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Who Speaks with Certainty? Translator Identity and Stance in Legal Classic Translations

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Abstract: This paper is a contrastive study of identity and stance in the English translations of the Chinese legal classics. Identity and stance are closely connected with a translator's certainty about the translation, which will influence the accuracy and validity of the target text. Drawing on the systemic functional linguistic framework, this research attempts to probe into the linguistics choices in legal classic translations. The study shows that the explicitness of epistemic stance correlates positively with the translator's legal expertise: legally trained translators are more likely to manifest their epistemic stance within the target text than their non-legally-trained counterparts whereas those without such backgrounds, though occasionally exhibiting high certainty, often achieve certainty through different strategies, such as domestication or simplification, which may entail risks of

Keywords: legal classic translation; systemic functional linguistics;translator identity, translator stance

I. Introduction

Translation is an important tool for overcoming language and cultural barriers, as well as a necessary means of facilitating cultural and economic exchanges. As an act of transforming cultural information, translation is itself a process of linguistic processing and re-creation. The translator, as the subject within the process of intralingual or interlingual translation, undergoes the narrative process from text to action. The translator re-narrates the work from their own perspective, inevitably infusing their personal linguistic style, intellectual cultivation, and understanding of the lifeworld into the act of telling. When translating legal texts, translators are generally not expected to adopt a subjective stance, as the primary concern remains the fidelity of the information (Wilss 1996). In practice, however, this ideal is rarely achieved, since translators seldom convey unadorned information without embedding subjective attitudes into their renditions (Kärkkäinen 2003). An examination of the translator's identity is a prerequisite for exploring the issue of subjectivity. Although debates within the translation studies community over the nature of the translation subject are endless, the objective existence of the translator's subjectivity remains an indisputable fact. The translator, as the most agentive factor, permeates the entire translation process from beginning to end.

Against the backdrop of China's deepening integration into the international community, legal classics constitute a vital gateway for presenting traditional Chinese legal culture to the world. Following the introduction and implementation of China's "Culture Going Global" strategy and the "Tell China's Story Well" initiative, Chinese legal classics, embodying the essence of the country's traditional legal thought and culture, have drawn growing scholarly attention. Translating Chinese legal classics contributes to the preservation and

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global dissemination of China's unique legal heritage. Works such as *The Tang Code*, *The Great Ming Code* and *The Qing Code* embody millennia of Chinese jurisprudence, philosophical reasoning, and governance models. By rendering these texts into accurate and culturally resonant English versions, researchers help prevent misunderstandings and misrepresentations. This, in turn, ensures that the international community can appreciate the depth, rationality, and humanistic spirit embedded in traditional Chinese legal thought, which differs substantially from Western legal traditions rooted in Roman law or common law systems. The study of these translations serves to correct long-standing imbalances in global legal historiography. For too long, the narrative of world legal history has been dominated by Western perspectives, with non-Western legal traditions often marginalized or exoticized. Rigorous research into English translations of Chinese legal classics provides the raw material for comparative legal studies, enabling scholars worldwide to identify both convergences and divergences in legal reasoning, institution-building, and conflict resolution across civilizations. Such comparative work not only enriches the theoretical foundations of jurisprudence but also fosters genuine pluralism in the understanding of what law means and how it functions in different cultural contexts. Translation research in this field enhances China's cultural soft power and supports its proactive engagement in international legal affairs. As China plays an increasingly influential role in international organizations, trade disputes, and global governance reform, foreign legal experts and policymakers are keen to understand the cultural and philosophical underpinnings of China's contemporary legal practices. Many principles now embedded in Chinese law, such as mediation, harmony-oriented dispute resolution, and the subordination of individual rights to collective social welfare, have deep roots in classical legal texts. Accurate translation and careful scholarly analysis make these connections visible, thus promoting mutual trust and reducing friction in cross-jurisdictional interactions. As a result, their translation into English has become an increasingly prominent area of research.

