THE DILEMMA OF A LEGAL TRANSLATOR: THE IGBO LANGUAGE EXAMPLE

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Abstract

Translation generally is a complex and difficult activity. The problems become more complex when two languages are not or are hardly related. Igbo language, spoken in the Eastern part of Nigeria belongs to the Niger-Congo group of languages. Its nature, structure and peculiar characteristics pose great problems for a legal translator. Lack of equivalent legal terms is also another bottle neck. Ambiguity and confusion arise when an equivalent is assigned to a legal term which the concept does not exist in the target language. The English language has virtually specific terms for all legal terms. Igbo language, on the other hand, is very limited because of its generic nature. The thrust of this paper is to identify the challenges faced by an Igbo legal translator and suggest the way forward.

Key Words: culture, descriptive, generic and legal translation,

Introduction

Legal translation has its peculiar problems different from other forms of translation. A legal translator has to contend not only with two languages and cultures, but also with two different legal systems. Comparative law then is the basis of translating legal texts. Legal language is characterized by a specific language and therefore specific terminology. Cao (2007) notes that, *"legal language is normative because law has the basic function in society of guiding human behaviour and regulating human relations.* Sarcevic (1985) opines that, *"each country has its own legal language representing the social reality of its specific legal order"*. According to Sarcevic (1997), legal translation is *"a process of translating legal systems"*. Capellas (2004) shares the same view with Sarcevic that, *"legal translation implies a comparative study of the different legal systems and awareness of the problems created by the absence of equivalence"*.

Legal translation belongs to the technical and specialized domain. Cao (2007) notes that

> *legal translation is a specialized area of translation activity. This is due to the fact that legal translation involves law, and such translation can and often does produce not just linguistic but also legal impact and consequence, and because of the special nature law and legal language.*

It should be noted that, law, in itself, is by extension, an expression of culture and is expressed through the legal language, which is specific to that culture. Uhuegbu and Ijioma, (2010). Lot (1972) notes that, *"no language can exist unless it is steeped in the context of culture; and no culture can exist which does not have its centre in the structure of natural language"*. Law is culture dependent and demands more than mere understanding of two languages. According to Cao (2007), *"law is a human and social institution, established on the basis of the diverse moral and cultural values of individual societies"*. In effect, the likelihood of misunderstandings and miscommunications is great if the translator is not aware of the differences in the linguistic and cultural assumptions of both the source and target languages.

Legal translation has legal effect that is why the translator has to thread with care in the course of his work. Any mistranslation spells disaster. Ajunwa (2014) also notes that, *"because of the delicate and sensitive nature of the subject matter, the translation of legal documents from one language into other demands a very high degree of careful handling"*.

1. State of Igbo legal terms

Efforts have been made by researchers, linguists, translators, terminologists and some government bodies to tackle the problem of legal terms in Igbo. Despite the efforts made, translators are still faced with the problem of equivalent legal terms due to the structural, surface differences in the two languages. Cao (2007) affirms this when she notes that, *"a basic linguistic difficulty in legal translation is the*

absence of equivalent terminology across different languages". On the issue of equivalence, Sarcevic (1997) opines that, *"due to differences in historical, cultural development, the elements of the source legal system cannot be simply transposed into the target legal system"*. Another thorny problem is the western influence on Igbo language. Most of the terms are borrowed from English and then igbonized which makes it difficult for those who are not educated to comprehend most translations especially in courts. In addition, most research works are not harmonized and standardized. This creates room for indiscriminate use of the terms.

2. Sources of data collection

The examples in this work are collected from some research works by NERDC (1991), Eke and Ugorji (1999), Ezeuko, Okeogu (1998), Uhuegbu and Ijioma (2010), Ijioma (2011), Ijioma and Ezeafulukwe (2015).

3. Nature of Igbo language

Each language has its peculiar way of expressions. No two languages are the same. There are structural, surface differences between languages that result in the lack of one to one correspondence between them at different levels. English and Igbo languages have many structural differences, but we shall discuss only the differences that are relevant to our work.

3.1 Generic language

English and Igbo languages belong to two different families and as such, do not share much in common. While English has terms for all legal concepts, Igbo, on the other hand, because of its generic nature is very limited. Most times, one term is used to translate many related but exact legal concepts. For example, the word *law* is translated with one term, *iwu* irrespective of the type. On the generic nature of Igbo language, Uhuegbu and Ijioma (2010) observe that, *"the Igbo linguistic community makes no*

distinction between the different forms of legislation as found in the English language". We know that different languages encode meaning in different forms. The details on the generic nature of the Igbo language will be discussed later.

