The Application and E-C Translation Methods of Common Archaisms in Business Contract

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Abstract—**Archaism (Old English) is rare in daily modern English, but often appears in business contracts. Business contract is a legal document, it has its own language style, one of the most typical characteristic is the use of archaism. It is necessary to learn the archaism in detail. This article mainly explores the archaism from three aspects----word-formation law, E-C translation method and the specific use in contracts.**

Index Terms—**archaism, business contract, application, translation**

I. INTRODUCTION

The language of business contract language is a variant of English language and a special English literary form. It belongs to ESP (English for Specific Purposes). In breakdown, the application of archaism is a major feature of contract language. The basic requirement of business contracts is not the beauty of language, but the formal, accurate expressions, to show its rigor. The archaism such as "hereby", "thereto" used in business contracts makes sentence structures more concise, and texts more solemn. Only to figure out the translation techniques of the archaism can we achieve its function in business contract at a maximum extent. Because archaism can be applied as a mean of linking up in contracts, it is highly vital to draft and translate the contract. Consequently, this article intents to discuss cohesion function and E-C translation method of archaism for further research.

II. THE DEFINITION AND HISTORY OF ARCHAISM

A. The Definition of Archaism

Archaism nearly occurs in the everyday use of modern English, but it often appears as a formal style like business contract. It is a language that is not current or that is used only within a few specific forms.

Actually, archaism refers to English from AD 450 to 1150. Archaism and modern English are very different in terms of pronunciation, spelling, vocabulary and grammar. The grammar of archaism is more like German's. And its morphological changes are very complex. In 410 AD, the Romans ended their occupation of England, and then the three Germanic tribes from the northern plains of Germany: the Anglos, the Saxons and the Jurts began to settle in Britain. The English is the language spoken by the Anglo-Saxons.

The editor of The Short Oxford History of English Literature Andrew Sanders (2000) pointed out that the creation of the word "archaism" is due to the need of patriotism and English literature. It is true. In 1871, the British linguist Sweet Henry presided over the publication of Alfred's translation of the Latin work PastoralCare. He used the term "archaism" to refer to pure English which has a various vary in suffix, replacing the widely known, savage and meaningless Anglo-Saxon (Henry, 1871). Sweet stressed it in the note of the preface. It is obvious that Sweet indirectly pointed out the inappropriateness of the term Anglo-Saxon out of patriotic enthusiasm (Hu, 2007). On one hand, it is easy to reminisce the barbaric history of Anglo-Saxon's invasion in Britannia in the middle of the 5th century AD. On the other hand, from the perspective of English literature, archaism is more suitable for describing the three important stages of English language development: Old English, Middle English and Modern English (Zhang, 2014).

B. The History of Archaism

1. Old English period (also known as Anglo-Saxon period, AD 450 - 1100)

After the Germanic tribes settled in Britain, they occupied some areas severally. Each tribe established a number of small kingdoms, which brought about the appearance of the seven eras in the British history. As the country had not been unified for a long time, there were abundant dialects in old English period. There existed four main dialects: Western Saxonian, Kent, Moses and North Enriya. These four dialects all once occupied the predominant position in history. Among them, the Western Saxon retained the largest manuscripts. Other dialects have also gone a long way to the formation of English.

There were two critical historical events in old English period, which had an influence on the English vocabulary. The first thing was the introduction of Christianity into Britain. In AD 597, a priest named Augustine came from Rome

to Britain to peach. Therefore, Roman culture was introduced to England being accompanied with Christianity. At the same time, large numbers of Latin words got right into English. The second thing was the invasion of Nordic. Beginning from AD 790, a mass of Scandinavians had settled in the Britain. The king of Denmark, Carnot, even became the monarch of England for a time. Upon that time, Scandinavian and Britisher had frequent contacts, so there were plentiful words of Scandinavian countries being merged into English.

