On the Translation of Legal Text from the Perspective of Static Equivalence Theory

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Abstract: This thesis discusses how the static equivalence theory can be used to improve the quality of the translation of legal texts. The author attempts to prove the necessity and feasibility of applying static equivalence theory into the translation of legal texts, and thus brings some enlightenment to translators of legal texts and the researchers on police power as well.

Keywords: legal text, static equivalence theory, translation strategies, police power

1. Introduction

Nowadays, the "rule of law" is the way forward, and a large number of laws and regulations are enacted every year. In addition, with the advancement of globalization, there are more and more global exchanges on legal research between countries, units and individuals. Therefore, the translation of legal text has been an important way to promote the legal communication among countries.

Legal English translation, with its wide range of applications, specific content and linguistic features, has been increasingly valued in the field of translation and translation studies.

The source text "The Historical Background of Police Power" is Santiago Legarr's paper published in Journal of Constitutional Law in 2007. When it comes to police power, almost in all countries throughout the world, social security is a crucial issue that concerns the national economy as well as the people's well-being, so it also has great research value for scholars at home.

2. Static equivalence theory

The concept of equivalence has always been an essential issue in translation theories as well as in translation studies. Eugene A. Nida in the 1960s put forward two kinds of equivalence: formal equivalence and dynamic equivalence. After Nida and his dynamic equivalence translation theory were introduced to China, its core concepts were quickly accepted by scholars in the translation field. Dynamic equivalence does not apply to all types of text. For legal text, in practice, the dynamic equivalence theory always replaces the words of the source language with words of "generalized semantic equivalence" in different cultures, resulting in the loss of morphemes in the source language (Li Kexing, 2010, p. 60). Although such translation will increase readability and naturalization, it does not conform to the norms of legal language. Therefore, some scholars advocate word-for-word translation to ensure the original characteristics of legal texts. Sun Wanbiao (2003, p. 5) points out that "literal translation" (in short, translation in strict accordance with the original words and phrases) is the most desirable method for legal translation. Therefore, in view of the particularity and difficulties of legal translation, professor Li Kexing (2010) of the Hong Kong Polytechnic University proposed the concept of static equivalence relative to dynamic equivalence.

Based on his rich experience in legal translation and Nida's, professor Li Kexing put forward a special translation strategy for legal text — static equivalence theory. Static equivalence theory requires the translation to be completely faithful to the original text. As Li Kexing (2010, p. 60) points out, the translation should be "fully equivalent to the original text in the aspects of deep meaning, surface meaning, language structure, style and format".

The equivalence between the deep meaning and the surface meaning, that is, the two seemingly equal words in English and Chinese may not be completely equivalent in the deep meaning. (Lin Wei, 2006, p.61). A translation that seems to have the same meaning can have profound differences in deep meaning. Legal translation tries to reduce and avoid this kind of unequal translation. Translation under the guidance of static equivalence theory is required to ensure the complete equivalence between the deep meaning and the surface meaning in translation. Changing the concrete content of the surface meaning as in the dynamic equivalence theory is not allowed.

Most of the legal text (except persuasive files) has high reference value, and the importance of the source text is self-evident, in any form, structure and style, and semantic ambiguity can result the target language readers receiving information

different from the source text readers. Therefore, only by fully matching the information of the ideal translation with that of the source text can the mission of the translation be realized (Li Kexing, 2010, p. 64). The static equivalence theory provides guidance for the translation of legal texts. In the translation of legal texts, especially texts with high reference value, both cases and legal provisions should clearly correspond to the original text, and strive for the complete correspondence between the source text and the target text.

3. Translation strategies

3.1 At lexical level

In the translation of legal text, it is inevitable that there are many specialized legal terms, which are difficult to comprehend and locate the precise Chinese expression. The author recommends that translator should search the expert thesaurus and search on relevant websites to make certain the accuracy and profession of the expression.

Example 1:

ST：The historical background of the police power.

TT：社会治安综合治理权的历史背景。

Analysis: We used to translate police power as "警察权". Although we are familiar with these three characters, it is difficult for us to understand what police power is.

However, the so-called "police power" consists of the security, welfare, principles, education as well as various other rights of the government. States have non-enumeration powers under the U.S. constitution. The federal government has actually detailed powers, which are not clearly specified in the constitution. The tenth modification to the U.S. constitution secures states from the federal government. Under this clause, the federal government has the power of list and also the power suggested therein, and the rest comes from the people and also the states. The write-ups of the government constitution as well as its changes developed the concept of federalism in the United States. In social life it entails many facets, such as economic development, culture as well as education and learning, security and health, social welfare and so forth.