3.2 Sentential and descriptive language

Igbo is a sentential language. According to Ijioma and Ezeafulukwe (2015), *Igbo language, most often, uses longish, paraphrasing, excessive dilution and description to express foreign concepts"*. This is due to the low level of development of technical and specialized terms. Also, in a bid to avoid borrowing and the use of generic terms, the translator resorts to description or explanation. In Igbo, the legal concept *court* is generally called *ụlọ ikpe* which if literally translated into Igbo is *house judgement.* The problem then arises when translating the different arms of the court. An example is the translation of *court of appeal"* which is rendered as, *ụlọ ikpe mkpegharị,* literally means *house judgement retrial.*

3.3. Tone language

Igbo is a tone language. This implies that in the language, the pitch of the voice can make a difference to the meaning of an element, word, phrase or sentence when the vowels and consonants are all the same. Onukawa, (2011). For example, *okè-boundry; òke-a rat; òkè-share*. Tones are important structures of Igbo language. Dots are equally important because they bring out the differences in words which are otherwise alike. Such example include: *izu-to steal; ịzụ-to buy; ísí-head; ísì-smell; ìsì-blindness; ụkwụ-leg; ukwu-waist etc.*

4. Data Presentation

Below are some examples of legal terms which constitute problems for the translator.

4.1

ENGLISH	IGBO
Murder	igbu ọchụ
Kill	igbu ọchụ
Manslaughter	igbu ọchụ
Homicide	igbu ọchụ
Assassination	igbu ọchụ
Genocide	ịgbu ọchụ

4.2

ENGLISH	IGBO
Steal	ịzu ohi
Theft	ịzu ohi
Robbery	ịzu ohi
Pilfer	ịzu ohi
Larceny	ịzu ohi
*pickpocket	ịma aka akpa
*burglary	Abalidiegwu

The examples above in tables 4.1 and 4.2, show different degrees of murder and theft. The English has specific terms for each concept. The Igbo language, on the other hand, uses one term for all cases of murder. We should not forget that the act of murder has its consequences and the judgement differs depending on the degree and gravity of the act. Bellos (2011) describes the act of murder thus, *"...but what looks like murder to you may be first degree, second degree, manslaughter, homicide or even*

collateral damage in a legal description of event". In Igbo society, spilling of blood of a fellow human is regarded as not only a crime but as an abomination. And abomination in Igbo language is *'ọchụ'*. Each language refers to the customs and history of those who use it as their own. House (2009) also notes that a legal text text *"cannot be understood in the abstract, divorced from the historical tradition shared by members of a political culture"*. Hence, all forms of killing are called *'igbu ọchụ'*. This buttresses the fact that culture and language are closely knit together. According to De Groot (1987), *"languages are entirely embedded in their own socio-cultural-political context.*

Pratima (2012) is also of the same view that,

> *language and culture are inextricably interwoven and the integration of an element into a culture cannot be said to have been achieved unless and until linguistic expression of that element has been integrated into the language of that culture.*

Theft also has different degrees depending on what is stolen, how and in what manner. The only deviation is in the case of *pickpocket* and *burglary* where they are translated as:

ịma aka akpa	*abalidiegwu*
put+hand+pocket	night+ fearful

in the case of burglary, it normally takes place at night and that has given rise to the name *abalidiegwu.*

4.3

ENGLISH	**IGBO**
adultery	ịkwa iko
fornication	ịkwa iko
*prostitution	ịgba ashawo/akwụna
*incest	Akwamiko nwanne na nwanne

In table 4.3, adultery and fornication are represented differently in English, while Igbo has one term for the two. It is only prostitution that is represented differently. At times, *ịkwa iko* is used for prostitution. In the case of incest, the act is described because of the parties involved.

Incest ịkwa iko nwanne na nwanne

Sex + relation + relation

4.4

ENGLISH	IGBO
law	iwu
ordinance	iwu
decree	iwu
statute	iwu
act	iwu
agreement	iwu
treaty	iwu
pact	iwu
legislation	iwu

We have already mentioned that the Igbo language has a generic term for all forms of legislation. Generally all forms of law are translated as *ịwu*. This is a very delicate issue. Though the different forms are somehow related, they are different in some ways. The definitions of the different forms of law according to *English Online Dictionary* are given in the fig below.

