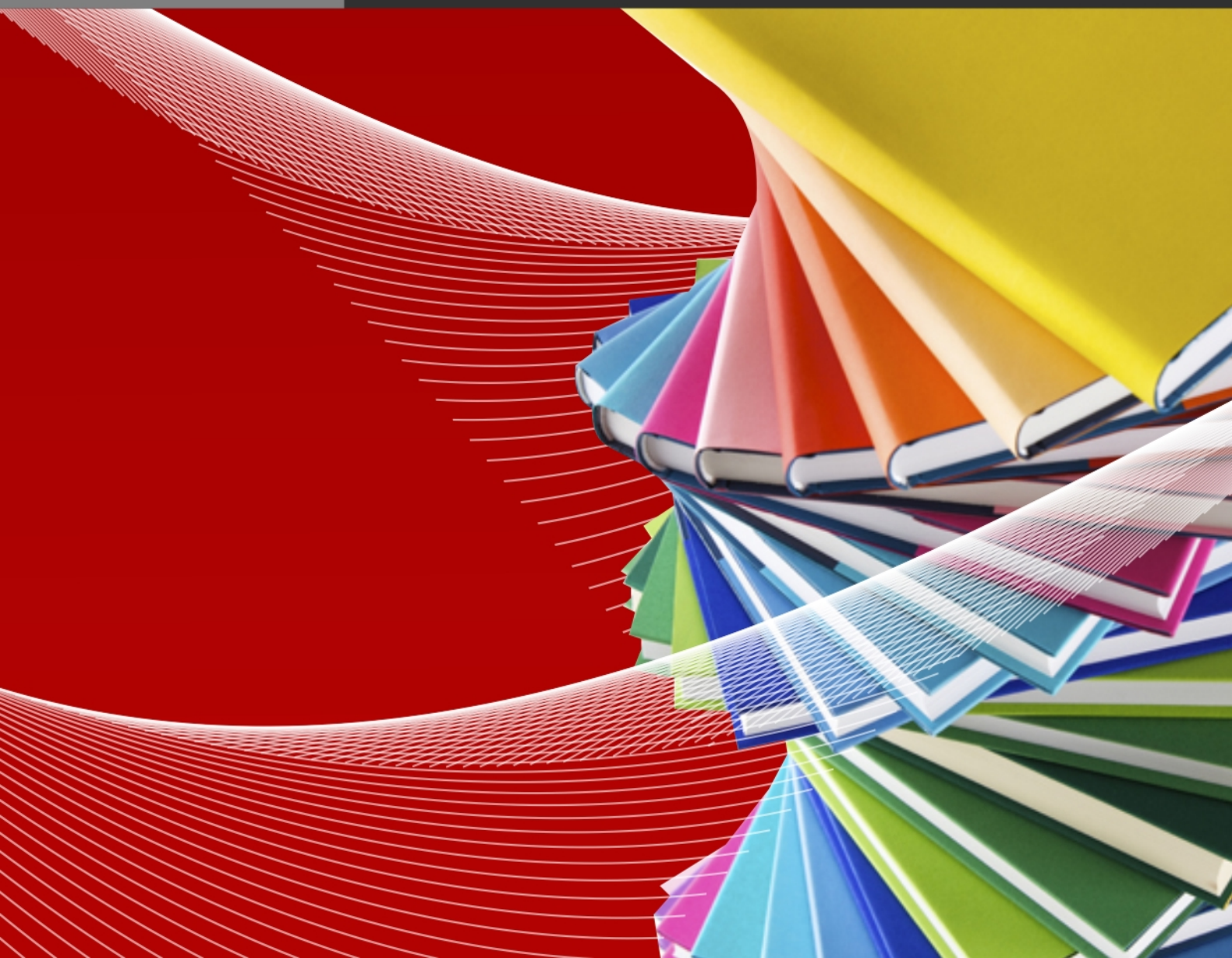




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# Outstanding Academic Papers by Students 學生優秀作品



# Translating Conjunctive Cohesion in Legal Documents

The proper use of conjunctive cohesion in legal documents is very important in configuring the logical flow of translations. However, this phenomenon has not drawn enough attention from researchers. From the perspective of logic production and reproduction in legal texts, this paper investigates the use of conjunctions in legal documents and their translations and discusses how conjunctions help the logical flow of information in legal documents. Based on the cohesion model developed by Halliday and Hasan (1976), the present research proposes seven categories of conjunctives for investigation and compares the conjunctive patterns between two legal subgenres, namely prospectuses and legislative texts, through a corpus-based approach. The findings show that conjunctive patterns in the two subgenres are different from one another in wording and frequencies and in the use of translation methods. Specifically, the conjunctives tend to become implicit in the translation of prospectuses but explicit in the translation of legislative texts. It is argued that possible causes for the disparities include cross-linguistic differences and extra-linguistic factors, such as generic, socio-cultural and translators' strategic differences.

**Keywords:** cohesion; conjunction; logic; legal translation; legal subgenres

## Introduction

As is known, legal documents attach significance to logic. According to Smith and Frawley (1983, as cited in Baker 1992, p.192), the use of conjunctions offers insight into the whole logic of discourse. In other words, the production and reproduction of logic relies on the proper use of conjunctives within the textual system of cohesion. This article compares the organization of conjunctives in two legal subgenres and their translations with the aim of identifying the patterns of conjunctive cohesion in legal writings and exploring possible factors that influence conjunctive configuration to provide some useful reference to translators who are translating the legal genre or legal subgenres.

According to Swales (1990), a genre “comprises a class of communicative events, the members of which share some set of communicative purposes”. He then notes that these purposes “constitute the rationale for the genre”, which “shapes the schematic structure of the discourse and influences and constrains choice of content and style” (p. 58). This study takes all writings produced and used in legal settings as the legal genre and legal documents produced and used in different legal sectors as legal subgenres. One common legal subgenre is legislative texts, including statutes, laws, treaties and similar documents. Other instruments addressing business and financial activities, if used in legal settings, can also be regarded as legal subgenres, such as financial prospectuses, a product of the international stock market and financial services in the listing process.

There have been some debates on the nature of prospectus translation. Chao and Fan (2004) classify the translation of prospectuses under the category of financial translation (in Chinese 財經翻譯), while Li and Zhang (2005) categorize it into financial legal translation (in Chinese 財經法律類翻譯). This study adopts the latter viewpoint; therefore, prospectuses belong to the financial-legal subgenre. Because a single subgenre is not enough to represent the order of discourse, a comparison of the subgenre of prospectuses with the subgenre of legislative texts will be conducted to provide a broader investigation of conjunctive choices and organization in legal documents.