Probability, as an epistemic stance marker, reflects the translator's degree of commitment to the truth value or reliability of a proposition. In the context of translating Chinese legal classics, texts that are often prescriptive, principled, and deeply rooted in specific historical and philosophical frameworks, probability markers (such as may, might, could, perhaps, likely, possible) serve as subtle yet powerful indicators of how translators navigate between authoritative source texts and target-language interpretive norms. Unlike modern legal documents that typically favor categorical assertions to ensure unambiguous applicability, many Chinese legal classics exhibit a blend of moral exhortation, conditional reasoning, and context-sensitive adjudication. Consequently, when rendered into English, the addition, omission, or modulation of probability markers can significantly alter the perceived force, certainty, and applicability of legal rules or ethical principles embedded in the original.

By systematically examining probability markers across multiple English translations of representative Chinese legal classics, this study aims to uncover patterns of epistemic positioning. Special attention will be paid to how translators render modal expressions in the source text that deal with hypothetical judgments, graded penalties, or discretionary rulings. Do translators systematically upgrade epistemic certainty (e.g., turning a tentative classical suggestion into a firm English declarative) or downgrade it (e.g., softening an authoritative command into a polite recommendation)? Such choices are rarely arbitrary; they reflect the translator's professional habitus, their assumptions about the target readership's legal expectations, and their negotiation of tensions between fidelity to the source and accessibility for the target audience.

II. Literature Review

The earliest English translation of a major Chinese legal code is that of *The Great Qing Code* (Da Qing Lü Li), completed by George Thomas Staunton. This translation was praised for its clarity of language and substantive richness (Hu & Dong 2020). Subsequently, in 1979, Wallace Johnson produced an English rendition of *The Tang Code (Tang Lü Shu Yi)*. William C. Jones retranslated *The Great Qing Code* in 1994. More recently, the Chinese-American sinologist Jiang Yonglin completed his translation of *The Great Ming Code (Da Ming Lü Li)* in 2005. The English translations of *The Great Qing Code* by Staunton and Jones, Johnson's The Tang Code with Commentaries, and Jiang's *The Great Ming Code* are widely regarded as seminal works in the study of the translation of Chinese legal classics into foreign languages. These works have been described as exceptionally brilliant achievements, akin to “resplendent pearls” in the field (Qu & Wan 2019).

Academic interest in this area centered around the specfic laws and regualtions translation. Geoffrey (1983) translated a number of articles from The Tang Code with Commentaries, contributing to early access to specific provisions of the code. Janet (1996), in her review of William Jones’s translation of *The Great Qing Code*, argued that the work effectively reflects the legal landscape of Qing Dynasty China and serves as a vital source for understanding ancient Chinese legal culture. Liu (2009) investigated the English translation of culture-specific terms within *The Tang Code* translation. Zhao (2012) advocated for a historical perspective when examining the translation of Chinese legal classics. Xiong (2016, 2018) conducted an analytical study of the legal terminology found in *The Great Qing Code*, raising the important question of whether the cross-cultural communicative effectiveness of these legal classics remains satisfactory. Qu & Wan (2019) has provided a critical analysis of the motivations behind Staunton’s translation of *The Great Qing Code* and assessed its historical position within the broader context of translating Chinese legal classics. Hu and Dong (2018) emphasized the enduring value of the English translation of *The Great Qing Code* and called upon the academic community to re-evaluate this translation. Liu (2021, 2022, 2023a, 2023b) probed into George Jamieson’s translation of The Qing Code and its influence in Hong Kong courts.

Recent studies gradually pay special attention to the historical significance of the translations of Chinese legal classcis (Qu 2019, Dong & Zhang 2021, Dai, Huang & Zhao 2023, Hu 2023). For example, Qu (2019) further argued that the translation activities of legal classic translators are significantly constrained by their specific translation goals and motivations. Hu (2023) adopts an inductive method and employs philosophical analysis to examine the essential characteristics of legal classics translation research in China. It identifies the existence of “three major paradigms” in current Chinese legal classics translation studies.

