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# "THICK TRANSLATION" OF THE GREAT MING CODE AND TRANSLATOR'S VISIBILITY

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#### **ABSTRACT**

The Great Ming Code (Da Ming Lü), providing the Ming empire with a definitive statement of values and social norms, is one of the most important law codes in Chinese history. This essay examines the translator's visibility in the English translation of The Great Ming Code via thick translation (at a macro discourse level) and the linguistic mechanism employed by Jiang Yonglin (at a micro-discourse level), and further argues that, more often than not, influenced by such factors as subjectivity or norms, translators, would take advantage of their privileged position to take the source text and target readers into consideration via various linguistic means; as a result, translators' visibility are embodied; consequently, such thick translation facilitates the target text's accessibility and acceptance.

**KEYWORDS:** translator's visibility, thick translation, The Great Ming Code(Da Ming Lü)

#### INTRODUCTION

The Great Ming Code (Da Ming Lü) enjoys a high status in Chinese history, which is inherited by the subsequent Manchu Qing dynasty and also copied in a substantial degree by China's neighboring countries like Korea, Vietnam, and Japan. Due to the fact that it is indeed tremendous and seemingly impossible to complete, The Great Ming Code (Da Ming Lü) has never been rendered into English only when in 2005 Jiang Yonglin put great effort and finally succeeded in such great task. Marme (2012) explains that the English version of The Great Ming Code (Da Ming Lü) offers a starting point for scholars who are interested in Chinese legal system and culture in the late imperial period. Weiting Guo (2015) makes a critical analysis of Jiang Yonglin's thought that Chinese law is not oppressive embodied in the translation text. In sum, recent researches are about comments on the translation of The Great Ming Code (Da Ming Lü)in the Western world, as to whether translator's visibility, if any, can be reflected via the thick translation remains largely unexplored.

"Thick Translation" refers to annotations and accompanying glosses to the translation, and the fact that the translated text is placed in a rich cultural and linguistic environment to compensate for the

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cultural loss caused by the translation (Appiah, 1993: 817). Theo Herman put that thick translation is a good way to study cross-language and cross-cultural translation.

(Hermans, 2003: 386) The comprehensive study of thick translation by domestic scholars has been embarked from 2005, including such researches as the theoretical history, the application of thick translation strategy, and the cross-study of thick translation and other disciplines, etc. Tan Zaixi (2005)regarded thick translation as incremental translation, claiming that such translation approach enables target readers to hold high respect for the source culture, and have a better understanding of the exotic culture and people. Thick translation is more or less concerned with the translator's method of description. By adding comments and plenty of background information in the translation, the translator exerts every effort to construct the historical context of the source text, placing the readers in the interaction of texts and social circumstances as such they are able to read, comprehend, and interpret better. Zhang Yan and Hu Weiping (2011) puts that such translation strategies as literal translation and free translation, domestication and foreignization have their respective weak points in a certain context. Thick translation, occupies a pivotal position, will render translation researches develop deep into the enormous multi-dimensional space.

Language is a system containing conventionalized symbol and culture. Source text is the product of certain norms which are the outcome of history, society and culture, and thus translation is inescapably constrained by the norms of the target language even though the respective norms are totally different. The ultimate objective of translation is, more or less, to foster communication, without which the translation is far from being recognized as a communicative event, accordingly, concept has been shifted from the traditional source language oriented to the reception of target text. The reception of the translated text, to a large extent, depends on whether it can be accepted by the norms in the target language. In view of the status quo of translation, correspondent strategies are indeed in a great need so as to reproduce them in an appropriate form according to the target language convention, which is concerned with operational norms (Toury, 1995). According to the operational norm, the source text and target text can to a certain degree be generated based on their respective norms whose difference can be anticipated. For the sake of successful translation, the first and foremost task translators should undertake is to adopt appropriate strategies to refrain from knowingly communication barriers when dealing with language norms transformation. It is well acknowledged that any established factors may vary where an extensive range of possible changes have to be taken into consideration and certain adjustments during the rewriting process are becoming well embraced in some circumstances in that the translator's visibility is embodied thereof.