A true static equivalent translation requires full equivalence between the deep meaning and the surface meaning of the original text, as well as maximum reproduction of the original author's intention. The author consulted related research and found that in Chinese context, we simply have a concept of "社会治安综合治理权", which refers to a systematic process that under the unified management of the Celebration board and also the federal government. While it offers full play to the foundation function of the political and lawful departments, especially the general public safety and security organs, it ought to arrange and count on the efforts of all departments, devices and individuals, as well as comprehensively make use of political, economic, administrative, lawful, social, educational and various other ways to essentially stop and also control unlawful criminal activities, fix unsteady variables and maintain social security. Therefore, if the translator relates with Chinese legal society, it is not hard to translate the "police power" into "社会治安综合治理权".

In a word, English and Chinese laws belong to different legal systems and present great differences in legal culture. When translating legal words and phrases, the translator should follow the principle of preciseness, search for the most appropriate and closest equivalent words of the original text, and convey the legal connotation of the original text to the greatest extent, to reflect the authority of the legal text and realize the language at the same time.

3.2 At syntactic level

In legal translation, one of the most difficult things to deal with is the long sentence. To be more professional, the formal legal texts tend to be subject to many restrictions, leading to the wide use of long sentences. To translate the long sentences, the translator should first analyze the grammar and understand the complete meaning of the sentence, then translate the meaning to Chinese on the basis of understanding.

Example 2:

ST：The decision of the Federal Convention drafters not to include a reference to the internal police of the states in the Constitution is somewhat surprising considering that it would have been in line both with the position defended by the colonies a few years before in the Continental Congress, and with the corresponding provisions of some state constitutions.

TT：《联邦公约》起草人决定不在宪法中提及各州的内务行政，这有些令人不解，因为这本该与大陆会议前几年时期殖民地所捍卫的立场一致，并与一些州宪法的相应规定一致。

Analysis: According to the translation strategy above, the sentence can be divided into four meaning groups -- the main structure "the decision is surprising", the attributive clause introduced by the infinitive verb "to", and a predicative clause with two parts led by the correlative phrase "in line with". When translating the long sentences, the translator must deal with the complicated relations in the Chinese way of thinking. After figuring out the meaning, the translator sorts out the logic

inside the sentence and fortunately, it is consistent with the logic of Chinese readers, that is, the main event comes first, then the descriptive language and the explanation at last. The translator maintains the order in the target text just the same as the source sentence, but adds the subject to each clause to get the correct meaning of source sentence to the target audience.

3.3 At textual level

In view of the textual restriction of legal text, the translator should not neglect the technical framework of the source text while focusing on the correct expression of the information. "We should follow the principle of foreignization, retaining the structure and overall format of the legal text as much as possible." (Margot, 2006)

Example 3:

ST：In 1919 the Court explicitly affirmed the coexistence of the broad and the narrow meanings of the police power:

The words "police power" are susceptible of two significations, a comprehensive one embracing in substance the whole field of state authority and the other a narrower one including only state power to deal with the health, safety and morals of the people.

TT：1919年，法院明确确认社会治安综合治理权的广义与狭义并存:

"警察权"一词具有两种含义，一是广义上包含州各领域的权力，二是狭义的只包含州处理人民健康、安全和道德问题的权力。

Analysis: In the source text, there are several structures which are the same as the sentence above--using block quotations of provision to define or explain, and the translated text must remain the strict format to remind the reader that here is a block quotation. In addition, a large number of footnotes and endnotes are used to supplement the original text, and the translated text also retains the information structure to meet the requirements of static equivalence at the textual level.

In order to keep the style of the translation consistent, the translators should carefully study the parallel texts, so that the readers can recognize the legislative text directly from its language style. The language style should be adjusted accordingly, and the description and discussion of the original text should be respected.

4. Conclusion

Based on the translation of a legal text, the author summarized translation strategies for the translation of legal texts at the lexical, syntactical and textual level. The static equivalence theory requires that the translation's deep meaning, surface meaning, language structure, style and format are completely equivalent to the original text, and that the translated text maximizes the author's intention, which is proved to be guidance for the translation of legal text. From the perspective of static equivalence theory, the translation of legal text should be extra accurate as well as being constant throughout the entire text.

However, since static equivalence theory was recommended in 2010, it is not well-established as those foreign translation theories. Although Li Kexing demonstrated the rationality of the principle of static equivalence theory in detail, he did not give the concrete methods of how to implement the principle of static equivalence in the translation of legal texts. It can be a good opportunity as well as a challenge for legal translators and researchers.

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