

A descriptive translation studies approach to the English version of *The Great Ming Code*

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ABSTRACT

The Great Ming Code was rendered into English in 2005. Although translation studies scholars have done numerous researches on the translation of Chinese classics over the years, the English version of *The Great Ming Code* is largely ignored and left intact, let alone conduct research based on Descriptive Translation Studies. Accordingly, the present study, in an attempt to throw light on the cause of English translation of *The Great Ming Code* as well as other Chinese classics, conducted a descriptive-theoretic analysis of the English version of *The Great Ming Code* by adopting documentary research method. It explored how the translator employed various translation strategies to foster the realization of translation goals, how the adopted translation strategies were influenced by power discourse, and whether Jiang Yonglin's version of *The Great Ming Code* was well embraced by the target readers. After analyzing the translation of *The Great Ming Code* based on Descriptive Translation Studies, this study showed that Jiang's version was both adequate and acceptable. This paper seems to make theoretically contributions to the analysis of the translation of legal classics and supply practical suggestions for translation criticism.

Keywords: Legal classics, *The Great Ming Code*, descriptive translation.

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INTRODUCTION

Chinese classics play an important role in the promotion of Chinese culture and enhancement of cultural soft power. It has been well acknowledged that English translation of Chinese classics, especially legal classics, has not been growing into a mature discipline with scientific system. Therefore, it is urgent for scholars to re-examine the English translation of Chinese legal classics so as to help project Chinese culture upon the world.

Translators take different perspectives in carrying out researches on English translation of Chinese legal classics. Wallace (1995) discusses the philosophy behind status and liability for punishment and those factors determine such liability: social and political statuses. It is found that women enjoy a reduced liability in imperial China. Janet (1996) reviews the contributions of Professor William Jones to Chinese legal researches. He indicates that Professor William Jones's version of the Great Qing Code embodies the unique social characteristics of Manchu China, which in turn, confirms the significance of the law code as one of the

fundamental sources in understanding imperial China's legal culture.

The Great Ming Code is an important law code in Chinese history, which has a huge impact on European and American legal system. Since it was translated into English in 2005 by Jiang Yonglin, the English version of the Great Ming Code has been given adequate attention. Marme (2012) explains that the English version of The Great Ming Code offers a starting point for scholars who are interested in Chinese legal system and culture in the late imperial period. Guo (2015) makes a critical analysis of Jiang Yonglin's thought that Chinese law is not oppressive embodied in the translation text.

However, among the afore-mentioned researches, few are empirical. Therefore, the literature on the English version of The Great Ming Code is still too slim to shine a glaring spotlight on how descriptive translation theory can be applied as a brand-new method to analyze the interaction among translation strategies, goals and readers' reception.

Taking the English version of *The Great Ming Code* as the object and with the descriptive translation studies as the basis of the theoretical framework, the present study, is devised to account for describing the translation process and analyzing how Descriptive Translation Studies can be applied to the analysis of English translation of Chinese legal classics.

METHODOLOGY

The current study is an example-based and theory-driven qualitative analysis. The author will first explore the linguistic differences between the Chinese and English version of *The Great Ming Code* via the examples.

This paper applies inductive, documental, comparison and critical discourse analysis methods to the analysis of translation strategies and translation goals, and the interactions between these two in Jiang Yonglin's version of *the Great Ming Code* from the perspective of DTS. Documental method is applied in conducting researches on the DTS. At the same time, comparison method and critical discourse analysis are used in comparing and analyzing the certain different strategies used by Jiang Yonglin and George Thomas Staunton (Staunton, 1810), so as to confirm that influenced by such discourse as personal ideology and knowledge structure, translator takes advantage of his position to adopt different translation strategies, which in turn promote the reader's active response.

Research questions

Jiang Yonglin's version of *The Great Ming Code* is the only existent copy worthy to be deliberately analyzed, wherein Descriptive Translation Studies is employed to explore aspects related to the translation. Existing researches demonstrate that there is little literature about the English version of *The Great Ming Code*. Thus, the study intends to address relevant questions about it:

1. What kinds of translation strategies should be adopted to achieve Jiang Yonglin's goals?
2. How the employed translation strategies are influenced by power discourse?
3. Whether Jiang Yonglin's version of *The Great Ming Code* is well embraced by the target readers?

Theoretical framework

Origin and development of descriptive translation studies

Hermans (2005) puts that literal translation is obsessed with words or even their component parts and takes no

account of context, and model of translation based on literalism as a standard for accuracy is fundamentally false. In an essay bearing the name of 'Models of Translation', published in the Durham University Journal, McFarlane (1953) demonstrates the pointlessness of accuracy and puts forward a diagnostic rather than hortatory approach to translation, an approach accepting translation as it is rather than we might wish it to be, which, in a sense, marks the initial stage of the DTS.

