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# KENYATTA UNIVERSITY

SCHOOL OF HUMANITIES AND SOCIAL SCIENCES

DEPARTMENT OF ENGLISH AND LINGUISTICS

ANALYSIS OF THE INTERPRETATION OF SELECTED LEXICAL ITEMS  
IN KENYA CONSTITUTION (2010) BY KIPSIGIS SPEAKERS

BY

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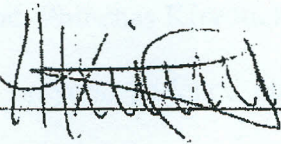
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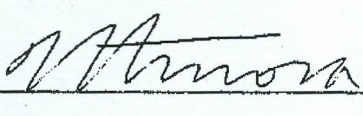
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## DEDICATION

I dedicate this dissertation to my dearest wife, Alice Chepkoech Chepkwony, lovely children, Faith Chelangat, Phinehas Kiprotich, Joy Chepjumba, Aaron Kiptoo and beloved mum Elizabeth Sigilai. Their prayers, patience and encouragement enabled me to pursue this course to its completion. May God's grace be with them always.

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## LIST OF ABBREVIATIONS

CI	- Consecutive interpretation
LE	- Legal experts' responses
SPER	- Studied population and experts responses
SI	- Simultaneous interpretation
SL	- Source Language
ST	- Source Text
SVO	- Subject Verb Object
TL	- Target Language
TT	- Target Text
VSO	- Verb Subject Object

## DEFINITION OF OPERATIONAL TERMS

**Constitution:** This refers to a system of governmental principles or document embodying these principles.

**Consecutive interpreting:** Rendering statements made in a source language into a target language. Intermittently after a pause between each completed statement in the source language.

**Interpretation/ interpreting:** The unrehearsed transmitting of a spoken or signed message from one language to another. In this study interpretation is synonymous with comprehension.

**Jargon:** Technical or specialized vocabulary of a profession, particular activity or a special interest group.

**Lexical items:** The smallest unit in the meaning system of a language that can distinguish other similar units.

**Register:** Language level or style used in different settings such as a legal set up.

**Source language:** The language of the original speaker.

**Target language:** The language of the listener, the language into which the interpreter is communicating the meaning of the word and spoken in the source language.

**Sight Translation/ Interpretation:** This is a kind of interpreting where an interpreter reads a document written in one language while interpreting into another language without prior practice.

**Text:** This refers to a stretch of utterance that could be: a word, a phrase, a clause, an expression or a paragraph.

**Translation:** The term has a general meaning of the process of transferring a message from one language to another. In this sense, the term includes interpretation. Translation also has a more specific meaning of the process of converting a written text in another language.

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## ABSTRACT

This study falls within the area of Analysis of Interpretation of Documents. The study is about analysis of Kipsigis speaker's interpretation of selected lexical items and phrases in the Kenya Constitution published in 2010. The main objectives of the study were to: i) identify and analyze lexical items and phrases in the constitution that were wrongly interpreted in Kipsigis.

ii) describe the challenges faced in the interpretation of selected lexical items or phrases.

iii) assess whether the variables of gender and age influence the interpretation of selected lexical items and phrases. The study focused mainly on the Chapter Eleven on 'Devolved Government'. The motivation of this study is hinged on the fact that ideally, interpretation from one language into another or other languages should be possible. Relevance Theory and Interpretive Theory give the various maxims interpreters or translators should obey while engaging in interpretation. Relevance theory explains aspects of inferences based on context and other elements while Interpretive Theory emphasizes on the notion of resemblance, that is, the meaning in one language is transferable to another language. The study employed qualitative research techniques in analyzing and describing the data. This study used a group of twenty respondents of class eight level of education purposely sampled in Kemu location of Bomet County, which was the area of study. This study group was sampled bearing in mind the social variables of gender and age. Another four specialized respondents were also interviewed in the process. The study also utilized a combination of tape – recording, use of questionnaires and interview schedules for data elicitation from the respondents and interviewees. The researcher presents a detailed analysis of the data collected based on the stated objectives of the study. This study has found out that some lexical items such as 'Devolution', 'Gender', 'Integrity' and 'Transition' among others in the constitution were wrongly interpreted in Kipsigis; language differences, ambiguity, word borrowing, lack of equivalents and nativisation were some of the challenges in interpretation of the lexical items in Kipsigis; that gender but not age had a significant influence in the interpretation of the selected lexical items. In addition to other recommendations, this study further proposes that analysis of interpretation of lexical items in the constitution into other languages can also be studied. In this study the 'Interpretation' was taken as synonymous with comprehension such that, correct interpretation meant that the studied population comprehended the elicited lexical items better.

## **CHAPTER ONE**

### **1.0 INTRODUCTION**

This study deals with analysis of the interpretation of selected lexical items in the Kenya constitution by Kipsigis speakers. This section starts with the background to the study, a brief history of the Kipsigis community, the statement of the problem, before proceeding to the research objectives, research questions and research assumptions. The rationale of the study and the scope and limitation of the study follow thereafter.

### **1.1 Background to the Study**

As one of the official languages, English is the language in which 'most of the government business is conducted' (Musau, 2003). It must however be acknowledged that Kiswahili also features prominently in the carrying out of official government business. The two languages are used in government offices to serve the members of the public and most official government documents are written using the both languages. Both languages are also used as the media of instruction at different levels of the country's education system (Musau, 2003). English and Kiswahili also feature prominently in the media and in the commercial and social spheres of the Kenyan society.

Kirigia (1991) does an assessment of English reading comprehension of pupils completing primary school education and finds out that a large number of them do not comprehend statements with difficult words with specialized usage even when these were irrelevant to the

understanding of the text. This research relates to this study in that, the target population is mainly in the rural setting and almost has approximately the same level of education (primary level). The selected lexical items and phrases may not be easily interpreted in Kipsigis by these respondents as education for some of them may not be adequate.

Mberia (2002) states that, despite the fact that English is taught from the first year of primary school in Kenya, many pupils terminate their education at the end of the primary circle without the ability to read effectively or efficiently and that those school leavers who are normally not proficient in the English language may not climb the education ladder. The other studies done by (Maina 1991, Kirigia 1991, and Nyamasyo 1992) complement this assertion.

Fasold (1984) advances the notion of the equality of language. He says that any language can express what another language can, though; some languages may lack enough vocabulary to say certain things. Fortunately, this deficiency is catered for by strategies such as coinage, borrowing and other translation strategies.

The Kenya constitution published in 2010, recognizes, respects, promotes and protects the diversity of Kenyan languages. Unfortunately, it is quiet on 'how' the promotion should be done, something that gives credence to this study. Nyamasyo (2004:77) observes "while the above position augurs well for the indigenous languages of Kenya, it is not clear how they will be implemented." Instead of actual promotion there has been a tendency to sideline all other languages in favour of English and Kiswahili. This study attempts to explore ways of mitigating this through analysis and critique of Kipsigis interpretation of selected lexical items and phrases.

Listening to Kipsigis speakers carry out a conversation, especially, on issues that emanate from the National matters such as, discussions on the 'Constitution implementation'; 'system of

governments', 'The Bill of Rights', 'News items' and other discussions which require interpretation, it is not uncommon to find code-mixing, borrowing of terminologies and omission, in an attempt to ensure that the original message remains unhampered. In some cases, Radio presenters in Kalenjin Vernacular stations would highlight issues using English terms regardless of the topic of discussion. For instance, while discussing constitutional matters: 'The Bill of Rights', 'Devolution', 'Transition', 'Supreme court', 'hate speech' among others, are some of the items that are interpreted in English, then, an attempt to define them in Kipsigis is done albeit with some difficulties. This study addresses the likely challenges that Kipsigis speakers encounter especially, in Kipsigis interpretation of lexical items and phrases in the Kenya Constitution (2010).

