

The Functions and Translation Strategies of Archaic Terms in Legal English

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Abstract

Research on the function and translation strategies of archaic terms in Legal English is crucial as it ensures the accuracy and consistency of professional terminology, preserves legal culture, enhances translation professionalism, and facilitates cross-cultural communication. Challenges in the current research on archaic terms translation include difficulties in achieving translation accuracy, high demands for professionalism, challenges in understanding cultural differences, and the need for repeated verification of legacy and applicability. This paper delves into the translation issues related to archaic terms in Legal English, analyzing them in comparison with everyday conversational English, at the lexical and grammatical level, and in terms of discourse coherence, aiming to better understand legal concepts and expressions across different cultural backgrounds.

Keywords

Legal English; Archaic Terms; Translation Strategies.

1. Introduction

Legal English is a specialized form of English that differs from everyday English, thus legal translation also possesses unique characteristics distinct from general translation practices (Kou Junyu, 2017). Legal English is characterized by precision, accuracy, and formality. Legal English translation is tailored for specific foreign audiences to convey information about China's legal system, judicial activities, and legal services. This professional activity directly impacts the quality of legal services provided internationally, as societal demands continue to grow. Strengthening research in the field of international legal translation is crucial for enhancing service quality.

In the realm of Legal English discourse, archaic terms exhibit distinct features, originating from Old English or Middle English vocabulary. Despite their limited quantity, archaic terms frequently appear in texts, evoking a sense of antiquity and solemnity that reflects the gravitas and sanctity of the law, often invoking a sense of reverence in readers. The semantic meaning of archaic terms depends on the context in which they are used, contributing to the concise expression and compact structure of Legal English texts, imbuing them with a sense of dignity, solemnity, and mystery. However, in Legal English texts, archaic terms can pose challenges for comprehension and translation due to their obscure and difficult-to-decipher nature, presenting certain obstacles in understanding and translating legal texts (Liu Yichun, Yang Lin, 2022).

2. Differences between Archaic Terms and Everyday English

Although there is a current trend in English-speaking countries, particularly in the United States and the United Kingdom, to advocate for clarity and popularization in legal language, legal

professionals are encouraged to avoid using archaic terms in drafting legal documents whenever possible (Han Xintao, 2014). However, in order to maintain the conciseness and precision of legal document sentences, many legal texts still incorporate Old English and Middle English vocabulary. Given the long history of law, Old English and Middle English vocabulary have had a profound impact on Legal English (Ma Meng, Yu Peng, 2014).

In comparison to general English, Legal English is more specialized, incorporating a greater number of professional terms, more complex concepts, longer and more challenging sentences. As an important variant of the English language, Legal English has evolved over a long period, developing a unique language domain with specific vocabulary, complex sentence structures, rigorous logic, and rich information content.

2.1. Vocabulary Level

It is widely acknowledged in academia that legal English does not have an independent grammar or vocabulary system. Instead, it expands and reorganizes based on everyday English to construct specific linguistic features. However, unlike general English or other discourse genres, legal English retains a considerable number of archaic words and words with French or Latin word forms or origins (Wang Yao, Li Jingna, 2019). The frequent use of archaic vocabulary in legal texts imparts a sense of solemnity and sacredness, reflecting the dignity and mystique of the law. Although the semantics of archaic words depend on context, their usage makes legal texts concise, clear, with compact sentence structures, emphasizing the formality and conciseness of legal English.

2.1.1. The Application of Archaic Words

The application of archaic words in modern English can be illustrated through examples. For instance, in news reports, the phrase "hue and cry" is commonly used to denote a loud pursuit or protest action to track political or criminal offenders. This phrase originates from the French "hu" for shouting, unrelated to the Old English term for color, "hue." For example, John shouted "zhuazei" while chasing, and others joined in, quickly forming a pursuit operation (Wang Yao, Li Jingna, 2019).

2.1.2. Comparison between Archaic Words and Modern English Vocabulary

There is a clear contrast between archaic words and modern English vocabulary. Modern English vocabulary is more concise and practical, aiming for direct and straightforward expression. On the other hand, archaic words focus more on rhetoric and creating a poetic or emotional ambiance, often carrying a stronger sense of poeticism and lyricism. This contrast is not only reflected in the meaning and usage of words but also in the cultural and emotional values that the words carry.

Table 1. Comparison between Archaic Words and Modern English Vocabulary.

Class	1	2	3	4
Archaic Word	thou	thine	thine eyes	merry
Modern English Vocabulary	you	yours	your eyes	happy

2.2. Grammatical Level

The functional aspects of archaic words are mainly demonstrated in nouns, verbs, pronouns, prepositions, and other elements of language. Differentiating between "he," "she," and "they" in archaic words can be quite challenging as they appear similar and context-dependent for interpretation. For example, the form "thou" is used to address one person, while "ye/you" is used for addressing more than one person. However, to some extent, archaic words adopt the distinction seen in French between "tu" and "vous," where the singular "tu" is used by individuals of higher social status to address those of lower status, while the plural "vous" is

used in formal address or by individuals of lower social status to address those of higher status. In ancient literary works, authors often utilize the unique grammatical structures and expressions of archaic words to construct the framework and coherence of their writings, making the logical flow tighter and the emotional depth more profound. From the perspective of functional grammar, archaic words in legal English primarily serve as transitional terms, acting as connecting segments in discourse (Wang Yao, Li Jingna, 2019). For instance, by employing archaic subjunctive mood or inverted sentence structures, authors can create a solemn and mysterious atmosphere, guiding readers deeper into the world of the text.

