

THE ENGLISH-IGBO EXPERIENCE OF LEGAL TERMINOLOGY

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Abstract

The advent of the colonial masters, followed with the introduction of Western culture has subdued the system of justice in Nigeria. Honestly, this situation makes it almost impossible to relate meaningfully to an illiterate person who is always facing charges in the court of law. Court proceedings are wrongly interpreted to the person concerned by amateur translators in the office of the "court clerk". This paper therefore attempts to propose the Igbo language equivalents of English legal terms in order to enhance effective communication for justice and equity in the court of law. It is observed that these interpreters were misleading people due to the level of training they got, coupled with the dearth of legal terms in the Igbo language.

Introduction

The introduction of the Western culture in Nigeria, no doubt has seriously dominated and subdued the system of justice. This could be seen in the documentation system, jurisdiction in the court of law reports found therein. This is as a result of little or no attention given to the documentation to legal terms in our Nigerian indigenous languages.

The law reports, supposed to be educating the masses in a democratic society, on the system or processes of administering justice is even the 'reverse'. This is because, the process of dispensation of justice, is not rendered in Nigerian indigenous languages which still constitute the only medium of education and communication for a good number of Nigerians who were not opportuned to acquire formal education.

Obviously, the difficulty of handling and understanding legal terms, even among the literate Nigerians, has discouraged the rendering or the translation of these legal documents into indigenous Nigerian languages. The gap created by these legal terms in our indigenous languages, constituted the difficulties in communicating illiterate persons who are facing "Charges" in the court of law. In most cases the court proceedings were wrongly interpreted by amateur translators who lack the knowledge and techniques of theories of translation.

In situations like this, the persons concerned do not follow the court proceedings very well. What will be the fate of such persons? Justice has been denied him. Even if the court proceedings are going to be interpreted to the person concerned, it is necessary to use

standard and appropriate indigenous language equivalent of the English terms that feature in the official working documents of the court.

The Concept of Terms and Terminology:

Whenever and wherever specialized information and knowledge are created, communicated, recorded, processed, stored, transformed or re-used, terminology is involved in one way or another. Subject-field communication has become a specific type of discourse with specialized text differentiating into a whole array of text types. When we define terminology as a structured set of concepts and their designations in a particular subject field, it can be considered as the infrastructure of specialized knowledge.

Terminology is the study of terms and their use. "Terms" are words and compound words that are used in specific contexts, not to be confused with "terms" in colloquial usages, the shortened form of technical terms (or terms of art) which are defined within a discipline or specialty field. The discipline "terminology studies among other things are how such terms of art come to be and their interrelationships within a culture.

Terminology therefore denotes a more formal discipline, which systematically studies the labelling, or designating of concepts particular to one or more subject field or domains of human activity, through- research and analysis of terms in context for the purpose of documenting and promoting correct usage. This study can be limited to one language or can cover more than one language at the same time. Multilingual terminology, bilingual terminology, and so forth may focus on studies of terms across fields. Everistus Anyaechie says:

Terminology is the science that is concerned with form and meaning of "terms" defined as units of reference in the scientific, technical or other special domains, a motivated practice, subject to control and guided by methods, a product that involved terminological card, glossaries, dictionaries and online terminology banks in a given domain (5).

Thus, the translators' and interpreters' onerous task of finding appropriate equivalent in a given source language into a given target language is facilitated by glossaries and other collections. The terminologist therefore functions to bridge obstacles, to smoothen communication through his study, finding and compilation of words or expressions specific to different areas of human endeavour, sometimes between one language community and the other. These collections subsequently serve as tools and raw materials in the minds and hands of interpreters and translators of foreign language. Talking about terminology in the area of law, Crystal (2003) puts it this way:

Legal language has always been pulled in different directions. Statement has to be phrased that we can see the general applicability. Yet be specific enough to apply-to individual circumstances. They have to be state enough to stand the test of time, so that cases will be treated consistently and fairly, yet flexible enough to adapt to new social situations. Above all, they have to be expressed in such a way that people can be certain about the intention of the law respecting their rights and duties. No other variety of language has to carry such a responsibility (6).