#### 1. Translator's visibility

The concept of translator's visibility and invisibility has evolved over the centuries and been embraced by Chinese and Western scholars. For example, in the initial phase of Buddhist translation, translator Dao An advocates the theory of wushi ben, 'five cases of infidelity,' and san buy i, 'three difficulties of translation' (Ma 1984: 31), pointing out the difference between target text and source text. Lin Shu's translation are identified as yixie (translation plus creative writing), and are "better

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classified as adaptations or free-hand rewriting of an original text" (Jin, Nida 1984). Xu Yuanchong (2001) puts forward Rivalry Theory, confirming the difference between target text and source text and further claiming that the translated text can suppress the source text. Similarly, Xu Jun (1988) finds that the faithfulness to the source text can not necessarily maintain the performance of the servant's duties, and the cultural disparity limits the translator's action, accordingly, wise manipulation more often than not is likely to display loyalty. After all, the translation involves such two aspects as understanding and decoding. Understanding is the process of coding and expression is called decoding during which process whether it is to decode for the source text or the target text the translator's initiative should not be neglected. Further Hu Gengshen (2003) admits whether it is domestication or foreignization, or free translation or literary translation, they can both be regarded as strategic choice by the translation so that the translation can adapt to the target context. Inevitably, both translating and discussing translations involve making judgments. Lv Jun and Hou Xiangqun (2005) also put that any translation is the rewriting and assimilation of the source text so as to cater for the target culture. In another study, XieTianzhen (2013) states the translator's invisibility and visibility is the milestone from traditional translation theory to the contemporary studies. The source text is placed as the top priority in traditional translation studies and thus loyalty is the only criteria to decide the translation's quality, in other words, the translation has to be invisible, whereas, the translator's subjectivity has been attached great importance in contemporary translation studies. Fang Ping notices that literary translation is not a series of simple passive and negative communicative interaction, but also involves the inner heart participation (Zhang, 2013).

These views have been echoed by foreign scholars who believe that translator more often than not plays an indispensable and significant role during translation process. In the traditional translation studies field, the source text is attached to great importance and even more important than the target text. The translated text is supposed to be loyal at utmost to the source text. Eugene Nida placed higher demand for the translator to have a good knowledge of the source language but also get a better command of the emotive implications, in other words, the translator has to be clear about "the significant emotive values of words" and "the stylistic features which determine the 'flavor and feel' of the message" (Nida 2004:150) so that the equivalence can to a larger extent be maintained in a proper way. Admittedly, Nida claims the translator's subjectivity lies in the constraint between the author and the source text. However, during the 1960s & 1970s, translation studies start to thrown out the concept of the source text and took on a new look. With the trend of "cultural turn" in translation field, the translator and the target text have drawn much more public and scholars' attention. It is well acknowledged that the work of Susan Bassnett and Andre Lefevere (1990b), Jose Lambert (1975), Theo Hermans (1985,1999), and more importantly Lawrence Venuti (1986, 1992, 1995) has radically altered the focus of research in translation, opening up a whole range of questions and issues linked to norm, power and ideology that had previously been peripheral, if not simply ignored, in translation studies (Cronin, 2007). But, more important, whole schools of translation and translation scholarship can be connected with this turn in translation studies. Perhaps the leading translation studies scholar in that period is Lawrence Venuti, who has been regarded as

