

Translation Strategies for Vague Terms in Legal English: A Case Study of the English Translation of "Reasonable Period"

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Abstract: The main purpose of this paper is to analyze the translation strategies for vague terms in legal English. Through an exploration taking the English translation of "reasonable period" as an example, various translation strategies such as ensuring semantic identity, functional identity of legal terms, and converting vagueness into precision are adopted to improve the translation effect. It is understood that the translation principles include the principle of consistency, the principle of accuracy, and the principle of conciseness. These principles play an important role in the transformation, analysis, and accurate expression of legal languages in different languages at present. The conclusion is that by understanding the translation principles of legal English and finding translation strategies for vague legal languages, the translation quality of legal English can be improved.

Keywords: ALaw; English; Vague Terms; Translation Strategies

1. Introduction

The term "vagueness" was initially just a philosophical concept. In the subsequent development process, it gradually became a crucial part of the development of linguistics. An increasing number of scholars have conducted in-depth discussions on vague language, making vague language an indispensable part of linguistics. Among various formal and normative languages, legal language not only has unique styles and characteristics but also has the attributes of authority, normativity, and accuracy. However, legal language itself is not inconsistent with vagueness. This is because in different national legal systems, legal language often needs to be adjudicated based on specific interpretations in court trials. In American court hearings, it is even necessary to explain the specific meaning of laws based on dictionaries. Precisely because vague language is a relatively

common phenomenon in legal language, exploring vague language in legal English has practical value and significance.

2. Translation Principles for Vague Terms in Legal English

Different language translation fields have their unique language systems and translation principles. For legal English translation, it needs to follow the principle of accuracy, the principle of conciseness, and the principle of consistency, so as to make the expression of legal language clearer and meet the usage requirements in subsequent applications. Legal English is different from ordinary English and belongs to a relatively unique field, which determines its unique translation principles. Legal texts are relatively formal official texts for each country. When translating legal language, not only should we pay attention to the translation conversion between languages, but also focus on the content expounded by legal provisions in different contexts. When converting to the target language, we also need to consider that due to different legal systems in different regions, for the same behavior, different legal terms need to be converted. Accuracy is required, and the expressions of the same thing in different languages and legal systems also have certain differences. It is required that the accuracy in the translation process of law and English should be continuously improved.

2.1 The Principle of Accuracy

As the most important expression of the will of a country's legislative body, legal language is required to accurately convey all legal languages and texts without error, demonstrating the accuracy of legal language in the process of expression and truly being loyal to the legal provisions. However, the accuracy of language also needs to avoid absoluteness and leave a certain amount of space and leeway. Since there are obvious differences between law and morality, and law has the characteristic of being

a mandatory code of conduct. In social life, which is complex and diverse, the reasonable use of vague language can also ensure the accuracy of legal norms. For example, Article 9 of the "Regulations for the Implementation of the Copyright Law of the People's Republic of China" states "except as otherwise provided by law". When accurately translating this vague language, it can be translated as "Unless the Law provides otherwise". The use of this vague language excludes the situation where the enjoyment of copyright conflicts with existing laws and regulations, making this clause more rigorous.

2.2 The Principle of Conciseness

As a language that regulates the behavior of ordinary people, legal language cannot regulate all human behaviors. Therefore, in the process of formulating legal provisions, it is necessary to use the most concise language to present its hypothetical conditions, understand legal acts, and the consequences of such acts. When translating legal provisions into different languages, we should avoid making the translations of the provisions too long - winded. Instead, we should present the legal provisions clearly and concisely so that they can be implemented more effectively. Legal English requires a higher level of professionalism in translation, and the choice of vocabulary should fully demonstrate its concise characteristics. For example, when translating legal provisions, if the provision expresses the declaration of a contract being invalid, the active voice should be chosen for expression to reduce the use of the passive voice and make the sentence structure more concise and comprehensive. Another example is "from whatever source derived". When analyzing this legal provision, it is not necessary to list various tax sources one by one. This is a typical example of the conciseness of vague language, which not only avoids possible omissions in itemized listing but also covers all types of taxes and comprehensively defines the power of the US Congress.

