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Translation Quarterly

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The Hong Kong Translation Society

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Chief Editor's Note

Vastly different subjects are dealt with in the five papers collected in the present issue – from legal to literary translation; from English translation of Chinese poetry to Chinese translation of English poetry; from the translation scene in China/Hong Kong to that in contemporary Cameroon.

Clara Ho-yan Chan's "Legal Globalization and Law Drafting and Translation" compares the lexical items in several Chinese intellectual law statutes and describes how, in the context of increasing globalization, the PRC seeks to connect its legal system to international systems. Her discussion contrasts interestingly with Wang Ling's "The Concept of Legal Culture in Legal Translation: Deconstruction and Reconstruction," which deals with the situation in Hong Kong in the run-up to 1997, when law translators had to engage in the balancing act of preserving not just the meaning and culture of the original English text, but also the linguistic and cultural features of Chinese in the translation.

Eugene Eoyang's "New Wine in Old Bottles: Contemporary American Poems in Classic Chinese Forms" considers what is untranslatable from one culture to another. He illustrates this thesis with his own translations of several Chinese poems on certain classical themes like exile, longing for home and oneness with the seasons. By contrast, in his "Manipulated Resistance in

Domesticating Translation,” Wang Xueming focuses on eight Chinese translations of a poem by William Wordsworth, showing how the translators sought to build a new Chinese literature on foreign poetic models. For him, they were doing nothing less than translating – or at least transposing – the untranslatable.

Finally, there is Valentine N. Ubanako’s “Bridging the Gap between Cameroon Anglophone and Francophone Literature,” a sweeping discussion of the bilingual literary situation in Cameroon and a call to action. At the end of his article, the author expresses his hope that Cameroon can expand the scope of its literature(s) through the setting up of translation teams to render fictional masterpieces into the “other language,” thereby promoting a true image of the country and enhancing national and social cohesion.

A wide array of comparisons and contrasts.

Leo Chan

December 2010

Legal Globalization and Law Drafting and Translation: Use of Legal Terms and Technical Words in Intellectual Property Laws of the People's Republic of China

Clara Ho-yan Chan

Abstract

To meet the general requirement for term consistency and equivalence in legal translation, the study compares the lexis of three Chinese intellectual law statutes and describes differences in the use and translation of legal terms and technical words that arise from the respective influences of globalisation and localisation, as China attempts to connect its legal system to the international standard under the trend towards globalisation. It attempts to enhance the translation of all lexical items by promoting the use of "cross-examination" of Chinese-English translation and English-Chinese translation. This process demonstrates that legal drafters and legal translators can be more sensitive to each other's diction amid the trend towards local laws being globalised and international laws being localised. The discussion considers "legal terms" and "technical terms and words".

Introduction

A simple definition of intellectual property is that it is a variety of intangible matter protected under law. Originating in early 18th century Britain, intellectual property law has become an increasing focus of attention in modern society. From the 19th century, Western countries began to make international laws, and many countries had to revise their own laws to comply with them in order to protect the interests of their own creators of original works. These international laws have been translated into different languages (Ricketson and Richardson 2005: 5). This development of intellectual property is part of the expanding globalisation that is by definition primarily economic but covers virtually all major human activity in the globe. Auby (2008: 211) states:

Globalization is a set of phenomena which is transforming our world by leading it from segmentation to intermingling, from separation to transitivity, from a territory-based organization to despatialization, from a state-centred configuration to a less state-centred arrangement. Its main manifestation is economic and is related to the dramatic growth of international commerce, the development of increasingly powerful transnational economic actors, and the international liberation of various markets, primarily the financial ones.

Also, Rundell and Fox (2002: 603), from a wider perspective, define globalisation as “the idea that the world is developing a single economy and culture as a result of improved technology and communications and the influence of very large MULTINATIONAL companies”.

For continuity, globalisation needs to be substantiated by law. This can be regarded as legal globalisation, which practically “takes the forms of internationalisation of domestic laws and domestication of

international laws” (Zhu 2010: 2). In recent decades, China has joined many international organisations and signed many international agreements, examples of which include its 2001 admission as the 143rd member of the World Trade Organisation and its subsequent becoming a signatory to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) on the protection and enforcement of intellectual property rights. China has also been introducing legal concepts from other countries, although it is said that they have been adapted to work within the confines of local culture (Potter 2001: 4-15; Zhu 2010: 4-8). The effects of international treaties are implemented through the enactment of domestic legislation. Against this global legal background, this paper intends to illuminate the possible impact of globalisation on legal drafting and translation through a comparison and contrast of the lexis of two Chinese intellectual law statutes, that is, copyright laws from China (statutes written in Chinese) and international intellectual property right agreements (English-Chinese translation), with the purpose of providing a framework for the study of the unexplored phenomena of legal Chinese and translation in the domain of intellectual property law. While using national copyright laws to represent the trend towards “globalizing national laws” and international laws to represent “localizing international laws”, this study also takes reference from copyright laws from Hong Kong (English-Chinese translation) which, drafted in English, form the basis of the Chinese version in the bilingual legal system that officially started after Hong Kong’s handover to China in 1997 (Zhu 2010: 4-8). Given that the issues of equivalence and consistency of terminology are always significant in legal translation, this study of several legal and technical terms and words uncovers two main phenomena in the use of Chinese legal terminology under the trend towards globalisation (Cao 2007: 53-54). Firstly, the mainland Chinese legal terms are used inconsistently; for example, two Chinese translated terms are

used for the same English term in the same or different statute/agreement. Secondly, the different translated legal terms used in local law and international law illustrate not only the regional differences in legal Chinese, but also the disparity of legal systems and legal traditions, which is probably the main problem facing legal translation. This paper also provides a much-needed terminological reference for the translator in this area, through clarification of synonyms and similar terms.

Chinese Intellectual Property Laws in Revision to Attain International Standards

Both China and its Special Administrative Region Hong Kong, which used to be a British colony, have a history of legislation created with the aim of complying with the international standard of intellectual property laws, of which copyright is one of the most important areas. In 1992, China joined the Berne Convention for the Protection of Literary and Artistic Works (1886) and Universal Copyright Convention (1952). In 2001, the Copyright Law of the People's Republic of China enacted in 1990 was revised in compliance with TRIPS in Annex 1c in Agreement Establishing the World Trade Organisation. Hong Kong has also joined the Berne Convention and Universal Copyright Convention (1952). Since its enactment in 1997, the Copyright Ordinance (Chapter 528) has been constantly revised in order to meet certain minimum standards of intellectual property protection under TRIPS for its members, it being now the Copyright Ordinance 2007. Wu (2000: 380) continues to note:

In view of the copyright development, the coming into force of the agreement (TRIPS) also marks that the copyright legislation enters

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into a stage of standardization. The revision and improvement of the copyright laws in mainland China and Hong Kong must focus on the incompatibility of the existing laws and the relevant international conventions.

This study, based mainly on a comparison between the Copyright Law 2001 of the People's Republic of China (CLPRC) and TRIPS, with reference to Hong Kong's Copyright Ordinance (Chapter 528) (COHK), shows that under the tendency towards globalisation, the nation retains its local and traditional use of the Chinese legal lexicon. It also suggests that legal drafters and legal translators should consult with each other about lexical and terminological use and the "cross-examination" of both national laws and international laws and their translations should be a good fine-tuning process for achieving consistency and standardisation of legal terms. According to Cabré (1999: 200), it takes great effort at various levels to achieve terminological standardisation in general:

Terminological standardization cannot be carried out without the intervention of subject specialists, who after all, are the real end-users of its products. Though it is regularly revised, standardized terminology must give the impression of stability. Proposals for terms, especially those for special fields with international scope, must reconcile national and international viewpoints.

Given that standardisation takes time to achieve, and that variation arises from historical tradition, the continued co-existence of variants can be justified, particularly as globalisation is the regulatory domain of trans-national rather than national activities. In any case, despite the linguistic and translational issues concerning the lexicon to be discussed,

the legal intentions of the CLPRC and the TRIPS are similar. The CLPRC aims to protect authors' copyright and copyright-related rights and interests, to encourage creation and to enhance socialist culture and science (CLPRC 1); meanwhile, the TRIPS aims to promote effective protection of intellectual property rights among its members, while ensuring that such protection does not impede international trade (Preface). It should also be stated that rather than a holistic study of the two statutes in terms of their linguistic and stylistic features, this discussion chiefly concentrates on the lexical items that occur in the statutes that are legally related to each other, that is, those that have similar legal aims and those signatory's laws whereby an international treaty is effected.

The great number of Chinese terms and words under study are presented in Mandarin Romanisation (Pinyin), Chinese characters and literal English translation (with ordinary rather than technical meaning) on first appearance, then Pinyin and Chinese characters on subsequent appearances. The Pinyin system, used by the PRC since the 1950s, is the official form of Chinese transliteration adopted by the United Nations. The examples of statutes are given in Chinese characters and English original or translation.

Lexical Differences between National and International Laws

The discussion is divided into legal terms and technical terms and words. The "cross-examination" process is like this: I compare the CLPRC terms with their English translation and the same English translation in TRIPS with their Chinese translation, then compare and contrast the two.

A. Legal Terms

“Copyright” (zhuzuoquan 著作權 vs. banquan 版權)

The legal term of *copyright* is a loanword in Chinese and there are two translations, namely, *zhuzuoquan* (著作權) (authorship) and *banquan* (版權) (right to copy). Consider the following examples:

- (1) 為保護文學、藝術和科學作品作者的著作權，以及與著作權有關的權益，鼓勵有益於社會主義精神文明、物質文明建設的作品的創作和傳播，促進社會主義文化和科學事業的發展與繁榮，根據憲法制定本法。(CLPRC 1.1)

This Law is enacted, in accordance with the Constitution, for the purposes of protecting the copyright of authors in their literary, artistic and scientific works and the copyright-related rights and interests, of encouraging the creation and dissemination of works which would contribute to the construction of socialist spiritual and material civilization, and of promoting the development and prosperity of the socialist culture and science. (CLPRC 1.1 Translation)

- (2) Copyright protection shall extend to expressions and not to ideas, procedures, methods of operation or mathematical concepts as such. (TRIPS 9.2)

版權的保護僅延伸至表達方式，而不延伸至思想、程式、操作方法或數學概念本身。(TRIPS 9.2 Translation)

Reflecting the different legal approaches of civil law, which is based mainly on statutes, and common law, based mainly on cases, there has been controversy over the use of the two Chinese legal terms

for more than half a century. As indicated in example (1) which states “the copyright of authors”, *zhuozuoquan* (著作權), used not only in mainland China but also in Taiwan’s civil law system, emphasises the concept of “authorship”, the natural person who owns their creation, and generally refers to literary works that can be “authored” such as novels and academic papers. On the other hand, the term used in Hong Kong’s common law, *banquan* (版權), as shown in example (2) which states “copyright protection shall extend to expressions”, emphasises the concept of “right to copy” of the work itself and carries a sense that can easily extend from “publishing” to “copying” in the world of modern technology (Jiang 2005: 4-5). In light of this discrepancy, the meaning of copyright should be looked at more closely. According to the Black’s Law Dictionary (Garner 2004: 361), “copyright” is defined as:

The right to copy; specif., a property right in an original work of authorship (including literary, musical, dramatic, choreographic, pictorial, graphic, sculptural, and architectural works; motion pictures and other audiovisual works; and sound recording) fixed in any tangible medium of expression, giving the holder the exclusive right to reproduce, adapt, distribute, perform, and display the work.

Based on this definition, the legal concept of copyright is inclined to protect the right to copy the work, rather than the person who owns such right. This is closer to the literal meaning of the translation of *banquan* (版權), that is, “right to copy”. Today, the translation of *banquan* (版權) appears to meet the coverage of current international convention that, besides the author, grants rights to *gaibian*, *fanyi*, *zhusi*, *zhengliren* (改編、翻譯、注釋、整理人) (the adapter, translator, annotator or arranger) (CLPRC 2.12), *zhipianzhe* (製片者) (the producer) (CLPRC

2.15), and *faren huozhe qita zuzhi* (法人或者其他組織) (the legal entity or other organization) that produce *gongcheng shejitu, chanpin shejitu, ditu, jisuanji ruanjian deng zhiwu zuopin* (工程設計圖、產品設計圖、地圖、計算機軟體等職務作品) (drawings of engineering designs and product designs and maps, computer software and other works) (CLPRC 2.16. 1). In what is seemingly an attempt to compensate for these “historical” differences, the CLPRC states that *zhuozuoquan* (著作權) is equivalent to *banquan* (版權). Consider this:

- (3) 本法所稱的著作權即版權。(CLPRC 6.56)

For the purposes of this Law, the terms “**zhuozuoquan**” is “**banquan**”. (CLPRC 6.56 Translation)

There has been criticism of this statute, despite the fact that the two terms *zhuozuoquan* (著作權) and *banquan* (版權) are considered interchangeable in international law (Jiang 2005: 6). Now both translations have their reasons for continued use on the mainland. For *zhuozuoquan* (著作權), supporters believe that it has a longer history of use in China’s legislation, originating as a borrowing from the Japanese language during the Qing legal revision, and that it is more in line with the concept of “author’s right” adopted generally in civil law countries. Supporters of *banquan* (版權) believe it is more internationalised because in international law, the concept of “copyright” is used and it is a term familiar to the general public who also use *daoban* (盜版) (piracy) which literally means “illegal copying” (Qu 2009). This issue still needs further research, but at this point I suggest that if law drafters hope to further globalise Chinese intellectual law, they should take advantage of the wider coverage of rights provided by the use of *banquan* (版權) in standardising this important term in the translation of TRIPS, a statute that aims to serve countries on both common and civil legal systems. Nevertheless,

the term *zhuozuoquan* (著作權) is also justifiable in domestic use because globalisation is not meant to eliminate differences between sovereign states, which remain the most important entities in global governance (Zhu 2010: 8-10).

“Copyright owners” (*zhuozuoquanren* 著作權人 vs. *banquan suoyouquanren* 版權所有權人)

Another incongruency occurs when *zhuozuoquanren* (著作權人) is translated as “copyright owner” in the English translation of CLPRC (e.g. CLPRC 3.24), while the Chinese translation of “copyright owner” is *banquan suoyouquanren* (版權所有權人) (TRIPS 14.3). I do not consider that *zhuozuoquanren* (著作權人) is a term that can adequately convey the legal meaning of “someone who owns the copyright” or “copyright owner” because it does not contain a verb that means “own”. Therefore, I suggest that a verb such as *chiyou* (持有) (hold) or *yongyou* (擁有) (own) be added before *ren* (人) (person). On the other hand, the term *banquan suoyouquanren* (版權所有權人) may sound redundant mainly due to the repetition of the word *quan* (權) (right), so the deletion of the second instance of *quan* (權) would render the translation an equivalent term. To further refine these Chinese translations, reference can be made to the translation of “copyright owners” in Hong Kong laws (COHK 24(2)), which is standardised as *banquan yongyouren* (版權擁有人). *Yongyouren* (擁有人) can be a better translation of “owner” than *chiyouren* (持有人) (holder) and even *suoyouren* (所有人) (possessor) since the verb “own” is usually translated as *yongyou* (擁有) in everyday Chinese. Again this “cross-examination” of the original and its translation provides a useful approach in improving the end product with China’s constant need to translate its Chinese local laws into English and English international laws into Chinese.

“Decision” (caiding 裁定 / caijue 裁決 / jueding 決定)

Another legal term that produces different translations is “decision” (*caiding* 裁定 / *caijue* 裁決 / *jueding* 決定). In the CLPRC that has an English translation, *jueding* (決定) (decision) is officially rendered as “decision” in the administrative area, for example, in the 《全國人民代表大會常務委員會關於修改〈中華人民共和國著作權法〉的決定》(Decision on the Amendment of the Copyright Law of the People’s Republic of China adopted at the 24th Session of the Standing Committee of the Ninth National People’s Congress). Consider one more example:

- (4) 當事人對行政處罰不服的，可以自收到行政處罰決定書之日起三個月內向人民法院起訴，期滿不起訴又不履行的，著作權行政管理部門可以申請人民法院執行。(CLPRC 5.55)

Any party who is not satisfied with an administrative penalty may institute proceedings in the People’s Court within three months from the date of receipt of the **written decision** on the penalty. If a party neither institutes legal proceedings nor implements the decision within the time limit, the copyright administration department concerned may apply to the People’s Court for enforcement. (CLPRC 5.55 Translation)

In the judicial sense, *caiding* (裁定) (determination) is also rendered as “decision”, as shown in this instance:

- (5) 人民法院接受申請後，必須在四十八小時內作出裁定；裁定採取保全措施的，應當立即開始執行。(CLPRC 5.50)

The People’s Court must make the **decision** within forty-eight hours after it accepts an application; the measures of preservation

shall be taken without delay if it is **decided** to do so. (CLPRC 5.50 Translation)

While both *jueding* (決定) and *caiding* (裁定) are translated as “decision” in the CLPRC, in the English-written TRIPS that carries a Chinese translation, on the other hand, “decision” used in the judicial sense is rendered as *caijue* (裁決) (decision). Consider the following example:

- (6) **Decisions** on the merits of a case shall preferably be in writing and reasoned. They shall be made available at least to the parties to the proceeding without undue delay. **Decisions** on the merits of a case shall be based only on evidence in respect of which parties were offered the opportunity to be heard. (TRIPS 41.3)
對一案件是非曲直的**裁決**，最好採取書面形式並說明理由。至少應使訴訟當事方可獲得，而不造成不正當的遲延。對一案件是非曲直的**裁決**只能根據已向各方提供聽證機會的證據作出。
(TRIPS 41.3 Translation)

In the administrative sense in TRIPS, “decision” is rendered mostly as *caiding* (裁定) and *jueding* (決定), and in one instance, *caijue* (裁決). In my opinion, the translation of *jueding* (決定), which is an everyday word, is justifiable since TRIPS is an agreement for its member countries to decide on matters relating to intellectual property protection. However, there is an inconsistency in the use of *caiding* (裁定) and *caijue* (裁決). Consider the following two examples:

- (7) Parties to a proceeding shall have an opportunity for review by a judicial authority of **final administrative decisions** and, subject to jurisdictional provisions in a Member’s law concerning the

importance of a case, of at least the legal aspects of initial judicial decisions on the merits of a case. However, there shall be no obligation to provide an opportunity for review of acquittals in criminal cases. (TRIPS 41.4)

訴訟當事方應有機會要求司法機關對**最終行政裁定**進行審查，並在遵守一成員法律中有關案件重要性的司法管轄權規定的前提下，至少對案件是非的初步司法裁決的法律方面進行審查。但是，對刑事事件中的無罪判決無義務提供審查機會。(TRIPS 41.4 Translation)

- (8) **Final administrative decisions** in any of the procedures referred to under paragraph 4 shall be subject to review by a judicial or quasi-judicial authority. However, there shall be no obligation to provide an opportunity for such review of **decisions** in cases of unsuccessful opposition or administrative revocation, provided that the grounds for such procedures can be the subject of invalidation procedures. (TRIPS 62.5)

第 4 款下所指的任何程式中的**行政終局裁決**均應由司法或准司法機關進行審議。但是，在異議或行政撤銷不成立的情況下，無義務提供機會對**裁決**進行此種審查，只要此類程式的根據可成為無效程式的理由。(TRIPS 62.5 Translation)

As the above example (8) contains the only two instances in which “decision” is translated as *caijue* (裁決), I believe this to be an error in the rendition process. In most cases, the translation of *caiding* (裁定) is used, while another legal term “ruling” is also translated as *caiding* (裁定) (TRIPS 63.1 & 63.3). At this point, the main issue is not so much about the translation of *jueding* (決定) as a general usage, but rather whether the usage of *caiding* (裁定) and *caijue* (裁決) can be more precisely defined. *Caiding* (裁定) and *caijue* (裁決) each takes a part of

the compound verb *jueding* (決定), and in general usage, this creates no difference in meaning. However, as previously stated, in the legal area, lexical usage should be constant. In fact, such inconsistency is also found in Hong Kong Copyright Laws—while “determine/determination” is rendered as *caiding* (裁定) throughout the statute (e.g. COHK 111(5) & 133), there are two Chinese translations for “decide/decision”, that is, *caijue* (裁決) (e.g. COHK 111(1)(b)) and *caiding* (裁定) (COHK 111 (7)).¹¹ In spoken language, the two terms are usually differentiated in that *caiding* (裁定) is used as a verb, while *caijue* (裁決) serves as a noun. I would like to suggest that the term *jueding* (決定) should not be used in legal drafting, and that it should be replaced by either *caiding* (裁定) or *caijue* (裁決). Finally, regardless of whether *caiding* (裁定) or *caijue* (裁決) is used, the legislation should make no difference between the judicial and administrative meanings of “ruling”. Usage can thus be made consistent throughout the texts of the statute and the international agreement.

From the above analysis, it can be concluded that the Chinese translation of legal terms is subject to both national and international influences. Given that there is a lexical inconsistency and that legal tradition has a great bearing on the choice of lexis and translation in legislation, the localisation force, as represented by the division of mainland and Hong Kong laws, is conspicuous. I believe that this division will remain strong, and so the standardisation of all Chinese legal terms may appear an impossible task. But what can compensate for it is a stricter translation method where translators consult international agreements and their Chinese translations when translating Chinese statutes, and vice versa.

