of the translation techniques applied in Chapters 4, 5 and 6.

Table 26 - Translation techniques comparison		
Chapter 4	Chapter 5	Chapter 6
Literal translation		
Amplification	Amplification	Amplification
Changing perspectives	Changing perspectives	Changing perspectives
	Borrowing	Borrowing
	Conversion	Conversion
	Omission	Omission
	Division and combination	Division and combination

Table 26 illustrates that it is no simple task for the translator to deal with specialist terminology, even at the lexical level. Whether from a high frequency lexicon or low frequency lexicon, the adopted translation strategy is different. According to different methods of corpus concordance, Chapters 5 and 6 examine further the translation of the legal lexicon in lengthy and complex sentences with cultural connotations and seek to discover the translation equivalence within a wider context.

In Chapters 4 and 5 more translations techniques were used (see Table 25), with 6 translation techniques being applied in Chapters 5 and 6, whereas 3 translation techniques were applied in Chapter 4. This demonstrated the importance of context in the translation process with limited translation techniques applied in lexical translation of PCIEL due to the lack of co-text. Due to the specific nature of corpus data, all selected terms were individual phrases without context in the first place and, then, the analysis focused on the surface lexical meaning without consideration of the sentence and underlying meaning in a legal text. At the sentential level of PCIEL translation, the unit for translation analysis was a sentence selected from lexical and lexical clusters of corpus data. This demonstrated that both grammatical meaning and lexical meaning ought to be taken into consideration, and required syntactical and cultural categories in the translation of International Economic Law. Through data analysis, an interesting finding emerged in dealing with lexical translation at the sentence level where almost all the key words shifted places from SL to TL with the phrases always changing word order in the translation process. In order to translate properly, we needed to begin by breaking long legal sentence into small units at the lexical level; then understanding the units thoroughly in both SL and TL; and, finally, relocating the terms according to the logical thinking of the target language. The frequency list of the corpus data helped to identify useful units at the lexical level and provided clues to the logical thinking of translation in PCIEL.

The same translation techniques were applied in both lexical and sentential level in chapters 4 and 5. The same translation techniques, applied in all the data analysis chapters, were: amplification; conversion; and changing perspectives. This was mainly because of the linguistic differences between Chinese and English. In translation, the English and Chinese versions of text had a word count ratio of about 2:3 (Xiao, 2003): the English version had 1000 words, the Chinese version had usually about 1500 characters. This ratio reflected the sentence calculation of the corpus data and demonstrated that amplification was normal in English to Chinese translation. This is because it is quite common to add and omit

words in the course of translating a text, for sometimes strictly following the source text can create impossible difficulties for the translator. The translation technique of "changing perspectives'' therefore provides a more flexible approach between Chinese and English translation.

Additional translation techniques were used in Chapters 5 and 6. "Borrowing", "conversion", "omission" and "division and combination" techniques were introduced because of the expanded context and the translation technique was based on the whole sentence instead of individual terms. "Borrowing" was used to describe a concept which appeared in one language, and was used then ("borrowed") by the other language (e.g. Bill of Exchange (BOE). "Conversion" appeared because of the different linguistic logical traditions such as legal context-based expressions or negation (e.g. conditional, entire risk). "Omission" was used to avoid lexical repetition (e.g. or otherwise, stock exchange). "Division and combination" was applied mainly to explain the complex concept of context-based meanings (e.g. directly liable person in charge, domestically-listed shares). This difference was attributed, also, to the unit of corpus data applied in each chapter. Within Chapters 4 and 5, it was word clusters rather than individual words which were the main considerations of data collection from PCIEL.

7.2.2 Translation of culture

Apart from the practical values of this thesis, the research projects, also, an initial theoretical attempt to re-explore the notion of translation terms from the functional-equivalence perspective and to apply it into the wider philosophy of cultural translation theories.

Thus, these findings provide creative insights to the translational concepts in the IEL context where the translation of ideology has become a specific factor in cross-culture communication. In addition, this informs contemporary translation studies. In order to provide a clear perspective of the findings, the following

paragraphs are devoted to highlighting the major original contributions of this research.