Despite these important contributions, the existing body of research reveals several persistent limitations. First, the vast majority of studies remain descriptive or evaluative, often focusing on individual translators’ motivations, strategies, or the historical reception of a given translation. There is a notable lack of comparative or systematic empirical research that examines how these translations differ from one another in terms of linguistic, pragmatic, or epistemic choices, particularly choices that affect the perceived validity and authority of the legal information being conveyed. Second, while scholars have acknowledged the importance of cultural and terminological accuracy, few studies have investigated the epistemic or epistemic stances embedded in these translations, such as how translators express certainty, probability, or commitment to the legal propositions found in the original Chinese codes. This gap is particularly significant in legal translation, where even subtle shifts in epistemic modality can alter the binding nature or interpretative scope of a legal provision. Third, the question of how translators handle epistemic stance has received some attention in the context of traditional Chinese legal translation, but no equivalent systematic inquiry has been conducted for legal translation. Legal texts, like medical texts, involve high-stakes claims about rules, obligations, and prohibitions, and the translator’s subjective evaluation of the certainty or applicability of a legal rule can have profound consequences for cross-jurisdictional understanding and legal practice.

While the English translations of the major Chinese legal codes by Staunton, Jones, Johnson, and Jiang constitute monumental achievements in cross-cultural legal translation, the scholarly understanding of these works remains fragmented and incomplete. Most existing research approaches these translations from a historical or review-oriented perspective, with insufficient attention to the systematic, linguistic, and epistemic patterns that characterize the translators' epistemic stances. Furthermore, the crucial question of how translators' professional backgrounds, particularly legal versus non-legal training, shape their epistemic choices has been almost entirely neglected. Addressing these gaps requires a new generation of empirical research that combines legal translation studies with epistemic modality analysis and comparative legal scholarship. Only through such systematic inquiry can the field move beyond isolated case studies and book reviews toward a more rigorous and cumulative understanding of how Chinese legal classics have been, and should be, translated for an international audience. The present study aims to take a first step in this direction by investigating the epistemic stances encoded in the English translations of legal statements by translators with different professional expertise, and by exploring the possible reasons for the systematic patterns of variation observed.

III. Epistemic Stance

3.1 Epistemic Stance in Linguistics

Research on epistemic stance across various linguistic sub-disciplines has primarily unfolded along three pathways, each with its own focus yet mutually complementary, jointly constituting a descriptive framework for epistemic stance in linguistics. The first pathway is the modality system, representing the most classic research approach. Modality concerns the speaker's degree of commitment to the truth value of a proposition or the likelihood of an event occurring. It encompasses epistemic modality, deontic modality, and dynamic modality. In his semantic classification of stance, D. Biber (1999) explicitly identifies epistemic stance as one of three major semantic categories and further identifies its grammatical realizations, including stance adverbials (e.g., "probably"), modal verbs (e.g., "must," "may"), and stance complement clauses (e.g., "I think that…"). The modality system captures a core dimension of epistemic stance, the speaker's degree of certainty regarding their utterance, and provides researchers with quantifiable, explicit linguistic features through its highly grammaticalized marking system.

However, the modality system primarily focuses on the dimension of "certainty," inadequately addressing two other equally important dimensions: "information source" and "evaluative attitude." This has led to the development of the second pathway: the evidentiality system. Evidentiality specifically concerns the speaker's source of knowledge, whether it comes from first-hand direct experience, second-hand reported information, or speculation and hypothesis (Haan 1999, Squartini 2004, Peterson 2010). This dimension is particularly crucial for the translation of legal classics: how a translator presents the source of legal knowledge in the original text (whether derived from the authoritative pronouncements of sages or from legal reasoning based on the ritual system) directly reflects the translator's epistemic stance towards the epistemic status of the original work. The third pathway is the Appraisal System, systematically constructed by Martin & Peter (2003) within the framework of Systemic Functional Linguistics. The Appraisal System focuses on all linguistic resources speakers/authors use to express value judgments, emotional reactions, and stance negotiation in discourse, comprising three subsystems: Attitude, Engagement, and Graduation. Compared to the previous two pathways, the unique contribution of the Appraisal System lies in its understanding of epistemic stance as an act of audience design: the speaker not only expresses their own stance but also presupposes and attempts to guide the listener's stance in response. This trend is prominent in pragmatic functions of epistemic stance (Bongelli et al. 2018; González et al. 2017; Handford 2010; Vázquez and Giner 2008). These three pathways, the "certainty gradient" of modality, the "knowledge source" of evidentiality, and the "intersubjective orientation" of the Appraisal System, together constitute a three-dimensional toolkit for analyzing epistemic stance in linguistics.

