

## *Original Paper*

# A Corpus-based Study on Translation of Vague Expressions in *The Civil Code*

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### ***Abstract***

*This paper explores the classification of the vague expressions in The Civil Code and discusses the translation techniques of each of the vague expressions. The analysis reveals that the vague expressions in the The Civil Code includes five categories which are vague concepts, quantitative vague expressions, relational vague expressions, graded vague expressions, and exhaustive vague expressions. This study finds that equivalent translation can be applied to most vague expressions. Sometimes, other translation methods like variant translation should be used based on the function and legal connotations of vague expressions in legal texts to compensate for the shortcomings of equivalent translation.*

### ***Keywords***

*Corpus, The Civil Code, vague expressions, translation*

## **1. Introduction**

*The Civil Code* (hereinafter referred to as the Civil Code), as the first law named “code” since the founding of the People's Republic of China, has not only had a wide-ranging impact domestically but has also gradually attracted attention on the international stage. Since the publication of the Civil Code, several English translations have been released, among which the English translation organized by the National People's Congress (hereinafter referred to as the NPC English translation) is the most authoritative. At the same time, some scholars have studied the NPC English translation, but there is a lack of research on the vague expressions in its English translation. Improper translation of vague

expressions may affect the scope of coverage of legal provisions and the discretion of relevant personnel. Therefore, studying how to translate the vague language in the Civil Code to ensure the accuracy and consistency of the translation is crucial for disseminating Chinese legal thought. In view of this, this article explores the types of vague expressions in the Civil Code and the translation methods for each type of vague expressions through the establishment of a bilingual parallel corpus.

## 2. Literature Review

Zadeh (1965) proposes the fuzzy set theory in his paper *Fuzzy Sets*, which propelled research on vague language and attracted the attention of many scholars. Currently, there is still no universally accepted definition and unified classification of vague language. However, among the various studies on vague language, Channell (1983) provides the most representative classification. She focuses on analyzing three types of vague language phenomena: Vague Additives, Vague Words, and Vagueness by Implicature. Additionally, she also studies vague language such as numerals, quantifiers, type markers, etc. Based on Zadeh's research, Lakoff (1973) introduced the concept of Hedges and defined them as "words intentionally used to make things more or less fuzzy".

Inspired by these studies, Wu (1979) introduces fuzzy theory to the Chinese linguistic community, pointing out that many words in human language express concepts without clear extensions, known as "fuzzy concepts". Wu's study quickly attracts many scholars in China to analyse vague language in Chinese. From a semantic perspective, Zhang (1998) classifies fuzzy words into categories such as nominal fuzzy words, adjectival fuzzy words, quantifier fuzzy words, etc. She also categorizes fuzzy words based on their upper and lower limits, dividing them into fuzzy words with a clear lower limit but an unclear upper limit, fuzzy words with a clear upper limit but an unclear lower limit, and fuzzy words with no clear limit in either direction. After research on vague language became relatively mature, scholars begin to study vague language in legal texts. For instance, Fan (2015) conducts a research on the vague language and pragmatic functions in *the Archives Law of PRC*, categorizing vague language used in *the Archives Law* into expressions of scope, time, ability, willingness, and degree, such as "有关" (relevant), "定期" (regularly), and "必要" (necessary).

In terms of translation of vague language, Wen (1996) explores methods for handling semantic vagueness in translation, emphasizing both the commonalities and differences in vagueness between different languages. He proposes several translation methods to deal with vagueness, including equivalent translation, variant translation, omission, addition, and flexible handling. Building upon Wen's methods, Xiao (2001) explores legal English vague expressions and their translation from a practical perspective. Some scholars have also studied translation strategies for vague language in legislative texts. Dai (2012) studies the English translation of vague words in *the Contract Law of the PRC*, categorizing and discussing vague words in it, such as vague adjectives like "appropriate" and "serious," and mentioning the vagueness of conjunctions like "和" (and) and "或" (or). Wu (2014) analyzes the translation dilemma and strategies for vague language in legislative texts from three

aspects: the limitations of translators, the specific context of legislative texts, and legal paradigm requirements. She points out that translators need to balance legal thinking and relevant norms when translating legislative texts. They must discover what is hidden behind legislative texts based on the communication context and translate vague language in accordance with legal paradigm requirements. Furthermore, they need to consider factors such as the purpose, addressee, function, and effect of legislative texts.

