

# Discursive Construction of the Translator: An Example of the English Version of *The Great Ming Code (Da Ming Lü)*

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**Abstract**—Based on the translation of *The Great Ming Code (Da Ming Lü)*, *The Principle of Objective*, and drawing on Michel Foucault's work, this article attempts to explore how various discursive strategies were employed by Jiang Yonglin to foster the realization of his objective and further examine that the translator, more often than not, influenced by such by social ideology, knowledge structure and what he intends to attain, does play a dual role in translating *The Great Ming Code (Da Ming Lü)*. Accordingly, Jiang Yonglin's version of *The Great Ming Code (Da Ming Lü)* was well embraced by the target readers. This paper seems to make theoretically contributions to the analysis of the translation of legal classics and further verifies the interrelationship between power, ideology and discourse.

**Index Terms**—legal classics, *The Great Ming Code*, power, ideology

## I. INTRODUCTION

Chinese classics play an important role in the promotion of Chinese culture and enhancement of cultural soft power. It has been well acknowledged that English translation of Chinese classics, especially legal classics, has not been growing into a mature discipline with scientific system. Therefore, it is urgent for scholars to re-examine the English translation of Chinese legal classics so as to help project Chinese culture upon the world.

The literature on the English version of Chinese classics is imposing both at home and abroad, which is characterized by persistent pursuit of translation comparison among different versions. Translators take different perspectives in carrying out researches on English Translation of Chinese legal Classics. Wallace (1995) discusses the philosophy behind status and liability for punishment and those factors determine such liability: social and political statuses. It is found that women enjoy a reduced liability in imperial China. Janet (1996) reviews the contributions of Professor William Jones to Chinese legal researches. He indicates that Professor William Jones's version of *the Great Qing Code* embodies the unique social characteristics of Manchu China, which in turn, confirms the significance of the law code as one of the fundamental sources in understanding imperial China's legal culture.

Marme (2012) explains that the English version of *The Great Ming Code (Da Ming Lü)* offers a starting point for scholars who are interested in Chinese legal system and culture in the late imperial period. Weiting Guo (2015) makes a critical analysis of Jiang Yonglin's thought that Chinese law is not oppressive embodied in the translation text.

However, up to now, apart from the afore-mentioned researches, such literature on the translation of *The Great Ming Code (Da Ming Lü)* remain, generally speaking, in its infancy, let alone based on *The Principle of the Objective* and power discourse.

Translation is a communicative process which takes place within a social context. Accordingly, the translator, the occupier of a social role, inevitably mediate between producers and receivers of texts and has the advantage of power inherent in all positions, wherein the translator is faced with what amounts to a conflict of interests and resolve the tensions according to his own understanding of their own position and role in their culture (Lefevere 1992). As Jun Lü and Xiang-qun Hou (2001) illustrate that translation, more or less, is concerned with transition of thought from one culture to another culture, thus fostering the interactive relationship between translation, power and ideology. Consciously or not, translators invariably confirm to certain norms and far from are neutral but rather do play a dual role in the translation process because of the function of ideology and power. On the one hand, the translator's power stands for the source culture and thus translators adhere to the norms of the source culture, allowing for the entrance of foreign culture to the target culture; on the other hand, the power are reflected in target language and affects readers' reception. Likewise, through detailed analysis of the English version of *The Great Ming Code (Da Ming Lü)*, we can get to know how the translator dose display his discursive construction and get familiar with another culture, society or ideology.

This essay begins with an introduction to the relevant research and *The Principle of Objective*, followed by a detailed analysis of power discourse and Jiang Yonglin's objective. In the following section the present research study probes

into the fact how the translator, influenced by social ideology, knowledge structure and what he intends to attain, does play a dual role in translating *The Great Ming Code (Da Ming Lü)*.

## II. METHODOLOGY

The current study is an example-based and theory-driven qualitative analysis. The author first analyzes the examples and finds the linguistic differences between the Chinese and English version of *The Great Ming Code (Da Ming Lü)*.

This paper applies inductive, documental, comparison and critical discourse analysis methods to the analysis of translation strategies and translation goals, and the interactions between these two in Jiang Yonglin's version of *the Great Ming Code* from the perspective of The Principle of the Objective. Documental method is applied in collecting researches on the The Principle of the Objective. At the same time, comparison method and critical discourse analysis are used in comparing and analyzing the certain different strategies of used by Jiang Yonglin and William C. Jones, so as to confirm that influenced by such discourse as personal ideology and knowledge structure, translator would take advantage of his position to adopt different translation strategies, which in turn promote the reader's active response.