The data on prospectuses were collected from three listing companies’ *Global Offerings* and their translations, and the data on legislative texts were collected from a bilingual law that was drafted in English and translated into Chinese as required (further specification of data is provided in the Method section). Major research questions include the following: (1) How is the logic of the two legal subgenres under investigation realized through the patterning of conjunctive cohesion? (2) How are the

conjunctions organized and translated? (3) Why are the conjunctions organized and translated in the way they are rather than in other possible ways? It is hoped that the answers to these questions may offer some useful insights into the importance of conjunctive cohesion and its role in logical planning in legal translation.

## **An overview of related theoretical concepts**

### ***Conjunctive cohesion***

Cohesion is considered a useful constituent of discourse analysis and text linguistics applicable to translation (Newmark, 1987, p. 295). The topic of cohesion was first introduced to the field of linguistics by Jacobson (1960) in his study of parallel structure in literary texts. Halliday (1964) later systematically introduced the concept of cohesion. In his earliest framework, he categorized cohesion into grammatical cohesion and lexical cohesion. This framework was later revised by Halliday and Hasan (1976), in which the cohesive devices were reclassified as follows: reference, substitution, ellipsis, conjunction and lexical cohesion.

The classification of cohesion largely depends on how the concept is perceived. In the literature, cohesion is defined by various scholars as the explicit linguistic means that maintain logical continuity (Halliday, McIntosh, & Stevens, 1964), overt links (Enkvist, 1990) and formal linkage (Crystal, 2000), connectors (Berry, 1977; Hoey, 1991), formal connections and network links (Beaugrande & Dressler, 1981; Baker, 1992; Hatim, 1997) and explicit linguistically signaled relationships (Widdowson, 1978). All definitions emphasize the role of cohesion as a creator of textual unity that utilizes formal surface features to interact with “underlying semantic relations” or “underlying functional coherence” (Bell, 2001).

Conjunctions constitute a set of these formal surface features. In Halliday and Hasan’s revised model (1976), conjunctions are indirectly considered cohesive by virtue

of their specific meanings, which presuppose the presence of other components in the discourse. Conjunctions can be categorized into four groups: additive, adversative, causal and temporal. These four groups cover some of the relations that others list separately, such as alternative, explicative, conditional, concessive, instrumental and comparative, amongst others (Hatim and Mason, 1990, p. 206). Halliday (1985) proposes another type of division to include other possible relations, including elaboration, extension and enhancement. Although some scholars argue that the latter classification is more scientific and applicable (c.f. Zhu, Zheng, & Miao, 2001), the 1976 model seems to have had a greater impact on studies of conjunction in different contexts. For example, Bell (2001, p. 155) borrows the model in introducing linguistic theories to translation studies; Baker (1992, p. 191) refines the model intended for translation teaching by adding the continuatives (or miscellaneous) to include relations that cannot be categorized into any of the existing categories. In the field of second language acquisition, particularly in learning English for Specific Purposes, conjunctive cohesion also plays an active role. For instance, in exploring a corpus-based approach to teaching English for EU documents, Trebits (2009) classifies the English conjunctions used in EU documents into seven categories, namely additive, adversative, causal, temporal, continuative, hypothetical and clarifying.

Insightful studies have also been conducted by Chinese scholars. In the study of Chinese conjunctions, Liao (1992, p. 62) posits that conjunctions can be classified according to their functions and locations. In terms of functions, different types of conjunctions express different semantic relations between texts. As for locations, most conjunctions appear at the beginning of the sentence, with very few in the middle and before the predicate. The research on conjunctions in Chinese and English is an important part of the contrastive study of both languages (e.g., Hu, 1994; Zhu, et al.,

2001). Scholars have also shown interest in the influence of English conjunctions on the *explicitation* tendency of Chinese logical relationships (Liao, 2009).

The discussion of *explicitation* as a translation universal and the issue of cohesion in translation often go hand in hand. Their connection is summarized by the Explication Hypothesis, which postulates “an observed cohesive explicitness from SL to TL texts regardless of the increase traceable to differences between the two linguistic and textual systems involved” (Blum-Kulka, 1986). Arguments have not ceased since the hypothesis was first posited. Although several studies claim to offer evidence to support the hypothesis (e.g., Pápai, 2004; Konšalová, 2007), Becher (2010; 2011) criticizes it for having three serious problems, namely, that it is unmotivated, unparsimonious and vaguely formulated. In this study, we will not argue the validity of the Explication Hypothesis as a universal. However, some relevant terms, such as “explicit” and “implicit”, are borrowed here for better presentation of our findings on the distribution of conjunctions.

The appropriate use of conjunctions can enhance the rhetorical effectiveness of a text and facilitate text organization (Keen, 2004) and can contribute to the translation competence and naturalness of the translated text (e.g., Hatim & Mason, 1990, p. 206; Baker, 1992, p. 112; Dong & Lan, 2010). The use of conjunctions helps a reader (or translator) make sense of the logical relationship (Hu, 1994), which, in turn, informs the organization of linguistic resources in translation. Thus, it is important to sensibly classify conjunction types for specific research. In comparison, the categorization by Trebits (2009) is found to be most relevant to the present study because the language of EU documents (i.e., institutional-legal language) is close to the language of legal genres.

### ***Legal genres in translation***

The analysis of genre, at the textual level, emphasizes a common lexical and syntactic arrangement of the material and a common set of functional units and formal features, e.g., the abundant use of indefinite pronouns and passives in statutes and other legislative texts (Alcaraz Varo and Hughes, 2002, p. 102). Hatim and Mason (1990, p. 70) also note that genre and generic membership play an important role in the process of translation. In particular, identifying legal subgenres can help translators gather all conventional information for the particular texts to produce translated texts suitable for use in the target legal settings.

Previous studies on legal translation have primarily focused on the characteristics of legal language, translation difficulties and translation quality. It has been noted that the legal translator must cope with problems that are different from those characterizing translations in other sectors (Gazone, 1999), which implies the uniqueness and difficulties of legal translation. As Bhatia (1997) proposes, translators must develop an understanding of the two linguistic systems, acquire genre knowledge associated with legal cultures and enhance their sensitivity to cognitive structuring of legal genres. Cao (2002) also suggests that a legal translator should consider the contextual factors and pragmatic effects of legal usage in both the source language and the target language and strive to achieve optimal communicative results given the relative nature of equivalence and the difficulties in cross-cultural and cross-jurisdictional communication. In assessing translation quality, Mok (1995) insists that legal knowledge, in addition to knowledge of syntactic structures of legal language, should be part of legal translation. In view of the HK legislative translation, Zhao (2000) offers three principles for legal translation, namely achieving legal equivalence, following Chinese grammatical conventions, and fully reflecting the features of Chinese as a legislative language. Most

studies of legal translation tend to be prescriptive rather than descriptive. Scholars tend to put forth principles and rules based on reasoning and personal experience rather than empirical statistics, whilst the translator's role is often discussed in a "required-to-do" fashion. Therefore, this article adopts a corpus-based approach to examining the issue, taking into consideration the generic factors of legal texts to seek a more objective account of legal translation in real settings.