Combining the viewpoints of the aforementioned scholars, this study believes that after analyzing the legal connotations and functions of various types of vague language in legal texts, translators can accurately translate vague language in legal texts by applying appropriate translation methods for vague language. Therefore, in this study, referring to Wen's viewpoints, the translation methods for vague language are categorized into equivalent translation, variant translation, omission, addition, and flexible handling.

### **3. Research Design**

#### *3.1 Research Questions*

Based on literature review, I find that previous studies on vague language categorize vague expressions into several types, but they have not explored the specific form of and to what extent these vague expressions existing in real context. Similarly, previous studies on translation of vague language summarize the translation methods of vague language in general, without investigating the specific translation method mainly adopted by translators to translate vague expressions in legislative texts, and there is even less exploration of whether translators adopt different translation methods when translating different types of vague expressions. Therefore, this study mainly explores following questions:

- (1) What types of vague expressions exist in the Civil Code? In what forms do they exist?
- (2) Does the NPC translation use different translation methods for different types of vague expressions? If so, what translation methods should be used for each type of vague expressions?

#### *3.2 Corpus*

This study constructed a bilingual parallel corpus, which includes the original Chinese text of the Civil Code, which has 9,289 tokens and its English translation of the National People's Congress, which has 78,499 tokens.

#### *3.3 Methods*

Based on previous research on the Civil Code and vague language, this study extracts and classifies a list of vague language expressions from the Civil Code. Next, the Chinese text of the Civil Code is imported into corpus software AntConc 4.0 to search for keywords related to different types of vague expressions, and the frequency and occurrence rate of each type of vague expressions are calculated. Finally, the bilingual corpus of the Civil Code is imported into CUC\_Paraconc V0.3 to search for various types of vague expressions. The corresponding translations are analyzed, and the translation

methods used are collected. By doing so, this study finds the specific existing form of vague expressions and suitable translation methods for each type of vague expressions. In addition, some deficiencies are found in the translations, so concerned improvement suggestions are proposed.

#### 4. Classification of Vague Expressions in the Civil Code and Their Frequency

Based on the aforementioned studies and methods, this study classifies vague expressions in the Civil Code into the following five categories: vague concepts, quantitative vague expressions, relational vague expressions, graded vague expressions, and exhaustive vague expressions. The frequency and percentage of each vague expression is collected in Table 1 to Table 5.

##### 4.1 Vague Concepts

Vague concepts refer to nouns or pronouns with strong generality and ambiguity, typically abstract concepts with vague boundaries. In legal language, some legal terms lack clear and specific referents. They either refer to vague objects with overly broad categories, such as “vehicle” and “property”, or lack actual referent, such as “human rights”, “morality”, and “good faith”. The Civil Code also contains many vague legal concepts, such as “民事活动” (civil activities), “合法权益” (lawful rights and interests), and “公序良俗” (public order and good customs). Many words expressing time concepts also exhibit vagueness, such as “timely” and “on time”.

**Table 1. Frequency of Vague Concepts**

Vague Concepts	Frequency	Percentage (%)
及时 (in time)	82	44.32
合法权益 (lawful rights and interests)	29	15.68
定期 (regularly)	23	12.43
善意 (good faith)	22	11.89
民事活动 (civil activities)	17	9.19
公序良俗 (public order and good customs)	8	4.32
临时(temporary)	4	2.17
Total	185	100

##### 4.2 Quantitative Vague Expressions

Quantitative vague expressions refer to expressions of vague numbers that do not correspond to specific numbers but indicate a range or continuity of numbers. In the Civil Code, they typically represent age and time limitations, composed of fuzzy limiting language such as “above” and

quantifiers. For example, phrases like “不满八周岁” (under the age of eight), “十六周岁以上” (above sixteen years old) are commonly found in the Civil Code.

**Table 2. Frequency of Quantitative Vague Expressions**

Quantitative Vague Expressions	Frequency	Percentage(%)
数量词 + 以上 (above+quantity words)	47	54.02
数量词 + 内 (within+quantity words)	32	36.78
数量词 + 不满 (less than+quantity words)	8	9.20
Total	87	100

#### 4.3 Relational Vague Expressions

Relational vague expressions refer to the terms "and" and "or," which reflect certain logical relationships and play a crucial role in interpreting a clause and determining the outcome of a case. The vagueness of “和” (and) and “或” (or) lies mainly in their interchangeability, although they are not always interchangeable. Their vagueness lacks continuity. In Chinese legislative texts, the use of “和”(and) and “或”(or) often creates a vague impression for readers. In logic studies, “和” (and) and “或”(or) express completely opposite concepts, and the concepts between vague connectives are clear and not easily confused. However, in linguistic studies, vague connectives can sometimes be interchangeable, indicating that the clear boundaries in classical logic become vague in language (Wu 1999).

