

**A CONTRASTIVE LINGUISTIC STUDY OF SELECTED ENGLISH–YORUBA
TRANSLATED COURTROOM PROCEEDINGS IN KWARA STATE.**

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CERTIFICATION

I certify that this thesis was written by Oloruntola, Grace Toyin in partial fulfilment of the requirements for the award of the Master of Arts Degree in English Language, in the Department of English, Obafemi Awolowo University, Ile – Ife, Nigeria.

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DEDICATION

This research work is dedicated to the Almighty God for His mercies, grace, protection and provision throughout the period of this course.

Also, to my one and only brother: Engr. James Oloruntola, for being the first financier of my Masters programme.

OBAFEMI AWOLOWO UNIVERSITY

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LIST OF ABBREVIATIONS

CP Courtroom Proceedings

Law Lawyer

Pros Prosecutor

Mag Magistrate

Int Interpreter

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TABLE OF CONTENTS

Font page	i
Authorization to copy	ii
Certification	iii
Dedication	iv
Acknowledgements	v
List of Abbreviations	vii
Table of Contents	viii
Abstract	xi
CHAPTER ONE: GENERAL INTRODUCTION	
1.1 Background to the Study	1
1.2 Statement of Research Problem	3
1.3 Aim and Objectives of the Study	3
1.4 Justification of the Study	3
1.5 Expected Contribution to Knowledge	4
1.6 Scope of the Study	4
1.7 Definition of Terms	4
CHAPTER TWO: LITERATURE REVIEW	
2.0 Introduction	6
2.1 Contrastive Linguistics	6
2.2 Translation	8
2.3 Translation Theory	10

2.4 Methods of Translation.	11
2.5 Tasks of a Translator	12
2.6 Courtroom Proceedings	13
2.7 Law and Language	14
2.8 Legal Interpretation	15
2.9 Statutory Rule of Interpretation	17
2.10 Why the need for an Interpreter?	21
2.11 Types of Courtroom Interpretation	21
2.12 The Goals of Courtroom Interpretation	22
2.13 Qualities of an Interpreter	22
2.14 Courtroom Proceedings in the Court of Common Pleas	23
CHAPTER THREE: RESEARCH METHODOLOGY	
3.0 Introduction	26
3.1 Data	26
3.2 Sampling Techniques	26
3.3 Research Instrument	27
3.4 Methods of Data Collection	27
3.5 Methods of Data Analysis	27
CHAPTER FOUR: DATA ANALYSIS AND DISCUSSIONS	
4.0 Introduction	28
4.1 Implications of Translations in Courtroom Discourse	28
4.2 Meaning Preservation	31
4.3 Meaning Distortion	45
4.4 Meaning Modification	74
4.5 Implication for ESL Environment	97

CHAPTER FIVE: SUMMARY AND RECOMMENDATION

5.1 Summary 100

5.2 Recommendation 101

Reference 102

Appendix 1: Proceedings 1-3 Magistrate Court, Ilorin

Appendix 2: Proceedings 4-6 Magistrate Court, Offa

Appendix 3: Proceedings 7-9 Magistrate Court, Omu-Aran

ABSTRACT

This study identified and categorised the forms of interpretation used by the interpreters in three Magistrate Courts in Kwara State. In addition, it described the lexico-semantic and grammatical content of the selected English proceedings and contrasted these with that of the Yoruba translations as it relates to meaning preservation, distortion and modification. It also commented on the implications of translation in the context of courtroom discourse in English as Second Language environment. This was done with a view to examining the theory and practice of Yoruba-English translation.

Data for the study were drawn from primary and secondary sources. The primary source comprised recorded courtroom proceedings. The courts from which the proceedings were drawn are three purposively selected Magistrate Courts in Kwara State namely: Magistrate Court Ilorin, Magistrate Court Offa, and Magistrate Court Omu-Aran. Two magistrate courts (i.e., Magistrate Court Offa and Magistrate Court Omu-Aran) were selected from Kwara South Senatorial District while Magistrate Court Ilorin was selected from Kwara Central Senatorial District. These are two out of the three senatorial districts in Kwara State. The third senatorial district was not covered because Yoruba is not dominant in the area. Three interpreters were randomly selected from each court and three proceedings were also selected from each court; this means that altogether there were nine proceedings and nine interpreters. The proceedings included both civil and criminal litigations. The secondary data were books, journals and the Internet. The lexico-semantic, grammatical content in relation to meaning preservation, distortion and modification in the texts were analysed using the Newmark Translation Theory. The results showed that all the courtroom interpreters in the chosen courts employed the

consecutive form of interpretation in the courtroom to interpret the text from the source language to the target language. Also, the study showed that the interpreters allowed their cultural background and beliefs to reflect in the interpretation of the texts. This made the interpreted texts which were to be in the direct speech to be rendered in the indirect speech, and consequently the use of honourifics in the target texts. Furthermore, due to the lack of equivalent word for some words used in the source text, the interpreter omitted those words in the target texts and this accounted for meaning distortion and meaning modification in the target texts. The interpreters were however able to preserve meaning mainly at the lexical level.