Kenya has had two constitutions since independence in 1963. The first constitution at independence, which governed the country for close to five decades and the second constitution which was promulgated and adapted after the August 2010 referendum, on 27<sup>th</sup> August 2010. It is worth noting that, both constitutions were written in English which is one of the official languages in Kenya. English and Kipsigis are unrelated in terms of syntactical and structural meaning. English has Subject Verb Object (SVO) structure where else Kipsigis has Verb Subject Object (VSO). Thus, interpretation of difficult lexis and phrases in the document, say in Kipsigis language helps mitigate on the challenges of comprehending the English version.

Devolution in Kenya is the pillar of the constitution and seeks to bring government closer to the people, with county governments at the centre of dispersing political power and economic resources to Kenyans at grassroots. Devolution is enshrined in chapter eleven of the constitution. It legalizes the formation of the forty- seven counties, each with its own government as spelt out

in the County Government Act, 2012. This Act also created elaborated structures to ensure the full implementation and success of devolution.

The county governments have executive and legislative authority, including the accompanying mandates and powers, to raise limited revenue, establish policies, plans, budget and governance. Legal experts agree that without the chapter on devolution, the 2010 constitution would be a mere shell. It has given hope to many Kenyans and is therefore, the most watched unit of the constitution. In line with this, the study was conducted to establish whether the study population fully comprehended the issues that border on devolved units based on their interpretation in Kipsigis of the selected lexical items.

The current constitution stipulates the rules and regulations that govern the people of Kenya. It also contains 'The Bill of Rights' which stipulates the rights that all Kenyans should enjoy yet it is rendered in a language which most Kenyans are not competent in. It is from this point that the researcher examines the need for the interpretation of difficult lexical items and phrases in the constitution of Kenya (2010) in Kipsigis. To enhance the necessary civic education, especially in a forum in which Kenyans are expected to air their views and participate in the day to day formulation of government policies, it is obligatory that these difficult lexis and phrases in the document be interpreted.

In support of this, Prof. Ngugi wa Thiongo has advocated writing in the indigenous languages such as Gikuyu. He suggests that all knowledge in Africa currently in English should be translated (interpreted) into vernacular (Daily Nation 3<sup>rd</sup> August, 2004). He further claims that the majority of Kenyan people are at the foot of the mountain and only a few are at the top. It is therefore the duty of those blessed with the intellectual insight to bridge the gap by speaking with the people in a language they can understand.

*All languages in the world are real product of human history. They are our common heritage. A world of many languages should be like a field of flowers of different colours. There is no flower which becomes more of a flower on account of its colour or its shape. All flowers express their common 'floralness' in their diverse colour and shapes. In the same way our different languages can, should, and must express our common being .../ Then the different languages should be encouraged to talk to one another through the medium of interpretation and translation. Ngugi, (1993:39), Moving the Centre.*

In this study, the researcher sought to establish how the problems of language barrier and legal register affect Kipsigis interpretation of the selected lexical items and phrases in the Kenya constitution (2010).

## **1.2 Background History of the Kipsigis Community**

According to Towett (1979), the Kalenjin comprise the following dialects: Kipsigis, Marakwet, Terik, Pokot, Keiyo, Sebeei, Nandi and Tugen. There is mutual intelligibility between most of these groups. Among the groups Kipsigis is the most populous. The precise population figure for the Kipsigis according to the Kenya population census (2009) is 1.972 million accounting for 45% of all Kalenjin speaking people (<http://www.wikipedia.com/kipsigis>) – Retrieved on April, 14 2014.

The Kipsigis migrated to the present area from the north. They passed through Mt. Elgon, Kerio Valley and some parts of Baringo County before settling in the Southern parts of the Rift Valley. They were moving in search of water, green pastures for their cattle and also fertile land for cultivation. They practice subsistence farming and keep livestock for their products. The Kipsigis community geographically occupies four counties: Kericho, Bomet, parts of Nakuru and Narok Counties. The area of study in this research falls within Bomet County and the dominant language spoken there is the Kipsigis dialect.

The Kipsigis speakers interact amongst themselves in their language and in most of the times prefer to interpret important documents in their language. This is attested by programs run by Fm radio stations: Kass Fm, Kitwek Fm and Chamkei Fm and also through print media such as, Kass Weekly Magazine. Since important documents such as the Constitution, news in the print media and legal documents are captured mostly in English, rendering them in Kipsigis poses great challenges to those interpreting. This is because English and Kipsigis are unrelated languages. English, is both an isolating and to some extent an inflectional language that uses independent lexical items and inflective to represent various elements. English conforms to a SVO pattern whereas Kipsigis takes VSO and to some extent agglutinating.

### **1.3 Statement of the Problem**

The overall problem addressed in this study is the challenges that faced the Kipsigis speakers; in the interpretation of selected lexical items and phrases in the Kenyan Constitution (2010). The Kenya constitution is written in English which is a foreign language for a majority of the Kenyans. Since there was yet to be a translated version of the document in the local languages, Kipsigis speakers grappled with the challenges of interpretation of some lexical items in their effort to comprehend the document.

The document also contains a substantial amount of legal register which makes it inaccessible to majority of the population. For instance, interpretation of such lexical items such as 'Devolution', 'Democracy', 'Tribunal', 'Transition' and 'Gender' are challenging to some of the Kipsigis speakers, since these terminologies seem to lack equivalents in Kipsigis.

This study therefore, identified and analyzed some of the difficult lexical items and phrases as contained in chapter eleven of the constitution of Kenya: "Devolved Government".

## **1.4 Research Objectives**

The objectives of this study were to:

- 1) Identify and analyze lexical items and phrases in the constitution which are difficult to interpret in Kipsigis. .
- 2) Describe the challenges faced in the interpretation of the selected lexical items and phrases.
- 3) Assess whether the variables of gender and age influence interpretation of selected lexical items and phrases.

## **1.5 Research Questions**

The research questions were:

- 1) Which lexical items and phrases in the constitution were difficult to interpret in Kipsigis?
- 2) What were the difficulties in the interpretation of selected lexical items and phrases in Kipsigis?
- 3) Do the variables of gender and age influence interpretation of the selected lexical items and phrases in Kipsigis?

## **1.6 Research Assumptions**

The research assumed that:

- 1) Some lexical items and phrases in the Kenya constitution were difficult to interpret in Kipsigis.

- 2) There were likely to be challenges in the Kipsigis interpretation of some selected lexical items and phrases in the Kenya constitution.
- 3) The social variables of gender and age influence on the interpretation of some selected lexical items and phrases in Kipsigis.

### **1.7 Rationale of the Study**

Analysis of Kipsigis interpretation of selected lexical items and phrases aimed at easing the comprehension of the constitution by Kipsigis speakers. It also identified and described the challenges faced in the interpretation of the selected lexical items. In this way it is hoped that Kipsigis speakers would find it easier to participate in the public affairs especially those pertaining to governance in the devolved system.

The research will also enrich the Kipsigis language as some lexical items and phrases in the English are 'nativised' such as 'county', 'governor' 'ward' among others as a result of lack of equivalents.

Furthermore, the information gathered will be helpful to those sensitizing the public on the constitutional matters to do with civic education, county legislations and public participation in fiscal issues such as taxation.

### **1.8 Scope and Limitations of the Study**

This study was limited to selected lexical items and phrases in Kenya constitution (2010). These lexical items and phrases were drawn from Chapter eleven on 'The Devolved Government' for instance, words such as 'Devolution', 'Decentralization' and 'County' amongst others. This is because it is the chapter that addresses the issues in the devolved system that is,

immediate to the people. Since public participation of county government affairs is envisaged in the document, the lexis and terminologies were not uncommon to the Kipsigis unlike in other chapters of the constitution.

The entire constitution was not interpreted because it would have called for more experts in its interpretation and would have been beyond the scope of this study.

The main focus were the various interpretations of the selected lexical items in form of words and phrases as used in the Kenya constitution published in 2010. The various words and phrases were examined in relation to their semantic (meaning equivalents).