**Table 3. Frequency of Relational Vague Expressions**

Relational Vague Expressions	Frequency	Percentage (%)
或(者)(or)	1027	72.12
和(and)	397	27.88
Total	1424	100

#### 4.4 Graded Vague Expressions

Graded vague expressions consist of adjectives whose semantic interpretation remains open, and the upper and lower limits of extension lack clear boundaries. The Civil Code utilizes a considerable number of abstract and general adjectives combined with some other words, forming vague expressions whose meaning is difficult to precisely measure, such as “重大过失” (serious negligence), “适当补偿” (appropriate compensation), “合理价格” (reasonable price), etc.

**Table 4. Frequency of Graded Vague Expressions**

Graded Vague Expressions	Frequency	Percentage(%)
合理 (reasonable)	98	47.57
重大 (major)	34	16.50
相关 (relevant)	26	12.62
适当 (appropriate)	21	10.19
严重 (serious)	21	10.19
最有利于 (beneficial)	5	2.43
最大程度地 (to the greatest extent)	1	0.50
Total	206	100

#### 4.5 Exhaustive Vague Expressions

In legislative texts, there exists a large number of exhaustive vague expressions implying enumeration and exhaustiveness, aiming to include all possible situations or phenomena and provide greater flexibility in the enforcement of the law, effectively preventing parties from exploiting loopholes in the law to evade responsibility (Dai, 2012). Exhaustive vague expressions used in the Civil Code consists of “等” (etc.) and “其他” (other). Primarily in two structures, firstly, after listing the final item, “等” (etc.) is appended followed by a superordinate term for the listed objects or actions. Secondly, after listing the final item, a conjunction is added followed by a superordinate term modified by “其他”(other). Both structures of exhaustive vague expressions concisely cover various objects and situations, avoiding verbose language and lengthy text.

**Table 5. Frequency of Exhaustive Vague Expressions**

Exhaustive Vague Expressions	Frequency	Percentage (%)
等 (etc.)	253	51.01
其他 (other)	243	48.99
Total	496	100

## 5. Translation of Vague Expressions in the Civil Code

The translation methods of vague expressions used in the NPC English Translation are summarized in Table 6 to Table 10. Considering the different functions and meanings of various types of vague expressions, suitable translation methods are identified for each type of vague expressions.

### 5.1 Translation of Vague Concepts

The Civil Code contains a large number of vague concepts, most of which are legal concepts and concepts related to time. Based on the data in Table 1, this paper selects the two most frequent vague concepts, “及时” (in time) and “合法权益” (lawful rights and interests), as examples to study vague concepts’ translation.

In the translation of vague concepts in the NPC English translation, the most common approach is equivalent translation. This adheres to the principle of legal translation, “translating terms into terms”, as legal translation works need to have the same legal effect, and legal terms should express the same concepts (Qu, 2012). The translation of most vague concepts adopts the method of equivalent translation, achieving equivalence in legal function. Legal functional equivalence refers to the equal roles and effects played by the source language and the target language in law, aiming to accurately express the true connotations of the source language in the target language (Zhang 2016).

#### 5.1.1 Equivalent Translation

In the NPC English translation, the term “及时” (in time) is translated using equivalent translation, rendered as “in a timely manner”, “in time”, “timely”, and “promptly”, as demonstrated in Example [1] to [3].

[1]: 第四十四条 .....变更后的财产代管人有权请求原财产代管人及时移交有关财产并报告财产代管情况。

Article 44. ...the new custodian is entitled to request the former custodian to deliver the relevant property and a property management report in a timely manner.

[2]: 第四百三十七条 .....出质人请求质权人及时行使质权，因质权人怠于行使权利造成出质人损害的.....

Article 437. ...Where a pledgor requests the pledgee to timely enforce the pledge and damage is caused to the pledgor owing to the pledgee's indolence in doing so...

[3]: 第五百一十六条 当事人行使选择权应当及时通知对方.....

Article 516. A party shall promptly notify the other party when exercising the right of choice...