Another important merit of James S Holmes' program lies in his notion of division: as an empirical science, the discipline of descriptive translation has two branches. The first is concerned with describing translation, translations and the activity called translating. While the second branch, translation theory, is charged with explanation and prediction. There is no doubt that this division is, to a certain degree, new and fresh at that time, constituting a comprehensive scientific discipline. Such division is shown in Figure 1.

As is shown in Figure 1, Holmes proceeds to subdivide each branch. The descriptive branch, for example, consists of a product-oriented division which investigates existing translation, a function-oriented one which looks at how translations fare in their socio-cultural context, and a process-oriented section interested in the mental processes taking place in translators' heads.

It is well acknowledged that James S Holmes paves the way for the development of the field: Translation Studies as a distinct discipline. Not only does he envision a name for this field, but also describes what Translation Studies is supposed to be involved with. He distinguishes between "pure-research oriented areas of theory" and "applied areas" like training and criticism (Holmes, 1988).

Based on Holmes's map of DTS, Gideon Toury further expounds on the three approaches: function-, process- and product-oriented. It is true that the strategies a translator adopted and the textual-linguistic make-up and translation are said to exert influences on the position of the end product in the recipient system.

Central to DTS is an emphasis on the poetic of the target culture, or rather, the first and foremost task the scholar should undertake is to place translation in the target culture; consequently, attention is paid to the appropriate functioning of the target text in a specific situation in a target culture. A translation as anything functions as a translation in a particular recipient community in that the norms in the target culture play an important part in affecting the translator's choices and thus determines the translation's degree of acceptance in the target culture. On that basis norms are classified into three types: initial, preliminary and operative norms.

The initial norms involve translators' choices to move close to the source language, or the target language, or the combination. The translation is considered as adequate if the translation is close to the source language; if the translation is for the target readers, then it is acceptable (Baker and Saldanha, 2010). Preliminary

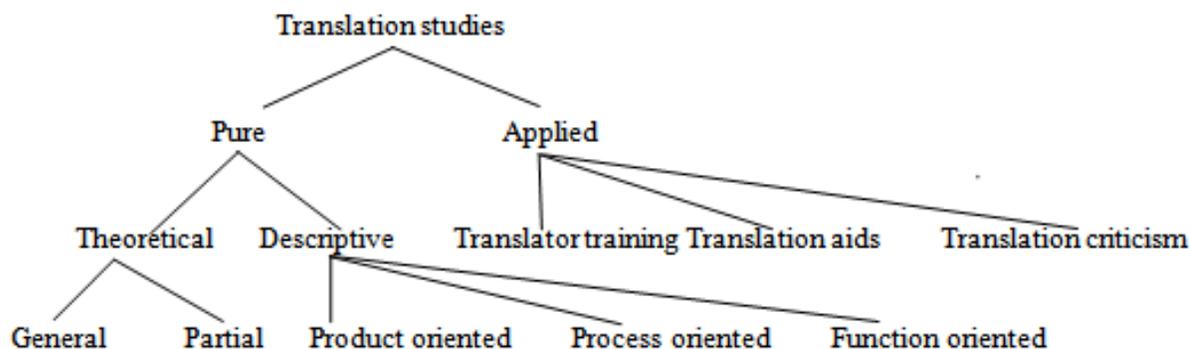


Figure 1. Holmes' basic map of translation studies (Toury, 2004:10).

norms are concerned with choices determining translation strategies or process, such as translation goals, translation content and the prospective translation methods. Operational norms are the translation process itself, which, it is assumed, involve the translation strategies and methods and stylistic preferences. This list makes it clear that norms affect the entire process of translation, including source-text selection, translation purpose and the translation strategies to be resorted to, etc. Translational norms prevail within a certain society and at a time, and furthermore they, to a considerable degree, determine the selection, the production and the reception of translations.

A general introduction to the theory of power discourse

The theory of power discourse, put forth by French postmodernist Michel Foucault, has become of core importance and has invaluable resonance on cultural studies, according to which translation is regarded as an act taking place in real situations, with parties showing huge interests both in the production and reception of texts beyond linguistic and cultural limits. Therefore, translation is, to a certain degree, not just a process of faithful reproduction of the text but without doubt is concerned with deliberate acts of selection and construction. It is inextricably involved with issues of power.

Foucault argues that power is not a plot; rather, it is the operation of ideology and knowledge throughout the whole translation process, then he looks to how power impacts translation act (Foucault, 1977). Thus, power embodied through translators' manipulative discourse, especially via the translation strategies involved in these processes affecting the reader's response.

Discourses are practices that in a systematic way constitute the objects of which people speak and in the practice of doing so conceal their own invention (Foucault, 1972). They reflect social relationships and constitute power relationships. Thus, discourse is always an instrument and exercise of power.