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one of the most important figures in translation theory and practice and intellectually engaged in the post structural theory as much as any translation studies critic and further delved deeply into the history of English translation so as to find the access to highlighting translator's visibility. Venuti uses deconstruction's disruptive practices to destabilize translation strategies in which translator is invisible; thus, the publication of his book, The Translator's Invisibility (1995) in which Venuti advocated the strategy of "abusive fidelity", "a rejection of fluency that predominately governs contemporary translation in favor of an opposing strategy that can aptly be called resistance" (1992:12), accordingly, foreignizing is likely to be faced with opposition among readers for timely intelligibility. However, such strategy causes the plight that the only standard or criteria for a translation rests on fluency and any hint of foreignness will possibly be erased. In response to such case. Venuti prefers that translators maintain the foreign linguistic and cultural elements of the original, thereby rendering translations into strange or estranging ones so as to send the readers abroad rather than bring the author back home, and the same is true with the occasion when the translation is likely to be domesticated. Venuti further defines the ideology behind the translation as "subjectivity seen as at once self-determining and determined by nature, individualistic yet generic, transcending cultural difference, social conflict, and historical change . . ." (1992, 79). Apart from these viewpoints, serious attempts have been made to establish translation criticism on a proper footing, a hint of translator's subjectivity or visibility (e.g. Reiss 1971, Simpson 1975, House 1976, Wilss 1982). As a result, the marginal position of translators in American culture has been altered substantially in a more vivid way. In sum, the translator is far from invisible when rendering the source text, which requires readers to place the translation in a socio context and then translations can be judged based on what the translator intends to achieve (Hatim, Mason 1990).

Based on the thick translation, this article explores in detail how Jiang Yonglin, influenced by such factors as subjectivity or norms, displays his visibility so as to enrich the research on English version of *The Great Ming Code (Da Ming Lü)* and further foster translation criticism.

#### 2. What it takes to be visible in the translation of The Great Ming Code(Da Ming Lü)

For the sake of elimination of cultural differences, the translation is supposed to be closer to the target reader's cultural background and the identity of the source language. It is well known that The Great Ming Code (Da Ming Lü) is meaningful and rich in legal and social features, as such the legal and cultural implication embodied in it is inevitably hard to understand for readers who do not have a considerable Chinese language foundation and cultural knowledge. Thankfully, Jiang Yonglin not only has a deep language and cultural background but also adopts the strategy of "thick translation" to put the translated texts into "deep contextualization" to represent the cultural and historical context. Thick translation in

Jiang Yonglin's English translation of The Great Ming Code(Da Ming Lü) is reflected in two aspects: Thick translation in the text includes the use of parentheses, omission of regulations and transliteration; while thick translation out of the text includes an extended introduction: the making of The Great Ming Code, glossary, and index.

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#### 2.1 Thick translation in the text

As one of the main methods of thick translation, the use of parentheses will enable the target readers to decide whether to read the plentiful information or not while avoid losing the faithfulness to the source text.

Example 1

Chinese version:

婚姻

男女婚姻

若為婚而女家妄冒者杖八十謂如女有殘疾郤令姊妹妄冒相見後郤以殘疾女成婚之類追還財禮 男家妄冒者加一等謂如與親男定婚郤與義男成婚又如男有殘疾卻令弟兄冒相見後郤以殘疾男 成婚之類不追財未成婚者仍依原定已成婚者離異

English version:

Section 3 Marriages [Hunyin Eighteen Articles]

Article 107 Marriages of Men and Women [Nannuhunyin]

In marriages, if women's families practice fraud, they shall be punished by 80 strokes of beating with the heavy stick. (This means, for example, that if a woman is disabled, the person who is in charge of the marriage makes her older or younger sister fraudulently meet the man but subsequently marries the disabled woman off.) The betrothal gifts shall be returned. If men's families practice fraud, the penalty shall be one degree. (This means, for example, that a woman is engaged to a man who is a member of his family by birth but [she] marries an adopted one; or, for another example, that a man is disabled, and [the person who is in charge of the marriage] makes his younger or older brother fraudulently meet the woman but subsequently lets the disabled man marry her.) The betrothal gifts shall not be returned. If the marriages are not consummated, [the men and women shall marry] in accordance with the original agreements. If the marriage is consummated, it shall be dissolved.