The research limited itself to a sample of twenty respondents who were chosen based on the variables of gender and age. The level of education was not considered as a variable because the study population was approximately of the same level; primary school. Those with higher education were considered to face fewer challenges than the focused group of primary leavers. These variables helped in addressing the objectives of the study.

## CHAPTER TWO

### LITERATURE REVIEW AND THEORETICAL FRAMEWORK

#### 2.0 Introduction

This section presents details on the review of related literature and the employed theoretical framework. In the literature review, studies on constitution, types of interpretations, characteristics of legal language and previous studies done on interpretation and translation are reviewed. Theoretically, this study is informed by both the Relevance and the Interpretive Theory.

#### 2.1 Review of Related Literature

In literature review, the researcher focused the study on the following areas;

- (i) Literature on Constitution
- (ii) Types of interpretations
- (iii) Semantic Representation and interpretation
- (iv) The characteristics of legal language
- (v) Some related studies in Translation and Interpretation

#### 2.2 Literature on Constitution

According to Gichuru & Miano (1987), the constitution consists of those rules and laws which determine the form of a given government and the respective rights and duties of it towards citizens and of citizens towards the government. "By a constitution is normally meant a document having a special legal sanctity which sets out the framework and principal functions of

organs of government of a state and declares the principles governing the operation of those organs...” (Gicheru & Miano1987).

They further observe that whatever its form, a true constitution will have the following facts about it very clearly marked.

- i) How the various agencies are governed.
- ii) What power is entrusted to those agencies; and
- iii) In what manner such power is to be exercised.

From the above definition it is important that the content of any given constitution should be known by all the citizen of that country, whether the citizens are literate or illiterate. This is because it is a document that forms the pillar of the enacted laws that these same citizens are expected to operate and be governed by.

Citizens in a democratic country like Kenya are said to enjoy freedom of speech, the right to publish what they please (so long as they do not infringe on others’ right), freedom from arbitrary arrest, freedom to practice their religions, and freedom of association, among other freedoms. These rights are written in the constitution by being specifically enumerated and enacted as part of the constitutional document itself. Kibwana et al (1996:2) note

*But the constitution also tells the people what rights they have. It tells them how, when and who by (sic) those rights can be taken away. Some of these rights empower the citizens to influence the decision of the government. (Emphasis mine)*

Devolution is defined as a political arrangement where political, administrative and fiscal power is distributed to semi- autonomous territorial and sub-national units, Wamwangi Kinuthia, 25<sup>th</sup> March 2015, chairman Transitional Authority- Public Lecture on “Understanding Devolution”.

The ultimate objectives of devolving powers are to promote democratic and accountable exercise of power as well as national unity by recognizing diversity, to empower citizens in self governance and enhance people participation in exercise of power by state organs, to allow communities manage their affairs, to protect and promote the interests and rights of minorities and marginalized communities, to bring services closer to the people and ensure equitable sharing of national and local resources throughout Kenya.( <http://www.k.u.ac.ke/.../69-> public-lecture-on Understanding Devolution.) - Retrieved on April 20 2016.

Thus, it is important that the language of the constitution is understood by all individuals in the society, regardless of their social status, religion, age, sex and last but not least education background. The appropriate interpretation of the selected lexical items and phrases in this study demonstrated the extent to which respondents comprehend the pertinent issues in the Kenya constitution.

### **2.3 Types of interpretations**

Translation between languages involves interpretation as well. The message communicated in the source language (SL) has to be interpreted by the translator and transferred into the target language (TL) in such a way that the receiver of the message understands what was meant. However, interpretation and translation are not synonymous. Interpretation takes a message from SL and renders that message into a different TL, for example, English into French.

According to (Inlingua. Dresden, (2015). Basic kinds of interpretation. *D – 01277Dresden*, in interpretation, an interpreter chooses the most appropriate vocabulary in TL and faithfully renders it, in a linguistically, tonally and culturally equivalent term within a time constrain. Translation on the other hand, is the transference of meaning from text to text (written or

recorded) with translator having time and access to resources such as dictionaries, glossaries so as to produce the accurate document or verbal artifact. This proposed study therefore is more of interpretation than translation in that the respondents are involved in interpreting the lexical items and phrases rather than translating them, (Retrieved on 31/01/2015).

.Challenges in the interpretation and representation of meaning may be experienced in any communicative action. This is because interpretation and understanding meanings are central in communication and the text is the 'vehicle' with which meaning is ultimately transferred to the reader; language differences might hinder the transfer of meaning and might result in loss of meaning. For instance, the interpretation of the lexical items, such as; 'Constitution', 'County government' and 'Devolution' to name just but a few, lack direct equivalents in Kipsigis.

Interpretation in legal matters involves the use of three types of interpreting which may be used in a complementary or exclusive manner. These are Simultaneous interpretation (SI), Consecutive interpretation (CI) and Sight Translation (ST) also known as Sight Interpretation.

Simultaneous interpreting is a technique where an interpreter provides the TL message at the same time when the SL message is being relayed (Gonzalez et al 1991). SI is a very complex process because the interpreter has to carry out transformations on the SL message while uttering translation in the TL (Gerver, 1976) cited in (Kiguru 2008). The potential difficulties for the SI include, speed of delivery of SL message, lack of knowledge of the whole context of an utterance and technical terminologies.

In Consecutive interpreting (CI), interpreter waits for a complete rendition of the SL before providing its TL equivalent (Gonzalez et al 1991). This approach seems to have an advantage in that the interpreter has the time to analyze the SL message as a whole and thus understand its

meaning and context (Seleskovitch, 1978 cited in Gonzalez et al 1991). The difficulty for the interpreter in the CI is taxing on memory especially when dealing with lengthy utterances (Gonzalez et al 1991). The other type of interpreting is Sight Interpreting. In SI a written text is read and rendered orally without advance notice.

The interpretation of selected lexical items in the Kenya constitution (2010) was not tied to any kind of interpretation as such but as the constitution is full of legal register; the respondents gave their responses after studying elicited lexical items and phrases. Thus, the interpretation is closer to Consecutive or Sight interpreting (SI) method of interpretation which in this case was analyzed for the sake of the study.

## **2.4 Semantic representation and interpretation**

Tabossi (1991) posits that semantic information about words must be recovered from the mental lexicon and combined according to the syntax of the language before more complex elaborative processes can take place. Thus, the individual words constitute the building blocks of comprehension. But, not only do words contribute to make up meaning of sentences in which they occur, on many occasions the reverse may also be true and the internal representation constructed from a sentential context may help the various processes connected with the comprehension of a lexical item.

A word can be considered fully comprehended when it has been adequately interpreted in its context of occurrence. It is understood not when it is recognized as a lexical item or a phrase but when its meaning is given, a result that is achieved after several processes; these processes involve:

. Lexical interpretation

. Word recognition or identification

. Lexical access

Lexical interpretation is illustrated when a word receives its representation according to context.

Word recognition is used to refer to the processes by which the visual sound or sound pattern corresponding to a word makes contact with the various kinds of information, that is, semantic, phonological and syntactic available to the reader or listener about the word.

Lexical access is the retrieval of semantic information related to a word when a word is recognized. For example, what information about the word becomes available to the listener or reader when s/he recognizes the word? Does one recover all the available information, for example, about 'cats' or only that which is contextually relevant?

This literature helps us to understand what goes on between the source of the message, the interpreter and the message itself (cited in Kiguru 2008).

Millers (1951), also cited in Gimode, (2006), claims that the more frequently a word is used the more likely it is to be ambiguous because some words have more than one meaning. Context plays a central role in the comprehension of ambiguous words, and indeed it seems easier to understand an ambiguous item in context than to think of its meaning in isolation.

John- Laird (1983) illustrates this by considering the various meaning of 'plane' as follows:

- The plane landed on the runway.
- Imagine a sphere divided equally by a plane.
- The carpenter smoothed the surface of the wood with a plane.

