

Synonym Coordination in English Legislative Texts and Its Translation

WU Shuqiong^{[a],*}; GONG Chunguo^[b]

^[a]Professor, School of Foreign Languages, Southwest University of Political Science and Law, Chongqing, China.

^[b]postgraduate, School of Foreign Languages, Southwest University of Political Science and Law, Chongqing, China.

*Corresponding author.

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Abstract

Synonym coordination is a common and intriguing linguistic phenomenon in legal texts, especially in legislative texts. Synonyms have been explored from different perspectives in the prior studies, but few studies have been done on synonym coordination. This paper discusses the pervasiveness, characteristics and classification of synonym coordination in English legislative texts. It has been found that the pervasiveness of synonym coordination is attributed to the historical, rhetoric and legal factors. Synonym coordination can be divided into three types: absolute synonym coordination, relative synonym coordination and relevant synonym coordination. Based on Nida's theory of functional equivalence, the paper puts forward the corresponding translation methods for each type. This study will shed light on the further studies on the synonym co-occurrence.

Key words: Synonym coordination; Legislative texts; Translation

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INTRODUCTION

Synonyms are an intriguing linguistic phenomenon. They decrease the language expressive power by allowing several lexical items to convey the same meaning. What's more interesting about synonyms is that they are often coordinated to form synonym chains, such as *safe and sound, might and main, twists and turns*. The prior studies on synonyms mainly focus on the delineation, internal structuring and description of synonyms (Divjak, 2006; Divjak & Gries, 2008; Gries & Otani, 2010), but few studies have been done on synonym coordination. Synonym coordination is pervasive in legal English, especially in English legislative texts. Legislative texts stipulate rights and obligations, which must be very clear. Two or more synonyms or near-synonyms are coordinated together in English legislative texts, which can avoid ambiguity and legal loopholes. According to Tiersma (1999), coordination of synonyms is used five times as in legal writing, especially in contracts and agreements, as in other types of texts. This paper aims at discussing the synonym coordination in English legislative texts and its translation.

1. SYNONYM COORDINATION AND ITS PERVASIVENESS IN ENGLISH LEGISLATIVE TEXTS

1.1 Synonym Coordination

Traditionally, two words are considered synonymous in a sentence or linguistic context if the substitution of one for the other does not change the truth value of the sentence. As for the definition of synonym, it's always a controversial issue. *Webster's Third New International Dictionary* (2002) defines synonym as "a word having the same meaning as other words; as one of two or more words of the same language and grammatical category

having the essential of generic meaning and differing only in connotation, application or idiomatic use, one of two or more words having essentially identical definitions". According to *Longman Dictionary of English Language & Culture* (2005), synonym is "a word with the same meaning or nearly the same meaning as another word in the same language". Based on the above explanation, synonym can be defined as a word having the same part of speech and expressing the same or the similar meaning as another word in the same language.

Coordination can be distinguished into three types: conjunctive, disjunctive and adversative (Lohmann, 2014). Since the focus of this study is on intra-phrasal level, we will just deal with conjunctive coordination and disjunctive coordination. Synonym coordination in this study is considered as two or more synonymous words which are connected by coordinators "and" or "or". When synonyms are connected by "and", the synonym coordination usually expresses the same meaning or complementary meaning, such as "title and interest" and "obligation and liability". When they use the conjunction "or" to link, they usually express the alternatives of word meanings, such as "damage, loss or injury" and "disclose or divulge".

1.2 Pervasiveness of Synonym Coordination in English Legislative Texts

Accuracy is the soul and life of legal language (Du, 2004). Legislative texts stipulate rights and obligations, which must avoid ambiguity. Synonym coordination is very pervasive in legislative texts, especially in English legislative texts. However, the pervasiveness of synonym coordination in English legislative texts doesn't accomplish at one stroke, it is a process of long-term development and accumulation. It can be attributed to the historical, rhetorical and legal factors.