2. Middle English period (1100 - 1500 years)

In AD 1066, the Norman conquest was an important turning point in British history and has a tremendous impact on the progress of English. After two or three hundred years, Norman French had become the official language of the Britain. Although ordinary people still spoke English, the records of written English were almost interrupted. However, after1204, English gradually regained its dominant role. During the Middle English period, English had undergone dramatic changes. Most of the changes in the suffix and the genders of nouns faded away. Word order, function words and tone became the main means of expressing the relationship between sentences. Vocabulary changes were also significant. As Norman French was once the language of the British ruling class, a large number of French words came into English which was reflected in all areas like politics, religion, law, military, clothing and diet that related to the ruling class. Along with many French loanwords being absorbed into English, some affixes of French and Latin had also been anglicized and turned into vital materials for the formation of English. Such as prefix "dis-", "en-", "inter-", "pre-", "re-", "semi-", "sub-", and suffix "-able", "-acy", "-al", "-ate", "-al", "-ory", "-ance", "-ant / -ent", "-ise" (Hornby, 2014). In the meantime, some affixes of native English were abandoned. These phenomena were called Romance of English in the history of linguistics. This is why from the aspect of phylogenetic relationship, English and German are cognation languages while the modern English vocabulary is more similar with French.

3. Modern English (1500-)

At the end of Middle English, English had established itself as a national language. Massive English literatures proved that English had become a mature literary language. The grammar simplification process had been generally completed. Spelling had fixed, and the basic vocabulary had also formed. In short, the foundation of modern English had been laid.

Since the twentieth century, Anglo-American science and culture has improved rapidly. A wide range of media has been more and more popular. What's more, there broke out two world wars. With all these factors, people connect with each other more and more closely, and English vocabulary enrich continuously. English is the most widely used language in the international community, playing an important role in international exchanges.

III. WORD-FORMATION LAWS OF ARCHAISM

A. Common Word-formation Laws of Archaism

In the formation of archaism, it generally starts with the root and affix to comprehend the law. For instance, among the words that represent the spatial position, there are many prefixes indicating directional relations. For example, in Oxford Advanced Learner's English-Chinese Dictionary (Hornby, 2014) "by-" means "near", "around", such as "bypath", "bypass"; and "de-" expresses the meaning of "downward", like "descend", "degrade"; "extra-" indicates "more than usual", e.g. "extraction". Besides, "over-" is "higher than sth.", such as "overlook", "overhead", "overboard"; "pre-" means " before sth", such as "prefix", " preface" and "preposition"; "Pro-" is " in favour of sth or support sth", like "progress", " proceed". In addition, there are several similar prefixs like " sub-", "suc-", "suf-", "sug-", "sum-", " sup-", "sur-" and "sus-" expressing the same meaning of "under", e.g. "submarine", "suffix", "suppress", "supplement".

B. The Law of Transformation in the Word-formation Law

Generally speaking, a word owns only one part of speech, which is a common phenomenon in old English and modern English. However, in many specific contexts or other cases, a word may have the second or the third part of speech. It is called lexical conversion in lexicology, which means that one word has many different parts of speech in a specific situation (Leng & Peng, 2014). There are two forms of lexical conversion: complete transformation and partial transformation.

1.Complete transformation

Verbification and nominalization are mainly mentioned here. Verbification refers to verbs that are transformed from nouns, adjectives, adverbs. Usually, there are three cases. Firstly, a noun transforms into a verb, like "fish" ---- "to fish", "bloom" ----"to bloom". Secondly, an adjective transforms into a verb, like "wet" ---- "to wet", "yellow" ---- "to yellow". Thirdly, an adverb changes into a verb, such as "much" ---- "to much" and "but" ---- "to but". Nominalization indicates nouns that are transformed from verbs and adjectives. One part of its content is that a verb transforms into a noun, e.g. "look" into "have a look", "walk" into "take a walk". Another part is an adjective into a noun, e.g. "silly" into "you are such a silly".

2. Partial transformation

a. Verb into noun

Lots of verbs can turn into nouns, but their meanings will not change accordingly, such as "Let's go out for a walk". "To move or go somewhere by putting one foot in front of the other on the ground, but without running" is the original

meaning of walk. In this sentence, it means "go walking".

But sometimes, the meaning will have some change, like "He is a man of strong build." Build indicates "to make something, especially a building." But in the example "build" means the shape and size of the human body.

Furthermore, some verbs with indefinite articles can compose phrases, expressing an action, e.g. "Let's have a swim."

b. Noun into verb

Many nouns to express the meaning of objects, body parts, and certain groups of people can be used as verbs to express actions. In addition, some abstract nouns can also be used as verbs. Here are several sentences as examples to illustrate this transformation: "Did he book a meeting room?"; "Hand me an text please." and "They lunched together".

c. Adjective into verb

A few adjectives can be converted into verbs. For example: We will try our best to better our living conditions.

