English-Hausa Translations of Legal Terminology: Reflection of Legal System Evolution in Northern Nigeria

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Abstract: This paper analyzes the translation of legal terminology from English to Hausa, focusing on how the technical register reflects the evolution of the legal system in Northern Nigeria. The study suggests that the technical register of each profession in the lexicon serves as a historical tapestry, revealing the development narrative. Traditional vocations in Hausa exhibit limited loan words, highlighting their enduring roots in Hausa heritage. In contrast, modern professions like science and technology incorporate numerous English loan words, reflecting globalization's impact. Religious terminology in Hausa contains Arabic loan words, indicating the predominant religious influence. Notably, legal terminology in Hausa shows a unique linguistic fusion, blending indigenous terms with loan words from Arabic and English. This linguistic interplay reflects a balanced tapestry, where the three languages contribute proportionately to the legal terminology and, therefore, mirror the cultural and historical dynamics of Northern Nigeria.

Keywords: Hausa, terminology, translation, source language, target language

1. Introduction

Hausa, one of the prominent African languages, is spoken by millions of people in West Africa. There are thousands of works on the description of the various aspects of Hausa linguistics, literature, history, and culture. However, all Hausa legal texts were originally written in English first, then translated into Hausa. Consequently, to comprehend Hausa legal terminology, a thorough analysis of English-Hausa translations is imperative. Even Shari'a documents, born out of Hausa resistance to Western legal systems, were originally drafted in English and it is the English versions that are officially recognized for Shari'a legal practices.

The Shari'a legal system predates the colonial era in Northern Nigeria, relying on foundational Islamic law sources like the Qur'an and Hadith, with judgments delivered in Hausa. During colonization, diverse legal frameworks operated in Northern Nigeria, varying by court jurisdiction, ranging from the English Criminal Code to native criminal laws and customs. The lack of codification in English led to variations in legal practices, depending on the specific court, province, or even the judge's discretion [14].

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Between 1999 and 2001, the Sharia legal system was fully reinstated in the majority of states in Northern Nigeria. Ahmad Sani Yariman Bakura, the initiator of this movement, commenced it during his campaign for the governorship of Zamfara state. The popularity of the movement surpassed Yarima's expectations, as he acknowledged in an interview with the British Broadcasting Corporation (BBC). Following his electoral success, Yarima delivered on his promise by publicly declaring Zamfara as a Sharia state, marking what was believed to be the largest-ever gathering of crowds in Northern Nigeria.

Encouraged by the positive response from the general Muslim population in Northern Nigeria, other state governors replicated the Sharia law in their respective states. These states include Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, and Yobe. The Sharia penal code for Zamfara state was drafted by volunteers from the Faculty of Law at Ahmadu Bello University (ABU), Zaria. This occurred sometime after the formal declaration of Sharia in the state. Since all these volunteers had received their legal training in English, they authored the document in the English language. Subsequently, other states adopted a similar approach, preparing their Sharia documents in English, utilizing the Sharia Penal Code of Zamfara State as a foundational template.

2. Literature Review

One notable study in the domain of Hausa translations is Andrea Brigaglia's [4]"Two Published Hausa Translations of the Qur'an and their Doctrinal Background," which scrutinized two Hausa translations of the Qur'an. Brigaglia posited that the translation choices reveal the authors' sects and doctrines. While Brigagli [4] focuses on Arabic-Hausa translations, its relevance to this work lies in its exploration of linguistic styles in the translations.

An intriguing facet of Brigaglia's work is his claim that Abukar Gumi's translation of the Qur'an is simpler and more comprehensible than Nasiru Kabara's, despite Gumi's utilization of more Arabic borrowings and greater dialect interference. However, what Brigaglia overlooked is that Gumi's work is widely understood by Hausa speakers not necessarily due to its simplicity but because it was extensively circulated as the first Hausa translation of the Qur'an. Consequently, many people read and grappled with it, eventually accepting it as the standard. Gumi's translation played a pivotal role in shaping Hausa usage, leading to a preference for Arabic words over their original Hausa counterparts.

