

Methods of C-E Translation of Notarial Certificates

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Abstract: With the in-depth implementation of reform and opening-up policy in China, the need for notarial translation is continuously on a rise. However, due to lack of unified standards, the quality of notarial translation is raising concerns in translation circle. Against such a background, this paper attempts to discuss and explore the proper methods of notarial translation under Nida's functional equivalence theory based on the authors' translation practice, with an aim to shed some lights on normalization of standards of notarial translation in China.

1. Introduction

Notarization refers to notarial affairs involving foreign elements handled by a notary office, that is, privies, notarized objects or addresses in the use of notarial certificates that have at least one or more foreign-related factors, mainly refer to the notarial certificates issued to foreign countries. As notarial certificates decide whether the successful exit formalities and the legal rights of privies can be secured, the accuracy of translation about notarial certificates is of vital importance.

As China's reform and opening-up step into a new era, more and more Chinese citizens go abroad to travel or to take a job or to study, notarization is an essential part of going abroad. The need for English translation of notarial certificates is expanding rapidly. It is very essential to study the current situation of translation problems about notarial certificates. On one hand, some previous studies on translation of notarial certificates are facial and very tiny of them try to connect theories and practices. On the other hand, most of studies are on the blink of out of date, they cannot guide this topic in an advanced way. This thesis focuses on Nida's functional equivalence theory and translation practice of the author to explore and conclude a new way of the translation of notarial certificates.

2. Functional Equivalence Theory

The dynamic equivalence theory was put forward by Nida, the American noted linguist and translation expert in 1964. According to the description of Nida, dynamic equivalence is the closest natural equivalent to the source-Language message. "Equivalence" is for the source language, "being natural" for the target language and "the closest" is about the combination of SL (source language) and TL (target language). Some experts believe dynamic equivalence only stresses the effect of translation version. For dismiss such a misunderstanding, Nida promoted his dynamic equivalence theory to functional equivalence theory. Functional equivalence theory emphasizes not only the equivalence of information but also the equivalence of formation. Nida holds, translation consists in reproducing in the receptor language the closest natural equivalent of the source language message, firstly in terms of meaning and secondly in terms of style [1].

There are four rules of functional equivalence theory: the vocabulary equivalence, syntactic equivalence, textual equivalence and the stylistic equivalence. Among them, the former three have strong relevance to notarial certificate translation.

3. Difficulties in Notarial Certificates Translation Practice

"Notarial certificate refers to the notarization of our country in order to adapt to the need of parties (individuals and legal persons) outside the country for its occurrence in the domestic legal

acts and legal instruments or facts, and the instruments are issued by country“ [2]. In most cases, notarial certificates have attached documents, and those attached documents are a part of notarization. Usually, notarial certificates have two main applications. The first one is proof and communication, such as proof somebody’s identification, educational background, marital status, no criminal record and so on. The second one is preventing and handling of disputes, such as kinships’ conformation in a family, striving for legal rights of the privies in other countries. Notarial certificates just like a legal card to introduce China to the world. However, translators always get into a pretty peck of troubles in notary translation.

3.1 Difficulties in personal information translation

Almost all notarial certificates have this item “application“, and the content most are personal information, including name, gender, date of birth, ID card number, and address. Translation about Chinese names and ID card numbers are difficult points in personal information translation.

3.1.1 Name translation

Yu Chaoyong, a Chinese scholar, has concluded six rules about Chinese name translation : (1) A Chinese name consists of two parts, surnames and names, such as “于朝勇“ written as “Yu Chaoyong“. (2) Chinese compound surname must be written as a whole part, such as “东方朔“is translated as “Dongfang Shuo“. (3) Pseudonym as a real name spelling such as “鲁迅“ is translated as “Lu Xun“. (4) The original Latin alphabet used in spelling and common in books and periodicals. If necessary, the annotation can be in brackets or in comments. (5) Each connected part of your name begins with an uppercase letter, such as “司马相如“ should be translated as “Sima Xiangru“. (6) Chinese name in foreign documents and publications can be omitted in the tone[3]. The six general rules can solve most difficulties in name translation of notarial certificate. However, there are some other issues: (1) Resolutions for heteronym in name translation. In practical translation progress, conformation must be made for heteronym, rather than fill a random word as translator’s affection. (2) Pseudonym is also asked to be confirmed, sometimes a Chinese name has four Chinese characters, but the number cannot become standards, just as above solutions, translators need conformation.