3.2 Epistemic Stance in Translation Studies

Integrating linguistic resources into translation studies requires a crucial theoretical shift: moving from the epistemic stance of the "general language user" to that of the "translator as a special reader and a special author." This study operationally defines a "translator's epistemic stance" as follows: the systematic orientation held by a translator during the translation process regarding the degree of certainty about knowledge, tendency of value judgments, and manner of subjective engagement when confronting the source text and the target reader, an orientation realized through the translator's linguistic choices and paratextual acts. It must be emphasized here that a translator's epistemic stance differs from that of an ordinary reader. This is because the translator not only needs to comprehend the source text and form their own epistemic judgments but must also convert these judgments into systematic choices in another language. In other words, the translator's epistemic stance is the unity of a "comprehension stance" and a "production stance": the former involves the translator's interpretation and judgment of the source text's semantics, pragmatics, and cultural connotations; the latter concerns how the translator re-positions themselves regarding the translated content in the target language. Different epistemological choices have a significant impact on the validity of information and may jeopardise the reliability of a text, thereby jeopardising effective communication (Cornillie 2009; Strømsø et al. 2011). The specificity of legal classics translation lies in the dual attribute of the source text itself, it is both a historical document and a legal text that once held normative force, which forces the translator to make fundamental choices among different epistemic orientations such as "legal positivism," "historical-hermeneutics," and "reader adaptation."

Building upon this foundation, this study further decomposes the "translator's epistemic stance" into three analytical dimensions accessible for observation and measurement. The first is the dimension of certainty commitment: this refers to the degree to which the translator presents translated information in an assertive manner, manifested through choices in modal verbs, adverbs of certainty (e.g., "must," "may"), and sentence structures. The second is the dimension of knowledge attribution: this refers to how the translator attributes the knowledge content of the source text to a specific epistemic agent, whether by obscuring the agent to present it as objective legal provisions (minimizing translator intervention), highlighting the original author or historical-cultural context as the knowledge source (strengthening historical attribution), or explicitly revealing the translator's own interpretive judgment (foregrounding translator stance). The third is the dimension of intersubjective positioning: this refers to the extent to which the translator considers and guides the target reader's epistemic response, manifested through the quantity and function of paratexts (notes, prefaces, appendices), the choice between foreignization and domestication strategies for terminology, and the explicitation or simplification of culture-specific concepts in the source text. These three dimensions are not independent of each other but are interrelated, jointly constituting the way a translator leaves “traces” in the text, traces that serve as empirical evidence of the translator’s epistemic stance. By decomposing the abstract concept of “stance” into observable linguistic and paratextual features, this study enables a systematic comparison and attribution of translation differences among different translators in subsequent chapters.

IV. The Translators’ Epistemic Stances in Translating Legal Classics

The part conducts a comparative analysis of translators’ epistemic stances in translating *The Great Qing Code*, *The Tang Code* and *The Great Ming Code*.

4.1 George Thomas Staunton：The Pragmatic Intermediary

George Thomas Staunton was one of the most capable intermediaries in British-Chinese relations during the early 19th century. He travelled to China with his father at a young age and studied Chinese systematically in places such as Guangzhou, becoming one of the few British men capable of communicating directly with Qing officials in Chinese. This linguistic ability enabled him to play an irreplaceable role within the East India Company and, later, in diplomatic negotiations (Hou 2009).

Stanton’s pragmatic approach was evident in his profound understanding of the legal and cultural differences between China and Britain. Rather than attempting to judge the Chinese system simply by British standards, he strove to find practical points of convergence between the two legal systems. For instance, the English translation of *The Great Qing Code*, which he helped to translate and compile, was not merely an academic achievement but also a practical tool providing a guide for British merchants and diplomats.