- All the trees have been cut down except the tall plane at the end.

Although ambiguity is the most striking example of sentential context effects, unambiguous words can be flexibly interpreted.

Disambiguation, semantic flexibility and instantiation show unquestionably that sentential context can affect the interpretation of a word. In addition to being well established, these phenomena have also been given a convincing theoretical account within the framework of the Mental Model Theory (Johnson- Laird, 1983).

According to this theory understanding a sentence involves building a mental model of the state of affairs described by the sentence. A mental model is not a mental construction of the situation described by it and its structure is analogous to the corresponding events in the world. Within this theory words are cues to the construction of the model and their meanings are functions which contribute to determine the referents of the word in the model.

A central assumption of the theory is that understanding requires linguistic capability to interact with knowledge of the world. This information provided by individual words in the sentence is understood in relation to sentential context knowledge reducing the indeterminacy, vagueness and ambiguity of lexical items.

This study, borrows from this theoretical model of accounting for ambiguity, lexical flexibility and instantiation in analysis of the interpretation of selected lexical items and phrases in the Kenya constitution by Kipsigis speakers.

## 2.5 The characteristics of legal language

Legal language differs from ordinary language in many ways. These differences in a way enhance difficulty in comprehending the Kenya constitution. This makes its interpretation into Kipsigis or any other language challenging, (<http://www.languagelaw.org/legallang.HTM>) Retrieved on April 15<sup>th</sup> 2014.

In interpretation interpreters have to grapple with the language of law – a language that is very distinctive in its lexical and syntactic pattern (Thorne, 1997). English legal language, in both written and spoken forms, is quite different from other varieties of language due to historical influences from Anglo-Saxon oral tradition, the Catholic Church and the Norman Conquest (Gonzalez et al 1991 and cited in Kiguru, 2008). The language of the law is unique in its complex grammatical structures, technical lexis, archaic expressions and limited punctuation (Thorn, 1997). In addition, it is characterized by lack of spontaneity as it employs the use of specific linguistic formulae that have been predefined and pretested. (Thorn 1997) also notes that the language of the law uses jargon that is only familiar to the experts and grammatical structures that are difficult to decode.

Mellinkoff (1963) notes that as the rest of the language undergoes natural change, the language of law remains fossilized as changing it is seen as an attempt to change the law itself. He observes most people in the legal fraternity have resisted any attempts to ‘modernize’ the language of the law due to their belief in the adage ‘change the word; you lose the law’. Some of the characteristics features of the legal language identified by (Mellinkoff 1963) and complemented by (Gonzalez et al 1991) include the use of common words with specialized meaning, use of professional jargon, use of Latin words and phrases, wordiness and use of formulaic expressions. The challenge here for non- native speakers of English speakers is

twofold; they have to understand the legal jargon and then find equivalents in the target language that may not have a legal register and even if it has one, may not correspond to that of English.

Interpreters also need to have the necessary linguistic and interpretation skills and techniques such as borrowing, coinage; unpacking and paraphrasing among others to enable them interpret accurately and bridge the linguistic gaps of unrelated languages. Kipsigis speakers of class eight level of education may greatly be handicapped in doing this as they may be limited in the vocabulary and technical terminologies used in the writing of the constitution. It therefore, remains the subject of this study to prove the extent this becomes a hindrance in the interpretation of some selected lexical items and phrases in the constitution by Kipsigis speakers.

According to Thorn, (1997), the language of law is unique in its complex grammatical structure, technical lexis, archaic expressions and limited punctuation. He also notes that the language of the law uses jargon that is only familiar to the experts and grammatical structures that are difficult to decode.

To understand this, one may not necessarily be trained as a lawyer but for average population this language becomes a challenge. This is evidenced by the numerous interpretations done in courts proceedings albeit with numerous errors (Kiguru 2008). The local people need to know the justice system's terms and issues that pertain to their rights and freedom as envisaged in the constitution.

The goal of interpreting legal terms is to produce a legal equivalent TL message; Legal equivalence is achieved by giving a Linguistic TL a message that is equal to the SL message in terms of meaning, style and register.

In this study, the researcher looks at how the study population addressed some of the highlighted challenges in analysis of Kipsigis interpretation of the selected lexical items and phrases in the Kenya constitution (2010).

## **2.6 Some Related Studies in Translation and Interpretation**

Interpretation is an activity that constitutes discerning and transferring meaning of a text in one language, the ST and then production in another language, the TT. The more closely related the languages are, the easier it is to interpretation, while the more distant the two are, the more difficult it could be to interpret. As such, the gap between Kipsigis, a nilo- Saharan language, and English, an Indo- European language, is expected to be significant. Thus, the process of transfer of meaning through interpretation may lead to different results of the same text.

Interpretation is also viewed as addressing aspects of communication and being concerned with the meaning of the message in the source language. According to Nida and Taber (1969), translation process takes place in three stages, namely: analysis, restructuring and transfer. Translation from one language to another is made easier by the codability of the linguistic items involved. This also applies to interpretation into related languages and it will always be challenging to get appropriate terminology as interpretation equivalence between different and unrelated languages.

Wangia (2003) examines and describes translation problems that constitute mistranslation in the 1951 Luloogoli Bible. She notes various challenges in translation using some linguistic indicators. She cites language problems concerning structure, ambiguity and obscurity of expressions which lead to mistranslation. Similar challenges were encountered in attempting to interpret into Kipsigis the selected lexical items and phrases in the Kenya constitution (2010).

Shanglee (2004) observes that the biggest translation problem he encountered is translating technical terms. He further points out that most African languages are as much longer than English, that means, what an English word would capture in just one word would require more often than not, a phrase in an Africa language. For instance, the term High court may be interpreted as “Kapkiruok ne bo barak” in Kipsigis which literally means “court of the up”.

Kariuki (2005) looks at Translation and Interpretation of Documents into Gikuyu, based on the Draft constitution (2004) and notes that when the two versions (English and Gikuyu) of the document was subjected to sampled respondents who speak Gikuyu, there was significant differences in the level of comprehension. Though this was on Gikuyu language, it proves that receptor comprehension when the document is interpreted in the first language is enhanced.

All the above studies closely relate to this study because they all fall in the same broad field of translation and interpretation. They have also made use of the various theories of translation. However, there are some slight variations both in approach and content. For instance, (Wangia, 2003, Shanglee, 2004 and Kariuki, 2004,) examine translation of texts from one language to another while this study explores the interpretation of the lexical items and phrases in the Kenya constitution.

## **2.7 Theoretical Framework**

Many theories have been advanced by various scholars in the field of translation and interpretation. Some of these theories are the Skopos Theory, the Cultural Theory, Relevance Theory and the Interpretive Theory among others. In this study the researcher chooses Relevance and Interpretive Theories to address the objectives of the study.

## 2.8 The Relevance Theory

The approach is encompassed within the wider Relevance Theoretical framework. The Relevance Approach has a long history and can be traced to scholars such as Jakobson (1959), Nida (1964) among others. In this study the researcher looks at the Approach as developed by Sperber and Wilson (1986) and later applied by Gutt (1991). According to Sperber and Wilson, communication works by inference. Inference is the interpretation gained by the receiver from utterances made by speaker. It is based on certain accepted true beliefs, norms and expectations. In order for the right inference to take place, there has to be adequate effects. The crucial notion that enables people to know which inferences the communicator intended is relevance. The theory captures the link between an utterance and its context by the notion of contextual effects. Contextual effects are the inferential modifications of one's cognitive environment by both stimulus and context. Relevance Theory emphasizes the principle that the communication process involves not only encoding, transfer and decoding of messages, but also numerous other elements including inferences and context.

Gutt (1991) says that Relevance Theory proclaims a sharp tool for meaning analysis or exogenesis. It can lead to a deeper understanding of the meaning of the original text. Context refers to part of the audience's assumptions about the world, that is, cognitive environment. Relevance theory assumes that human beings have natural interest in improving their understanding of the world around them. This theory assists the researcher in exploring the interpretation of selected lexical items and phrases by Kipsigis speakers.