This translation method retains the vagueness of the original text, leaving room for interpretation regarding the time without specifically defining a time range. It allows the translated text to possess the legal flexibility in the original text.

In the Civil Code, “合法权益” (lawful rights and interests) encompasses a broad range, including personal rights and property rights of civil subjects, intellectual property rights with both personal and property characteristics, and other lawful rights and interests. It belongs to the category of abstract legal concepts with fuzzy boundaries. The NPC English translation adopts equivalent translation, translating “合法权益” into “lawful rights and interests”, as shown in Example [4]:

[4]: 第一百五十四条 行为人与相对人恶意串通，损害他人合法权益的民事法律行为无效。

Article 154. A civil juristic act is void if it is conducted through malicious collusion between the actor and a counterparty and thus harms the lawful rights and interests of another person.

#### 5.1.2 Addition

In addition to equivalent translation, the NPC English translation employs an addition translation method for the term “及时”(in time), as shown in Example [5]:

[5]: 第六百五十一条 因自然灾害等原因断电, 供电人应当按照国家有关规定及时抢修……

Article 651. A supplier of electricity shall rush to repair without delay in accordance with the relevant regulations of the State whenever the electricity supply is cut off due to such reasons as natural disasters...

In this translation, the phrase “without delay” has already conveyed the concept of “及时” (in time), and the addition of “rush” further emphasizes the notion of “timeless”. It should be noted that the aforementioned translations can all express the concept of “及时” (in time), but there are subtle differences in grammatical habits and the meanings they convey. In English translation, if multiple expressions are used interchangeably, it will inevitably lead people to suspect that the Chinese term “及时” (in time) may have different implications in various clauses. Therefore, when translating the “及时” (in time) occurred in the original text that has the same meaning, translators should follow the principle of consistency, adopting a strategy of consistent naming and synonymous translation to meet the requirements of precision and accuracy in legal language (Zhang & Ma, 2022).

**Table 6. Translation of Vague Concepts**

	Equivalent Translation		Variant Translation		Omission		Addition		Flexible Handling	
	Frequency	Percentage (%)	Frequency	Percentage (%)	Frequency	Percentage (%)	Frequency	Percentage (%)	Frequency	Percentage (%)
及时 (in time)	71	70.29	0	0	0	0	1	1	0	0
合法权益 (lawful rights and interests)	29	28.71	0	0	0	0	0	0	0	0

## 5.2 Translation of Quantitative Vague Expressions

In the Civil Code, quantitative vague expressions are commonly used to express time, age, quantity, etc. Its characteristic lies in providing an uncertain range, granting flexibility to legal provisions.

### 5.2.1 Addition

In the NPC English translation, for quantitative vague expressions of the form "quantity word + above," the main translation method used is addition translation. For example, Example [6] translates “八周岁以上” (above eight years old) as “aged eight or above”, involving the specific age of eight years old. In Example [7], the phrase “at least” is added, which incorporates the specific age of forty years old into the translation.



[6]: 第二十一条 .....八周岁以上的未成年人不能辨认自己行为的, 适用前款规定。

Article 21. ...The preceding paragraph is applicable to a minor aged eight or above who is unable to comprehend his own conduct.

[7]: 第一千一百零二条 无配偶者收养异性子女的, 收养人与被收养人的年龄应当相差四十周岁以上。

Article 1102. Where a person without a spouse intends to adopt a child of a different gender, the prospective adopter shall be at least 40 years older than the adoptee.

In the NPC English translation, there are only three instances where addition translation is used for quantitative vague expressions of the form "quantity word + within." For example:

[8]: 第一千零四十八条 直系血亲或者三代以内的旁系血亲禁止结婚。

Article 1048. Persons who are lineal relatives by blood, or collateral relatives by blood up to the third degree of kinship are prohibited from being married.

In this example, “三代以内” is translated as “up to third degree”, rather than “within third generation”, which better fits the English expression. Additionally, the addition of “kinship” makes the semantic meaning of this provision more specific.

### 5.2.2 Equivalent Translation

In the NPC English translation of the Civil Code, only one instance adopts the equivalent translation method for quantitative vague expressions of the form “数量词+以上” (quantity word + above), as shown in Example [9]. In this example, “六个月以上” is translated as “exceeding six months”.

[9]: 第七百零七条 租赁期限六个月以上的, 应当采用书面形式.....

Article 707. A lease contract with a term exceeding six months shall be made in writing...