B. Technical Terms and Words

“Fix/Fixation” (luzhi 錄製 vs. guding 固定)

It is said that the new technological revolution is the direct cause of innovation in and reform of the copyright system, and further, that copyright is merely a “side product” of modern communication technologies (Wu 2000: 379). Several commonly-used terms and words such as the following, though not yet in a stable pattern of usage, can readily reflect this legal and technological development. In the CLPRC, for example, the term *luzhi* (錄製) is rendered as “fixation” while in TRIPS, “fixation” is rendered as *guding* (固定). Consider the following examples from CLPRC and TRIPS respectively:

- (9) 將其播放的廣播、電視錄製在音像載體上以及複製音像載體。
(CLPRC 4.44.2)
to **fix** its broadcast radio or television program on a sound recording or video recording carrier and to reproduce the sound recording or video recording carrier. (CLPRC 4.44.2 Translation)
- (10) In respect of a **fixation** of their performance on a phonogram, performers shall have the possibility of preventing the following acts when undertaken without their authorization: the **fixation** of their unfixed performance and the reproduction of such **fixation**. Performers shall also have the possibility of preventing the following acts when undertaken without their authorization: the broadcasting by wireless means and the communication to the public of their live performance. (TRIPS 14.1)
就將其表演**固定**在錄音製品上而言，表演者應有可能防止下列未經其授權的行為：**固定**其未曾固定的表演和複製該**錄製**

品。表演者還應有可能阻止下列未經其授權的行為：以無線廣播方式播出和向大眾傳播其現場表演。(TRIPS 14.1 Translation)

As “fixation” is a frequently used vocabulary item in intellectual property right law, it is necessary to “fix” its translation as a consistent one. I suggest the meaning-for-meaning translation of *luzhi* (錄製) makes it a better choice, as *luzhi* (錄製) (as used in CLPRC) is more readable than *guding* (固定) to a Chinese reader and in COHK (e.g. Section 202) and the English-Chinese Glossary of Legal Terms published by the Department of Justice of Hong Kong (2004: 401), the term “fixation rights” is officially rendered as *luzhiquan* (錄製權). On the other hand, the various current English translations of *luzhi* (錄製) in CLPRC can be standardised as “fix”. Consider two examples from the statute:

- (11) 錄音製作者使用他人已經合法錄製為錄音製品的音樂作品製作錄音製品，可以不經著作權人許可，但應當按照規定支付報酬；著作權人聲明不許使用的不得使用。(CLPRC 4.39)

A producer of sound recordings who exploits a music work another person has duly **made into a sound recording** to produce sound recordings, may not obtain permission from, but shall pay remuneration to the copyright owner as prescribed by regulations, such Work shall not be exploited where the copyright owner has declared that such exploitation is not permitted. (CLPRC Article 4.39 Translation)

- (12) 未經表演者許可，從現場直播或者公開傳送其現場表演，或者錄製其表演的；(CLPRC 5.46.10)

broadcasting live a performance or communicating the live performance to the public, or **recording his performance** without the permission of the performer; (CLPRC 5.46.10 Translation)

There is a need to standardise these English translations so as to avoid confusion and achieve higher precision and effectiveness for the statute. I suggest the first example be translated as “fix as a sound recording” and the second as “fix his performance”.

“Sound recording” (luyin 錄音 vs. changpian 唱片)

A technical term related to fix/fixation is “sound recording”. Accordingly, in CLPRC that constantly uses *luzhi* (錄製), all instances of English translation of *luyin* (錄音) are rendered as “sound recording”, sometimes adding the word *zhipin* (製品) (work) to add specificity as in the following example:

- (13) 未經電影作品和以類似攝製電影的方法創作的作品、電腦軟體、**錄音**錄影製品的著作權人或者與著作權有關的權利人許可，出租其作品或者**錄音**錄影製品的，本法另有規定的除外；(CLPRC 5.46.8)

rendering [sic] a work, **sound recording** or video recording, without the permission of the copyright owner of a cinematographic work, a work created by virtue of an analogous method of film production, computer software, **sound recording** or video recording or the owner of a copyright-related right unless otherwise provided in this Law. (CLPRC 5.46.8 Translation)

In comparison, the term “sound recording” is rendered in TRIPS as *changpian* (唱片) (TRIPS 14), a concrete object. It is obvious that in the modern world, the translation of *luyin* (錄音) or *luyin zhipin* (錄音製品) covers a wider range of multimedia products such as cassettes, CD Rom, DVDs and MP3, so its usage accords with the intent of the statute that all, rather than some, multimedia products are targeted. In

this sense, the translation of *changpian* (唱片) is an “undertranslation”. In Hong Kong, on the other hand, the COHK’s translation of “sound recording” *shengyin jilu* (聲音紀錄) (COHK 6), which is a literal translation of “sound recording”, is actually not a familiar term in daily use by either mainland or Hong Kong Chinese. However, *luyin* (錄音), with the occasional addition of *zhipin* (製品) to form a noun, is an everyday word for the action of recording sound. I suggest that *luyin/luyin zhipin* (錄音/錄音製品) be used if it is intended that the statute be accessible to all people, and *shengyin jilu* (聲音紀錄) be used to enhance the technicality of the statute. Nevertheless, since *luyin* (錄音) is used in both mainland China and Hong Kong while *shengyin jilu* (聲音紀錄) is used in Hong Kong only, *luyin* would better serve the purposes of standardisation.

“Broadcasting” (*bofang* 播放 vs. *guangbo* 廣播)

The term “broadcasting” is equivalent to *bofang* (播放) in CLPRC and *guangbo* (廣播) in TRIPS respectively. Consider the following two examples from CLPRC:

- (14) 報紙、期刊、廣播電台、電視台等媒體刊登或者**播放**在公眾集會上發表的講話，但作者聲明不許刊登、**播放**的除外；
(CLPRC 2.22.5)

publication in newspapers or periodicals, or **broadcasting** by radio stations, television stations or any other media, of a speech delivered at a public gathering, except where the author has declared that the publication or **broadcasting** is not permitted;
(CLPRC 2.22.5 Translation)

- (15) 報紙、期刊、廣播電台、電視台等媒體刊登或者**播放**其它報紙、期刊、廣播電台、電視台等媒體已經發表的關於政治、經

濟、宗教問題的時事性文章，但作者聲明不許刊登、**播放**的除外；(CLPRC 2.22.4)

reprinting by newspapers or periodicals, or **rebroadcasting** by radio stations, television stations, or any other media, of articles on current issues relating to politics, economics or religion published by other newspapers, periodicals, or broadcast by other radio stations, television stations or any other media except where the author has declared that the reprinting and **rebroadcasting** is not permitted; (CLPRC 2.22.4 Translation)

Two features can be noted for the word *bofang* (播放) in CLPRC: it is translated as “broadcasting” and “rebroadcasting” in two sections of the same article; and, *guangbo* (廣播) in *guangbo diantai* (廣播電台) *dianshitai* (電視台) remains untranslated in the English version, that is, “radio stations, television stations”. In TRIPS, on the other hand, broadcasting always takes *guangbo* (廣播) as its equivalent. Consider the following example, also taken from 14.1:

- (16) In respect of a fixation of their performance on a phonogram, performers shall have the possibility of preventing the following acts when undertaken without their authorization: the fixation of their unfixed performance and the reproduction of such fixation. Performers shall also have the possibility of preventing the following acts when undertaken without their authorization: the **broadcasting** by wireless means and the communication to the public of their live performance. (TRIPS 14.1)

就將其表演固定在錄音製品上而言，表演者應有可能防止下列未經其授權的行為：固定其未曾固定的表演和複製該錄製品。表演者還應有可能阻止下列未經其授權的行為：以無線**廣播**方式播出和向大眾傳播其現場表演。(TRIPS 14.1 Translation)

Furthermore, “broadcasting organizations” is rendered as *guangbo zuzhi* (廣播組織). The term “rebroadcasting” can be conveniently rendered as *zhuanbo* (轉播) as in the following example:

- (17) **Broadcasting organizations** shall have the right to prohibit the following acts when undertaken without their authorization: the fixation, the reproduction of fixations, and the **rebroadcasting** by wireless means of broadcasts, as well as the communication to the public of television broadcasts of the same. Where Members do not grant such rights to **broadcasting organizations**, they shall provide owners of copyright in the subject matter of broadcasts with the possibility of preventing the above acts, subject to the provisions of the Berne Convention (1971). (TRIPS 14.3)

廣播組織有權禁止下列未經其授權的行為：錄製、複製錄製品、以無線廣播方式轉播以及將其電視廣播向公眾傳播。如各成員未授予廣播組織此類權利，則在遵守《伯恩公約》(1971)規定的前提下，應給予廣播的客體的版權所有權人阻止上述行為的可能性。(TRIPS 14.3 Translation)

From this example, I can see that the literal translation of *guangbo* (廣播) for “broadcasting” can readily collocate with *zuzhi* (組織) (organization), while *bofang* (播放) cannot. In fact, *bofang* (播放) and *guangbo* (廣播) are practically different in common usage as the former involves “showing” a work to a small audience, while the latter connotes “broadcasting” to a wider audience by radio waves. This is also indicated in the Hong Kong law. For instance, “showing” is used in “performing, playing or showing work in course of activities of educational establishments” (COHK 43) and “performance, showing or playing of works for purposes of a club or society” (COHK 76). In this sense, in

bofang (播放) (showing) there is no such thing as “rebroadcasting”, a reuse of an original broadcast that can only be done by radio and TV.

Conclusion

This comparative study of translation texts reveals on the surface some inconsistency and room for improvement for the translation of terms and words in the Chinese statute. Methodologically, it promotes the use of “cross-examination” of the Chinese-English translation and English-Chinese translation as an editing method to enhance lexical use and translation. This process also initially demonstrates that legal drafting can improve legal translating and vice versa. The three legal terms and their translations (“Copyright”: *zhuozuoquan* 著作權 vs. *banquan* 版權; “Copyright owners”: *zhuozuoquanren* 著作權人 vs. *banquan suoyouquanren* 版權所有權人; “Decision”: *caiding* 裁定 / *caijue* 裁決 / *jueding* 決定) show that translators of domestic laws and international agreements should keep the tendencies towards globalisation and localisation in mind. They should not only aim at globalisation with a consistent translation, but also take local acceptance into consideration. The three technical terms and words and their translations indicate that in practice, the original legal terms can be used to improve their corresponding translated legal terms (“sound recording”: *lyyin* 錄音 vs. *changpian* 唱片; “fix/fixation”: *luzhi* 錄製 vs. *guding* 固定), and the legal translation terms can be used to improve their corresponding original legal terms (“Broadcasting”: *bofang* 播放 vs. *guangbo* 廣播). Through more thorough research during legal drafting and translating, it is likely that a term base or term bank will be developed to facilitate more streamlined selection of lexical use. Some computer aids such as translation memory can also be employed to improve the accuracy and efficiency of mass translation

of statutes in which the same term is repeated. Certainly, a systematic record of Chinese legal vocabulary from China, Taiwan and Hong Kong can help avoid the use of terms with a meaning in a different legal system. For example, *fanzui weisui* (犯罪未遂) (unsuccessful commitment of crime) used in PRC cannot be used as the translation for the common law meaning of “attempt” mainly because *fanzui weisui* (犯罪未遂) includes the preparation for committing a crime while “attempt” does not (Sun 2002: 151-154).

Although the translations for both national laws and international laws have no legal effects, they demonstrate the tension between globalisation and localisation in Chinese legislation as China attempts to connect its legal system to the international standard. Some age-old legal theories regarding the relationship between international law and national law may shed some light on the selection of linguistic terms as discussed in this paper. While monist theory advocates that only either international law or national law has primacy, and dualist theory advocates that international law is supreme in international affairs while national law rules in national affairs, the harmony approach recognises the concurrent rule of both the international law and municipal law. O’Connell (1960: 432) remarks:

That since international law and municipal law each derives from a fundamental legal order the respective rules should be harmonized, but that in the rare event of direct collision, a court is obliged by its own constitution, and hence may be required to apply a rule of municipal law which is at odds with one of international law, or vice versa.

This is in line with the current criticism of monism and dualism and calls for a “dialectic” understanding of international law and national

law in the PRC, so that there can be a greater understanding of the complex relations between the two and the development of globalisation in the international world (Jia 2009: 67-69).

Accordingly, as a result of their respective civil and common law legal systems, mainland China and Hong Kong are bound to have differing legal lexicons and translation standards. However, drafters and translators of Chinese legislation can take Hong Kong's experience of legal translation of English common law into Chinese as a reference, and Hong Kong law drafters can refer to the legal terminology in mainland China, as long as conflicts in legal system and traditions do not exist between them. In this regard, standardisation in the area of technical words is more likely to be adopted across different legal systems than that in the area of legal terms. It has been contended that today, legal texts are not as sacred as many would think and that they deserve revision and polishing if necessary, so that translated legal Chinese can fulfil its aim of being more comprehensible to the general public and becoming an authentic legal language (Author 2007: 38). Considering that China is becoming more globalised, economically as well as politically, and the translation of Chinese laws still leaves much to be desired, effective translation methods and strategies should be in place for constant quality improvement, assessment and control. It is hoped that this study will invite further discussion on drafting and translational issues in Chinese legislations under the irreversible globalisation development.

Notes

- ^[1] According to Webster's *New World Law Dictionary* (2006: 118, 123), "decision" is defined as "the written determination of a court or administrative tribunal disposing of motions or claims in a case or matter

before it”, and “determination” as “a final ruling by a court or agency; the cessation of an interest in property or of a power granted by law”.

References

- “The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (English Version)”. Online at: http://www.wto.org/english/docs_e/legal_e/27-trips.pdf (consulted 1 May 2010).
- “The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (Chinese Version)”. Online at: <http://vip.chinalawinfo.com/other/WTO/Legal3/325.doc> (consulted 1 May 2010).
- Auby, Jean-Bernard (2008). “Is Legal Globalization Regulated? Memling and the Business of Baking Camels”. *Utrecht Law Review* 4.3: 210-217.
- Cabré, Teresa M. (1999). *Terminology: Theory, Methods and Applications*. Amsterdam: John Benjamins Publishing Company.
- Cao, Deborah (2007). *Translating Law*. Clevedon: Multilingual Matters.
- “Copyright Law of the People’s Republic of China (Chinese Version)”. Online at: <http://www.chinaiprlaw.cn/file/20011029485.html> (consulted 1 May 2010).
- “Copyright Law of the People’s Republic of China (English Version)”. Online at: <http://www.chinaiprlaw.com/english/laws/laws10.htm> (consulted 1 May 2010).
- Chan, Clara H. Y. (2007). “Translated Chinese as a Legal Language in Hong Kong Legislation”. *Journal of Specialized Translation* 7: 25-41.
- English-Chinese Glossary of Legal Terms* (2004). Hong Kong: The Department of Justice of Hong Kong.
- Garner, Bryan A., ed. (2004). *Black’s Law Dictionary* (8th ed.). Thomson West.
- Hong Kong’s Copyright Ordinance (Chapter 528) (English Version). Online at: <http://www.legislation.gov.hk/09/eng/pdf.htm> (consulted 1 May 2010).

- Hong Kong's Copyright Ordinance (Chapter 528) (Chinese Version). Online at: <http://translate.legislation.gov.hk/gb/www.legislation.gov.hk/chi/home.htm> (consulted 1 May 2010).
- Jia, Shaoxue (2009). "Guojifa yu guoneifa guanxi lunzheng de shidai weiji: Dui yiyuanlun he eryuanlun jinlu de fansi" (Epoch Crisis in the Controversy between International Law and Municipal Law: A Reflection on the Approaches of Monism and Dualism). *Fazhi Yu Shehui Fazhan* 2: 60-69.
- Jiang, Xiangdong (2005). *Banquan zhidu xia de shuzi xinxi gonggong chuanbo* (The Public Broadcast of Digital Messages under the Copyright System). Beijing: Beijing Library Press.
- O'Connell, Daniel P. (1960). "The Relationship between International Law and Municipal Law". *The Georgetown Law Journal* 48.3: 431-485.
- Potter, Pitmen B. (2001). *The Chinese Legal System: Globalization and Local Legal Culture*. London: Routledge.
- Ricketson, Sam and Richardson Megan (2005). *Intellectual Property: Cases, Materials and Commentary*. Sydney: LexisNexis Butterworths.
- Qu, Xinfeng (2009). "Zhuzuoquan yu banquan de qubie" (Differences between Authorship and Copyright). Retrieved from Beijing Zhushichanquan Lüshi Wang (Website for Beijing Intellectual Property Lawyers). Online at: <http://www.biptyer.com/zzqzl/News/20098101714.html>.
- Rundell, Michael and Gwyneth Fox (2002). *Macmillan English Dictionary for Advanced Learners*. London: Macmillan.
- Sun, Weizhong (2002). "Luetan 'fanyi' Xianggang falü suo yudao de yixie wenti" (A Brief Discussion on Some Problems Encountered in 'Translating' Hong Kong Legislation). *Falü Fanyi: Cong Shijian Chufa* (Legal Translation in Practice). Ed. Angelina Luk. Hong Kong: Chung Hwa Book Co.
- Wild, Susan E., ed. (2006). *Webster's New World Law Dictionary*. Wiley: Wiley Publishing, Inc.
- Wu, Handong (2000). "Zuguo dalu yu Xianggang banquan zhidu bijiao yanjiu"

(A Comparative Study of Copyright Systems in Motherland China and Hong Kong). In *Zhongguo Neidi, Xianggang Falü Zhidu Yanjiu yu Bijiao* (The Study and Comparison of Legal Systems in Mainland China and Hong Kong). Ed. Xianggang falu jiaoyu xintuo Jijin. Beijing: Peking University Press, 377-389.

Zhu, Jingwen (2010). “Guoneifa de gujihua he guojifa de guoneihua: Guanyu falu he quanqihua yanjiu de jigé jiben lilun” (Internationalization of Domestic Laws and Domestication of International Laws: Several Fundamental Theories on Law and Globalization Studies). In *Zhonghua fazhexue fazhan: Quanqihua yu bendihua zhibian* (The Development of Legal Philosophy in Greater China: Beyond Globalization and Localization). Ed. Zhao Wenzong. Hong Kong: Red Corporation Limited.

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The Concept of Legal Culture in Legal Translation: Deconstruction and Reconstruction

Wang Ling

Abstract

It is widely held in translation studies that translating a text is not merely a question of translating its language but also of translating the culture embodied in the text and giving the text meaning. When translating the law from English into Chinese in the run-up to 1997 when Hong Kong was to return to Chinese rule, law translators were confronted with an apparently insurmountable dilemma: preserving the meaning and culture of the English text on the one hand, and on the other, preserving the linguistic and cultural features of Chinese in the translated text, i.e., transferring the legal culture of the common law into the Chinese language while preserving the culture of the Chinese language. This paper begins by examining the various senses of the term “legal culture” and highlights the essential features of the legal culture of the common law. It then examines the concept of legal culture in legal translation, focusing in particular on which sense of the concept is relevant to the transference of the legal culture of the common law in the present case.

1. Introduction

When Hong Kong became a British colony in 1842, the British brought along a whole set of “culture-specific” elements, tangible and intangible, of which the common law was one. The common law, which was originally written in English, has been translated into Chinese since 1987 when Hong Kong started implementing bilingual legislation. Now, all the legislation is available in both English and Chinese and the bilingual texts have the same legal status. The authoritative status of law dictates that the goal of legislative translation is to reproduce a legal text in the target language which conveys the same legal meaning as the source text. Law translation in Hong Kong certainly means to transfer the “culture-specific” elements of the common law into Chinese. It requires the legal translator to adjust the target language in such a way that the legal meaning of the source text can be expressed by the target language. Thus, to maintain the authenticity of the law, the cultural concepts which are specific to the original legal system cannot be replaced by functionally equivalent concepts of the Chinese language; instead, they need to be transferred. However, the concept of “legal culture” is not at all clear in the literature.

The present study aims to analyse and clarify the concept of legal culture in legal translation, which is central for further discussion of legal translation.

2. Deconstructing the Concept of Legal Culture

2.1 Previous Studies of Legal Culture

The concept of culture is plagued with definitional problems. A

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number of anthropologists have offered useful accounts of the concept of culture. Raymond Williams' *Culture and Society* (1961) is often credited with helping to instigate what is now known as "cultural studies". In an attempt to identify the concepts and definitions of culture, the eminent anthropologists Alfred Kroeber and Clyde Kluckhohn (1963) approached culture as a traditional crystallization with traditional values at the centre of the culture. Next, translation theorist Peter Newmark (1988) gave a rather comprehensive definition of culture "as the way of life and its manifestations that are peculiar to a community that uses a particular language as its means of expression" (94).

Legal scholar D. J. Black (1976) defined culture as "the symbolic aspect of social life, including expressions of what is true, good and beautiful" (61). It encompassed such things as "ideas about the nature of reality", "conception of what ought to be", and "aesthetic life of all sorts" (*ibid.*). For Black, culture included all kinds of ideas, concepts and beliefs as manifested in language, behaviour and lifestyle. A more recent definition from Bates and Plog (1990) stated that culture is "the system of shared beliefs, values, customs, behaviours, and artifacts that the members of society use to cope with their world and with one another, and that are transmitted from generation to generation through learning" (7).

Law is just one part of culture that actively contributes to the composition of social relations. Sarat and Kearns (1999) pointed out that "with the growing attention to legal consciousness and legal ideology in socio-legal studies, legal scholars have come regularly to attend to the cultural lives of law and the ways law lives in the domains of culture" (5). Black (1976) defined law as "governmental social control". Social control was in turn defined as "response to deviant behaviour" of every kind including "law, etiquette, custom, ethics, bureaucracy, and the treatment of mental illness" (9). Deconstructing the concept of legal

culture requires that we begin with a clear understanding of the multifarious interpretations of the term.

Previous studies of legal culture have been plagued with definitional problems, exhibiting multiple perspectives and approaches. Research interests in legal culture arise mainly from inter-disciplinary studies, especially comparative law and social science, although the range of subjects judged relevant to the concept of legal culture varies from study to study. Because sociologists, comparativists and other theorists have very different ideas about what constitutes “legal culture”, many different views and practices are subsumed under the same concept. It is a concept that is frequently employed as a convenient cover term for a large number of phenomena: the general status of law in a society, specific structures of law, opinions of the general public or legal professionals with regard to law, and particular practices or behaviours of legal institutions or legal professionals.

Legal culture has often been analyzed in its relation to particular countries and legal systems. There is an extensive literature on the legal culture of specific countries. In addition, there are numerous works (especially works by scholars of comparative law) discussing and analyzing the distinctive characteristics and cultures of the two main legal systems, the civil law and the common law. The concept of legal culture seems to be an all-encompassing referential and explanatory instrument for all relevant theoretical studies. It is hard to engage in any analysis without asking “legal culture in what sense of the term or in relation to what kind of research subject”? Therefore, instead of falling into the trap of defining legal culture as some kind of unitary force, we intend to describe and analyze the substantive contents that constitute the culture of law with regard to legal translation studies. We will begin with a review of how the concept of legal culture has been conceived in previous studies.

The Concept of Legal Culture in Legal Translation

Studies relating to legal culture cover many aspects, and it is not necessary for our present purpose to give a comprehensive account of all those extended explorations. Rather we need to isolate the variables that legal culture can refer to and then to identify, among these variables, which sense of legal culture legal translation has to deal with. Some of the major variables for this concept of legal culture are:

- Shared attitudes, values and opinions (Friedman 1975: 76);
- Legal ideology (Cotterell 1997: 22);
- Shared norms and modes of thinking (Ginsburg 2003: 1337);
- Legal studies, legal education and legal theory addressing legal conceptions, policies and reasoning and education (Atias 1986: 1118-1119);
- Legal reasoning that cultivated a series of principles of the case law (Atiyah 1987: 323);
- Legal principles that best represent the spirit of rule of law (Kuan 1997: 187-205);
- Attitudes and beliefs that lie in legal tradition (Pound 1937; Merryman 1985);
- “Law in book”, “law in action”, “elite legal consciousness” and “legal behaviour (Blankenburg and Bruinsma 1994: 39, 42);
- “Mentalities”, “mode of thinking”, “the method of reasoning” and “legal training” (Curran 1998: 70).