is evidenced As from such explanatory regulations the example, as 謂如女有殘疾郤令姊妹妄冒相見後郤以殘疾女成婚, which are the interlinear legal notes and integral part of the Code, are rendered into This means, for example, that if a woman is disabled, the person who is in charge of the marriage makes her older or younger sister fraudulently meet the man but subsequently marries the disabled woman off, but with parent heses (), leading to such fact that target readers have choices to skip this information so as to reduce the reading obstacles and frustrations, so the audience or more precisely the target readers have the discretion for such complex information and save a lot efforts and energies. Just as "footing" can help understanding of mediator

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neutrality (Heisterkamp, 2006), the parentheses () does also have such function, however, it also contributes to the glossing of partiality display via the perspective from which the translator shows. Besides, such range of explanatory regulations, as integral parts of the Code, are not left out because of certain reasons, it is indeed loyal to the original text for Jiang Yonglin to make the reading more fluent and expressions more accurate.

Example 2

Chinese version:

賦役不均

凡有司科**徵**稅糧及雜泛差役各驗籍內戶口田糧定立等第科差若放富差貧那移作弊者許被貧民 赴拘該上司自下而上陳告該官吏各杖一百若上司不為受理者杖八十受財者計贓以枉法從重論 條例

一布按二分巡分守官直隸巡按御史嚴督府州縣掌印正官審編均從公查照歲額差使於該年均徭 人戶丁糧有力之家止編本等差役不許分外增餘銀兩貧難下戶并逃亡之數聽其空閑不許**徵**銀及 額外濫設聽差等項差科違者聽撫按等官糾察問罪奏請改調若各官容情不舉反治以罪

一各布政司并值隸府州縣掌印官如遇各部泒到物從公斟酌所屬大小豐歉坐泒豪猾規利之徒買 囑吏書妄稟編泒下屬承攬害良民者**俱**問發附近衛所充軍各該掌印官聽從者參究治罪

English version:

Article 86 Unequally Levying Taxes and Corvee Services [Fuyibujun]

In all cases where authorities levy grain taxes [shuiliang] and miscellaneous corvee service [zafan chaiyi], they shall investigate the number of households and individuals and field products within the registers and establish the upper, middle, and lower degrees and levy the taxes and corvee services. If they release the rich and levy the poor or shift the degrees and practice fraud, the aggrieved poor people or shift the degrees and practice fraud, the aggrieved poor people may accuse them to, from bottom to top from lower to higher authorities, their superior offices. The relevant officials and functionaries shall be punished by 100 strokes of beating with the heavy stick. If illicit goods are accepted, calculate the amount of the goods, and they shall be punished by the heavier penalties on the basis of subverting the law.

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Due to that fact that translators will more or less influence the expectations of target readers and thus cannot be neutral, or that translators may employ a certain strategy or technique named as "selective facilitation" to promote readers' reception, accordingly, translators move away from neutrality and even show subjectivity which is shown from the above example. The Chinese Code makes a comprehensive analysis on every possible occasion in the form of concrete regulations (*li*), like the regulations on Unequally Levying Taxes and Corvee Services [Fuyibujun], however, such detailed rules

as條例一布按二分巡分守官直隸巡按御史嚴督府州縣掌印正官審編均從公查照歲額差使...一 各布政司并值隸府州縣掌印官如遇各部派到物從公斟酌所屬大小豐歡坐派豪猾規利之徒買囑 吏書妄稟編派下屬承攬害良民者俱問發附近衛所充軍各該掌印官聽從者參充治罪 are omitted in the English version. It is not rare to see that the 382 regulations (*li*) that were attached to *The Great Ming Code* during the Wanliregin are totally left out, which is undoubtedly noticeable and controversial. The intention of translation of the Code is to provide a significant source for understanding not only Chinese history and law but also East Asia cultural interactions (Jiang 2005). If the 382 regulations are added into translated version, it will obviously discourage most readers who are not familiar with Chinese legal system and culture to continue with it, let alone understand the translation. By omitting the rich but seemingly redundant regulations instead of maintaining the source language, Jiang Yonglin's subjectivity is embodies considerably; Further, by such selective strategy, Jiang Yonglin shows that he is only a mediator between the source and target text, that he can successfully facilitate the readers' reception and accessibility, and that translators, more or less will display his visibility to reach a higher goal.