3.1.2 ID Card translation

In China, ID card number has 13 numbers, and it’s very easy to make mistakes for translators, such as leave behind a number or misread numbers for asthenopia. Personal basic information must be precise and accurate, or parties would fill in some troubles. Thus, chariness and patience are essential.

Sample 1: 公民身份证号码:12011120120202XXXX

English version: ID Card No. 12011120120202XXXX

3.1.3 Address translation

Addresses in China have Chinese typical colors. Provinces are the highest-level administrative divisions in China, classified as 23 provinces, 4 municipalities, 5 autonomous regions and 2 special administrative regions. In China, addresses are usually placed like this: province, city, county (or town), street (road or avenue), and more specific address like number of room or number of building. Confusion is often created in translation of addresses like 栋(unit), 楼(building), 街(street), 区(district), 市(city), 省(province), and other irregular names. English translation versions about addresses are in inverted order as Chinese addresses, and more attentions must be played for Chinese special administrative divisions, such as : “幸福东区四里 22 号(No. 22, Sili, Xinfudongqu)“, “翠韵里 2 单元 2 号楼 2 号 (No. 2, Building 2, Unit 2, Cuiyunli)“, “东区 6 排 208 号 (No. 208, Row 6, East District)“. From these examples, we can know that “里“ “排“ are very special Chinese administrative divisions and the main method is to collect and remember them in mind.

3.2 Difficulties in translation standards

In notarial translation, some interesting phenomena also show up. For example, “市” is usually translated as “city”, but “天津市” sometimes is not translated as “Tianjin city”, but “Tianjin” instead. This embodies different requests of different notary public offices. Files from different notary public offices, usually have different translation standards, and keeping these standards in words is very important. A typical sample of different translation standards is about the Chinese family name “吕”. Whether the English version being “Lv” or “Lu” all depends on the request of clients or notary public office. Another situation about name translation is about heteronym in Chinese. In this case, communications with notary public offices are very essential.

3.3 Difficulties in tense

Another issue in notary translation is tense, which can also cause troubles. It can be illustrated in: “兹证明赵佳于二〇一七年十二月二十二日来到我处,在本公证员的面前,在前面的英文文件上签名 (This is to certify that Zhao Jia came to our notary public office and signed the foregoing English document in the presence of me, the notary public on December 22, 2017)”. In this sentence, the date on which Zhao Jia came to notary public office is December 22, 2017, and if the notarial certificate came out at the same day, in above translation version, “来到” should be translated as “comes”. If the notarial certificate came out on a later day, the past simple forms should be used. Construing carefully the time that privy comes to the public notary certificate and the time that notarial certificate comes out, and then the tense can be surer.

4. Translation Methods

In Xiong Bin's Conceptual Confusion in Translation Studies - A Case Study of "Translation Strategies", "Methods of Translation" and "Translation Techniques", he concluded three main points: (1) There are mainly two translation strategies: foreignization and domestication. (2) Under different translation strategies, there are different methods. Foreignization has four translation methods: zero translation, transliteration, word-for-word translation, and literal translation; Domestication also has four translation methods: free translation, imitation, variation translation, and recreation. (3) Three methods including zero translation, transliteration, and word-for-word translation don't have translation techniques, while all other translation methods have five main techniques including addition, omission, division, combination and shift[4].