Unlike quantitative vague expressions of the form “数量词+以上”(quantity word + above), in the NPC English translation, the translation of quantitative vague expressions of the form “数量词+内” (within+quantity word ) mainly adopts equivalent translation. For example:

[10]: 第二百二十条 .....登记机构予以异议登记, 登记机构予以异议登记, 申请人自异议登记之日起十五日内不提起诉讼的, 异议登记失效。

Article 220. ...Where the registration authority registers the demurrer but the applicant fails to file a lawsuit within 15 days from the date of such a registration, the registration of demurrer becomes ineffective.

Supplementary provisions in the Civil Code stipulate whether quantitative vague expressions such as “以上” (above) includes the given figure. According to Article 1259 of the Civil Code, terms such as “以上” (above), “以下” (below), “以内” (within), and “届满” (expiration/expire on) include the given figure, while terms such as “不满” (less than), “超过” (more than), and “以外” (beyond) do not include the given figure. After unified provisions are made in the articles, the specific figures in the quantitative vague expressions of the Civil Code’s original text are either included or excluded uniformly. However, in the NPC English translation, Article 1259 is translated as “In the civil law, the terms ‘not less than’, ‘not more than’, ‘within’ and ‘expiration/expire on’ include the given figure; the terms ‘less than’,

‘more than’ and ‘beyond’ do not include the given figure.” The quantitative vague expressions in the NPC translation is not uniformly translated, for example, “以上” (above) is not translated as “not less than” but as “exceeding” or “...or above”, leading to the lack of uniform provisions in the NPC English translation. Therefore, one method is that the translation of quantitative vague expressions should be unified in the translated text, and then making unified provisions in the supplementary provisions. Or in another way, during translation, the given figure can be added or removed directly in the translated text by using certain translation method. As shown in Example [6] and [7], the give figures are added. The former method is simpler to implement but may significantly limit the translator’s subjectivity. Additionally, due to language differences, idiomatic expressions are different. For example, in Example [8], using a unified translation name may result in the translated text not conforming to the language expression of the target language, making it awkward. I suggest that when translating quantitative vague expressions, the addition translation method should be used to increase expressions that can include or exclude the given figures. This accurately translates the coverage of the original legislative text and also preserves more space for translators to express subjectivity.

**Table 7. Translation of Quantitative Vague Expressions**

	Equivalent Translation		Variant Translation		Omission		Addition		Flexible Handling	
	Frequency	Percentage (%)	Frequency	Percentage (%)	Frequency	Percentage (%)	Frequency	Percentage (%)	Frequency	Percentage (%)
数量词+以上 (above+quantity words)	1	1.28	0	0	0	0	46	58.97	0	0
数量词+内 (within+quantity words)	28	35.90	0	0	0	0	3	3.85	0	0

### 5.3 Translation of Relational Vague Expressions

#### 5.3.1 Equivalent Translation

In the NPC translation, the translation of relational vague expressions mainly adopts equivalent translation. “或(者)”(or) is translated as “or” or “nor”, and “和”(and) is translated as “and”, as shown in Example [11] and [12]:

[11]: 第六十七条 .....其权利和义务由合并后的法人享有和承担.....

Article 67. ...the rights and obligations of such legal persons shall be enjoyed and assumed by the surviving legal person...

[12]: 第三十四条 .....监护人不履行监护职责或者侵害被监护人合法权益的, 应当承担法律责任.....

Article 34. ...A guardian who fails to perform his duties or infringes upon the lawful rights or interests of the ward shall bear legal liability...

### 5.3.2 Variant Translation

A small portion of the NPC translation uses variant translation, where “或(者)”(or) is translated as “and”, and “和”(and) is translated as “or”, as seen in Example [13] and [14]. The relational vague expressions are interchanged in translation, although the logical boundaries between these terms are distinct, they become blurred in language. Furthermore, the degree of vagueness varies across different languages. As a result, translators need to judge the specific context to decide whether to translate directly or change to another relational vague expression.

[13]: 第二百二十四条 动产物权的设立和转让, 自交付时发生效力.....

Article 224. The creation or transfer of a real right in movable property shall take effect upon delivery...

[14]: 第八百九十二条 .....当事人可以约定保管场所或者方法.....

Article 892. ...The parties may agree on the place and method of safekeeping...