## III. RESEARCH QUESTIONS

Jiang Yonglin's version of *The Great Ming Code (Da Ming Lü)* is the only existent copy worthy to be deliberately analyzed, wherein The Principle of the Objective is employed to explore aspects related to the translation. Existing researches demonstrate that there is little literature about the English version of *The Great Ming Code (Da Ming Lü)*. Thus, the study intends to address relevant questions about it:

1. What kinds of discursive or translation strategies should be adopted to achieve Jiang Yonglin's goals?
2. How does Jiang Yonglin play a dual role in translating *The Great Ming Code (Da Ming Lü)*?
3. Whether Jiang Yonglin's version of *The Great Ming Code (Da Ming Lü)* is well embraced by the target readers?

## IV. A BRIEF INTRODUCTION TO THE PRINCIPLE OF THE OBJECTIVE

*The Principle of the Objective*, to a certain degree, resembles *Teleology* (a philosophical concept, referring to the fact that a thing has a purpose or is acting for the sake of a purpose.) However, it is, undoubtedly, that *The Principle of the Objective* dates back to the works of **Sun Tzu**, which demands that a person knows what he intends to achieve, or rather, his goal or objective. *The Principle of the Objective and its relevant issues* have been approached from different angles and on different levels over the centuries.

Yue-guo Gu (1996) analyzes Chinese doctor-patient interaction based on the "goal analysis" principle, i.e. doctor-patient interaction is viewed as a purposeful "social process" aimed at a common goal. Thus, different from the traditional view of the interaction between doctor and patient, tripartite approach (i.e. purpose, discourse and interpersonal relationship) to discourse analysis is employed to study the discourse along three lines. Mishler (1984) proposed the mainstream and non-mainstream research in view of the doctor-patient discourse analysis, which represents a process of communication and diagnosis through discourse. However, Gu's research aims to combine the strengths of these two streams and it reveals the Chinese cultural context constructs the other goals besides the common goal.

Guan-lian Qian (1997) proposes Goal-intention Principle and further states that in order to render the communicative success, speakers will, more often than not, have to bear the intentions of goal in mind throughout the translation process. Otherwise, the communication can even never proceed, let alone come to be a successful one. Therefore, Goal-intention Principle must be regarded as a vital parameter in social communications.

Fan-zhu Hu (2009) elaborates that every speech act is with its intention and with speakers' efforts to realize it, whereby speech act theory is applied in legal language study. Intentionalization is the basic feature of Speech Act, represented by the basic principle of intentionalism in language use.

Mei-zhen Liao (2005 a) puts that there is such a principle as goal governing social communications and further employs "The Principle of Goal" to research into the legal discourse. He believes that Before there is a communicative activity, for example, there has to be a need for it, i.e. it is goal or objective that drives people to interact with each other. He goes so far as to propose that it is only through goal-analysis that one can illustrate courtroom interactions and cooperation (Liao, 2004; 2005c).

Allen (1983) and Jacobs (2002) remark that objectives occupy a vital role in promoting communicative skills and can, more or less, guide our discursive construction; as a result, the Principle of Goal can not only be involved in province of philosophy but also is also accessible to discourse analysis.

## V. POWER DISCOURSE AND THE OBJECTIVE OF TRANSLATOR

As is illustrated, objective occupies a central in conversational activities. Meanwhile, it is well believed that any activity of a rational person is goal-directed. Before there is translation, for example, there has to be a need for translation. Then what is Jiang Yonglin's goal while he translated *The Great Ming Code (Da Ming Lü)*? And to what extent his goal is affected by such factor as ideology?

Before there is a translation, there has to be a need for translation. The need for Jiang Yonglin's translation may be the translator's pursuit of something new, the status of *The Great Ming Code (Da Ming Lü)* as a social product and the social and cultural circumstances. Jiang Yonglin is an Associate Professor of University of Minnesota, whose research focuses on legal culture in imperial China. A large number of scholars, at different stages, shared their expertise on Chinese legal and social history and offered constructive feedback on the translation of *The Great Ming Code (Da Ming Lü)*, which prepares him for the translating activity. Knowledge does not necessarily precede the translation activity, and that the act of translation is itself much involved in the creation of knowledge. Translators, as much as creative writers and politicians, participate in the powerful acts that create knowledge and shape culture. (Tymoczko & Gentzler 2007). Thus, knowledge structure of the translator must be taken into consideration while evaluating the translation objective of the English version of *The Great Ming Code (Da Ming Lü)*. It is well acknowledged that the translation of *The Tang Code* and *Ta Tsing Leu Lee* have been accessible to target readers for a long period of time because of translators' joint efforts, while *The Great Ming Code (Da Ming Lü)*, serving as a connecting link between the preceding and the following, has not gained wide attention in the western world. Jiang Yonglin, the former president of the Society for Ming Studies, is very proficient in the legal system of the Ming dynasty and aims to fill in the vacancy in this field of study, which renders the literature on Tang, Ming, Qing law become accessible to western scholars on Chinese classics. As Jiang Yonglin has put in the preface of the English version of *The Great Ming Code (Da Ming Lü)*, he is aimed at providing a paramount source for discerning not only Chinese legal culture but also promoting Eastern and Western cultural communications (Jiang, 2005).