IV.   SPECIFIC USE AND E-C TRANSLATION METHODS IN BUSINESS CONTRACTS

A.   Language Features of Business Contracts

Business contracts belong to legally binding official document that defines the rights and obligations of the contract signatories. So there is significant difference between the language of business contract and literary works. It's generally considered that business contract has a solemn style, namely, the highest degree of formality style in all kinds of English.

The appearance of a vast number of archaisms in business contracts totally shows the solemn and serious style of business contracts. Except the inseparability from the social function of language of business contracts, it also demonstrates the particularity of this sector. Businesses and legal persons have a special preference to archaism.

Compound adverbs are the most commonly used archaism in business contract which consist of "here", "there", "where" respectively with one or several words like "after", "at", "by", "from", "in", "of", "to", "under", "upon", "with", etc.

B.   Function of Archaism in Business Contract

Archaism is a typical contract language. Archaism is an English language which transmitted from countries like France, Greece, and Latin in old English period or middle English period (Li, 2003). Archaism is commonly used in official documents such as legal contracts. The correct use of archaism in contract can make language more serious, accurate and concise.

Seriousness, formality, accuracy, rigor and logic are the language features of business contract. Therefore, it is important to address the link-up problem of language in contracts between sentence and sentence, sentences and paragraphs.

Hallidy and Hassan's (2001) definition of cohesion function is "the meaningful relations existing inside the text, and can make all characters form a discourse. In their views, cohesion function is the connection of semantics. They divided it into five types, that is reference, substitution, ellipsis, conjunction and lexicon cohesion (Ling, 2011). The use of archaism is a language style of business contract. And archaism plays a role as a useful substitute, connecting sentence and text. It has significant meaning of improving the reading and comprehension of business contract after we figure out the functions of archaism.

1. The Cohesion Function of Archaism in Sentences

The cohesion function of archaism in sentences is achieved by substitution. If the demonstrative pronoun "this" or "that" appears separately in the business contract, it is easy to cause ambiguous reference. In this case, these two demonstrative pronouns are merely used in business contract solely. There are various terms in a contract which requires a lot of demonstrative pronouns, so how can we draw up a complete precise contract without them? Actually, it can be achieved through archaism. As mentioned earlier, "hereof" can be understood as the meaning of "of this" while "herein" can be understood as "in that". Demonstrative pronouns like "this" and "that" can be replaced by the archaism which is composed by the prefix of "here-" and "there-", so as to realize the inductive function.

The following is an abstract from a business contract, which can demonstrate the use of archaism.

The Borrower shall under this Agreement and the Note, fulfill the obligations of making all payments. All the reimbursements to the Bank shall be free and clear of any other changes and exempt from all taxes and such reimbursements as are received by the Bank will not be subject to taxes. The Borrower shall under this Agreement pay all taxes as provided for here in (Ling, 2011).

In the paragraph, "here" indicates "in this agreement". The last sentence can be paraphrased as "the borrower shall pay all taxes as provided for in this agreement." The archaism "here in" in the sentence substitutes "of this agreement", highlighting the seriousness of the business contract language. In the meantime, it also makes the language cohesive.

2. The Cohesion Function of Archaism in the Paragraph

The cohesion function of archaism between paragraphs is achieved by lexical cohesion. There are certain links between paragraphs and paragraphs, such as conditional relation, causality, turning relation, and so on. Some archaisms such as "whereas", "not with standing", can be applied to link up the paragraphs to form a whole text.

The following is another example from a contract.

Not with standing any other provision of the contract if the contractor intends to claim any additional payment pursuant to any clause of these conditions or other provisions, the contractor in question shall with in 26 days after the event giving rise to the claim has first arisen notify the engineer of his intention with a copy to the employer (Ling, 2011).

The archaism "not with standing" mentioned above means "in spite of". This word tells us that there are many other terms in front of the contract. The archaism used in the beginning of this paragraph reflects the logical cohesion with the previous paragraph, and it plays the role as the cohesive word in the beginning of the paragraph.

C.   Specific Translation Methods

Archaism is commonly encountered in business English. And it is a form of business English that expresses information compendiously, elegantly and accurately. Only by fully figuring out its usage and exact semantics can we translate business contract well. Archaism in business English is used to modify verbs or nouns. They are usually placed behind the modified words. The archaism has mainly three categories. The followings are detailed descriptions.

1. With "here" as the core component in archaism

With "here" as the core component, familiar ones are "hereinafter", "hereunder", "herein", "hereof", etc.