3. The Syntactic Function of Archaic Words in the Legal Context

In the legal context, the syntactic structure of archaic words may differ from modern English, as archaic words are typically more formal and solemn. English is a language with a linear grammatical structure, placing strict requirements on elements such as subject-verb-object. In contrast, Chinese is a language with a non-linear grammatical structure, emphasizing the understanding of overall meaning and allowing for more flexible connections between forms such as number, case, and voice. Text comprehension primarily relies on the reader's interpretive skills and the drafter's language proficiency. (Xiong Demi, 2011).

3.1. Grammatical and Lexical Cohesion

In terms of grammatical cohesion, archaic words enhance the coherence and fluency of legal texts through their special syntactic structures. For example, archaic words often combine with complex subordinate clause structures to construct sentences that are rigorous and logical through nesting and connecting subordinate clauses. This structure not only helps to clearly express the content of legal provisions but also ensures the accuracy and authority of legal texts. Additionally, archaic words often employ passive voice, non-finite verbs, and other grammatical devices to make sentences more concise and information-rich.

For example, the translation provided:

"Article 99 The general meeting of shareholders of a joint stock limited company is composed of all shareholders. The general meeting of shareholders is the company's organ of authority, and shall exercise its authorities in accordance herewith."

3.2. Semantic and Contextual Aspects of Legal English

In terms of lexical cohesion, archaic words, through their collocation and association with other words, construct a unique lexical network within legal contexts. These words not only share similar semantic features but also complement and resonate with each other in context, collectively forming the distinctive expression system of legal English. For example, words like "hereby" and "whereas" frequently appear in legal texts and connect with other legal terms to establish the logical framework of legal provisions. The discourse meaning and functions of these archaic words depend on the specific legal text context. To properly understand their meanings, comprehend their discourse functions, and accurately translate their discourse meanings, they need to be placed within the specific context of legal English texts.

The use of archaic words in legal contexts also reflects the inheritance and development of legal culture. Law, as a manifestation of social norms and order, its language carries rich historical and cultural connotations. Archaic words, as carriers of historical culture, through their use in legal contexts, not only inherit the essence of legal culture but also drive the innovation and development of legal language.

4. Functions and Translation Strategies of Common Ancient Words

4.1. The Discourse Meaning, Functions, and Translation of There-Class Archaic Adverbs

Archaic words like the "There-" class are quite common in English, and they add richness to English discourse through their unique grammar structures and semantic features. For example, the term "thereby" is often used in discourse to indicate a cause-and-effect relationship, leading to a direct result of a certain action or event. Its use not only makes sentence structures more concise but also enhances the logical and cohesive expression. When translating "thereby," we often use Chinese terms like "因此" (therefore) or "从而" (thus) to convey its causal meaning.

For example:

"We reserve the right to modify, suspend, or discontinue, temporarily or permanently, the Service or any part of it, with or without notice, at any time and without any liability to you."
我们保留随时修改、暂停或永久停止服务或其任何部分的权利，无论是否提前通知您，而且不承担任何责任。(herein serves as an adverb, indicating a reference to a specific point in a document or its part)

Apart from "thereby," other "There-" class archaic words include "therein," "thereafter," and so on. These words play different roles in discourse; for instance, "therein" indicates the internal situation or characteristics of a certain object or viewpoint, while "thereafter" denotes a sequence of events in time. When translating these words, selecting appropriate Chinese expressions based on the specific context is necessary to convey their precise meanings.

The "There-" class archaic words also play a crucial role in constructing coherence and integrity within a discourse. By referencing previously mentioned content, these words tightly link sentences and paragraphs together, forming a logically clear and structurally complete text.

4.2. The Discourse Meaning, Functions, and Translation of Where-Class Archaic Adverbs

Where-class archaic adverbs are typically used to denote a location, position, or conditional relationship, adding a layer of spatial or situational description to a sentence. The term "whereby" in discourse is employed to indicate the location or manner in which a certain action or event occurs, making the sentence more vivid and specific. When translating "whereby," expressions like "通过" (through) or "由此" (thereby) can be utilized in Chinese to convey its meaning of location or manner effectively.

Similarly, where-class archaic adverbs also encompass words like "whereupon" and "wherein." These words fulfill distinct functions in discourse; for instance, "whereupon" is used to denote another event that immediately follows a particular event or situation, while "wherein" is employed to elaborate on the content or characteristics of a certain object or viewpoint in detail. When translating these words, selecting suitable Chinese vocabulary or phrases based on the specific context is essential to accurately convey their meanings.

When translating archaic words, it is crucial to not only consider their literal meanings but also delve into the cultural context and semantic nuances they carry. This is because archaic words often bear rich historical and cultural connotations, and their usage and meanings may evolve with changing times. Therefore, in the translation process, consulting relevant sources to understand the historical origins and usage variations of archaic words is necessary to ensure the accuracy and authenticity of the translation.

5. Conclusion

Remarks Translating normative legal documents into English requires translators to not only have a proficient command of both English and Chinese linguistic knowledge but also be well-versed in the legal systems of both Anglo-American countries and China. It is essential to deeply comprehend the lexical and syntactical characteristics of English normative legal documents, tackle translation challenges such as legal terminology and complex sentences, and grasp the patterns of legislative specific vocabulary, in order to accurately and efficiently translate these documents. The translation of English legal texts is more intricate and challenging than general English translation because it involves not just the conversion of words from one language to another, but also encompasses numerous other factors. Legal English translators need to possess not only extensive bilingual knowledge but also a familiarity with necessary legal terms, styles, and cultures. Throughout the translation process, the translator must ensure the accuracy and clarity of the meaning conveyed in the translated text, maintain consistent and unified language style, and use concise and unambiguous diction to faithfully translate English legal texts precisely, succinctly, and rigorously. As China's influence on the international stage continues to grow, the exchange of legal culture between China and other countries will inevitably become more frequent, and the translation of legal texts will play an increasingly significant role (Lu Yanping, 2012).

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