The translator's objectives are inextricably bound up with the socio-cultural context in which the act of translating takes place (Hatim & Mason 1990). Consequently, it is of importance to examine the translation only within the social and cultural context. The English version of *The Great Ming Code (Da Ming Lü)* came to its final form in 2005, during which period of time diplomatic ties were re-established and relationships began to normalize between China and the United States. With the normalization of Sino-American relations, cultural interaction came to be a vital aspect of the sound development between America and China. Jiang Yonglin's translation seems to be out of his own intention, however, it isn't simply as it appears to be. With the rising status of China in the world, translators ought to provide literature accessible to target readers interested in Chinese legal classics so as to popularize Chinese culture and promote cultural exchange.

It seems that the reason why Jiang Yonglin translates *The Great Ming Code (Da Ming Lü)* is that the translator is driven to present a correction to the conventional views that Chinese law is an instrument of state control because of his position as the former president of the Society for Ming Studies, i.e., his knowledge structure. Nothing could be further from the truth. Quite apart from such a reason, there is a real sense in which it is the trend of cultural interaction behind the personal knowledge structure that truly promotes the completion of the English version of *The Great Ming Code (Da Ming Lü)*, which, without doubt, accelerates the pace of study of Chinese classics and uncovers the sacred veil of classical legal culture.

## VI. TRANSLATOR'S ROLE AND ITS DISCURSIVE DISPLAY

Translators can manipulate readers to achieve desired effects, i.e., the purposes and impacts that diverse translations strategies would achieve. To do so, however, the source text itself is manipulated to create a desired representation. It is well acknowledged that churches would commission Bible translations, governments would support translations of national epics, schools would teach translations of great books, kings would be patrons for translations about heroic conquests, and socialist regimes would underwrite translations of social realism, all for their purposes pertaining to ideology and cultural power. Regardless of the degree to which legal translators are involved in the communication process, it is essential that they do not act in isolation (Wilss, 1977). Translations are inevitably partial; meaning in a text is always over-determined, and the information in a source text is therefore always more extensive than a translation can convey. Conversely, the receptor language and culture entail obligatory features that shape the possible interpretations of the translation, as well as extending the meanings of the translation in directions other than those inherent in the source text. As such, translators will, to certain degree, construct the discourse as a double agent, which is obvious while analyzing the translation. On the one hand, the translator would be faithful to the source text and produce fluent text. On the other hand, the translator will cater for the target readers and import new terms to the recipient culture. Undoubtedly, every translation deconstructs and decanonizes an earlier creation, stealing or appropriating that creation in a kind of power struggle with the object the translation intends to represent.

The translator, as both receiver and producer of the text, play the double role in perceiving the particular choices in the source text and relaying to the target readers by suitable linguistic means. Translators will, to a certain degree, construct the discourse as a double agent while translating. Objective plays a significant role in conversational activities. Then, what is the goal of Jiang Yonglin? And to what extent the goal is influenced by ideology or knowledge structure? How does the translator's role function as a mediator between cultures? Consciously or unconsciously, the translator brings his assumptions and world-view to the translation process at all levels. Lexical choices, cohesive relations and text structure, more often than not, are involved. The preoccupation in what follows will with Jiang Yonglin's double discursive construction in while translating *The Great Ming Code (Da Ming Lü)*.

### (1) At Lexical Level

Legal vocabulary, in a sense, embodies the distinctive legal culture of a particular legal system, therefore, it is necessary to probe into the translation of legal vocabularies before going further.

#### Titles and headings

Once readers get to read Jiang's version of *The Great Ming Code (Da Ming Lü)*, they will, voluntarily or involuntarily, find that such titles and headings as “斷罪以新頒律”, “功臣應禁親人入視”, and “對制上書詐以不實” are translated respectively into “Deciding Penalties in According With the Newly Promulgated Code” [Duanzui budang], “When Meritorious Officials Are imprisoned, Their Relatives May Visit Them [Gongchen yingjin qinren rushi]” and “Replying to or Memorializing the Emperor Untruthfully [Duizhi shangshu zha bu yishi]”, the combination of free translation and transliteration.