The central claim of the relevance theory is that human communication crucially creates an expectation of optimal relevance. That is an expectation on the part of the hearer that his or her attempt at the interpretation of a text will yield adequate contextual effects at minimal processing

cost. In this aspect, translation or interpretation is looked at as being part of human communication that involves two kinds of representation:

- i) Semantic representations – which are the actual utterances made by a communicator.
- ii) Thoughts with proposition form – which are the forms derived by a receiver after processing the semantic representations.

This binary representation implies that it is from the context of use that a recipient is able to get semantic representation of propositional form. Context here includes the external environment of the communicators but even more crucially their cognitive environment. This includes information in the memory, information from preceding utterances and any other relevant knowledge about the world that the communicators have (Gutt, 1991). Thus, the respondents were expected to interpret the words and phrases in isolation having process the equivalents of the same from their cognitive knowledge as well as context of use.

## **2.9 The Interpretive Theory**

This theory has to do with the notion of resemblance between utterances and their meanings. The theory, which has been re-named the Sociosemiotic theory by DeWaard and Nida (1986), helps the interpreter understand better not only the meaning of words, sentences structures and discourse structures but also the symbolic nature of the events. Mostly, what happens in interpretation is that translator recounts what has been said by somebody else. As such notion of resemblance comes in. (Gutt 1991), points out that just like objects in the real world are used to represent other objects where they share common properties, utterances can resemble each other in their phonological or in their inferential properties or in meaning.

The interpretive Theory postulates that in the final analysis:

*The relationship between the receptor and message should be substantially the same as that which existed between the original receptor and the message, cited in Kiguru (2008).*

Therefore, the main tenet of the interpretive theory is the re-expression of the meaning of the source text in another language. This can only be possible if the interpreter understands the source text. The only way to understand a text is to interpret it (Sterk 1988). Two steps are vital when employing Interpretive Theory;

- a) Understanding the meaning of the source text.
- b) Re-creating the meaning in the target language.

Faced with technical terminologies and legal register which have no equivalents in the Kipsigis language the respondents have to come up with expressions in the TL that interpretively resemble those in the SL, in this case the English lexical items and phrases.

The theory was employed in this study since interpretation of the lexical items and phrases in the constitution need to be meaning based. As such, the translated text (TT) is expected to as much as possible resembles the source text (ST) as far as meaning and inferential properties are concerned.

Interpretive resemblance can also be inferred where utterances share contextual implication. When an utterance is used to represent another utterance due to their interpretive resemblance it is said to be interpretively used. For instance, an utterance such as “lend me your ears” is interpretively understood to mean “listen to me”.

The interpretive theory is built on four pillars:

1. Command of the native language NL in this case (TL)
2. Command of the source language (SL)
3. Command of relevant world and background knowledge and
4. Command of interpreting methodology

The first pillar is the command of one's language. Nearly everyone would agree that translators and interpreters must be able to use their mother language in all its nuances and subtleties.

The second pillar is more difficult to assess precisely. The closed phonological and grammatical patterns have to be mastered, while the limitless range of lexical items is subject to a lifelong and open-ended learning process. The same is true of both world and background knowledge, which are not static. Rather, they are the result of a continuous dynamic process of acquisition.

The fourth pillar is methodology. In this regard, the interpretive theory differs from most other theories as it posits that methodologically the process of interpreting or translating requires an understanding of sense (language meaning and cognitive complements) and a formulation of the translation on the basis of the synecdoche principle.

Insight from this theory was used to analyze the interpretation of lexical items and phrases in the Kenya constitution by Kipsigis speakers, in addition to identification and description of challenges encountered in the respondents' responses and finally assess whether there is any significant correlation with variables of gender and age.

## CHAPTER THREE

### RESEARCH METHODOLOGY

#### 3.0 Introduction

This section presents details on the research design, site of study, study population, sample size and sampling techniques. It also describes the research instruments, data collection method applied, data analysis procedures and the ethical consideration adhered to in the study.

#### 3.1 Research Design

In adhering to the research questions and objectives for this study, the researcher adopted the qualitative approach. This study therefore is descriptive in nature. According to (Mugenda and Mugenda 1999), the qualitative design is best suited for studies whose data is largely in form of words that are grouped into categories. The main advantage of the qualitative design is that it allows the researcher to explain given aspects of human behaviour exhaustively (Mugenda and Mugenda 1999). The study utilized the data in the form of words and phrases in order to obtain their interpretations in the target language (TL), Kipsigis.

The ultimate goal of the qualitative research is to discover phenomena such as variation in interpretation of elicited lexical items and phrases, challenges of interpretation from the perspective of the respondents, who in this study were graduates of primary school education, individuals whose first language is Kipsigis.

The qualitative approach was used to identify the challenges in the interpretation of the selected lexical items. This method tries to present data from the perspective of the subjects or the

observed groups, so that the cultural and intellectual bias of the researcher does not distort the collection and interpretation or presentation of the data (Jacob 1987).

Qualitative research design relies on the principle of verifiability. That means confirmation, proof and substantiation that are linked to measurement. In the study, the selected number of words and phrases and their interpretations were used to identify and describe the challenges in interpretation into Kipsigis while analyzing the data from the respondents within the Relevance and Interpretive Theories.

### **3.2 Site of the Study**

This study was carried out in Kembu location of Bomet County in the Rift – Valley region of Kenya. The location is about thirty kilometers from Bomet Town. The area of study was rural and the main occupation of the people was small scale farming. This area was selected purposively, because it was dominated by one homogeneous linguistic community that is predominantly of Kipsigis speakers.

The researcher considers that the area was representative of other regions inhabited by the Kipsigis speakers and that similar results would be produced if the same study population was sampled elsewhere within Kipsigis. The target population also had the right cadre that is, appropriate respondents and provided reliable findings. This was because matters of constitution, especially on ‘Devolved Government’ was still in the domain as the debate on the implementation of the constitution raged on. Thus, the study population was familiar with the issues that were raised and investigated in the questionnaires and semi structured interview schedules.

### **3.3 Study Population**

The study population was drawn from Kipsigis speakers of primary school level of education (class eight). This group was used because Kipsigis dominates most of their interactions perhaps as dictated by the environment, social status and their level of education. The other Kipsigis speakers with higher level of education were assumed to have fewer difficulties in decoding the legal register of the Kenya constitution and that is why, they were not the focused of the study. This also explains why education was never taken as a variable in this study. The sampled population therefore was distributed across the board among all categories of Kipsigis speakers as described below.

The speakers were divided into two groups:-

- (a) Ten class eight graduates respondents: five males and five females – aged 18 - 35 (category A).
- (b) Ten class eight graduates respondents: five males and five females – aged 40 - 60 (category B).

As part of the respondents, four experts in law were also interviewed. This was done bearing in mind that being trained lawyers and Kipsigis speakers their interpretation of elicited lexical items was most accurate. Their information enabled the gathered data from the respondents to be verified, analyzed and discussed.

### **3.4 Data Sampling and Sample Size**

The researcher adopted purposive sampling in selecting the respondents to be used in the study. This enabled the researcher to identify in advance the required characteristics of the cases to be

studied. In this study, the characteristics observed were; identification of difficult lexical items and challenges encountered in interpretation of the selected lexical items in the constitution.

The study involved a total of twenty respondents. This was considered a good sample as Milroy (1987:21) states, “socially sensitive studies of language variation depend on good data, which entails the provision of sufficient types and quantities of language”. She further observes “that larger samples tend to be unnecessary for linguistic surveys as for the other surveys because they tend to be redundant, bringing increasing data handling problems with diminishing analytical returns.” This sample therefore, was sufficient to enable an exhaustive analysis of the interpretation of lexical items in the Kenya Constitution by Kipsigis speakers hence addressed the objectives of the study.