## Method

### *Data and tools*

Two relatively small, specialized corpora were compiled for this study (see Table 1). One was the Corpus of Summaries of Prospectuses for Listed Companies (CSPLC), including the Summaries of the prospectuses of three Macao gaming companies that launched their listing in the *Hong Kong Exchange*: SJM Holdings Limited, Sands China and Wynn Macau. A summary is a vital part of a prospectus, for it provides a bird's eye view of the listed company. Confirmation was obtained that the selected texts were first written in English and translated into Chinese (J. Wong, personal communication, November 30, 2010; S. Iam, personal communication, November 22, 2010; K. Lee, personal communication, December 8, 2010). The other corpus was the Corpus of Hong Kong Companies Ordinance (CHKCO), which was built on the basis of the parallel texts of the HKCO. To make the two corpora more comparable in terms of size and content, we extracted Part II, "Share Capital and Debentures", from the Ordinance.

Table 1. Parallel corpora for this study.

Corpus			Word Count
CSPLC	Summary of SJM, Sands &Wynn	ST1 (English)	26,165
		TT1 (Chinese)	45,347
CHKCO	Part II of the HK Companies Ordinance	ST2 (English)	37,645
		TT2 (Chinese)	58,692

Abbreviations: ST= Source Text; TT= Target Text.

This study opts for the utilization of small corpora in view of the research objective and the strengths of small corpora. First of all, the purpose of the research determines the nature of the corpora. To study conjunctive cohesion in legal translation, the corpora should be specialized in the legal field. As Koester (2010, p. 66) notes, specialized corpora do not need to be large to yield reliable results. Small, specialized corpora, unlike very large corpora, reveal the patterns of language use in particular settings other than language as a whole. Additionally, the possibility that the corpus compiler is often the analyst of the research ensures the analyst's high familiarity with the context and helps the analyst interpret the data more accurately.

The preliminary stage of data analysis was assisted by *AntConc* (Anthony, 2009), a concordancer to calculate the frequency and reflect the context of the items under investigation. Since *AntConc* cannot process Chinese texts without the segmentation of Chinese words, the free program *Chinese Lexical Analysis System developed by Institute of Computing Technology (ICTCLAS)* (Zhang, 2004) was used for the pre-processing of the Chinese texts.

### ***Procedures***

An analytical model was formulated based on the Hallidayan model of discourse analysis (see Figure 1). As legal translation is a text-centered activity, the translator may take two perspectives into consideration. At the micro perspective, the translator's decision influences the text organization or texture of which cohesion is one of the aspects and conjunctives belonging to one of the cohesive relations. Because the micro logic of a text is largely dependent on the organization of linguistic resources, it is subject to the influence of cross-linguistic factors in translation. At the macro level, the text logic is influenced by some extralinguistic factors, including socio-cultural and generic factors. Certain socio-cultural activities conventionalize genre by which text is

decided in terms of its format and style. In deciding translation strategies, the translator refers to both extralinguistic factors and cross-linguistic factors.

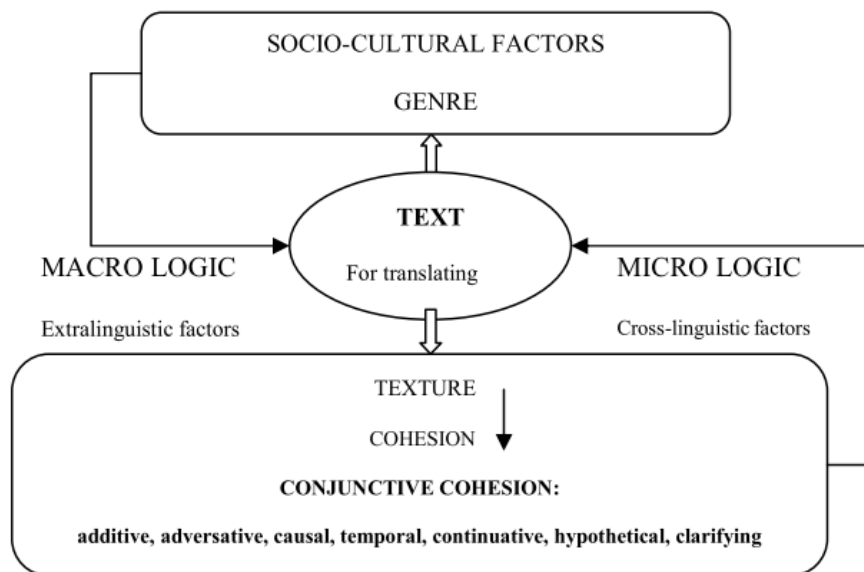


Figure 1. An analytical model for this study.

In this study, the selected genres are differentiated by the following generic features: schematic structure, generic purpose, and language dimension (e.g., formal/informal, accurate/ vague). The schematic structure of a summary of a prospectus can be unfolded as follows: 1) head, 2) overview, 3) strengths, 4) business strategies, 5) risk factors, 6) financial information, 7) forecast, 8) statistics, 9) dividend policy and 10) use of proceeds. These moves correspond to the section titles, reflecting the particular contents that can be treated independently. However, the schematic structure of an ordinance is very different from this layout. In HKCO, a total of 103 sections can be classified under the following labels: 1) drafting rules of the prospectus, 2) registration of the prospectus, 3) liability for misstatements in the prospectus, 4) allotment of shares and debentures, 5) merger relief, 6) purchase, 7) specification of powers, 8) nature of shares and 9) certification. These labels are inter-connected and centered on the topic of “prospectus”. As for the generic purpose, a prospectus by nature is an advertisement in the form of a legal document. As a result, a successful prospectus must at least conform to the listing rules and appeal to the investors. The language of the prospectus is, therefore, expected

to be concise, accurate and complete to fulfill the first purpose and to be as attractive as possible for the second. The ordinance, however, does not need to be appealing. In the case of Part II of HKCO, it is drafted for the purpose of regulating the listing procedures and stock transactions. Its readership is assumed to be legal professionals, which is narrower than that of the prospectus. The tone of the legislative text is authoritative, with no challenges allowed. As a result, its language should be accurate, rigorous and concise. As an important source of reference for the translator, these generic features may contribute to the organization of the micro logic of the texts. We shall revisit this issue in later sections.

The micro logic of two subgenres is illustrated by the following five pairs of comparison: ST1 vs. ST2, TT1 vs. TT2, ST1 vs. TT1, ST2 vs. TT2 with respect to conjunctive patterns and Case 1 (from ST1 to TT1) vs. Case 2 (from ST2 to TT2) regarding the methods of translating conjunctions. Four parameters are set for comparison: conjunction type and conjunction frequency are used for the investigation of conjunctive patterns, while translation method type and method frequency are for the investigation of translation methods. The conjunctions and their translation methods are classified as follows.

