

Research on Training Qualified Legal Translators

—Starting from Analyzing Translation Problems in Law of the People's Republic of China on Traditional Chinese Medicine (Chinese-English)

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Abstract—Success legal translation involves a lot of factors, such as accuracy, being professional and impartiality. *Law of the People's Republic of China on Traditional Chinese Medicine* proposed and published by the Chinese government is a landmark for the development of traditional Chinese medicine (TCM). The Chinese-English version of the law has reiterated the significance. However, the translation version is undermined by some mistakes, such as inappropriate use of words, grammatical mistakes and inadequate translation. By collecting and analyzing the translation problems in the English version, this paper emphasizes that in the process of training translators, language proficiency and professional knowledge should be prioritized.

Keywords—legal translation; *Law of the People's Republic of China on Traditional Chinese Medicine (Chinese-English)*; mistakes; training translators

I. INTRODUCTION

Law of the People's Republic of China on Traditional Chinese Medicine has been approved and published by the National People's Congress on September 25th, 2016, which is a great breakthrough made by the Chinese government in promoting the practice of traditional Chinese medicine (TCM) both home and abroad. This newly-issued law has made it explicit that, "the cause of TCM is an essential part of Chinese medical cause. Therefore, China has poured great effort in promoting TCM and emphasized the equal status of TCM and modern medicine." China also encourages the mutual complementation and coordination of TCM and modern medicine, so that they can exert their own strengths. The law is a milestone which has laid a legal basis for the inheriting and promoting of TCM.^[1]

The English translation of this law has been organized by experts and staff in World Federation of Chinese Medicine Societies (WFCMS). The publishing of English version has not only declared the legal status of TCM in China, but also blazed a new way for the government in other countries to follow in managing and promoting their own traditional medicine.^[2]

Generally speaking, the English version has conveyed the meaning and spirit of the original message with fluent and faithful expression. However, there are still some translation problems, such as wrong use of words, grammatical mistakes

and inappropriate translation.

Therefore, the paper has, on the one side, pointed out some of the translation mistakes in the English translation version and provided with corresponding correction, on the other side, touched upon the training of qualified translators in the ESP (English for Special Purposes) field.

II. GRAMMATICAL PROBLEMS

Grammar is the foundation of language. Grammar is to translation what steel structure to the skyscraper. Without correct grammar, writing and translating is tantamount to a body without skeleton. It is particularly important in legal translation, which requires accuracy and logic. In this section, the grammatical problems from the English version such as wrong use of words and grammatical mistakes are listed.

A. Wrong Use of Words

This refers to improper use of words and incorrect spelling, etc. In most cases, these words are rarely used or do not exist in current English. See the following examples.

1) "shorted as WFCMS" in line 4 of the second paragraph in the preface section. The word "shorted" is used as a verb, but not in a correct way. According to *Oxford Dictionary*, when used as a verb, "short" means "short-circuit or cause to short-circuit", as is illustrated in the sentence "If the contact terminals are shorted, the battery quickly overheats". It does not convey the meaning of "abbreviate". Therefore, it should be changed into "shortened".

2) In the last line of the first paragraph in Article 32, a sentence reads, "...municipality directly under the Center Government", in which "Center Government" is incorrectly expressed. Exactly speaking, this phrase does not exist. In the Chinese version, the phrase intends to refer to the highest organ of state administration. According to *Collin's English Dictionary*, "A central group or organization makes all the important decisions that are followed throughout a larger organization or a country." Therefore, "center" should be changed into "central".

3) In the second line of Article 45, the sentence "...strengthen Public education" contains a wrong spelling. The initial letter of the word "Public" should be in lower case.

