

Original Paper

A Study on the English Translation of the Penal Code Section of Ta Tsing Leu Lee from the Perspective of Eco-Translatology: A Case Study of the English Translation by Sir George Thomas

Staunton

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Abstract

Ta Tsing Leu Lee is an important milestone in China's legal history. The well-established law code has rich content, including provisions on the basic principles of criminal law, the identification and punishment of various crimes, and judicial procedures. The promulgation and implementation of Ta Tsing Leu Lee promoted the transformation of China's traditional legal system to a modern one and had a profound impact on later research on criminal law in China. The English version of this legal book translated by Sir George Thomas Staunton was the first attempt by Europeans to translate a whole Chinese legal book, which is of great significance for enriching the research on English translation of criminal law works. In this paper, an in-depth analysis of excerpts from the English translation of the penal code section of the book was conducted using the "three-dimensional transformation" theory of eco-translatology, including the linguistic, cultural adaptation, and communicative dimensions, in order to provide some insights for the English translation of contemporary legal books and their overseas spread.

Keywords

Eco-translatology, Three-dimensional transformation, Ta Tsing Leu Lee, Sir George Thomas Staunton, Criminal law, English translation research

1. Introduction

In the era of globalization, the development of China's legal system is accelerating. How to continuously develop and spread China's legal thinking and better promote China's legal books to go global has become an important topic in the new era.

Ta Tsing Leu Lee is the last national code of law in the Qing Dynasty, China's last unified dynasty, and one of the most well-established codes of law in China's feudal society. Ta Tsing Leu Lee is of important historical, legal, cultural, and social value as it systematically regulates the legal system and judicial procedures of the Qing Dynasty. It helps pass down and develop China's traditional legal culture and provides important reference for the establishment of legal systems in later generations.

In 1810, the English version of Ta Tsing Leu Lee translated by Sir George Thomas Staunton was the first legal book directly translated from Chinese to English. It reflected the extensive attention of the British to China's legal and political systems, customs, and traditions, laying a foundation for legal comparison between China and Britain and a deeper understanding of China (Zhao, 2012). In the past decade, an increasing number of studies on the translation of Chinese classics into English from the perspective of eco-translatology have been conducted. However, most of them focus on literary classics, and only a few scholars have examined English translations of Chinese legal classics from this perspective. Therefore, this paper aims to use the "three-dimensional transformation" perspective of eco-translatology to interpret the penal code section of the English translation of Ta Tsing Leu Lee and deepen the public's understanding of linguistic, social, historical, and cultural factors behind the translation, in order to make translation practice better conform to the principles of ecological science in the future development of translation.

"Translation is essentially a cross-cultural behavior". In other words, it involves communication across different languages and cultural backgrounds. Traditional translation studies mostly focus on the comparison of linguistic and technical aspects of the original texts, which are not truly excellent translation studies. For translation studies, various factors such as era, culture, ideology, and reader acceptance should be considered, and the translated works should be included in a specific language and cultural system for research. Doing so can not only explore the role of the translated text in the target language and the cultural translation strategy of the translator but also investigate the cultural psychological reactions of the readers of the translated text, thereby revealing the historical reasons behind the translation phenomenon and translated works. Studies that meet the above criteria are deeper and more valuable. In eco-translatology, an ecological perspective is used for the adaptive selection and transformation in translation in the cultural, linguistic, and communicative dimensions. This approach breaks through traditional translation studies and places translation in a broader social context for research and practice, which helps the multi-dimensional analysis of research objects in a more comprehensive manner (Hu, 2006, 2013). This study, based on eco-translatology, focuses on the penal code section of the English translation of Ta Tsing Leu Lee. The three-dimensional transformation methods and strategies applied are studied and analyzed in order to provide useful reference for the

“going global” practice and development of China’s laws and regulations.