The classification of conjunctions is based on the models reviewed above. Following Trebits (2009), the conjunctions detected throughout the STs and TTs are classified into seven categories: additive, adversative, causal, temporal, continuative, hypothetical and clarifying (see Appendix).

The classification of translation methods follows the established literature on E-C translation and legal translation. In the context of E-C translation, Zhang, Yu, & Li (1980) propose the following six translation methods at the lexical-semantic level: diction, conversion of parts of speech, amplification, omission, repetition and negation

(see also Zhang & Pan, 2009). In the study of legal translation, different translation methods are suggested (e.g., Alcaraz Varo & Hughes, 2002; Wang, 2006), among which amplification, omission, conversion, repetition, diction and negation are recognized as commonly used methods in legal translation at the lexical-semantic level. In this study, translation methods are not only applied to the translation of lexical items but also to the translation of conjunctive ties. For example, *amplification* means the explicitation of a tie, whilst *omission* means the implicitation. To avoid confusion in statistical calculations, repetition is grouped under the class of amplification. Besides referring to the shift of grammatical category, *conversion* also refers to the shift of one type of tie to another. *Diction* refers to the choice of expressions of a tie. *Negation* refers to cases in which the expression manifesting a tie is negated. *Retention* is a method that allows an element from the source language to enter the target text (Pedersen, 2005). The term “retention” is adopted here to mean that the conjunctive item remains in its original form in the translation. All six translation methods will be used in the investigation of the translation of conjunctives.

## **The Study**

### ***A comparison of conjunctive patterns***

Two parameters are examined in this part, i.e., the conjunction-type and the conjunction frequency. Conjunction type indicates the diversity of the conjunctive ties used in the texts under investigation. Conjunction frequency shows the degree to which the organization of the text relies on the conjunctions.

#### *Conjunction type*

The results of the comparison of conjunction-types between the STs and the TTs are presented in Figure 2.

The comparison between ST1 and ST2 shows that the writers of the legislative texts deploy more types of conjunctions to express the ties of additive, adversative, causal, temporal, continuative and hypothetical, particularly the last category mentioned. The least diversity in the type of clarifying relation is found in legislative texts, while the least diversity in the type of adversative relation is in the prospectuses. In contrast to the case of the STs, the translation of prospectuses (TT1) uses more conjunction-types than the translation of legislative texts (TT2). However, in accordance with the STs, TT1 observes the most diversity in the type of additive relation, and TT2 detects the most diversity in the type of hypothetical relation.

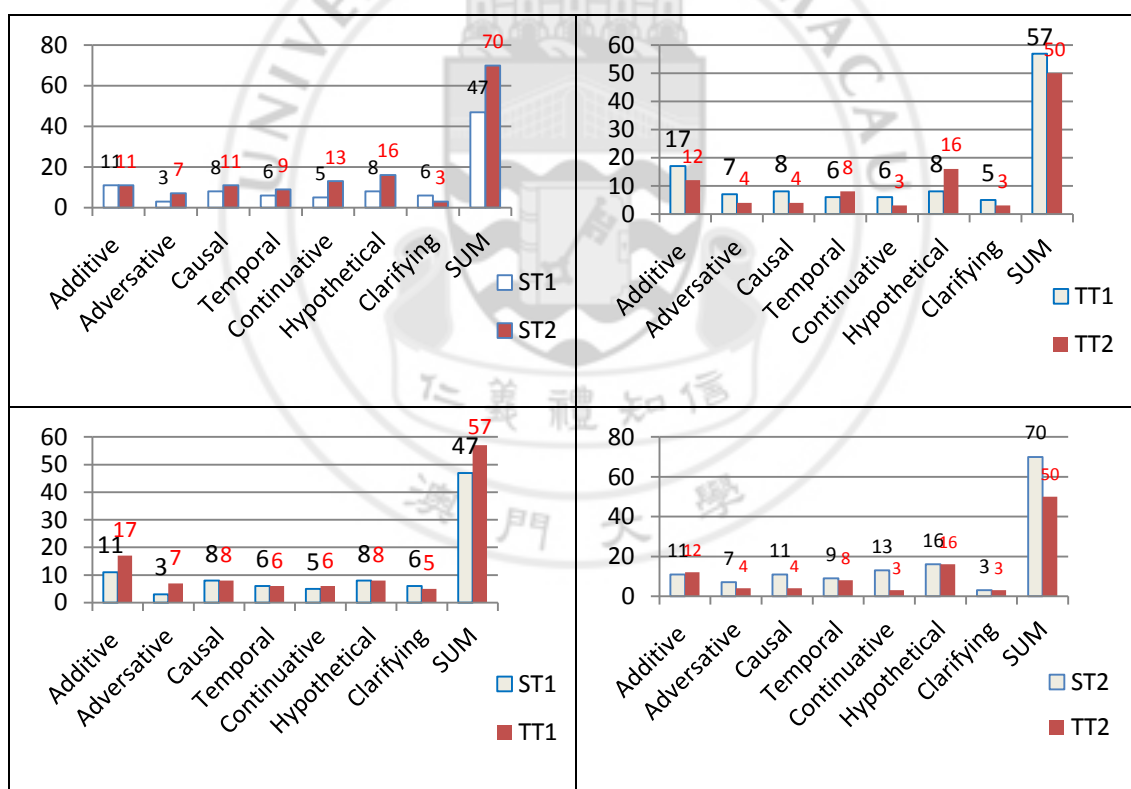


Figure 2. Distribution of conjunction-types in STs and TTs.

Comparison between the prospectuses (ST1) and their translations (TT1) demonstrates that there is a greater diversity of conjunction types in TT1 than in ST1, particularly for the categories of additive and adversative relations. Because different conjunction types

are the realizations of different word choices, the above finding indicates that the translators of prospectuses have a wider range of word choices to express the additive and the adversative relations in Chinese. However, the case of legislative translation differs as shown in the results of comparison between ST2 and TT2. This time, the translators seem to be conservative in choosing expressions for each category, narrowing the scope of word choices in the target texts.

### *Conjunction frequency*

Figure 3 compares STs and TTs in terms of conjunction frequency. The frequencies of particular conjunctions are normalized to number of occurrences per one thousand words.

In general, the density of conjunctions in ST2 is higher than in ST1. Though the additive ties in both texts demonstrate very high occurrences, the hypothetical relation receives different preferences. More hypothetical conjunctions are found in ST2. The same situation is found in the comparison between TT1 and TT2, where TT2 has more hypothetical conjunctions than TT1 does. Nevertheless, the order of preference in the conjunctive relations in the TTs still differs from that in the STs.

In the case of prospectus translation, the amount of conjunctive items used in the target text is severely reduced to nearly half of the original. This finding indicates a tendency towards implicitation in the translation. The translation of legislative texts also displays a certain degree of implicitation, particularly in the categories of additive and continuative conjunctions. However, particular categories such as adversative and clarifying conjunctions show a tendency towards explicitation, which indicates the involvement of different translation methods.

