# An Investigation of Norms in Legal Translation: A Corpus-Based Study of Conditional Connectives in Company Law



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Abstract Based on a comparable corpus comprised of texts collected from different versions of company law from the United Kingdom, Chinese mainland, and Hong Kong at different periods, we conducted both quantitative and qualitative analyses to examine the similarities and differences between these versions using the conditional connectives commonly found in legal texts as indicators. Through a detailed comparative analysis of these conditional connectives, the extent to which writing and translation norms affect the production of legal texts were discussed and explored. In light of the translation norm theory by Toury and the Three Circles model of World Englishes by Kachru, we found that Britain as a native English country of the inner circle is the initiator and reformer of legal writing norms and as such also exerts an influence on the norms of the outer and expanding circles. As far as company law is concerned, the newly created norms of the inner circle have not made an impact on the expanding circle and the translation of legal texts from the Chinese mainland is still governed by the old norms, which explains the conservative and archaic style identified in the two Chinese versions of company law.

**Keywords** Company law · Conditional connectives · Translation norms · Legal translation · Corpus

#### 1 Introduction

Law and language are inextricably linked and inherently connected. The important role of language is reflected in almost every aspect of law, ranging from the formulation of legislation and legal documents to the interpretation of legal concepts and rules. "The law is a profession of words," as aptly summarized by Mellinkoff (1963/1990, vii). A linguistic approach to legal studies is certainly not

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a new phenomenon in view of the intrinsic connection between the two fields. As an interdisciplinary field of study, legal linguistics, or forensic linguistics, has established itself as an important branch of applied linguistics because of the uniqueness of legal language that distinguishes itself from daily language. Naturally, conventional linguistic analytical frameworks that are applicable to general language studies might not be applicable for examining the special issues inherent in legal language.

As an interdisciplinary area of research, legal translation and interpreting is a strongly expanding field both as an area of practice and as an area of research (Biel et al. 2019, 1). Corpus-based and corpus-driven legal translation studies have also expanded in recent years. With the relative ease of access to corpus data in machinereadable form and maturity of corpus tools, this area of research has gained increasing momentum in recent years. In this chapter, we made use of corpus methods and studied company law of different regions (UK, Mainland China, and Hong Kong) from both a synchronic and diachronic perspective. One of the reasons for undertaking this research is the belief that legal language is not static but dynamic, which is subject to a number of language-internal and external factors and will evolve over time. Legal translation shares some common tenets with other translation activities, which to a large extent is "a norm-governed human and social behavior, a textproducing act of legal communication" (Cao 2013, 422). A diachronic approach can shed light on legal translation research to uncover translation norms, which have been identified as one of the most important research areas within the field (Chesterman 1993; Toury 1995).

The following will briefly outline the application of corpus-based methods to legal translation research and identify a research gap in Chinese–English legal translation research. Then the Parallel-comparable Company Law Corpus will be introduced and a study of legal conditionals based on the corpus will be presented. Lastly will be a discussion of the implications of these findings by addressing how translation norms have made an impact on the translated texts.

## 2 Corpus Approaches to Legal Translation

With the rise of corpus linguistics and descriptive translation studies, corpus-based translation studies have become a new research paradigm and an independent discipline in the field of translation studies (Hu 2015, 29). The impact of corpus-based translation studies has also been felt in legal translation research. Traditionally, researchers have made use of qualitative research methods to study legal translation, "[u]ntil recently, relatively little corpus-based and corpus-driven research has been done in the area of legal translation" (Biel 2018, 34). Despite a relatively new area of research, corpus approaches have been fruitfully applied to legal translation research, most notably those based on EU legal texts and European language pairs (e.g., Biel 2015, 2018; Pontrandolfo 2011; Trklja 2018). Most studies in this line of enquiry employed comparable corpora to compare EU legal translated texts

with comparable texts written in the target language in order to identify the unique language features of translated language. The linguistic features investigated with the aid of corpora include phraseology (Biel 2014), complex prepositions (Biel 2015), and lexical bundles (Breeze 2013; Giczela-Pastwa 2019). To a large extent, these studies followed the path of corpus-based investigations of translation universals spearheaded by Baker (1993, 1996). It is not the aim of this paper to provide a full account of a literature review on corpus approaches to legal translation studies (LTS). Readers who are interested in this topic are referred to a recent in-depth review (Pontrandolfo 2019). Clearly, corpus has its inherent merits for aiding legal translation studies. Corpus-driven approaches are methodologically more advantageous than the traditional intuition-based approaches because they are based on a large amount of empirical data and thus not vulnerable to the idiosyncrasies of researchers' subjectivity. Compared to conventional text analysis methods, corpus can process large amount of authentic data at a much faster speed. Similarly, the merits of quantity, authenticity, and speed from corpus linguistics also contribute to the research in legal translation studies. Apart from the instrumental advantages, corpus-based descriptive translation studies (Toury 1995; Chesterman 2000) which investigate naturally occurring instances of language use can also lessen the apparent prescriptiveness of legal translation studies.