As this list suggests, the concept of legal culture in general discussions refers to such varied elements that the variables mentioned need to be categorized if they are to assist us in our further analysis. Just as with culture in the broad sense, the concepts of legal culture discussed by scholars can be categorized in two ways. Legal culture may refer to both people’s conceptions and their specific practices of law or

to people's conceptions of law alone. ^[1]

2.2 Legal Culture as Both Conceptions and Practices of Law

For some scholars, legal culture not only refers to what is conceived in people's minds but also to their behaviour and practices with respect to law. In a comparative study of differences between the common law and the civil law, Curran (1998: 70) acknowledged fundamental differences exist with respect to "mentalities", "mode of thinking", "method of reasoning" and "legal training", which can be considered as composing elements of legal culture. Curran noted that "the prominence of the procedural" was another distinct feature in common law legal culture (1998: 81). Attaching importance to procedural practices, Curran thus pushes the boundaries of legal culture from the conceptions of law further to legal behaviour of the legal profession.

Blankenburg devoted many years to the study of legal culture. Blankenburg and Verwoerd (1988: 10) observed that there were two conceptions of legal culture. One conception treated law as a system consisting of rules and principles. The other viewed legal culture not only as the above rules and principles but also as the institutional practices, attitudes and behaviour of legal actors. Blankenburg and Bruinsma (1994) reinforced the above view in a study of Dutch legal culture. They identified Dutch legal culture on four levels: (1) "law in books"; (2) "law in action"; (3) legal behaviour such as litigation preferences; and (4) "elite legal consciousness" (1994: 13-14). ^[2] In another comparative work, Blankenburg (1998) investigated the patterns of legal culture by comparing the legal institutions with those of Germany. He argued that legal culture was "characterized by indicators of institutions as well as behaviour" (1998: 39). Acknowledging that the conception of legal culture was a comprehensive one, he defined legal culture at four levels: (1) "patterns of legal behaviour" such as litigation

behaviour; (2) “patterns of legal consciousness”; (3) patterns of institutional behaviour such as “the legal training, the composition of the legal profession, the organization of courts and the infrastructure of access to them” (Blankenburg and Bruinsma 1994: 41). We can see that the above researchers have not been satisfied with limiting the concept of legal culture merely to people’s conceptions of law. Moreover, they employ the concept of legal culture to refer to a wide range of phenomena, such as litigation preferences in a society, the practice of legal training and education, and shared behavioural patterns among legal professionals.

2.3 Legal Culture as Conceptions of Law

Viewing legal culture as conceptions widely held by people within a society, country or legal system, some theorists tend to concentrate on the thought-related expression of legal culture. In an attempt to bring out the idea that particular legal systems operating in a social context have cultural and ideological presuppositions and implications, Friedman (1977) distinguished between “internal legal culture” and “lay legal culture” after giving his general definition of legal culture, i.e., “attitudes, values, and opinions held in society, with regard to law, the legal system, and its various parts”. He observed that such “attitudes, values and opinions” could be divided into two sets: that of the “general public” and “that of lawyers, judges, and other professionals” (1977: 76). Friedman’s classification of “internal legal culture” and “lay legal culture” is useful for making distinction between the shared beliefs of the legal profession and those of the layman.

For Friedman (1997: 33) the concept of legal culture is a useful way to categorize a range of phenomena in the field of law. This position was first criticized by Cotterrell (1997), who held that the concept works more as an ideal than as a set of variables. He basically rejected the

concept of legal culture as a way of identifying the exact relationship existing among social phenomena such as characteristic institutions and patterns of thought and belief. He viewed the concept of legal culture as merely a convenient concept to “refer provisionally to a general environment of social practices, traditions, understandings and values in which law exists” (1997: 21-22). Cotterrell thus preferred to use a more specific notion—legal ideology. For him, this represented legal doctrines, “beliefs, attitudes and values” that “can be translated into regulatory practices” (1997: 22). In reaction to Cotterrell’s proposal to substitute the notion of legal culture for that of legal ideology, Friedman (1997: 38) observed that legal ideology falls into his classification of internal legal culture, an aspect of culture that finds particular resonance with scholars and legal professionals, many of whom have attached great importance to “legal ideology”, especially legal doctrines. Cotterrell’s attempt to introduce the notion of legal ideology in place of legal culture would seem untenable, as Friedman’s interpretation of internal legal culture, especially the legal doctrines shared by legal professionals, can be easily detected in the law itself, and thus does have the necessary concreteness and “analytical precision” that Cotterrell complained are lacking.

Following Friedman’s dichotomy between external and internal legal culture, Ginsburg (2003: 1337) noted that legal culture as characterized by legal scholars could be defined in two ways. On the one hand, legal culture could be viewed in terms of its intimate association and active interaction with a social and national culture (Friedman’s external legal culture). On the other hand, legal culture could be regarded as the internal legal culture, featuring the “shared norms” and mode of thinking of legal professionals that result from their common training. Farrar and Dugdale (1990: 246) preferred to confine the concept of legal culture to internal legal culture since they shared Watson’s view

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that “law is more an expression of the culture of the lawmaking elite rather than that of society at large, and that the variety of interests and attitudes possessed by such elites may thwart attempts to generalize”. Although Friedman’s dichotomy of legal culture makes it easier to further explore the nature of legal culture, it is undeniable that an essential substance of any legal system is the culture of the legal professionals. Thus Watson’s view is more useful in analyzing legal culture in relation to law translation.

Atias (1986) observed, from the perspective of American law, that legal culture has been a well received and commonly used term among American legal researchers. The notion of American legal culture itself, however, still lacks conceptual precision and deserves “better treatment”. In view of this, he proposed “the notion of traditional scholarly order” as a springboard for the study of the notion of American legal culture (1986: 1122). Atias believed that legal culture is based on the rich history of legal studies and legal education while legal studies encompasses various legal theories addressing legal conceptions, policies, and reasoning and education (1986: 1118-1119). Cultural consistency and enrichment comes from the progressive sedimentation of continuous efforts jointly made by the legal profession, especially lawyers, jurists and judges, to uphold those legal principles that finally “survive the most conclusive criticisms and preserve their appeal” (1986: 1134). In a similar vein, Atiyah (1987: 323) held that the legal culture of the common law includes legal reasoning that cultivates a series of principles of the case law and consequently “English statute has traditionally been drafted in such detail that it can be said to be a catalogue of rules”. As we shall see, both Atias and Atiyah narrow the concept of internal legal culture down to the legal conceptions and legal principles which could be conveyed and maintained by legal language itself, thus bearing direct relevance to law translation.

It is generally acknowledged that the notion of the rule of law is the foundation of any given legal system or legal culture. This notion is determined by the traditions and attitudes such as the views on the role and functions of the state, the law and the legal system. In other words, legal culture consists of the traditional attitudes towards the role and functions of the state, the law and the legal systems. Kuan (1997) also considered the idea of rule of law as an integral part of legal culture. She held that the legal culture of the common law lies in the concept of the rule of law which finds expression in various legal principles (1997: 187-205). For her, the seven most important common law principles embodied in the concept of the rule of law are: “no law, no crime; equality before law; law binds the ruler; judicial independence; inborn rights; obligations over rights; and presumption of innocence” (1997: 195).^[3] Thus Kuan’s discussion of legal culture makes it clearer that the shared beliefs of the legal profession are manifest in the fundamental legal principles of the common law, in which the idea of the rule of law is a case in point.

As can be seen from the foregoing discussion, following Friedman’s distinction between external legal culture and internal legal culture, internal legal culture is regarded as the legal conceptions or shared beliefs upheld by the legal profession. For our present purpose, we will also consider legal culture less as a universal value system that directs people’s actions than as a variety of conceptual instruments for classifying people’s conceptions and practices. The understanding of legal culture as legal conceptions (such as principles and doctrines which are upheld by legal professionals) is useful in analyzing the substantive contents of legal culture with direct relevance to legal language. We will additionally focus more on those aspects of legal culture which have a direct bearing on our inquiry into legal translation. Since this paper focuses on the clarification of the concept of legal culture in legal translation—in

particular, the legal culture of the common law and its transferability in the present case—we will investigate which of the various senses of legal culture is of actual relevance to translation and which aspect or aspects of the culture of the common law can be transferred into Chinese.

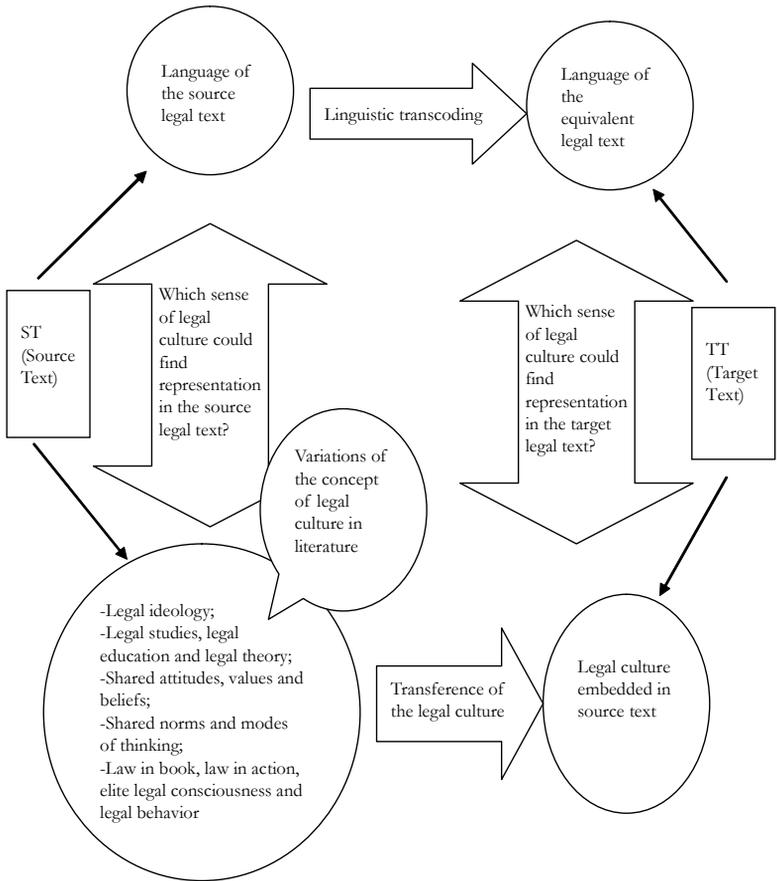
3. Reconstructing the Concept of Legal Culture

3.1 The Concept of Legal Culture in Legal Translation

Concerning the actual relevance of legal culture to legal translation we should note the following. First, despite the denunciation of translation as linguistic transcoding in arguments for a culturally oriented approach in general translation theory (Snell-Hornby 1990: 79-85), translation remains by nature an act of linguistic transcoding. Secondly, the transfer of culture in translation is best exemplified in legal translation since the goal of legal translation is to reproduce a legal text in the target language which has the same meaning as the source text while transferring the legal culture of the source text to the target language text. As we do not wish to generalize and make broad statements about legal culture that might crumble under logical analysis, we must now clarify the concept of legal culture insofar as it relates intimately to legal translation.

Let us first consider the process of legal translation illustrated by the following diagram:

(1) SL (Language of Source Legal Text) TL (Language of Target Legal text)



(2) Assumed SC (Culture of the Source Text) SC (Culture of the Source Text)

Figure 1. Process of Legal Translation

The first plane depicts the process of linguistic transcoding where

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the legal translator represents the source legal text with the equivalent legal text in the target language. In other words, the two end products should convey the same legal meaning. The second plane depicts the process of transferring the legal culture. We note that, during the translation process, what should be maintained intact is the source legal culture. Resuming our task of defining the legal culture embedded in the source text, we also ask in Figure 1 which sense of legal culture could find representation in the legal text? We recall that the concept of legal culture, as examined in the previous section, is employed to refer to a variety of objects that can be grouped into two major categories: legal culture as people's conceptions of law, or as both their conceptions and practices. The understanding of the legal culture as legal conceptions such as legal principles and legal doctrines as suggested in Part 2 is useful in analyzing the substantive contents of legal culture with direct relevance to legal language, because in legal translation the translator is faced with the substantive legal texts—laws in their written form. The legal conceptions are conveyed and maintained by the legal texts.

Take the example of tort law in Hong Kong. Although Hong Kong's tort law has its origin in English tort law, some of the legal practices of judges and lawyers may be different from other common law jurisdictions. Legal professionals in Hong Kong may share the same knowledge and belief in the law of tort, i.e., "tort in books", but what is the status of "tort in action"?^[4] It is interesting to note that, for example, a plaintiff in Hong Kong "can claim the cost of traditional Chinese medical treatment ... assuming that they have been shown to be reasonably necessary" (Glofcheski 2007: 369). In consequence, lawyers would advise the plaintiff to do so and courts in Hong Kong are willing and "prepared to grant such damages even where there is overlap with conventional western medical treatment" (Glofcheski 2007: 369). Such practice and behaviour by legal professionals with regard to tort litigation,

in Blankenburg's view (Blankenburg and Bruinsma 1994: 13-14; Blankenburg 1998: 39-41), is also evidence of the legal culture. However, it is impossible for the legal translator to deal with legal culture in that sense, as the final encounter of the legal translator is with the legal text—the source language that legal culture is embedded in.

Lloyd (1964: 285) thought that the great achievement of the human language, especially the language of law, lies in its capacity to create “general concepts which provide the essential tools of human reflection”. In explaining the conceptual thinking in the common law, Lloyd remarked:

For instance, if we take the rules of the criminal law relating to such matters as murder and theft, it is quite true that these are in themselves legal concepts which only have meaning in the context of legal rules which go to form a legal system. We can only understand what is meant by murder by acquainting ourselves with the legal constituents of this offence and how these operate in the legal system ... The law ... needs to conceptualize these and other related ideas much more precisely before it can operate a system of criminal law in a rational and systematic way. (1964: 289-290)

We shall see that Lloyd's understanding is similar to and interchangeable with the concept of legal conceptions or shared beliefs by legal professionals suggested above. As Farrar and Dugdale (1990: 246) rightly put it: “law is more an expression of the culture of the lawmaking elite rather than that of society at large”, and the conceptual thinking is that of legal professionals rather than that of the general public. In translating the law in books, therefore, the legal translator should have an adequate knowledge of the conceptual thinking of legal professionals and transfer this into the target language. Accordingly, legal culture as viewed in this

study refers to the conceptual thinking about the law shared by legal professionals. To sum up briefly, the above schematic framework of exemplification has the merit of simplicity but is merely the skeleton on which we must build. This may lead to conceptual refinements and help to narrow down the concept of legal culture to fit our analysis. We will proceed to pin down the substantive contents of legal culture with which the legal translator must cope in translating the common law into Chinese.

3.2 The Concept of Culture of the Common Law in Legal Translation

Identification of the concept of legal culture as the conceptual thinking shared by legal professionals leads us in the present study to a further question: what precisely are these shared legal conceptions as far as the common law is concerned? Before considering this question further, we need to look first at the development of the culture of the common law from a historical perspective, i.e., the common law tradition, since the culture of the common law as it stands is representative of its legal tradition. ^[5]

With regard to the common law, Curran (1989: 83) in his study of legal culture concluded that “the significance of the common law thus resides in the case law, even where the common-law court is applying a statute, and even where the statute is new”. Most importantly, common law legal professionals have been habitually skilful in “reasoning by analogy” and produced “an accumulated body of arguably similar and dissimilar prior cases” and “consequently, statutory norms are lain on a Procrustean bed of precedents, even when they have never yet been subject to adjudication in the relevant jurisdiction” (*ibid.*). The grounds for deciding cases are found in precedents provided by past decisions, in contrast to the civil law system, which is based on statutes and prescribed texts. “It emphasizes the centrality of the judge in the gradual

development of law and the idea that law is found in the distillation and continual restatement of legal doctrine through the decision of the courts” (Cotterrell 1989: 21).

The common law “consists of the principles and other doctrine developed gradually by the judges of the English royal courts as the foundation of their decisions, and added to over time by judges of those various jurisdictions recognizing the authority of this accumulating doctrine” (Cotterrell 1989: 22). This concept is embodied in the doctrine of *stare decisis* (“standing by decisions”) that emphasizes the importance of legal precedents established in previously settled cases. The establishment of the common law gives rise to leading concepts like “persons”, “rights and duties” and “ownership, property and possession” (Lloyd 1964: 300-325). The common law’s unity has been attributed to its logical development of a series of general principles and rules which also defines its subject boundaries. This conceptual thinking can be easily identified either in the legislation or case law. The present study focuses on the conceptual expression of legal culture in general, thus we will concentrate on the conceptual thinking of the common law rather than its practical features.^[6]

Let us consider the translation of one fragment of the legislation of Hong Kong, found under the heading *Apportionment of liability in case of contributory negligence*:

Where any person suffers **damage** as the result partly of his own fault and partly of the **fault** of any other person or persons, a **claim** in respect of that damage shall not be defeated by reason of the fault of the person suffering the damage, but the **damages** recoverable in respect thereof shall be reduced to such extent as the court thinks **just** and **equitable** having regard to the claimant’s share in the responsibility for the damage: (Amended L.N. 337 of 1989) (Cap. 23, Sect. 21).

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The Chinese translation is as follows:

條文標題：有共分疏忽時法律責任的分攤

如任何人受到損害，部分原因是該人本人的過失，而部分原因是他人的過失，則就該損害提出的申索，不得因受損害者有過失而敗訴，但就該申索可追討的損害賠償則必須減少，而減少的程度是法院在顧及申索人對損害應分擔的責任後，認為是公正與公平的款額。

In the light of Figure 1, the legal texts are two linguistic products directly linked by semantic equivalence. Let us explain the thinking process behind such end products. When they encounter the English legal text, legal translators seek to extract its meaning. Clearly, we need to delve into the culture of the common law in order to understand all the shades of meaning of the English legal text and produce a Chinese legal text with the same meaning. Here arises the real problem: what exactly are those cultural factors of the common law that she needs to pin down? To understand the whole world of culture behind every term, we need to do legal research, trying, as Vandeveld (1996) aptly put it, to think like a lawyer. We need to know the subjective classifications that the law addresses; in the above example, we must understand that the ordinance belongs to an important branch of common law—tort law. We then need to master the conceptual development of the specified law, i.e., how the legal concepts or legal principles have been evolved and defined in the judicial decisions, in other words, their cultural constructions in the case law.

Let us examine the substantive content of the ordinance mentioned above. The ordinance deals with one defence of negligence: contributory negligence. In the common law, the principle of contributory negligence takes into account the relative degrees of fault on the part of the plaintiff

and defendant, and attempts to adjust the award of damages accordingly. In the light of our categorization of the concept of legal culture, the above discussed legal concepts and legal principles embedded in the ordinance and also in the related case law reflect the conceptual thinking of legal professionals working with the common law and fall under the category of people's conceptions of law.

As shown in the above example, the term contributory negligence bears specific meaning in the common law. The Chinese translation of term is “*gongfen shubu*” 共分疏忽, which is a coined term in Chinese. As mentioned at the very beginning, the cultural concepts which are specific to the common law cannot be replaced by functionally equivalent concepts in the Chinese language, but instead need to be transferred. It is obvious that the cultural concept “contributory negligence” is translated into Chinese by means of linguistic adjustment. The complete transference of the cultural concept needs to be effected on a different, i.e., metalinguistic, level. Both Jakobson (1959) and Feyerabend (1987) made clear the significance of metalinguistic operations in introducing cultural concepts and establishing new languages in target language. This applies especially to legal translation since not only can we formulate new forms of language, but we can also implement these by constructing new concepts of law. Thus, to transfer the cultural concepts it is essential for legal translators to employ metalinguistic devices such as annotations, commentaries and translations of the case law.

4. Concluding Remarks

The concept analysis and clarification in this study are meant to provide insights into the nature of legal translation and lay a theoretical basis for further thought and exploration. Legal culture, i.e., the

conceptual thinking shared by legal professionals, is an essential yet inseparable component of any legal system. If the legal tradition of conceptual thinking is regarded as the deeply rooted, historically formed attitudes towards the law, the common law is built on a series of traditionally well-formed legal concepts which belong to different conceptual classifications such as tort, equity, contract, etc. Practically, legal concepts and legal principles in each subject of the law have been developed into concrete and coherent constructions that make up the common law of today. Therefore the common law is an accumulation of deep-rooted, historically moulded conceptual thinking shared by legal professionals and reflected in legal concepts and legal principles. Together they make up the substance of the common law's legal culture. Law translation in Hong Kong thus means transferring the legal concepts and legal principles of the common law into Chinese. It requires the legal translator to adjust linguistically and conceptually in such a way that the legal meaning and legal culture of the source text can be expressed by the target language, and the imported legal culture duly accommodated.

Notes

[1] To select a term that could best cover the numerous parameters in relation to the totality of people's thought referred to in extensive studies by scholars from different disciplines, we considered adopting the term "ideology", as proposed by Cotterrell (1997, pp. 21-22). However, the term can be misleading as it frequently tends to carry political connotations. We thus employ the more neutral and general term "conception", which covers the many variables pertaining to totality of thought (as distinct from totality of practice or behaviour) that legal culture can refer to.

[2] Blankenburg (1998) defines "law in books" as "[comprising] the body of

substantive as well as procedural law that is considered legally valid ...”, whilst “law in action” “is channeled by the institutional infrastructure of the legal system. Two important elements of this infrastructure are the judicial court system and the legal profession. In their shadow para-judicial institutions may be substitutes for the formal court system and the legal profession ...” (1988: 13).

[3] Kuan also incorporated Betty Tsu’s argument that “the concept of the rule of law is represented by three items: *nullum crimen sine lege*, exercise of arbitrary power by the police, and equal opportunity before the courts” (Kuan 1997: 190). Kuan gave a more detailed description of the rule of law: “the rule of law is deconstructed into four theoretical aspects: legal freedom, legal equality, rights-based autonomy of law, and due process. Legal freedom, meaning freedom from arbitrary government, is defined by the principle of ‘no law, no crime’. Legal equality consists of two principles: the general principle of ‘equality before law’ and the specific principle of ‘law binds the ruler’. The complex aspect of legal autonomy is expressed by three principles: ‘judicial independence’, ‘inborn rights’, and ‘obligations over rights’. The last aspect of due process is defined by the principle of ‘presumption of innocence” (1997: 202-203).

[4] Here we borrow Blankenburg’s idea. We use the expression “tort in books” to refer to the body of substantive and procedural tort law. Likewise, we use the expression “tort in action” to characterize the legal practice and behaviour of the judicial court system and the legal profession.