Terms	Meaning
law	The body of rules and standards issued by a government, or to be applied by courts and similar authorities.
decree	An edict or law; the judicial decision in a litigated cause rendered by

	a court of equity.
ordinance	A local law or regulation
statute	Written as laid down by the legislature
act	A product of a legislative body
treaty	International law; a binding agreement under international law
agreement	A legally binding contract enforceable in a court of law

The definitions of the different forms of law show that, though, the concepts are related in some aspects, they are not exactly the same. The Igbo language lumped all the concepts into one term, *'iwu'*. The problem posed by this generic term is that the legal effect is not guaranteed.

4.5

ENGLISH	IGBO
procedure	usoro
protocol	usoro

In Fig 4.5**,** the same issue applies. Procedure and protocol are represented by one term. Also, the legal practitioners irrespective of their nomenclature are referred to as *ndi ọkaikpe.*

4.6. Doublets or legal redundancies

Another great challenge for the Igbo legal translator is the abundance of doublets in English legal system. Examples of such include:

Aid and abet	ikwado ndamiwu
Aims and objectives	mbunuche
Rights and privileges	ihenrite
Null and void	adighị ire; enweghi isi

Just and equitable	ihe kwụọtọ
Terms and conditions	usoro etc.

These are among the most common redundancies in legal drafting. How will these terms be translated into Igbo language? They are closely related in meaning. The Igbo language has one concept for each pair. Cao, (2007) on the issue of legal concepts points out that, *"legal concepts from different countries are seldom, if ever, identical, because, firstly, the nature of language dictates that two words are rarely identical between two languages and even within the same language"*.

5.0. Challenges faced by a legal translator

All forms of translation have their peculiar problems. In addition to the general problems of translation, legal translation deals with laws and norms of the society, the product has legal effect. It is a specialized domain that uses legal language. The problems we have noted are peculiar to Igbo language due its structure and level of development.

5.1. Generic terms

The main problem is that the Igbo language makes no distinction between different forms of legislation, legal practitioners and legal houses. This poses a great problem to the translator. This could equally lead to confusion and ambiguity. For example, in the case of murder, which in English has different degrees, how should the translator convey the exact type of murder committed? We should not forget that law has a binding effect.

5.2. Non Standardization of created legal terms

There is indiscriminate use of legal terms by translators. This is due to the non harmonization of the terms created by terminologists, translators and linguists by appropriate bodies charged with

standardization. Some use generic terms, some resort to borrowing and some to description. Here are a few examples to show the different terms by some researchers.

Terms	**Ezeuko**	**Okeogu**	**Uhuegbu &ijioma**
Judge	jọọji	ezeikpe	jọọji/ezeikpe
Magistrate	majie	Majis /majee	majes
Court of appeal	ụlọ ikpe apiini	ụlọ ikpe mkpegharị	ụlọ ikpe mkpegharị
High court	hayị kọọtụ	Nnukwu ụlọ ikpe	ụlọ ikpe ukwu
Supreme court	ụlọ ikpe ukwụ	ụlọ ikpe ukwu	ụlọ ikpe ukwu kachasị

Examples like these abound and they are found in the libraries and journals. People use the terms indiscriminately. The generic nature of Igbo language is shown clearly in the examples. Some terms are used interchangeably. This could lead to confusion. For example, in the case of *High Court* and *Supreme Court*, if ụlọ ikpe ukwu is used, it becomes difficult to differentiate the two. This is also a source of worry.

5.3. Inadequate formation of translators

Translators in training, who have the intention of working in the legal field, should be exposed to the basic knowledge of law. Our university programmes are deficient in this area. The translators working in this area are not well equipped during their formation years.

5.4. Lack of recognition by the government

The government does not recognize the role of translators in language development. People who are not trained translators are hired to translate official documents. There is no law backing translation as a profession. It has become an all comers affair.

5.5. No strong force

On the part of the translators, there is no strong body to push for their rights. The Nigerian Institute of Translators and Interpreters (NITI) has been proposing lofty ideas on to push for the registration and recognition of translators as a body. There is no much progress in this regard.