A fundamental distinction separates the language of the legislative which institute a legal text and the language of the judiciary which interprets and applies that text. Crystal further highlighted the skills involved in legal translation. According to him, legal translation

is a distinct specialty and therefore involves the following skills: It requires a variety of advanced skills to be present in the translation:

- i. First, it requires a complete mastery of both the source and the target languages. Secondly, a good knowledge of the legal system are involved
- ii. Knowledge of the relevant sub-areas of law.
- iii. Awareness of any other relevant disciplines and subject-matter.
Example: steel making, if the documents of a case concerns a steer-worker.
- iv. Training in the art of translation itself.

It is clear that it is not easy to find such a combination of skills especially as they are not acquired quickly, either on their own or collectively. All these reflect the unique nature of legal language. Before the colonial era, Nigeria had its own judicial system which changed as a result of the introduction of English laws and statutes and the common law. This colonial language has its own code. It is a "special language". Special in the sense that its meaning and usage are only known to those trained in the semantics of its code. 'Decamps' as quoted by Okeogu "A special language is a language used by 'collection of individuals to enable them communicates in their various fields" (29). The judicial language' can be said to be special because it is different from everyday language.

Except one is familiar with the judicial language, the desired communication will not be achieved. To achieve good communication in judicial matters, the message has to be precise by way of correct translation of the terms. Okeogu further observed that most indigenous speakers who are involved in one squabble or the other find it difficult to express themselves in the court of law using foreign language because they are illiterates or semi-illiterates and do not know the Igbo equivalent of these legal terms.

There is also the need for the court clerks who serve as interpreters in these courts to interpret correctly and render accurately the proceedings of the Court. Compounding the problem also is the fact that these interpreters are not trained and so does not find the work easy. "Distortion of meaning in Nigerian law." Eke and Njoku (1997) "lament the continued ugly trend of employing indigenous speakers of local languages as court clerks to serve as interpreters in local courts in some Nigerian state" (16). With these examples from Icheoku "90" series, one can x-ray how competent the interpreters were and how people really understood the legal terms.

Prosecution witness number one (PWI)

Defence Witness Number One (DWI)

Prosecution: This exhibit was served to you

Interpreter: E ziri gi ezbit a?

The defence who is an illiterate and does not know what an exhibit is replied thus:

Defence witness: o bu akwukwo e dere ihe ka loya gosiri m o bughu ezbit.

The defence witness was full of confusion when the entire court broke into laughter (Okeogu 29). In situation like this, there was no communication to the people who are

not groomed in legal profession because, it is only the "Learned Gentlemen" who understand the legal terms.

The Place of Terminology in Translation

Terminology and translation are two fields that susceptibly wrap up each other such that where translation issues arise, terminology must surface, such as the importance of terminology in translating. The concept of terminology subsumes every activity that deals with the study of terms.

In translation work, the translator is usually faced with certain problems ranging from the lexical items found in one language to another with respect to their ecological make up, social, religious and even linguistics frame. The translator in the course of translating unavoidably encounters terms, some of which he can get their equivalence in the Target Language and some he cannot get.

The translator must face the fact that the meaning of terms must be carried across from the source text to the Target Text whether there is an equivalent or not. It therefore depends on him to find the proper terms to use in the Target Text to make sure that the intended meaning is realized in the source Text. The translator may probably use a phrase or a word to translate a word found in the source Text. In a situation where the translator is unable to find the equivalent of the words to be translated, he might decide to borrow that word as it is in the Source Language into the Target Language. Alternatively, the translator may coin a word (invent a new term), which he deems the best equivalent of the word in question.

A well-trained translator must find a way of wriggling out of the terminological problem. He has the power to create terms in his Target Language if there are none readily available. This is where neologism (creation of new terms) comes in. At this juncture, a translator finds the study of terms indispensable for a successful translation work.

Glossary of English-Igbo Legal Terms:

Presentation of English-Igbo legal terms, the terms collected were arranged in alphabetical order. First column contains the source term (English) followed by the target terms (Igbo).