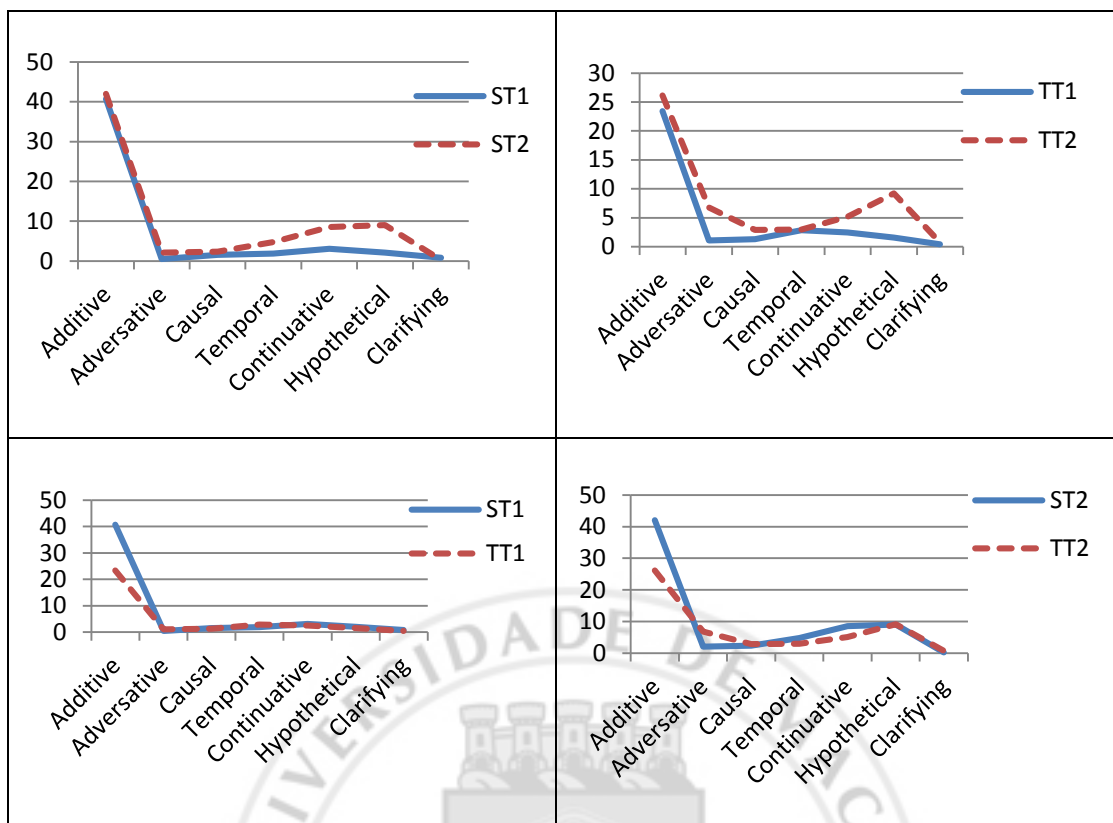


Figure 3. Comparison between STs and TTs in conjunction frequency.

### *A comparison of translation methods*

The comparison between translation methods aims at a more detailed investigation of the techniques and strategies used by the practitioners. Particular conjunctive patterns revealed above indicate that the mechanism of translating these two subgenres varies. The classification of the six translation methods (i.e., amplification, omission, conversion, diction, negation, retention) defined in the Method section are used here to examine the differences.

The most frequently used conjunctions in each category (i.e., the top 30%) were chosen as key conjunctions for the investigation of translation methods. The identification of a method is based on the shift of a tie rather than on the presence of a particular lexical item. For instance, the Chinese expression “虽然(*sui'ran*).....但是(*dan'shi*).....” is considered an adversative tie translated from “although” or “but” instead of treating “虽然(*sui'ran*)” and “但是(*dan'shi*)” as separate lexical items.

The findings show that translation strategies involved in each particular case differ prominently. The translation of legislative texts, contrary to the stereotype of strict literal translation, displays the dynamic involvement of different translation methods. Figure 4 summarizes the methods used for translating the key conjunctive markers. The frequency of the translation methods is normalized to number of occurrences per one thousand words to compare across the two corpora.

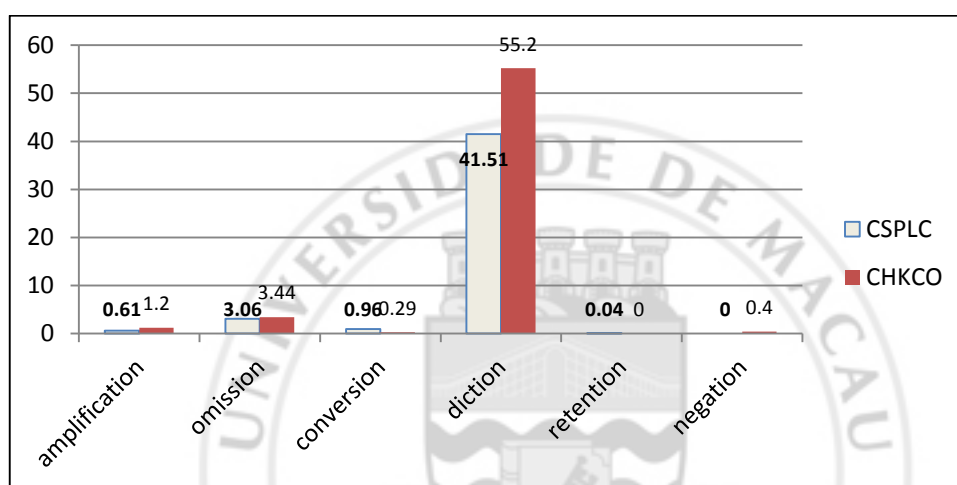


Figure 4. Summary of the translation methods of the key conjunctions.

Generally speaking, the basic logic of the original texts is preserved in the translations, as *diction* stands as the preferred method among the six translation methods. The greatest difference lies in the translation of the following categories: causal, hypothetical and clarifying. These three categories are in line with the features of legislative translation: the emphasis on cause and effect, conditions and results, and accuracy of the meaning. This finding, in turn, raises the hypothesis that these three categories will be more explicit through the translation of legislative texts in CHKCO than that of prospectuses in CSPLC. In the following sections, we will take a close look at the translation methods associated with these three categories.