2.3 The Principle of Consistency

The principle of consistency is extremely important in the translation of legal provisions. It requires that in the same legal provision, the content expressed by the language in the context should use the same term as much as possible to unify legal concepts and ideas. This is because

the English language itself has the characteristic of polysemy. If there are too many synonyms in the context of a legal provision, it is likely to cause ambiguity in subsequent translations and applications, resulting in a loss of precision in the conversion of legal language. For example, in the conversion between English and Chinese as the target language, the formal terms for "payment" in the English context include "payment" and "disbursement". However, for the sake of the consistency of legal provisions, it is necessary to choose to use the same word as much as possible to translate legal content.

3. STranslation Strategies for Vague Terms in Legal English: A Case Study of the English Translation of "Reasonable Period"

According to the causes of vague terms in legal English and the basic principles of legal language translation, different translation strategies should be applied in the process of English - Chinese translation to clearly express the legal meanings involved in the text in another language. The strategies that need to be retained in the translation process are as follows:

3.1 Maintaining Semantic Identity

Maintaining semantic identity means that in the translation process, the vague terms in the original text and the target language should be translated equivalently, that is, vague equivalence. The ultimate goal of legal translation is to accurately convey the meanings expressed by different laws. Vague equivalence translation is one of the common methods in legal language translation. When choosing vague equivalence to maintain semantic identity in legal language translation, it does not require complete identity but maximally presents similarity while ensuring smooth language. For example, in the context of the common law system, the classic expression is "reasonable period". In the application of judicial language and the analysis of this legal provision based on actual cases, a parametric model for constructing the rationality of the period can be established to convert the abstract concept of a reasonable period in the civil law system into a quantifiable time range as a reference value. For example, in the field of commercial arbitration, the industry - adapted translation method can be used, and it can be translated as "commercially viable time frame" as applied in Article 47 of the United Nations Convention on Contracts for the

International Sale of Goods. Another example is that in Article 7.1.5 of the UNIDROIT Principles of International Commercial Contracts, which includes contract performance clauses in the interpretation rules, in order to ensure that the semantic remains unchanged in the process of language expression, it is translated as: reasonable period with definable triggers. In the explanatory memorandum of the model provisions of the Administrative Procedure Law, the administrative litigation procedure is translated as: statutorily prescribed response window[1].

3.2 Maintaining Functional Identity

In different legal systems and language systems, words with the same meaning have obvious differences in function when expressed. It is necessary to translate the existing legal provisions so that the legal provisions can be applied more accurately in practice and provide better teaching content for countries with different language systems in the application and learning of laws. When translating, it is necessary to ensure that the translated text and the original text have the same applicable functions. For example, when translating "The parties shall notify the other party within a reasonable period", a compound structure of "within a reasonable period (normally 30 days unless otherwise agreed)" is adopted, and the industry practice standard is solidified through parentheses annotation. Another example is that when translating the legal provision "The people's court has the right to investigate and obtain evidence from relevant units and individuals, and relevant units and individuals shall not refuse", "relevant units or individuals" is the equivalent translation of the vague term "relevant units", maintaining the same function[2].

3.3 Converting Vagueness into Precision

In the process of legal English translation, vagueness can also be converted into precision. In legal English translation, if there are vague words in the original provisions and no corresponding vague words can be found for translation in the application of the target language, then it needs to be processed precisely.

This translation technique mainly involves converting vague words in legal English into precise words for translation, and vice versa. For example, when the Chinese text has a certain degree of vagueness, through corpus analysis, the degree of vagueness of the English translation can be reduced to make it more precise. For the "reasonable period" in the force majeure clause, an elastic expression of "time frame commensurate with the nature of force majeure event" is adopted to maintain the elastic space of rights and obligations. Expressing the original vague words with precise language helps to improve the reading quality of the target - language readers. It also enables them to conduct further analysis and learning on the issue, thus improving the overall reading quality. Another example is the common and somewhat ambiguous legal term "necessity". It can be translated as: "harm occurs through emergency actions", which mainly explains and defines "necessity" and enables the target readers to better understand the meaning it intends to convey.

4. Conclusion

In conclusion, vague language has always been an important part of legal English that cannot be ignored. In recent years, with the increasing frequency of international exchanges in China, the number of foreign - related litigation cases in China is also rising day by day. At this stage, it is necessary to further explore legal language, understand its language function strategies, conduct in - depth research on different countries and legal systems, protect the legal rights and interests of the Chinese government and people in foreign - related judicial disputes, and enable China's legal system to be in line with international standards, creating a better diplomatic environment.

References

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