Although Stanton politically supported British expansion into China and even adopted a hardline stance in the subsequent debates surrounding the Opium War, his role as a mediator in cross-cultural engagement cannot be overlooked (Zhao 2012a, 2012b). Through his practical work, he demonstrated the tangible value of linguistic proficiency and cultural knowledge in diplomacy and trade, whilst also establishing a pragmatic professional model for future sinologists and translators.

Stanton’s epistemic stance is primarily manifested as a highly pragmatic ‘outcome-oriented stance’. In translating *The Great Qing Code,* he did not position himself as a purely academic translator or legal theorist, but rather as a provider of practical guidance for British merchants and diplomats. Faced with the core concepts of ‘Lü’ (Law) and ‘Li’ (Precedent), he did not seek absolute terminological equivalence, but instead translated ‘Lü’ as ‘statute’ and ‘Li’ as ‘precedent’ or ‘subsidiary regulation’. The logic behind this choice was that he judged his target readers did not need to understand the essence of Chinese legal concepts, but rather needed to know how to identify rules with stable legal force in practical dealings. This represents a typical ‘reader-adaptive’ approach, where the resulting stance prioritises practical communicative efficiency.

Stanton was by no means unaware of the complexity of the Chinese legal system. His treatment of the five punishments, ‘flogging, caning, hard labour, banishment and death’, clearly illustrates this: rather than seeking simple equivalents in Western penal terms, he adopted a descriptive approach to translation, for instance rendering ‘流’ as ‘banishment to a distant place’, whilst noting the similarities and differences with the British punishment of banishment. This indicates that his ‘understanding stance’ had already recognised the cultural specificity of the Chinese penal system, yet his ‘output stance’ opted for a compromise, neither creating a sense of alienation that would unduly disrupt the reader’s experience, nor completely erasing the differences. Unlike a strictly legal positivist approach, Stedman did not endeavour to precisely reproduce the normative meaning of legal provisions; nor, unlike a historical hermeneutic approach, did he seek to uncover the internal logic of these provisions within the Qing legal system. His epistemic stance was that of a ‘practical intermediary’: taking the practical needs of the target readership as the ultimate criterion, he determined which information required translation, which required explanation, and which could be omitted.

Furthermore, Stanton’s annotations regarding provisions pertaining to imperial authority further attest to his conscious control over the ‘subjective mode of engagement’ within his ‘output stance’. He translated ‘imperial edict’ as ‘imperial rescript’ rather than ‘decree’, and in footnotes reminded readers that certain provisions were not universally applicable but were directed at specific groups. Such annotations were not academic historical interpretations, but rather precautionary practical guidance. It may be said that Stedman’s epistemic stance constitutes a sub-type of the ‘reader-adaptive’ approach, namely, the ‘pragmatic guidance’ type: his certainty regarding judgement is highly concentrated on the proposition of ‘how the British ought to behave’, whilst he adopts a utilitarian, non-scrutinising attitude towards the certainty of knowledge regarding Qing law itself.

4.2 William C. Jones: The Comparatist Legal Scholar

William C. Jones is a leading scholar whose research on traditional Chinese law adopts a comparative legal perspective. Rather than merely providing descriptive translations of Chinese legal texts, he is committed to analysing Chinese law within the framework of global legal history (Su 2003, 2007). By comparing the similarities and differences between Roman law, common law and the Chinese legal code system, he seeks to reveal the diverse approaches adopted by different civilisations in addressing common social issues.

Jones’s research focuses in particular on the ‘non-Western’ characteristics of Chinese law, such as the encroachment of administrative power upon judicial processes, the close link between law and morality, and the state’s active shaping of social relations. He points out that Western concepts of the rule of law cannot be directly applied to Chinese history, but this does not imply that China lacks a sense of order and rules. On the contrary, China has developed a pragmatic legal system centred on the bureaucratic apparatus.