Other pertinent works related to the exploration of Hausa-English translations include Aminu's [1] and Yakasai's [19] prescriptive works for Hausa translations. Both studies offer sets of guidelines for Hausa translations, contributing valuable insights to the broader understanding of this linguistic domain. Numerous English-Hausa translations across various genres exist, yet there is no scholarly work that examines legal translations.

Cao [6] characterizes legal translation as a distinctive and specialized field with unique features that extend beyond communicative or linguistic outcomes to encompass legal effects and repercussions. The translation of legal documents, ranging from statutory laws to contracts to courtroom testimonies, requires a convergence of legal theory, language theory, and translation theory. As a result, a comprehensive understanding of the essence of law and legal language is crucial for legal translators. Legal translation exhibits characteristics of both technical and general translation, as it demands specialized knowledge while also requiring mastery of language and cultural contexts.

The complexities of legal translation go beyond linguistic fidelity, extending into legal precision and accuracy. Legal translators are not only tasked with conveying the literal meaning of words but also

with preserving the legal intent and ramifications inherent in the source text. Therefore, legal translation stands at the intersection of technical translation, necessitating specialized knowledge, and general translation, which involves language and cultural context mastery.

Sarcevic [17] introduces a functional classification of legal texts and their translations, categorizing them into three distinct groups based on their primary purposes. These categories include prescriptive, descriptive, and mixed functions, each serving a specific role in the realm of legal discourse. Prescriptive legal texts encompass regulatory instruments such as laws, regulations, codes, contracts, treaties, and conventions. Descriptive documents include scholarly works by legal scholars, such as legal opinions, law textbooks, and articles. Mixed categories involve judicial decisions and legal instruments for judicial and administrative proceedings, including actions, pleadings, briefs, appeals, requests, and petitions

In contrast to Sarcevic's classification, Cao [6] offers a classification of legal translation based on the intended purpose of the target texts, consisting of three distinct categories: Nominative, Informative, and Judicial.

Nominative legal translations involve texts with equal status as authentic legal documents in bilingual and multilingual jurisdictions, covering domestic laws and international legal instruments. In these cases, texts are originally composed in one language and then translated into another language or languages. Each language version carries equal legal validity, with none being superior to another, regardless of their original status. These translated legal texts undergo an authentication process mandated by law and, once validated, are recognized as authoritative legal documents. Examples of this category can be found in institutions like the European Union, where multilingual legal texts adhere to the nominative principles, treating translated versions with equal legal weight and significance.

Informative legal translations, on the other hand, refer to documents primarily drafted to provide information to the target readers. This category includes translations of statutes, court decisions, scholarly works, and various legal documents designed to offer information. In contrast to nominative translations, where the translated text is legally binding like the source text, in the informative category, the source text remains the sole legally enforceable document. Translations in this category may not carry the same legal weight as the original text but play a crucial role in facilitating comprehension and accessibility of legal content for a broader audience.

The third category, judicial legal translation, pertains to the translation of legal documents intended for judicial purposes. Translated documents within this category may be used as part of documentary evidence in court proceedings. Source texts may encompass various legal documents such as statements of claims or pleadings, contracts and agreements, as well as other texts like business or personal correspondence, records and certificates, witness statements, and expert reports. The translated versions are instrumental in ensuring linguistic accessibility and understanding within the legal context, though they may not hold the same legal standing as the original documents.

Legal translation, as a specialized form of technical translation, is particularly intricate due to challenges stemming from linguistic, cultural, and legal system differences. The complexity arises from the need to navigate disparities not only in language and culture but also in legal concepts, norms, and the application of laws across different societies. Legal translation involves the crossing of distinct legal systems, where the nuances of legal histories, cultures, and systems contribute to frequent challenges.

The intertwining of law and language is intrinsic to legal translation. Legal language is tailored to meet the demands of the legal system it serves, setting it apart from other types of technical translation that convey universal knowledge. Each legal language possesses its own history and culture, making legal translation a unique and nuanced activity.

