Reconstructing Cultural Identity via Paratexts: A Case Study of the English Translation of *The Great Ming Code*

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Abstract

Negotiations of cultural identity take place not merely within cross-cultural communication endeavors, but also in the realm of translational acts. The recognition that the translation process encompasses both two linguistic systems and two distinct cultural traditions underscores the significance of translation as a pivotal tool for fostering cross-cultural understanding and communication. This study, drawing on paratexts theory, investigates how the translator has reconstructed aspects of Chinese legal culture in the English translation of *The Great Ming Code*. It further highlights the pivotal role of translation in fostering intercultural dialogue, with a specific emphasis on how the translation of Chinese legal classics facilitates the reshaping of Chinese national and cultural identity within the broader framework of globalization.

Key words: Cultural Identity; Paratexts; Translation; Chinese Legal Culture; Intercultural Dialogue; Globalization

1. INTRODUCTION

Influenced by factors such as the source text, translation purpose, and the temporal and spatial context of translation, the translator's identity exhibits dynamism and multiplicity in specific translation acts. Translation is a communicative process that unfolds within a social context. Consequently, the translator, who occupies a unique social role, inevitably serves as a mediator between text producers and receivers. This position carries inherent power dynamics, leading the translator to confront conflicts of interest and resolve tensions based on their own understanding of their role within their culture (Lefevere, p.1992). As Lü & Hou (2001) elucidate, translation involves the transfer of ideas across cultures, thereby nurturing an interactive relationship among translation, power, and ideology. Whether consciously or not, translators invariably adhere to certain norms and are not neutral; rather, they play a dual role in the translation process due to the influence of ideology and power. On one hand, the translator's power represents the source culture, prompting adherence to its norms and facilitating the introduction of foreign culture into the target culture. On the other hand, this power is also reflected in the target language and influences readers' reception. Similarly, through a detailed analysis of the English version of The Great Ming Code, we can gain insight into how the translator manifests their discursive construction and becomes familiar with another culture, society, or ideology. The Great Ming Code plays a pivotal role in advancing Chinese culture and bolstering cultural soft power. It is widely acknowledged that the English translation of Chinese classics, particularly legal classics, has yet to evolve into a mature discipline with a scientific system. Consequently, there is an urgent need for scholars to reassess the English translation of The Great Ming Code, thereby facilitating the projection of Chinese culture onto the global stage.

2. TRANSLATOR'S IDENTITY

The cognitive process of translator identity has evolved incrementally throughout the history of translation

studies, transitioning from being perceived as "the servant of the author" (Bentley, et al. 1985, p.58), "the imitator" (Robinson, 2001, p.3), to "the evaluator and communicator of language" (Chen, 2011, p.121). This significant shift in the positioning of translator identity underscores the multifaceted nature of translator roles, conferring greater agency and importance upon the translator as a subject.

Cultural identity refers to the self-image recognized by an individual, a collective, or a nation in comparison with others, other groups, or other nations. The core of cultural identity lies in values or value systems. At the macro level, cultural identity encompasses national identity and ethnic identity; at the micro level, it pertains to an individual or group formed on the basis of various factors such as geography, occupation, gender, age, and class. Cultural identity involves issues of power relations, namely, who defines, who sets the standards, and who is described and defined, hence it is also termed identity politics. Hall (1992, pp.277-278) emphasizes the role of power in identity formation: "The 'unity' claimed by 'identity' is actually constructed within the game of power and exclusion, and thus the result is not a natural, inevitable, or original whole, but a process of 'cultural' incorporation and overdetermination". Postcolonialism opposes a dualistic and essentialist view of identity, emphasizing the shaping role of power in cultural identity. As Said (2003, p.247) points out, identity "is never a static thing but is, to a considerable degree, an artifact of history, social scientific and political processes, like a contest involving diverse individuals and institutions". In short, the construction of identity is closely related to the operation of power in every society and is therefore far from being a purely academic fancy.

An individual's cultural identity inevitably influences their behavior. Identity is related to meaning and value, and thus there exists a fundamental connection between identity and orientation. In other words, knowing one's identity entails making one's own orientational choices within the moral space. As a bridge for communication between different cultures, a translator's cultural identity is bound to be influenced by two or more distinct cultures. In his book *Approaches to the History of Translation*, Pym (2007, pp.182-183) uses the term "interculture" to refer to the ideas and behaviors that intersect or overlap between different cultures, where people integrate elements from two or more cultures simultaneously. "Interculture" differs from "multiculturality", which refers to the presence of multiple cultures within a social or political unit, and it also distinguishes itself from "cross-cultural transfer". Translators do not solely belong to the target language culture or the source language culture, but rather to the overlapping or intersecting sections of these two cultures. Translators can be regarded as members of interculture or as possessing a certain degree of interculturality.