Firstly, synonym coordination is a result of the development of English language. The evolution and change of a language are definitely related to its history. All the characteristics of a language can be accounted for by history. The development of English language can be divided into four main periods: Old English (500-1100AD), Middle English (1100-1500), Early Modern English (1500-1800) and Late Modern English (1800-present). Accordingly, English language has three main sources: Anglo-Saxon, Latin and French. Because of the co-existence of different languages, many synonyms came into being. Under certain circumstances, two or more synonyms are coordinated to form synonym chains in order to ensure the correct understanding by people with different backgrounds. This exerted a great effect on legal English. Many synonym chains have survived and are used in the present legal language, such as *acknowledge and confess* (Old English and Old French), *act and deed* (Latin and Old English), *lands and tenements* (English and French). In English Legislative texts, synonym coordination can make

legislative language more accurate and increase flexibility and richness of English legislative texts.

Secondly, synonym coordination is used to achieve the rhetorical effect. Synonym chains have occurred profusely since Old English (Ma, 2014). At that time, it often occurred in poetry, such as "each and every", "all and any", "have and hold" and so on. Those conjoined phrases are alliterative. It can strengthen the rhythm and rhyme of the sentences, so people can remember it faster and more clearly. As time goes on, this rhetoric device is used in legal language. Nowadays these coordinated synonyms occur very frequently in English legislative texts. It can not only make law accurate and effective, but also give readers a profound impression. It makes easier for people to understand and remember the stipulations of law.

Thirdly, synonym coordination accords with the requirements of legal language. On one hand, synonym coordination is used to avoid legal loopholes. In the process of law enforcement, the guilty person always attempts to escape the legal sanctions by utilizing the non-rigorous legal words. To some extent, it has caused great difficulties for the officers of law enforcement. In order to avoid this phenomenon, the legislators put two or more synonymous words together. It can not only prevent people from proceeding loopholes in the law, but also increase accuracy and comprehensiveness of legislative texts. On the other hand, the principle of *stare decisis* is another cause of synonym coordination. *Stare decisis* is necessary to abide by former precedents when the same points arise again. It makes the legislators more careful and they can't allow themselves to have any fault and negligence. Then two or more synonymous words are joined together, which can express the points more clearly and avoid ambiguity.

2. THE CHARACTERISTICS OF SYNONYM COORDINATION IN ENGLISH LEGISLATIVE TEXTS

2.1 Classification of Synonym Coordination in English Legislative Texts

Cruse (2002, pp.158-161) distinguished two types of synonyms: cognitive synonyms and plesionyms. If two lexical items are cognitive synonyms, they must be identical in respect of propositional traits, but they may differ in respect of expressive traits. They can be different on stylistic level. Plesionyms can lead to the different truth-conditions of the sentences. They are weakly contrastive, but the contrast does not destroy the synonymy. Based on the import of synonyms, synonym coordination is classified into coordination with absolute synonyms, coordination with relative synonyms and coordination with relevant synonyms in this study. They will be discussed in detail in the following.

2.1.1 Coordination With Absolute Synonyms

Absolute synonyms are also called equal synonyms, which mean that the lexical items have both the same conceptual meaning and the same affiliated meaning (Hu, 2005). They can substitute each other in all contexts. However, absolute synonyms are extremely rare. They are usually found in professional field or in scientific terminology. Coordination with absolute synonyms in English legislative texts is used to strengthen and emphasize meanings. For example, “null and void” is considered to be absolute synonym coordination in English legislative texts, in which “null” and “void” have the same conceptual meaning and affiliated meaning. “Valid and effectual” are another example of coordination with absolute synonyms.

2.1.2 Coordination With Relative Synonyms

Relative synonyms can be called partial synonyms, which mean that they have the same or similar basic meanings, but they are different in denotative meaning. These synonyms have overlaps in meaning and the overlapped part may be large or small, but they are similar to each other in meaning (Zhou, 2002). For example, in “right, power and authority”, “right” is the basic meaning shared by three words though they are different in denotative meaning. This kind of coordination is considered as coordination with relative synonyms. There are some other examples such as “agree, contract and covenant”, “give, grant and convey”, “bear or suffer” and so on.