《大明律》(*The Great Ming Code*) consists of such chapters as 名律、吏律、戶律、禮律、兵律、刑律、工律, which are translated respectively into “laws on punishments and general principle (Minglü)”, “laws on personnel (Lilü)”, “laws on revenue (Hulü)”, “laws on rituals (Lilü)”, “laws on military affairs (Binglü)”, “laws on penal affairs (Xinglü)” and “laws on public works (Gonglü)”, where Jiang Yonglin adopts such pattern as “laws on...”, an adherence to the reading habits of Americans. Meanwhile, transliteration of the pinyin system<sup>1</sup> of Romanization of Chinese terms, i.e. “Lilü”, “Hulü”, “Lilü” etc. is employed throughout the translation so that the the flavor of Chinese culture can be maintained in a sense. Undoubtedly, the rendering of the titles and headings by means of transliteration and free translation is a optimal choice as it can ensure the popularity of the English version all over the world.

#### Legal terms

Just as Deborah Cao (2008) has summarized, legal terms, to a considerable extent, embody the legal culture of that country.

#### Original version:

(1)五刑

答刑五

一十贖銅錢六伯文

二十贖銅錢一貫二伯文

三十贖銅錢一貫八伯文

四十贖銅錢二貫四伯文

五十贖銅錢三貫

.....

死刑二

絞斬贖銅錢四十二貫

#### William C. Jones's version:

#### The Five Punishments

1. *The punishment of beating with the light bamboo has five degrees. Chi [the Chinese word] means beating. It also makes one feel ashamed. It is the beating with the light bamboo. The degrees are:*

10 [strokes] (reduce to four strokes)

20 [strokes] (reducing digits, reduce to five strokes)

30 [strokes] (excluding digits, reduce to 10 strokes)

40 [strokes] (excluding digits, reduce to 15 strokes)

50 [strokes] (reduce to 20 strokes)

...

5. *The penalty of death has two [degrees]: (In all cases where the law does not indicate in so many words whether there is to be execution after the final review of capital cases jian bou, or immediate Execution, then in all cases there will be immediate execution. In all cases where the sub-stance li does not indicate in so many words whether there is to be execution after the final review of capital cases, or immediate execution, then in all cases the decision will be delayed until after the final review of capital cases).*

The degrees are:

Strangulation;

Beheading

*(In all cases of offenses subject to the death penalty, inside or outside the capital, apart from those [offenses] which require execution without delay, the accused must be imprisoned to await the Autumn Assizes or the Court Assizes. The cases are to be distinguished according to whether [the case is one in which the] circumstances of the offence require the infliction [of capital punishment], [one in which] execution [should take place but may] be delayed, or one which [the circumstances give rise to] compassion, or where there are doubts. Memorialize, requesting a decision.)*

#### Jiang Yonglin's version:

The Five Punishment [Wuxing]

<sup>1</sup> The pinyin system is the formal romanization system for Standard Chinese in mainland China. It usually is in the form of Chinese characters. See <https://en.wikipedia.org/wiki/Pinyin>, viewed on February 10, 2017.

[1] The punishment of beating with the light stick chi, five degrees:

- 10 strokes (redemption by copper currency of 600 wen)
- 20 strokes (redemption by copper currency of 1 guan 200 wen)
- 30 strokes (redemption by copper currency of 1 guan 200 wen)
- 40 strokes (redemption by copper currency of 2 guan 400 wen)
- 50 strokes (redemption by copper currency of 3 guan)

...

[5] The death penalty [si], two degrees:

Strangulation [jiao] and decapitation [zhan] (redemption by copper currency of 42 guan). (William C. Jones, 1994)