Firstly, this research explored the translator's role by extending the patriotic value of Chinese people in bilingual texts of IEL. The data analysis process demonstrated that there were three distinctive features regarding the translator's background knowledge to the translation of IEL. There was evident amplification of the cultural value in PCIEL, for example, the addition of "home" and "people" in Chinese translation. The addition of "home" can be seen in the translation of 国家 (country / home) in Chapter 4; this conveyed the Chinese people's patriotic value. One of the important Chinese philosophical ideologies influencing translation was demonstrated by the adding of 人"people". Chapter 6 explained the "people-oriented" translation strategy. Another example of the "people-oriented" philosophy was shown in the translation of the agency's name from English to Chinese, i.e. "people" was added always as a postfix in the Chinese translation examples used in this thesis. This demonstrated the political values of Chinese people and the Chinese translator, who is rooted in the Chinese cultural background, naturally expressed his/her values in the translation.

Secondly, this thesis attempted to integrate the notion of Chinese ideology - "Zhongyong" into PCIEL to investigate the influence of socio-cultural concepts were involved in IEL translation. As one of the popular social ideologies similar to Confucius, the thinking of "Zhongyong" was spotted first in the translation field through PCIEL where in Chapter 6 the translation of "force majeure" and the relationship with "Act of God" were demonstrated by corpus concordance and qualitative analysis. Due to the value divergence between China and the UK, different examples of "Zhongyong" ideology exist in the "untranslatable" examples of PCIEL. The translation of "consideration" is viewed as a challenge in the translation process; this is illustrated by not everything being translatable in PCIEL. In this term "consideration", there was a clash between the normal usage meaning of "giving some thought to" a matter; and the implicit meaning of

"consideration" in the context of the Patent Act. In this legal context, "consideration" involves a small fee or monetary compensation as recognition (consideration) of the original thinking of the inventor. In order to tackle this problem, a flexible translation strategy should be considered and the translator should focuses on the context and the whole sentence, instead of individual terms. For this case, "untranslatable" is a good choice to seek the common points while preserving differences in different cultural background. This is, also, in line with the Chinese ideology.

Thirdly, critical thinking of the translator's role in achieving functional equivalence involves consideration of the purpose of the original text and the objective of achieving a meaningful translated text. In doing so, the translator will have to reword the original text to produce a new text and in some way become the "writer" of the target text. The translator's role is to achieve, for a target reader, a meaningful translation for those who are inexperienced in International Economic Law and in the target culture. This can be applied to all translations which involve not only language difference but, also, cross-cultural differences. IEL applies within international and global frameworks. iI is therefore important for those involved in this field to be aware that societies have different approaches and may opt for a culture specific approach to business.

7.2.3 Parallel corpus building for International Economic Law and beyond

In this research, building the PCIEL contributed the first bilingual corpora in IEL field, and the methods of collecting and analysing data were both quantitative and qualitative. The innovative aspect of the methodology was a computer aided corpus that would take initially a quantitative approach to systematically comparing and contrasting the selected translated legal texts in English and Chinese. With such a large bank of text to be analysed an English-Chinese Parallel of International Economic Law (PCIEL) was devised. GraphColl, Antconc and Paraconc were the software tools used to analyse the corpus.

Furthermore, as a new corpus concordance tool, this study used GraphColl to explore a new way of analysing corpus data. This added more information when compared with the traditional tables of Antconc and Paraconc.

Having established the frequency of similar and contrasting words, this research examined the particular semantics of legal texts and discussed how it was necessary to place words in context before the translation analysis. In order to do so, further critical corpus analysis was followed by a more intense interrogation of the texts at a lexical level for linguistic and non-linguistic levels that could impact on the accuracy of the translation. Consideration was given to the reliability of the data collected from a range of perspectives e.g. literal translation, style of legal texts, linguistic differences between English and Chinese semantic fields. Due to the complex linguistic features of texts in PCIEL, this research's literal translation broke, also, the translation tradition of normally translations of large linguistic units and understandable concepts. In terms of the analysed example above lexical level, detailed literal translation was provided in order to further compare the linguistic difference between Chinese and English. In Chinese/English translation field, the back translation is known as Literal Translation and is displayed in line with source text and target text of each example.

a) Corpus Tool Set Suggested

Parallel corpus is an important language resource and plays a significant role in language studies and natural language processing. Building corpus is however, a difficult task because it restricts the further exploration of language in different subject fields. In order to help those who are interested in self-built parallel corpus between Chinese and English, the corpus tool set during the corpus construction is presented.