### **3.5 Sampling Procedure**

Judgmental sampling technique was used to identify the study population. This method involved identifying in advance the type of speakers to be studied (Milroy1986:26). The technique was also used to identify the first and second group of respondents mentioned above, that is category A and B. The sampled individuals selected twenty out of the sixty lexical items in the questionnaire upon which they interpreted in Kipsigis either orally or in writing. The few who could not write for some reasons had their interpretation tape – recorded and later transcribed by the researcher.

The researcher picked the first individual who fits in the group as a starting point. Snow ball or chain sampling was then used to help in picking of the rest of the respondents in this group. The researcher continued the sampling till the desired target population for each category was arrived at. Snowball or chain sampling involves asking a number of people, you can identify specific

kinds of cases. It begins with a few people or cases and then gradually increases the sample size as new respondents are mentioned by the people the researcher started out with. This approach helps the researcher find a means of approaching a group with which he had no pre-existing personal ties.

The other four respondents of legal experts were also sampled based on judgmental method. This was based on experiences and willingness of the individual respondent. These respondents interpreted the twenty – five selected lexical items that were mostly chosen by the respondents. This was because the lexical items interpreted in Kipsigis by most respondents were selected by the researcher so as to address the objectives of the study. There was no need therefore, for the experts to interpret in Kipsigis the elicited sixty lexical items.

### **3.6 Data Elicitation**

The Kenya constitution (2010) is composed of 18 chapters and six schedules. Each chapter deals with a different issue. Considering all these chapters and schedules, the researcher purposively sampled chapter eleven on ‘Devolved Government’ to be used for data elicitation. This chapter was chosen since it concerns every individual’s immediate local government and therefore touches on the life of every individual and it was hoped that every respondent would be interested in knowing their roles as well as issues that pertain to devolution. This chapter therefore was considered ideal for testing on interpretation in Kipsigis of the selected lexical items and phrases in Kenya Constitution (2010).

The researcher randomly elicited sixty lexical items and phrases from chapter eleven of the constitution: ‘Devolved Government’. These words and phrases were extracted the way they

appear in the Kenya Constitution (2010) and the respondents subjected to interpret twenty of these items in Kipsigis.

The respondents were expected to select twenty lexical items that are all within their reasonable comprehension and interpret or give their meanings in Kipsigis. The most challenging or difficult ones were to be left out. From the interpreted lexical items and phrases by the respondents through comparison with that of the legal experts, difficult lexis and phrases were identified. In cases where elderly respondents were unable to fill the questionnaire in writing, the researcher used a tape recorder and later recorded the interpreted lexis. This also eased the burden of having to interpret and transcribe by the respondents. To adhere to the aim of the study, questionnaires with typed words and phrases in English elicited from Chapter Eleven of the constitution were issued to the respondents.

### **3.7 Data collection**

The researcher sought for a permit to carry out the study and proceeded to the site of study. The study targeted twenty respondents within a week. To arrive at this number, four questionnaires were administered to four respondents per day for five days. Each questionnaire took an average of half an hour to one hour.

The researcher also sought appointments with four legal experts for interview schedules. Two experts were interviewed per day for two days. Each interview session was estimated to have taken an average of thirty minutes. The respondents were informed of the significance of the research that, it would help in understanding of the meanings of words and phrases used in the Kenya Constitution (2010).

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### **3.8 Research Instruments**

The tools employed in this study were questionnaire, semi-structured interview schedules (See appendix A2 and A3) and tape recording.

#### **3.8.1 Questionnaire**

Open-ended questionnaires were administered to the twenty respondents (see appendix A2). The questionnaire forms contained elicited lexical items and phrases in English and required the respondents to first identify and select at least twenty lexical items and phrases that they could easily render into Kipsigis equivalents or meanings. These questionnaires tested the respondents' comprehension, understanding and challenges in the interpretation of the selected lexical items. These questionnaires helped in comparison, corroboration and evaluation of the interpretation of the selected lexical items.

The questionnaires were useful in limiting interviewer bias that is common with ordinary interview sessions. It saves time and gives room for information collection from a large sample from diverse regions. These were administered directly by the researcher so as to minimize wastage and delays.

#### **3.8.2 Tape Recording**

Tape recording was only used in situations where respondents wished to give responses orally without having to transcribe. This was provided especially for older respondents and others who were handicapped in writing. This tape recording besides being fast made it possible for materials to be replayed severally in cases where the researcher had some doubts and this was valuable upon transcription.

### **3.8.3 Semi – Structured Interview Schedules**

The semi-structured interview schedule is an oral administration of a questionnaire, (Mugenda and Mugenda 1999) note that interview guides have a general plan that an interview follows. They argue that in this kind of an interview, the interviewer asks questions or makes comments, intended to lead the respondent towards giving data to meet the study objective.

Semi- structured interview schedules were used to elicit responses from four legal experts. This group was purposefully selected based on experiences and willingness. This procedure was flexible, detailed and provided in-depth information that was necessary for this research work. It enabled the researcher to assess the process of interpretation, challenges faced and the extent to which gender and age as social variables play any significant role.

These semi structured interview schedules were meant to enable the researcher gather data and verify the respondents' responses in order to explain the data obtained from the questionnaires (Seligson 1989:66).

An open interview also allows for greater in depth of response. In administering semi-structured interview, the interviewer used interview schedules, with lists of questions in form of lexical items and phrases to be interpreted in Kipsigis and responses were recorded in the spaces provided. More elaborated data were also given in the form of expression and descriptions obtained from the respondents while elaborating the meaning of the selected lexical items chosen.

### **3.9 Data Presentation and Analysis**

As stated in the research design section, this study adopted a qualitative approach. It utilized data which is in form of words and phrases in the written modes. The interpreted words and phrases

were analyzed in terms of linguistic and semantic content. The analyses consist of explanation, description, and discussion.

Based on the correctly interpreted or misinterpreted words and phrases, the groups of respondents A and B were analyzed, discussed and conclusion of the study was made based on the research objectives. The researcher made judgments based on his knowledge of Kipsigis language and interpretations from the law experts respondents guided by the Relevance and the Interpretive Theory. Then, the qualitative information was turned into quantitative data by converting into numbers for analysis and discussion. In so doing, description of the information and additional statistical tests in the materials was performed. The information was presented in summary tables and graphs.

### **3.9.1 Ethical Consideration**

The researcher assured the respondents that he would use the information given by the respondents for research purposes only and that utmost confidentiality would be exercised in handling the data. The researcher depended on the willingness of the respondents to give information. The permission to conduct the research was sought from the National Council of Science and Technology.

## CHAPTER FOUR

### DATA PRESENTATION, ANALYSIS AND DISCUSSION

#### 4.0 Introduction

The data presented in this section have been analyzed in line with the objectives of the study. First we have identified lexical items that are difficult to interpret in Kipsigis, secondly, we have described the challenges in the interpretation and we have shown whether the variables of gender and age influence the interpretation of selected lexical items. We have achieved this by correlating the data given by the twenty respondents with that given by legal experts. The lexical interpretation closer to that of legal experts were taken as correct interpretation from the respondents while the lexical items wrongly interpreted were taken as the most difficult ones to be interpreted by the respondents. A detailed analysis and discussion of the data has also been provided in this chapter.

#### 4.1 Data Presentation and Description

Data presentation refers to ways of organizing and arranging data to make it comprehensive and clearly lucid (Kothari, 1990). The researcher has used simple tables and graphs in presenting this data (see a comprehensive table 4.1). In this section, a total of twenty- five out of sixty lexical items have been presented. The tables and graphs are organized in diverse categories, namely:

- i) Table 4.1 for frequency of responses given by the respondents.
- ii) Graphs 4.1 (a) and (b) for frequency of responses given by the respondents.
- iii) Table 4.2 for Respondents' sampled responses of twenty-five lexical items and phrases.
- iv) Table 4.3 for Comparison of responses by legal experts and that of the studied respondents.
- v) Table 4.4 for Comparison of responses of lexical items according to gender.

vi) Graph 4.2 for responses of lexical items according to gender.

vii) Table 4.5 for comparison of responses of lexical items according to age.

viii) Graph 4.3 for responses of lexical items according to age.