1. Ministry of Education Humanities and Social Science Research and Planning Program "Two translation versions of traditional Chinese terminologies: problems and countermeasures" (NO. 14YJA740019)

2. Education Office of Shaanxi Province Specific Program for Humanities and Social Science Research "Translation of package inserts for patent Chinese medicine: from a perspective of localization" (NO. 16JK1193)

B. Grammatical Mistakes

Grammatical mistakes in the translation version can be roughly classified into the following types:

1) Lexical level

a) In Article 48, the word “values” in the phrase “professional and technical values of TCM services” is not appropriate. According to *Collin’s English Dictionary*, “the values of a person or group are the moral principles and beliefs that they think are important”. However, judging from the context, the word means “the material or monetary worth of something”. Therefore, it should appear as “value”, which is an uncountable noun.

b) In the second sentence of the paragraph three in the Preface section, the sentence “... to translate as accurate as possible...” contains another grammatical mistake. Here “accurate” modifies the verb “translate”, and should appear in the adverb form “accurately”.

2) Syntactic Level

This refers to the grammatical mistakes in the sentence level, including structural mistake and voice.

a) In Article 8, the sentence “The state shall support the scientific research and technological development of TCM, encouraging innovation in..., promote the application of ..., protecting TCM intellectual property and promoting ...” should be adjusted for clearer idea. In the original Chinese version, the whole sentence is in a “Verb+Object” structure, and the phrases are structures of coordination instead of subordination. Accordingly, all the verbs in the sentence should be in the same form. Consequently, the sentence should be changed into “The state shall support..., encourage..., protect..., and promote...”

b) In article 32, a sentence in the first paragraph reads “However, the approval number is...and shall reported to pharmaceutical supervision...” Unfortunately, the grammatical mistake is quite obvious. As the logical object of the word “report” is “approval number”, the sentence should be in a passive voice. Therefore, it should be changed into “and shall be reported to...”

c) In Article 56, the sentence “The illegal gains shall be confiscated and impose a fine of not more than RMB 30,000 Yuan...” is also logically incorrect. The subject of this sentence is “illegal gains” which can not conduct the action of “impose”. Therefore, the last half of the sentence should be adjusted into passive voice as “...and a fine of not more than RMB 30,000 Yuan shall be imposed...”

III. TRANSLATION PROBLEMS

A. On Lexical Level

This is explained from the perspective of translation. The words are, to some extent, semantically incorrect based on the context.

1) In the first paragraph of Article 13, the sentence “The state supports non-governmental investment to launch Chinese medical institutions.” did not convey the exact meaning of the original Chinese version. The problem is located in the phrase “Chinese medical institutions” which can refer to institutions of

both traditional Chinese medicine and modern medicine in China. Therefore, it has deviated from the original policy and should be put into “TCM medical institutions”.

2) In the first paragraph of Article 29, translation problem again arises in the sentence “China encourages and supports the development and production of new Chinese materia medica.” The phrase “materia medica” is an abstract concept which, according to *Collin’s English Dictionary*, is defined as “the branch of medical science concerned with the study of drugs used in the treatment of disease: includes pharmacology, clinical pharmacology, and the history and physical and chemical properties of drugs”. However, the original Chinese text means “medical products of TCM”. Therefore, “materia medica” should be adjusted into “TCM drugs or products”.

B. Vague Pronoun Reference.

In the first paragraph of Article 30, the pronoun “it” in the sentence “For the production of compound preparation of Chinese materia medica derived from ancient classical formulas meeting the national prescribed condition, it may only provide non-clinical safety research materials when applying for the drug approval number.” does not have a clear reference. Logically speaking, the action “provide” is not conducted by “compound preparation”, nor the verb “apply” done by “it”. Therefore, the pronoun “it” does not have a clear reference. The sentence should be adjusted into “... only non-clinical safety research materials shall be provided when applying for the drug approval number.”

C. Verbose Translation

In the third paragraph of Article 24, the sentence “The state shall encourage the development of modern distribution system of Chinese materia medica, improve the technological standards for packaging and warehousing of Chinese materia medica and establish the circulation traceability system for Chinese materia medica.” is not at all concise. In the context, “Chinese materia medica” refers to the same meaning but appears more than once, resulting rather verbose expression. Therefore, the sentence should be adjusted into “The state shall encourage the development of modern distribution system of crude Chinese medicinal materials, improve the technological standards for their packaging and warehousing, and establish the circulation traceability system.”