It is well acknowledged that The Five Punishment [Wuxing] has a far-reaching impact in ancient Chinese system, which is the combination of Confucianism and feudalism. As is shown above, William C. Jones attempts to render the full contents and forms of the source text, thus illustrating such information as *Chi [the Chinese word] means beating* and *It also makes one feel ashamed* and *In all cases of offenses subject to the death penalty, inside or outside the capital, apart from those [offenses] which require execution without delay, the accused must be imprisoned to await the Autumn Assizes or the Court Assizes*. Undoubtedly, it will be easier for readers to read and understand the letters of the law for the cohesive sentences and background information, however, on the other hand, the target language seems to be tedious and redundant and lost the plain and serious feature of legal language. Whereas, Jiang Yonglin resorts to phrases, not only elegant in form but also profound in content. Admittedly, in order to achieve a balance between linguistic purity and legal equivalence, Jiang Yonglin takes account of legal criteria when making linguistic decisions, enabling the target readers to hold interest for the legal text without halting half way. The choices made by Jiang Yonglin is extremely motivated. In line with the most appropriate practice of the context, Jiang Yonglin keeps the target readers in mind and has a clear sense of language accessible to the readers. As is evidenced, the target-reader-oriented principle, or domestication, is employed to preserve the function of the source language. It is aimed to render the translation more scientific and clinical through systematic lexical selection in the spirit of target language.

Cultural-specific conceptions

As Rosenne (1987) warned, terminological incongruity presents the greatest threat to the uniform interpretation and application of parallel legal texts, because there are no two countries using the exactly same legal words to express the same meanings (Steiner, 1998). Due to the fact that some legal systems contain a number of terms with no comparable counterparts in other legal systems (Sarcevic 1997), therefore, Jiang Yonglin borrowed or created new terms to the target language. For example, there are no such conceptions as “yamen” and “guanfang seals or yinji seals” in the western world, as such, Jiang Yonglin directly borrowed these cultural conceptions or terms into the English version of The Great Ming Code. Besides, there are some conceptions in the foreign legal system that has the implies the same in Chinese culture such as “布衣”, “卜课” and “秀才”. These conceptions were rendered into “common people (buyi)”, “making divination (buke)” and “cultivated talents (xiuca)” by Jiang Yonglin based on his understanding of Chinese culture. At the same time, In ancient China, there were such talents graduating from certain provinces and cities and they were called “舉人” and “進士” in Chinese. After probing into ancient Chinese culture, Jiang Yonglin went so far as to translate them into “provincial graduates (juren)” and “metropolitan graduates, presented scholars (jinshi)”, wherein free translation and transliteration are employed at the same time so as to foster readers’ reception and retain Chinese culture. Admittedly, it is wise of Jiang Yonglin to translate as such, avoiding prospect ambiguity and vagueness.

## (2) At Syntactical Level

With regard to the style of original sentence, the target-reader-oriented and source-reader-oriented principles and other relevant strategies were used in combination with each other to facilitate the translator’s cultural purpose or goal.

### Excerpt 1

**Original version:** 凡立嫡子違法者杖八十其嫡妻年五十以上無子者得立庶長子不立長者亦同

若養同宗之人為子所養父母無子而捨去者杖一百發付所養父母收管若有親生子及本生父無子欲還者聽

**Jiang’s version:** In all cases of illegally designating wives’ sons [as heirs], the offenders shall be punished by 80 strokes of beating with the heavy stick. If wives are over 50 years of age and have no sons, the eldest son of a concubine may be designated. If the eldest son is not designated, the punishment shall be the same.

If persons of the same lineage are not adopted as sons, and [the adopted sons] forsake [the adoptive parents] while he adoptive parents have no sons, they shall be punished by 100 strokes of beating with the heavy stick, and they shall be returned to the control of the adoptive parents. If [the adoptive parents] have their natural sons and [the adopted sons’] natural parents have no other son, [the adopted sons] may return [to their natural parents] if they wish to do so.

Every text, more often than not, is specially designed for its target readers and thus embodies its value by its readers. That is to say receivers should be taken into account while translators conduct translation activities. As is shown above, additional information such as the adverbial “as heirs”, the subject “the adopted sons”, the object “the adoptive parents” and the attribute “the adopted sons” have been provided so as to produce a text capable of functioning optically in the target culture (Vermeer, 1998:50). The basic transformations are permitted to respect the rules of grammar in the target language, thus increasing comprehensibility while following the source text as closely as possible.

**Excerpt 3****Original version:** 擅食田園瓜果

凡於他人田園擅食瓜果之類坐贓論棄毀者罪亦如之其擅將去及食係官田園瓜果若官造酒食者加二等主守之人給與及知而不舉者與同罪若主守私自將去者並以監守自盜論

**Jiang's version:** Eating Melons or Fruits of Gardens or Orchards without Authorization [Shanshi tianyuan guaguo]

In all cases of eating things such as melons or fruits in others' gardens or orchards without authorization, the offenders shall be punished for illicit goods obtained through malfeasance. If they discard or destroy them, the penalty shall be the same. If they take them away without authorization or eat melons or fruits of government gardens or orchards or government-made liquor or foods, the penalty shall be increased two degrees. If the custodians give these things or know the circumstances but do not report, they shall be punished the same. If custodians take these things away without authorization, they shall be punished on the basis of supervisors or custodians themselves stealing.

