

Understanding the Challenges of Lawbook Translation via the Framework of Functional Theory of Language

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Abstract : Where the speed of book writing lags behind the high need for such material for tertiary studies, translation offers a way to enhance the equilibrium in this demand-supply equation. Nevertheless, translation is confronted by obstacles that threaten its effectiveness. The primary challenge to the production of efficient translations may well be related to the text-type and in terms of its complexity. A text that is intricately written with unique rhetorical devices, subject-matter foundation and cultural references will undoubtedly challenge the translator. Longer time and greater effort would be the consequence. To understand these text-related challenges, the present paper set out to analyze a lawbook entitled Learning the Law by David Melinkoff. The book is chosen because it has often been used as a textbook or for reference in many law courses in the United Kingdom and has seen over thirteen editions; therefore, it can be said to be a worthy book for studies in law. Another reason is the existence of a ready translation in Malay. Reference to this translation enables confirmation to some extent of the potential problems that might occur in its translation. Understanding the organization and the language of the book will help translators to prepare themselves better for the task. They can anticipate the research and time that may be needed to produce an effective translation. Another premise here is that this text-type implies certain ways of writing and organization. Accordingly, it seems practicable to adopt the functional theory of language as suggested by Michael Halliday as its theoretical framework. Concepts of the context of culture, the context of situation and measures of the field, tenor and mode form the instruments for analysis. Additional examples from similar materials can also be used to validate the findings. Some interesting findings include the presence of several other text-types or sub-text-types in the book and the dependence on literary discourse and devices to capture the meanings better or add color to the dry field of law. In addition, many elements of culture can be seen, for example, the use of familiar alternatives, allusions, and even terminology and references that date back to various periods of time and languages. Also found are parts which discuss origins of words and terms that may be relevant to readers within the United Kingdom but make little sense to readers of the book in other languages. In conclusion, the textual analysis in terms of its functions and the linguistic and textual devices used to achieve them can then be applied as a guide to determine the effectiveness of the translation that is produced.

Keywords : functional theory of language, lawbook text-type, rhetorical devices, culture

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