(1) Software for clean-up and segment: Trados and Déjà vu.

(2) Alignment program at paragraph and sentence level: Snowman.

(3) Chinese segmentation and POS tagging program: TreeTagger and Word.

(4) Concordance programme: ParaConc and Graphcoll.

b) High and low frequency lists in PCIEL

In this thesis, both high and low frequency list words were applied to selected data; this provided comprehensive analysis of translation in PCIEL. High frequency words were those which appeared often in PCIEL. By collecting co-occurrence data on the frequent words, those, who are interested in this field, are able to grasp easily the most frequently occurring words, and they are regarded as representatives of the context vectors. In Chapter3, lexicon classification contributed to the innovative semantic classification of IEL. Knowing the translation of the high frequency words provided an effective way to grasp basic knowledge of the subject field from the lexical level. In Chapter 5, the high frequency lexicon proved helpful, also, in grammatical analysis because it acted as context vectors of different grammatical category. This was divided into relevant semantic fields from sentential level. In Chapter 6, the high frequency list was limited by the specific cultural factor. According to the high frequency list, translation equivalents are retrieved as pairs of words between Chinese and English that have the greatest similarity of their linguistic features. Consequently, the translation of frequently used words is relatively stable in the IEL context and, therefore, it is possible to find some rule to translate its collocations.

Low frequency words rarely appear ones in PCIEL. Consequently, this research proposed the method to improve the extraction of low frequency translation equivalents. According to GraphColl Figure 12 and 13 in Chapter 6, the selection of context indicators of rare words had limited distribution without co-occurrences. The translation analysis of the low frequency words showed that by using the

lowest frequent used words/concepts in the corpus, it was possible to identify the most challenging words for translators in this research. This method provided a useful way of interconnecting high and low high frequency words. It revealed the underlying cultural difference and translation challenge in PCIEL and showed a significant progress in exploring the influence of cultural ideology in IEL translation.

A recognized limitation of the low frequency word approach is that it performs quite unreliably on all but the most frequent words. Because of the low appearance, it is difficult to find universal rules when dealing with the rare words in PCIEL. This is especially so as a self-built corpus, the total tokens are not as many as the public corpus with billions of words.

c) Legal/ Economic/Political semantic field

Based on the corpus concordance, there is another original finding of the semantic field of International Economic Law. The translation analysis of the selected corpora from PCIEL was carried out in the legal, economic and political fields which provided advantages in each of these relevant fields. In the legal field, the syntactical feature was explored by corpus concordance and the translation analysis ranged from grammatical words, frequently used word clusters and sentential structure in a legal context.

In the legal field, the use of PCIEL provides an effective way for the translator to identify the main terms of IEL. For example, in Chapter 5, there was an underlying legal issue in the explanation of "double insurance", revealing another meaning beyond the surface words of an awareness of the possibility of fraudulent claims. This could be explored further by two clues, one was "knowingly" and the other was the phrase "double insurance". "Double insurance" is the insuring of an individual, dependent, or personal property by two or more insurance companies. Such dual insurance could allow those with coverage to claim the full amount

from each of their policies with different insurance companies. This legislation however, limits any claim, with the total restricted to the actual loss or cost associated with the underwritten subject of the policies. In our day-to-day lives, double insurance can happen where, for example, the insured person has a personal health insurance policy and they have, also, insurance cover which comes from a group health plan provided by their employer, select organizations, or the government. In this case "double insurance" is a legal action; however, people insurable under double insurance must meet certain qualifications and be aware of the boundary between "legal" and "illegal" under such circumstances. The key word is the word "knowingly", and it is important that individuals with double insurance cover have an understanding of the independent insurance policies that comprise their dual coverage and know the process for claims and pay-outs. Anyone who knows the "return of premium principle", yet still claims the loss more than once and, thus, making the total claim exceed the actual loss, would constitute insurance fraud. In a word, when dealing with translation in a legal context, even daily terms such as "knowingly" have a legal effect. Translating the word meaning through normal language usage is straightforward. It is not however, a simple task to explore the potential legal meaning. This requires that translators use critical thinking combined with expert background knowledge.