Legal texts are formulated in special language generally known as the language of the law. (Mellinkoff 1963) It is well acknowledged that the goal of legal translation is to transfer the meaning or message of the source text accurately as possible (Fluck 1985). *The Great Ming Code*, the typical type of legal text, aims to regulate citizens' behavior and make them behave well in that dynasty. For the sake of preserving the letter of law, Jiang Yonglin adhered to the principle of fidelity to the source text. Any attempt to transferring the abundant information of the source text must have the source language in mind without impairing the flavor of the SL. Therefore, much importance has been attached to maintaining the form and substance of "Eating Melons or Fruits of Gardens or Orchards without Authorization [Shanshitianyuan guaguo]" without the change of sentence order, i.e., the words order of the source text are translated into the target language and the grammatical forms and word order of the source text are retained, which perhaps will puzzle the target readers and is not consistent with the sentence pattern of the target language, but it is, to a considerable extent, faithful to the source language so that the nature and exactness of another language can be preserved. Furthermore, such an act of faithful to the source language will foster the target readers to get a glimpse of the punishments on "Eating Melons or Fruits of Gardens or Orchards without Authorization" and may stimulate their desire to know more about Chinese culture or this mysterious country, which, on the other hand, promotes the harmonious relations between China and Western countries.

**At Textual Level**

Translating is historically, socially and culturally determined. It is, in most cases, initiated by the target culture to cause changes in and cater to the needs of the target culture. In one sense, translations are facts of the target culture.

**Excerpt 1****Original version:** 貢舉非其人

凡貢舉非其人及才堪時用應貢舉而不貢舉者一人杖八十每二人加一等罪杖一百所舉之人知情與同罪不知者不坐

若主司考試藝業技能而不以實者減二等

失者各減三等

條例

一應試舉監生儒及官吏人等但有懷挾文字銀兩并越舍與人換寫文字者俱遵照世宗皇帝聖旨拏送法司問罪仍枷號一箇月滿日發民其旗軍夫匠人等受財代替夾帶傳遞及縱容不舉捉拏者旗軍調邊衛食糧差操夫匠發口為民官縱容者罰俸一年受財以枉法論若冒頂正軍入看守屬軍衛者發邊衛屬有司者發附近俱充軍其武場有犯懷挾等弊俱照此例擬斷一監生員撒潑嗜酒挾制師長不守監規學規者問發充吏挾妓賭博出入官府起滅詞訟事過錢包攬物料等項者問發為民

**Jiang's version:** Recommending Inappropriate Persons [Gongju fei qiren]

[1] In all cases of where inappropriate persons are recommended [for civil service degrees or government officers], or talented persons who can benefit the times and who shall be recommended are not recommended, for one such person, [the responsible persons] shall be punished by 80 strokes of beating with the heavy stick. For each additional two persons, the penalty shall be increased one degree. The punishment shall be limited to 100 strokes of beating with the heavy stick. If the persons recommended know the circumstances, they shall be punished the same. If they do not know, they shall not be punished.

[2] If examiners, in testing skills and abilities, do not make their judgments in accordance with the facts [bu yishi], the penalty shall be reduced two degrees.

[3] In case of negligence, the penalty in each case shall be reduced three degrees.

As is shown above, the detailed regulations about *Recommending Inappropriate Persons* [Gongju fei qiren] are left out, which is far from a coincidence. On the contrary, it is not hard to observe that the 382 regulations (*li*) that were attached to the *Code* during the Wanli Reign<sup>2</sup> are not translated or omitted in the English version of *The Great Ming Code*. Various aspects of the relevant crimes were regulated and illustrated through the 382 regulations (*li*), nevertheless, it will be, undoubtedly, tedious and burdensome for target readers not familiar with the legal system of Ming dynasty to

<sup>2</sup> Wanli Reign is the reign name (*nianhao*) of the emperor of China from 1572 to 1620, during the latter portion of the Ming dynasty (1368–1644). See <https://global.britannica.com/topic/nianhao>. Viewed on February 10, 2017.

read and figure out these odd regulations. By selecting to delete the all-round 382 regulations which may set target readers back, the naturalness and fluency of the language will be maintained at the same time. It shows that Jiang Yonglin simply serves as a third party and only the translator can resolve the problem, that he is not deliberately be unfaithful to the original text but to foster the naturalness and readability of the target language and that his translation can not but deter to the prevailing discourse of that system in catering for the needs of the system recipient. As such, translator's neutrality is maintained and displayed.