Notwithstanding its potential advantages, corpus-based legal translation studies is still at its infancy in an English-Chinese translation context. Although some small-scale corpus-based studies in Chinese–English legal translation have been undertaken (e.g., Li and Wang 2013), such studies are not to be compared with those involving European language pairs in either scale or scope. Research in legal translation studies, similar to the study of translation universals, has largely been confined to closely related European languages and the findings might not be generalizable to languages which are distant from each other. Naturally, "evidence from a genetically distant language pair such as English and Chinese is arguably more convincing" (Xiao and Dai 2014, 11). The Chinese perspective into corpus-driven legal translation research will surely yield more insights into the nature of legal translations to inform research and practice in this area.

Pontrandolfo (2019) summarized a number of dichotomies to capture how corpora are used in legal translation studies, including qualitative versus quantitative, corpusbased versus corpus-driven, comparable versus parallel, translated versus nontranslated. However, one dichotomy was left out, i.e., synchronic versus diachronic, which is the use of both synchronic and diachronic corpora to study how written and translated legal language has evolved over time. It is believed such types of studies are worth exploring, as they will help uncover translation norms which operate both in the social event and the cognitive act of translation (cf. Toury 1995). The research of translation norms can help to identify various social and cultural factors that a translator is subject to and how translational behavior in a certain historical period can be influenced by a variety of norms (Hu 2015, 27–28).

As is the case with many Chinese–English translation studies, qualitative methods still dominate legal translation research despite some recent research using corpusbased quantitative approaches. The existing literature on Chinese–English legal translation research still falls short in a number of areas. First, in view of the uniqueness of legal translation, a composite methodology consisting of both qualitative and quantitative approaches may be adopted to the investigation of legal translation to enhance research rigor and ensure accurate interpretation of results. Second, as far as the research on legal conditionals in Chinese–English translation is concerned, no diachronic research has been undertaken to probe into how such types of sentence construction have evolved over time and their underlying causes. Third, the research is confined to the use of small-scale target language corpora without taking into consideration the influence of the writing norms of English-speaking countries, thus the interpretation of results is overly prescriptive and limited in generalizability.

The current study adopted a diachronic corpus-driven approach consisting of both qualitative and quantitative analysis to investigate the company law of Britain, Hong Kong, and Mainland China. Specifically, we chose legal conditionals as an indicator to demonstrate how writing and translation norms have made an impact on the production of legal texts in UK, Mainland China, and Hong Kong. In so doing, we followed the comparable-parallel corpus approach (Biel 2016) to set up the corpus for studying such a linguistic feature. This study consists of two major phases. The first phase involves the design and construction of the corpus, including the collection and annotation of different periods of company law from the three regions. Second, based on the corpus, we explored the corpus data to seek answers to our research questions. One clear advantage of corpus-driven approaches to legal translation studies is its capacity of processing large amount of textual data (semi)-automatically. The data extracted were further used in the qualitative analysis to evaluate how writing and translation norms of different regions have evolved and interacted with each other.

## 3 Legal Conditionals

As early as the mid-nineteenth century, George Coode (1845, 8) observed that the expression of every law essentially consists of three elements, i.e., (1) the description of the legal subject; (2) the enunciation of the legal action; (3) the description of the case to which the legal action is confined; and (4) the conditions on performance of which the legal action operates. As time goes by, elements 3 and 4 have been integrated and combined to become one element.

Conditional reasoning plays a central part in human thinking (Johnson-Laird and Byrne 2002, 646) and has been widely studied in the field of linguistics, psychology, and philosophy. Conditional sentences are sentences discussing implications or hypothetical situations and their consequences. A prototypical conditional "if p, (then) q" is made up of two parts, the dependent clause discussing the condition, also called protasis or simply p, and the main clause specifying the consequence, also called

apodosis or q. The conditional construction defines a special cause and effect relationship where inference is made based on the likelihood of the condition expressed in the dependent clause. Generally speaking, legal conditionals are deontic (Navarro and Rodríguez 2014, 92), containing obligatory and permissive statements. They fall into only one type of conditional sentence, the "predicative" conditional sentences. Normally, the condition is expressed with the present tense and the consequence with the future modals such as shall or may. In legal texts, some of the most common conditional connective include *if, where, in case, in the event that, provided (that), providing (that).* Conditional constructions are essential to our understanding of how legal discourse is construed, used, and interpreted (Frade 2016, 34).

The investigation of legal conditionals was mainly pursued by scholars working in the field of legal science (Thiercelin 2010; Castañeda and Knauff 2016). From a legal perspective, many law theorists contend that legal rules should be understood as conditionals (MacCormick 1998). In recent years, scholars working in forensic linguistics and legal translation have also taken an interest in examining legal conditionals (Frade 2016; Lastres-López 2019). For instance, Frade (2016) investigated how conditionality plays a role in international contracts in English using an integrated approach comprising functional, discoursal, and legal aspects. Lastres-López (2019) adopted a corpus-based approach to compare the use of legal conditionals in English, French, and Spanish courtroom interaction and in English and French parliamentary interaction. The results showed that conditionals are mainly used to express canonical conditions rather than carry the interpersonal and textual function. Her study also pointed to the scarcity of legal conditionals in cross-linguistic studies. Translation of legal conditionals between Chinese and English, two languages that are inherently different from each other, has also attracted the attention of translation scholars (Li 2008; Li and Wang 2013; Wang and Li 2017). These studies covered structural analysis of typical English legal conditionals and provided suggestions for improving Chinese–English translation of such constructions. It is worth noting that corpus-based approaches have also been employed in this line of enquiry. For instance, Li and Wang (2013), based on a corpus of bilingual Hong Kong Company Law (Cap. 32), specifically compared the usage of conditional connectives including if, where, in (the) case of, when, in the event of. In all these studies, the old version of Hong Kong Company Law (Cap. 32) was used as the major source of data to account for the findings and claims. As Cap. 32 has already been replaced by the new one (Cap. 622) in 2014, there is a need to conduct research based on the new data to obtain a more objective evaluation of such a linguistic phenomenon. To a large extent, these studies heavily rely on researchers' personal evaluations rather than descriptive analysis grounded on corpus data.