[5] Theorists of comparative law are inclined to use the common law tradition vs. civil law tradition to make comparisons between the world’s two major legal systems. Comparative studies of the common law and civil law tend to generalize about the characteristic differences between the two legal systems as if their traditional features were crystallized even if they do acknowledge that some constructs are peculiar to a single jurisdiction.

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- [6] By “practical features”, we mean the characteristic behaviour and practice of legal professionals and legal institutions, such as how legal training or education is carried out, how law is applied by judges and lawyers, etc.

References

- Atias, C. (1986). “American Legal Culture and Traditional Scholarly Order”. *Louisiana Law Review* 46: 1117-1136.
- Atiyah, P. S. (1987). “Tort Law and the Alternatives: Some Anglo-American Comparisons”. *Duke Law Journal* (December): 1002-1044.
- Bates, D. G., and F. Plog (1990). *Cultural Anthropology*. 3rd Edition. New York: McGraw-Hill.
- Black, D. J. (1976). *The Behavior of Law*. New York: Academic Press.
- Blankenburg, E. (1998). “Patterns of Legal Culture: The Netherlands Compared to Neighboring Germany”. *The American Journal of Comparative Law* 46.1 (Winter): 1-41.
- _____, and F. Bruinsma (1994). *Dutch Legal Culture*. Deventer: Kluwer Law and Taxation Publishers.
- _____, and J. R. A. Verwoerd (1988). “The Courts as a Final Resort?” *Netherlands International Law Review* 35.1: 7-28.
- Cotterrell, R. (1989). *The Politics of Jurisprudence: A Critical Introduction to Legal Philosophy*. London: Butterworths.
- _____. (1997). “The Concept of Legal Culture”. In *Comparing Legal Cultures*. Ed. D. Nelken. Aldershot: Dartmouth.
- _____. (2001). “Is there a Logic of Legal Transplants?” In *Adapting Legal Cultures*. Eds. D. Nelken and J. Feest. Oxford: Hart Publishing Co. Ltd., 71-92.
- Curran, V. G. (1998). “Cultural Immersion, Difference and Categories in U. S. Comparative Law”. *American Journal of Comparative Law* 46: 43-91.
- Farrar, J. H., and A. M. Dugdale (1990). *Introduction to Legal Method*. London:

Sweet and Maxwell.

- Feyerabend, P. (1987). *Farewell to Reason*. London: Verso Publishers.
- Frandsberg, A. (1987). "An Essay on the Systematics of Legal Concepts: A Study of Legal Concept Formation". *Scandinavian Studies in Law* 31: 83-115.
- Friedman, L. M. (1975). *The Legal System: A Social Science Perspective*. New York: Russell Sage Foundation.
- ____ (1977a). *Law and Society: An Introduction*. Englewood Cliffs, NJ: Prentice-Hall, Inc.
- ____ (1997b). "The Concept of Legal Culture: A Reply". In *Comparing Legal Cultures*. Ed. D. Nelken. Aldershot: Dartmouth.
- Ginsburg, T. (2003). "Symposium: International Commercial Arbitration: The Culture of Arbitration". *Vanderbilt Journal of Transnational Law* 36: 1335-1345.
- Glofcheski, R. (2007). *Tort Law in Hong Kong*. Hong Kong: Sweet & Maxwell Asia.
- Jakobson, R. (1959). "On Linguistic Aspects of Translation". In *On Translation*. Ed. R. A. Brower. Cambridge, MA: Harvard University Press.
- Kocbek, A. (2006). "Language and Culture in International Legal Communication". *Managing Global Transitions* 4.3: 231-247.
- Kroeber, A. L., and C. Kluckhohn (1963). *Culture: A Critical Review of Concepts and Definitions*. New York: Vintage Books.
- Kuan, H. C. (1997). "Support for the Rule of Law in Hong Kong". *Hong Kong Law Journal* 27: 187-205.
- Legrand, P. (2001). "What 'Legal Transplants'?" In *Adapting Legal Cultures*. Eds. D. Nelken and J. Feest. Oxford: Hart Publishing Co. Ltd., 55-69.
- Lloyd, D. (1964). *The Idea of Law*. Harmondsworth: Penguin.
- Merryman, J. H. (1985). *The Civil Law Tradition: An Introduction to the Legal Systems of Western Europe and Latin America*. Stanford: Stanford University Press.

The Concept of Legal Culture in Legal Translation

- Newmark, P. (1988). *A Textbook of Translation*. Hertfordshire: Prentice Hall International English Language Teaching.
- Sarat, A., and T. R. Kearns, eds. (1999). *Cultural Pluralism, Identity Politics, and the Law*. Ann Arbor: University of Michigan Press.
- Snell-Hornby, M. (1990). "Linguistic Transcoding or Cultural Transfer? A Critique of Translation Theory in Germany". In *Translation, History and Culture*. Eds. S. Bassnett and A. Lefevere. London and New York: Pinter Publishers.
- Vandevelde, K. J. (1996). *Thinking Like a Lawyer: An Introduction to Legal Reasoning*. Boulder, CO.: Westview Press.
- William, R. (1961). *Culture and Society, 1780-1950*. Harmondsworth: Penguin.

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New Wine in Old Bottles: Contemporary American Poems in Classic Chinese Forms ^[1]

Eugene Eoyang

Abstract

This paper explores the dynamics of translation and of literary creation; and it will listen in on the dialogue between translator and poet about poetry and the poetic. In the process of the give-and-take between poet and translator, we get a glimpse of what can and what cannot be transferred from one culture to another. These poems reflect the tropes of nature as endlessly fecund, capable of retaining their traditional nuances at the same time as they acquire a modern valence. The themes of classical Chinese poetry endure: exile, a longing for home, a sense of oneness with the seasons, the “im-pulses” one receives from a vernal wood, the wisdom derived from trees and flowers. The allusions to traditional poems deepen one’s appreciation for the reader familiar with classical Chinese poetry.

In May 2008, I began translating the poems written in Chinese, and in ancient Chinese forms, including the Tang *shi* and the Song *ci*, by

Wann Ai-jen, a friend (and former student), who has been teaching Chinese, Chinese literature, and Chinese calligraphy at Purdue University for nearly 20 years. As I was, at the time, in Hong Kong, and she in West Lafayette, our discussion took place in the form of e-mail exchanges on different versions of the translation. We have to date completed around 100 translations of her poems. It is from these exchanges that I excerpt the various comments that relate to the issues we encountered in working on the translations. ^[2]

In each instance, we will start not only with the original, but with the photograph of the scene which prompted the poem (which Wann Ai-jen has meticulously provided, along with her preliminary rendering of the poem in English). Then, we will proceed from the different draft translations, interspersed with commentary—from either the translator or the poet—as to why they were unsatisfactory. I have deliberately chosen poems in which the translations were not altogether successful, to highlight the cultural and semantic incommensurabilities uncovered.



We start off with three *jueju*—short, four-line poems—on spring birds in late winter:

〈雪林春鳥〉之一

雪覆枯林方一日，
知更何事鬧枝頭。
橫空破寂故飛降，
眺遠棲高先試喉。

——萬愛珍作於戊子年臘月廿六日——

〈雪林春鳥〉之二

偶露冬陽天籟響，
誤將白雪作梨花。
歌吟能動幽人意，
縱是無花不歎嗟。

——萬愛珍作於戊子年臘月廿七日——

〈雪林春鳥〉之三

冰條弄影吐奇葩，
群鳥離巢點樹樞。
靜極寒中忽思動，
高低婉轉要人誇。

——萬愛珍作於戊子年臘月廿七日——

The translator ventures forth with his version, a bit timidly. He writes: “I’ve struggled with the robin poems, and I’m sure I’ve botched the last line in the second and third poem, which still elude my understanding (I can’t decide whether the two negatives in the last line of the second poem are mutually contradictory or mutually reinforcing; and I’ve made a wild, perhaps laughable, stab at the last line in Poem

3).” And then, he concludes: “Anyway, enough backing and filling. —I look forward to your corrections.”

Spring Birds on Snow-covered Trees

On withered trees covered with snow, they arrive today,
Who knows what might rattle them on the branch?
Across the skies, they fly here to break out of loneliness;
Peering into the distance from their lofty perch, they try a warble or two.

Sudden dew in the winter sun, the sound of heaven’s flute,
I see white snow and mistake it for pear blossoms.
The tunes can stir up inward thoughts:
Whenever there are no flowers there can be no sighs.

Icicles play with light, issue forth strange blossoms,
A flock of birds leave their nest and perch on a tree branch.
In the stillness of extreme winter, a sudden thought:
To persuade the high or low requires a little hot air.

Then the poet responds with a line-by-line, almost word-by-word exegesis, after which the translator offers a revised version, with many a line intact (changes indicated in italics):

Spring Birds on Snow-covered Trees

Only yesterday, the withered trees were covered with snow,
What moves them to rattle on, perched on a branch
Crossing the skies, they *swoop down and break the silence*
Peering into the distance from their lofty perch, they try a warble or two.

*When the sun comes out, we hear their heavenly chirping;
They must have taken the white snow for pear blossoms.
Their singing stirs even the heart of a recluse,
Even though there are no flowers, there can be no sighs.*

Icicles play with light, issue forth *extraordinary* blossoms,
A flock of birds leave their nest and scatter on a tree branch.
In the stillness of extreme winter, *suddenly active*,
They chirp high and low, and await our praise.

Most of the changes are in diction, and in parsing, but in the second poem there's a shift in the persona. Now it is clear, in the second line: "They must have taken the white snow for pear blossoms," it is the birds, and not the persona of the poet, who mistakes the white snow for pear blossoms. And in the last two lines of the last verse: "In the stillness of extreme winter, a sudden thought: / To persuade the high or low requires a "little hot air," the images are less disembodied and more concrete: "In the stillness of extreme winter, suddenly active, / They chirp high and low, and await our praise."

The poet is appreciative: "Beautiful! Especially the second poem. (The ancient Chinese poets have often described pear blossoms, which bloom in spring, as white as snow, but I changed the metaphor the other way around. This way my line can also imply that robins mistook spring as already here.)" But she is not quite satisfied with the ending of the third poem: "In the last line of the third poem I try to use a feminine tone in 要人誇, to show robins are asking some sweet words from their audience, just like to a lover in flirtation. Is there a flirtatious way to express it? This will make robins more cute and lovable." She also points out the robin is specifically designated in the original as 知更, so the translator changes "What moves them to rattle on, perched on a branch."

to “What moves the robins to rattle on, perched on a branch.” So the translator reports: “The ‘robins’ have been restored in the second line,” but adds: “The last line in the second poem seems limp in English. I think I see the logic of it: even though the robins do not encounter the flowers they thought they saw, they are not disappointed, but my ‘Even though there are no flowers, they do not sigh’ seems limp to me. What do you think?”

To respond to the poet’s earlier injunction that the last line of the third poem be made more “flirtatious”, the translator tries to placate the poet with: “As for ‘... await our praise’, this phrase implies a feminine robin: I can’t see a man awaiting anyone’s praise, can you?” But clearly, in her response, the poet is not mollified: “Yes the tone of last line is feminine, but the poems are focused on the singing of robins, which can be both male and female. To a human ear, the robin’s song sounds feminine.” The translator tries again, but is frustrated: “I’m also having trouble with making ‘... and await our praise’ more feminine. Every attempt I come up with ends up being cutesy: ‘and vainly look for praise’; ‘and solicit praise’; ‘looking for our approval’ (I’m not even sure this is making the line more feminine).” The exchange finally ends up impaled on a cultural incommensurability; the poet explains: “About ‘要人誇’, it’s sort of like ‘they demand our praise’ in a feminine tone: ‘you must say something nice, or I’ll scold you.’ Well, I can express this in Chinese well, but not in English. There is the word 嗔 in Chinese which can reflect the tone.”

On the matter of the double negative in the last line of the second poem—縱是無花不歎嗟—which troubled the translator from the outset, the poet offers a more precise version: “Even though ... in fact no flowers there, they do not sigh.” but this does not ring as true in English as it does in Chinese. The translator tries to grasp the thought in fluent English: “I gather the sense is that, even though the robins realize

that the snow isn't pear blossoms, they are not disappointed, but I wonder if there's a more active way of saying that." "Besides," he asks parenthetically, "how does one know? And what does a robin's sigh sound or look like?" Clearly, English is more concretely rational than Chinese. The poet insists: "不歎嗟 is the other way of stressing that they are still happy with the scene, mainly due to the sun (in the opening line of the 2nd poem), and not disappointed at no flowers." So, the translator tries, instead of the "limp" "Even though there are no flowers, there can be no sighs," a more interesting: "Even though there are no flowers, they remain unruffled." The response from the poet is positive: "I like 'they remain unruffled' ... Actually 歎嗟 here is an expression of emotion—disappointment, and no need to be taken as an actual sigh."

With this double negative problem dispelled, there was still the business of the "flirtatiousness" of the last line in the third poem: 高低婉轉要人誇. The poet offers a different approach: "I think maybe we can use something else to translate 婉轉 to convey the feminine tone of the last line, instead of struggling with 要人誇. 婉轉 has a double meaning here: (a) the skillful talent of birds' singing with smooth variant changes in tones; (b) making a request indirectly and gently. I've come up with a different way to translate the line: 'With a flowery voice high and low, they expect your praise.'" Emboldened by this, the translator offers: "Charmingly, they sing their lilting song, and await our praise," adding, "If we insert the femininity elsewhere in the line, I'd retain '... await our praise' as a subtle (and feminine) expression of self-satisfaction." Close, but the poet thinks the line too long: "Now your latest version of the last line of the 3rd poem is a bit too long. I like the word 'lilting', which is much more lively. 'Charmingly' can be dropped." And they settle for: "They sing their lovely lilting song, and await our praise." Not exactly a shattering triumph, but an acceptable compromise.

The process of working through this translation, in this as in other instances, may not result in a startlingly good translation, but it has revealed much about the different valences in Chinese and English. In these confrontations, it would appear that Chinese allows more imaginative anthropomorphism—humans knowing what birds feel—than English. It would also appear that, the unstated subject-agent in Chinese allows more imaginative leeway as to what initiates action; yet, even though unstated in Chinese, the subject-agent is, nevertheless, specific, not vague.

One would have thought the second example—a satire on a fat robin singing in the snow—would have been easy to translate.^[3] After all, the poem centers around the conceit of the robin as a rotund operatic tenor singing a famous Western aria. And for the most part, the translation is easy.

〈戲詠雪中引吭之肥碩知更鳥〉

破雪颯音亢，春心滿腹催。
凸胸施內力，瞪眼露高才。
莫笑體如鼓，應儀聲似雷。
禽中卡羅素，吾日妙音來。

——萬愛珍作於己丑年正月十四日——

The translator wades in.

A Satire on a Fat Robin Singing in the Snow

Piercing the snow, his trill pitched high
Urging spring on with all his heart.
His chest puffed out to show his strength
His intense look reveals a genius at work.
Don't laugh at his barrel-chested body,

We need only admire his thunderous voice.
Among birds, he is a Caruso,
As he produces subtle strains of “O Sole Mio”

The poet is pleased with the initial foray: “Again, you delighted my day with a humorous, melodious translation. Your lines 3 and 4 are great, very funny and pictographic.” But then she points out what the translator has missed: “In the 2nd line, 春心 has a double meaning: heart of spring; a young girl’s desire for a mate (a conventional metaphor), but I don’t know how to retain both in English translation. The 2nd line is intended to say: the fat robin can’t wait to attract female robins and thus urges spring to come (with his loud singing). The verb 催 at the end is used for both the objects that 春心 represents. I’m sure you’re able to come up with a nice line to retain both messages. (Just think about why the fat robin works so hard with his singing in the snow, we ought to point out his real intention.)” So, the translator comes up with a version that reflects the sexual urgency implicit in 春心: instead of the bland “Urging spring on with all his heart,” he offers “Urgent spring feelings fill his breast.”

But there is a second remonstrance: “The other point is the 5th line [‘Don’t laugh at his barrel-chested body’]. Although ‘barrel-chested’ looks funny, I still prefer ‘drum-chested’ because drum is a musical instrument and barrel is not. Using a musical instrument to describe his chest will fit the topic better, and drum can actually produce a ‘thunderous voice’.” Now, the translator is in trouble. It is true that “drum” would carry forth the musical analogy, but in English, corpulence is not connoted by a drum. So, he offers, halfheartedly, “Don’t laugh at his body, round as a drum.”

In her response, the poet is still not happy with “round as a drum.” “How about ‘Don’t laugh at his body, presented as a drum?’”

she asks. The translator protests against the nondescript “presented”, and he suggests that they “try ‘loud as a drum’, ‘brash as a drum’, ‘bold as a drum’. But the author will not give up her fat drum easily, “How about ‘Don’t laugh at his body, shown as a drum?’” It is clear now to the translator that in Chinese the drum suggests corpulence in a way that it doesn’t in English, so he explains: “In English the nuance for a drum is not portliness but tightness. ‘Tight as a drum’ means that one is stretched as thin as the surface of a drum. This is hardly the image of a fat-chested robin. If you say someone is like a drum, it will tend to suggest that he’s tense and taut, not that he is fatuously fat.” “Interesting,” the poet replies, “It is quite common to describe the fat chest as a drum in Chinese,” and then she adds, “鼓, drum, can also be used as a verb to describe such a chest, e.g. in the chapter titled 馬蹄, *Zhuangzi*, there is a phrase 鼓腹而游 describing people who enjoy a very good life—they all puff out their belly (after eating) and just have fun.” The translator is hard-pressed to come up with a phrase involving a drum that he could use in a similar situation: “After eating his full, he pulled out a cigar, and stuck his belly out like a drum” (?). No, that wouldn’t work in English. Then, the poet reflects on the drums she has seen, and concludes that Chinese drums and U.S. drums are shaped differently: “Now when I try to remember the differences between the commonly seen traditional Chinese drum and the drum one would see in a parade in the U.S., it is understandable why they connote different implications.” Chinese drums are portly; U.S. drums are cylindrical. ^[4] Sometimes it is impossible to translate metaphors because the objects invoked are different in different cultures.

Finally, I offer a rare instance where the “translation” can be seen to *precede* the original. It started with the poet sending this photo:



And issuing this disarming challenge: “I’ve got an idea—would you like to compose a poem on this photo in English and I will try to translate it into a traditional Chinese verse? It will be a fun challenge.” So, a day later, the translator ventures forth with:

A Robin in a Snowscape

Red-breasted, cold-tested,
Unruffled and feather-crested,
Her ruff looks like chuff;
Her fur is enough
To keep the robin warm
As a toasted bun.
She sings to show she’s in form,
While she basks in the winter sun.

To which, the poet responds: “I enjoyed reading your poem on the fat robin. It’s interesting to see how you describe the robin as a fat bumpkin woman, because I see it as a fat tenor. Anyway, here is my ‘translation’. Since you’ve come up with an 8-line poem, so I use a regulated verse for my Chinese version. I did add a few things to make your points more clear in Chinese. I had tremendous fun on handling this task.”

〈雪景見知更〉

迎寒挺赤胸，
羽冠斂儀容。
豐頰疑村婦，
重裘護密茸。
暖身如醞醪，
烤餅比圓臙。
一曲宣天下，
朝陽自得冬。

——萬愛珍譯於己丑年正月十二日——

The translator has no problems with this “translation” into Chinese of his poem, but he opts to make a change in the last line of his “original”, from “While she basks in the winter sun” to “She basks in the February sun”, evoking the phrase “January sun” from Wallace Steven’s great poem, “The Snow Man”: “The spruces rough in the distant glitter / Of the January sun.” But this seemingly minor adjustment—from “the winter sun” to “the February sun”—triggers a whole complex of difficulties. The poet asks: “February is the first month in the lunar calendar, and the first month is supposed to be the early spring. Are you sure you want to use February?” And then she adds, to avoid the problem, “How about changing my last line into: 春陽意轉濃? [roughly translated: ‘The spring sun begins to emerge’] This

can show the transition of the season from winter to spring and also the robin enjoying the sun.” The translator identifies “an interesting cross-cultural question.” “In the solar calendar,” he writes, “March is considered the beginning of Spring, so February in English suggests the month before Spring; in Chinese, February is considered the New Year and the beginning of Spring, so the month before—that is January [or, in some years, December] is the dead of winter.” The harbinger of spring, which is what the robin represents, suggests different months in English and in Chinese: “In any event, the robin appears at the end of January and the beginning of February, so we have some latitude designating the seasons: the Westerner will see the approach of spring as February; the Chinese see a presage of spring at Chinese New Year, which can fall anywhere between late January to mid February.” In other words, the psychological feel of the months is different in the lunar and solar calendars. In the solar calendar, however, spring is more precisely marked as March 21st, the date of the spring solstice. In point of fact, the precision of reckoning in the solar calendar is specious, since actual, if not astronomical, spring often arrives before late March or later, in April; and the lunar calendar allows for a more flexible view of the seasons and, unlike the solar calendar, associates the beginning of the new year with spring, but it’s an impending spring, in late January or early February, not a full-fledged spring.

But there’s another problem: to translate “toasted bun”, the poet came up with 烤餅 which is not, strictly speaking, accurate, since the phrase means something like “toasted biscuit” rather than “toasted bun”. The poet shares her dilemma: “the other cross-cultural problem is how to translate your ‘toasted bun’, which didn’t exist in ancient China. And more seriously, how to convey the image of an American ‘toasted bun’ to the average modern Chinese? You know both 饅頭 and 包子 are translated as ‘bun’, but they are not ‘toasted’. (And I can’t imagine myself

using either of them in a regulated version.) So in my regulated version I have to explain the special feature of ‘toasted bun’ in lines 5 and 6. This morning I was excited that I could think of a similar Chinese counterpart of ‘toasted bun’—窩頭, which also helps make my song version more humorous.” So she offers an alternative “translation”, this time in the form of a Song *ci* rather than a Tang *shi*:

〈詠雪景中一知更鳥〉

胸腹朱紅不畏寒，
 閒將豐羽狀峨冠，
 贅毛繞頸環肥相；
 冬裘仗
 熱伊身
 似窩頭
 一曲勢今伸，
 向陽改歲樂悠悠。

——萬愛珍譯於己丑年正月十三日——

One can translate from one language to another, but when the phenomenological sense of the seasons and their relationship to the new year are so different, and when the cultural objects—whether “toasted bun” or 窩頭—don’t exactly match, conflicts and disjunctions will prove unavoidable. A translator can adjust for nuance and meaning, but he cannot reconcile conflicting paradigms, or different ways of perceiving.