The study concluded that interpretation if not well handled by the interpreters could lead to misrepresentation of the message/text which could affect the response of the non-English speaker and the outcome of the judgement.

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Number of Pages: 104

CHAPTER ONE

1.1

Background to the Study

The view of discourse as serving transactional and interactional purposes transforms into practical realities in courtroom exchanges. As an institutional setting, the law court exemplifies a typical domain where language provides the basis for conveying information; promoting meaningful and goal directive social and interactional exchanges. Whether in civil or criminal litigations, the proceedings rely on linguistic facilities for accomplishing communicative actions. Law and language are interwoven and inseparable. Gibbons (2003) in Farinde (2008) asserts that law is an overwhelmingly linguistisc institution. Laws are coded in language and the concepts that are used to construct the law are accessible only through language. Legal processes such as court cases, police investigations and so on take place through language. Language thus remains the sole 'legal tender' and the major instrument for prosecuting the cases and resolving conflicts brought before the courts. Nigeria being a heterogeneous society is a place where multilingualism thrives. Nigeria is divided into three major areas which are the North, the West and the East. This division according to Farinde (2008) tallies with the three major language groups in Nigeria, the Hausa in the North, the Yoruba in the West and the Igbo in the East.

Apart from the three major language groups, it has been estimated that there are more than 400 indigenous languages spoken in Nigeria. The multiplicity of the languages is such a noted phenomenon in Nigeria that within these prominent ethnic groups, there are still differences in languages and dialects found within a linguistic group that are not mutually intelligible. The speakers of these dialects do not understand each other, though they belong to the same linguistic group. Despite the fact that Nigeria is a multilingual society, English is the language

used to hear trials and to keep court record. This is because English is being used as the official language in Nigeria. In view of this, majority of the court case witnesses and accused persons are people who cannot speak English but only their indigenous languages. Despite this fact, the cases are still heard in the official language which is English. This then necessitates the use of interpreters, who interpret the language very well. Moeketsi (1999) defines interpreting as a communication activity that occurs in various situations where a message is transferred from one language to another in a setting where language and culture present themselves as barriers rendering communication impossible. Interpreters play an important role in due process as it has been stated earlier that over 400 languages are spoken in Nigeria. There is a constitutional guarantee of due process which applies to everyone, not just fluent English speakers. A judicial officer must appoint a qualified interpreter for persons who are handicapped in communication to prevent injustice and to assist them in defending themselves. Aside being a bilingual person, a court interpreter must have a functional knowledge of the two languages involved.

Moeketsi went further to say that an interpreter must master his 'A' and 'B' languages before he starts to practice. The interpreter must know the languages so well that he is sensitive to the differences in all the linguistic properties, including the lexical terms, syntactic structures and pragmatic usages. The courtroom interpreter must make extra effort to transfer the pragmatic meanings of the source text, that is, speech acts, illocutionary force, conversational maxims, politeness element, etc. as these elements have considerable influence on the interpretation of meaning. In the western countries, the court employs the services of a courtroom interpreter but in Nigeria, the court clerk or even the lawyer does the work of an interpreter in all courts. This study is aimed at doing a contrastive linguistic analysis with particular reference to the English – Yoruba Translated courtroom proceedings.

1.2

Statement of Research Problem

Legal discourse has been the subject of many academic studies. However, linguistic translation which is also an integral part of courtroom discourse in Nigeria has not been given necessary academic attention. This is therefore what this study intends to examine.

1.3

Aim and Objectives

This study aims at doing a contrastive linguistic study of English – Yoruba Translated courtroom proceedings.

The specific objectives of the study are to:

- (a) Identify and categorize the forms of translation employed by the interpreters;
- (b) Describe the lexico-semantic and grammatical content of the selected English proceedings and contrast these with that of the Yoruba translations, as it relates to meaning preservation, distortion and modification and
- (c) Comment on the implications of translation in the context of courtroom discourse in ESL environment.

1.4 Justification of the Study

This study makes a contrastive linguistic study of courtroom proceedings in English and the Yoruba translation. This is important in order to identify the differences and similarities in the two languages. The justification of this study is premised on the fact that there are problems the interpreters face in translation of some discourse markers which the lawyers make use of during cross-examination. Hale (1999) in one of his papers asserts that interpreters frequently ignore the discourse markers such as “well”, “now” etc which can adversely affect the illocutionary force

of the utterance despite the fact that the grammatical structure of the sentence and its proposition are still intact. The differences in the translation

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