### *Causal Conjunction*

Despite being a very small proportion of all conjunctive ties, causal ties play an important role in defining logic. Usages such as “as a result (of)” and “because (of)” rank at the top of the causal category in CSPLC, while more formal expressions such as “as the case may be/require” and “for the purpose of” rank at the top in CHKCO. Most items are translated by *diction*, e.g., “as a result” is translated to “由于(*you'yu*)”, “因此(*yin'ci*)” or “因(*yin*)” in CSPLC, “for the purpose of” is translated to “以(*yi*)”, “為(*wei*)”, “因(*yin*)”, “目的是(*mu'di shi*)”, or “以(*yi*).....的目的(*de mu'di*)” in CHKCO. There are very few cases of *amplification* or *omission* in both translations, particularly in the translation of legislative texts. The evidence shows that translators are cautious in reorganizing the causal ties in both texts and more prudent with the legislative texts. Example 1 is an excerpt from Section 69A, Chapter 32 of HKCO. In this example, the causal conjunction “for the purpose of” is translated to “以(*yi*)” and amplified to the first clause to enhance the clarity of the Chinese sentence.

#### *Example 1*

ST: [...] it is not shown that the signature or initials was or were placed there neither by himself nor by any person authorized, or having apparent authority as agent, to use the signature or initials **for the purpose of** certificating transfers on the company's behalf. (HKCO)

TT: 沒有證據顯示該簽署或簡簽並非由其本人加於該處，亦非由獲授權使用該簽署或簡簽以代表該公司證明有關轉讓的人加於該處，或並非由具有表面權限以代理人身分使用該簽署或簡簽以代表該公司證明有關轉讓的人加於該處。

Back-translation:

[...] it is not shown that the signature or initials was or were placed there neither by himself, nor by any person authorized **for the purpose of** certificating transfers on the company's behalf, or having apparent authority as agent, to use the signature or initials **for the purpose of** certificating transfers on the company's behalf.

### *Hypothetical Conjunction*

The key hypothetical conjunctions in CSPLC are “if”, “in the event that” and “unless”. These terms display high density in terms of risk factors and forecast. The conjunction “if” also ranks first in the hypothetical category in HKCO, followed by “unless”, “in the case of”, “as if” and “provided that”. Only *amplification* and *diction* are used in translating the hypothetical ties in CSPLC, while a greater range of translation methods, including *amplification*, *omission*, *conversion* and *diction*, are involved in HKCO.

*Amplification* is a common method in translating a hypothetical tie in both texts. In Example 2, the amplification of “倘(*tang*)” makes the condition “to determine a Shareholder as an unsuitable person” explicit. In Example 3, “如(*ru*)” is also amplified to an attributive clause, which is a condition for the rights offered later. This condition is implicit in the source text, as it is not indicated by a hypothetical conjunction but becomes explicit when translators bring it to the surface.

#### *Example 2*

ST: A Shareholder that is determined to be an unsuitable person [...] (CSPLC)

TT: 本公司或控股股東的主管博彩監管機構，倘將某股東確定為不適當人選，則該股東或受到[...]

Back-translation:

A gaming regulator with authority over this company or the Controlling Shareholders, **if** (they) determine a Shareholder as an unsuitable person, then the Shareholder may be subject to [...]

#### *Example 3*

ST: Any person who is a registered holder of shares in a company [...] (HKCO)

TT: 任何人士，如為某公司的股份登記持有人 [...]

Back-translation:

Any person, **if** (he/she) is a registered holder of shares in a company [...]

### *Clarifying Conjunction*

Clarifying conjunctions are used in cases where the speaker or writer wants to provide further explanation or supplement the previous statement. In CSPLC, the key clarifying conjunctions include “such as” and “in particular”, translated to “如(*ru*), 例如(*li'ru*)” and “尤其是(*you'qi'shi*), 特別是(*te'bie'shi*)”, respectively. Legislative texts also use a certain number of clarifying conjunctions, the most frequently used being “that is to say”, translated to “亦即(*yi'ji*)” in Chinese. *Diction* and *omission* are common in translating the clarifying conjunctions (from English to Chinese). Example 4 is taken from the prospectuses. The expression “such as” introduces a lexically cohesive set of items as exemplification. In the Chinese translation, the cohesive set of items is reversed with the exemplifying items topicalized, making the clarifying conjunctive tie implicit.

#### *Example 4*

ST: An outbreak of infectious diseases, such as, H1N1 influenza, avian flu or SARS, may adversely affect our business. (CSPLC)

TT: H1N1 流感、禽流感或沙士等傳染病爆發或會對本集團業務構成不利影響。

Back-translation:

[H1N1 influenza, avian flu or SARS etc., (these) infectious diseases may adversely affect this group's business.]

In the legislative texts, the explicit tie is transferred into another form rather than becoming implicit by omission. Example 5 is taken from the HKCO. Although the expression “that is to say” signaling an explanation is omitted, the clarifying tie remains,

as the burden of signaling transfers to the dash “—” and the cataphor “下列 (the following)”.

*Example 5*

ST: (b) in relation to a prospectus offering shares for sale with the following modifications, that is to say-

(i) references to sale shall be substituted for references to allotment; (HKCO)

TT: (b)作出發售股份要約的招股章程，但須作下列變通—

(i)凡提述分配之處，須以提述發售所取代；

Back-translation:

(b) in relation to a prospectus offering shares for sale with the following modifications—

(i) where references to sale, (they) shall be substituted for references to allotment;

Evidence from the above cases indicates that translators are more likely to enhance the explicitness of those conjunctive ties that realize the generic features of legislative texts. Upon examination of all seven categories, the tendency towards explicitation in the translations of the two subgenres is summarized in Table 2. The result shows various degrees of explicitness or implicitness across different categories in two subgenres, which alerts us to the different translation methods used by the translators in treating these two subgenres of legal documents.

Table 2. Checklist of explicitation in legal document translation.

Explicit	<i>Additive</i>	<i>Adversative</i>	<i>Causal</i>	<i>Temporal</i>	<i>Continuative</i>	<i>Hypothetical</i>	<i>Clarifying</i>
<b>CSPLC</b>	N	Y	N	Y	N	N	N
<b>CHKCO</b>	N	Y	Y	N	N	Y	Y

Abbreviations: N= no; Y= yes.

To summarize, conjunctive cohesion tends to be more implicit in the translation of prospectuses but more explicit in the translation of legislative texts. Translation

methods used in the translation of prospectuses include *amplification*, *omission*, *conversion*, *diction* and *retention*, while methods used in the translation of legislative texts include *amplification*, *omission*, *conversion*, *diction* and *negation*. Among them, diction or word choice is the most common translation method of conjunction translation in legal documents.

## **Discussion**

The results of this research suggest that translating conjunctive cohesion in legal documents is far more complicated than a simple process of copying and transferring. It involves interactions both within and outside the linguistic world.

### ***Cross-linguistic Factors***

Traditional contrastive studies of Chinese and English grammar reach an agreement, as Nida (1982, p. 16) posits that one major linguistic distinction for Chinese and English is the contrast between hypotaxis and parataxis. Chinese is paratactic in that forming a text requires few connectives, while the hypotactic nature of English means that connectives are often explicitly required. Regarding this difference, Zhu et al. (2001, p. 99) argue that the explicitness of English and implicitness of Chinese are the main causes for the differences between English and Chinese cohesive conjunctives.