Whatever the frustrations of translation one might encounter, the benefits of such failures are clear. They illuminate the untidy frictions that occur between languages and cultures. One recalls Wittgenstein’s injunction: “We have got onto slippery ice where there is no friction and so in a certain sense the conditions are ideal, but also, just because of

that, we are unable to walk. We want to walk so we need friction. Back to the rough ground!”^[5]

It is the “rough ground” in our translations that teaches us about language, culture, and poetry, and that, hopefully, will enable us to make progress.

Notes

- ^[1] This paper was originally presented at the 2010 ACLA conference in New Orleans, April 2, 2010.
- ^[2] Hard copies of these exchanges have been deposited in the archives of the Lilly Rare Books Library at Indiana University. Seven of these poem-translations were published in *Renditions: A Chinese-English Translation Magazine*, Number 73 (May 2010); another five appeared in the November 2010 issue.
- ^[3] Both poem and translation appeared in *Renditions: A Chinese-English Translation Magazine*, Number 73 (May 2010), pp. 74-75.
- ^[4] There are exceptions, of course. Kettle drums are portly.
- ^[5] *Philosophical Investigations*, I, translated by G.E.M. Anscombe (Oxford: B. Blackwell, 1953), p. 103.

About the Author

Eugene Eoyang is a practising translator and a theorist of translation. He lists among his translations: *The Selected Poems of Ai Qing* (1982), more than 50 translations of traditional Chinese poetry in *Sunflower Splendor: Three Thousand Years of Chinese Poetry* (1975), renderings of Li Qingzhao in *Women Writers of Traditional China: An Anthology of Chinese Poetry and Criticism* (1999). His works on translation theory include: *The Transparent Eye: Translation,*

Chinese Literature, and Comparative Poetics (1993) and *“Borrowed Plumage”*: *Polemical Essays on Translation* (2003).

操控下的阻抗式歸化翻譯

——以《學衡》八首華茲華斯譯詩為例

王雪明

Abstract

Manipulated Resistance in Domesticating Translation: A Case Study of Eight Translations of a Poem by William Wordsworth in *Xueheng Magazine* (by Wang Xueming)

Taking as an example eight translations of one poem by William Wordsworth published at the same time in Xueheng Magazine, this paper endeavors to explore macro- and microscopically the significance that the mode of multiple translations of one work had during the translation wave of the May Fourth New Culture-Literature Movement. Firstly, by comparing the original text and its eight translations with respect to poetic form and images, the author conducts a micro-analysis of the characteristic features shared by the eight translations. The analysis shows that the translators, in transposing the original text, aim to reconstruct classical Chinese poetic traditions. Secondly, using the theory of Manipulation proposed by André Lefevere, the paper investigates the background to these translations and traces the reasons why the translators have strikingly similar conceptions. Finally, on the basis of the understanding of “foreignizing

translations” as articulated by Lawrence Venuti, the paper comes to the conclusion that a domesticating translation can, in a special historical context such as the May Fourth period, perform the same resistant function as a foreignizing translation. At that time, the majority of translations were more ST-oriented than TT-oriented because they aimed to create a new Chinese literature on foreign literary models. Therefore, the identity of the Xueheng translators, as opposed to the dominant translating trend, was enhanced by the domesticating method in translation. The employment of a domesticating strategy by the Xueheng translators is the same as what Venuti proposes to be a foreignizing strategy in terms of the choice of texts to be translated and the language to be used.

1925年《學衡》雜誌第39期“藝苑”欄目發表了兩組譯詩。這兩組譯詩的獨特之處在於它們都是同一首詩歌的不同譯作。同期刊物一作多譯，這在翻譯史可以說是少有的事，“在中國現代文學翻譯史上是一次很有意義的嘗試”（謝天振、查明建，2004: 242）。它在學衡派的譯介活動中是如何形成的？反映出學衡派什麼樣的理論關懷？本文從其中華茲華斯八首譯詩的形式與意象分析入手，結合翻譯文化學派的有關理論，對這一“有意義的嘗試”進行文化意義上的剖析。

原詩與八首譯詩現抄錄如下：

She Dwelt among the Untrodden Ways

She dwelt among the untrodden ways
Beside the springs of Dove,
A Maid whom there were none to praise
And very few to love:

A violet by a mossy stone
Half hidden from the eye!
Fair as a star, when only one
Is shining in the sky.

She lived unknown, and few could know
When Lucy ceased to be;
But she is in her grave, and, oh,
The difference to me!

(一) 佳人處僻地 (賀麟 譯)

佳人處僻地，地在鵲泉旁。稱頌乏知己，愛慰少情郎。羅蘭傍苔石，半露半罅藏。

晶明如紫微，獨璨天一方。羅敷生無聞，辭世曷淒涼。謁冢吊芳魂，彼我隔渺茫。

(二) 彼姝宅幽僻 (張蔭麟 譯)

彼姝宅幽僻，徑荒無人跡。旁邇德佛泉，泉水流不息。落落無稱譽，亦鮮相愛憶。

紫羅依苔石，艷姿半潛匿。皎潔若明星，獨照長空碧。索居世相遺，長逝罕知時。

麗質眠孤墳，嗟我有殊悲。

（三）佳人在空谷（陳銓 譯）

佳人在空谷，空谷旁靈泉。幽芳徒自賞，春夢更誰憐。苔石紫羅蘭，俗眼渾不識。

美麗如明星，孤星照天際。絕色無人知，莫知其終極。黃土掩佳人，郁陶思往昔。

（四）絕代有佳人幽居在空谷（顧謙吉 譯）

有美性幽獨，自傍鴛溪宿。不為世俗憐，幾人問寒燠。譬如石邊菊，莓苔隱遊目。

亦若燦爛星，天半自孤煜。芬芳世不知，零落依草木。彼美已長眠，我心亦傾覆。

（五）女郎陋巷中（楊葆昌 譯）

女郎陋巷中，幽居鄰清泉。不曾逢人譽，更少得人憐。一朵紫羅蘭，半為苔石掩。

艷麗擬明星，太空獨閃閃。露西生無聞，露西死孰知。今已入泉下，嗟哉與我歧。

（六）蘭生幽谷中（楊昌齡 譯）

蘭生幽谷中，傍有愛神泉。零落無所依，孤影少人憐。紫羅傍苔石，欲掩已外延。

忽如迢遙星，照耀黃昏天。悲彼芬芳姿，湮沒百草叢。花亡人歸墓，縹緲不相逢。

（七）德佛江之源（張敷榮 譯）

德佛江之源，江濱盡荒路。彼女居其間，無人相愛慕。嬌艷紫羅蘭，苔石半掩護。

皎皎如孤星，光華獨流露。露茜生無聞，垂亡少眷顧。彼今在墓中，對予殊異趣。

（八）美人居幽境（黃承顯 譯）

美人居幽境，側傍鴿之泉。孤高絕頌譽，並少人愛憐。有如紫羅蘭，半露苔石邊。

清美一顆星，獨明向中天。露西昔在無人識，罕有知其謝塵緣。而今彼已眠青塚，噫噫與我相殊懸。^[1]

一、譯詩的形式分析

從形式上來分析，本詩共有三個特徵。第一個特徵最為明顯，是本詩所採用的韻式和節奏。本詩包括三節四行詩，大抵採用四音步抑揚格與三音步抑揚格相間押交韻，各節韻式為 abab。八首譯詩中除第二首、八首外，其他都是與原詩行數一致的五言詩。第二首將原詩擴展為 14 行，第八首五言、七言並用（五七言並用已出現在唐宋詞曲之中）。每首詩都有大致整齊的韻式，其中第一、四、七首甚至做到了一韻到底，充分展示出中國傳統

詩歌的形式和音韻美感，而這些都是原詩沒有的，可以說是脫胎於譯入語格局中所煥發的新風采。

第二個特徵體現在原詩的句法層面上。原詩第一、三節時態為過去時，人稱採用 she 第三人稱，而且句法結構完整連貫，是典型的書面語體。而在這兩節之間，加入了一個別樣的形態。第二節裏時態為現在時，從人稱可以判斷出是我／你對話的第二人稱視角，句式由片斷式的兩個並列短語構成。因而與一、三節形成鮮明對比。從第一節跨越到第三節，露茜從生到死，從“身居幽境”到“墓塚長眠”，從無人知曉到僅為“我”知，這樣一個敘述方式給我們展示的是一個由差別構成的意境——時間差異，空間差異以及由默默無聞到“我”為之憐的差異。這樣一個差異世界以隱喻的方式表達了詩人對人生深切地感悟和思考。我們知道，露茜是詩人心目中構建出來的想像，在詩人心目中，露茜完全具有滿足詩人需要的特權。因此，詩人暗含式的用兩個別致的意象而不是觀念去讚譽她 “[you are] a violet by ...” ， “[you are] fair as a star ...” 。這兩個意象，一個是嬌小的紫色羅蘭，一個是宏大的天體星球，原本似乎是無法並列的意象在這一節裏被並置在一起，看似平凡的選擇，實為詩人匠心獨具之處。這一大一小兩個意象可以說填充了詩人心目中的整個宇宙，感情強烈而個性化地表達了詩人在露茜身上實現了那種超越時間的當下（present）。由於五言體受每行字數限制，常常需要省略人稱，原詩第二節隱含人稱從表面上來看給漢譯提供了方便，但由上面分析可以看出，露茜由於在人稱變化上的不同而帶給詩人異樣的感觸這一特徵，在譯詩中卻都因為這個便利消失了。

第三個特徵表現在詩歌最後兩行的口語體上。華茲華斯主張

詩歌創作應使用日常生活的語言，來抒發真實的基本情感。詩歌最後兩行“and, oh,/The difference to me!”中的感歎和停頓，意在模仿說話人見到露茜這樣默默離開人世而喉嚨哽咽，話不成行的悲傷與歎息。而這種形式特徵不僅是中國古體詩所不具備的，而且也不是古體詩整齊形式所允許的，五言古體詩所能做到的只能是在辭彙上儘量做到原文的表達效果。八篇譯詩當中，僅有第五和八首做到了這一點，採用了古漢語的嘆詞“嗟哉”和“噫噫”來對應原文的感歎詞“oh”，而原文表示哽咽的停頓則只能遺憾地放棄了。其餘六首在這方面則是沒有絲毫的體現。

以上為華茲華斯原詩在形式層面上所表現出來的獨特之處，可是這些形式上的特徵與五言古詩整齊劃一的形式要求存在着很大甚至是根本性的衝突。縱觀這八首譯詩，雖然個別譯詩中保留了原文部分的形式特徵（即使是得到保留，也只是極少的一部分），但多數譯者還是在自己的譯本中放棄了。以上分析只是原文整體形式特徵及其在各譯本中的保留情況，除此之外，各個譯詩在對原詩具體詩行的處理時，也都表現出以譯入語語言和文化為主的歸化傾向。只不過各個譯者在處理的過程中方式各不相同，若逐一分析，恐篇幅有限，所以這裏僅舉一例加以說明。原詩第二節“A violet by a mossy stone/Half-hidden from the eye!”，以張蔭麟所譯為例，“紫羅依苔石，艷姿半潛匿”，以漢語動詞“依”換去英語介詞“by”，同時將原句觀看者的“眼睛”（from the eye）隱去，讓物（紫羅蘭）作為“半潛匿”的主動者，這樣就變名詞性的原句為漢語的主謂句，變原句知性的靜態陳述為漢語的感性動態描寫，使花依苔石的搖曳之姿更具視覺的生動聯想（葛桂錄，1999: 37）。當我們結合當時社會和歷史情

境來看，不能不說學衡派以舊格律作為翻譯詩歌的基礎是別有一番用心的。

二、譯詩的意象分析

與形式層面相比，譯者對原詩中意象的處理更值得研究。《露西組詩》為華茲華斯遊歷德國所作，借讚美與哀悼“露西”以抒寫詩人的幻滅感。露西是詩人創造出來的一個虛幻的夢影，為的是提供靈感驅使自己筆耕不輟：隨着個人的情緒迭蕩安排善良柔弱的露西成為哀傷的象徵，在恬靜的狀態下讓情緒回歸到那股遙遠的、淡淡的悲慟。對此，《學衡》“編者按語”也有說明：“露西實子烏虛有，〔……〕蓋威至威斯理想之所寄託，初非欲傳其人，亦非悼亡自敘也”。很顯然，“露西”乃是華茲華斯想像中的人生理想，“她”美若星辰，卻索居僻地，無人讚美，暗指詩人孤芳自賞式的理想；“她”的香消玉殞，令“我”有別樣的感受，表達了詩人理想幻滅的情愴。借女性的美與愛及其悲慘遭遇表達詩人悲郁的人生體驗；寄託詩人的情感或理想；傳遞對生命的哲學沉思，也是中國歷代詠女詩歌的重要主題，如屈原《離騷》中“惟草木之零落兮，恐美人之遲暮”，曹植《雜詩·南國有佳人》中“南國有佳人，榮華若桃李”，蘇軾《前赤壁賦》中“渺渺兮予懷，望美人兮天一方”。以“佳人不遇”來表達“士不遇”的悲愁遂成為古典詩歌的特色之一。而佳人形象也成為士人介入社會與政治的特定話語。同時，男女之情、孤處僻世等話題與佳人形象共同構成一個話語體系，來比配詩人自己

不得賞識、仕途失意的境況，抒發心中的憂傷和不平。遂使具有中國古典悲劇氣質的“佳人”形象從審美層次進入了傳統人文思想的建構中，具有了特殊的文化內涵。當我們讀到詠佳人詩中表現女子風華絕代卻無人賞識的詩句時，必會聯想到一種握玉懷瑾而時乖命蹇的人生境遇；而她們“芳心空自持”的冷寂，也自然令我們感到壯志未酬的苦悶與自憐孤高的無奈。

雖然中外詩歌都借女子形象寄託內心感情與理想，但其表達方式卻不盡相同。如果譯者以本民族賦予女性形象特有的文化內涵去解讀原詩，並以此方式在譯語中再現原詩的話，原作就被該民族文化所歸化了。這樣的譯作就具有了獨立於原詩的、在譯入語文化語境中生成的文化精神與品格。這八篇譯文就處處體現了譯者們的這種歸化之功。譯詩對原詩意象的處理，歸納起來，主要有以下三種方法：

（一）意象渲染

原詩並沒有直接向我們介紹露西是一位如何美麗的女子，雖然從第二節的一個暗喻和一個明喻中我們可以看出“她”的美與氣質可比鮮花、星辰。但是詩人自始至終都是用“她” she 來指稱的，僅在第三行換作“a maid”，第十行引出“她”的名字“Lucy”。而八篇譯詩當中有五篇都對原詩中的“she”進行了渲染，如第一、三、四首以“佳人”相稱；第二首以“彼姝”出之。姝即美女，用詞古雅，《樂府詩集·陌上桑》中有“使君遣吏往，問是誰家姝”；第八首“美人”與“佳人”同義。第六首雖捨棄了原詩樸素的“she”一詞，代之以“蘭花”形象，但對詩中女子的稱譽卻借蘭花流露了出來。將華氏筆下的“she”突顯為

“佳人”形象，實際上正如上所述，是譯者傳統詩學價值在翻譯過程中的驅遣使然。同樣是虛構的女子，“她”的內涵與“佳人”的內涵是不一樣的，“佳人”形象更能激發起我們傳統詩歌的審美共鳴。杜甫《佳人》詩云：絕代有佳人，幽居在空谷。自云良家子，零落依草木。反觀上述譯詩，就會發現，第三首將杜詩中首兩句合併為“佳人在空谷”，而第四首標題“絕代有佳人幽居在空谷”和第十句則直接取自杜詩原句。

（二）意象替換

意象替換是翻譯中的一種審美求解。源語意象不為目的語讀者所熟悉，但譯者又不希望直接給出抽離意象之後乾癟的意義。這時譯者大多會在目的語當中尋求另外一個能夠與源語意象之“意”相切的意象，以使讀者在獲得意義的同時也能獲得對意象的審美體驗。採用意象替換的初衷是希望“意”同而“象”不同。然而在很多情況下，實際結果卻是“象”換了，意義也隨之發生一定程度的改變。漢語有着豐富的意象，且幾乎每一個意象都沉澱着中華民族深厚的傳統文化，蘊含着豐富的意義。這就在客觀上造成了譯者在翻譯源語意象時的“創造性叛逆”。

原詩中第一句“the untrodden ways”（人跡罕至的地方）實際上是一個非常模糊的概念，第三、四、六首譯詩將其譯為“空谷”或“幽谷”，毫無疑問這是“佳人”形象啟動了有關杜詩的認知圖式（schema），而對“佳人”居住地所做出的自然選擇。這一意象的替換一下子將原詩幽居的女子轉變成富有濃厚中國傳統特色的佳人。此外，原詩中“springs of Dove”只是一個地名，第三首譯為靈泉，又為空谷塗抹了道家的色彩，一幅自然神

奇的山水畫立刻在譯文讀者的腦海中呈現出來。而第四首替換為“鴛溪”，中國詩味更加濃郁。“鴛”不僅為中國所特有，而且在中國文藝作品中象徵着堅貞不移的純真愛情，譯詩中的“佳人”性“幽獨”，卻居住在鴛鴦溪旁，表現出“佳人”雖然孤高，但內心卻充滿了對愛情的渴望。第五首的“清泉”的“清”字也襯托出“女郎”所居之處的幽靜清雅。因此，從一開始，原詩的“異國情調”（魯迅語）在譯詩中就蕩然無存了，出場的則是中國讀者所熟悉的淒婉與傷感的絕色佳人形象。

如果說上述的意象替換還都是譯者以中國古詩去暗合外國詩歌之精神的潛意識造成的“叛逆”，那麼對原詩“香草”形象的處理就不能不說是譯者主體意願的主動“叛逆”了。這一點鮮明地體現在第四和第六首譯詩中。原詩中只出現了一個香草形象，即“紫羅蘭”（violet）。而這一意象在第四和第六首中分別被“菊”（以“菊”代之還有出於湊韻的考慮）和“蘭”所代替。菊與蘭作為兩種詩意象，自古就是詩人歌詠的物件。蘭花喜陰，因生長於深山幽谷之中，素有“空谷佳人”之譽。而菊花自從被陶淵明垂青之後，就被稱頌為“花之隱逸者也”（周敦頤）。蘭花那“無人亦自芳”（明·張羽《詠蘭花》），“堅貞還自抱”（清·鄭燮《題畫》）的氣質與菊花那“春露不染色，秋霜不改條”（晉·袁崧《詠菊》），“獨立凌冰霜”（宋·陸遊《秋菊》）的品格不斷被注入世人的思想與感情，不斷地被融進詩歌創作，形成中國古詩中色彩濃烈、內涵深厚的“香草”文化。大凡抒寫高潔人格和孤芳自賞的情操，歷代詩人莫不借蘭、菊來比興托喻。紫羅蘭原產歐洲，並非中國本土固有花卉，因而也就不可能成為中國詩人寄情言志的載體。兩位譯者之所以將原詩中

“紫羅蘭”的意象換作“蘭”或“菊”，在於他們發現了中外詩人在借花寄情言志方面的同構關係，正所謂“人同此心，心同此理”。然而譯者諳熟的古典詩學心理模式，再加上以古詩五言體作為翻譯的形式，促使譯者主動“背叛”了原詩的意象，而選擇了本土詩歌傳統中熟悉的意象。造成的結果便是，譯詩的中國古典氣蘊更加濃厚了。

（三）意象增添

為了配合“佳人”和“香草”形象的刻畫，上述譯詩還植入了中國傳統詩歌特定的意象，如第一首的“芳魂”，第二首的“落落”、“艷姿”、“麗質”，第三首的“幽芳”、“春夢”、“絕色”，第四首的“芬芳”、“零落”、“草木”，第六首的“芬芳姿”、“百草叢”，以及第八首的“孤高”。這些辭彙有的是對“佳人”美貌的直接讚譽，有的則是描寫“佳人”的孤高自憐，有的則通過花與草的對比以突出其高雅。這些辭彙都是原詩中所沒有的，這樣的譯詩會自然而然激發我們對傳統詩歌的審美經驗。中國傳統詩歌中“香草佳人”的特定話語方式，如男女之情、孤處僻世、歎群群之汶汶等，都被譯者調用出來。作為讀者，我們從譯文的審美層面進入中國傳統人文思想的架構中，感受到的是中國文化特殊的氣息。

以上僅分析了八首譯詩在歸化原詩中意象層面所表現出來的一些共性特徵。除了這些共性外，個別譯詩還有自己的獨特之處。比如第一首第七行“晶明如紫微”。紫微星就是北極星，古人因其位天正中，所以稱其為帝王之星。以紫微星來比喻佳人之美，顯然有些不合適，但卻突出了“佳人”的光彩艷麗。另外用

典也是這首譯詩的一個特色。在第九行“羅敷生無聞”中，譯者以《樂府詩集·陌上桑》中采桑女“羅敷”比附原詩的“she”。羅敷機智、美麗、忠於愛情，面對“使君”妄想以權勢求愛，她以自己的智慧與勇敢嚴詞拒絕，表現出她藐視權貴，對愛情忠貞不渝的性格特徵。自此，羅敷成為儒家倫理思想婦女潔身自愛的典範。這裏譯詩引用這一典故，將金髮碧眼的西洋美女變成了中國古典佳人，“不但增加了一些原文中所沒有的含義，把濃厚的漢語民族色彩強加到譯文中去”（張培基，1980: 175）。

以上所有這些，作為譯語，它們所喚起的美感與聯想，早已超出了原詩語符傳遞的資訊，而作為文學意象，它們積澱着民族文化精神，譯者借它們傳達原詩之意時，已經在驅遣着一連串的文化符號，啟動着豐厚的文化底蘊，進行着傳統的價值重構。

三、文化傳承的翻譯理念

施賴爾馬赫（Schleiermacher, 1768-1834）指出，翻譯一般有兩種途徑：一種讓讀者去接近作者；另一種讓作者去接近讀者（轉引自 Venuti 1995: 19）。無論哪一種，都是譯者中介的結果。譯者固然可以作出忠實於原作的翻譯，同時他還可以出於自己的主觀意願，故意表現出對原作的背離，使譯作具有獨立於原作之外的精神氣質與文化品格。實際上，這兩種途徑的選擇可以歸結為另外一個問題，即譯者在從原文本到譯作文本的重構過程中，對自己所屬的民族文化的予以發揮，還是有所抑制？通過以上對譯詩形式和意象的綜合分析，我們可以清楚地看出，《學衡》雜