### 5.3.3 Flexible Handling

By adopting the flexible handling method, relational vague expressions can be translated by combining the words they connect into a superordinate word that encompasses these words. For example, in Example [15] “继父或者继母” (stepfather or stepmother) is translated into “a stepparent”. When there is a superordinate term in the target language that includes only the words connected by the relational vague expressions and does not expand the scope of the referents, the relational vague expressions can be left untranslated, and the connected words can be translated directly into the corresponding superordinate term. This translation method allows for a more concise translation without altering the original legal connotation of the provision.

**Table 8. Translation of Relational Vague Expressions**

	Equivalent Translation		Variant Translation		Omission		Addition		Flexible Handling	
	Frequ ency	Perce ntage (%)	Frequ ency	Perce ntage (%)	Frequ ency	Perce ntage (%)	Frequ ency	Perce ntage (%)	Frequ ency	Perce ntage (%)
或 (者) (or)	1014	71.21	11	0.77	0	0	0	0	2	0.14
和 (and)	374	26.27	22	1.54	0	0	0	0	1	0.07

### 5.4 Translation of Graded Vague Expressions

When translating graded vague expressions, translators face the challenge of accurately conveying the vagueness while maintaining the semantic precision of the original text. In this section, I will use the most frequent graded vague expressions composed of “合理” (reasonable) and “重大” (major) as examples to analyze the translation methods for graded vague expressions.

#### 5.4.1 Equivalent Translation

Equivalent translation is suitable for graded vague expressions whose similar expressions exist in both the source and target languages. In the NPC translation, “合理” (reasonable) is translated as “rational” and “reasonable”, and “重大” (major) is translated as “major”, “gross”, and “significant”, along with their derivatives. For example, in Example [16] and [17], “合理确定” (reasonably confirm) is translated into “reasonably establish” and “重大利害关系” (vital interests) as “major interests and concerns”. “合理” and “reasonably”, as well as “重大” and “major”, have similar semantic and pragmatic functions in both Chinese and English, effectively conveying the meaning of the original text. This translation remains faithful to the original text, accurately conveying both semantic meaning and vagueness in the translated text.

[16]: 第五条 民事主体从事民事活动, 应当遵循公平原则, 合理确定各方的权利和义务。

Article 5. When conducting a civil activity, a person of the civil law shall, in compliance with the principle of fairness, reasonably establish the rights and obligations of each party.

[17]: 第四百九十六条 .....致使对方没有注意或者理解与其有重大利害关系的条款的.....

Article 496. ...thus resulting in the other party's failure to pay attention to or understand the clause concerning its major interests and concerns...

#### 5.4.2 Variant Translation

Equivalent translation is suitable for the translation of most graded vague expressions, allowing for a complete conveyance of both the vagueness and legal connotations. However, in special cases, it may overlook cultural differences between the source and target languages, resulting in subtle semantic or pragmatic deviations. In such situations, variant translation is suitable, taking into account the cultural differences between the source and target languages to make the translation more aligned with the conventions of the target language, thereby enhancing its readability and acceptability. For example, in Example [18] and [19] “合理处分” (reasonably punish) is translated into “dispose of the article in a proper manner” and “重大理由” (substantial reason) into “compelling reason”.

[18]: 第九百五十四条 .....不能与委托人及时取得联系的, 行纪人可以合理处分。

Article 954. ...if the broker is unable to make prompt contact with the client, the broker may dispose of the article in a proper manner.

[19]: 第三百零三条 .....共同共有人在共有的基础丧失或者有重大理由需要分割时可以请求分割。

Article 303. ...whereas a joint co-owner may request partition in case the basis for the joint ownership ceases to exist or there is a compelling reason for partition.

#### Table 9. Translation of Graded Vague Expressions

	Equivalent Translation		Variant Translation		Omission		Addition		Flexible Handling	
	Frequency	Percentage (%)	Frequency	Percentage (%)	Frequency	Percentage (%)	Frequency	Percentage (%)	Frequency	Percentage (%)
合理 (reasonable)	97	73.48	1	0.76	0	0	0	0	0	0
重大(major)	32	24.24	2	1.52	0	0	0	0	0	0

### 5.5 Translation of Exhaustive Vague Expressions

The Civil Code contains many instances of vague expressions formed by “等” (etc.) and “其他” (other), such as “婚姻家庭关系等” (marriage and family relationships, etc.) and “其他费用” (other fees). This use of exhaustive vague expressions makes the legal provisions more flexible in form, enabling them to more comprehensively adapt to diverse real-life situations.