Source Language: English	Target language: Igbo	Technique Applied
Abrogation	Nsube Iwu	By composition
Accused	Onye e boro ebubo	By composition
Acquittal	Mkpehapu	Equivalent
Act	Iwu ala	Equivalent
A convict	Onye ikpe mara	Equivalent
Adjournment	Mbugha ikpe	Equivalent
Adjudicate	Ikpebi	Equivalent
Administration of justice	Ekpemikpe n' usoro iwu	By composition
Affidavit	Inuiyi uloikpe/affideviiti	Equivalent/Adaptation
Arbitration panel	Abitreshon panelu	Adaptation

Audience	Ndi Ngere ikpe	Equivalent
Bench warrant	Benchi warranti	Adaptation
Bribery	Akaazu	Traditional Equivalent
Black Maria	Ugboala mbu ndi omekome	Analogy of form
Breach of trust	Emejuputaghi nkwa	Equivalent
Capital offence	Igbu mmadu	Equivalent
Capital punishment	Ima ikpe onwu	Equivalent
Concealing evidence	Izo okwu mgbama	By composition
Corruption of witness	Nduhie Uche onye akaebe	Equivalent
Conviction	Ikpe omuma	Equivalent
Complainant	Onye mkpesa	Equivalent
Court	Uloikpe	Equivalent
Court of Appeal	Ulokiye mkpaghari	Equivalent
Counsel for defence	Okaiwu mkpeputa	Equivalent
Court messenger	Kotuma	Adaptation
Chief Judge	Okaikpe ukwu	Equivalent
Customary court of appeal	Uloikpe odinala ukwu	Equivalent
Deportation	Ugbo nwamkpi	Modulation
Delay of prosecution	Igbu oge n' ikpe	Equivalent
Destroying Evidence	Imebi akwukwo mgbaama	Equivalent
Disobedience to act	Inupu isi n' iwu	Equivalent
Divorce	Igba alukwaghim	Equivalent
Discharge	Ihapu onye no mkporo	By composition
Deed	Akwukwu nkwekorita	By composition
Death penalty	Ikpe onwu	Equivalent
Enquiry	Ime nnyocha	Equivalent
Evidence	Ihe mgbaama	Equivalent
Evidence for the defence	Ihe ngoro onwe	Equivalent
Evidence for the prosecution	Ihe mkpegide onye e boro ebubo	By composition
Examining magistrate	Majie nnyocha ikpe	Equivalent
False pretence	Uzo aghugho	Equivalent
Fabrication of evidence	Ikpunye nnu n' osiari	Modulation
False statement	Nkwuputa asi	Equivalent
Foreign jurisdiction	Iwu ikpe mba ozo	Equivalent
Gangster	Omekome	Equivalent
Guilty of a misdemeanor	Ida obere iwu	Equivalent
High Court	Uloikpe ukwu	Equivalent
Heir	Onye nnochichi anya	Equivalent
Homicide	Igbu ochu	Equivalent
Ignorant of law	Amaghi iwu	Equivalent
Inequitable	Imegbu mmadu	Equivalent
Income tax law	Iwu utu isi	Transposition

Interpretation of statute	Nkowa iwu	Equivalent
Judiciary	Ndi okaiwu	Equivalent
Judgment note	Akwukwu ebimokwu	By composition
Judicial oath	Inu iyi uloikpe	By composition
Justice of peace	Okpe duo	Equivalent
Juvenile court	Uloikpe umuntakiri	Equivalent
Judicial review	Imeghari iwu	Equivalent
Law	Iwu	Equivalent
Law Lord	Ndi okaikpe	Equivalent
Legal document	Akwukwu iwu	Equivalent
Legislator	Omebe iwu	Equivalent
Litigation	Igba akwukwo	Equivalent
Magistrate	Majie	Compounding
Mens rea	Inwe obi ojoo	Modulation
Murder case	Ikpe ochu	Equivalent
Murder	Igbu ochu	Equivalent
Native Court	Uloikpe odinaala	Equivalent
Nullity	Adighi ire	Equivalent
Objection my Lord	Ekweghi m onye new m	Equivalent
Offences relating to currency	Odida iwu ndi metutara ego ala	Composition
Riot	Ngaghari iwe	By analogy of function
Sanction	Ntaramahuhu	Equivalent
Sheriff	Onye nkwado iwu	By composition
Supreme court	Uloikpe ekpechaaogwu	Equivalent
Suspect	Onye a na-enyo enyo	Equivalent
Sentence	Ahuru diiri onye dara iwu	By composition
Slander	Ikato mmadu	Equivalent
Sedition	Iji ederede kochaa onyeisiala	Equivalent
Search warrant	Ikike ico ihe	Equivalent
Suit	Ikpe	Equivalent
Swindler	Ohiaghughoeri	Modulation
Strike	Abubo oru	Equivalent
Suicide	Mmadu igbu onwe ya	By composition
Tort	Ihe megidere onwe ya	By composition
Trespass to land	Mmadu iga n'ala onye ozo	Equivalent
Tort feasor	Ida iwu	Equivalent
Trustee	Onye ndube	Modulation
Treason	Ibuso steeti agha	By composition
Trade mark	Akara nhubama ngwahia	By composition
Termination of contract	Ikwusi mmadu oru	Equivalent
Theft	Izuohi	Equivalent