Translation is not just a "window opened on another world," rather, it is a channel opened, through which foreign influences can penetrate the native culture; consequently, Lü and Hou (2001) claim that translation inevitably involves shift of thought from one culture into another one, which leads to the interactive relationship between power and translation: on the one hand, the translator's power in standing for the source culture, on the other hand, the power in affecting the text's reception in a certain target culture. Likewise, through detailed analysis of the English version of *The Great Ming Code*, we can get to know another culture, society or ideology.

THE STUDY OF THE ENGLISH VERSION OF THE GREAT MING CODE BASED ON DTS

In order to shed some light on the implications for future translation, the study compares the ST and TT for shifts, identifying the translation goals, translation strategies, interactions between translation goals (*prospective function*) and translation strategies (*process*) and still further situates the TT within the target culture system, looking at target readers' reception or acceptability (*product*) of TT based on the models of DTS.

Translation goals

It is believed that any activity of a rational person is goal-oriented. Linguistic signs are just forms of expression and the essence is one's goal(s) motivating and driving interaction, in other words, goal influences not only the strategies of the interactants but also the structure of the interaction (Liao, 2012). What is Jiang Yonglin's goal while he translated *The Great Ming Code* (*Da Ming Lü*)?

Jiang Yonglin is an Associate Professor of University of Minnesota, whose research focuses on legal culture in imperial China. In 1990, just before he entered Ph.D. program, he assisted William Jones with his translation of *The Great Qing Code*. These activities provided him with the new perspectives from which to study Chinese legal

history. Knowledge and the presentations thus configured are coming to be understood as a central aspect of power. Translation has been a key tool in the production of such knowledge and representations. Therefore, translation goal of the English version of *The Great Ming Code* is necessarily concerned with his knowledge structure. The English version of *The Tang Code* and *Ta Tsing Leu Lee* have been available at an early time in the western world, while *The Great Ming Code*, serving as a link between the former and the latter, has not been paid due attention to for a long period of time. As the former president of the Society for Ming Studies, Jiang Yonglin has a good command of the legal system of the Ming dynasty, so he intends to fill in the gap in the existing scholarly literature and makes the works on Tang, Ming, Qing law become the major references for the translation. As stated in the preface of the English version of *The Great Ming Code*, Jiang Yonglin is intended to provide a significant source for understanding not only Chinese history but also Eastern cultural interactions (Jiang, 2005).

The English version of *The Great Ming Code* came to its final form in 2005, during which period of time diplomatic ties were re-established and relationships began to normalize between China and the United States. Sino-US strategic dialogue was then initiated. With the normalization of the diplomatic relationship between China and the United States, cultural interaction should become an indispensable part of the sustainable development of both countries. Jiang Yonglin's translation appears to be his own personal behavior; however, as China's influence on the world has been on the rise, the translator is aimed to provide resources available to those interested in matters or issues related to Chinese law or religion in the late imperial period, and thus shouldering the mission of communicating culture and thus promoting cultural interaction.

Seemingly, the reason why Jiang Yonglin translates *The Great Ming Code* is that the translator is driven to present a correction to the conventional views that Chinese law is an instrument of state control because of his position as the former president of the Society for Ming Studies, that is, his knowledge structure. However, it is the trend of cultural interaction behind the personal knowledge structure that truly promotes the completion of the English version of *The Great Ming Code* (*Da Ming Lü*), which, without doubt, accelerates the pace of study of Chinese classics and uncovers the sacred veil of classical legal culture.

Translation strategies

For the sake of a positive readers' response, the first and foremost task the translator should undertake is to render the target text acceptable and veritable, thus, much thought must be devoted to exploring the translation strategies employed. The reader's reception, or rather,

the *function* of the translation, embodied by the linguistic expressions, inevitably affects translation strategies during the production of the text (*process*). Translation strategies are, more often than not, embodies the translator's language style at the level of words, sentences and textual coherence (Leech and Short, 2001) and further are restricted by translation goals (Vermeer, 2000).

1. At lexical level

Legal vocabulary, in a sense, embodies the distinctive legal culture of a particular legal system.

(1) Titles and headings

While one reads through Jang's version, it is not difficult for him to notice that 《大明律》 is translated into "The Great Ming Code" combined with "Da Ming Lü", "大明律集解附例" into "The Great Ming Code with Commentaries Attached by Regulations (Da Ming Lü jijie fuli)", and "大明律疏附例" into "Commentaries to *The Great Ming Code* (Da Ming Lüshu fuli)".