Example3

Chinese version:

除巳受杖六十准錢三貫六百文該剩徒一年贖錢八貫四百文計算

English version:

Excluding copper currency of 3 guan and 600 wen for the beating with the heavy stick that has already been received, the remaining penal servitude for one year shall be redeemed by copper currency of 8 guan and 400 wen.

Example 4

Chinese version:

至申時分仍須相視形貌照數點出

English version:

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When it gets to be the hour of **shen** [4:00-6:00], [the gate officials and guarding offices] shall still inspect their features, count them according to the registered number, and let them leave.

Example5

Chinese version:

凡向太廟及宮殿射箭放彈投磚石者絞向太社杖一百流三千里

English version:

In all cases of shooting arrows or bullets or throwing tiles or stones at the Imperial Ancestral Temple or at imperial palaces or halls, the offenders shall be punished by strangulation. If they shoot at the Altars of Soil and Grain, they shall be punished by 100 strokes of beating with the heavy stick and life exile to 3,000 li.

The choice of an alternative equivalent can more or less have a significant effect on the accessibility of the text. Thus it follows that translators must take all possible implications into consideration when selecting an alternative equivalent. There exists such circumstance where the conception in the source language is absent in the target culture. As is shown from the above examples, the pecuniary unit such as wen and guan, time unit of shen and you and units of length like li are absent in the target culture. In cases where a technical term of a given legal system is to be applied in all the parallel texts of a single instrument, the translator may decide to use the foreign term as a borrowing in the other texts (Sarcevic 1997:256). When it is necessary to translate a term from one language, we may study the relevant concepts associated with the terms in question and examine whether they actually correspond (Lane 1982: 224). Faced with such situation, there is no choice for Jiang Yonglin but to translate it in such way in that any other translation is 'simply unthinkable' (Weston 1991: 57). As a result, Roman pinyin system is borrowed from Chinese to maintain the original flavor of the source culture without confusing the target readers. Culture-specific criteria play a role in legal concepts (Sandrini 1996). Apart from the pecuniary unit such as wen and guan, time unit of shen and you and units of length like li, there exist many other cultural-specific concepts such as yamen, yinxin and son on which are totally preserved in the form of Roman pinyin system. Also, such regulations as "脫漏戶口","收留迷失子女" and so on are translated into Omitting to Register Households or Household Members [Tuolou hukou] and Taking Stray Children [Shouliumishizinu], which means free translation plus transliteration are employed at the same time so as to promote the accessibility and reception of the translation. Accordingly, the translator's visibility is embodied to a certain degreein terms of the fact how the translation is realized in the target culture and understood by the users of the language (Cao 2004).

#### 2.2 Thick translation out of the text

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The introduction helps the readers understand the disparity between the source text and target text and further guide readers to appreciate the translated version more easily. Genette (1997) put that the intention of introduction is not only to foster the readers' reading of the target text but also enable their understanding of the source text which is inevitably related to the translator himself, the one who is more concerned about to what extent how the translation can be appreciated and accepted. Why and how to read the text are supposed to informed in the introduction, which requires readers to put the introduction part as the priority, or rather, it provides ample and relevant information to influence readers' thinking. Accordingly, the translated text must be equipped with introduction which is designed to give a brief introduction to the original work, its background and author to construct the authority of the work in target readers' mind. Susan Bassnett (1998) also claims only with detailed introduction to show the source culture embodied in the original work rather than merely a sketch of the source can the translation attract a great many readers. It is without doubt that Jiang Yonglin's introduction to the whole text plays a central role in consolidating its position in Chinese and Western culture.