#### **4.2 Respondents' responses to the elicited lexical items and phrases.**

As stated earlier in the research methodology, the researcher randomly elicited sixty words and phrases in the chapter Eleven of the Kenya Constitution; Devolved Government. These words and phrases were believed to have different levels of difficulties in interpreting them into Kipsigis. The respondents were expected to choose at least twenty lexical items within their ease of interpretation in Kipsigis and give Kipsigis equivalence. The researcher, upon analyzing the responses selected twenty- five lexical items to be used in line with the objectives of this study. The table below gives the sixty elicited words and phrases and the number of respondents who attempted each elicited lexical item.

**Table 4.1: Frequency of respondents' responses from the highest to lowest (18 – 02)**

S/ No.	Lexical items	Frequency (N=20)	S/ No.	Lexical items	Frequency (N=20)
1	Speaker	18	30	County Governor	05
2	Persons with disabilities	17	31	Decentralization of state organs	05
3	Constitution	16	32	Ethical requirements	05
4	Devolution	16	33	Recognizing diversity	05
5	Gender	16	34	Arbitration	04
6	Participation	16	35	Coordinating policies	04
7	Marginalized Communities	15	36	Enhancing capacities	04
8	Equal opportunities	14	37	Exceptional circumstances	04
9	High court	14	38	Ex officio member	04
10	Infrastructure	14	39	Gazette	04
11	Mediation	14	40	Geographical features	04
12	National Security	14	41	Independent candidate	04
13	Sources of Revenue	14	42	Invalidate	04
14	Ward	14	43	Jurisdiction	04
15	Integrity	13	44	Mobility of goods	04
16	Abuse of office	12	45	Prejudicial	04
17	County Assembly	12	46	Privileges	04
18	Financial Statement	12	47	Senate	04
19	Negotiation	12	48	The Independent Electoral and Boundary Commission	04
20	Nominated member	12	49	Vulnerable groups	04
21	Right of minorities	12	50	County Legislation	03
22	Self- governance	12	51	Demographic Principles	03
23	Transition	12	52	Demographic trends	03
24	Constituency	10	53	Exercise oversight	03
25	Administrative function	08	54	Gross violation	03
26	Checks and balances	08	55	Immunities	03
27	Accessible services	06	56	Norms and standards	03
28	Inconsistency	06	57	Impede Implementation	02
29	County Executive Committee	05	58	Inter-governmental disputes	02
			59	Terminate the suspension	02
			60	Undischarged bankrupt	02

From the table, the frequency denotes the number of respondents that chose each lexical item out of a total of twenty respondents that is, (N=20). The responses have been tabulated from the highest frequency to the lowest for easy analysis. The lexical items that attracted ten and more respondents were considered to pose fewer challenges compared with those with less than ten respondents. The preceding figures 4.1 (a) and (b) graphically represent the described responses.

**Figure 4.1(a): Graph for frequency of responses given by the respondents: (S/No. 01-30)**

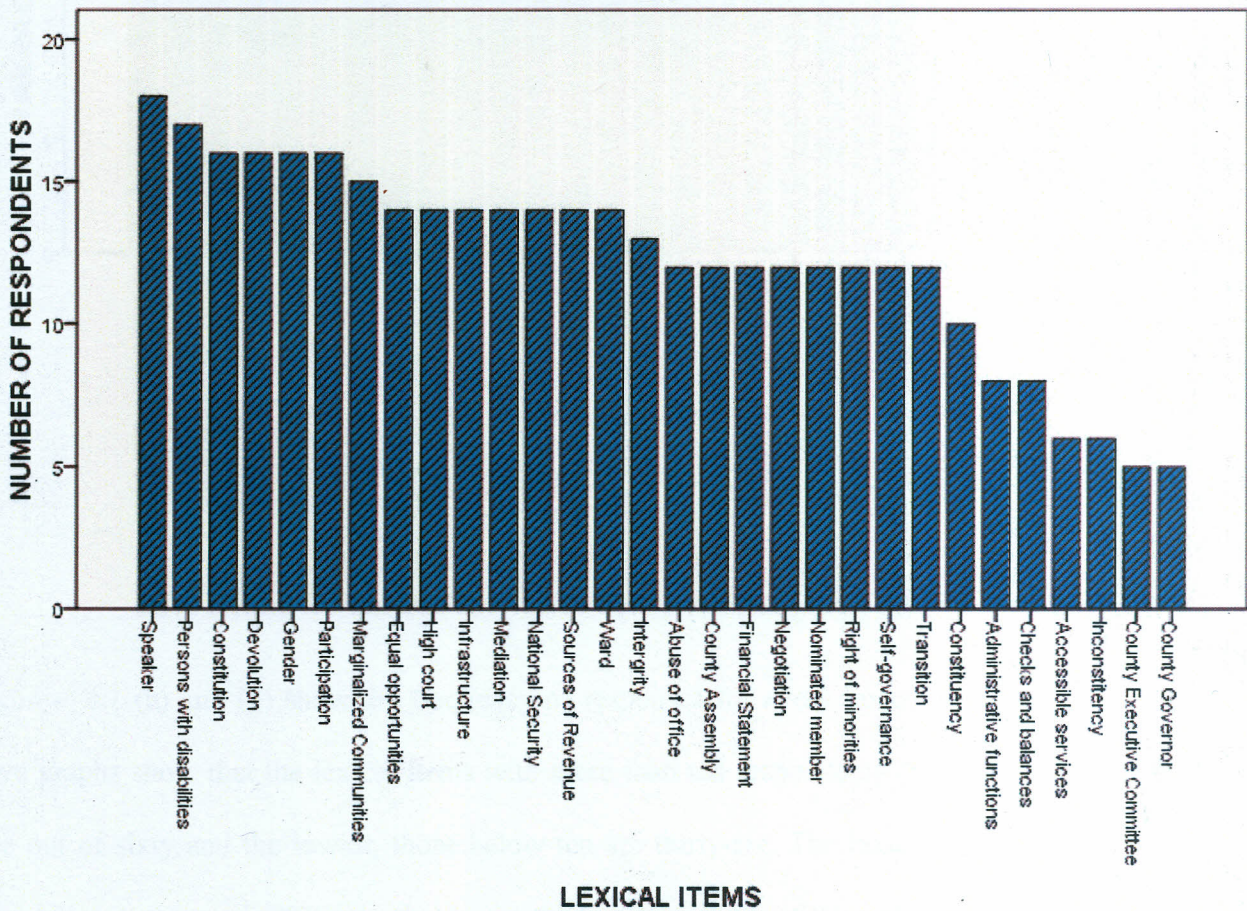
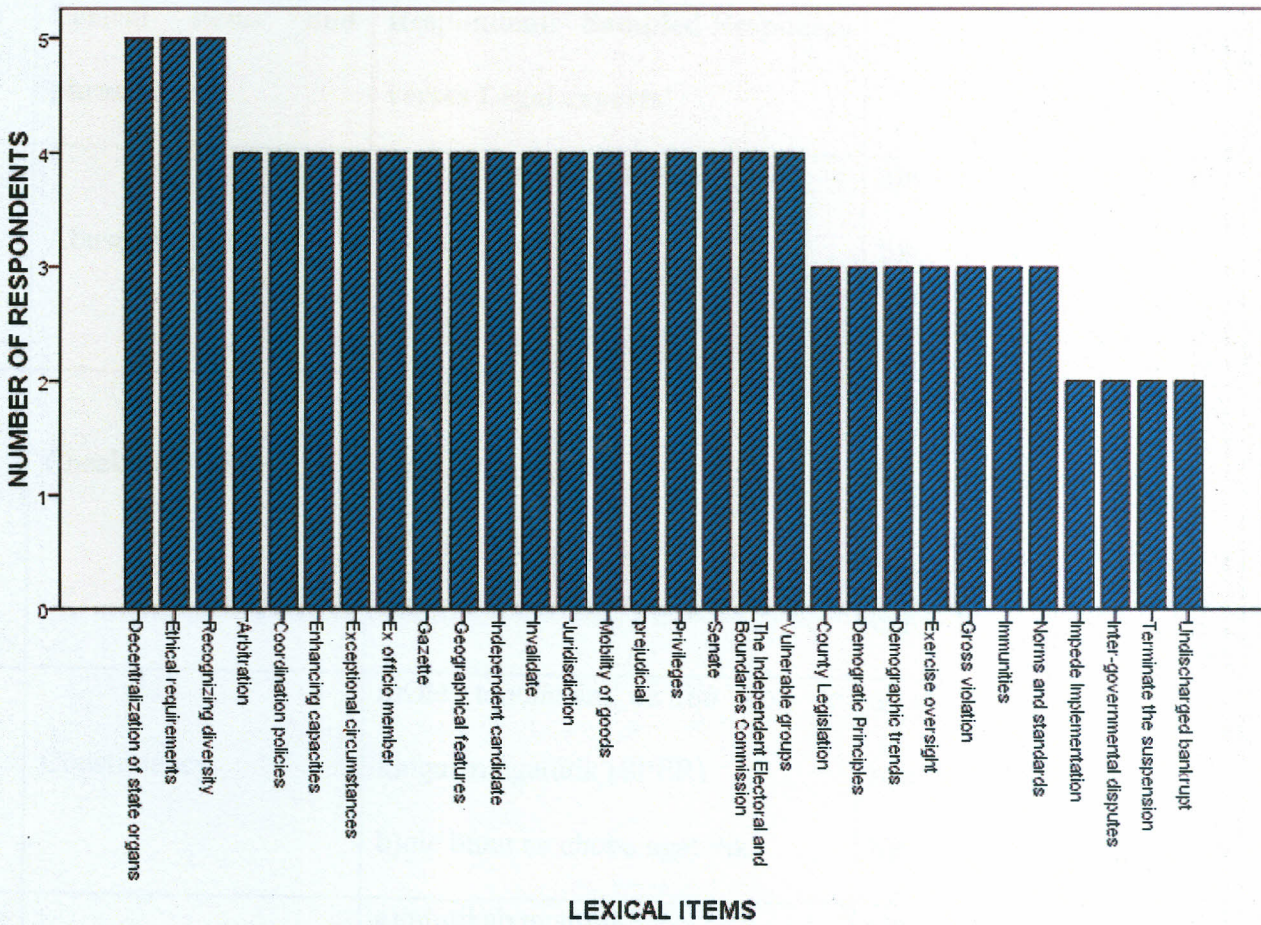