The translator's cultural identity is a multifaceted and intricate construct that significantly influences their translation practices and interpretations. It encompasses not only the translator's personal background and upbringing but also their social, educational, and professional experiences. Firstly, the translator's cultural identity shapes their understanding and perception of the source and target texts. As they engage with the texts, their cultural background and biases influence how they interpret the meanings, nuances, and cultural references embedded within. This can lead to variations in translation styles, with some translators opting for a more literal approach that preserves the original cultural flavor, while others may prefer a more adapted version that resonates better with the target audience. Secondly, the translator's cultural identity also plays a crucial role in their decision-making process during translation. It determines the level of cultural adaptation or preservation they choose to employ. For instance, when translating idioms, slang, or cultural-specific references, the translator must decide whether to retain the original form and provide explanations or to replace them with culturally equivalent expressions in the target language. This decision is often guided by their own cultural identity and their understanding of the target audience's cultural background and expectations. Furthermore, the translator's cultural identity can also impact their communication style and relationship with the clients or stakeholders. A translator who shares a similar cultural identity with their clients may establish a more rapport-based relationship, facilitating smoother communication and collaboration. Conversely, a translator from a different cultural background may face challenges in understanding and meeting the clients' expectations, which can affect the quality and outcome of the translation project.

The translator's cultural identity is a significant factor in translation studies, as it influences their interpretation, decision-making, and communication processes. By acknowledging and understanding this identity, researchers and practitioners in the field can better appreciate the complexities involved in translation and the role that cultural identity plays in shaping translation practices.

The translator's identity and roles are closely related with the value and significance of translation. The identity and roles on which a translator bases his or her translation will affect the acceptance of the translation. Tan (2011, p.120) distinguishes the "primary identity" and "secondary identity". The translator is an independent individual who belongs to the society, apart from those who are engaged in other professions, and his responsibility is to transform two different languages, in short, the translator is the one who translates the languages, and this is the translator's "primary identity". Translators are social beings who are naturally exposed to various social factors, inclusive of the purpose of translation, translation norms and the culture and ideology of the target language. Therefore, the translator is in interaction with society, which constitutes

the translator's "secondary identity". The "secondary identity" is also named as "social roles" with implicit and variable characteristics. The translator's various roles will be displayed at the same time so as to reach certain specific objectives, underlining divergent translation strategies in the same translation (Baker 2003). Holtz Mantari puts that the translator may fulfill multiple roles simultaneously (Xie 2008). Tan (2011) illustrates that the translator only embodies one identity, and assumes multidimensional identities under specific circumstances. Zhou (2014: 21) thinks that "the translators' identity is the linguistic behavior with regard to the language conversion and the translator's role is the social feature as a human highlighted by the translator in the translation process. Feng (2018) points out that translator's roles include the fundamental role and other roles in which the former is a multilingual communicator while the latter is defined based on the society, other translation subjects and translation tools.

3. PARATEXT THEORY AND ITS SIGNIFICANCE IN TRANSLATION STUDIES

With the cultural turn in translation theory, the scope of translation studies continued to broaden. Beyond focusing solely on the text itself, the perspective of translation studies also shifted to consider extratextual elements related to translation, such as translation reviews, translators' letters, interviews, speeches, and more. "Paratext" represents a third type of text that exists between the "text" and "extratexts". The concept of "paratext" was introduced by French literary theorist Gérard Genette in the 1970s, referring to "all verbal and non-verbal materials that serve as mediation between the text and the reader and present the work" (Genette 1997, p.1). The flexible and diverse information such as introductions, prefaces, postscripts, and illustrations enrich the content of books. Whether the layout design, text titles, cover summaries, and other elements can attract readers and align with the artistic tastes of target language readers will influence their acceptance of the work. Genette points out that paratext serves as the "threshold" for readers to enter the palace of literary works, to a certain extent determining whether readers have the desire for further engagement. Paratext exists alongside the main text in various forms, complementing and enhancing it through linguistic or non-linguistic means, which can indirectly enhance the acceptability of the work and expand the consumer market. Pellatt (2017) notes that paratext is a product of the combined efforts of the original author, translator, and publishing institution, playing a mediatory role in the translation process. This undoubtedly reveals the significant position of translation subjects such as publishing institutions and translators in shaping the image of translated works. Paratext can enrich the cultural and historical context for target language readers, with the aim of actively presenting cultural differences (Ai & Yang, 2024). Through statistical analysis, it is found that the English translation by Little Stanton & Co. contains up to eight types of paratextual information, reflecting the translator's efforts to align with target language readers and provide legal references for safeguarding the interests of overseas Chinese. The primary function of paratext lies in its surrounding role around the main text, coordinating the relationship between the main text and the reader, and facilitating the realization of the book's value. The establishment of paratext theory has enriched the perspectives of translation studies, making them no longer confined solely to the main text of the translation. "Paratext studies serve as a valuable supplement and extension to the study of the text itself" (Xiao 2011, p.20). Paratext is an important auxiliary material for researchers to study translators' motives, thoughts, and methods. Simultaneously, paratext can also reflect the social and historical context in which the translator operates. Many translation theories of both domestic and foreign translators have been communicated through their paratextual resources, such as prefaces, postscripts, afterwords, and letters. Thus, it is evident that paratext theory holds significant importance and value for translation studies.