To abscond	• Igba oso ikpe	Equivalent
To appear before a court	• Iputa n' ihu uloikpe	By composition
To banish	• Icupu n' obodo	Equivalent
To bring before a court	• Ikpolite n'ulo ikpe	Equivalent
To bring in the verdict	• Iwebata na mkpebi	Equivalent
To conduct an enquiry	• Ime nnyocha	Equivalent
To exile	• Igbapu n' obodo	Equivalent
To give evidence	• Igba akaebe	Equivalent
To indict	• Ibo ebubo	Equivalent
To imprison	• Itu mkporo	Equivalent
To inherit	• Iri ekpe	Equivalent
To kill	• Igbo	Equivalent
To lodge a complaint	• Ime mkpesa	Equivalent
To make one's will	• Ike ekpe onwe	Equivalent
To place under arrest	• Ikpochi mmadu	Equivalent
To produce an alibi	• Igosi ikike abiaghi ikpe	Equivalent
To prosecute	• Ikupu uloikpe	Equivalent
To read law	• Iguputa iwu	Equivalent
To remand	• Itu mkporo	Equivalent
To seek redress	• Irio mgbaghara	Equivalent
To sentence	• Ima ikpe	Equivalent
To serve a writ on	• Inyefe akwukwo ibia uloikpe	By composition
To steal	• Izu ohi	Equivalent
To sue at law	• Igba akwukwu n'usoro iwu	Equivalent
To take oath	• Idu n'iyi	Equivalent
Tender of defaced coin	• Iji egoigwe oiyi azu ahia	Equivalent
Testimony	• Igba akaebe	Modulation
Usher	• Onye mkpolite	By composition
Ultra vires	• Imebiga ihe oke	Modulation
Verdict	• Ikpe ikpe	Equivalent
Void	• Ihe megidere iwu	By composition
Witness box	• Ogba akaebe	Equivalent
Warrant for arrest	• Akwukwo ikike inwuchi mmadu	By composition
Writ of summons	• Akwukwo mkpoga uloikpe	Equivalent

Conclusion

It is not an easy task creating indigenous terms of any discipline. With this paper, it is vividly observed that the Igbo language is endowed with mechanisms for coining and inventing new words using various methods besides "igbonizing" or phonologising the borrowed terms. To further develop the Igbo language in the area of terminology, all the available methods and principles should be put to use.

Attempts have so far been made to highlight in a clearer perspective the unavoidable role of terminology in bridging the gaps between people, races and communities of the world, which has culminated in their inability to refer to the same objects and notions in different fields of human endeavour with the same words. A particular attention has been paid to the area of law as the foundation upon which human values are built. The Igbo language has been

specifically identified as one, out of the three major indigenous languages, in Nigeria in which there are efforts to mobilize the illiterate masses through orientation in legal terms.

The development of terminologies calls for research and hard work on the part of linguistics and translators alike. Moreso, technical translation should not be misconstrued to refer to translating exercise itself but to be considered as technical that is every text that discusses technical, technological and scientific matters. A state, which has not learnt to translate well in order to communicate well, is still living in the dark. In view of this, Ezeuko has this to say:

A country in which individuals are unable to translate i.e find meaning for what they hear, think or even dream, is a dead country... A nation which is unable to participate in the give and take that circulates cultures, civilizations and technologies among the nations will not cease being the servant of other nations in every sense of the word (57).

This implies that researches are optimistic that there is the need for every speech community to use its language in exploring their culture, society and natural resources in consonance with linguistic logic and interpretation.

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