A Study on Business Contract Translation from the Perspective of Three-Dimensional Transformation of Eco-Translatology

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Abstract. As the deepening of economic globalization and implementation of China’s “one road, one belt” policy, the transaction between Chinese and foreign companies is increasingly stepping up, which requires a much higher quality of the translation of the most important legal text in transaction—business contract. To achieve this goal, this paper has selected the new and advanced approach in translation—three-dimensional transformation of Eco-Translatology to analyze the problems in business contracts and give suggestions correspondingly. Having been categorized into three dimensions, the problems mainly lie in the vocabulary and grammar errors from linguistic dimension, the different thinking modes and idiomatic expressions from the cultural dimension, and the misunderstanding of the original texts from the communicative dimension. Finally, the paper suggests that translators should select the words based on their connotations and sentence structures properly, adapt themselves to the transformation of different cultures, and strengthen their translating abilities to resolve the problems, so as to better meet the needs of this new era.

Introduction

As economic globalization develops and the “one road, one belt” policy implements, more international trades are established between China and others countries. Business contracts can protect the interests of the two parties and are widely used in business activities. At the same time, with the ecology notion rooting our hearts, a new discipline comes into being—that is Eco-Translatology. While there are many translating methods which could guide us in translating business contracts, the three-dimensional transformation perspective of Eco-Translatology is a relatively new point that few researchers study, which, in fact, has been applied in many aspects and proved effective. [1] As we know, poor translation of business contracts may bring about various problems, making companies suffer from a great loss both in its reputation and wealth. This paper aims to analyze how to translate business contracts better under the guidance of the three-dimensional transformation of Eco-Translatology by analyzing the major problems in the translation of business contracts, and it also puts forward some suggestions on the proper translation of business contracts from linguistic dimension, cultural dimension and communication dimension to help the translators improve their translation work.

Eco-Translatology and Three-dimensional Transformation

Eco-Translatology was proposed by researchers at the beginning of the 21st century. Its birth has three main causes. The first cause is the ecological trend of global vision; the second is the ecological wisdom of Chinese civilization; the third is the development of related fields and disciplines. This new model attempts to describe and interpret translation from an ecological perspective, taking as its conceptual foundation the assumption that translation could be best understood in a harmonious eco-system. And the three-dimensional transformation approach is the one of the major approaches in Eco-Translatology, which clearly tells the translators how to effectively adapt themselves to contexts and select materials in translation.
Eco-Translatology

Characterized by an ecological conception and an interdisciplinary orientation, Eco-translatology is an emerging eco-translation paradigm of translation studies from the ecological perspective. With metaphorical analogues between natural eco-system and translational eco-system, and interdisciplinary studies as its methodology, it probes into translation eco-environment, textual ecologies, and “translation community” ecologies, as well as their interrelationships and interplays. Regarding translation as a holistic eco-system, it describes and interprets translation activities in terms of ecological principles of eco-holism, the oriental traditional eco-wisdom, and translation as Adaptation and Selection. Within the eco-translation paradigm, “Translation as Eco-balance”, “Translation as Textual Transplants”, and “Translation as Adaptation and Selection” are taken as its core concepts.\[2\]

Prominent eco-features are obviously reflected in both natural ecosystems and translational ecosystems. These eco-features are characterized by stressing wholeness and relevance, seeking dynamics and balance, presenting eco-aesthetics, highlighting translation participants, indicating translation ethics and promoting diverse and unity. It is believed that these eco-features of Eco-Translatology may shed some light on translation studies in terms of concepts, methodology, way of thinking and so on.

Three-dimensional Transformation

Multi-dimensional adaptation and adaptive selection means that, in the process of translation translators should adapt and select adaptive conversion at multidimensional levels.\[3\]

Language translation method of adaptive selection of transition could be briefly summarized into three aspects, language adaptive selection of transformation, cultural dimension adaptive selection transformation, communicative dimensions adaptive selection of the conversion.

Language adaptive selection of transformation refers to transformation from all the aspects which is related to linguistic features.

Cultural dimension adaptive selection transformation refers to that translators should pay attention to avoiding the misunderstanding of the original text from the interference of target language and its culture.

Communicative dimension adaptive selection of the conversion means that translators should pay attention to achieving the purpose of communication, in addition to the achievement of the linguistic transformation and transmission of culture connotation.