4. THE TRANSLATOR'S CULTURAL IDENTITY AND THE PARATEXTS

Jiang Yonglin is a Chinese American and the former president of the Ming Dynasty Law Society. Jiang Yonglin's translation of *The Great Ming Code* was driven to some extent by subjective emotions. Moreover, Jiang Yonglin is proficient in both ancient Chinese and English and has devoted his life to the study of the laws of the Ming Dynasty. Traces of both Chinese traditional culture and American culture can be seen in him. The integration between Jiang Yonglin's life experiences and his translation activities presupposes the positive role that his social role as a Chinese-American scholar plays in translation activities. In the translation process, being familiar with the source language culture and the target language culture is more important than being proficient in the two languages. Jiang Yonglin's unique social role has brought convenience to his translation of legal classics. There are intricate connections between the translator's life and educational experiences and the translation of classics, which have enabled him to possess the conditions and foundation for translating *The Great Ming Code* both linguistically and culturally.

Jiang Yonglin is a typical scholar-translator with the dual identities of a scholar and a translator. For such scholars, "they translate what they research" (Wang 2004: 209). Jiang Yonglin's research interests cover the laws of the Ming Dynasty, the history of the Ming Dynasty, and

the history of the ancient Chinese legal system. It can be said that the English translation of *The Great Ming Code* is a "by-product" of his years of relevant research. He was brewing translation activities in his research on the legal history of the Ming Dynasty. Meanwhile, in the process of translating *The Great Ming Code*, he expanded the depth and breadth of his research. Therefore, Jiang Yonglin's translation practice is a model of the combination of translation and research, respects the style of legal texts, and reflects the translator's idea of conducting research for translation and carrying out translation for research.

Paratexts can strengthen the expressive effect of the main text and make up for its deficiencies. Translators narrow the distance between target language readers and the original text by adding paratexts. Paratexts and the main text complement each other in terms of cultural mediation and enhance the acceptability of the translated version in the target language culture (Hu, 2020). Various specific sub-items supplement and interpret the main body of the code in unique forms, complementing and corresponding to the legal provisions, which can, to a certain extent, "ferry" the English translations of legal classics to the target language cultural world. The paratexts of the English translation of *The Great Ming Code* are diverse in forms and, to some extent, highlight the translator's subjective initiative. Thick translation is the material basis for realizing cultural exchanges. Paratexts such as the cover, preface, and annotations are the behavioral manifestations and results of the translator's extremely expanded sociality.

The cover of the English translation of *Da Ming Lǜ* (大明律) features the English title "THE GREAT MING CODE" in uppercase letters and the pinyin "Da Ming Lǜ", each presented on separate lines and interspersed among the Chinese characters of the title, adhering to the reading habits of modern Western audiences. Upon comparison, it can be observed that Jiang Yonglin follows the literal translation approach employed by William Jones in his *Ta Tsing Leu Lee* and by Winston S. Ts'ang in his *T'ang lü shu y*i, while additionally incorporating the pinyin Da Ming Lǜ, offering target language readers an exotic cultural experience. As both a reader and interpreter of the original text, the translator also bears the responsibility of translating the original work, ensuring that readers gain a reading experience equivalent to that of the original audience. To this end, the cover of the English translation of *Da Ming Lǜ* also prominently displays the Chinese characters "大明律" for the first time, with the Chinese font larger than the English title and arranged vertically, in line with the typesetting format of ancient Chinese legal texts, thereby enhancing the visual impact of the Chinese title. In the blurb section on the back cover, the publisher dedicates half of the space to elucidating the status of *Da Ming Lǜ* in the history of Chinese and world legal systems, highlighting the value of this translation. At the bottom of the back cover, an evaluation of the translation from an academic journal, the Journal of Asian History, is