《大明律》(*The Great Ming Code*) is composed of seven chapters, that is, 名律、吏律、户律、礼律、兵律、刑律、工律, which are translated respectively into "laws on punishments and general principle (Minglü)", "laws on personnel (Lilü)", "laws on revenue (Hulü)", "laws on rituals (Lilü)", "laws on military affairs (Binglü)", "laws on penal affairs (Xinglü)" and "laws on public works (Gonglü)". The structure of "laws on..." is employed so as to cater for the target readers' reading habit. At the same time, the pinyin system¹ of Romanization of Chinese terms, that is, transliteration is used throughout to retain the flavor of the foreign culture. The rendering of the titles and headings by means of transliteration is without doubt source reader oriented.

(2) Legal terms

Just as Cao (2008) has summarized, legal terms, to a considerable extent, embody the legal culture of that country.

Original version:

- (1)十惡
 一曰謀反
 二曰謀大逆
 三曰謀叛

¹ The pinyin system is the formal romanization system for Standard Chinese in mainland China. It usually is in the form of Chinese characters. See <https://en.wikipedia.org/wiki/Pinyin>, viewed on February 10, 2017.

四曰惡逆
 五曰不道
 六曰大不敬
 七曰不孝
 八曰不睦
 九曰不義
 十曰內亂

Jiang's version:

(1) Ten abominations (shie)
 The first is plotting rebellion (moufan)
 The second is plotting great sedition (moudani)
 The third is plotting treason (moupan)
 The fourth is contumacy (eni)
 The fifth is depravity (budao)
 The sixth is great irreverence (da bujing)
 The seventh is lack of filial piety (buxiao)
 The eighth is discord (bumu)
 The ninth is unrighteousness (buyi)
 Tenth is incest (neiluan)

Ten abominations (shie) plays a pivotal role in Chinese legal system and is also the combination of Confucianism and feudalism. “謀叛”, as the second article of laws on penal affairs, means to plot to betray this country or to go over to other countries. Stanton (1810) once translated “謀叛” into “rebellion and renunciation of allegiance”, by which the meaning of plotting to betray this country was conveyed, however, the second meaning of “going over to other countries” was lost. Compared with Stanton's translation, it is without doubt that Jiang Yonglin is wise enough to accurately define it as “plotting treason (moupan)”. As is evidenced, the source-reader-oriented principle, or foreignization, is employed to retain the nature of SL.

Original version

(2) 採生折割人

Jiang's version

(2) Extracting vitality by dismembering living persons (Caisheng zhege ren)

“採生折割人” in ancient Chinese legal system was said to use witchcraft to deceive people and cut limbs apart to obtain their organs such as eyes and ears. As one of the “ten abominations (shie)”, “採生折割人” is depravity which means to kill three persons of one family who have not committed a crime punishable by the death penalty, to dismember persons, to mutilate living person, to make or keep insect poisons, or to practice sorcery. In Jiang's version, it is rendered into “*extracting vitality by*

dismembering living persons (Caisheng zhege ren)”. It is obvious that target-reader-oriented principle is employed and the content of “採生折割人” is accurately transferred so that the thought of the original text can be rendered in a natural way.

(3) Cultural-specific conceptions

There are no two countries using the exactly same legal words to express the same meanings (Steiner, 1998). Due to linguistic and conceptual absence, Jiang Yonglin borrowed or created new words. For instance, “yamen” and “guanfang seals or yinji seals” are introduced to target readers to maintain the nature of the original language; and secondly, there are circumstances when some conceptions in the target culture are, at the linguistic level, equivalent to those in the source culture, these conceptions in the target culture may not embody the same things in the source language in law. Examples include “布衣”, “卜课” and “秀才” which were respectively rendered into “common people (buyi)”, “making divination (buke)” and “cultivated talents (xiucai)”, according to Jiang's understanding of these concepts. Besides, “舉人” and “進士” in ancient China referred to students graduating from certain provinces and cities, consequently, they are addressed as “provincial graduates (juren)” and “metropolitan graduates, presented scholars (jinshi)” by Jiang Yonglin, in which case, free translation and transliteration are combined to foster readers' reception.

2. At syntactical level

With regard to the style of original sentence, the target-reader-oriented and source-reader-oriented principles and other relevant strategies were used in combination with each other to facilitate the translator's cultural purpose or goal.

Example 1

Original version:久占在家使喚者一名笞四十.....違者以私役論

Jiang's version: ...or [*the officials or overseers*] keep them for a long time in [*their*] households to serve at their call, for 1 person [*the officials or overseers*] shall be punished by 40 strokes of beating with the light stick...Any violation shall be punished as “privately employing [*commoners or artisans*] to perform services.”

As Nord (2001) put it, every text specially designed for its target readers and thus embodies its value by its readers. It means that receivers or readers, more often than not, play an indispensable role in the process and function of

the target language. Therefore, readers are supposed to be taken into consideration while translating. In order to promote and foster communication, Jiang Yonglin supplies additional information in the forms of subject, pre-attribute and objects, such as *the officials or overseers, their, the officials or overseers and commoners or artisans*, so as to reduce obstacles that readers may encounter; as such, domestication is employed to make the text accessible to the target readers.