誌上刊登的這八首譯詩最突出的特徵，就是譯者自覺地按照本國的文化精神來詮釋原作的文化精神，用本國文化歸化外來文化。很顯然的，八位譯者同時選擇這樣的翻譯途徑，決非巧合，也並非源於他們的個人偏好，而是他們所持據的文化理念。這樣的“創造性叛逆”表現出譯者在認識異域文化的同時，又進行着本民族文化傳統的“自我重構”。雖然它的方式是“移花接木”，但譯者承傳文化傳統的自覺意識對本民族文化建設的作用不容忽視。

翻譯文化學派代表人物勒弗菲爾（André Lefevere 1992）指出，翻譯其實是一種文化重寫（rewriting），也就是一種文化操控（manipulation）。他認為文學系統具有雙重操控機制，一為外部機制，保持文學同外部環境之間的聯繫，其中起重要作用的是贊助人（patronage）。勒弗菲爾將贊助人界定為促進或阻礙閱讀、寫作和文學改寫的力量，它包含三個因素：一是意識形態，決定着主題的選擇和表現的形式；二是經濟因素，為作（譯）者提供經濟支援；三是社會地位，贊助人可以給予作（譯）者以聲譽和認可。另一在文學內部發生作用，其關鍵成分是主流詩學（poetics）和一組界說並不明確的術語，如“專家”、“專業人士”、“改寫者”（Hermans 1999: 126-127）。贊助人、文學專家和主流詩學控制着文學，包括翻譯的生產和傳佈（Hermans 1999: 127）。

學衡派是一個因《學衡》雜誌而得名的文化流派，其主要成員有梅光迪、吳宓、胡先驕、劉伯明、柳詒徵等。雖然雜誌宗旨是“論究學術，闡求真理，昌明國粹，融化新知。以中正之眼光，行批評之職事，無偏無黨，不激不隨”，但學衡派同仁主要

以該雜誌為陣地，反對新文化運動對傳統文化和西方文化的偏激態度與做法，宣揚以儒家倫理為核心的人文傳統。《學衡》創刊於 1922 年 1 月，歷時 12 年，於 1933 年 7 月終刊，共印行了 79 期。^[2] 刊物沒有稿酬，為雜誌供稿的作者除發起人外，起初主要是他們的一些朋友和南京東南大學的師生，如吳芳吉、劉朴、繆風林等。1925 年初吳宓任清華大學國學研究院主任，將《學衡》的陣地由南京遷到了北京，清華的師生遂成為雜誌的主要撰稿人。《學衡》雜誌從創刊到終刊，只有吳宓一人為之籌款操心，為籌稿和出版奔波，因此實際的編輯權也就落在了他的手中。所以社員中有人指責“《學衡》雜誌竟為宓個人之事業”（吳宓，1995: 235）。雖是不滿之詞，但卻是實情。吳宓自己也承認“《學衡》為我之事業，人之知我以《學衡》”（吳宓，1998: 419）。從上述贊助人的三個因素來看，吳宓是雜誌名副其實的贊助人（undifferentiated patron; Lefevere 1992: 17）。同一首詩歌有八篇譯文同時登載，這絕不是個偶然現象，而且《學衡》上多人同譯一首詩歌的現象一共出現了四組（第 39 期刊登兩組，第 49 和 64 期各一組），這在翻譯史上也是極為罕見的。從譯者與贊助人之間的關係來看，此八位譯者並非是被“學衡約請”，而是吳宓在清華國學研究院所教授的學生，這些譯文實際上是他們翻譯課上的練習（劉霽，2005: 9）。這些練習以譯作的形式在《學衡》上刊登，也就獲得了外部認可。無論八位譯者自身承認與否，在外部讀者看來，則難翹學衡派新成員的嫌疑，進而被視為新文化運動的反對者。從師生關係上來說，作為教師，吳宓通過自己的言傳身教，把自己的翻譯觀念傳授給學生，實際上也就是從內部以自己的詩學觀控制和影響着學生的翻譯生產。他曾指

出：“翻譯之業，實吾前所謂以新材料入舊格律之絕好練習地也”（1923: 25）。因此，這些譯文具體而言傳達着與吳宓相同的翻譯理念。

作為新文化主流的反對者，“學衡派”是以明確的文化意識介入文學翻譯的。吳宓認為：“近年吾國人譯西洋文學書籍，詩文、小說、戲曲等不少，然多用惡劣之白話文及英語標點等，讀之者殊覺茫然而生厭惡之心。蓋彼多就英籍原文，一字一字度為中文，其句法字面仍是英文”，“故今欲改良翻譯，固在培養學識，尤須革去新興之惡習慣，除戲曲小說等其相當之文體為白話外，均須改用文言”（1923: 26-27）。不僅如此，他還指出“欲求譯文有精采，須先覓本國文章之與原文文趣格律相似者，反復熟讀，至能背誦其若干段，然後下筆翻譯”（1923: 27）。這幾句話可以說是吳宓的翻譯理念。而他的翻譯理念與他的治學思想和文化觀又是一致的。在五四現代思想啟蒙制度下的文化現代轉型中，學衡派正是以與新文化激進主義的異質性思維參與着新文化建設的大合奏。在文化上他們反對激進主義者們否定民族文化全盤西化，主張“昌明國粹，融化新知”，通過對中西文化的相容並包，精深研究，使之在交流融合中創新中華文化。在文學上，他們批評激進主義濫用白話的“新興之惡習慣”，主張保留文言，遵循傳統詩歌格律。吳宓對文言文的態度，本於他對中國傳統文化的理解。他認為一國的語言，乃是“民族特性與生命之所寄”，中國固有的語言文字曾經培育出屈原、李白、杜甫等偉大作家，產生過“數千年的文學遺產”（沈松橋，1984: 156）。一旦毀棄文言，民族精神與凝聚力將無以維繫。只有文言不破滅，傳統文化才能得以保存。就詩歌而言，“作詩之法，須以新

材料入舊格律，即仍存古近各體，而舊有之平仄音韻之律，以及他種藝術規矩，悉宜保存之，遵循之，不可更張廢棄”（吳宓，1923: 14）。這些主張不僅是學衡派文學創作的理論指導，而且也規約他們的文學翻譯。在他們看來，文學翻譯既是他們移植外來思想之工具，也是昌明本國文化傳統，確立民族主體性的重要方式。他們主張保留文言與舊格律並非是要為現代人的思想表達憑添文字障礙，而是看重文言所支撐的文化傳統，在新文化運動激進主義者們的猛烈攻擊下，文言作為傳統文化的象徵正被“歐化的國語”（傅斯年語）所取代，保存文言，無疑保住了傳統的血脈，現代與傳統的連續方式才有所維繫。在文學翻譯中傳承傳統文化，這是學衡派的翻譯立場，也是他們的翻譯政治。《學衡》上發表的譯詩無一例外都是這種意識形態操控的產物。

四、學衡派文學翻譯策略 ——歸化翻譯的阻抗功能^[3]

異化翻譯（foreignizing translation）和歸化翻譯（domesticating translation）是美國翻譯理論家韋努蒂（Venuti 1995）提出的用來描寫翻譯策略的兩個術語。異化翻譯就是故意使譯文衝破目的語常規，保留原文中的異國情調；歸化翻譯則是指譯文採用明白、流暢的風格，降低甚至消除目的語讀者對外來文本的陌生感（Shuttleworth & Cowie 1997: 43-44; 59）。異化翻譯可以用來體現他者的聲音，抵抗目的語主流語言文化價值觀對他者話語的歸化，讓目的語讀者見識乃至接受他者的價值觀，而歸化翻譯“通

過隱形的方式，用目的語的價值來刻畫外來文本，使讀者在他者文化中認識到自己的文化，並因此沉浸在對自我文化的陶醉中”（Venuti 1995: 15）。

雖然異化翻譯可以體現異域文本中的語言和文化差異，但韋努蒂宣導異化翻譯策略有着文化價值取向向上的側重（Venuti 1995: 148）：

異化翻譯是一種另類的文化實踐，它拒絕附和主流，而是發展在本土處於邊緣地位的語言和文學價值觀，包括那些因抵抗本土佔主導地位的價值觀而遭排斥的異域文化。一方面，異化翻譯對異語文本進行以我族為中心的挪用，從而把翻譯納入了本土的文化政治議程；另一方面，正是這種另類的文化姿態使異化翻譯能夠彰顯異語文本中的語言和文化差異，發揮文化重構的作用，使那些偏離我族中心的譯文得到認可，並有可能修正本土的文學經典。

而歸化翻譯則被韋努蒂視為譯入語主流文化價值拒絕接受外來事物，保持本土固有文化格局穩定的手段。王東風也指出：“作為文化轉向的產物，歸化和異化必然包含了深刻的文化、文學乃至政治的內涵”（2002: 25）。由此得知，韋努蒂的異化策略的實質是標舉一種差異倫理，以顯形的介入姿態聲明自我的獨特身份，以圖挑戰主流意識形態並借翻譯引起譯入語語言文化內部的變革。究其實質，韋努蒂異化翻譯之“異”（foreignness）並不指向源語，也不指向目的語，而是目的語文化中的邊緣價值。

這裏所分析探討的八首譯詩，很顯然，屬於歸化翻譯的範

疇，因為正如以上譯作所表現的，它提供的更多的是一種本土閱讀經驗，從表面上看與異化理論無關。然而，正如上文所言，異化翻譯只是達到文化政治議程的手段，旨在挑戰譯入語中的主流文化價值觀，引發文化內部的變革。既然翻譯策略總是要服務於某種文化主張或行動，那麼歸化翻譯是不是僅僅起着維護主流文化價值觀的作用，或者說它有沒有可能在特定情境下挑戰主流文化價值觀？筆者以為，在五四新文化運動這個特殊的歷史情境下，學衡派的歸化翻譯策略扮演着韋努蒂提倡異化翻譯同樣的角色，不再起着維護主流文化價值觀的作用，而是挑戰五四剛剛確立的新的主流文化價值觀。

異化翻譯的一個重要內容就是它的阻抗性（resistance or resistancy）。所謂阻抗，就是“通過運用譯入語文化中佔次要地位並為該文化所排斥的各種思想觀念和語篇技巧的載體，對文化的主導……地位提出質疑”（Venuti 1995: 305）。異化翻譯的阻抗性主要表現在兩個方面，一是外來文本的選擇，一是翻譯語言的運用。譯者可以選擇在目標語文化中不屬於外國文學主流的原文；或用非正統話語（如古語）來翻譯，如龐德用古語翻譯《水手》（*The Seafarer*）（Venuti 1995: 148, 310）。從這兩點上來看，學衡派的歸化翻譯也是阻抗式的，也表現在他們對外來文本和翻譯語言的選擇上。

（一）擬譯文本的選取

在新文化運動的外國文學翻譯活動中，主流是西方的現實主義與浪漫主義文學。華茲華斯作為浪漫主義詩歌運動的領軍人物，深受五四新文學主將們的青睞，自然成為新文化運動積極譯

介的對象。中國新文學作家正式接受華茲華斯，最先是從他的詩歌主張的引進開始（葛桂錄，2001: 13）。胡適在建構新詩的實踐時，也引徵了華茲華斯的例子。他以肯定的口吻稱讚華茲華斯破除了詩人對詩的措辭的因循，轉而用普通語言來表達思想感情。1919年胡適在〈談新詩〉一文中說：“英國華次活（Wordsworth）等人所提倡的文學改革，是詩的語言文學的解放。〔……〕這一次中國文學的革命運動，也是先要求語言文字和文體的解放”（胡適，1935: 295）。華氏詩歌重視感情的自我抒發，追求自然與人的和諧統一，注重對想像力的運用，受到中國新文學作家的推崇。華氏力求打破詩歌傳統形式的束縛以便更自由抒發心中感情的詩學主張，也正與五四新文學打破舊詩格律，創造新詩形態的歷史要求合拍。因此，華茲華斯成為新文學作家爭相翻譯與模仿的對象，創造社的郭沫若、郁達夫，新月派的聞一多、徐志摩等都在詩歌主張與創作等方面表達了對華茲華斯的認同（葛桂錄，2001: 13-14）。作為新文化運動的反對者，學衡派也對華茲華斯表現出很大的興趣，不過其認同和接受的旨趣則與新文化運動主流有所不同。學衡派秉持美國白璧德新人文主義思想，對浪漫主義是持批評態度的。在吳宓翻譯的〈白璧德論今後詩之趨勢〉一文中，白璧德指責華茲華斯為現代詩歌中理性思想日益衰晦的始作俑者：“威至威斯〔華茲華斯〕崇拜自然，有類泛神論者，謂有‘一種精神，流蕩渾淪於宇宙萬物之中’。自此說行，凡為詩者，皆輕人性而重物性，遂捨正路而趨邪輕”，“近百年來詩人之想像受威至威斯自然主義泛神論之神話之毒過深”（吳宓，1929: 2）。白璧德雖為吳宓的精神導師，但他終究覺得白氏對華茲華斯的批評過於偏頗，便在譯文末加注

為其辯解：“其實威至威斯固甚注重道德者。彼雖為盧梭之徒，主張與自然交接，然謂舊日之禮教風俗極當保存，不可輕言破壞。彼以與自然交接為一種道德訓練，其詩中於道德反覆致意”（吳宓，1929: 5）。因此，抑其物性（感情），揚其人性（道德理性），便成為吳宓挪用甚至於改造華茲華斯為己所用的根本出發點。他認為，簡單地把華氏詩歌視為“自然之說”，是“大誤”。在他看來（吳宓，1920/2005: 52），

蓋生於山者言乎山，生於水者喻乎水。各人循其本分，不假虛偽，是謂自然。獅效驢鳴，即不自然。天下之人，不皆田夫，不皆村女。今於凡作詩者，悉令摹仿田夫村女之詞意，是實專制之尤者。華次華斯〔華茲華斯〕誠誤矣！

學衡派的另一位核心成員胡先驕在其長文〈《評嘗試集》〉（1922a）中也用華茲華斯及浪漫主義對胡適創作現代白話新詩從詩歌理論上進行批駁，表現出與新文化派（尤其是胡適）完全不同的理論選取取向。同吳宓一樣，胡先驕認為詩歌要具備“高尚之理想”。但他更進一步把浪漫主義分為“高格”與“下品”兩種。高格的浪漫主義是“不趨於極端，在文學中實有促進優美人生觀之功效”（1922b: 10）。胡先驕把華茲華斯（Wordsworth）和泰戈爾（Tagore），白朗甯夫人（Browning）標榜為高格的浪漫主義作家，他們的詩“皆富於出世之玄悟”，尤其是華茲華斯，“其佳作則不但曲狀自然界之美，且深解人生之意義”，實為“十九世紀浪漫派詩人之巨擘”，而認為愛倫坡（E. Allen Poe）、勞倫斯（D. H. Lawrence）、羅威爾（Amy Lowell）等美

國的意象派詩人和中國的新詩是低品格的浪漫主義，“其自居於浪漫派之詩人，所作亦僅知狀官感所接觸之物質界之美，而不能表現超自然之靈悟”（1922b: 10-11）。他認為詩歌不應限制和停留在物質現象上，而且應該具有超越這個物質現象的永恆的美感和價值。針對胡適的白話新詩創作，胡先驕也援引華茲華斯作針鋒相對的批駁，如在音韻與詩之間的關係上，他指出主張解放之大詩家威至威斯（Wordsworth）以為“可悲之境況與情感，用整齊之句法，〔……〕較用散文可使其效力更為久遠”（1922: 5）。對胡適《文學改良芻議》中提出的寫詩“不用典”一條，胡先驕在陳述用典之緣起後，以為中外名家莫不如此（1922a: 16）：

用典之習，不特中國有之，西國詩人亦莫不然，荷馬詩中之神話，已為文藝復興以後詩人所用濫，至莎士比亞、彌兒敦之著作出，則又群起引用二氏著作中之情事。即以主張改革之大詩人威至威斯亦莫不然，如 Scorn not the Sonnet 關於 Sonnet 之典，用之至再。又如其 Ecclesiastical Sonnets 中，關於宗教之典，不惜累累用之。蓋歷史與昔人之著作，後人之遺產也，棄遺產而不顧，徒手起家，而欲致鉅萬之富，不亦難哉？

關於俗字俗話入詩，胡先驕雖認同華氏“極力主張以俗語作詩”，但認為白話入詩“必宜於詩或並宜於詩文者方能用之，彼不宜於詩或竟至不宜於文者必不能用”；即便是使用白話，“其用之之法必大有異於尋常日用之語言”。以此來看，“徒以俗話作詩，雖在大詩人如威至威斯亦有所不能也”（1922a: 19）。今

天看來，這些觀點無疑有着充分的合理性，是對當時的白話詩寫作的糾偏。

由此可見，對華茲華斯，學衡派作出了與新文化運動主流價值觀完全不同的解讀，突顯了新文學主流詩學所沒有的異域文學價值觀。一度被新文化運動主流意識形態所壓制的華茲華斯詩歌的特點，透過學衡派新人文主義的視角顯現出來，並在他們的論文和翻譯中傳播開來。此外，在白璧德新人文主義思想的影響下，學衡派呼籲回到對古典文學的研究中去，強調文學在保存傳統價值方面的作用。從這一理念出發，學衡派選譯的並不是華氏浪漫主義色彩濃厚的歌詠自然的詩歌，如《孤獨的割麥女》、《黃水仙》等，而是他與中國傳統文化暗合的部分，如本文所探討的 Lucy 挽歌。從本文對八首譯詩的分析中我們可以看出，學衡派接受華氏，更多地是看到了他的詩歌中與中國古詩有相似的內涵，並借助此詩的翻譯，達到再現中國古代傳統文化的價值。

選譯華氏此詩，還有吳宓乃至整個學衡派一個情感的依戀因素，這與當時社會舊體詩文學地位的改變所造成的傷逝氛圍是相聯繫的。舊體詩文學地位的急劇下降，直接促使了舊詩人寫作姿態的變化。在新文化主潮的挾裹下，眾多舊詩人不得不接受舊體詩由中心滑向邊緣的現實，主動或被動地退至文壇的邊緣。在其影響下，詩人們的寫作姿態也發生了變化：國家詩人少了，靈界詩翁多了，換言之，直接參與政治或意識形態建設的詩作少，表達心性所寄的詩作多了。在這種傷逝氛圍的影響下，基調相同的異域詩歌會更能引起他們的共鳴，也就自然成為他們譯介的首選。縱觀《學衡》刊登的譯詩，大都是以基調為主。就華氏此詩而言，似乎譯者們在對 Lucy 形象的解讀中多多少少看到了他們

與新文化主流抗衡，而在此後的幾十年間一直被邊緣化的命運，因而在翻譯過程中融入了自己的情緒。

（二）翻譯語言的運用

在《譯者的隱身》一書，韋努蒂援引龐德的例子來說明他所謂的異質性（foreignness）可能並不只會來自異域文化，異質性有可能僅僅存在於接受語言文化內部，只不過暫時蜃居邊緣狀態，但卻可被用來造成一種非流暢的，有悖當前接受語中流行規範的工具（Venuti 1995: 34-35）。韋努蒂所說的這個異質性就是龐德採用的古語化翻譯。學衡派在翻譯，尤其是詩歌翻譯上堅守文言與舊詩格律，正說明在白話文已經成為文學創作與翻譯的主流話語的情境下，學衡派以一己綿薄之力頑強地支撐着岌岌可危的中國文言傳統及其詩學，抵抗着新文化大潮的衝擊，傳達着自己異質的文化訴求。對具有革新精神的華茲華斯，也被他們援引過來為自己詩學主張服務。對華茲華斯主張以“生人實用之言語入詩”，吳宓作出了自己的闡釋：“華次華斯所生所居之鄉，〔……〕久受宗教之陶熔，感化開通，故其所言尚多和雅之致。華次華斯間取一二語入詩，故不為病。若謂凡俗語皆可入詩，則他處之流氓匪徒，詛咒詈罵之詞，直抄以示眾。吾知華次華斯絕不為此，後之讀者，其幸勿以辭害意而妄從之也云云”（吳宓，1920: 52）。最後，吳宓明確說明：“若後之人，欲作詩作文盡以白話，則實為華次華斯所夢想未及者。作俑之譏，故不任受也”（吳宓，1920: 52）。其矛頭實際上直指新文學的白話詩運動。在〈詩韻問題之我見〉一文中，吳宓着重點出華氏雖革新舊詩，但並未廢除詩之韻律。

從以上分析可以明確地看出，無論是在擬譯文本的選擇上還是在翻譯方法的運用上，上述譯詩都體現出阻抗性的特點。但由於譯詩中明顯的中國傳統文化意象特徵，我們還是認為它們都是歸化翻譯的結果。其實，歸化也好，異化也好，都體現着譯者塑造自我文化身份的終極關懷。後殖民主義翻譯理論認為，翻譯是一種文化政治行為。學衡派的歸化翻譯是自己抵抗新文化運動宣導歐化主流，走中西融合構建新文化道路的具體實踐，與韋努蒂的異化翻譯在“阻抗”主流的層面上是完全相同的，手段也是相似的。只是在策略的具體實施路徑上，二者不同的地方在於學衡派所體現的“異”與韋努蒂異化翻譯所追求的“異”方式並不相同：學衡派的歸化翻譯是尋求中西互明互證以“保存國粹，昌明歐化”的特殊方式，是以中西之“同”求與新文化主流之“異”，而韋努蒂的異化翻譯通過展示外來語言文化的差異來挑戰目的語主流文化價值，是以“異”求“異”。這是因為在五四新文化運動時期異化翻譯佔主流地位，而在韋氏所熟悉的英美文化中，異化並沒有佔據過翻譯的中心地位。所以，在異化翻譯成為主流策略，歸化翻譯就成為另類文化實踐所採取的抵抗方式。通過上面的分析可以看出，學衡派歸化翻譯背後的目的一目了然，這種翻譯策略其實質是一種身處邊緣的少數群體的自我生存策略，體現的是自我身份塑造的努力，反映出我國當時特定文化議程下的一種獨特的文化政治行為。

五、結語

從以上可以看出，異化翻譯和歸化翻譯的概念內涵並非是絕對涇渭分明的，而是相對的，在特殊的歷史情境下其內涵會發生轉化。一般而言，歸化翻譯是常態，即在將其他文化翻譯進入本民族文化時，歸化策略佔主流地位，這已被千百年來中外文學翻譯史所揭示；但在某些特定的歷史情境下，如本文所探討的“五四”時期，歸化翻譯卻體現出非常態的意義：在引入外來文化的基礎上構建中國本土文化與文學的觀念佔據主流時，以本土傳統文化為基礎走中西融合的文化與文學建設道路必然成為不合時宜的非主流，因此，以傳統文化與文學去比附、歸化外來文化的翻譯策略也就發揮着抵抗與挑戰異化翻譯主流地位的功能與作用。