Coode (1845, 20) pointed out that "the more a legislature is civilized, the more it measures and considers the differences in each class of cases and adjusts the law to their varieties." As society becomes more complex and developed, it is inevitable that more laws will be made to regulate different kinds of social relationships. In direct contrast to the increased variety and unpredictability of dependent clauses expressing the conditions, the conditional connectives are relatively stable over time and follow certain patterns and rules. Therefore, a systematic comparative analysis

of the use of conditional connectives in legal texts from a diachronic perspective can shed some light on the change and development of the relevant norms in legal writing and translation

## 4 Methodology

### 4.1 Corpus Design and Compilation

Braj Kachru (1985) proposed that the spread of English can be represented by three concentric circles: the inner circle, the outer circle, and the expanding circle. These circles represent "the type of spread, the patterns of acquisition and the functional domains in which English is used across cultures and languages" (Kachru 1985, 12). The inner circle is reserved for countries where English is used as mother tongue or first language (L1); the outer circle covers countries and regions where English plays the role of a second language (L2), which might have the official status alongside the local language(s); the expanding circle refers to territories where English is learned as a foreign language. In this model, the three circles of English varieties interact with each other and are related to three types of status: "norm providing" (inner circle), "norm developing" (outer circle), and "norm dependent" (expanding circle) (Kachru 1992). As one of the central aims of our study is to investigate how writing and translation norms interact in the writing/translation of company law, we followed Kachru's model to set up the corpus in our study. Three versions of the UK Company Law (inner circle), two versions of the Hong Kong Company Law (outer circle), and two versions of the Mainland China Company law (expanding circle) were selected to set up the Parallel-Comparable Company Law Corpus. The UK component is monolingual while the other two subcorpora were set up as a bilingual corpus aligned at the sentence level. The Hong Kong component contains two versions: Companies Ordinance (Cap. 32) which came into operation in 1932 followed by extensive modification in 1984 (The modified version is chosen for the current corpus) and Companies Ordinance (Cap. 622) which was drafted in 2012 and came into effect in 2014. The component of Mainland China consists of Company law which took effect in 1993 and later modified in 1999 and 2004 (the 2004 version is used) and Companies Law which took effect in 2006. The UK company law went through multiple modifications and changes, we selected the key three versions from major periods, which are Companies Act 1948, Companies Act 1985 and Companies Act 2006. The design of the corpus is illustrated in Fig. 1.

Textual noise such as unwanted Chinese characters in the translated texts, pictures, charts, formulas, and other non-literal elements were removed from the original texts before inclusion in the corpus. In a typical legal conditional sentence, the main clause (apodosis) is usually modified by several dependent clauses (protasis) specifying the conditions, which often results in a long-winded sentence. In modern legal drafting, however, letters or Roman numerals are used to number the conditions for enhancing



Fig. 1 Design of the Parallel-Comparable Company Law Corpus

clarity and readability. We manually crossed out the numbering in the texts to restore the sentence structures for facilitating data analysis.

## 4.2 Research Questions

Based on the foregoing review, some research gaps can be identified regarding the investigation of legal conditionals in translation studies. First, research of legal conditionals is largely confined to legal science (Castañeda and Knauff 2016) and comparatively little is done in the fields of linguistics and translation studies regarding its use and functions in different legal genre varieties. Second, most cross-linguistic research in this area was done in European language pairs (e.g., Frade 2016; Lastres-López 2019) and research involving Chinese–English legal translation tends to be more qualitative and prescriptive in research methods and design. Third, no research, to our best knowledge, has examined legal conditionals in Chinese–English translation context from a diachronic perspective.

Therefore, the present study aims to analyze the diachronic change of legal conditionals across three regions (UK, Mainland China, and Hong Kong) and examine how writing and translation norms have interacted and changed by relating to the Three Circles Model of World Englishes (Kachru 1985). The following two research questions are to be addressed:

- (1) How are the conditional connectives used and distributed in the UK, Mainland China, and Hong Kong Company law from a synchronic and diachronic perspective?
- (2) If the changes are identified, can they be explained using the norm orientation of Three Circles Model of World Englishes (Kachru 1985) to characterize the interaction and changes of different norms?

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### 4.3 Data Extraction and Analysis

Wordsmith Tools 7.0 (Scott 2016) was used to extract and analyze the corpus data. We first utilized the Wordlist function to generate the statistical information of the three sets of company law corpus. The basic statistical information includes average sentence length, type-token ratio (TTR) and standardized TTR. Next, we used the Concord function to search the conditional connectives, removed noisy occurrences and calculated the frequencies. The final step was to analyze how the conditional connectives were used in legal context and explain such a distribution and development in relation to the Model of World Englishes (Kachru 1985). When selecting the conditional connectives for the current study, we referred to Li (2008) who proposed a total of eight common conditional connectives used in legal texts, i.e., if; where; when; should; in case that, in the event that; providing, provided that. With the assistance of Wordlist function to analyze the word frequency distribution, we found that certain conditional connectives were not used at all in the corpus. Thus, we deleted the ones with zero occurrences and added some whose occurrences are above one. In the end, our analysis focused on fourteen conditional connectives as listed in Table 1. It is believed that the selection of these words can comprehensively reflect the diachronic and synchronic variations pertaining to the use of conditional connectives.