Example 2

Original version: 凡聞知有恩赦而故犯罪者加常犯一等雖會赦並不原宥

若官司聞知有恩赦而故論決囚罪者以故入人罪論

Jiang's version: [1] In all cases of hearing that there will be amnesties and deliberately committing crimes, the crimes shall be punished one degree more severely than for ordinary crimes. Although amnesties are issued, they shall not be exempted from punishment.

[2] If officials hear that there will be amnesties and deliberately decide and then execute penalties for prisoners, they shall be punished on the basis of deliberately implicating the innocent.

It is well acknowledged that texts are once classified into three types: expressive texts, conative texts or informative types (Gentzler, 2005). Informative text carries the main information and facts and embodies strong logical coherence; therefore the translator has to exert every effort to render the translation faithful to the source text. *The Great Ming Code*, the typical type of informative text, aims to get citizens acquainted with the contents of law and know how to enjoy rights and shoulder responsibility. Any practical attempt to organize the whole variety of materials for translation must begin by transfer adequate information as much as possible; consequently, the translator should transfer the meaning or message of the source text as accurately as possible. In view of the above goal, foreignization is employed by Jiang Yonglin. Strict observance of the syntax and grammar of the source language enables target readers to familiarize with the nature and flavor of the original information of “*hearing that there will be amnesties and deliberately committing crimes (Wenyou enshe er gufan)*”, as a result, the discourse style of the source text can be preserved. Besides, it is easy for target readers to catch a glimpse of the punishment on “*deliberately committing crimes*” and “*deliberately decide*”.

3. At textual level

Translating is historically, socially and culturally determined. It is, in most cases, initiated by the target culture to cause changes in and cater to the needs of the

target culture. In one sense, translations are facts of the target culture.

Example 1

Original version: 威逼人致死

凡因事威逼人致死者杖一百若官吏公使人等非因公務而威逼平民致死者罪同並追埋葬銀一十兩

若威逼期親尊長致死者絞大功以下遞減一等

若因姦盜而威逼人致死者斬

條例

一凡因事用強毆打威逼人致死果有致命重傷及成殘廢篤疾者雖有自盡實跡依律追給埋葬銀兩發邊衛充軍

一凡因威逼人致死一家二命及非一家但至三命以上者發邊衛充軍若一家三命以上發邊

衛永遠充軍依律各追給埋葬銀兩

一凡子孫威逼祖父母父母妻妾威逼夫之祖父母父母致死者俱比依毆者律斬其妻妾威逼

夫致死者比依妻毆夫至篤疾者律絞俱奏請定奪

一婦人夫亡願守志別無主婚之人若有用強求娶逼受聘財因而致死者依律問罪追給埋葬

銀兩發邊衛充軍

一凡軍民人等因事威逼本管管致死為首者比依威逼期親尊長致死律絞為從者枷號半年

發邊衛充軍

Jiang's version: Using Coercion to Cause Others to Die [Weibi ren zhisi]

[1] In all cases of, because of some matters, using coercion to cause others to die, the offenders shall be punished by 100 strokes of beating with the heavy stick. If officials or functionaries or other persons in official service, because of nonofficial business, use coercion to cause commoners to die, the penalty shall be the same. In each case one liang of silver shall be levied for burial expense.

[2] For those who use coercion to cause superior or older relatives to die, they shall be punished by strangulation. If the relatives are of the third mourning degree or more distant, the penalty shall be progressively reduced one degree.

[3] For those who, because of fornication or robbery, use coercion to cause others to die, they shall be punished by decapitation.

As shown above, the detailed regulations about *Weibi ren zhisi* are left out. Once observing the whole text, one may notice that the 382 regulations (*li*) that were attached to the *Code* during the Wanli Reign² are not translated. The 382 regulations (*li*) regulated various aspects of the relevant crimes in depth, which is thought to be a

² Wanli Reign is the reign name (*nianhao*) of the emperor of China from 1572 to 1620, during the latter portion of the Ming dynasty (1368–1644). See <https://global.britannica.com/topic/nianhao>. Viewed on February 10, 2017.

comprehensive system; however, there is no doubt that it is tedious for the target readers to read these strange regulations. In order for minimizing the strangeness of the source text and maintaining naturalness and fluency for target language readers, Jiang Yonglin chooses to delete the all-round 382 regulations. It seems to be unfaithful to the original text to delete the 382 regulations, however, in fact, it is just through this process that the original meaning and its significance can be retained in the target language. In catering for the needs of the system recipient, translator is likely to adopt the discourse of the target system. Target-reader-oriented principle and domestication are adopted, and the effectiveness of which is evidenced by the reader's reception.