注釋

- ^[1] 葛桂錄在〈文學翻譯的文化傳承——華茲華斯八首譯詩論析〉一文中曾對此八首譯詩進行了分析，但過於粗疏，僅對其中一二首中的個別詞句進行了分析，未能總結出八首譯詩表現出來的一些共同特徵。此外，該文未能將此一詩多譯現象置於其特定的文化情景當中，並結合相關翻譯理論揭示出文化傳承的原委及其文化意義；也未能回歸翻譯理論，展示出學衡派歸化策略在翻譯理論上的價值。
- ^[2] 1922年1月至1926年12月，《學衡》以月刊形式刊行了60期。1927年停刊一年。1928年1月復刊，以雙月刊印行，至1929年11月，出版了61-72期（這兩年共印行12期）。1930年停刊。1931年以後，時斷時續，至1933年7月，又印行了73-79期（這兩年半共印行7期）。
- ^[3] 近幾年來，國內有學者認為韋努蒂的翻譯策略理論屬於文化研究學派

的範疇，而不屬於解構主義翻譯理論。劉亞猛（2005）稱韋努蒂為“文化研究學派的旗手”，而蔣驍華和張景華（2007）更是經過詳細論證，明確地將韋努蒂劃歸到文化學派的陣營裏。具體參見劉亞猛（2005）〈韋努蒂的翻譯倫理及其自我解構〉（《中國翻譯》第5期）；蔣驍華和張景華（2007）〈重新解讀韋努蒂的異化翻譯理論〉（《中國翻譯》第3期）。在這裏，筆者認同以上兩位學者的看法，在文中綜合運用勒弗菲爾的操控理論與韋努蒂的翻譯策略理論，因而仍屬於文化研究這一大的範疇，而並非漫無邊際的跨域研究。

參考文獻

- Hermans, Theo (1999). *Translation in Systems: Descriptive and System-Oriented Approaches Explained*. Manchester: St. Jerome.
- Lefevere, André (1992). *Translation, Rewriting and the Manipulation of Literary Fame*. London and New York: Routledge.
- Venuti, Lawrence (1995). *The Translator's Invisibility: A History of Translation*. London and New York: Routledge.
- Shuttleworth, Mark & Moira Cowie (1997). *Dictionary of Translation Studies*. Manchester: St. Jerome.
- 白璧德、吳宓譯（1929），〈白璧德論今後詩之趨勢〉，《學衡》72: 1-5。
- 葛桂錄（1999），〈文學翻譯的文化傳承——華茲華斯八首譯詩論析〉，《外語教學》4: 36-40。
- _____（2001），〈華茲華斯及其作品在中國的譯介與接受（1900-1949）〉，《四川外語學院學報》2: 12-15。
- 胡適（1935），〈談新詩〉，《中國新文學大系·建設理論集》，上海：上海良友圖書公司。
- 胡先驕（1922a），〈評《嘗試集》〉，《學衡》1: 1-23。
- _____（1922b），〈評《嘗試集》續〉，《學衡》2: 1-19。
- 劉霽（2005），〈操縱翻譯的多重因素〉，《外語與翻譯》2: 8-13。
- 沈松喬（1984），《學衡派與五四時期的反新文化運動》，臺灣：臺灣大學

出版委員會。

王東風(2002)，〈歸化與異化：矛與盾的交鋒？〉，《中國翻譯》5: 26-28。

吳宓(2005)，〈英文詩話〉，《吳宓詩話》，北京：商務印書館。

_____ (1923)，〈論今日文學創造之正法〉，《學衡》15: 1-27。

_____ (1995)，《吳宓自編年譜》，北京：三聯書店。

_____ (1998)，《吳宓日記(III)》，北京：三聯書店。

謝天振、查明建(2004)，《中國現代翻譯文學史》，上海：上海外語教育出版社。

張培基等(1980)，《英漢翻譯教程》，上海：上海外語教育出版社。

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Bridging the Gap between Cameroon Anglophone and Francophone Literature: The Recourse to Translation

Valentine N. Ubanako

Abstract

Cameroon is blessed with two literary traditions which are indisputably among the best in the world today (English and French). Emerging Cameroon literature, which relies on these two globalizing languages for a mode of expression, has remained dormant and limited to one of the official languages. It puts an end to a practice in the late fifties and early sixties in which the works of writers like Mongo Beti, Leopold Oyono and Francis Bebey were translated by foreigners, who did not most often understand the cultural realities of Cameroon. This explains why “palm wine” (from palm tree) was translated as “vintage wine” (from grapes) in Houseboy and noix de kola as “chewing gum” in Mission to Kala. Recent masterpieces by talented and prolific Anglophone and francophone writers have remained unpopular and the rich linguistic and cultural heritage unexplored due to the non-translation of literary works. Cameroon can thus expand the scope of its literature(s) through the setting up of translation teams which

will translate these masterpieces and make them available in both official languages, thereby selling an image of the country and also giving an extra dimension to national integration and social cohesion, which the country badly needs.

Introduction

The issue of translation in Cameroon literature is an old one and has been addressed by many scholars. One of the seven recommendations of the 2nd conference on Cameroon literature held at the University of Buea from 1-3 December 1994 called for “the creation at the University of Buea of a documentation centre for Cameroon literature as well as a centre for the translation of Cameroon literature, taking advantage of the presence at the University of Buea of the Advanced School of Translators and Interpreters (ASTI)”. But close to two decades after, nothing concrete has been done. In the late fifties and early sixties, a number of Cameroonian works, especially those in French, were translated into English. These included: *Mission Terminée* and *Le Roi Miraculé* by Mongo Beti, translated into English in 1958 and 1960 by Peter Green as *Mission to Kala* and *King Lazarus* respectively; *Une Vie de Boy* and *Le Vieux Nègre et la Médaille* by Ferdinand Oyono, translated into English by an Englishman John Reed in 1966 as *The Old Man and the Medal* and *Houseboy*; among others. The presence of few translated masterpieces have left many to exaggerate the differences and think that there are two distinct literatures in Cameroon (Anglophone and Francophone). Despite the differences that are bound to exist, there are however some cultural and linguistic similarities which reduce the gap between the two.

The use of many English words and expressions in francophone literature (and vice versa) is an indication of belonging, synergy and cohesion. For a more succinct expression of the similarities, translation into the other official language would therefore be the magic wand that will foster national integration and social cohesion. Over the last few decades, writers from both sides of the Mungo have come up with wonderful pieces which paint the social, cultural and political life of Cameroon but unfortunately they remain in one language and thus are inaccessible to the majority.

Cameroon Anglophone and Francophone Literature

Yenshu (1994: 105) has earlier lauded the co-existence of Anglophone and francophone literatures but pointed out that, compared to francophone Cameroon literature, Anglophone literature has been slow to evolve. He states that

... the situation of Anglophone literature and the Anglophone Cameroonian are unique in the African context, viz. that English-speaking Cameroonians have had to evolve vis-à-vis a French-speaking community and that the former's literature has been slow in developing.

Being a unique case in Africa, the situation could be used to the advantage: the co-existence of both languages should be viewed and treated as an advantage. The two languages are complementary and not in a situation of competition. One of the pioneers of Cameroon literature in English is Sankie Maimo who published *I Am Vindicated* and *A Few Nights and*

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Days in 1958 and 1966 respectively.

The complex linguistic, ethnic and cultural situation of Cameroon has made the definition of the term “Anglophone” complex. Consider the fact that some people were born of francophone parents but study exclusively in English; others were born in the Anglophone area of parents who have become settlers and even consider themselves as indigenous people of those areas. This has given rise to pejorative appellations like “come no go”, “eleventh province”, etc. Considering the arguments by writers like Ngugi Wathiongo, Obi Wali and Abiola Irele, who posit that any literature written in a non-African language cannot qualify as African literature, and the camp championed by Chinua Achebe, who holds that literature written by Africans using European languages is still African literature, the language question is rife in Cameroon literature. The main operations are: if an Anglophone writes in French, does that qualify as francophone literature (and vice versa)? Does the writing of someone of francophone origin who has studied under the English subsystem constitute Anglophone literature? These complex issues have led many to suggest a distinction between Anglophone/Francophone literature and literature in English/French.

For the purpose of this paper, Cameroon Anglophone literature will refer to any literary production, be it drama, prose or poetry that is written originally in English with borrowings from the numerous home languages, pidgin English, the hybrid languages and the other official language by those writers who originate either from the northwest or southwest region of Cameroon. This will therefore exclude translations from French, as is the case with the following masterpieces which have been translated into English: *Houseboy*, *The Old Man and the Medal*, *Mission to Kala* and *Remember Reuben*, by Ferdinand Leopold Oyono and Mongo Beti. The works, therefore, of the following Cameroon Anglophone writers qualify as Cameroon Anglophone literature: Victor Epie Ngame’s

What God Has Put Asunder, Ambanassom Shadrack's *Son of a Native Soil*, Linus Asong's *The Crown of Thorns*, Bole Butake's *Lake God*, Bate Besong's *Beast of No Nation*, John Nkemngong's *Across the Mongolo*, just to name a few. This follows the argument by Dzengwa (2007) that in defining an Anglophone, it is essential to distinguish between ethnic and linguistic Anglophones. In this case, ethnic Anglophones will refer specifically to those born in the two English-speaking regions of the country and are of Anglophone parents while linguistic Anglophones will refer to those from other regions who have learnt and acquired English and now use it as their mode of expression.

“Francophone literature” will refer to literature written by those from the French-speaking zone of Cameroon and written in French. These works can show traces of borrowings from English, pidgin English, Camfranglais and other languages which coexist with French in Cameroon. Francophone literature will thus tackle issues that pertain to the history of this part of Cameroon before, during and after independence. Below are prominent writers of francophone literature and some of their works: Francis Bebey's *Le Fils d'Agatha Moudio* and *Le Ministre et le Griot*; Mongo Beti's *Le Roi Miraculé*, *Mission Terminée*, *Perpetue et l'habitude du malheur* and *L'histoire du Fou*; Patrice Kayo's *Tout le Long des saisons*; Calixte Beyala's *C'est le Soleil qui m'a brûlée*, *Tu t'appelleras Tanga*, *Seul le diable le savait*, *Maman a un amant* and *Le Petit Prince de Bellevill*; Basseck Ba Khobio's *Les eaux qui débordent*; and Charly Gabriel Mbock's *La Croix du Cœur*.

Setting Up of Translation Teams

Translation teams made up of translators, writers, revisers, linguists and language specialists can be set up under the auspices of the Cameroon

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Association of Writers. They can be given specific tasks and deadlines. A follow-up committee can also be put in place to ensure that the work is done. Talking about team work, Nintai (1996: 385) opines that:

Faced with such a formidable task requiring enormous linguistic and extra linguistic competence, the translator could gain from team work or collaboration between translators of African and European backgrounds. Collaboration might provide checks and balances among those involved, widen translation opportunities by allowing for more than one perspective, as well as reduce the likelihood of unintentional omissions, alterations and additions.

Nintai thus believes in synergy between African and European translators for a more faithful rendition of African literature. With the case of Cameroon literature, it is obvious that, if it is left solely in the hands of Cameroonians who understand their socio-cultural realities better, the likelihood that a better translation could be done will be higher.

Translation, National Integration and Social Cohesion

Cameroon is a multilingual society with about 20 million inhabitants for a surface area of 475,442 km. With over 200 home languages, two official languages, contact and hybrid languages, Cameroon has often been referred to as “Africa in miniature”. To understand the context of translation in Cameroon, it is important to examine some historical and linguistic facts. This mix of languages in Cameroon means that a neutral language had to be sought for government and official business. This favoured the adoption of English and French as official languages by

France and Britain after the defeat of Germany during the First World War, as stated in article 1, paragraph 3 of the Constitution of 18 January 1996: “The official languages of the Republic of Cameroon shall be English and French, both languages having the same status. The state shall guarantee the promotion of bilingualism throughout the country”. Although the Constitution states clearly that English and French shall be given equal status, French remains the dominant language in the domains of administration, justice, military and education, just to name a few. All presidential decrees, circulars and most ministerial texts are originally written in French with translations into English (if at all), which sometimes are of doubtful quality. The marginal treatment of English in Cameroon has stood out prominently in the demands of the Southern Cameroons National Council (a pressure group), and this almost caused a breakdown in the socio-political fabric of Cameroon. In this tense situation, the role translation can play cannot be over-emphasized. Significant strides have been made by the Cameroon Association for Bible translation and Literacy (CABTAL) and the Summer Institute of Linguistics (SIL) to make the Word of God available in different indigenous languages through translation. This has gone a long way towards contributing to spiritual, moral and social cohesion in Cameroon.

Despite the claim by Nama (1989: 22) that “from a nationalistic standpoint, there is a tinge of artistic and cultural betrayal in conveying the experience of a particular society in the oppressor’s tongue”, there is abundant proof that the translation of Cameroon literature from one official language to another can speed up national integration and maintain social cohesion.

The works produced by Cameroon writers, especially those in English, have been influenced by the situation of some important periods which were decisive in shaping national integration, unity and social cohesion. Early Anglophone writers like Sankie Maimo and Mbella Sonne

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Dipoko, who wrote their works in the pre-1972 period (which was a turning point in the history of Cameroon), faced no immediate challenges as the two territories (English and French) were independent. In particular, the impact and influence of French language and culture was not felt. After 1972, which saw the unification of the two territories after a referendum, French influenced English tremendously: there was the use of francophone names for characters and places in the works of Anglophone writers and vice versa. Echu (1996: 279) cites examples like Bonaventure, Jean Paul, Andre Marie, Marie Solange, Jean Marie, Bienvenu, Jean Claude, Marie Paule, Marie Thérèse, etc, in *The Coming of Mr. Bonaventure*. He also cites titles like “Etat major”, “Chef” and “Patron” used by Bate Besong in *Requiem for the Last Kaiser*. When Nkengasong published *Across the Mongolo* later, he equally showed traces of the bicultural and bilingual situation of Cameroon in “kamangola”, “anglofou”, “anglobete”, “bosco”, “burn mandate”, “frogs”, etc. Suh (1996: 391) opines that:

Translation of literary works of French expression into English and vice versa could contribute a great deal not only in exposing the country’s bicultural and bilingual population to each other’s literary traditions but also in integrating the works into their respective literary traditions.

He goes further to cite a number of works which were translated into English and later became integrated into the literary tradition of the Anglophone territory. They featured prominently among the prescribed literary works in the English sub-system for a long time. These works include: Mongo Beti’s *Mission Terminée* and *Le Roi Miraculé* as well as Ferdinand Oyono’s *Une Vie de Boy* and *Le Vieux Nègre et la Médaille*. There is no better way of fostering cultural integration than this kind of venture.

As far as the writers of French are concerned, they tackle thematic issues which are certainly of interest to the Anglophones. Considering the fact that the Anglophone part of Cameroon equally has a unique history punctuated by the “rebellion” period which led to the banning of the Union des Populations du Cameroun (UPC) and later on the independence of French Cameroon, through the translation of works written by these francophone writers which paint this reality, the Anglophones can understand that obtaining independence was not an easy task, as depicted in *Remember Reuben* by Mongo Beti. This may consolidate national unity since through translated works the Anglophone Cameroonian will understand, for example, that in the days of the Germans, Cameroon was one great territory which was only divided among France and Britain after the defeat of Germany. The readers will also understand that the cultural, linguistic and historical distance that separates them is not great as has been exaggerated. This will go a long way towards easing some tensions which often arise and are spearheaded by pressure groups and some political entities. Thus, if those works which can help the average Cameroonian understand his past, present and future remain untranslated in either language in Cameroon, the ideals of national integration and social cohesion which are held in high esteem in the country may never be attained. This will end the worries of Anglophone Cameroon writers, described by Nsamenang (1996: 44):

In recent years, Anglophone Cameroon writers have begun to reflect on their cultural history and are increasingly becoming vocal in indicating the extent to which their adoption of francophone ways undermines theirs, resulting in the loss of their own political and cultural heritage.

Thus, translating every piece of francophone literature into English

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(and vice versa) will enable Anglophone writers to understand that francophone culture is complementary to theirs and all of them will see the two literatures and cultures not as competing with each other.

Translation and Identity

Cameroon has a unique identity due to the fact that it is carefully wrapped in a complex but rich diversity. Translation is an integral part of Cameroonian identity today. In a country which is officially bilingual in English and French, it becomes difficult to talk of a Cameroonian identity without translation, which helps immensely in ensuring communication and effective integration between the Anglophone and Francophone communities in Cameroon. This is evident in the translation of some salient symbols like the national anthem, the motto, etc. Government policy has been geared over the years towards promoting the use of the two official languages; ministerial texts, end-of-year addresses to the nation by the head of state, the presence of translation services in all ministerial departments and some state corporations, the presence of a specialized school of translators and interpreters in the University of Buea (ASTI), and some private ventures, etc.—all these testify to the laudable efforts which have been made over the years to ease communication in the bilingual state.

In an attempt to answer the question if there is a Cameroonian cultural identity, Mveng (1985: 65-66) states that:

It is obviously absurd to claim that Cameroon has no cultural identity, the country's special historical and geographical situation and its ethnic and linguistic diversity might elicit just this kind of claim. We complain that our country has neither historical continuity, like England, racial

unity, like Germany, linguistic unity, like Burundi, nor artistic unity, like Italy. The historians know that these unities, where they are obtained, are only apparent since even today they enfold an astonishing variety which gives permanent impetus to the cultural dynamism of these countries. Most of all, we forget that we cannot define our identity in terms of foreign examples to be reproduced or copied. This would be killing or destroying our own identity.

This goes to buttress the fact that there is a Cameroonian identity which can be viewed from the social, historical, cultural and linguistic perspectives, making it a grievous mistake to think that there is none or to always describe it in terms of the identities of others.

For Bikoi (1985: 92) states:

Are we justified in speaking of a Cameroonian literature as a specific dimension of the national cultural identity? Our reply to this fundamental question is an equivocal yes, and we intend to place it clearly at two levels, if possible: that of the abiding Cameroonian literature, the Cameroon of tradition, and of oral tradition in national languages, but also that of modern Cameroon, the Cameroon of writing, of individually named authors, the Cameroon of foreign languages—French and English.

Bikoi thus adds an extra dimension to the identity issue in Cameroon as he relates it to literature, stating clearly that it can be perceived from both the standpoints of tradition and modernity, with the former concerned with the oral tradition in national languages and the latter with foreign languages.

A quick look at the identity question in Cameroon literature points to the fact that the Cameroon Anglophone writer has, as an underlying

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aspect, an identity crisis. The Anglophone writer, as demonstrated in the literature, has suffered an identity crisis through double colonization: first by the colonial master and second by French Cameroon. The francophone writer thus does not suffer any identity crisis, and this makes the Anglophone writer appear more committed. Thus, between 1961 and 1972, the Anglophone writer was more preoccupied by one theme, that of nationalism; they were more nationalistic as they belonged to a nation which had not yet known reunification.

Perpetua and the Habit of Unhappiness, translated as *Perpetue* and published in 1974, is a logical continuation of *Remember Reuben* published earlier in 1972, which depicts the nationalistic struggle which led to the killing of Reuben Um Nyobe. *Perpetua and the Habit of Unhappiness* x-rays the regime of Baba Tura, who is a metaphore for Ahmadou Ahidjo, a stooge of the French who is not very different from the colonialist. The history of the UPC party is well-elaborated here. The availability of this work in both English and French documents a very important period in Cameroon as well as the political development of the country. Readers, for example, will learn that the political upheavals in the 1990s were simply a reintroduction of multi-party politics and not where it started.

Across the Mongolo, another landmark novel which is highly informative in this regard, appears only in English. This novel, more than any other, exposes the Anglophone problem although some people argue that it doesn't exist. A translation into French may educate Francophone Cameroonians on the real issues involved. This may wipe out the belief of most francophones that Anglophones were "captured", and consequently change their attitude towards Anglophones, hitherto considered as second class citizens. There is thus no better way to achieve unity, integration and social cohesion than educating through translation.

Challenges Involved

After the translations of the major works cited above, the practice came to a halt. Here, we are interested in finding out why. From our research, we found out that the reasons are many, ranging from the scarcity of means, through the absence of a reading culture, to the difficulty and complexity of the translation profession itself. Suh (1996: 391) has earlier commented on the translation of Cameroon literature in English and French:

Unfortunately, translations of Cameroonian works from French into English and vice versa have remained very insignificant. This may be attributed to the fact that translating a literary work is a very demanding task. In literary translation there is always interaction between literary criticism and translation. The literary translator must possess the ability to carry out literary appreciation or criticism ... sensitive to figures of speech such as imagery, metaphors and similes. He must be sensitive to the use of other various stylistic devices and possess the ability to analyse connotations.

Thus, the complex nature of literary translation, which requires that the translator be well-versed in aspects of literary criticism and style, is responsible for the non-translation of Cameroon literature. Many translators will prefer to venture into other fields such as legal, economic and banking translation, etc., which are not very demanding but profitable.

Tanifum (1996: 372) on his part cites some genres which are culture-bound, thus constituting a major challenge to translators. He states that:

In our context I could mention songs, short stories, proverbs, epics

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... and so on. These genres are so culture bound that any attempt to interpret them or, worse still, to translate them without taking due account of the socio cultural context is tantamount to courting futility.

It is thus incumbent for any literary translator who aims to succeed to rekindle his own creative genius. Thus, the fact that many translators are not familiar with literary criticism—or have the patience and will to carry out research to be able to understand a text within a literary context before translating—makes the translation of literature a very daunting task. The complex nature of stylistic devices and the difficulty in understanding and translating them scare many translators away. One needs to understand that all writers of Cameroon literature use these features of style to embellish their works.

Undoubtedly, literary translation is one of the most complex kinds of translation, which explains why the literary landscape of Cameroon remains mostly untranslated. This of course raises eyebrows when one thinks that Cameroon is a bilingual country. It is a common scenario, therefore, that when one talks of literary translation as a whole, most translators take one step backwards; when the translation of drama and prose is mentioned, they take two steps backwards; when it is a case of poetry translation, they even run away. Thus, contrary to popular belief that the translation of Cameroon literature stopped because of political considerations, it stopped largely because of the complexity of the task itself.