#### 5 Results

The statistical facts of the seven company law components of the corpus are summarized in Table 1.

Table 1 shows the statistical facts of the seven company law datasets. As can be seen, the size of the UK and Hong Kong company law has increased considerably over time. The latest version of UK company law (UK 2006) has 270,597 words and the Hong Kong latest version has 210,902 words. It is believed the bigger size of the two corpora are related to the common law system of the two places, which is different from the continental law system practiced in Mainland China. As for

Dataset	Type	Token	TTR	STTR	Sentence number	ASL
UK1948	3,298	143,480	2.30	25.37	2,305	62
UK1985	3,878	222,108	1.75	24.19	4,550	49
UK2006	3,622	270,597	1.34	22.97	7,503	36
HK1984	2,691	93,178	2.89	22.98	2,176	43
HK2014	3,024	210,802	1.43	19.66	5,097	41
CN1993	1,367	19,243	7.10	25.47	531	36
CN2006	1,323	20,817	6.36	24.07	511	41

Table 1 Statistical facts of the Parallel-Comparable Company Law Corpus

Mainland China, the size of the company law is relatively smaller compared to its UK and Hong Kong counterparts. The standardized type-token ratio (STTR) shows that a downward trend exists diachronically, meaning that the lexical complexity has decreased over time. This feature is also attested in the average sentence length (ASL) of UK and Hong Kong versions, which has decreased consistently. However, the ASL of Chinese company law has increased from 36 to 41 words, which is a feature worth noting. We will examine this point later in relation to the distribution of conditional connectives in all three regions.

#### 5.1 Uk

The overall trend of UK company law can be divided into two phases from a diachronic perspective. In the first phase (1948–1985), the most distinctive feature is the use of "if," which rose from 49 to 59%. The conditional connectives "where" grew from 19 to 21% and the same rising trend is also with "when" (2.7–3.1%). At the same time, "provided that" witnessed a sharp decline from 9.8 to 0.52%. The use of "in the case of" remained relatively stable (15–14%). In the second phase (1985–2006), the use of "if' drops slightly by 1.2% (58.5–57.3%). The use of "provided that" continued to drop to 0.19%, the other connectives that recorded a downward trend include "when," "in the event of," and "in a case." The frequency of "where" remained almost the same. Overall, the second stage is relatively stable and does not record a vast change in the distribution of connectives.

## 5.2 Hong Kong

Through comparing the old and new versions of Hong Kong company law, the two most prominent features are the distribution of "if" and "where," the former increased from 58 to 79% while the latter dropped from 21.1 to 4.0%. Another major connective "in the case of" increased from 9.6 to 15.5%. The connectives that record a downward trend include "provided that," "when," and "in the event of." Basically, the use of "if" is the dominant connective and accounts for almost 80% of all the connectives used.

#### 5.3 Mainland China

Based on Table 2, it can be seen that the two prominent features of the diachronic change of the use of connectives in Mainland China's company law are the decline of "if" (28.6 to 5.3%) and the increase of "where" (47.9 to 78%). Similar to UK and Hong Kong, these two connectives are the most commonly used ones of all the

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Table 2	Distribution	of conditional	connectives in	the corpus
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	1						
Conditional	UK1948	UK1985	UK2006	HK1984	HK2014	CN1993	CN2006
connectives	Freq.	Freq.	Freq.	Freq.	Freq.	Freq.	Freq.
if	867 (41.1)	1456 (49.8)	1508 (50.3)	597 (50.5)	2035 (72.1)	68 (27.4)	13 (5.0)
where	336 (15.9)	525 (18.0)	559 (18.7)	216 (18.3)	105 (0.4)	114 (46.0)	190 (73.6)
in the case of	266 (12.6)	356 (12.2)	391 (13.1)	99 (8.4)	401 (14.2)	7 (2.8)	9 (3.5)
provided that	172 (8.2)	13 (0.4)	5 (0.2)	42 (3.6)	0 (0)	0 (0)	0 (0)
when	48 (2.3)	78 (2.7)	76 (2.5)	33 (2.8)	33 (1.2)	18 (7.3)	31 (12)
in the event of	34 (1.6)	27 (0.9)	18 (0.6)	28 (2.4)	7 (0.2)	3 (1.2)	0 (0)
in a case where	7 (0.3)	22 (0.7)	19 (0.6)	6 (0.5)	0 (0)	0 (0)	0 (0)
in case of	26 (1.2)	11 (0.4)	35 (1.2)	11 (0.9)	4 (0.1)	1 (0.4)	1 (0.4)
unless	156 (7.3)	199 (6.8)	225 (7.5)	83 (7.0)	153 (5.4)	0 (0)	0 (0)
except	112 (5.3)	138 (4.7)	90 (3.0)	45 (3.8)	72 (2.6)	8 (3.2)	12 (4.7)
save	10 (0.5)	9 (0.3)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
so (as) long as	15 (0.7)	16 (0.5)	17 (0.6)	3 (0.3)	9 (0.3)	0 (0)	0 (0)
once	0 (0)	1 (0.03)	8 (0.3)	1 (0.08)	2 (0.07)	2 (0.8)	1 (0.4)
notwithstanding	61 (2.9)	70 (2.4)	24 (0.8)	18 (1.5)	0 (0)	0 (0)	0 (0)
Total	2112 (100)	2921 (100)	2995 (100)	1182 (100)	2821 (100)	248 (100)	258 (100)

<sup>\*</sup> The number in the parentheses gives the percentage of the connective in all 14 connectives

conditional connectives in legal conditionals. The other connectives such as "in the case of" and "when" also recorded a surge in use. However, the change in these connectives cannot be said to be significant due to their low representation in the corpus.