The basic usage of "hereinafter", "hereafter", "hereunder" is the same and can be interchangeable. And their meanings respectively are "after this; under this; in the following part of this (writing or document)". Translate these archaisms into Chinese "自此以后；此后下文中".

However, "hereinafter" is more formal than "hereafter" and "hereunder". The following example can show its formality.

This contract is made this 20^h day of May, 1997 by ABC enterprise hereinafter referred to as "sellers", and XYZ enterprise hereinafter referred to as "buyers".

This paragraph is translated into Chinese "本合同由 ABC 公司(以下称卖方)"与 XYZ 公司(以下称买方)于 1997 年 5 月 20 日签订。"

And in this sentence *"Each payment to be made hereunder shall be made in America currency"*, "hereunder" can be replaced by "hereafter". In Chinese, it means "本条款以下，以下". It indicates "under this clause; the following". "以下规定的每项款项都要以美元支付。" is the Chinese meaning of this sentence.

In addition, the meaning of "herein" is "in this (place, passage or document)". Its Chinese meaning is "在此当中，于此处". It is used to modify verbs . For example, *it is to inform your herein below of A enterprise's terms of shipment.*

The example means "兹将 A 公司装运条款告知如下。"

As for "hereof", it means "of or about this (writing or document)", and it is translated as "于此，关于此点" and modifies nouns.

2. With "there" as the core component in archaism

The common archaism with "there" as the core body are "thereafter", "therefor", "therein", and "thereof",etc.

ABC enterprise and XYZ enterprise shall advise the other party by telex and thereafter send a registered letter to confirm.

It means "ABC 公司和 XYZ 公司应用电传通知对方，并且用挂号信确认。"

The above excerpt from a contract reveals the meaning of "thereafter". It means "after that; from then on according to that". It is translated into Chinese as "此后，其后". Apparently, in translation, "thereafter" should be covered by "within 15days".

And "therefor" means "because of that; for that reason; on that ground". It can be translated as "因此，为此，为彼". In the following example,

When one party removes and replaces any directions whom it has appointed it shall give written notice to the other parties, the former and newly appointed directions and the joint venture company and state the reason therefor (Zhang & Du, 1998).

In Chinese it means "合同任何一方撤换其已经任命的任何指挥人员时，应书面通知其他各方，原任指挥和新任指挥及合资公司，并说明其理由。" (Zhang & Du, 1998).

"therefor" indicates that "when one party removes and replaces any directions whom it has appointed." And it avoids unnecessary repetition of previous information in the text.

"In that place; in that respect; in that particular" is the meaning of "therein". And in Chinese it indicates "在那地方，在那里，那样". It also can be understood better through the following concrete example.

The contractor shall, without limiting his or the employer obligations and responsibilities under clause 20, (a) the work,together with materials and plant for incorporation therein to the full replacement cost (Zhang & Du, 1998).

This paragraph is translated into Chinese as the following: "根据第 20 条规定，在承包商或雇主的义务和责任不受限制的条件下，承包商应对下列各项保险：(a)以全部更新成本对工程及其待安装材料和设备进行保险。"

In the example, "therein" equals "that" or "those".

"Therewith" means "with that" and is translated as "以那，于是". Let's see the point through the following example.

Such determination shall take account of any instruction which the engineer may issue to the contractor in

connection therewith, and any proper and reasonable measures acceptable to the engineer which the contractor may take in the absence of specific instructions from the engineer (Zhang & Du, 1998).

Its Chinese translation is "这类决定应考虑工程师可能下达给承包商的与之有关的任何指示,应考虑在工程师尚未下达具体指示时,承包商可能采取的而工程师可以接受的适当合理的措施。"

3. With "where" as the core component in archaism

The usual archaism with "where" have "whereas", "whereby", and "wherein", etc.

"Whereas" indicates "considering that; in view of the fact that". And it is translated into "鉴于,既然". Equally, its meaning can be conveyed through the example presented below.

Whereas, X company is a manufacturer of Y and has certain technical information and experiences which may be useful in developing the product as hereinafter defined, the parties hereto agree as follows. In E-C translation, the meaning can be conveyed as "鉴于 X 公司是 Y 的制造商,并拥有有助于开发下列产品的一定技术信息和经验,为此达成以下协议。" Just as the example, "whereas" is placed at the beginning of a sentence in a formal document.