Encouraging Translation of Literary Works

The importance of translation goes beyond its link to social

concerns. As a matter of fact, a translation brings in a lot of money and there is no doubt that if some of the masterpieces are translated, this will bring in more money and employment for many translators and revisers, thereby reducing unemployment and social tension. Like creative writing, a translation should strive to put the message across while entertaining its readers. An area which has all this while been neglected is the domain of popular theatre. There is no denial that this domain is entirely dominated by francophone actors, writers and humorists. For some time now, there has been no translation of popular theatre per se; emphasis has been laid on the language despite the entertaining, educative and satirical nature of this kind of theatre. Although it is still a relatively virgin and unexplored domain which could be translated, the translator who wishes to venture into it should be careful because of the polysemous nature of popular theatre. Most comedians and humorists involved in popular theatre use French as the medium of expression, and their productions, which generally take the form of sitcoms and entertainment projected over the audiovisual media in Cameroon, have been only in French. Some of the people involved, mostly comedians, include: Kouokam Narcise, Jean Michel Kankan, Tagne Condom, Bikarata, Chop Chop, Ntu Finga, Anthonio, Michekan l'Africain, etc. If these works also exist in English through translation, they would provide the much needed comic relief, consequently reducing the social, cultural, historical and linguistic tensions which are rife in Cameroon while fostering national integration and unity. Through the translation of literary works, the similarities and differences between the two literatures will be readily visible. The similarities will go to show that though there are two geographical regions, the country remains one because the cultural, social and historical experiences are similar. The differences will, on their part, show the diversity of Cameroon which will give more credence to the frequent reference to the country as "Africa in miniature".

Identifying Masterpieces

Suh (1996) notes that Cameroon has more than 200 writers writing in French and English whose published works cover all the genres of literature. Among these, some have stood out as masterpieces, acclaimed nationally and internationally. The masterpieces can be selected for translation, on the basis of the themes and styles of the authors, poets and dramatists. It is clear that writers from the two sides of the Moungo do not, in all cases, treat the same themes. Albert Moukong's *Prisoner Without a Crime* is an example of a work where the author explains and describes vividly the historical facts only. Meto'o (1996: 152) notes: "Prisoner Without a Crime n'est pas une oeuvre de fiction. C'est le temoignqge d'un homme, l'histoire d'un destin. La nature autobiographique de ce texte ne lui dénie pas les inspirations annexes qu'il contient. Il peut apparaitre tour à tour historique".

The artistic excellence with which Moukong describes prison conditions and his experiences could be shared with francophone readers through translation. It is only when it is translated that an impact will be felt and shared among all and sundry in Cameroon. We have a similar case with the award winning *C'est le Soleil qui m'a Bruléé* and *Les Arbres en Parlent Encore* by Calixte Beyala where she talks with passion and uses vivid descriptions of the woman, her body, sex—and more especially, her total liberation. A radical feminist who has interacted with radical feminists in Europe, she opts for the total liberation of the woman and knows no taboo in her use of words in her vivid love-making scenes; one notes the constant and almost obsessive use of the word "baiser" (sex) in her works. There is no writer west of the Moungo using this kind of radical approach and a translation will help free the woman west of the Moungo although many argue that Beyala goes a little too far. Although this theme might have been treated in the English speaking

area, it may not have been done with the same artistry. This is actually where translation comes in and enables complementarity among Anglophones and Francophones: they stand to gain from the wonderful moments of both literatures. Themes that are absent in one literature can be complemented through translation, as in the cases we have cited above. Those masters who have shaped the destiny of Cameroon literature(s) we have mentioned above can be taken as exemplary.

The State of Literary Translation in Cameroon

It is no secret that many Cameroonian translators shy away from literary translation partly because of some of the reasons outlined above. Some translators and researchers in the domain of literary translation have come up with some statements on goals, ideology and methodologies concerning the translation of Cameroon literature.

Drawing from the experience of African works translated by foreigners, Nintai (1996) thinks that it is high time for Africans to cease allowing their works to be translated by foreigners. He makes this statement about the “incongruous” translations of some Cameroonian novels by foreigners who do not understand the cultural realities of Cameroon. He cites examples of mistranslations and misrepresentations: “vin de palme” in *Mission Terminée* is rendered as “vintage wine” in *Mission to Kala* and “baton de manioc” in *Une Vie de Boy* as “cassava stick” in *Houseboy*—all are chaotic renderings. However, he lauds the fact that John Reed, in his translation, keeps some culture-specific terms and does not run the risk of translating them just like the examples above. These include “aba”, “bilaba”, “arki”, etc.

Nkezia (2004) examines some semantic weaknesses in the

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translation of Ferdinand Oyono's *Une Vie de Boy* into English. He concludes that the ineffectiveness of the translator has brought about some semantic weaknesses and differences in the meaning in the target language text. Like Nintai, he points an accusing finger at the differences in culture and worldview between Cameroons and the foreigner who translated the novel. He notes other mistranslations: "fait de vieux os" is rendered as "made old bones", "l'oiseau nocturne" as "the bird", "femme de chambre" as "chambermaid", "bonne mere!" as "my God!", "frère" as "man", etc. These translations, in a general sense, show differences in worldview, culture, practices and beliefs, and until a translator understands these, he is bound to make mistakes.

Suh (1996) studies the translation of stylistic devices in Rene Philombe's short stories in *Histoire-Queene-Chat*. He notes that Cameroon literature for the most part remains untranslated and states unequivocally that this may partly be explained because translating a literary work is a very demanding task. He also cites the fact that the translator must possess skills in literary appreciation and criticism; he should be sensitive to figures of speech such as imagery, similes, metaphors, as well as other stylistic devices. He proposes that the context and the literary tradition (oral African literature) should be well understood before any worthwhile translation is attempted. As far as the translation of ideophones is concerned (as for "plouf", "Ekye, ekye", "oooh", "Haaa"), he notes that it is part of the work of the African storyteller, who dramatizes the action and is able to express the fear, joy, sounds and movements through short and simple words. He states that ideophones resemble onomatopoeia to an extent and that, although a translator could use onomatopoeia to translate ideophones, he may, if he is not versed with the context, be faced with a major problem because onomatopoeia can be different from one language to another. To solve this kind of problem, he proposes that the translator can simply integrate

the ideophones directly into the target language text.

Nintai (1996: 377) postulates that:

As concerns translation of African literary works from French into English, translators have often given priority to certain aspects of the texts, adopting strategies which help to convey what they deem to be invariant or significant. From such significant aspects of these texts, translators have sometimes tried to incorporate what might be considered as contributing to the identity or cultural and stylistic features of the literature.

The above method could be transposed as it will contribute a faithful translation which will convey the ecology as well as the socio-cultural and linguistic identities of Cameroon. Thus, culture-bound words and expressions should be kept in the translation of Cameroon literature. These include the names of places, geographical features, names of characters, local objects, drinks, dishes, dress and flora, etc. The strategy should be used where no suitable English or French equivalents exist. Before any worthwhile translation, therefore, some preliminary research must be done on the domain or context of the literary genre; the translator should ensure that he understands the text, its level of language use and its style.

Translators of Cameroon literature into French or English could resort to the use of footnotes, endnotes and glossaries for some complicated phenomena or culture-bound concepts. This will enlarge the scope of the literature and make it readily accessible to a wide majority of readers across the globe. Another way of going about this is to write a comprehensive foreword or introduction on the socio-cultural and historical context within which the novel, drama or poem is set. It is thus obvious that no matter what strategy is used, the literary translator

remains creative.

Conclusion

The translation of Cameroon literature should be entirely in the hands of Cameroonians who understand the cultural realities better, and writers and critics should be involved in the translation teams to help in understanding or explaining certain phenomena which may not be well understood. This could go a long way towards improving the quality of the translation.

Writers should exercise some patience and make some extra sacrifice so that when any piece of work comes out, it should be in both languages. This will increase the readership as well as the marketability. The Cameroon association of writers could, as a matter of fact, make this a policy and encourage writers to engage in such a practice.

Authors' rights and other advantages connected with the translation of a literary work should be carefully spelt out so that the translator knows exactly what to expect and unnecessary quarrels between writers and translators can be avoided. Translators should undertake research on the different stylistic devices as this will improve and enhance their translation. They should be involved in the production of literary works too, as they will stand a better chance of faithfully translating their own works. They will be able to blend their literary creativity with their translation competence.

For Cameroon literature to survive and stand the test of time while aiding national integration and maintaining the bi-cultural nature of Cameroon, the translation component must be given due consideration. It is obvious that the more a literary text is translated, and the more languages it is translated into, the easier it is to sustain the

literature. The above can only be achieved when the different stakeholders—writers, critics and translators—come together and create the synergy required.

Bibliography

- Abiola, Irele (1981). "African Literature and the Language Question". In *The African Experience in Literature and Ideology*. London: Heinemann.
- Achebe, Chinua (1975). "The African Writer and the English Language". In *Morning Yet on Creation Day*. London: Heinemann.
- Besong, Bate (1990). *Beasts of No Nation*. Limbe: Nooremac.
- Bikoi, Charles (1985). "The Literary Dimension of the Cameroon Cultural Identity". In *The Cultural Identity of Cameroon*. Yaounde: Ministry of Information and Culture, Department of Cultural Affairs.
- Butake, Bole (1986). *Lake God*. Yaounde: Bet & Co.
- _____. (1990). *And Palm Wine Will Flow*. Yaounde: SOPECAM.
- Dzengwa, Willibroad (2007). "National Unity and National Integration in Cameroon 1961-2000: Dreams and Realities". Unpublished PhD thesis. The University of Yaounde 1.
- Echu, George (1996). "Littérature Camerounaise d'expression anglaise: Usage et influence française". *Epsa Moto* 1.3. The University of Buea.
- Menang, Thaddeus (2001). "Which Language(s) for African Literature: A Reappraisal". In *TRANS. Internet-Zeitschrift für Kulturwissenschaften*, no. 11, <<http://www.inst.at/trans/11Nr/menang11.htm>>.
- Meto'o, Maxime (1996). "Prisoner Without a Crime d'Albert Moukong: une etude de l'univers carceral". In *Epsa Moto* 1.3. The University of Buea.
- Mveng, Engelbert (1985). "Is There a Cameroonian Cultural Identity?" In *The Cultural Identity of Cameroon*. Yaounde: Ministry of Information and Culture, Department of Cultural Affairs.
- Nama, Charles (1989). "The African Translator and the Language Question:

Gap between Cameroon Anglophone and Francophone Literature

Theoretical, Practical and Nationalistic Considerations”. In *Epasa Moto* 1.1. Buea University Centre.

Ngome, Victor Epie (1992). *What God Has Put Asunder*. Yaounde: Pitcher Books, Ltd.

Ngugi Wa Thiongo (1990). “I Write in Gikuyu”. In *The Courier*, op. cit.

Nintai, Moses (1996). “Survival of African Literature: A Perspective of the Role of Translation”. *Epasa Moto* 1.3. The University of Buea.

Nkezia, Nkwetta (2004). “Some Semantic Weaknesses of Translated Literary Texts: A Case Study of Ferdinand Oyono’s *Une Vie de Boy* Translated as *Houseboy*”. Unpublished Maitrise Dissertation. The University of Yaounde 1.

Nsameng, Bame (1996). “The Indigenous and the Alien in Cameroon Writing”. *Epasa Moto* 1.3. The University of Buea.

Suh, Joseph (1996). “The Translation of Stylistic Devices in Rene Philombe’s Short Stories”. In *Epasa Moto* 1.3. The University of Buea.

Tanifum, Oscar (1996). “Translation or Transcreation: To What Extent is Translating Creative Writing a Creative Activity?”. In *Epasa Moto* 1.3. The University of Buea.

Yenshu, Emmanuel (1996). “Literature in Anglophone Cameroon and the African Context: Toward a Sociology of Cameroon Anglophone Writing”. In *Epasa Moto* 1.3. The University of Buea.

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書 評



虛詞英譯便覽 ——《常用漢語虛詞英譯》評介

張宇傑

《常用漢語虛詞英譯》，孫瑞禾編著。北京：商務印書館，2008年。539頁。ISBN 7-100-04803-6/H.1173。

中、英文的詞語都有虛、實之分。中文虛詞一般指聯結詞、語氣詞、記號。^[1] 英文的虛詞就是 form word，指一些文法意義大於其實際意義的詞，用以串聯實詞，包括助動詞（auxiliary verb）、限定詞（determiner）、聯結詞（conjunction）及介詞（preposition）。^[2] 在這兩種語言裏，虛詞數量雖然都比實詞少，但是要用得準確，殊不容易，通常都比懂得用一些較艱深的詞語（大部分是實詞）如 venomous、caveat emptor 等困難。翻譯虛詞，就更是考驗譯者的功架了。歸根究底，中、英文在表達語氣、連接句子成份的方式等方面，都迥然不同。若要把虛詞譯得穩妥，談何容易。這個例子就是明證：

原來，三十年就這樣的過去了。^[3]

“原來”一詞是時間副詞，表示發現從前不知道的情況，^[4] 英文裏卻似乎沒有相對應的詞。譯者便得費點功夫，另想辦法。即使中、英文裏有互相對應的虛詞，英文的虛詞又往往比中文的多。同一個中文虛詞，在英文裏或許有十多個，甚至幾十個表達方式。^[5] 它們之間有甚麼分別呢？譯者又應該選擇哪一個才好呢？《常用漢語虛詞英譯》（下稱《常用》）一書就是針對上述困難而寫的。

孫瑞禾編的這本詞典，一言蔽之：一覽無遺。孫氏選了三十個常用中文虛詞，編寫例句，以中英對照的形式，羅列了各種英譯的方法。條理分明，簡括易懂，沒有冗贅。本書最可貴之處，就是每章只討論一個虛詞；而每章起首都先列出該詞的所有英譯。書後另附“索引 INDEX OF WORDS AND EXPRESSIONS USED IN THE HEADINGS”，以英文字母排列，供讀者查閱。讀者檢索詞條例句，至為方便。

孫氏不但在材料編排上照顧讀者，在舉例方面亦見周到。一般詞典每一詞條的例句不過一句起，兩句止。但是本書的每一個英譯，都大概有五個例句，有助讀者全面掌握譯法。部份例句更是實例，語出文學作品。這樣一來，例子既可靠，又能引起讀者閱讀英語作品的興趣。可惜，實例的出處只有作者名字，未列作品名稱。

在讀者看來，每個虛詞臚列的英語表達形式，當然是多多益善。然而，數量太多卻會教讀者眼花繚亂，困惑迷惘。有時若干英譯的用法驟看分別不多，使用時卻往往差之毫釐，失之千里。就以“因為”一詞為例，中文裏表示原因的虛詞，不管是文言還是白話，都屈指可數。^[6] 不過英文裏表示原因的虛詞，卻多達數

十個。當然，語境不同，表達方式自然不同。可是，有些詞或短語雖然都能在同一語境下使用，卻不能交替運用，否則會辭不達意，或鬧出笑話。譬如“因為”可以譯成 because、for、since、as 等。這幾個詞的意思雖然差不多，卻並非完全一樣。孫氏遇上這些情況，都會作注解來辨別異同。書中這樣來解釋 for、because、as、inasmuch as 的分別：

本詞（指 for）不論為連詞或介詞，都可有“因為”之意。作為連詞，與“because”，“since”，“as”，“inasmuch as”大致有如下區別：

“Because” 着重表示客觀、正式、直接的原因或理由：

- a. 用以回答“why”的問句。
- b. 用於“It is (because) ... that”的強調句型。
- c. 被副詞修飾，如“not because”，“only because”等。

“since”從“時間關係”而來，所表示的“原因”、“理由”都不如“because”正式、直接。

“as”更屬附帶隨便，多用於口語。

“inasmuch as”為類似“since”的誇張形式，屬文字體。

除“for”外，以上諸詞都是“從屬連詞”，獨 for 為“對等連詞”，故對等短句之間的關係也最為鬆弛；通常只表示一種附帶或補充的解釋或說明，故只能位於句中，從不位於句首。（獨立成句時，也可位於句首，但實際還是作為前句的說明，位於前句之後。）另作連詞使用時，只能作為“因為”解，不能作“由於”解。和“because”一樣，在“none the less”，“not the less”一類的組合中可以作“雖然”解。^[7]

編者把各英譯異同、用法通通列出，讀者便可一望而知，事半功倍。此外，編者有時也會解釋某些英文詞語的本義與轉義，對讀者準確英譯中文虛詞，大有助益。這裏就不舉例贅述了。大家翻檢此書自會稱便！

值得一提的是，本書多章都設有“Miscellaneous”一節。翻譯時我們一般只翻譯意思；詞的性質在翻譯後往往有所改變。翻譯後，原文意思雖得以保存，但原文的一字一句則面目全非。孫氏注意到這一點，因此在“Miscellaneous”一節裏專門挑選了一些“不易其意而造其語”的例句，供讀者參考。讀者多所觀摩，浸淫日久，翻譯時自能舉一反三，擺脫原文的桎梏，翻譯得既地道，又準確。請看以下一例：

他們嚷的是自由，實際上要的是放縱。^[8]

編者便找來了 Milton 以下一句來英譯：

License they mean when they cry liberty.^[9]

句子英譯後，虛詞“實際上”不見了，但意思不變。讀者也能從這些實例中體會到地道英語的句構。

其實，這本書是孫氏根據自己在 1981 年出版的《漢語虛詞英譯》一書修訂而成的。兩書體例基本一樣，不過孫氏在《常用》一書的例句上則有所增刪。編者增加了若干例句，以期讀者更能掌握虛詞的運用。同時，又刪減了一些太具中國共產黨色彩的例子。舉例說，在 1981 年的版本裏就舉了這個例子：

Take me along, Paluchun Uncle. Not that I fear to stay, but that (or because) I love to go where the Paluchun goes.

（八路軍叔叔，把我帶走吧。倒不是因為我怕呆在這兒，而是因為我喜愛跟八路軍走。）¹¹⁰

不過 2008 年的版本則刪去了這類不合時宜的例子。這樣一來，這本詞典就更能迎合廿一世紀社會的需要了。

這類中型的漢語虛詞英譯詞典不多，除孫氏的著作外，便只有陸國飛及湯艷合編的《現代漢語虛詞英譯》（下稱《現代》）和黃邦傑編的《漢英虛詞句式》（下稱《句式》）。兩書都以詞條多取勝——前者收虛詞約 570 個，¹¹¹ 後者則 450 個左右。¹¹² 不過這正正是這兩本書的弊端。與孫氏相比，兩書編者所收的詞條都多出十多倍，但詞典大小卻與《常用》相約；每一詞條所舉例子不多，自不待言。雖然陸氏與湯氏聲稱“盡可能多地提供英語對譯的詞語和豐富的例句”，¹¹³ 而黃氏也指出其書“平均每一句式有七種不同譯法的例句”，但孫氏每種英譯方式都舉出約五個例子。三書比較，高下立見。雖然《現代》和《句式》所包舉的虛詞眾多，有其可取之處，甚具參考價值，但筆者以為，讀者要把中文虛詞翻譯得當，便要多覽例句，涵泳其中，才能運用自如。此外，孫氏在每章起首，便開列該虛詞的各種英譯方式，一目了然，加上書後的索引，讀者即使要倒過來從英譯查起，也非常方便。《現代》和《句式》在這方面則顯得照顧不周了。

孫氏一書，優點雖多，卻有一、二處值得商榷。其一就是部分例句的中文原文略嫌生硬。書中有些例句的英譯雖佳，但中文原文卻犯了惡性歐化的毛病。看看以下一例：

非常感謝。——不用謝。

Thank you very much.—Not at all. ^[14]

這句的英譯當然沒有問題，不過中文卻有點驚扭。我們回應別人的道謝，好像是說“別客氣”的。文雅一點則說“無須言謝”。
“不用謝”總有點不太自然。

有些句子則不大通順：

富有嘲弄意味的是，他剛剛才教一個女孩要求他作為她父親對她的庇蔭，而偏偏就發現她和他根本沒有血緣關係。

The mockery was that he should have no sooner taught the girl to claim the shelter of his paternity than he discovered her to have no kinship with him. ^[15]

這句英文是實例，語出 Thomas Hardy。中文原文大概從這句英文倒譯過來，可惜譯得累贅，讀起來很辛苦。再說，由於“他”和“她”在中文裏發音相同，一句裏共六個同音的代名詞，讀者聽起來便會一頭霧水，分不清誰是誰了。幸好，在四、五千句例句裏，這些瑕疵只佔少數，絕不掩瑜。

本書另一個弊端就是，所收錄的虛詞不夠。其實，常用的中文虛詞何止三十個呢？上文“原來”就是個好例子。這個詞我們經常碰到，也常常教譯者苦惱不堪。據筆者所知，編者在他的另一本著作，^[16] 都有討論過其他的虛詞英譯。如果能把這些討論包括在內，增收虛詞二十個左右，相信讀者的得着必定更大。^[17] 不過，這本中型詞典，雖然只收錄三十個虛詞，卻有英譯約六百八

十種，例句約五千句，不論對譯者抑或學習英語的人，絕對是頂好的工具書。筆者再有不滿的話，恐怕只是吹毛求疵罷了！

注 釋

- [1] 王力：《中國現代語法（上冊）》（上海：商務印書館，1947年），頁24。“記號”在這裏是指“一種附加成分，用來表示詞或仿語的性質的”。見《中國現代語法（上冊）》，頁287。至於詞的分類，《中國現代語法（上冊）》第一章第二節有較詳細的討論。
- [2] 詳見 Sylvia Chalker and Edmund Weiner, *The Oxford Dictionary of English Grammar* (Oxford; New York: Oxford University Press, 1998), s. v. “form word”。
- [3] 小思：〈披頭士的啟示〉，載《香港故事》（香港：牛津大學出版社，2002年），頁22。
- [4] 羅竹風主編，漢語大詞典編纂處編纂：《漢語大詞典·第1卷》（上海：漢語大詞典出版社，1990年），頁927。
- [5] 孫瑞禾：《常用漢語虛詞英譯》（北京：商務印書館，2008年），頁1、33、46、68、89、105、116、133、150、171、190、206、224、241、259、267、278、298、319、339、350、363、395、405、415、427、435、447、461、475。
- [6] 詳見呂叔湘：《中國文法要略》（北京：商務印書館，1982年），頁388-390。
- [7] 同注[5]，頁5。
- [8] 同注[5]，頁460。注：筆者相信這句本來譯自米爾頓（Milton）的作品。孫氏用了“倒譯法”（back translation）來說明中文虛詞的英譯方法。
- [9] 同上。
- [10] 孫瑞禾：《漢語虛詞英譯》（北京：商務印書館，1981年），頁8。
- [11] 陸國飛及湯艷：《現代漢語虛詞英譯》（鄭州：河南人民出版社，

2007年），頁356。

- ^[12] 黃邦傑：《漢英虛詞句式》（北京：商務印書館，1994年），頁2（前言）。
- ^[13] 同注[10]，頁1（前言）。
- ^[14] 同注[5]，頁528。
- ^[15] 同上，頁434。
- ^[16] 孫瑞禾的另一著作是《英語理解與表達》（合肥：安徽教育出版社，1988年）。
- ^[17] 就一本數百頁的詞典而言，幾百個詞條未免太多了。五十至一百個詞條左右則較理想。

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