In the economic field, Table 11 presents the frequency list with economic terms. The different translation possibilities of the same term were concordance, also, by corpus, and in-depth analysis revealed that the minor differences in wording caused major problems in duty in economic situations in IEL. There is an interesting example in Chapter 5 with "bill of exchange" and the UK bank note. Originating in days when gold was the accepted mode of currency and exchange, the original function of bank notes was a more convenient and secure way of transporting financial funds. These bank notes carried a written promise to pay the bearer of the bank note the equivalent value (face value) in gold if presented at an office of the issuing bank i.e. a sight bill of exchange. This promise continues to

be printed on all British bank notes today. [Note: In England, Wales and N. Ireland only Bank of England notes are produced and these are accepted worldwide as currency of exchange, whereas in Scotland the Royal Bank of Scotland, the Bank of Scotland and Clydesdale Bank all still exercise the authority to print bank notes. These bank notes do not tend to be accepted worldwide for exchange. Chinese RMB bank notes do not carry an equivalent explicit printed promise as the sterling bank notes. However, the printed name of "Bank of China'' as the issuer of the bank note is intended to carry an implicit security of tender. This demonstrates a simple cultural difference in the currency. This does however, provide an example that, when dealing with different cultures, the translator must take the functional equivalence into consideration.

In the political field, there is comprehensive discussion of political differences between China and the UK. In the writing process, a considerable time was spent building up an unbiased political knowledge by accumulating authentic material and updated news. This thesis aims to provide as much background knowledge as possible to meet the requirements of a wider readership from different perspectives. An example in Chapter 6, demonstrates the reason why the acceptable translation of "Crown" is 王国(Kingdom) in the political field, rather than the 王冠"Crown" of fairy tales, and why the reader knows it is a "country" in China. In the legal field of British court, as the higher court of first instance in criminal cases, the "Crown Court" is one of the main constituent parts of the Senior Courts of the UK, together with the High Court of Justice and the Court of Appeal.

7.2.4 Original contribution of PCIEL

The development of computer technology has enabled the availability of CAT (computer-assisted translation) tools to be used conveniently in everyday

situations through mobile phones, applications and PCs. Academic discussion of corpus-based approaches to translation have focused primarily on linguistic analysis rather than analysis of translated language. (Olohan, 2011) Similar studies in China however, especially, the integration of theory research and empirical study, are still limited. In the field of International Economic Law, there is a demand for authentic bilingual corpora which can be applied to different fields including law, business and finance which this corpus begins to meet.

Corpus as a supplementary tool used in language and translation, is an emerging area of research of applied linguistics. By building a practical-oriented corpus and applying it to an interdisciplinary field, the research probes into the feasibility and usefulness of corpus-based translation research. To fill the gap in the field of International Economic Law, a Parallel Corpus of International Economic Law (PCIEL) was built to support research using authentic language materials and advanced retrieval software. This medium-sized Bilingual parallel corpus (PCIEL) is built with resources from official legal texts in the original language (Chinese and English) and in translation (Chinese and English), which apply to different fields including law, business, and finance. In order to make this corpus available to others, the bilingual documents of PCIEL have been uploaded to The Internet Archive (Archive.org), and anyone interested in this field can have easy access to it. As a non-profit digital library, the Internet Archive provides free access to researchers, historians, scholars, the print disabled, and the general public. Apart from the corpora, the corpus concordance tool set is also uploaded to the Software Archive, which is a sub-project of the Internet Archive. This offers a platform to share legally downloadable software and background information.

The intention is to continue to expand PCIEL in further studies, subject to funding for the creation of a dedicated website and Corpus Applications.

7.3 Reflection and limitation

Due to the timeframe of a PhD project and the limited resources available in this new subject field, this research consisted of six bilingual laws chosen as PCIEL data for analysis. I analysed how the text might be translated and I provide suggestions for the future translation of IEL. It would be interesting for future research to collect more data from the wider IEL field and to explore how the data has been used within that broader IEL field and if they could be applied into other fields of translation, for example medical, scientific and literature. I have covered different linguistic fields in this study, and, supported by both qualitative and quantitative approaches, I have also analysed, different semantic fields of PCIEL.