6.0. Suggestions

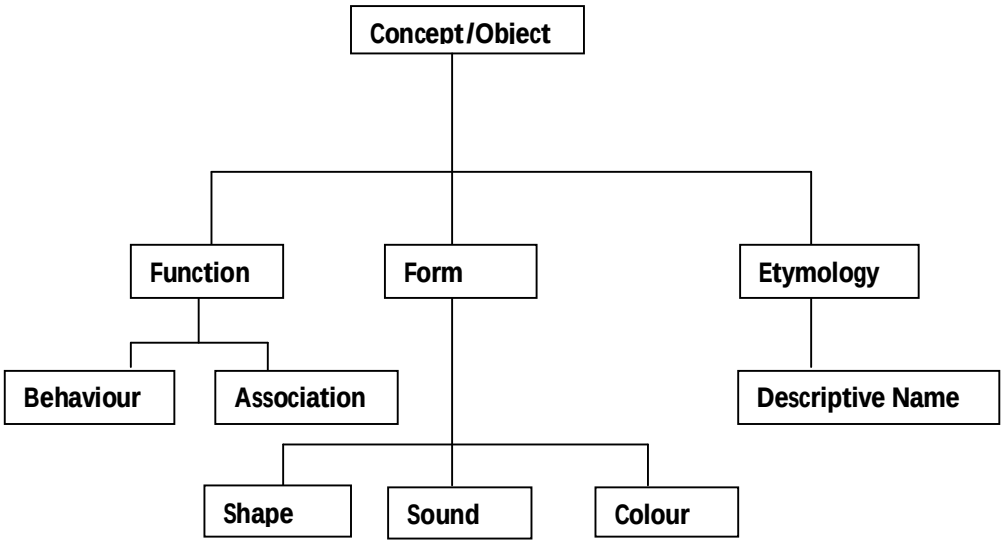
In the face of these difficulties facing the Igbo legal translator, we suggest the following to help the translator in the course of his/her duty.

i. He should be competent and proficient in both the source and target languages.

ii. Equally, a basic knowledge of the legal systems of both working languages is of great importance.

iii. It is evident that the essential factor at the base of effective translation is culture specificity. This implies that apart from the linguistics, a cultural familiarity in both the SL and TL is inevitable. The law of a country cannot be separated from its culture. Therefore, law is an expression of the culture, and it is expressed through legal language. According to Cao (2007), *"legal traditions and legal culture has had a lasting impact on the way law is written"*.

iv. There are conceptual gaps between English and Igbo languages. These constitute major constraints for the translator, because the two languages are poles apart. Legal concepts from various legal systems hardly ever mean the same thing. The translator should resort to other forms of term creation in the absence of equivalent terms. These include borrowing, description or definition. Bellos (2011) advised that, *a word which no equivalence can be found will have to be described"*. Given the nature of Igbo language, the translator can follow the different methods propounded by Eke and Ugorji (1999) as shown in the diagram below.



(Eke and Ugorji, 1999)

v. The terms created by different bodies should be collated by the Igbo Standardizing committee for standardization and modernization. This will go a long way to reduce the indiscriminate use of terms. This committee should come together to work as a team for the promotion of Igbo language and culture and most importantly, the membership of the body should include terminologists, translators and not only linguists.. The channel of dissemination is of equal importance. This can easily be done through the media, organization of workshops, seminars and conferences. The media as we know is the fastest way of giving out information.

vi. Some suggested translations

Terms	Igbo translation	Technique
Supreme court	ụlọ ikpe ekpechaa ọgwụ	Descriptive/Functional
Court of appeal	ụlọ ikpe mkpeghaṛị	Descriptive/Functional
legislation	Iwu nke nzụkọ	Descriptive/Functional
Law	Iwu obodo	Descriptive
statute	Iwu nke ndi nzụkọ ome iwu kwadoro	Descriptive

7.0 Conclusion

A translator in the legal domain has herculean task to surmount. It is not only the transfer of meaning but also implies a comparative study of the different legal systems and cultures. Aitsiselmi and Trouille (1997) note that, "*in legal texts, more than in any other specialised field, translators cannot provide an accurate translation of certain notions unless they have a clear understanding of the overall institutional system to which they belong"*. It is a specialized area and therefore has its peculiar language. The structural and cultural differences between English and Igbo result in the lack of one to one correspondence and equivalence between them at different levels. In case where there is no equivalence, the translator should resort to borrowing, description or functional approach to convey the meaning or the message to the Igbo audience. A legal translator should be well equipped to carry out his/her duty because law is a delicate field and has binding effects. The translator should strive to produce a text that expresses the intended meaning and at the same time, achieve the intended legal effects. We have not claimed to have exhausted all the problems of an Igbo legal translator. There is room for more research in this area.

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