In order to find out if the connectives have changed over time in each region, we further calculated the log-likelihood of the connectives. Table 3 shows the log-likelihood value<sup>1</sup> of the connectives to examine whether the distribution of the connectives differs from a diachronic perspective.

The differences between two frequency scores of a particular connective can be reflected in the log-likelihood value, a popular statistical test used to study lexical variation between different corpora. From Table 3, we can see that in the phase of

 $<sup>^{1}</sup>$ According to Paul Rayson, the higher the G2 (log-likelihood) value, the more significant is the difference between two frequency scores. For these tables, a G2 of 3.8 or higher is significant at the level of p < 0.05 and a G2 of 6.6 or higher is significant at p < 0.01.

<sup>95</sup>th percentile; 5% level; p < 0.05; critical value = 3.84

<sup>99</sup>th percentile; 1% level; p < 0.01; critical value = 6.63

<sup>99.9</sup>th percentile; 0.1% level; p < 0.001; critical value = 10.83

<sup>99.99</sup>th percentile; 0.01% level; p < 0.0001; critical value = 15.13

From http://ucrel.lancs.ac.uk/llwizard.html.

Connectives	onnectives UK1948–UK1985		HK1984-HK2014	CN1993-CN2006	
If	3.63 (+)*	19.49 (-)	83.24 (+)	43.61 (-)	
Where	0.02 (+)	4.90 (-)	181.87 (-)	15.74 (+)	
in the case of	3.20 (+)	2.00 (-)	30.07 (-)	0.16 (+)	
provided that	240.60 (-)	5.44 (-)	99.33 (-)	0.00	
When	0.07 (+)	1.92 (-)	10.71 (-)	2.90 (+)	
in the event of	6.75 (-)	4.03 (-)	36.31 (-)	4.30 (-)	
in a case where	2.97 (+)	1.21 (-)	14.19 (-)	0.00	
in case of	14.57 (-)	8.87 (+)	11.54 (-)	0.00	
Unless	3.24 (-)	0.59 (-)	2.21 (-)	0.00	
Except	3.19 (-)	21.88 (-)	3.22 (-)	0.63 (+)	
Save	1.39 (-)	14.34 (-)	0.00	0.00	
so (as) long as	1.06 (-)	0.15 (-)	0.19 (+)	0.00	
Once	1.00 (-)	4.90 (+)	0.01 (+)	0.39 (-)	
notwithstanding	2.89 (-)	33.51 (-)	42.57 (-)	0.00	

**Table 3** Pairwise log-likelihood values of the conditional connectives

UK1948–UK1985, the major difference is in the connective of "provided that" which has decreased considerably. In the following phase of UK1985–UK2006, some interesting differences are observed. The use of "if," "except," "save," "notwithstanding" all record a drop in the overall distribution diachronically. A slight increasing trend is found with the connectives "in case of" and "once." As for the Hong Kong versions, there are two notable trends worthy of our attention: the use of "if" has increased considerably while "where" and a number of other connectives including "in the case of," "provided that" and "in the event of" have all recorded a drop in distribution. When we compare the two Chinese versions, we can see a completely opposing trend. The use of "if" has dropped while the percentage of "where" and "when" has increased. However, due to the relatively small size of the Chinese corpora, a number of connectives are lowly or not represented in the subcorpora.

## **6 Positioning of Conditional Clauses**

Based on the statistics summarized in Tables 2 and 3, we will focus on the two major types of connectives in the following analysis, namely, if-conditionals and where-conditionals. Linguists have long been interested in studying the positioning of conditionals which can be used as an indicator to show the different legal writing and translation norms across different regions. Traditionally, initial position of p-clause and post-positioning of the q-clause is usually considered the norm (Comrie

<sup>\*</sup> The "+" within the parentheses specifies an increasing trend from the previous period and the "-" a decreasing trend

Conditional connective	UK1948	UK1985	UK2006	HK1984	HK2014	CN1993	CN2006
if (initial)	48	52	41	39	57	46	7
if (medial)	21	14	10	10	9	3	2
if (final)	31	34	49	51	34	19	4
Total	100	100	100	100	100	68	13
where (initial)	77	69	59	72	53	89	87
where (medial)	8	6	8	10	21	0	0
where (final)	15	25	33	18	26	11	13
Total	100	100	100	100	100	100	100

Table 4 Positioning of if- and where-conditionals in the corpus

1986). On the other hand, non-initial position of p-clauses including medial and final-positioning has been regarded as violating the default ordering. In order to study how positioning is represented in the corpus, we randomly extracted 100 conditionals headed by "if" and another 100 headed by "where" out of each sub-corpus and examined their positioning. Note that there are less than 100 if-conditionals in the Chinese component and all the if-conditionals are thus used for analysis. Table 4 summarized the distribution of p-clause positioning of 100 if-conditionals and 100 where-conditionals in each company law sub-corpus.