IV. TRAINING A QUALIFIED LEGAL TRANSLATOR

From the translation problems listed above, it is imperative to stress that legal translators should equip themselves with a lot of qualities to meet the standard of legal translation.

A. Status Quo of the Training of Legal Translator

1) From the Students’ Perspective

As legal translation requires multiple qualifications of the translator, the talents in this field should not only have excellent language ability but also a professional knowledge of law. In 2009, legal translators had been listed as hot-demand talents. By 2010, only five universities in China had established the major of legal translation. Up to now, graduate schools of many universities have offered MIT (Master of Translation and Interpreting) degree. This is a big breakthrough, but the students are trained in a broad way in which legal translation

only takes a minor part.^[3] Every year, thousands of legal majors and language majors graduate from university, but it is quite difficult for these two majors to cooperate and become interdisciplinary talents.^[4] Among the various reasons, insufficient understanding of the interdisciplinary majors is the first. Universities seldom offer legal courses for language majors, and legal majors only learn college English course during the first two years to get the English certificates.

In such a context, the language majors are lack of legal information, which heavily impedes their legal translation. To make matters worse, they know very little about the terminologies of legal texts and understanding of the whole text becomes somewhat impossible. When doing legal translation, they have to make a thorough research on the text in order to get the exact information, which is rather time-consuming. While for the legal majors, the situation is no better. Years of study in the university have paved a solid foundation for their legal profession. But the language barrier is a major stumbling block when they are engaged in legal translation. Currently, non-language majors are only required a two-year course of college English, which enables them to pass the CET-4 and CET-6. However, that is only in an ideal situation. The fact is that not so many students can pass CET-6 or CET-4. Most of them regard language study as optional and passing CET seems their only goal. In such a case, it is very difficult for such majors to give a satisfactory translation.

For the language majors of legal orientation, the situation improves, as these majors learn both language and law courses during college years. However, since the combination and integration of the two majors needs a long process, these majors may get confused during the study. They cannot weigh the balance between language study and law study. They are always caught in the dilemma as should they top language over law and become a language major or should they list law study first on the schedule. This kind of hesitation may last quite a long period.

2) *From the Teachers' Perspective*

The students are not alone. In many cases, the teachers may take a "biased" attitude towards this major. In law classes, for example, the teacher may take the students as language majors, and set easier criteria for them. While in language classes, the teacher may regard the students as law majors. Such a "double standard" has eroded the students' loyalty to the major.

Currently, bilingual teaching is becoming increasingly popular. But it still has a long way to go. The reason is that law teachers cannot give a detailed explanation of the language in law texts, and the language teachers may only focus on the language points instead of the legal information. Therefore, to ensure successful bilingual teaching, teachers should be trained in the first place.

3) *Legal Translators in Translation Market*

Currently, the translation market in China is not systemic and standardized.^[5] In most cases, translation of legal texts is done by language majors who know very little about legal texts. Translating agencies may outsource the translation task to free translators or even university students. With the assistance of internet dictionaries or computer-aided software, these

translators finish translation without knowing whether their work meets the standard or not.

Standing on this situation, it is quite understandable to find so many mistakes in the translation version of *Law of the People's Republic of China on Traditional Chinese Medicine*. Therefore, training qualified legal translators should be one of the most imperative tasks.

B. *Standards for Qualified Legal Translators*

Judging from the above situation, it is undeniably true that a qualified legal translator should meet the following standards.

1) *Excellent Language Proficiency*

Without outstanding language proficiency, translation becomes a castle in Spain. One should read extensively to improve the language proficiency. Apart from the terminologies, the translator should enhance his sense of legal textual genre. He must know how to make the translation as natural as possible. Besides, he should make sure that he understands fully the terms in other disciplines. Take the translation of "materia medica" in *Law of the People's Republic of China on Traditional Chinese Medicine* for example. If the translator knows nothing of traditional Chinese medicine, he may not distinguish "materia medica" from and "Chinese herbal medicine" and "Chinese medical products".