2. Theoretical Overview

On the third Asian translator symposium of the International Federation of Translators held on On 6 December 2001, Hu Gengshen presented a paper on translation as adaptation and selection. That paper, based on Darwin’s theory of “adaptation/selection” in biological evolution, redefines translation and elaborates on the relationship between adaptation and selection adopted by translators. In addition, the paper also provides a new description of the process, principles, and methods of translation, and thus preliminarily develops the basic framework of this theory. On this basis, eco-translatology has gradually developed. Eco-translatology, based on the concept of ecological holism, uses the isomorphic metaphors of translation ecology and natural ecological systems and relies on oriental ecological wisdom. It studies interrelationships such as translation ecology and stylistic ecology. Through the narrative pattern of eco-translatology, a comprehensive survey and description of the ecological holism of translation and the ontology of translation theory is made from an ecological perspective, covering various aspects such as the nature, process, standards, principles, methods, and phenomena of translation. Meanwhile, eco-translatology evaluates translation from an ecological perspective and discusses the relationship between translators and the ecological environment of translation. The environment includes the worlds presented by the original text, source language, and target language, composing a whole with various interrelated and interactive factors such as language, communication, culture, society, authors, readers, and clients. The ecological environment of translation is a synthesis of natural and human factors, including the conditions for the occurrence and existence of translation, woven together by many elements. During the translation process, the translator needs to adapt to the ecological environment with the original text as the primary condition and select the ecological environment with the translator as the primary condition to complete the translation. Eco-translatology emphasizes the central role of translators and the wholeness of the ecological environment of translation. It argues that translation is a process in which translators show subjective agency by adapting to and selecting the ecological environment of translation (Hu, 2013).

Translators show subjective agency, adapt to the ecology, and achieve a dynamic balance between the original and translated texts through three-dimensional adaptive selection and transformation of eco-translatology. Adaptive selection and transformation in the linguistic dimension refer to the adaptive selection and transformation of the linguistic form made by the translator. Specifically, the translator applies specific linguistic forms and puts the translated text and the translator in a unified ecological environment to achieve organic integration of the translation. Adaptive selection and transformation in the cultural dimension refer to the translator’s attention to the transfer and interpretation of two cultures during the translation process. Translators cannot simply mechanically translate the source language into the target language. Instead, they need to understand the cultural contexts behind both languages to ensure that the translation conforms to the cultural meanings of the

source language. Adaptive selection and transformation in the communicative dimension refer to the translator's attention to the communicative level, in addition to the transfer of information and the conveyance of cultural connotations. The translator focuses on whether the communicative purpose in the original language is achieved or not. This dimension, a deeper development of the linguistic and cultural dimensions, emphasizes the ability of readers to accept and comprehend the text. Translation is a bridge for cultural exchange and a crucial force that promotes international exchange and social development (Hao, 2013; Yu, 2017). The research on the English translation of the penal code section of Ta Tsing Leu Lee is a cross-cultural and cross-temporal study. This paper explores how Sir George Thomas Staunton conducted multi-dimensional adaptation and selection according to the linguistic and cultural differences between Chinese and English when translating the penal code section of Ta Tsing Leu Lee and ultimately completed the communicative process of "survival of the fittest".

Eco-translatology is the theoretical basis of this project, and the perspective of three-dimensional transformation proposed by Hu Gengshen, a professor at Tsinghua University, in *Eco-translatology: A Primer* is used to analyze its application in the English translation of the penal code section of Ta Tsing Leu Lee (Hu, 2006, 2013). The perspective of three-dimensional transformation includes linguistic, cultural, and communicative transformation, and translators can use this translation method to achieve a dynamic balance between two languages.

3. Research Analysis

3.1 *The Use of Linguistic Transformation*

Adaptive selection and transformation in the linguistic dimension refer to the adaptive selection and transformation of the linguistic form made by the translator. Linguistic forms include the change of the part of speech, the change between hypotaxis and parataxis, and person-object conversion. The change of the part of speech refers to the conversion of the part of speech of a word in the original language into another one in the target language. The change between hypotaxis and parataxis occurs during the process of translating and combining sentences in the original language into those in the target language. According to eco-translatology, the original text, the translation, and the translator are in a unified ecological environment, which helps achieve organic integration of the translation. Regarding person-object conversion, since the ways of expression in the source language are different from those in the target language, attention should be paid to the appropriate selection and conversion of words referring to persons and objects (Hu, 2013). It is of profound significance to study the application of linguistic translation in the English translation of Ta Tsing Leu Lee for understanding the linguistic background of Chinese and English.