## 6.1 If-Conditionals

In UK company law, we can see that the initial and final-positioning of p-clauses of if-conditionals account for a large percentage of the corpus. For example, the initial-positioning of if-conditionals represents about half of all the conditional clauses. On the other hand, medial-positioning is declining and final-positioning is increasing. Some examples of initial-, medial- and final-positioning are given below.

- (1) If a company fails to comply with this section, the company and every officer of the company who is in default shall be liable to a default fine (initial-positioning) (UK1948).
- (2) Any variation of the contract which has the effect that the contract would have contravened the subsection, if the terms of the contract as varied had been its original terms, is void (medial-positioning) (UK1984).
- (3) The directors of an unlimited company are not required to deliver accounts and reports to the registrar in respect of a financial year if the following conditions are met (final-positioning) (UK2006).

Even though some differences are observed across the three periods regarding the positioning distribution of p-clause in if-conditionals in the UK component, we wanted to confirm whether these differences were not due to chance. A chi-square test of independence was performed and results showed that the differences were statistically significant ( $\chi 2 = 10.3472$ , d.f. = 2, p < .05). This shows that development represented by the decline in medial-positioning and increase in final-positioning of p-clause of if-conditionals is significant.

As for the Hong Kong company law, we found there is an increase of initial-positioning and a decline in other positioning of the p-clauses in if-conditionals across the two periods. Some examples are given below.

- (4) If any person without reasonable excuse makes default in complying with the requirements of this section, he shall be liable to a fine and, for continued default, to a daily default fine (initial-positioning) (HK1984).
- (5) A copy of the proposed release agreement (if it is in writing) or a memorandum giving details of the proposed release agreement (if it is not) must be made available to members (medial-positioning) (HK2014).
- (6) This section applies if the creditors or the class of creditors, or the members or the class of members, or both, with whom the arrangement or compromise is proposed to be entered into, agree or agrees to the arrangement or compromise (final-positioning) (HK2014).

A chi-square test of independence was performed and results showed that the differences in the distribution of positioning concerning if-conditionals in the two Hong Kong subcorpora were statistically significant ( $\chi 2 = 6.8276$ , d.f. = 1, p < .05). This shows that the changes represented by the decline in medial-positioning and the increase in final-positioning in this type of conditional is significant. This shows that the trend toward initial-positioning of p-clause in the new version of Hong Kong company law is statistically significant.

On the other hand, Mainland Chinese company law is under-represented by if-conditionals. There are altogether 68 if-conditionals in the old version (CN1993) and 13 in the new version (CN2006). As has been discussed previously, the new version shows a strong preference for where-conditionals instead of the if-conditionals. Some examples taken from the two versions of Chinese company law are shown below.

- (7) If State-owned enterprises established prior to the implementation of this Law comply with the conditions stipulated in this Law for the incorporation of limited liability companies, they may, in the case of enterprises with a single investing entity, be restructured as wholly State-owned limited liability companies in accordance with this Law, or in the case of enterprises with multiple investing entities, be restructured as limited liability companies as specified in the first paragraph of the preceding Article (initial-positioning) (CN1993).
- (8) A supervisor may, if re-elected upon expiration of the term of office, serve consecutive terms (medial-positioning) (CN2006).
- (9) The resolution on such matters shall be adopted if it is voted for by other share-holders present at the meeting who hold more than half of the voting rights (final-positioning) (CN2006).

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#### 6.2 Where-Conditionals

From the three versions of UK company law, we can see a decrease in the initial-positioning and an increase of final-positioning of the p-clause of where-conditionals. Although some differences were observed across the three versions, statistical analysis shows that the differences are not statistically significant and largely due to chance ( $\chi 2 = 9.4291$ , d.f. = 2, p > .05). Some examples are presented below.

- (10) Where an order is made under this section, every company in relation to which the order is made shall cause an office copy thereof to be delivered to the registrar of companies for registration within seven days after the making of the order, and if default is made in complying with this subsection, the company and every officer of the company who is in default shall be liable to a default fine (initial-positioning) (UK1948).
- (11) The obligation to make the notification must (except where Section 201(3) applies) be performed within the period of 5 days next following the day on which that obligation arises... (medial-positioning) (UK1985).
- (12) This section applies where provision is made by a company's articles enabling a member to nominate another person or persons as entitled to enjoy or exercise all or any specified rights of the member in relation to the company (final-positioning) (UK2006).

For the two Hong Kong versions, we conducted a chi-square test of independence to examine if the changes are statistically significant across the two versions of company law. Results showed that the differences were statistically significant ( $\chi 2 = 8.2458$ , d.f. = 1, p < .05). In other words, the drop in initial-positioning of p-clause in where-conditionals and the increase of medial- and final-positioning are quite significant. We suspect that a large number of this type of where-conditionals have been replaced by if-conditionals, as evidenced by the sharp increase of if-conditionals in the new version (HK2014). Below are some examples taken from the two Hong Kong company law versions.