included, stating that both general readers and experts and scholars will thank Jiang's translation, a highly readable treasure trove on Chinese culture, society, and values in the 14th century. This design increases the credibility of the translation and helps attract more potential readers. At the very bottom of the back cover, the publisher includes information about the "Asian Law Series", aiming to broaden readers' reading horizons. Additionally, detailed information about the publisher is provided on the back cover, with the intention of expanding the consumer market.

Jiang Yonglin elucidates the history of the Ming Dynasty, the formulation and refinement process of *the Great Ming Code*, its structure and stylistic arrangement, and underscores the fact that *the Great Ming Code* served as the fundamental law of the Ming Dynasty, occupying a significant historical position within its legal system. In the translation notes section, the translator elucidates translation strategies to the target language readers, highlighting on one hand the humanistic concern under her role as a scholar, and on the other hand, providing guidance for the target readers to comprehend the main text. These internal paratexts reflect the publishers' and translator's emphasis on the historical context and statutory provisions of Chinese legal classics, as well as the overseas publishers' reader-centered marketing strategy aimed at expanding the reader market when publishing legal classics.

Translation is the result of the concerted effort of a translator's multiple identities. Just as an individual plays various role in society, a translator also possesses diversified identities. The identity of a translator dissolves through interaction with other roles in the process of translation. In other words, the translator's identity and role vary according to factors such as social background, translation purpose, translation strategies, and ideology, and they are prominently displayed to different degrees in different translation practices. Jiang Yonglin strives to reconcile Chinese and Western legal cultures, aiming to facilitate an equitable "dialogue" between the two cultures and to highlight the translator's social role as a cultural mediator.

The pinyin system of Romanization is utilized as a supplementary tool in free translation. For example, "布衣""卜课" and "秀才" are translated as "common people (buyi)" "divination (buke)" and "scholar (xiucai)" respectively. This approach emphasizes the neutrality of the translation, meeting the needs of the target readers while retaining the essence of Chinese legal culture. Meanwhile, Jiang Yonglin appears to favor the source language by preserving its original sentence structure.

Therefore, as is evidenced from the English translation of *The Great Ming Code* that square brackets [ ] are employed to provide supplementary information or the pinyin system, making the translation more palatable. For example, the rules for punishing military personnel

convicted of treason are translated as follows: *In all cases where military personnel[junren] in fortified cites of distant frontiers plot treason and the commandant [shouyu] guan seizes them and brings them to the authorities, if there is good evidence that proves the matter clearly, and the criminals make confessions upon interrogation, then hand over the matter to the Regional Military Commission [Du Zhihui Shi Si], which shall assign officials to conduct the interrogation. It there is no injustice in executing them, the criminals shall be executed immediately in accordance with the law. It is laborious for target readers to figure out what military personnel, the commandant and the Regional Military Commission do really refer to, after all, they are endowed with specific Chinese feature during ancient period.* The ancient Chinese phonetic system is constructed through the research material. He believes that this reconstructed system can be utilized for interpreting challenging words in The Great Ming Code. Explanation aids in scientifically verifying the meanings of words and expressions. Although the use of the pinyin system in brackets might initially seem to complicate the sentence, it actually facilitates ease and convenience for readers in understanding and subsequently delving deeper into the ancient Chinese legal system.

5. CONCLUSION

This paper takes the translation activities of the Chinese-American scholar Jiang Yonglin on *The Great Ming Code* as a case study, exploring the influence of the translator's cultural identity on the entire translation process by examining the translated text, the determination of translation purposes, and the selection of translation strategies. The research shows that Jiang Yonglin's identity as a Chinese-American scholar influences her comprehensive mediation behavior, encompassing both the pre-translation stage and the translation process itself. We believe that Jiang Yonglin's translation, influenced by her identity, exhibits strong vitality as a classical text, and the academic approach of "combining translation with research" facilitates a deeper and more comprehensive understanding of legal classics and ideas for target language readers. Research on the translator's identity links the causality between the translator and their translation activities, broadening the scope of classical Chinese literature translation studies beyond static translations to the dynamic relationship between the translation subject and their translation activities. Only by following such an academic path can we capture the full picture of classical translation and ultimately understand how to continuously perpetuate and expand the vitality of traditional Chinese culture through translation activities.

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