E.g. 1: 凡谋反，不利于国，谓谋危社稷。及大逆，不利于君，谓谋毁**宗庙、山陵及宫阙**。但共谋者，不分首从，已未行，皆**凌迟处死**。

E.g. 1: High treason, is either treason against the state, by an attempt to subvert the established government; or treason against the Sovereign, by an attempt to destroy **the palace** in which he resides,

the temple in which his family is worshipped, or **the tombs** in which the remains of his ancestors are deposited. All persons convicted of having been principals or accessaries to the actual or designed commission of this heinous crime, shall suffer **death by a flow and painful execution**.

As the target readers of this translated work were British people, the adaption and transformation in the linguistic dimension were largely based on English ways of thinking. In the translation of “宗庙”, “山陵”, and “宫阙” in Example 1, there is a parataxis-hypotaxis shift by adding three “in+which” attributive clauses—“**the palace** in which he resides, **the temple** in which his family is worshipped, or **the tombs** in which the remains of his ancestors are deposited”—to further explain these words. The part of speech of “凌迟处死” changes. It is often used as a verb in Chinese, meaning a cruel punishment in ancient China, particularly referring to the dismemberment and slicing of the flesh from the body of a criminal. It does not have a counterpart in English, and a direct translation would be difficult for readers to understand and redundant. The translator, therefore, used the noun phrase “**death by a flow and painful execution**” in the English translation to describe the punishment more vividly.

3.2 The Use of Cultural Transformation

Adaptive selection and transformation in the cultural dimension refer to the translator’s attention to the transfer and interpretation of two cultures during the translation process. Translators cannot simply mechanically translate the source language into the target language. Instead, they need to understand the cultural contexts behind both languages to ensure that the translation conforms to the cultural meanings of the source language. Both domestication and foreignization should be employed. Domestication refers to the use of the ways of expression that readers speaking the target language are accustomed to in order to convey the meaning of the source language and achieve localization. Foreignization, on the other hand, involves retaining and conveying the cultural connotations of the source language and maintaining the heterogeneity of the source language (Hu, 2013; Zhang, 2011). Transformation in the cultural dimension in the English translation of Ta Tsing Leu Lee emphasizes the mutual transformation of domestication and foreignization strategies between Chinese and English, with an aim to ensure that Western readers understand the English translation objectively and avoid any misinterpretation.

E.g. 2: 凡造**讖纬、妖书、妖言**，及传用惑众者，皆斩。

E.g. 2: All persons convicted of **writing and editing books of sorcery and magic, or of employing spells and incantations**, in order to agitate and influence the minds of the people, shall be beheaded, **after remaining in prison the usual period**.

Due to the significant differences between Chinese and Western cultures, it is difficult for readers speaking the target language to understand some obscure vocabulary that contains cultural allusions or connotations without understanding the historical and cultural background of ancient China. In such a context, translators are required to conduct adaptive transformations in the cultural dimension and take into account the cultural background of both languages. The aim is to fully express the meaning of the original text while enabling readers to understand its connotations. For example, “讖纬” in Example 2

stems from Confucian culture, representing a political language for the future. Since “讖纬” was artificially created and could be used by some people to spread political prophecies about regime change, rulers gradually realized its danger and banned it many times after the Wei and Jin Dynasties, including in the Qing Dynasty. The translator used a domestication strategy to translate “讖纬、妖书、妖言” into “**writing and editing books of sorcery and magic, or of employing spells and incantations**”. Since these three Chinese words have similar meanings, this approach avoids redundancy and conveys the connotations of the original text. At the same time, the addition of “**after remaining in prison the usual period**” at the end also reflects a transformation in the cultural dimension. Without this sentence, readers might misunderstand that the law in the Qing Dynasty specified instant beheading of those who violated the law, but there was a detention process before that. In general, a domestication strategy is adopted in the translation of the entire penal code section, with only a small part, such as the unit of measurement “里” (translated into Lee) translated using a foreignization strategy which is, to some extent, related to the nature and cultural background of the original text. As a result, it is difficult to use the foreignization strategy for translation.