#### Excerpt 2

**Original version:** 監守自盜倉庫錢糧

凡監臨主守自盜倉庫錢糧等物不分首從併贓論罪併贓謂

.....

上不過肘下不過腕餘條准此

一貫之上至二貫五百文杖九十

五貫杖一百

.....

二十五貫杖一百流三千里

四十貫斬

**Jiang's version:** Article 287 Supervisors or Custodians Themselves Stealing Money or Grain from Granaries or Treasures [ Jianshou zidao cangku qianliang]

In all cases where supervisors or custodians themselves steal things such as money or grain from treasuries or granaries, they shall, without distinguishing between principals and accessories, be punished on the basis of all illicit goods taken together... On the top the tattoo shall not pass the joint of the elbow, and at the bottom, it shall not go below the wrist. Other articles shall comply with this provision.

[The punishment shall be inflicted in accordance with the amount of goods stolen as follows:]

1 guan to 2 guan 500 wen: 90 strokes of beating with the heavy stick.

1-10guan: 30 strokes of beating with the light stick.

5 guan: 100 strokes of beating with the heavy stick.

...

25 guan 500 wen: 100 strokes of beating with the heavy stick and life exile to 1000 li.

40 guan: decapitation.

As is evidenced from above, the translator has considerable discretion as to whether to add such sentence as *The punishment shall be inflicted in accordance with the amount of goods stolen as follows*. To ensure the realization of the translation accessible to target readers, those information of chapter, section, and article numbers, i.e. "Chapter 1", "Section 1" and "Article 287" and such cohesive sentences as "The punishment shall be inflicted in accordance with the amount of goods stolen as follows", and "The punishment shall be inflicted in accordance with the amount of goods received as follows" have been supplemented by Jiang Yonglin as the explanatory material so as to remove the frustration caused by the non-coherent and tremendous text and foster target readers to know more about the *Supervisors or Custodians Themselves Stealing Money or Grain from Granaries or Treasures [Jianshou zidao cangku qianliang]*. Apart from the above information, the comprehensive introduction to the making of *The Great Ming Code*, Ming Units of Measure and Money and a set of glossary, which are not the original part of *The Great Ming Code*, are also provided and illustrated in detail, whereby target readers will have a better understanding of the *The Great Ming Code* and further promote cultural communications between China and the Western world. It is obvious that domestication is adopted to ensure the acceptability of the translation considerably.

## VII. INTERACTION BETWEEN POWER DISCOURSE AND TRANSLATION STRATEGIES

The present study will examine to what extent the translation strategies and goals are influenced by social or personal ideology and knowledge. Through this process some of the discursive forces that have influenced Jiang Yonglin and help shape the translation process will be revealed, illustrating Andre Lefevere's contention that "Translators function in a given culture at a given time. The way they understand their culture and themselves may influence the way they translate" (Lefevere 1992).

An individual's knowledge structure and objective will inextricably shape his discursive construction. As illustrated above, the very reason why Jiang Yonglin took the initiative to translate *The Great Ming Code* is that he is the former president of the Society for Ming Studies, teaches lectures on Ming culture and history and offers assistance to William Jones to translate *The Great Qing Code*, all of which prove Jiang Yonglin's talent in Ming culture and history and further qualify and prepare him for a better translation activity.

As with other issues, the translator is faced with what amounts to a conflict of interests. The source text may be so much at variance with TL norms that the translation would inevitably be concerned with ideology. Despite its multiplicity, generally speaking, ideologies refer to ideas, values, conceptions, and assumptions whether cultural or political are related to power and authority of persons or institutions in a specific society (Abdulla 1991). Translation is

the communicative process which takes place in social context, i.e. the translator's objective is inextricably bound up with the social context. Meanwhile, to study translations in isolation from factors influencing the production may be consequently miss out an important dimension. As such, it is, undoubtedly, necessary to show how ideology impinges on the translation process in subtle ways.