Example 2

Original version: 坐贓致罪

凡官吏人等非因事受財坐贓致罪各主者通算折半科罪

.....

凡罪由此贓者皆名為坐贓致罪

一貫以下笞二十

一貫之上至一十貫笞三十

.....

五百貫之上罪止杖一百徒三年

Jiang's version: Article 368 Committing Crimes Involving Illicit Goods Obtained through Malfeasance [Zuozang Zhizui]

In all cases where officials or functionaries who accept property not only because of matters commit crimes involving illicit goods obtained through malfeasance, calculate the entire amount of illicit goods from each person as a whole and reduce it by half...

[The punishment shall be inflicted in accordance with the amount of goods received as follows:]

Less than 1 guan: 20 strokes of beating with the light stick.

1-10 guan: 30 strokes of beating with the light stick.

...

500 guan or more: the punishment shall be limited to 100 strokes of beating with the heavy stick and penal servitude for three years.

The sentences in square brackets ([]), e.g., "*The punishment shall be inflicted in accordance with the amount of goods received as follows*", and chapter, section, and article numbers, e.g. "*Article 368*", are not original part of the Code, but instead the translator's explanatory material. Using a transparent, fluent, and coherent style, the text becomes more accessible to the target readers. Otherwise, it will be difficult for the readers to get the main information about the "*committing crimes involving illicit goods obtained through malfeasance [Zuozang Zhizui]*" and thus may be frustrated by the non-coherent and tremendous text. In order to achieve cross-

cultural communication, domestication is employed in a proper way.

The English version of *The Great Ming Code* is composed of one page of notes on translation and Ming units of measure and money, 72 pages of introduction, 13 pages of diagrams, 230 pages of contents and 46 pages of glossary, 7 pages of bibliography, and 19 pages of index which provide rich background information so as to engender a deeper respect for Chinese legal culture in the target readers and a greater appreciation for Chinese legal system.

As shown in Table 1, a full-scale set of Ming units of measure and money is provided to render the original culture accessible to target readers and avoid misunderstanding in cultural interaction. In order to lead target readers into Chinese legal culture, a comprehensive and illustrative introduction is attached to the whole text in a full and deep manner, which not only introduces the translation purpose, the founding of the Ming dynasty but also presents the translator's thoughts on the translation of *The Great Ming Code*. Admittedly, thick translation³ is employed and the translation is target-reader-oriented.

Table 1. Ming units of measure and money (Jiang, 2005, p. xxxi).

	1 fen	= 10 li
	1 cun	= 10 fen
		= 10 cun
Length	1 chi	= 12.3 inches = 31.8 centimeters
	1 zhang	= 10 chi
	1 qian	= 0.13 ounces
Weight	1 liang	= 1.3 ounces
	1 sheng	= 0.99 quart
Capacity	1 dou	= 10 sheng

Interaction between power discourse and translation strategies

The present study will examine to what extent the translation strategies and goals are influenced by social or personal ideology and knowledge. Through this process some of the discursive forces that have influenced Jiang Yonglin and help shape the translation process will be revealed, illustrating Andre Lefevere's

³ Thick translation is a translation accompanying with such information as glosses, an extended introduction, foreword or/and afterword and its annotations so as to place the text in a rich cultural context.

contention that “Translators function in a given culture at a given time. The way they understand their culture and themselves may influence the way they translate” (Lefevere, 1992: 14).

(1) Knowledge structure

The very reason why Jiang Yonglin is uniquely qualified to undertake the reassessment of Chinese law and further the English version of *The Great Ming Code (Da Ming Lü)* enjoys great popularity is that Jiang Yonglin, as the former president of the Society for Ming Studies, teaches courses on Chinese and East Asian history. He has the chance to read volume of the English version of *The Tang Code* by Wallace Johnson and assists William Jones with his translation of *The Great Qing Code*, which provide him the new perspectives from which to study Chinese legal history. Moreover, He is the author of *The Mandate of Heaven* and *The Great Ming Code (Da Ming Lü)*, and numerous articles on religion, legal philosophy, and law enforcement. On the other hand, Jiang Yonglin has a good command of Chinese legal culture, so he exerts every effort to transfer the source text in a proper way so as to remain the plain and concise style of the source language, such as a whole set of pinyin system of Romanization of Chinese terms and the strict observance to the original language structure and pattern. The most striking transformation of the source text to cater for target readers is found in the rendering the legal words “採生折割人”, “保辜限期”, etc., at lexical level, supplying additional information in the form of subject, pre-attribute and objects such as *the officials or overseers, their, the officials or overseers and commoners or artisans*; at textual level, providing rich background information in the form of introduction, diagrams and glossary. As such, strategies of domestication and foreignization are combined in subtle ways so as to foster the realization of translation goals.