As a scholar of comparative law, Jones cautioned later researchers against two extremes: firstly, blindly venerating the particularities of Chinese tradition to the point of rejecting comparative analysis; and secondly, using Western standards to disparage the ‘imperfections’ of Chinese law. His work facilitated the transition of legal Sinology from mere textual translation to theoretical dialogue, establishing the study of Chinese legal history as a vital component of the discipline of comparative law.

The most striking feature of Jones’s epistemic stance was his rigorous insistence on ‘definitive judgements’. As a comparative law scholar, he maintained that the primary task of translation was to accurately represent the normative structure of the Chinese legal system, rather than to make Western readers feel comfortable or familiar. Taking the translation of ‘刑部’ as an example, he rejected the use of ‘Ministry of Justice’ and insisted on ‘Ministry of Punishments’, on the grounds that the latter accurately reflected the actual functions of that institution within the Qing legal system. This choice embodies a quintessential legal positivist approach: the translation of legal terminology must be guided by the provisions of the legal system itself, rather than by reference to functionally similar institutions in the target language. Within his ‘understanding stance’, the judgement of ‘what the Qing legal system actually was’ takes precedence over all other considerations.

However, Jones’s epistemic stance is not purely legal positivism, but incorporates a comparative dimension of historical hermeneutics. His analysis of the translation of the character ‘奸’ serves as clear evidence of this: he does not content himself with simply translating it as ‘adultery’, but, through extensive notes, explains that

'奸' in Qing law encompassed multiple types, and that punishments varied according to the victim's status. More importantly, he explicitly points out that Western readers are prone to confounding this concept with sexual sin in Christian morality, whereas the substance of concern in Qing law was the disruption of social hierarchy and family order. Here, the 'interpretive stance' goes beyond simple word-for-word correspondence to engage with the social functions and cultural logic underpinning the law. His 'output stance', meanwhile, manifests as a dual-layered structure of 'translation plus comparison': the translation itself maintains the precision of legal positivism as far as possible, whilst the annotations engage in a dialogue of comparative law.

Jones's treatment of 'crime' and 'merited punishment' best illustrates the intrinsic coherence of his epistemic stance. In his translation, he avoids using 'crime' as a uniform equivalent for '罪', opting instead for 'offence', 'liability' or 'wrongful act' in different contexts. This choice is not arbitrary, but based on his definitive assessment of the 'base penalty plus adjustment for aggravating circumstances' model in Chinese law. He believes that to obscure this characteristic by applying a single, uniform Western concept would run counter to the fundamental purpose of comparative legal research. It can be said that Jones's epistemic stance can be summarised as a dual approach of 'positivism as a priority, supplemented by comparison': he applies the standards of certainty inherent in legal positivism to his 'understanding stance', whilst incorporating the comparative dimension of historical hermeneutics into his 'output stance', thereby making the act of translation itself an integral part of comparative legal research.

4.3 Wallace Johnson：The Scholarly Annotator

Wallace Johnson's unique standing within Western Sinology stems largely from his meticulous collation and annotation of Chinese legal texts. Rather than merely translating legal codes such as *The Tang Code*, he devoted considerable effort to providing historical context, terminological analysis and case references for each provision (Liu 2009). This scholarly approach to annotation enables readers to look beyond the literal meaning and understand the actual function of law within ancient Chinese governance.

Johnson's annotation work reflects a profound humility towards the text: he acknowledges that no translation can fully capture the legal and cultural context of the original, and thus uses his annotations to continually supplement information, clarify ambiguities and highlight points of contention (Liu & Wang 2008). His seminal works include extensive discussions of key terms such as 'law', 'decree', 'code' and 'form', helping non-Chinese readers to grasp the hierarchical relationships and evolutionary connections between these concepts.