2.1.3 Coordination With Relevant Synonyms

Relevant synonyms refer to the words which have some relevance only in meaning. Strictly speaking, they are not synonyms or near synonyms. This kind of synonym coordination is to make legislative texts illustrate more precisely. In English legislative texts, this type of synonym coordination is pervasive, such as “applicant or applicants”, “is and was”. The words which are coordinated are not real or near synonyms, but they are the different forms or tenses of the same word. There are also other examples, such as “by and between”, “by or under” and “upon and from”, in which they are all prepositions and have no similar meanings, but they have the same functions in specific contexts. This type is different from the above two types, which is also worth studying.

2.2 Parts of Speech of Synonyms in Synonym Coordination

With regard to synonyms in synonym coordination, they can be nouns, verbs, adjectives, adverbs, prepositions, pronouns and conjunctions in English legislative texts, which are listed as follows:

- (a) Noun synonyms: e.g. “company or firm”, “charges, fees, costs and expenses”, “right, power or authority”.
- (b) Verb synonyms: e.g. “deem and consider”, “have and enjoy”, “give, devise and bequeath”.
- (c) Adjective synonyms: e.g. “fit and proper”, “just and equitable”, “final and conclusive”.

- (d) Adverb synonyms: e.g. “solely and only”, “fully and completely”.
- (e) Preposition synonyms: e.g. “by and between”, “save and expect”, “by or under”.
- (f) Pronoun synonyms: e.g. “each and every”, “all or any”, “any and all”.
- (g) Conjunction synonyms: e.g. “as and when”, “if and when”.

3. TRANSLATION OF SYNONYM COORDINATION IN ENGLISH LEGISLATIVE TEXTS

Synonym coordination is very pervasive in English legislative texts. The translation of synonym coordination is also a great challenge for translators. The following will analyze the translation of synonym coordination in English legislative texts based on Nida’s theory of functional equivalence and put forward the corresponding translation methods.

3.1 Nida’s Theory of Functional Equivalence

Nida is a famous and notable American translation theorist and linguist (Xie, 2008, p.36). He is honored as the father of modern translation theory in the west and regarded as the most influential one among all contemporary translation theorists (Newmark, 1993). His translation theory has been popular all over the world and has a profound impact on translation studies.

Nida’s major contribution to the field of translation is the theory of functional equivalence. Nida and Taber (1993) argue that “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” (p.12). The term “equivalent” emphasizes on the importance to reproduce the message of source language. It does not refer to absolute sameness and it is just relative. There are two ways that can obtain “equivalent effect”: the closest equivalent and the natural equivalent. Actually, “the closest natural equivalent” is “dynamic equivalence” in essence and it is just another way of expressing (Nida, 1964, p.166).

Nida substitutes functional equivalence for dynamic equivalence, because some translators always misunderstand the expression and consider that the essence of dynamic equivalence only emphasizes on the content of translation and ignores the form. Functional equivalence needs the equivalence of the information and content; at the same time, it also needs the equivalence of the form (Guo, 2000). Accordingly, Nida (1993) further classifies functional equivalence into two levels, namely, maximal level and minimal level. The maximal level of functional equivalence is defined as “one in which readers of a translated text should be

able to understand and appreciate it in essentially the same manner as the original readers did”; the minimal level is stated as “one in which readers of a translated text should be able to comprehend it to the point that they can achieve of how the original readers of the text must have understood and appreciated it” (Nida, 1993, p.118). The maximal level of functional equivalence rarely can be reached. Whereas, the minimal level of functional equivalence is practical, and at the same time, it is the minimum standard of translation. A good translation should balance well on the two levels.

The theory of functional equivalence has great theoretical values and practical significance on the legal texts, especially English legislative texts. Based on the nature of English legislative texts, the legal translators should keep the translated texts having equal effect of law with the source texts and ensure that they have the identical understanding and application. As a result, legal translators not only need to achieve the equivalence on the linguistic function but also the equivalence on the legal function. In other words, the target language has the same functions and effects with the source language.