- (13) Where a person making an offer to which this section relates is a company or a firm, it shall be sufficient if the document aforesaid is signed on behalf of the company or firm by 2 directors of the company or not less than half of the partners, as the case may be, and any such director or partner may sign by his agent authorized in writing (initial-positioning) (HK1984).
- (14) If that other person is not a company, the time set out for the purposes of subsection (2)(b) is—where that other person is a member of the company, the time specified for the purpose in the company's articles (medial-positioning) (HK2014).
- (15) This section applies where (a) a company is a plaintiff in an action or other legal proceedings (final-positioning) (HK2014).

For the Mainland Chinese versions, the initial-positioning of p-clause in whereconditionals takes a dominant proportion in both versions. In contrast, the medialpositioning is not found in both versions. Some examples are provided below.

- (16) Where a company is dissolved, it shall apply for cancelation of its registration in accordance with law (initial-positioning) (CN1993).
- (17) Where no election is conducted in time before the expiration of the term of office of a director, or the number of the directors is less than the statutory number due to the resignation of a director within his term of office, the existing director shall, before the director-elect takes office, continue to perform his duty as a director in accordance with the provisions of laws, administrative regulations, or the company's articles of association (final-positioning) (CN2006).

From the above analysis on p-clause positioning across the seven subcorpora of three regions, we can see that the UK and Hong Kong share some similarities in that the three types of positioning were found. Hong Kong's common law system was developed under British colonial rule and to a large extent modeled after the English common law. It is natural that legal drafting of these two regions shares similar linguistic features. This explains why all three positioning of p-clauses were found in both. On the other hand, China practices civil law system that can be traced back to the influence of the German civil law system in the nineteenth and early twentieth centuries. Apart from the differences in legal systems, it should be noted that company law in Mainland China was translated from Chinese into English, while it was written in English in UK and Hong Kong. As translated language, the company law in Mainland China inevitably carries the unique linguistic features of translation language (Baker 1993, 1996) that distinguishes it from that of the other two places. As far as p-clause positioning is concerned, we can clearly see a trend toward syntactic simplification in the translated company law of China. Interestingly, this syntactic simplification seems to occur together with lexical normalization and conservatism represented by the overuse of where-conditionals.

#### 7 Discussion

Based on our statistical and qualitative analysis, it can be seen there are some major differences, both quantitatively and qualitatively, concerning the use of the conditional connectives across the three regions. Conditional sentences represent a major type of legislative sentence structure and the use of conditional connectives, i.e., overrepresentation and under-representation of certain connectives, different positioning of the p-clauses of conditionals, can reveal how legal writing and translation norms developed in different jurisdictions (i.e., UK, Mainland China, and Hong Kong) in different time periods.

## 7.1 Writing and Translation Norms

Toury defines norms as "the general values or ideas shared by a certain community as to what is right and wrong, adequate and inadequate—into specific performance instructions appropriate for and applicable to specific situations providing they are not (yet) formulated as laws" (1995, 51). Unlike translation norms, writing norms are less addressed in the fields of translation studies and linguistics. This might be due to the stereotypical perception that writing is relatively stable over time and circumstances. However, from a diachronic perspective, language change does take place, as evidenced by the preference for certain expressions over others in a certain period. Language change takes place when after a period of time one variant is adopted over all others. Clearly, language change is also a phenomenon governed by norms. As far as legal drafting is concerned, the trend toward simplification in legal English can be observed in recent decades, motivated mostly by the Plain English Movement. Take UK company law as an example, the use of conditional connectives has become less varied over time, most evidently represented by the decrease of some connectives having an "archaic" flavor, such as "provided that," "save," "notwithstanding." Similarly, we can also observe such a trend in Hong Kong where such connectives also record a drop over time. What is worth noting in the new Hong Kong company law is the increased use of "if" which accounts for more than 70% of all the connectives used. Such a percentage is also much higher than its UK counterpart of the same period. In other words, the new Hong Kong company law seems to have evolved its own writing norms which are more inclined toward simplification. In the case of Mainland China, the trend has shown an increase in the use of "where" instead of "if" over time. Such a trend seems to go toward lexical "conservatism" instead of "simplification." The differences in writing and translation norms are also reflected in the different positioning of p-clauses of if-conditionals and where-conditionals across the three regions. In comparison to the UK and Hong Kong, the Mainland Chinese version is also less varied in the positioning of p-clauses. When discussing translation activities, Toury (2012, 77) proposed three types of competing norms operating at the same time, i.e., norms that dominate the center, remnants of previous mainstream norms and rudiments of what may eventually become part of a new set of norms. Such a framework can also be used to explain how the legal writing norms of UK have affected those of Hong Kong and Mainland China. Obviously, we could see that the UK has undergone major changes during the first phase (1948–1985) in which the use of legal language has become simplified, and such a trend continued in the second phase (1985–2006), though not as obviously. This new norm has exerted an impact on legal drafting in Hong Kong which has also recorded a change toward simplification over time. On the other hand, Mainland China seems not to be affected by such a trend and still adheres to a relatively conservative norm. From a translation perspective, such a linguistic feature can be related to normalization or conservatism, defined by Baker (1996) as the "tendency to conform to patterns and practices which are typical of the target language, even to the point of exaggerating them." What Baker has not addressed is that the patterns and practices of the target language are also evolving. To put it simply, target language norms are also changing and developing constantly. The Mainland Chinese version has apparently failed to embrace the newly emerged norms and instead still adhered to the old norms "even to the point of exaggerating them"