The most distinctive feature of Johnson's epistemic stance lies in his open acknowledgement and systematic management of 'uncertainty'. Unlike Stedman, who sought practical efficiency, and Jones, who sought normative certainty, Johnson repeatedly emphasised in his own translation work that no translation can fully restore the legal and cultural context of the original text. This attitude of intellectual humility is, in fact, a highly conscious 'stance of understanding', when confronting *The Tang Code*, a text that possesses both the attributes of a historical document and a history of normative authority, he made a fundamental epistemic choice: to prioritise understanding *The Tang Code* as a historical text rather than as valid law. Consequently, his translation is guided by a 'historical hermeneutics' approach, focusing not on informing the reader of 'how Tang-dynasty law was formulated', but rather on 'how the meaning of Tang-dynasty legal provisions was understood within their historical context'.

Johnson's translation of the title 'Dou Song' is a prime example of this stance. He devotes considerable space to discussing the classificatory logic of 'dou' and 'song' within the Tang legal system, rather than rushing to provide a concise translation. The epistemic logic behind this approach is that the translation of the title is not an end in itself; the aim is to use the translation process to guide the reader into the classificatory framework of Tang law. At the level of the 'output stance', he adopted a strategy whereby 'annotation takes precedence over the translation': whilst the translation itself strives for plainness and accuracy, the real work takes place in the annotations. This strategy implies a high degree of self-awareness regarding his identity as a 'translator-as-author', he is not merely translating a legal code, but constructing an academic interpretative text concerning that code.

As for regulation "虽会赦，犹除名" , he consistently translates the 'though…yet…' structure as 'even if…still…', adding a note to explain that this construction serves, in Chinese legal language, to establish 'exceptional treatment under hypothetical premises'. The key point here is that he refuses to weaken this logical structure for the sake of fluency in the translation, as he judges that this structure is of essential significance for understanding the power of pardon in the Tang dynasty. In this sense, Johnson's epistemic stance constitutes a form of 'hermeneutic positivism': whilst he treats textual details with the rigour demanded by legal positivism, he organises the entire translation project within the framework of historical hermeneutics. His definitive judgements are concentrated at the semantic and syntactic levels of the text, whilst he maintains an open and cautious approach at the level of cultural interpretation.

4.4 Yonglin Jiang：The Cultural Interpreter

As a contemporary scholar, Jiang Yonglin's research approach differs markedly from that of earlier translators and comparative legal scholars. He is not content merely to describe 'what' Chinese law is, but seeks to explain the cultural logic and worldview underlying Chinese legal concepts (Dong & Zhang 2021). In his seminal works, such as his study of legal thought during the Yuan dynasty, Jiang Yonglin focuses in particular on how the law of that period reflected the fusion of nomadic and agrarian civilisations, and the impact this fusion had on the character of Chinese law in subsequent generations.

As a cultural interpreter, Jiang Yonglin is adept at employing anthropological and conceptual historical methods. He has demonstrated that legal terms in China often carry complex meanings encompassing morality, cosmology and political order, and cannot simply be translated into Western legal concepts. For instance, his analysis of the relationship between 'Tianli' (the Way of Heaven), 'Renqing' (human sentiment) and 'Guofa' (state law) reveals a Chinese normative system that differs from the binary opposition between natural law and positive law.

Jiang Yonglin's work also serves to bridge the gap between academia and the general public. Whilst maintaining a commitment to writing in English, he strives to help non-specialist readers grasp the intrinsic logic of China's legal tradition. He opposes the mystification or exoticisation of Chinese culture, instead rendering this distinct legal tradition accessible and open to dialogue through rigorous interpretation. This role as a cultural interpreter is particularly significant in the exchange of legal ideas between the East and West in the age of globalisation.

The most significant distinction between Jiang Yonglin's epistemic stance and those of the three aforementioned scholars lies in the fact that he regards translation itself as a form of cultural interpretation, rather than a mere linguistic conversion. His 'understanding stance' consistently revolves around a single question: within what cultural worldview can this Chinese legal concept be fully understood? In translating the term '断事官', he rejected ready-made equivalents such as 'judge' or 'magistrate', proposing instead the more complex rendering 'imperial jurisdictional commissioner'. The epistemic judgement behind this choice is that if a translation employs a term that is superficially fluent but actually misleading, it becomes a producer rather than a reducer of cultural misunderstanding. His understanding of 'certainty' is distinctive, he seeks not the English word that is 'most accurate', but rather the interpretation that can most effectively transform the reader's fundamental understanding of Yuan Dynasty Chinese law.