2) *Solid Legal Knowledge*

It is needless to say that good translation of legal texts requires a solid knowledge of law. They should know the standard terminologies.

3) *Conscientiousness*

Legal translation is closely related to people's livelihood, even the stability of a family or community. Therefore, accurate delivery of the legal information is of great importance. Translators should be faithful to the original text.

C. *Teaching Qualified Legal Translators*

Teaching of legal translation is the core of cultivating qualified legal translators. As legal translation is a new discipline, teaching and practicing experience is insufficient. Therefore, during teaching, the following points should be addressed.

1) *Teaching Objective*

Teaching objective is where the teaching activities start. A clear and rational teaching objective can not only guide the teaching activities, but also ensures the students of their identity. According to the proposals approved by the state, the teaching objective of legal translation majors should be cultivating the students into a versatile international talent with "a broad international view, good knowledge of international regulations, excellent language proficiency in translation and interpretation, profound foreign-related law and legal culture."^[6]

2) *Teaching Staff*

Effective teaching of legal translation is ensured by well-qualified teachers. Currently, such teachers are in urgent demand. Most of the present teachers have majored in foreign linguistics and literature, and are not skilled in legal translation theory and practice.^[7] Therefore, the following ways can be

adopted to upgrade the teachers' teaching ability. First, the university can train its present teachers who have either a good knowledge of law or excellent language proficiency. The university can invite some experts to give lectures. Second, recruitment of qualified translators is another way. These translators are well-experienced and know the essence of legal translation. Third, the university can send its teachers to international legal agencies so that they can engage themselves in real practice.

3) Teaching Students

First of all, students are required to improve their language proficiency. It is hard to imagine that a student without solid knowledge of language can produce successful translation. It is suggested that in the first two years of college study, students should practice their language skills and above all read extensively to make them erudite. In legal texts, wide knowledge from various fields is contained. It is far from enough for the students to confine to literary texts. In teaching process, a comprehensive syllabus with wide-ranging subjects should be set, so that the students can be familiar with the texts.

Second, a touch upon the policies and regulations from different countries should be included. Sometimes, a discrepancy in policy between countries can result in a lot of inconvenience. Take the translation of traditional Chinese medicine (TCM) texts for example. Since TCM has not been fully recognized and approved by some countries, regulations and policies should be taken into consideration before translation. This can also be interpreted as knowledge of localization.

Third, students should learn the basic knowledge if not professional of law. The university can select an array of textbooks of law for these students. However, it should be noted that these students are not law majors. It is impossible for them to dig deep in the field of law books. It is best if the university can assemble the legal experts to compile specific books for these students.

Fourth, computer-aided translation should also be a component of the students' syllabus. Modern technology has brought us a lot of convenience, and relieved us of much repetitive work. Corpus building is becoming increasingly popular, which has indeed accumulated much precious experience. Therefore, students should learn how to seek help from modern technology when translation, so that they can produce more accurate translation with shorter time.

Fifth, learning is a rather complex process, in which only input is not enough. The university should also provide the

students with chances of practice. With enough practical experience in the real translation market, students may have a deeper understanding of legal translation.

V. CONCLUSION

Law of the People's Republic of China on Traditional Chinese Medicine has paved a brand-new way for the development of TCM. It reveals the resolute attitude of Chinese government toward traditional Chinese medicine. Therefore, the English version should be accurate and to the point. It is hoped that the English translation version can be adjusted for better understanding.

With the above being said, we can arrive at a conclusion that a qualified translator should at least have the following abilities: excellent language proficiency, good logical thinking, broad professional knowledge, and conscientious attitude towards translation. Meanwhile, the universities should also design a comprehensive training program for the legal translation major so that they can become qualified legal translators after graduation.

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