It is indeed enormous but beneficial for target readers to read the 72 pages of introduction in Jiang Yonglin's English translation of The Great Ming Code(Da Ming Lü). As is evidenced by the detailed illustration of background information in the English version, the introduction part begins with a presentation of the major role of The Great Ming Code(Da Ming Lü)in Chinese history and thus the translated version will naturally provide a significant source for understanding both Chinese history but also promoting East Asian cultural interaction, followed by a brief description of the founding of the Ming dynasty, evolution of The Great Ming Code and The Great Ming Code as a penal Code: Its structure and general principles. In the sections that follow, Jiang Yonglin explains such aspect as The Great Ming Code (Da Ming Lü) as Fundamental Dynastic Law: Its place in the early Ming legal system from the macro perspective and holism of The Great Ming Code, The Great Ming Code and Special statutes, placards and regulations from micro-perspective.

In order to facilitate readers' inquiry, Jiang Yonglin's English translation of The Great Ming Code(Da Ming Lü) lists a great number of legal and cultural proper nouns in the translation.

Example 6

上书奏事犯讳

Shangshuzoushifanhui

Mistakenly Violating Name Taboos in Memorials or Statements to the Throne

Example 7

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#### 九品以上官殴长官

Jiupinyishang guan ouzhangguan

Officials of the Ninth or Above Rank or Above Striking Head Officials

As can be seen from the above example, Jiang Yonglin transliterates these proper nouns by using transliteration and literal translation. For example, "上书奏事犯讳"in example 1 is transliterated as "Shangshuzoushifanhui" and paraphrased as "Mistakenly Violating Name Taboos in Memorials or Statements to the Throne". In Example 2, "九品以上官殴长官" is transliterated as "Jiupinyishang guan ouzhangguan" with the meaning of "Officials of the Ninth or Above Rank or Above Striking Head Officials". Admittedly, this translation method not only preserves the pronunciation of the source text but also reflects the referential meaning of it. Meanwhile, it makes it easier for those who are not proficient in Chinese culture and law have a better understanding of the Code.

Index, an important part of cross-cultural translation, is more often than not a list of words or phrases and associated information compiled in a certain order so as to help the target readers define helpful references in the text. The index in Jiang Yonglin's English translation of The Great Ming Code (Da Ming Lü) isso long as 19 pages. The significant and necessary information is provided in alphabetical order with corresponding page numbers so as to facilitate readers to get the position of these words in the source text in a immediate way, which provides convenience for further reading and research.

#### Example 8

Affrays: and batteries, 171, 177-90, 201;

Functionaries: and administration of the law, 98, 201, 224, 226-69, 237.

The entries listed in the above example are "affrays: and batteries" and "functionaries: and administration of the law" and their various sources in the translation, which will more or less help target readers to find out original source in the text accurately.

#### **CONCLUSION**

In perspective of thick translation, this thesis explores the strategy of thick translation in Jiang Yonglin's English translation of The Great Ming Code(Da Ming Lü) which to a certain degree reflects the translator's visibility and mediation. Through research and analysis, the author finds that Jiang Yonglin's visibility is embodied mainly from two aspects: one is the in-text thick translation, including the use of parentheses, omission of regulations and transliteration; while thick translation out of the text includes an extended introduction: the making of The Great Ming Code, glossary, and index. Jiang Yonglin's thick translation is not only reflected in the translation of The Great Ming

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Code(Da Ming Lü)but also has deep reasons behind it: translation objectivity, reader's reception and the legal and cultural differences between the Chinese and the English. This study is not intended to generalize the rules that translators will follow, and the adequacy of this research is more or less lowered for small examples. However, it is still hoped that this study will enrich and refresh the field of Chinese classics translation, further promote the translation studies and more importantly foster the interaction between China and western world.

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