3.2 Translation of Synonym Coordination

On the basis of the foregoing analysis, synonym coordination can be classified into three types. Hence, translation of synonym coordination will be discussed from these aspects based on Nida’s theory of functional equivalence.

3.2.1 Translation of Coordination With Absolute Synonyms

Though coordination with absolute synonyms is rare and infrequent in legal texts, this phenomenon is still existent. In English legislative texts, one word can express the meaning, but the makers of the law prefer to use two or more words which have the same meaning and put them together in order to seek for preciseness and faithfulness.

Example 1

... and any such condition shall be *null and void*: ...
任何该等条款均应是无效的:.....

The italics *null and void* are synonym coordination. The word *null* refers to “having no any legal force or binding force” in English-Chinese Dictionary of Anglo-American Law. And the word *void* means “of no legal validity or effect” in Black’s Law Dictionary and it also means “having no legal effect” in Oxford Dictionary of Law. In fact, *null* is a Latin word and *void* is a French word. They are both borrowed words and have the same meaning. The word *null* is often coupled with the word *void*. They are usually coordinated to express the meaning of invalidation.

According to Nida’s theory of functional equivalence, in order to reach the equivalence in law, when we translate them, we can use the method of “combination”,

so *null and void* can be translated into “无效的” in Chinese. It not only achieves the closest equivalence on the linguistic function but also makes the equivalence on the legal function. The receptors of the translated text can get the same understanding as the original receptors. To some degree, this embodies Nida’s minimal level of equivalence. For another example,

Example 2

...all covenants and agreements ... shall be *valid and effectual*...
所有公约和协定.....应是有效的.....

In this example, the expression *valid and effectual* is coordination with absolute synonyms. *Valid* and *effectual* have the same meaning. In English-Chinese Dictionary of Anglo-American Law, the word *valid* refers to “have legal force”, and the word *effectual* refers to “have legal efficacy or force”. Their conceptual meaning and affiliated meaning are the same in English legislative texts. Based on functional equivalence, it needs to achieve the equivalence of law and at the same time, it also needs to obtain the equivalence of information and content. The method of “combination” can be adopted here. Thus it can be translated into “有效的” in Chinese.

3.2.2 Translation of Coordination with Relative Synonyms

The coordination with relative synonyms frequently occurs in legislative texts on account of the nature of legislature language.

Example 3

...to confer on the grantee the sole right to *have and enjoy* the whole *profit and advantage*...
授予受让人享有全部收益的专有权.....

In this example, there are two pairs of synonyms: *have and enjoy* and *profit and advantage*. According to English-Chinese Dictionary of Anglo-American Law and Black’s Law Dictionary, the word *have* means “suffer from”, “go through” and “have or possess the right” etc. And the word *enjoy* means “have, possess, and use something with satisfaction”, “take pleasure in” and “have benefit from” etc. They all have the meaning of possession. In this sentence, they stress on their same meaning. In order to make the translation natural, we choose their same meaning. Here this translation method “combination” is used. Therefore this expression can be translated into “享有” in Chinese.

The expression *profit and advantage* also belongs to the coordination with relative synonyms. In English-Chinese Dictionary of Anglo-American Law and Black’s Law Dictionary, the word *profit* is explained as “the advantageous quality of being beneficial” and the word *advantage* means “to benefit resulting from some event or action”. Based on Nida’s theory of functional equivalence, we can use the method of “combination” and translate

them into “收益” in Chinese. It not only conveys the meaning of source texts but also meets the requirement of the law.

Example 4

...the Controller may, if the applicant so requests, grant the patent for the *improvement or modification* as a patent of addition.