However, it does not mean that translators should only give priority to the above-mentioned points. As a matter of fact, more aspects should be considered, and the above-mentioned aspects are just the key ones, and they are often combined with each other.

Problems Existing in Business Contracts Translation

The problems in business contracts translation are summarized on the basis of three-dimensions. As is known to all, culture is based on linguistics, and linguistics is also one of the foundations of communication. Language is a tool people use to achieve the communicative goal. What is more, culture has exerted an influence on communication. In short, these three aspects depend on each other and work on each other.

In international trade, the failure of business contract translation poses a threat to the development of companies and it is one of the major causes for loss. Therefore, translators should avoid the problems from the following aspects.

Problems from Linguistic Aspect

There is no doubt that written business contracts are significant and the lack of writing skills may cause loss in business. Similarly, a major reason for the failure of business contract translation between Chinese and English is related to the lack of abilities of selection and adaptability from the perspective of linguistic dimension. The typical linguistic problem is the fallacious use of vocabulary and inappropriate choice of sentence structures.
Vocabulary being a fundamental factor in translation, fallacious using of vocabulary usually affects the effectiveness of translation. In translating business contracts, the main type of fallacious use of vocabulary is the inappropriate use of synonyms.

Except this, another typical problem in business contract translation is the word “shall”. As Chinese language is high context and high connotation, people usually find difficulty in distinguishing modal verb, especially “shall”.

**Problems from Cultural Aspect**

Cultural differences may cause problems to both sides. There are two major reasons to the cultural problems. One is the different thinking modes, the other is the different idiomatic expressions. Due to stubborn negative transfer of the different thinking modes in Chinese and English, translators often get confused with them, and sometimes are in a dilemma when translating business contracts. For example, in Chinese language, subjects are usually the human beings, while in English, the abstract concepts are often the subjects, which may cause problems in the translation of business contracts.

In addition to the problems caused by different thinking modes, there are some other problems caused by different idiomatic expressions in business contracts, such as except, as, herein, provided, in witness, whereof, including, without limiting the generality of the foregoing, no waiver of these provision and so on.

**Problems from Communication Aspect**

Even if translators have a sound knowledge of linguistics and culture, there is no guarantee that they could translate a business contract well. Business contract has its function in its application and its communicative purpose can be divided in two aspects. One is related to the function of practical texts, the other is related to the function of contracts. It is safe to say that failing to achieve these is far from a good translation of business contracts. There are two major factors of failing to achieve the communicative purpose.

The first factor is the improper omission and addition, and the second factor is that translators lack professional knowledge. As a matter of fact, misunderstanding of communicative intentions could result in problems in translation of business contracts. In Eco-Translatology, the inside environment refers to the environment which consists of source language and target language. Therefore the reasons causing misunderstanding of communicative intentions are complicated. Moreover, ambiguity in translation is another problem, which is caused by different cultures and it influences the preciseness and clearness of business contract translation.

**Suggestions on Improving Business Contracts Translation from the Perspective of Three-Dimensional Transformation**

Translators are the core of ecosystem of translation. When selecting and adapting the original texts and translated texts, they should select suitable words in the contexts to achieve effective communication purposes. Hence, it is essential that they should obtain effective suggestions guided by the three-dimensional transformation approach.

**Suggestions from Linguistic Dimension**

From linguistic dimension, translators should select the proper linguistic style to adapt to the original texts and translated texts. From the linguistic dimension, they should not only select the diction and words which best show the connotation and writing styles of the original texts, but also adapt the characteristics and idiomatic usage of the translated languages, so as to identify the rights and responsibilities of the parties.

**Selection of Appropriate Synonyms with Less Meaning.** Vocabulary is the key element of business contracts. Proper selection of words can exactly show the connotation of original texts, which is the priority of translating business contracts.

At first, translators should carefully select the synonyms. When selecting synonyms, translators
should consider whether the connotation, grammar and the style adapt to the business contracts features.

Contract English shall be standardized in using words which should be precise and formal in accordance with the connotation of usage.

**Selection of Proper Meaning of “Shall”**. The modal verb “shall” is the most frequently used word in English contracts and is a legal term in fact. “Shall” means that the liabilities, obligation and legal responsibilities that both parties must undertake. If people fail to fulfill the obligation signified on the contracts, they breach the contract and should be liable for it. When translating contract clauses, translators should choose the translated version in light of the contexts. Under most circumstances, “shall” shall be translated into the proper Chinese words “yinggai”or “ying”.