## 7.2 World Englishes and Translation Norms

World Englishes refers to the wide-ranging approach to the study of the English language worldwide particularly associated with Braj B. Kachru and other scholars working in a "world Englishes paradigm" (Bolton 2009, 240). The concept of World Englishes and the Three Circles framework by Kachru (1985) can be used to shed light on the current research findings. Kachru's Three Circles model offers a classificatory framework which categorizes countries by different roles English plays in these countries. In the three circles, the Inner Circle which comprises countries where English is used as the first language (e.g., UK, US) is norm-providing, meaning that they are the initiators and spreaders of English language norms. The Outer Circle which are mostly former UK colonies is norm-developing, which tends to adopt and even develop their own language norms. Lastly, the Expanding Circle in which English is used as a foreign language is norm-dependent and relies on the language norms set by the Inner Circle. Such a framework has proved its explanatory power in second language learning and teaching. As far as the current research is concerned, we can see that the UK as a country of the Inner Circle has been the initiator and provider of language norms. The new norms characterized by simplified language use and plain English in legal drafting have made an impact on the outer circle. On the other hand, Hong Kong, as a former UK colony in the Outer Circle, though still under the influence of the Inner Circle, has evolved its own norms. This is evidenced not only by the decline in the use of "archaic" conditional connectives such as "provided that" and "notwithstanding," but also the increased use of "if" whose occurrences are even higher than its UK counterpart. As a country of the Expanding Circle, Mainland China relies on UK or even Hong Kong regarding language norms. As language norms are constantly evolving in the Inner and Outer Circles, there is a possibility that the newly emerged norms might not make a strong impact on the Expanding Circle, in this case Mainland China. Thus, we can see from the current research findings that Mainland China still retains the relatively conservative legal drafting norms which could be the "remnants of previous mainstream norms" (Toury 2012, 77) of the Inner Circle. As English is learned and taught as a foreign language in Mainland China, the spread of the new norms might take a longer time than that from Inner Circle to Outer Circle where English is used as a second language. This point is worth exploring in future studies.

## 7.3 Plain English Movement

It is generally acknowledged that the modern Plain English Movement advocating that legal documents ought to be plainer and more comprehensible to the average person began in the 1970s. The publication of The Language of the Law by David Mellinkoff (1963) is one of the major driving forces giving rise to the simplification trend in legal English. Such a movement, started from the Inner Circle, has also made an impact on countries and regions of the Outer Circle. In June 2012, the Law Drafting Division of the Department of Justice in Hong Kong published "Drafting Legislation in Hong Kong—A Guide to Styles and Practices," which is a collection of guidelines for drafting Hong Kong laws. One chapter of this comprehensive guide (Chapter Nine) is especially devoted to the description and explanation of using plain language in legal drafting. "The goal of plain language drafting is to make the law as simple and clear as possible without taking away from precision or substance" (Law Drafting Division 2012, 88). Specifically, it also lists some guidelines for writing legislative text that is easily understandable. Among these, "using short words" is listed as one of the 11 recommendations. Obviously, the impact of the Plain English Movement has also affected the legal drafting norms in Hong Kong. The Plain English Movement is so immensely felt in Hong Kong that it has even gone to the extent of over-simplification compared with the UK. This trend is corroborated with our findings of the use of conditional connectives. This shows that Hong Kong, as a region of the Outer Circle, has evolved its own unique legal drafting norms. Mainland China, on the other hand, seems immune from such outside influences. Interestingly, a large number of textbooks on legal translation in China still devote a large proportion to explaining the use of archaisms in legal drafting. Comparatively, little is said about the new trend initiated by the Plain English Movement. This shows that the old norms, or remnants of the previous mainstream norms, of the Inner Circle might still be dominant in the Expanding Circle. The prescriptiveness of textbooks and language/translation teaching might be one of the factors contributing to the relatively conservative tendency in Mainland China's legal translation. This explains why the new version of Mainland Chinese company law shows an apparent preference for "where" instead of "if."

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## 8 Summary and Conclusion

We adopted a corpus-based approach to study how conditional connectives are used in the company law of UK, Mainland China,, and Hong Kong from both a synchronic and diachronic perspective. Based on the data analysis, we found that the conditional connectives are not consistently distributed across the three regions. The preference for using certain connectives shows that norms are not consistent in different regions. The study, using conditional connectives as an indicator, has addressed the interaction of writing and translation norms from both a synchronic and diachronic perspective.

To a large extent, the norm orientation of Three Circles model of World Englishes by Kachru (1985) can function as a valid framework to characterize the interaction and changes of different language norms of the Inner, Outer, and Expanding Circles. The findings from the current study also touched on issues such as normalization and conservatism in translated texts. Although some issues can be further explored in a more in-depth manner, the findings are clearly relevant in uncovering translation as a special type of communicative activity.

Undoubtedly, translation studies has become an increasingly interdisciplinary field of study. The use of corpus techniques has enabled us to identify language features which might otherwise remain hidden using manual analysis. We have shown in this study that the bottom-up data-driven corpus-based analysis is clearly more advantageous than the traditional approaches in uncovering how legal drafting and translating is a norm-governed activity. Future endeavors can look into other language features such as the use of modal verbs or archaisms in legal texts to examine the change and development of different writing and translation norms.

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