This argument suggests that this difference between the two languages is inherent and will influence the choices of translation methods. To conform to Chinese convention, a faithful or static transmission of an explicit pattern in an English ST must be given up at times and replaced by an implicit cohesive tie in the Chinese TT, leading to the omission of cohesive conjunctives in the translation. Nevertheless, the claim that English favors explicit conjunctives and that Chinese favors implicit conjunctives must still be cautiously examined, as amplifications are also found in the translation. For

instance, adversative conjunctions are found to be more explicit in the translation of prospectuses than in the ST, and more categories are found in the translation of legislative texts, including adversative, causal, hypothetical and clarifying. Moreover, in the Chinese translation, the degree of implicitation also differs from one category to another. Zhu et al. (2001, p. 100) also notice this phenomenon and conclude that differences regarding the implicitness and explicitness between English and Chinese are relative rather than absolute, i.e., conjunctions of different categories must be treated on a case-by-case basis. For instance, in both prospectuses and legislative texts, the additive conjunction category shows a conspicuous tendency towards implicitness in their Chinese translations. The category of adversative, however, displays a tendency towards explicitness in the Chinese texts, cautioning translators against the established view that Chinese should generally be characterized by implicit connective markers when translating from English to Chinese.

It should be acknowledged that contrastive grammar plays an important role in the textual organization of translation. However, the role of grammar is still internal to the text forming. Translators must look beyond the linguistic world to arrive at a more complete picture of the texts on which they are working.

### ***Extralinguistic Factors***

#### ***Generic Features***

Generic features, as we have noted in the analytical framework, contribute to textual organization as a source of reference for translators. This assumption is supported by the results of the case analysis. In the first place, the distribution of certain conjunctions can be related to the schematic structures of the texts under investigation. For example, in CSPLC, hypothetical conjunctions show a much higher density in the sections of risk

factors and forecast than in other sections, which can be explained by the schematic feature that the sections of a summary are relatively independent and the issue of one section will not be mentioned in the other. As a result, hypothetical conjunctions representing conditions and predictions gather under the particular sections. Likewise, when comparing the frequencies of conjunctions in CSPLC with those in CHKCO, we notice that CHKCO uses more conjunctions in forming the text, which certainly has something to do with the intensive interrelation of the structures.

Generic purposes may also play a role in weaving logical patterns. According to Bhatia (1998), legal writing is highly intertextual and its interpretation interdiscursive. It requires legal drafters to take into account the socio-political objectives that the document is written to achieve (Bhatia & Candlin, 2008, p. 138). One of the missions undertaken by the prospectuses is to appeal to a broader audience. For common readers, repeating one and the same expression throughout a text may result in a dull reading experience. As a result, various word choices may increase the reader's interest in the prospectuses being promoted. In CSPLC, more conjunction types are found in the translation of English conjunctions. For instance, the same "AND" is translated into eight different Chinese terms, including "及(*ji*), 以及(*yi'ji*), 和(*he*), 與(*yu*), 而(*yu*), 而且(*er'qie*), 亦(*yi*), 或(*huo*)" and a "zero" form. Other daily expressions, such as "另外(*ling'wai*), 還有(*hai'you*)", are also adopted for this purpose. However, to be accurate and rigorous, the legislative texts use a higher frequency of conjunctions than their prospectus counterparts, particularly for the categories of causal and hypothetical. A high density of causal conjunctions is found in CHKCO, as legislative texts place great emphasis on legal reasoning. The hypothetical conjunctions are also highlighted for conditions that are related to the consequences of an action, such as approval or

punishment. With more conjunction types, the translation method types of this category also increase.

In short, the features of a genre decide the macro-logic of a text and, hence, influence conjunctive cohesion patterns. Because genre is the product of certain social activities, its features are shaped by the socio-cultural environment.

### *Socio-cultural Background*

One predominant similarity between the prospectuses and the ordinance lies in the bilingual drafting practice. This practice ensures the immediacy of the translation in that the original and its translation are produced in the same period of time, meaning that both texts share very similar socio-cultural backgrounds.

Figure 5 shows the similarity of cohesive patterns (except for the additive category that obviously differs) between the source texts and the target texts in both cases. This similarity may also come from the fact that both prospectus and ordinance are imported to the Chinese discourse system. Stock transaction as a product of Western corporate culture was brand new when it was introduced to China. There existed no Chinese text-type of the same kind as prospectuses. Having little to refer to, translators can only rely on ST format and convention. To reproduce the original logic as closely as possible may be their safest choice, for what they translate is not only language but also a new genre, a new concept to the Chinese culture.

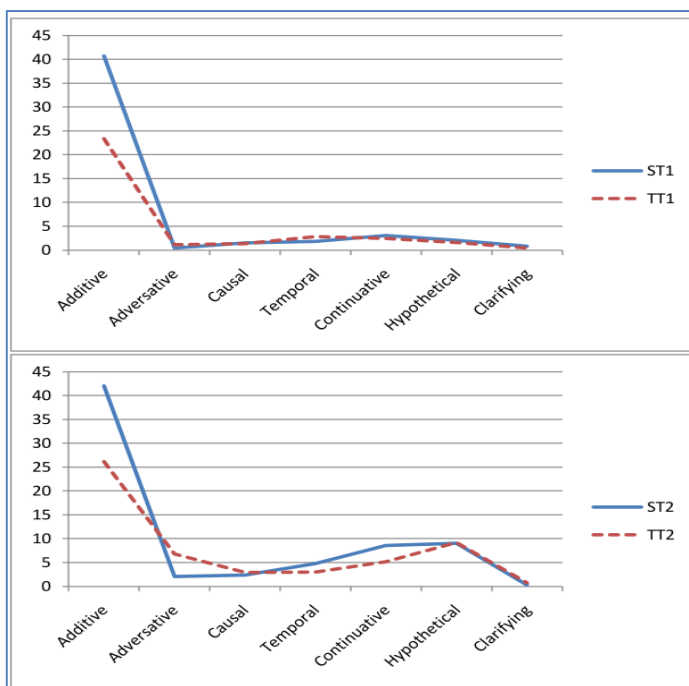


Figure 5. Comparison of conjunctive pattern in STs and TTs.