His knowledge of both the source culture and the target culture makes it possible to secure the social acceptance.

(2) Ideologies

Despite its multiplicity, generally speaking, ideologies refer to ideas, values, conceptions, and assumptions whether cultural or political are related to power and authority of persons or institutions in a specific society (Abdulla, 1991).

In addition to institutional structure, the larger social context in which the translation is conducted is also viewed as the focus of ideological origin. More often than not, the cultural aspect and worldview affects the Jiang Yonglin's translation of the source text. One example that comes to our mind is the translation of the “採生折割人”, which are translated into “extracting vitality by

dismembering living persons” (Caisheng zhege ren). It involves the translator's understanding of Chinese legal code and the preference for a target-reader-oriented value.

Jiang Yonglin has a number of options for ideological manipulation, such as deletion and addition. On the one hand, Jiang Yonglin was likely to produce fluent translations. At lexical level, domestication and foreignization are combined to retain the nature and exoticness of Chinese legal words, such as the translation of “谋叛、答、杖、徒、流、死”. At syntactical and textual level, proper addition of subject, object and/or pre-attribute left out in the original text makes it easier for target readers to touch upon the central idea of the code. Besides, such background information as note on the translation, the detailed introduction, various diagrams and rich glossary enables target readers to appreciate the extensive and profound Chinese legal culture. Otherwise, it would be difficult for target readers to finish the English version, let alone reassessing Chinese legal culture. On the other hand, Jiang Yonglin used foreignizing strategies to import new and unfamiliar terms to the receiving culture, for instance, “大明律” was translated into “The Great Ming Code (Da Ming Lü)”, and “谋叛” into “rebellion and renunciation of allegiance (moupan)”. The most remarkable transformation of the source text is found in the transliteration of legal terms. It seems that Jiang Yonglin's translation is merely concerned with his own personal preference and option, but behind all these lies the ideological manipulation of the western world: promoting the legal and cultural interaction between the eastern and western world.

A combination of the ideology and knowledge of the translator certainly has direct influences on how translation is processed. This research reveals that the translation of *The Great Ming Code* is surely for a long time, and in some cases remains, deeply implicated in Chinese and western interactional norms, ideology and knowledge of the translator. The translator's ideology and knowledge structure, sometimes expressed subconsciously, in turn, may be detected through an examination of specific lexical, syntactical and textual choices.

Interaction between translation strategies and readers' reception

Jiang Yonglin's English version of *The Great Ming Code*, as one of the best contemporary works on Chinese legal history, aims to offer a fresh look at Chinese legal culture. The purpose of Jiang Yonglin's translation activity is intended to provide a significant source for understanding not only Chinese history but also Eastern cultural interactions. Consequently, it is common to see the logical components such as subjects, objects and pre-attributes that are left out in the original text and the

sentences serving as connecting links between the preceding and the following in the English version. In order to cater for target readers, free translation and thick translation are employed; or rather, domestication is adopted.

On the other hand, the most striking characteristic of Jiang's version is the use of a whole set of pinyin system of Romanization of Chinese terms, such as "*The Great Ming Code with Commentaries Attached by Regulations (Da Ming Lü jijie fuli)*", "*Commentaries to The Great Ming Code (Da Ming Lüshu fuli)*" and "*extracting vitality by dismembering living persons (Caisheng zhege ren)*", through which inaccuracy of free translation is, to a considerable extent, avoided. It thus caters for those who have no access to Chinese legal system because of the language and cultural barrier but require information from that source language. Such sentences as "*In all cases of hearing that there will be amnesties and deliberately committing crimes, the crimes shall be punished one degree more severely than for ordinary crimes. Although amnesties are issued, they shall not be exempted from punishment*" and "*If officials hear that there will be amnesties and deliberately decide and then execute penalties for prisoners, they shall be punished on the basis of deliberately implicating the innocent*" remain the same pattern as in the original text without inversion of the sentence order, explanations or any other changes. The translation therefore sounds "foreign" enough for target readers to discern the working of the original language.

Consequently, Jiang's version enjoys tremendous popularity. It is also a welcome addition to the literature on traditional Chinese law. Professor James Feinerman lists William C. Jones's English version of *Ta Tsing Leu Lee*, Wallace Johnson's English version of *The Tang Code* and Jiang Yonglin's English version of *The Great Ming Code* as three basic materials for studying Chinese legal culture⁴, which proves the important position of Jiang's version in the western world. Its popularity among target readers, in turn, proves the proficiency of translation strategies adopted throughout Jiang Yonglin's version of *The Great Ming Code*.