Having a good knowledge of Chinese culture and influenced by his the socio-ideology, Jiang Yonglin endeavors to reserve the plain and serious style of the source language in such a proper way as a whole set of pinyin system of Romanization of Chinese terms and the strict observance to the original language structure and pattern. The most remarkable examples are embodied in the translation of Chinese cultural conceptions such as ....which are translated into "extracting vitality by dismembering living persons" (Caisheng zhege ren). It is the combination of Jiang Yonglin's own understanding of the letter of law and the source language and the preference for target readers. At lexical level, supplying additional information in the form of subject, pre-attribute and objects such as "the adopted sons", "the adoptive parents", "as heirs"; at textual level, rich background information in the form of introduction, diagrams and glossary are provided, in which way thick translation is employed to remove the potential vagueness and make it possible for target readers to appreciate the comprehensive and exotic Chinese legal culture. As such, strategies of domestication and foreignization are combined in subtle ways so as to foster the realization of translation goals. Seemingly, it is Jiang Yonglin's own personal preference and options that drive his to initiate the translation, however, but behind all these lies the ideological manipulation of the western world: promoting the legal and cultural interaction between the eastern and western world.

A combination of the ideology and knowledge of the translator certainly has direct influences on how translation is processed. This research reveals that the translation of *The Great Ming Code (Da Ming Lü)* is surely for a long time, and in some cases remains, deeply implicated in Chinese and western interactional norms, ideology and knowledge of the translator. The translator's ideology and knowledge structure, sometimes expressed subconsciously, in turn, may be detected through an examination of specific lexical, syntactical and textual choices.

### VIII. CONCLUSION

Jiang Yonglin's English version of *The Great Ming Code (Da Ming Lü)*, one of the most outstanding books on ancient Chinese legal system, intends to not only provide a perspective on Chinese legal culture but also promote Eastern and Western cultural communications. Therefore, it is not hard to observe such logical components of subjects, objects and pre-attributes, etc. and sentences serving as connecting links between the preceding and the following are supplemented by Jiang Yonglin, whereby Jiang Yonglin inclined to produce clinical translation for the target readers.

On the other hand, acting in favor of both parties, pinyin system of Romanization of Chinese terms are employed as a supplementary device of free translation, for instance, 布衣, "卜课" and "秀才" are rendered into "common people (buyi)", "making divination (buke)" and "cultivated talents (xiuca)" whereby much importance is attached to neutrality of translation, satisfying the need of target readers without losing the flavor of Chinese legal culture. Meanwhile, Jiang Yonglin seems to "biased" for source language by maintaining such original sentence structure as "*In all cases of eating things such as melons or fruits in others' gardens or orchards without authorization, the offenders shall be punished for illicit goods obtained through malfeasance. If they discard or destroy them, the penalty shall be the same. If they take them away without authorization or eat melons or fruits of government gardens or orchards or government-made liquor or foods, the penalty shall be increased two degrees. If the custodians give these things or know the circumstances but do not report, they shall be punished the same. If custodians take these things away without authorization, they shall be punished on the basis of supervisors or custodians themselves stealing.*" As such, The translation does not exist in a vacuum; rather, it operates against a background of different cultural conflicts and institutional rules and regulations.

Therefore, Jiang Yonglin's translation of *The Great Ming Code* is greatly welcomed and enjoys huge reputation in the western world, which can be verified by Professor James Feinerman's comment that William C. Jones's English version of *Ta Tsing Leu Lee*, Wallace Johnson's English version of *The Tang Code* and Jiang Yonglin's English version of *The Great Ming Code* as three basic materials for studying Chinese legal culture<sup>3</sup>.

Based on the Principle of the Objective and resorting to power discourse, the current research shows that:

1) As is evidenced by the English version of *The Great Ming Code*, Jiang's Yonglin plays a dual role in translating *The Great Ming Code*. On the one hand, Jiang Yonglin inclines to maintain the nature and flavor of Chinese culture by employing pinyin system. On the other hand, the social norms and ideology in the target system govern the presuppositions of the translator and thus influence ensuing translation process. It further reveals translation strategies adopted will, to a considerable extent, embody the translator's goals.

2) The effectiveness of the translation strategies adopted is evidenced by the popularity of its version in the receiving culture, that is, the social context. It is also proven that strategies by a translator adopted and the textual-linguistic make-up and translation are said to exert influences on the position of the end product in the recipient system. In the meantime, translation strategies, in turn, inevitably facilitates the realization of translation objectives.

<sup>3</sup> The specific information about the status of these Codes are available on <http://www.iolaw.org.cn/showarticle.asp?id=2197>. Viewed on February 10, 2017.



The present study demonstrates the translator, influenced by both ideology and objectives, acts as a double agent while translating the text, which verifies the close interaction between ideology, discourse and power (Van Dijk 2006). Ideology and objectives function together as the guideline of translation and further helps to explain why the translator plays a dual role in translation process, which will surely help understand how the translation operates and provide a brand new approach to translation criticism of Chinese legal classics.

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