Jiang Yonglin's analysis of the translation of the term 'tianli' fully reflects his conscious theorisation of his own epistemic stance. He criticises both 'natural law' and 'heavenly principle' as flawed translations: the former is overly Westernised, imposing the rationalist and individual rights presuppositions of the natural law tradition onto the Chinese context; the latter is overly mystified, leading Western readers to mistakenly believe that Chinese law relies on unknowable supernatural forces. The alternative he proposes is an explanatory phrase, 'the cosmic order as understood in Confucian terms', accompanied by extensive specialised discussion. In this instance, Jiang Yonglin's 'output stance' exhibits a distinctive characteristic: he is willing to make the translation verbose, or even less like a 'translation', in order to prioritise ensuring that the target audience is provided with the correct cultural framework. This represents a critical stance of cultural interpretation, underpinned by a clear 'value judgement bias', he judges the value of 'cultural understanding' to be higher than that of 'translational fluency'.

Jiang Yonglin's treatment of the term 'qukou' further demonstrates how he integrates translation strategies with epistemic stances. He rejects the use of 'slave', proposing instead 'war-bonded dependent', and employs this translation consistently throughout the book. The "understanding stance" underpinning this choice is based on his in-depth analysis of the social structure of the Yuan dynasty: the legal status of qukou, rules of inheritance, property rights and other aspects differed fundamentally from those of ancient Roman or American slavery. His "output stance", meanwhile, manifests as a strategy of "terminological reconstruction", not seeking an equivalent term, but creating a new translation, and rendering it comprehensible through consistent use throughout the book and case studies. It can be said that Jiang Yonglin's epistemic stance constitutes an 'interpretative reconstruction': he not only translates texts but also seeks to create a new category of understanding within the cultural system of the target language. In this sense, he goes a step further than Johnson, moving from historical hermeneutics towards cultural constructivism.

V. Conclusion

Through a systematic analysis of the cognitive stances of four translators of legal classics, George Thomas Staunton, William C. Jones, Wallace Johnson and Yonglin Jiang, this study reveals the intrinsic link between the translator's identity and the cognitive stance adopted in the translation of legal texts.

The study demonstrates that different translator identities lead to different types of cognitive stances, which in turn influence the translation strategies, discursive modes and reader orientation adopted in the translation of legal texts. As a 'practical mediator', Staunton's cognitive stance was distinctly pragmatic within a colonial context, with his translation practice focusing on the practical needs of information transfer and legal comparison; as a 'comparative law scholar', Jones tended to examine Chinese legal texts from a comparative law perspective, and his translations were characterised by a strong intent towards academic interpretation and the construction of a theoretical framework; Johnson, as an 'academic annotator', emphasises the reconstruction of textual details and historical context; his cognitive stance manifests as a high degree of respect for the authority of the original text and a cautious interpretation thereof; Jiang Yonglin, as a 'cultural interpreter', focuses more on the cultural connotations and contemporary significance within legal texts; his stance is characterised by dialogue and mutual cultural understanding.

Overall, 'certainty' in the translation of legal texts is not a one-dimensional measure of fidelity, but rather a cognitive stance adopted by the translator under the combined influence of their identity, academic tradition and cultural perspective. The cognitive stances exhibited by different translators reflect not only their differing understandings of the nature of legal texts, but also the diverse pathways of knowledge construction in the process of cross-legal-cultural transmission. Consequently, when evaluating the quality and value of translations of legal texts, it is inadvisable to measure 'certainty' against a single standard; rather, a more multidimensional and dynamic analysis should be conducted, taking into account the translator's identity and cognitive stance.

Future research could further explore the relationship between the translator's cognitive stance and reader reception, as well as the effectiveness of legal discourse dissemination, and examine the evolution of different cognitive stances within the same translator across different periods, thereby deepening our understanding of the essential characteristics of legal translation.

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