According to Chao and Fan (2004), in the early 1990s, translators chose archaic-flavored classical Chinese to translate English financial documents. For one thing, classical Chinese can express the original sense of solemnity and seriousness. Furthermore, it is denser than modern Chinese, making the text more concise. Classical expressions are still traceable in the prospectus, such as “惟倘(*wei'tang*)” and “惟(*wei*)”, but most of the conjunctions follow modern expressions, such as “另外(*ling'wai*)” and “同時(*tong'shi*)”. Translators of the prospectuses seem to have gained more freedom in drawing upon modern expressions. In addition, they use translation methods such as omission and conversion, which may lead to variations on the original logic. Why are they allowed this license? It is possible that the period in which the translations were produced is significant. The three prospectuses together with their translations were produced around 2009. The language requirement of the prospectus was specified by the Security Exchange of Hong Kong in 2000. A decade is enough time for translators to accumulate experience in translating a hitherto unfamiliar text-type. At the same time,

the prospectus began defining itself as an established genre in the Chinese discourse system, one that should meet the requirements of a newly coined Chinese discourse commodity.

The legislative texts extracted from HKCO were translated into Chinese in 1995, shortly before the handover of Hong Kong to China. The sample for this study is published in the Hong Kong Bilingual Laws Information System, with the latest amendment dated 2004. The Hong Kong Law Drafting Division adopts a policy that “laws should be drafted in as simple and direct a manner as possible” (Law Drafting Division, 2001). Thanks to the bilingual drafting practice, this policy is applied to both language versions. In the Chinese translation of HKCO, the word choices of the places translated by diction are free of inaccessible archaic-flavored expressions. Perhaps the higher density of conjunctions throughout the texts is also a result of the necessity to provide readers with clear wording.

Before concluding this discussion of the factors involved in the logical organization of the texts, we must also give due credit to the translators for their direct and decisive influence on the translations. Blum-Kulka (1986) suggests that the explicitation of cohesive markers in the target text is largely due to the translator’s interpretation of the implicit cohesive ties in the source text. In this study, both subgenres display a certain degree of conjunctive explicitness in their translations, particularly in the categories that are closely related to the generic features of the texts. A good example would be the explicitation of hypothetical ties and causal ties in the translation of legislative texts. The requirement to “produce a crystallized text in plain language” (Law Drafting Division, 2001) has driven legislative translators to make implicit signals explicit to facilitate the original text (Bhatia, 1997) and reduce readers’ efforts in understanding the text.

## Conclusion

This study applied the concept of conjunctive cohesion from systemic functional linguistics to study the use of conjunctions in legal texts and their translations. With the assistance of two small specialized corpora, we analyzed and compared the patterns of conjunctive cohesion in one subgenre of legal texts (i.e., prospectuses) with another subgenre (i.e., legislative texts). The findings show that the patterns of conjunctive cohesion in the two subgenres are different in terms of both wording and frequencies, while the patterns in their translations also differ with varied translation methods, including amplification, omission, diction, conversion, negation and retention. We argue that text logic may be affected by factors such as linguistic differences between English and Chinese, different generic purposes, schematic structures and language requirements of the two subgenres, socio-cultural backgrounds of the text production and differences in translators' preferred strategies and methods. It is our hope that the findings can provide some insight into the use of conjunctions in parallel texts to guide the teaching of translation. Our findings also serve as a kind of evidence of the applicability of a corpus-based study of cohesive conjunctives across two linguistic systems and different legal subgenres.

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## Appendix. Categorization of conjunction-types

Category	Conjunctions (including fixed expressions that function as conjunctions)					
	ST1	ST2	TT1	TT2		
Additive	And, or, either ...or ...  In addition, moreover, furthermore, not only...but also..., also, as well as, together	And, or, nor, neither...nor ...,  Either ...or .... Whether ...or ..., Together with,  in lieu of, in connexion with, in connection with	和 (he), 或(huo), 並(bin), 及(ji), 以及(yiji), 兼(jian), 亦(yi), 且(qie), 此外(ciwai), 還(hai), 連同(liantong), 還有(haiyou), 也(ye), 與(yu), 另外(lingwai), 則(ze), 另(ling)	和(he), 或(huo), 並(bin), 及(ji), 以及(yiji), 亦(yi), 並且(binqie), 且(qie), 與(yu), 而(er), 而且(erqie), 則(ze)		
Adversative	But,  However, instead	But, Although, whilst, except, otherwise than, other than, however	而(er), 除(chu).....外(wai), 並未(binwei), 但(dan), 然而(ran'er), 取而代之的是(qu'er dai zhi de's hi), 惟(wei)	而(er), 除(chu).....外(wai), 但(dan), 却(que)		
Causal	Otherwise, because (of), as, since, as a result (of), therefore, in order to, due to	As a result of thereof, on the ground that, in order that, in order to, otherwise, as, as the case may be, for the purposes of, for this purpose, by reason (only) of that, with a	而(er), 因此(yinci), 致使(zhishi), 從而(cong'er), 由于(youyu), 以致(yizhi), 因而(yin'er), 因(yin)	而(er), 由于(youyu), 為(wei), 因(yin)		
Temporal	Then, while, before, after, until, when	Before, after, so long as, when, then, whereby, prior to, As(so) far as, in this section	.....前(qian), ..... (之 zhi) 后(hou), 自(zi).....起(qi), 直至(zhizhi), 截至(jiezhi).....止(zhi), 同時(tongshi)	..... (之 zhi) 前(qian), ..... (之 zhi) 后(hou), 自(zi), 直至(zhizhi), 在本條中(zai ben tiao zhong), 現(xian), 當(dang).....時(shi), 然後(ranhou)		
Continuative	As at(of), with respect to, according to, pursuant to, in accordance with,	as to, subject to, having regard to, in respect of, relating to, with respect to, in relation to, as regards, pursuant to, in pursuance of, by virtue of, without prejudice to, in	就(jiu).....而言(eryan), 根據(genju), 有關(youguan), 鑒于(jianyu), 依照(yizhao), 而(er)	就(jiu).....而言(eryan), 根據(genju), 按照(anzhao)		
Hypothetical	As if, if, if any, unless, in such event, in the event that, in such case, once	In case of, in the case of, in such a case,  In any (particular/other/such) case, in the event of/unless, provided that, notwithstanding, whether or not, where, whenever, if, only if, as if, if any, if not	倘(tang), 倘若(tangruo), 若(ruo), 惟倘(weitang), 除非(chufei), 除非(chufei)..... 否則(fouze)....., ..... 情況下(qing kuang xia), 如(ru)	倘(tang), 倘若(tangruo), 若(ruo), 假若(jiaruo), 除非(chufei), 除非(chufei)..... 否則(fouze)....., ..... 情況下(qingkuangxia), 如(ru), 凡(fan), 即使(jishi), 不論(bulun), 雖(sui), 雖然(suiran), 如有以下情況(ru you yixia qingkuang), 只有(zhiyou), 在符合(zai fuhe).....的規定下(de guiding xia)		
Clarifying	In particular, particularly, such as, as follows, namely, specifically	that is to say, in particular, as follows	如(ru), 特別是(te bie shi), 例如 (li ru), 如下 (ru xia), 尤其是 (yu qi shi)	一如(yiru), 即(ji), 尤其是(youqishi)		