.....申请人提出此要求的, 审计长可同意将改进或修改的专利作为补充专利。

This pair of relative synonyms is connected by the conjunction “or”. They convey the meaning “change or alteration”, but they are different from the above-mentioned relative synonyms. Example 3 emphasizes on the meaning of overlapping between words. However, Example 4 highlights some subtle differences between them. In English-Chinese Dictionary of Anglo-American Law and Black’s Law Dictionary, the word *improvement* mainly refers to “a change for the better”, especially, the change that increases its value or utility. But the word *modification* mainly refers to “the act of making something different”. Their semantic emphasis is different, and this pair pays more attention to the differences between words. According to Nida’s theory of functional equivalence, it requires not only the equivalence of the meaning but also the equivalence of law. So we use the method of “division” and translate it into the corresponding expression “改进或修改”。

3.2.3 Translation of Coordination With Relevant Synonyms

They are some synonyms which are not the synonyms or near synonyms. They just have the same functions in legislative texts. They usually appear in pairs with preposition to limit their relationships and make the legislative language more precise.

Example 5

...another specification published *on or after* the priority date of the claim...

.....公布在权利优先权日当天或之后的另一说明书.....

To some degree, the expression *on or after* does not have the same meaning. Though their meanings have no overlapping, the two words in this context express the limitation on the time, and their usage is identical. When describing the date, the law makers often put two or more similar words to increase the accuracy and formality. If the word *after* is used alone, it will give rise to ambiguity about the time. The word *after* only refers to “behind or in the rear” regarding the time, which does not explicitly point out the starting and ending time. It is easy for people to misunderstand the time. However, if the word *on* and the word *after* are combined together, it can make people fully understand and will not cause any confusion. Based on Nida’s theory of functional equivalence, we can adopt

the method of “division” to translate them into “当天或之后” in Chinese.

Example 6

Where a dispute arises between an employer and a person who *is or was* at the material time his employee...

凡雇主与一个人发生争议的, 而该人现在是或曾经是其员工.....

In Example 6, “is” and “was” are the variations of the verb “be”. The former is the present tense of “be”, and the latter is the past tense of “be”. Their basic meaning and function are the same except for the tense. This pair *is or was* is “used for the purpose of strictness of the legislative language. In order to have equal effects on law, we adopt the method of “amplification” to clearly transfer the meaning. Because they are different tenses of “be” and have slight differences in meaning, so we should add some words and translate it into “现在是或曾经是” for the purpose of equivalence. Then the receptors of the target language can understand it clearly.

Example 7

...that by reason of the refusal of the patentee to grant a *license or licenses* on reasonable terms...

.....由于专利权人拒绝以合理条款授予许可证.....

Example 7 is another example of relevant synonym coordination. The words *license* and *licenses* are not synonyms, but the different forms of the same noun. The word *license* is the singular form, and *licenses* is the plural form. They express the meaning “of a legal document giving official permission”. The basic meaning is the same though their forms are different. Based on Nida’s theory of functional equivalence, we should use the closest words to express. Therefore we can adopt the method of “combination” and translate it into “许可证” in Chinese.

Synonym coordination in legislative text has the function of emphasis and supplement, but the translation of synonym coordination is a complicated and arduous task. The theory of Nida’s functional equivalence is feasible and applicable in legal English translation, which provides a new theoretical framework for the legal translation from a macroscopic view. The translators can use the translation methods flexibly under the guidance of this theory and avoid being rigid and stiff.

CONCLUSION

This study explores synonym coordination in English legislative texts. The paper addressed the factors leading to the pervasiveness of synonym coordination and analyses the characteristics and classification of synonym coordination. It has been found that the pervasiveness of synonym coordination is attributed to the historical, rhetorical and legal factors. Synonym coordination

can be divided into three types: absolute synonym coordination, relative synonym coordination and relevant synonym coordination. Based Nida's theory of functional equivalence, the paper puts forward the corresponding translation methods for each type.

Compared with the studies on antonym co-occurrence (e.g. Jeffries, 2010; Jones et al., 2012; Davies, 2013), few studies have been made on synonym co-occurrence. This study is an attempt to delve into synonym coordination. It is hoped that it can shed further light on the study of synonym co-occurrence. Further detailed studies on the cognitive motivations of synonym coordination are needed to help us better understand and translate it.

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