In an "inside-out" view, the target reader might be the translator acting for the businessman, the lawyer, the banker, the investor etc. or those who share common knowledge in these fields. How is PCIEL more useful for them? In this research, I discovered that translators exported information and ideology through their translations of the target culture. It is therefore, important to maintain and expand the semantic fields of PCIEL, such as legal field for lawyers, economic field for businessman, and political field for investors. It is because the vocabulary is effective and accessible for those who come from different fields. It is however, insufficient to grasp the terminologies in their field; I think more underlying thinking of cross-culture issues could provide more practical advice for working on the career paths. Future studies should therefore, investigate more strategies in order to remove the cultural barriers in different semantic fields.

For an "outside-in" view, the expectations of the target reader (e.g. businessman, lawyer) and the translator, the possibility of more in-depth research on the target readers' fields would provide a focus to explore the specific needs of their relevant fields of IEL, or other fields. For the future possibilities in this field, my thesis provides an effective framework and procedure to widen the research. The first step should still be corpus concordance in order to select the most frequently

used words in their fields and to convey the most relevant issues in each category. The increasing interest in neology is a developing trend in the modern globalized world. In my view, the new words in each field of study could be a new direction for development to meet their demands in this information technology dependant society. This might be difficult because it is not only the established bilingual texts between Chinese and English in IEL field which are rare but, also, those published more recently, however this shows the potential of the field in our constantly changing world.

Future thinking is whether or not my approach would be suitable to other semantic fields. I think the answer is yes, because I think my approach is transferable. My method of studying IEL provides an effective way to grasp the main fields in an inter-disciplinary study. There are two reasons to support my point of view. Firstly, I provide the idea of semantic field based on corpus data. For most people, inter-disciplinary means a blend of complex professional knowledge from a range of different fields. This research showed that corpus concordance could help categorize lexicons into different subject fields. The subject matter in these different fields could be categorized separately by identifying the most frequent words in relevant fields while the least frequent words might indicate the difference in the cross-culture fields. Secondly, from the linguistic approach in my study, I provide a systematic way to analyse the translation of vocabulary from lexical, sentential, and cultural level and this approach would transfer to any other research. As the basic unit of language, lexicon is the starting knowledge of any semantic field, the sentential features identify the syntactical issues in specific texts and cultural explanation allows deeper understanding of the subject field.

There are limitations in my research. The time limitation of a PhD thesis meant that I was only able to gather a manageable amount of data. The texts had to be selected, read, scanned, proofread, tagged and segmented, and each stage of the process had to be double checked. This was an extremely time-consuming task

and restricted the number of legal texts that could be used for the data base to six – three from Chinese legislation and three from UK legislation. It was not possible to consider the wider English speaking world. Further data analysis had then to go through mechanical concordance tools; these required be decoding and analysing manually In order to make diagrams, tables according to the first step of decoding and, then, apply them into my quantitative analysis. Following the quantitative analysis, rigorous qualitative analysis was applied, but again this had to be limited to three semantic fields in order to keep the project manageable. I think this approach to translation is useful for lexical and sentential analysis because it provides authentic and convincing primary data. For cultural analysis however, I think there are some differences. While corpus frequency provides a broad method in identifying this field, it is difficult to find common cultural concepts simply by a quantitative approach of corpus concordance. Culture itself is an abstract phenomenon and, therefore, it is more difficult to analyse the available data.

This research has shown that there is a great potential for future research using this framework to continue exploring the translation of International Economic Law from different perspectives. The building of the PCIEL is the first corpus in IEL field and demonstrates the potential and value in this new subject field. For both qualitative and quantitative research applied in this study, the classifications of the three different semantic fields provided an effective methodology to structure inter-disciplinary research. The translation analysis of PCIEL has shed new light on linguistic and non-linguistic issues in this field. While other semantic fields have not been explored, there is potential to generate additional fields which may reveal similar insights to reinforce or expand on this study's finding.

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