For example, the arbitration clause “Any dispute, controversy or claim arising out of or relating to this contract, or … shall be settled through amicable negotiation” means that both parties should cope with the dispute by themselves at the first time, if them have any dispute.

According to the INCOTERMS 2000, under the term of FOB, the seller should bear all risks of loss of or damage to the goods until such time as they have passed the ship’ rail at the named port of shipment; the buyer should bear all risks of loss of or damage to the goods from the time they have passed the ship’s rail at the named port of shipment. Thus, the two “shall” should be translated into “yinggai” in Chinese, which can show the obligations of two Parts. [6]

**Suggestions from Cultural Dimension**

Culture plays a great role in translating business contracts. “No human life is not affected by the culture and changed by culture”. [7] Due to the differences in context and property between source language and target language, translators shall put emphasis on the transformation of the source language, and adapt the culture of the source language through delivering culture connotation of both languages when they translate business contracts.

**Selecting Proper Readjustment and Voices**. Different cultures generate different thinking modes, which often troubles translators. Thus, translators should adapt themselves to the target language by using the right thinking modes.

Considering the language differences, if the subject in original text is the action noun, and the sentence is passive voice, the active voice is preferred. Translators should also adjust subject to object, and object to subject when emphasizing the object, and adjust object to verb when it is hard to find a proper translation in Chinese to the original text. And if a word is directly translated into a verb, adjust the predicative to subject when it has the same connotation of the subject of the original text. Besides, adjusting the attributive to verb and the adverbial to subject are practicable.

As a result of language differences, English contracts usually have long sentences, so translators must try to fully understand the meanings of the phrase, modifiers, conjunctions, grasp the main ideas, time sequence and logical expressions. In addition, it is suggested to transform the passive voices into the active voices, and to use readjustment of the original texts to reduce the interference of different thinking modes.

**Learning Different Idiomatic Expressions**. In English business contracts, there are lots of idiomatic expressions, which differ from the Chinese ones.

The first idiomatic expression is using capitalization. In English contracts, some initials of special words need to be capitalized, in addition to the first word of a sentence. There are certain rules about capitalization of the initials. [8] First, the initials of words concerning parties to a contract, such as Part A. Second, the initials of words concerning organization in a contract. Third, the initials of the key words or phrases in a contract. Fourth, the initials of words concerning contract and clause or articles or appendix. Fifth, the initials of words concerning international conventions, practice, laws, regulation and so on. Sixth, the initials of words concerning agreement or documents to a contract. Lastly, the initials of money used in a country.

The second idiomatic expression is using the words “thereof”, “herein” and the like. Though these words are scarcely used in modern English, they are often used in contracts to make contracts
more formal. And these words are usually adverbial phrases. For examples, “hereafter” is equal to “following this”, “thereafter” is equal to “after that”.

**Suggestions from Communication Dimension**

From communication dimension, translators should not only consider its communicative function, but also let both sides have a clear understanding. If its communication function is neglected, a business contract may lose its application purpose.

As professional knowledge is the basis of translation, translators should give the priority to accumulating relevant knowledge and translation skills. To keep sentence completed, they should use proper omission and addition. And when translating business contracts, it is improper to only keep the equivalence of the number of words of the original text and the translated text.

In order to avoid or correct the translation errors, the following steps are to be taken. First, translators could correct the errors word by word, comprehend the original text again, and give the priority to the difficulty or ambiguity. Next, translators should examine whether they have adopted the proper expressions or grammar in the target language.

Finally, they should recheck of the original text by comparing the original text and the translated text to make the translation adapt to not only the target language system but the style of the original text.

In sum, when examining the translated business contracts, the principles to achieve the balance of eco-system of translation shall be taken.

**Conclusion**

Different languages and cultures always result in serious problems in the translation of business contracts. The paper studies the problems from the perspective of three-dimensional transformation of Eco-Translatology, trying to probe the hot issue in translation from the perspective of a relatively “cold” approach. No matter which ways we use in translating business contracts, proper selection and adaptation of the language and culture is inevitable, and it is the macroscopic method this paper uses.

All in all, when translating business contracts, in addition to language itself, translators should consider cultural backgrounds and the communicative functions of business contracts. It is hoped that this paper can provide useful suggestions to both translators and learners in their practice and studies, so as to better meet the needs of the country and the society.

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