"Whereby" can be understood as "by what; by which" or "as a result of which; in consequence of which" in relation to the example showed below. "凭什么,凭那个" or "因此,由是" are its Chinese translations.

Whereby the Q enterprise and U enterprise hereto agree to carry out the trade under the terms and clauses set forth below.

It is translated as "Q 方和 U 方同意按以下条款进行贸易。"

In this part, "whereby" as a relative adverb indicates "by which".

The final example is "wherein", e.g. "we are sending you a brochure wherein you will find the particular of the items." This sentence means "我公司寄给贵公司小册子一份,从中可以了解各种商品的具体内容。" This archaism "wherein" is a conjunction, indicates "in which; in what; in what respect; in regard to which". And "在那里,在其中,在那点上" are its Chinese meanings. It is used to connect two sentences.

In summary, because "here" is an adverb, the archaism including "here" emphasizes the terms of this contract or the closest thing to it. With "there" as the core component, it generally refers to the distant things as "there" is also an adverb. The archaism with the core body "where" has a connection function because it is a conjunction and its semantic function is represented by the following preposition. Therefore, in the translation from English to Chinese, these archaic words should not be translated word by word, as long as it can reflects its meaning in the overtone of the translation. But in the translation from Chinese to English, in order to ensure accuracy of language and to prevent interpreting out of context, it is necessary to utilize archaism as much as possible.

V. The Significance of Studying Archaism in Business Contracts

International economic activities, such as trade, finance, investment, economic reform and so on can not do without business contracts. Foreign economic disputes arising from economic and trade activities are largely caused by the language of the contract. To avoid the occurrence of these disputes, it is prerequisite to comprehend the original contract. English contracts contain massive archaism. The archaism is rarely used in modern English, but it has a high frequency of occurrence in business contracts. The purposes of utilizing archaism in contracts are to avoid duplication, misunderstanding or ambiguity, so as to keep language's accuracy and concision.

The use of archaism is a major feature of business contracts' language. Only to master formation rules and usage, can we skillfully use it in contract terms, draft and sign the contracts. In addition, the linkage between archaism and cohesion function provides high-level analysis of internal logical relations between sentences and sentences, paragraphs and paragraphs. Thereby, it can make further efforts to deepen the comprehension of business contracts.

VI. Conclusion

It has great significance to understand business contracts with the study of archaism. This article begins with the definition and history of archaism. Then on the basis of Halliday and Hassan's cohesion theory it discusses word-formation law of archaism, the cohesion function and E-C translation method in business contract. Thereby this article utilizes multifarious examples to illustrate how to achieve the preciseness of contract's language. Hope this article will be beneficial to the writing and translation of business contract. And study of archaism is a complicated issue which needs to be explored further in the future. Master these commonly used meanings of archaism requires to start from formation law, and understand the specific usage of several typical archaism in business contracts. So we can learn and utilize archaism more accurately, and to facilitate foreign business exchanges and trade more smoothly. Therefore, it can help to comprehend as as well as write more authentic English in business contracts.

REFERENCES

[1]   Albert Sidney Hornby. (2014). Oxford Advances Learner's English-Chinese Dictionary. Beijing: The Commercial Press.
[2]   Anderw Sanders. (2000). The Short Oxford History of English Literature. Oxford: Oxford University Press.
[3]   Halliday, M. A. K. & Hassan. (2001). R. Cohesion in English. Beijing: Foreign Language Teaching and Research Press.
[4]   Hu Xiaodong. (2007). The Spelling and Pronunciation rules of Old English. *Journal of Liaoning Technical University*, 9,

645-647.

[5]   Leng Xuefei, Peng Yinbing. (2014). Word Formation Law of Old English. *Course Education Research*, 8, 100-100.
[6]   Li Jianbo. (2003). Discuss the Lexical Features of Legal English. *Chinese Science & Technology Translators Journal*, 16, 16-21.
[7]   Ling Xianhua. (2011). The Application of Archaism in Business Contract. *Journal of Xian University of Arts and Science*, 14, 23-26.
[8]   Sweet Henry. (ed.) (1871). King Alfred's West- Saxon Version of Gregory's Pastoral Care. London: Early English Text Society.
[9]   Zhang Meigang & Du Jiamei. (1998) Translation of Common Archaisms In Business English. *Journal of Huaibei Normal University*, 4, 113-114.
[10] Zhang Yongxian. (2014). From English to Globlish a Socio-cultural History of the English Language. Beijing: Foreign Language Teaching and Research Press.

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