3.3 The Use of Communicative Transformation

Adaptive selection and transformation in the communicative dimension refer to the translator’s attention to the communicative level, in addition to the transfer of information and the conveyance of cultural connotations. The translator focuses on whether the communicative purpose in the original language is achieved or not. This dimension is a deeper development of the linguistic and cultural dimensions. The appropriate use of literal translation, free translation, and logic chain transformation strategies is essential to achieve the organic combination of the content, form, and logic of the original text (Hu, 2013). In terms of the communicative transformation in the English translation of Ta Tsing Leu Lee, the translator focuses on the readers’ ability to accept and understand the translated text.

E.g. 3: 凡监临主守，自盗仓库钱粮等物，不分首从，并赃论罪。

E.g. 3: When any of the persons who **are lawfully entrusted with** the public property deposited in the treasuries and **store-houses of government**, are found guilty of having been concerned as principals or accessories in the offence of embezzling any part thereof, they shall **be punished** according to the following scale, in proportion to the total amount embezzled at one time, without paying any regard to the number and extent of the shares, into which the embezzled property may have been divided.

Modifiers such as “**lawfully**” and “**store-houses of government**” are added to the translation of Example 3 to highlight the rigor of the translation process and reduce readers’ confusion. Additionally, according to language habits, British people, compared with Chinese, use passive voice more frequently, such as “**are lawfully entrusted with**” and “**be punished**” in the example. The translator makes the translation more easily accepted by the readers through transformations in the linguistic dimension. In the latter part, logic chain transformation and amplification strategies are used to supplement the meaning of “并赃论罪”. The meaning of the original text is paraphrased in ways the readers speaking the target language can understand. In terms of amplification, linking sentences are

added and sentence structures are adjusted to conform to the reading habits of the readers. This approach demonstrates the translator's subjective agency and highlights the aim to promote cross-cultural communication in the field of legal culture, which helps promote the readers' understanding of China's legal culture.

4. Conclusion

This study, based on eco-translatology, focuses on the penal code section of the English translation of Ta Tsing Leu Lee and summarizes its characteristics and strategies. It found that Sir George Thomas Staunton paid much attention to the translator's subjective agency in the ecological environment of translation. He adopted appropriate translation strategies and techniques to strike a balance between the ecology of the original text and that of the translation. During the process of translating legal books to other cultures, more attention should be paid to the three-dimensional transformation process including the linguistic, cultural adaptation, and communicative dimensions. The aim is to retain the cultural connotations of the original text without distortion while considering the ecological background of the target language, thereby achieving the purpose of "survival of the fittest". This paper aims to use a case study of the application of the "three-dimensional transformation" theory of eco-translatology in the English translation of legal books to help the academic community deepen the understanding of the English translation of laws and regulations and better apply it in practice.

References

- Hao, L. R. (2013). *Translation Strategies in the English Version of Ta Tsing Leu Lee*. Chongqing: Southwest University of Political Science and Law.
- Hu, G. S. (2006). The exemplification of "adaptation and selection" translation principle and translation method. *Foreign Languages and Their Teaching*, 2006(3), 49-52.
- Hu, G. S. (2013). *Eco-translatology: Construction and interpretation*. The mercial Press.
- Yu, S. (2017). *Translation Fidelity and Power Discourse—A Study of Staunton's English Translation of Ta Tsing Leu lee*. Shanghai: Shanghai Normal University.
- Zhang, Z. M. (2011). The Study of "Laws of Great Qing" in Britain and America in Late Qing Dynasty. *Journal of Beijing Institute of Technology (Social Sciences Edition)*, 13(3), 124-129.
- Zhao, C. J. (2012). The English Translation of Ta Tsing Leu lee: The first direct dialogue in the history of Sino-British cultural exchanges. *Journal of Xi'an International Studies University*, 20(3), 100-103.