#### 5.5.1 Equivalent Translation

The translation of vague expressions formed by “等” (etc.) adopts the method of equivalent translation, translated in English as “and the like” or “or the like”, which are expressions also used for listing in target language. In Example [20], the organizations listed, such as non-profit legal persons, are in a parallel relationship, so translating “等” (etc.) as “and the like” is reasonable. However, in Example [21], embezzlement, misappropriation, diversion, retention, arrears of compensation fees, or other fees, all constitute illegal activities, and these fees may occur one or more types in the same time. Therefore, translating “等” (etc.) into “or the like” is accurate. When translators use equivalent translation to translate exhaustive vague expressions formed by “等” (etc.), they should fully consider the logical relationship between the items listed in the provision to choose whether to translate it as “and the like” or “or the like”.

For exhaustive vague expressions formed by “其他” (other), the translation primarily adopts the equivalent translation. After listing the main items or actions, the translated text adds “other” and a superordinate term covering the listed items, as seen in Example [22], after listing two representative payment obligations, “taxes” and “debts”, then “other due payment obligations” is added. “Other” is a vague word that gives the provision a certain level of generality and limitation, making the expression more rigorous. This, in turn, maximizes the deterrence of crimes. Omitting or replacing vague expressions with precise ones would result in the legislation losing rigor and potentially allowing numerous illegal activities to evade legal sanctions in real life.

[20]: 第八十七条 .....非营利法人包括事业单位、社会团体、基金会、社会服务机构等。

Article 87. ...Non-profit legal persons include public institutions, social organizations, foundations, social service institutions, and the like.

[21]: 第二百四十三条 .....任何组织或者个人不得贪污、挪用、私分、截留、拖欠征收补偿费等费用。

Article 243. ...No organization or individual may embezzle, misappropriate, secretly distribute, intercept, default on the payment of the expropriation compensation fees, or the like.

[22]: 第四十三条 .....失踪人所欠税款、债务和应付的其他费用，由财产代管人从失踪人的财产中支付.....

Article 43. ...The taxes, debts, and other due payment obligations owed by a missing person, if any, shall be paid by the custodian out of the missing person's property...

#### 5.5.2 Variant Translation

Through the method of variant translation, “等” (etc.) is translated as “such as” in 95 instances. For example, in Example [23], the English translation restructures the exhaustive vague expressions in the original provision by listing “a board of supervisors” after the superordinate term “a supervisory body” and then using “such as.” This approach achieves the effect of exhaustive listing with concise language. Additionally, in 35 instances, it is translated in a structure similar to the equivalent translation used for the aforementioned “其他” (other). For instance, in Example [24], after listing “shareholder”, it adds “other capital contributors”. This structure succinctly provides regulations for various types of payable fees in reality, broadening the scope of application of the provision.

[23]: 第九十三条 .....捐助法人应当设监事会等监督机构。

Article 93. ...A donation-funded legal person shall establish a supervisory body such as a board of supervisors.

[24]: 第七十六条 以取得利润并分配给股东等出资人为目的成立的法人，为营利法人.....

Article 76. A for-profit legal person is a legal person established for the purpose of making profits and distributing the profits among its shareholders and other capital contributors...

#### 5.5.3 Omission

Vague expressions composed by both “等” (etc.) and “其他” (other) have a few instances where omission method is employed, as seen in Examples [25] and [26], where the exhaustive vague expressions in source text is omitted in target text. Detailed exhaustive listing sometimes appears unnatural or cumbersome. Omission method can make the translation more concise, enhancing its readability. However, in legal texts, exhaustive vague expressions are typically used to ensure the coverage and flexibility of provisions, allowing them to adapt to unpredictable situations. Omitting these vague expressions may restrict the applicability and flexibility of legal provisions, leading to limitations in practical application. Therefore, translators should use the omission method cautiously when translating exhaustive vague expressions, avoiding altering the scope and flexibility of legal provisions.

[25]: 第一百一十二条 自然人因婚姻家庭关系等产生的人身权利受法律保护。

Article 112. The personal rights of a natural person arising from a marital or familial relationship are protected by law.

[26]: 第十五条 .....有其他证据足以推翻以上记载时间的, 以该证据证明的时间为准。

Article 15. ...If there is sufficient evidence overturning the time recorded in the aforementioned documents, the time that is established by such evidence shall prevail.