Conclusion

Having reviewed the researches on translations of Chinese legal classics, it is believed that studies of translated version of Chinese legal classics are rare; furthermore, the literature on the English version of *The Great Ming Code* is still insufficient; as a result, their researches are far from systematic and sound.

The present study is expected to provide a brand-new method of descriptive-theoretic analysis of the English

version of *The Great Ming Code*. After reviewing relevant literature and analyzing the interactions among translation goals, strategies and readers' reception, we can discern that Jiang's version is characterized by the following features:

1) As is evidenced by the English version of *The Great Ming Code*, Jiang's version is both adequate and acceptable. On the one hand, Jiang Yonglin is likely to produce fluent translations, which determines the translation's acceptability. On the other hand, Jiang Yonglin employs foreignizing strategies to import new and unfamiliar terms to the receiving culture, and thus an adherence to the source text governs the translation's adequacy. It also demonstrates that translation strategies employed will, more often than not, reflect the translation goals.

2) The effectiveness of the translation strategies adopted is evidenced by the popularity of its version in the receiving culture, that is, the social context. It is also proven that strategies by a translator adopted and the textual-linguistic make-up and translation are said to exert influences on the position of the end product in the recipient system. In the meantime, translation strategies, in turn, inevitably facilitate its cultural purpose.

3) The present study reveals the interactions between translation goals and translation strategies and the impact of such power discourse as knowledge structure and ideologies on translation goals and strategies. As a result, the interactive relations between translation goals and translation strategies should be highly valued while conducting legal translation studies. This research offers a new approach to legal translation and translation criticism.

Contributions and limitations of the present study

Taking the English version of *The Great Ming Code* as the object and with the Descriptive Translation Studies as the basis of the theoretical framework, the present research, at the theoretical level, will iron out the flaws of the traditional normative translation theories, expand the scope of Descriptive Translation Studies' application and provide the scholars home and abroad with a new sight into the importance of the proper employment of Descriptive Translation Studies in legal text analysis.

The research, at the practical level, is designed to identify typical models of Descriptive Translation Studies suitable to analyze the translation of *The Great Ming Code (Da Ming Lü)* and to describe the close connection that power, discourse, strategies and reader's reception. Hopefully, this study will be of some help to change the stereotype-rooted normative translation studies, trigger relevant improvement therein and provide practical suggestions for legal translation practice and criticism.

This study, building on a descriptive and retrospective analysis of the interactions between translation goals and translation strategies, and translation strategies and

⁴ The specific information about the status of these Codes are available on <http://www.iolaw.org.cn/showarticle.asp?id=2197>. Viewed on February 10, 2017.

readers' reception, is aimed to make scholars aware of the typical descriptive translation studies suitable to analyze Chinese legal translation and to provide useful references for translation criticism and facilitates influence of Chinese classics upon other countries.

While certain goals have been attained, some limitations are embodied at the same time with regard to applying a descriptive and retrospective method to the analysis of the translation of *The Great Ming Code*:

The inconsiderable research content

The adequacy of this study is, to a considerable extent, undermined for its small amount of examples. An essential part of the social reform efforts of the early Ming dynasty (1368-1644), *The Great Ming Code* provides the empire with a definitive statement of values and social norms; consequently, it is a rather time-consuming and burdensome task to comb and categorize the complex legal words and text. What can be done with regard to the space and energy allowed here is to analyze certain typical legal words and expressions, and such fields as religion, politics and ethnics are rarely referred to.

The author's subjectivity about the analysis

Admittedly, though the author exerts every effort to dig into relevant literature and translation theories, the research does exhibit subjectivity, either by selecting the typical English version of *The Great Ming Code*, or by employing the qualitative means to analyze the text, etc. On the other hand, while evaluating the translated version, the author is inevitably affected by the language capacity and personal preference; as such, the objective and sound conclusion cannot be reached.

Suggestions for further study

The current study has attained the overall goal, gained certain vital findings, and made some contributions to the relevant translation studies so far. It is undeniable that the research is by no means exhaustive and comprehensive, and embodies limitations. Therefore, in the following respects especially there is need for further amplification:

1) Because qualitative and quantitative methods both embody their strengths and weaknesses, a combination of these two methods is recommended to develop multifaceted insights into the translation strategies and provide a clear picture of the interaction between translation strategies and goals and further the whole translation process. Therefore, such methods as observation and an interview on reader's reception of the translated version of Chinese legal classics in the western countries should be combined with self-report

questionnaire in further study.

2) The current study, which only probed whether any relationships existed between translation goals and strategies by resorting to power and discourse and the translation's adequacy and acceptability, did not make references to translation from certain micro perspectives, such as translation norms and other descriptive translation models, etc. Therefore, further research should be conducted to address those areas.

3) It is high time for scholars in translation studies developed new theoretical approaches to discern translations and address relevant issues.

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