4.1 Translation methods in lexical level

Notarial certificate is a kind of legal documentation issued to command, repeat, entitle or amend. They are always formal, objective and precise, and so the chosen words must be very concise and accurate to secure the rights of privies. “Legal English is the instrumental language which is quite different from ordinary English and has its own special features”[5]. The vocabulary features of Chinese notarial certificates are concise and professional. Therefore, the (C-E) translation of notarial certificates must be precise enough to express the legal meaning of documentary, and also must be easy to be understood so that can be accepted by the targeted language people. Translation methods in lexical in notarial translation are transliteration and literal translation.

Transliteration is mainly for Chinese name translation, address translation and title part information about notary public office, such as “(2018) 鄂黄鹤证字第 2018 号”, should be translated as “(2018) E Huanghe Zheng Zi, No. 2018”. Understanding is always the first and foremost in translation. “鄂” is the simplified name of Hubei Province, “黄鹤” presents “黄鹤公证处”, “证” means “公证书”, “字” means “立字”, “第 2018 号” means number of this notarial certificate. Literal translation is for some very professional words. “已故” should be translated as “deceased”, rather than “dead” or “died”. “亲属关系” shouldn't be “relationship”, but “kinship”. “法定代表人” & “法定代理人” are screwed phrases in the author's mind, although they look so similar in Chinese, they are two different expressions. “法定代表人” should be translated as “legal

representative“, and “法定代理人“ should be translated as “legal agent“. Amplification of literal translation and functional equivalence of lexical level can make words in certificate translation becomes formal and objective.

4.2 Translation methods in syntactical level

Great differences do exist between Chinese and English, but actually, there are many similarities between Chinese legal language and English legal language. “To be exact, both the Chinese and the English legislative languages tend to choose long sentences and complex sentences, which contain many parallel components and additional components“[6]. Through discovering of the author’s practical translation, Chinese notarial certificates most choose “的“, while English version usually use “and, with“, and by using these simple yet powerful words can connect all legal provisions. The translation must control the structure of different languages to keep legal validity, following the syntactic equivalence.

Sentences in Chinese notarial certificate are clear logical, so the translation version must keep the same way. Word-for-word translation method is the main method in syntactical level. The body part of notarial certificate most start as “兹证明“, a kind of very simple and concise expression, in conformity with word-for-word translation method and syntactic equivalence which was mentioned, “兹证明“ should be translated as “this is to certify that“. Lots of word-for-word translation can accumulate fixed expression. “译本内容与原本内容相符“ should be translated as “consistency between the translation and the original“, “英文译本内容与该公证书中文原本内容相符“ as “the content of the foregoing English translation conforms to the original Chinese version“ and “原件属实“ as “the original is authentic“.

4.3 Translation methods in textual level

“From the program's point of view, notarial certificates should be authentic. Authentic norms are the so-called ‘industrialization of naturalization’ issue. Many types of document translation are related to this issue“[7]. The textual equivalence for notarial certificates translation can be comprehended as the equivalence of layouts between two different languages’ notarial certificate. Notarial certificates have different layouts for kinds of issues under notarization, and the equivalence of layouts are essential for avoiding misunderstandings. In terms of textual equivalence, stylized layouts of translation version must come out and become memorized and templated. On analysis of samples, the whole text of notarial certificates have represented forms. The translation method in textual level is special, not specific word-for-word translation or literal translation as foregoing part, but is equivalence of layout under textual equivalence. However different notary public offices have different standards, just keep in mind different demands, and pay more attention to details, this part of translation can be better.

5. Conclusion

The translation of notarial certificates consists of many different aspects, such as address translation, name translation, specific legal term translation and so on. Followed by the analysis of the thesis, notarial certificates do have a boom development, but don’t have a unified standard. Inasmuch as notarial certificates are a kind of Chinese card showed to the world, unified regulations and standards for this field are necessary and essential. Hope someday the study of different scholars can come into being a relative unitized standard.

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