#### 5.5.4 Addition

There are 74 instances where “其他” (other) composed exhaustive vague expressions are translated using the addition method. The translated text is similar to the equivalent translation method, but with the addition of “any” before “other” in the translation, making the vagueness of the original text more apparent in the translation. In Example [27], the phrase “any other person willing to take such custody” highlights the vagueness of the legal provision. “Other” itself is a vague word, used to refer to all possibilities other than those explicitly mentioned. By adding “any” before “other”, the translation of Example [27] emphasizes this point, indicating that anyone willing and capable of assuming this role, other than the enumerated individuals (such as spouses, parents), can be considered.

[27]: 第四十二条 失踪人的财产由其配偶、成年子女、父母或者其他愿意担任财产代管人的人代管.....

Article 42. A missing person's property shall be placed in the custody of his spouse, adult children, parents, or any other person willing to take such custody...

**Table 10. Translation of Exhaustive Vague Expressions**

	Equivalent Translation		Variant Translation		Omission		Addition		Flexible Handling	
	Frequ ency	Perce ntage (%)	Frequ ency	Perce ntage (%)	Frequ ency	Perce ntage (%)	Frequ ency	Perce ntage (%)	Frequ ency	Perce ntage (%)
等(etc.)	95	19.15	130	26.21	28	5.65	0	0	0	0
其他(other)	161	32.46	0	0	8	1.61	74	14.92	0	0

## 6. Conclusion

This study was conducted to investigate vague expressions existing in the Civil Code and discuss suitable translation method for each type of vague expressions. In the Civil Code, vague concepts mainly exists in terms of abstract legal terms like “合法权益” (lawful rights and interests), or words expressing time concepts like “临时” (temporary). Equivalent translation method is mainly adopted to translate vague concepts as it can accurately retain the legal function and connotation of vague concepts in target language.

Quantitative vague expressions exist in a “preposition+quantity word” form like “above eight years old”. To translate quantitative vague expressions, the NPC translation applies equivalent translation and addition. Both of them can convey the meaning of the source text effectively. However, it is vital to

conform to the provision of law, which requires strictly whether a quantitative vague expression should cover its given figure. That is to say, translators should carefully examine the quantitative vague expression they translate to decide whether cover its given figure or delete it in target text.

Relational vague expressions are words connected by “和” (and) and “或” (or) in the Civil Code. To translate them, equivalent translation is mainly adopted. When translating relational vague expressions, the translator should carefully assess the logical relationship between the words connected by these terms. Based on this logical relationship, the translator can choose between using equivalent translation or variant translation. If there is a superordinate term that corresponds to the words connected by the relational vague expressions, the translator can opt for flexible handling by combining these words semantically.

Graded vague expressions in the Civil Code are abstract adjectives following with words of broad category. When translating graded vague expressions, translators need to strike a balance between fidelity to the original text and adaptation to the target language's culture. Through equivalent translation, these fuzzy concepts can be effectively transferred from the source language to the target language while preserving the legal efficacy and flexibility of the original text. Even though most of graded vague expressions can be translated by equivalent translation, variant translation should be applied when equivalent translation is not aligned with collocation of target language.

A great number of exhaustive vague expressions exist in the Civil Code, which are composed of “等” (etc.) and “其他” (other). To translate exhaustive vague expressions, equivalent translation method is the most frequently used. It fully remains the vagueness of source language's expression in target language, keeping the coverage of provision unchanged. Variant translation method is also used in many instances by translating exhaustive vague expressions with vague expression of same listing function but different semantic meaning. By doing so, the syntactic structure of translation is aligned with convention of target language. Addition and omission are used in some instances, but they may restrict the applicability and flexibility of legal provisions. Therefore, these two translation method is not recommended and should be used cautiously.

By using a parallel corpus, the research questions are basically solved. This study finds that equivalent translation can be applied to most vague expressions. However, legal translation involves a dual task of both legal and linguistic conversion. Besides requiring linguistic equivalence, it also needs to consider the equivalence in legal function (Sarcevic, 1997). Therefore, equivalent translation cannot be blindly applied. Sometimes, other translation methods should be used based on the function and legal connotations of vague expressions in legal texts to compensate for the shortcomings of equivalent translation. Additionally, cultural differences between the source language and the target language should be considered in the translation process to ensure the rationality and readability of the translation. This study provides a detailed discussion of the classification of fuzzy language in the Civil Code and the translation methods for various types of fuzzy language, aiming to provide useful references for legal translation practice and better promote Chinese legal thought and shape the image



of Chinese legal system.

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