The term "Technical Translation" refers to the specialized translation of subject domains such as science, technology, commerce, medicine, and law. According to Wright and Wright [18], technical translation is synonymous with language for specific purposes (LSP) translation. Similarly, Newmark [12] defines technical translation as a specialized form that encompasses institutional translation in areas such as politics, commerce, finance, and government. Notably, Newmark distinguishes technical translation by its use of terminology, even though terminology typically constitutes only a small percentage of the text. Technical translation focuses on domain-specific terminology and content, with grammatical features similar to other translation varieties.

In contrast to literary translations, technical translation is often perceived as devoid of emotional language, connotations, sound effects, and metaphor, emphasizing objectivity. Saldanha [16] argues that simplicity, clarity, and precision are crucial in technical translations, aiming to make the target text read as if originally written in the target language. Choices in technical translation are determined by the target language and the purpose of the translation, independent of the source text.

Early research on technical translation centered on science and technology. For instance, Finch's [10] "An Approach to Technical Translation" focused on the specific features of scientific text, providing guidelines for technical translations. New perspectives on technical translation, as seen in [5], shift the focus from terminology to the function and reception of texts. Byrne emphasizes the usability of technical documentation, reflecting a growing interest in training and education and underscoring the importance of teaching and learning in medical translations.

3. Methodology

This research uses the translation procedure model in analyzing the English-Hausa translations of legal documents to find out how the legal terminologies are translated from English to Hausa. In the realm of Translation Studies, a multitude of models outlining Translation Procedures and Strategies have been proposed by various researchers. Notable methodologies include Vinay and Darbelnet's [9] approach to translation, Nida's [13] technical and organizational procedures, Catford's [7] translation shifts, Newmark's {1988} translation methods and procedures, Chesterman's [8] syntactic, semantic, and pragmatic strategies, among others.

The pioneering Translation Procedure model was introduced by Vinay and Darbelnet in 1958 [15]. They categorized procedures into direct/literal translation and oblique strategies. The direct method was further subdivided into three categories: "borrowing, calque, and literal translation" [9]. The oblique method included "transposition, modulation, equivalence, and adaptation". Vinay and Darbelnet [9] recommended that translators initially consider direct/literal methods for translation and resort to oblique methods only if the direct translation is structurally impossible, lacks meaning, or conveys a different meaning. They also introduced a third category, supplementary translation procedures, including economy, amplification, explicitation, implicitation, generalization, particularization, and compensation. In total, Vinay and Darbelnet [9] proposed fourteen translation procedures, encompassing three direct/literal, four oblique, and seven supplementary procedures.

Similarly, Newmark [12] identified fifteen translation procedures: transference, naturalization, cultural equivalence, functional equivalence, descriptive equivalence, synonym, through translation,

shift or transposition, modulation, recognized translation, translation label, componential analysis, reduction and expansion, and paraphrase. He recognized that a single translation problem might involve multiple procedures, termed as couplet, triplet, or quadruplet. Additionally, translators may employ other techniques, such as notes and glosses, for cultural, technical, or linguistic purposes beyond the procedures identified by both Newmark [12] and Vinay and Darbelnet's [9].

4. Data Presentation and Analysis

Each language has its unique legal terminology because legal systems vary from one society to another. Therefore, translators need to know the context of both the source and target languages to be able to translate the legal terminology from one language to another. The procedure frequently used in translating legal terminology is foreign words and borrowing. The translators commonly use the generally accepted Hausa term equivalent to the English legal terminology, as shown in the following list:

English Source	Hausa Translation
appeal	daukaka ƙara
arrest	kamu
bail	beli
charge	tuhuma
court	kotu
evidence	hujja
imprisonment	ɗauri
judge	alƙali
law	doka
lawyer	lauya
lawsuit	ƙara
offence	laifi
plaintiff	mai ƙara
witness	shaida

The above list of the Hausa terminology employed in the translations of legal documents is widely used and recognized as the precise equivalents of the corresponding English legal terms. All the translations are consistent in using the recognized Hausa legal terminology that constitutes the combination of purely Hausa, and loanwords from both Arabic and English. However, the translators of Shari'a documents utilize Arabic words to translate the Arabic terms used in the English source texts. Examples of such include:

1. Hirabah > English: Makin preparation to commit hirabah

Hausa: Yin shirin aikata hirabah (making preparation for the work of hirabah)

2. Ghurrah > English: Payment of ghurrah

Hausa: Biyan ghurrah (payin ghurrah)

3. Qisas > English: Qisas for causing grievous hurt

Hausa: Kisasi kan haddasa babban ciwo (Qisasi for causing big hurt)

4. Diyyah > English: Payment of diyya

Hausa: Biyan diyya (paying diyya)

5. Qadhf > English: Qadhf: Eighty lashes

Hausa: Kadhf: Bulala tamanin 80 (Kadhf: Eighty lashes)

All these words: hirabah, ghurrah, diyyah, qadhf, and qisas, are Arabic terms used in both the Shari)a documents' English source texts and the Hausa translations. The first two terms, hirabah and ghurrah are purely Arabic borrowed words that are not commonly used in Hausa and, therefore, are not found in Hausa dictionaries. From the context, the Arabic borrowed term, hirabah, refers to the acts of creating public unrest which includes revolting against the state, treason, and armed robbery. Maybe the translators couldn)t think of a generic term that can cover the sense of the Arabic borrowed term hirabah, therefore, they used the same term that appears in the source text. However, there exist some Hausa alternative terms like tayarda tarzoma (creating chaos), tawaye (revolting against the state), cin amanar ƙasa (treason), fashi da makami (armed robbery); but the translators prefer to use borrowed terms from Arabic which are more generic terms. Additionally, the term ghurrah, which refers to the penalty imposed for causing a miscarriage, as inferred from the contextual usage within the source documents, is also used by translators. The Hausa alternative terms could either be more generic: tara (fine), or a descriptive phrase like tarar zubar da ciki (fine for the expulsion of pregnancy).

The other word, diyyah, qadhf, and qisas, are also borrowed terms used in both the English source texts and Hausa translations but they are already recognized legal terminologies used in Hausa language as they are found in Hausa dictionaries like Bargery [3] and Newman & Newman [11]. The term diyyah is used in the documents to refer to the financial compensation paid to the family of the victim in case of homicide, or to the victims in case of bodily harm or property damage, by the perpetrator. The term qadhf is used in the documents to refer to the act of accusing someone of adultery without the required proof. However, the term ƙazafi is commonly used in Hausa to refer to any false accusation. The other term qisas is used in the documents to refer to retaliation in kind or retributive justice like (an eye for an eye).

From the English-Hausa translations of legal documents, I learned about a fascinating contrast between legal terminology and other Hausa technical registers. The Hausa terminology of modern professions encompasses abundant loanwords from English, indicative of the profound impact of globalization and external influences, while loanwords are rarely found in the technical registers of Hausa traditional vocations as an indicative of their enduring roots in Hausa heritage, as exemplified in the Dictionary of Hausa Crafts by Bross & Baba [2]. Moreover, the Hausa lexicon of religious terminology is full of loanwords from Arabic, indicative of the source of the predominant religion of the Hausa people.

It is within the domain of Hausa legal terminology that a distinctive linguistic fusion emerges. Here, the Hausa legal register exhibits a harmonious marriage of indigenous Hausa terms and a substantial influx of loanwords from both Arabic and English. This intricate linguistic masterpiece unfolds uniquely, presenting a balanced combination where the three languages, Hausa, Arabic, and English, make proportionate contributions to the rich texture of the Hausa legal terminology. In examining this intriguing interplay of linguistic elements, this study not only sheds light on the evolving landscape of the Hausa legal language but also provides insights into the broader cultural and historical dynamics of Northern Nigeria as it shows how the Hausa legal terminology could be used

to recreate the structure of the legal system that existed in a particular period in Northern Nigeria. It underscores how language, as a living testament to history, mirrors the complex interplay of tradition, modernity, and external influence within the legal profession and beyond.

