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UDC\_\_\_\_\_

厦 门 大 学

硕 士 学 位 论 文

On the Translation of Legal Texts: A Case Study of Two English  
Versions of *Company Law of the People's Republic of China*

论法律文本翻译

——兼评《中华人民共和国公司法》英译本

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论文提交日期: 2008年5月

论文答辩时间: 2008年 月

学位授予日期: 2008年 月

答辩委员会主席: \_\_\_\_\_

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## Abstract

The ever-increasing trend of economic globalization and China's entry into the WTO quicken the pace of China's exchange with the outside world. Against this background, exchange of laws is of great importance for the following reasons. One reason is that the implementation of China's commitment to the WTO requires official English versions of all the relevant laws. Another reason is that during the process of constructing a society ruled by law, we not only need to learn from foreign countries for their valuable experience, but also need to introduce Chinese legal system to the outside world with a view to pursuing better communication with foreign countries and creating a better international environment for development. The third reason is that current English versions of Chinese laws need improving due to serious quality problems.

In 1993, *Company Law of the People's Republic of China* was published, which was a significant step towards constructing a perfect system of socialist market economy and perfecting the Chinese socialist legal system. It also can be called a milestone in the development of strategic corporation with foreign companies and investors. Over the past decade, the CLPRC underwent three amendments, and the current edition amended in 2005 is relatively suitable for Chinese economy in the 21st century.

The importance of law and the existence of different languages determine that translation of legal texts is crucial. Legal English, as one kind of English for special purposes, displays distinct linguistic features, namely, stylistic features, lexical features and syntactic features. Although lots of studies have been conducted before, there has been an absence of profound and systematic theory, specifically for translation of legal texts. Those who have conducted explorative studies and published articles in this field generally focus their attention on specific translation techniques or how to arrange sentence structures.

In this thesis, the writer intends to explore more methods of translation of legal texts. By making two official English versions of *Company Law of the People's Republic of China* a corpus for comparative analysis, the writer is able to gain insights

into the nature of problems with translation of legal texts.

The present thesis consists of five chapters.

Chapter 1 presents an overview of the present study with a brief introduction to “law” and “legal English”. Therefore, readers can get an overall understanding about the whole thesis.

Chapter 2 reviews related linguistic features of legal English. This part will develop in four sections which are introduction, stylistic features, lexical features and syntactic features for the purpose of providing a detailed picture of the characteristics of legal English.

Chapter 3 presents a theoretical framework for the analysis of Chinese-English translations of laws and regulations. The writer first makes a brief introduction to general translation theories both in foreign countries and in China. Then the writer puts forward four criteria for assessing the quality of translation of legal texts.

Chapter 4 is devoted to comparison of the two versions of *Company Law of the People's Republic of China* (hereinafter referred to as the CLPRC). At the beginning of this chapter, the writer introduces the history of the CLPRC, and then she explains the necessity of English version of the CLPRC. Afterwards, the writer analyzes two versions of the CLPRC, and points out the merits and demerits of them. Then the writer puts forward some more principles of improving English translations of Chinese laws.

The last part summarizes the major findings of the present study. Furthermore, practical and theoretical implications and limitations of the present study, and suggestions for further research are also put forward in this chapter.

Translation of legal texts is a brand-new research subject in China's translation field and it requires flexible application of various translation techniques. It is the writer's sincere hope that the thesis can throw some light on translation of legal texts and a profound and systematic theory can come up soon.

**Key words:** legal English; translation theories; *Company Law of the People's Republic of China*



## 摘要

经济全球化和中国加入世界贸易组织使中国同世界各国在经济政治文化方面的交流愈加频繁。其中，法律的交流至关重要：一是我国对世贸组织承诺的兑现要求中国相关法律必须提供官方英译本；二是在建设社会主义法治社会进程中，我们即需要借鉴国外的先进立法经验和立法技术，也需要向世界介绍中国的法制现状，以期在多方位同国际接轨；三是中国现有的法律英译本在质量上需要改进。

而法律英语作为一种专门用途英语，其翻译理论在历史上并没有受到足够的重视，现存关于法律翻译的论述多是讲述具体翻译技巧或如何遣词造句，尚未形成一套系统全面成熟的法律文本翻译理论体系。

1993年我国颁布首部《中华人民共和国公司法》，这是我国促进市场经济发展，完善法制的重要步骤，也具有与外资进行战略合作的里程碑式的意义。经过在实践中不断完善和发展，先后经历了3次修订，为我国完善市场经济体制、促进社会经济发展奠定了坚实的法律基础。新公司法在各方面进一步与国际接轨，为我国企业展开对外合作提供了更完善的法律环境。为了让外国投资者更加迅速和准确地了解中国公司法，准确无误的公司法英译本迫在眉睫。

本文拟以《中华人民共和国公司法》两个英译本为语料，分析我国法律英译存在的问题，并提出自己对提高翻译质量提出自己的看法。本论文共分四章：

第一章简要介绍了法律，法律语言和法律英语。

第二章就法律英语的特征进行了较详细的分析，因为要研究法律文本翻译，就要分析法律语言的特性。本章从三方面阐述了法律英语的特征：文体特征，词汇特征和句法特征。同时阐述了法律翻译的标准，指出法律翻译应该忠实于原文内容，并遵循法律英语的风格特点。

第三章介绍了翻译的相关知识、知名翻译理论家的观点，国外的翻译标准提到了泰特勒的翻译三原则，奈达的“功能对等”理论和纽马克的翻译理论，国内翻译理论回顾了严复著名的“信、达、雅”、鲁迅的“宁信而不顺”、以及钱钟书的化境学说，并在第三部分提出详细的翻译标准。

第四章介绍了《中华人民共和国公司法》的立法背景和相关知识以及英译本的重要性，并针全国人大和商务部两个英译版本做了尝试性的探讨和研究。旨在透过该英译本总结出当前我国立法语言翻译中的一些规律及存在问题。最后提出自己在法律语篇英译上的建议。

最后，作者总结了本文的主要内容。强调指出法律英语是一种专门用途英语，拥有明显的特征，区别于普通日常英语，并通过分析其区别性特征总结了法律英语翻译的标准。然后通过对公司法两个英译本比较，提出自己在改进翻译质量上的一些具体见解。

在中国翻译界，法律文献的翻译是一个新兴领域，本文旨在抛砖引玉，以期在我国法律翻译领域尽快有一套完整而成熟的法律文本翻译理论出现。

**关键词：**法律英语；翻译；《中华人民共和国公司法》

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