Hausa legal terminology incorporates native Hausa words that reflect the existing legal system prior to any interaction between Hausaland and Arabs or Europeans. These terms include doka (law), laifi (offense), kamu (arrest), ɗauri (imprisonment), and ƙara (lawsuit). These are purely Hausa terms, which means that the concepts are inherently present in the Hausa traditional legal system. The Hausa term for prison, gidan yari, literally (the house of Yari), indicates that the concept of prison existed in Hausa tradition, as yari is a traditional title bestowed by the Emir upon the individual responsible for overseeing prisoners. Thus, prison is named as this person's house.

The Arabic loanwords in the legal terminology of Hausa reflect the developmental stage of the legal system in northern Nigeria following interactions with Arab influences. It is fair to say that the Arabic loanwords are so critical to the Hausa legal terminology. For example, very important words like shari'a (legal process) and alƙali (judge) are both Arabic loanwords. This suggests that it was after the contact with Arabs that the legal process was formalized as shari'a, and the designated authority figure responsible for that process, alƙali, was introduced. Prior to that, criminal cases were taken care of by the Emir or his representative while civil cases were taken care of by appropriate higher authorities from the household all the way up to the Emir, depending on the magnitude of the case. Other important legal terms borrowed from Arabic into Hausa include hujja (evidence), shaida (witness), and hukunci (judgment).

The existence of the Hausa native term, sasanci (mediation), while the terms for judgment, evidence, and witness, hukunci, hujja, and shaida respectively, were borrowed from Arabic indicates that the Hausa traditional legal system placed a greater emphasis on the mediation process rather than passing out judgments based on a fact-finding process through concrete evidence presentation and/or witness account. This is further reinforced by Hausa proverbs such as, a bar kaza cikin gashinta (a hen should be left in its feathers), and kar fa allura ta tono garma (lest a needle dig up a big hoe), which are commonly used to discourage investigation. The proverb, a bar kaza cikin gashinta is used to deter people from looking for evidence by the metaphorical warning that things become ugly when dug out while kar fa allura ta tono garma is used to deter people from an investigation by warning them that they can uncover an unpleasant truth that could have huge consequences against them.

The English loanwords in the Hausa legal terminology indicate how contact with Europeans contributes to the evolution of the legal system in northern Nigeria. Examples of some important English loanwords in Hausa legal terminology include kotu (court), lauya (lawyer), beli (bail) and fursuna (prisoner). Traditionally, the Emir and other traditional leaders address legal cases at their palaces, therefore, it seems that it was after the contact with Europeans that this function was transferred to a special place, the court, which was then borrowed into Hausa as the designated place for legal proceedings. Similarly, the terms lawyer, bail, and prisoner found their way into Hausa during that period.

5. Conclusion

In essence, this paper illuminates the linguistic mixture found in the Hausa legal register, where native Hausa terms intertwine with loan words from Arabic and English, resulting in a distinctive fabric of legal terminology. The underlying premise is that the technical register within each profession in Hausa serves as a historical narrative, weaving together the story of its development. Traditional vocations, exemplified by Bross & Baba's (1996) Dictionary of Hausa Crafts, exhibit a

limited use of loan words, vividly illustrating their enduring connection to Hausa heritage. Conversely, the lexicon of contemporary professions, such as science and technology, is stuffed with English loan words, indicating the significant impact of globalization and external influences. Similarly, religious terminology in Hausa draws extensively from Arabic loan words, reflecting the dominant religious influence on the Hausa people. An intriguing observation from English-Hausa translations of legal documents reveals a notable contrast between legal terminology and other technical registers. Within this domain, a distinct linguistic fusion emerges, showcasing the Hausa legal register's harmonious blend of indigenous terms and a substantial influx of loan words from both Arabic and English. This intricate linguistic symphony unfolds uniquely, creating a balanced tapestry where the three languages—Hausa, Arabic, and English—contribute proportionately to the rich fabric of legal terminology. By examining this interplay of linguistic elements, the study not only sheds light on the evolving landscape of legal language but also offers insights into the broader cultural and historical dynamics of Northern Nigeria. It underscores how language, as a living testament to history, reflects the intricate interplay of tradition, modernity, and global influence within the legal profession and beyond.

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