Figure 4.1 (b): Graph for frequency of responses given by the respondents: (S/No. 31- 60)



Figures 4.1 (a) and (b) show the frequency of responses for every lexical items chosen. The above graphs show that the lexical items with more than ten respondents are less; only twenty-three out of sixty and the lowest, those below ten are thirty-six. The lexical items with two or more wrong responses in Kipsigis, that is, for the twenty five out of the sixty items were selected by the researcher for analysis and description in this study. From this analysis nine out of the twenty five selected items were found challenging to the respondents.

### 4.3 Respondents' Sampled responses and Description

Table 4.2: Respondents' Responses from the selected lexical items: (S/No. 01-25)

S/No	Lexical items and phrases	Respondents' Sampled Responses verses Legal experts'	Back Translation
1.	Abuse of office	a)Kewechowech boisiet b)Kebar boisiet c)Osoya (SPER)	a)to spoil work b)to kill work c)corruption
2.	Checks and balances*	a)Kegin ak kilitit b)Kilitit tuguk c)Kaoyetab kandoinatet (LE)	a)to investigate and resolve b)to resolve issues c)to keep leadership on control
3.	Constituency	a)Ole tononchin ne bo kot ne kingaten ngatutik (SPER) b)ole bunu ne chobe ngatutik	a) an area represented by member of parliament b)an area of a legislator.
4.	Constitution*	a)ratutikab ngatutik b)ngatutiet ne ribei emet (LE) c)ngatutiet ne o	a)combination of laws b)laws that secure the country c)the great law
5.	County assembly	a)Ole telelchin nekeleweni ne bo kounti. b) Kot nekingaten ngatutik ne bo kounti. (SPER)	a)area represented by county member b) county legislation house

**Table 4.2: Continued (S/No. 6 – 9)**

S/NO.	Lexical items and phrases	Respondents' Sampled Responses versus Legal experts'	Back Translation
6.	Devolution*	a) Letaetab kandoinatet b) Pcheetab bounatet c) Kasibtoetab kandoinatet ak kimnatet korikyi bik (SPER)	a) spreading of leadership b) division of leadership c) decentralization of leadership and power closer to people
7.	Equal opportunity	a) Baroinwek che kerger (SPER) b) Kasarwek kogerkeit	a) similar chances b) same times
8.	Financial management	a) Ribetab chepkondok (SPER) b) Boisietab rabinik	a) safety of money b) uses of money
9.	Gender*	a) Itondab ne tie ak ne muren b) Kwonyik ak murenik (SPER) c) Kogergeit kwonyik ak murenik	a) identity of a woman and a man. b) men and women c) fairness between women and men

**Table 4.2: Continued S/No. 10 – 15)**

S/No	Lexical items and phrases	Respondents' Sampled Responses versus Legal experts'	Back Translation
10.	High court	a)Kap kiruok ne bo barak (SPER) b)Kapkiruok ne o	a)highest court b)great court
11.	Infrastructure*	a)Barabariosiek ak etosiek b)Chobetab ortinwek c)Teeksetab tugukab bandab tai (LE)	a)roads and bridges b)construction of roads c)plans for development
12.	Integrity*	a)Misto ne mie/ libkwobindo (SPER) b) Atebet ne mie c)Ne chulaat d)Chito ne kiyani	a)someone pure b) rightful way of life c)something straight d)someone trustworthy
13.	Marginalized Communities*	a)Bororiosiek che kigitaban (LE) b)Bororiosiek che tutigin c)Bororiosiek che mi taban	a)sidelined communities b)minority communities c)peripheral communities
14.	Mediation	a)Katuiyet (SPER) b)Kachomiet	a)to bring together b)to agree to love
15	National security	a)Kalyetab emet b)Ribsetab eemet (SPER)	a)peace in the country b)security of country

**Table 4.2: Continued (S/No. 16 – 21)**

S/NO.	Lexical items and phrases	Respondents' Sampled Responses verses Legal experts'	Back Translation
16	Negotiation	a)Ngalaletab kiyochin (SPER) b)Kosinet	a)talks of agreement b)agreement
17	Nominated member	a)Chito ne kikwai chamait (SPER) b)Chito ne tononchin chamait	a)nominated person b)leader of party
18	Participation	a)Keib boroindo eng boisiet (SPER) b)Kecham kebois c) Ketoretge	a)to take part in activity  b)to like work c) to help oneself
19.	Persons with disabilities*	a)Bik che tnye kewelutik eng borwek (SPER) b)Solomonik c) Bik che maimuchege	a)people with challenges in physical abilities b) disabled persons c) unable persons
20.	Right of minorities	a)Imandab che ngerin (SPER) b)Imanda ne ter	a)right of few b)different right
21.	Self government	a)Sirkalitab bik b)Bounatenyon (SPER)	a)people government b)government of self

**Table 4.2: Continued (S/No. 22 – 25)**

S/NO.	Lexical items and phrases	Respondents' Sampled Responses verses Legal experts'	Back Translation
22.	Sources of revenue	a)Ole bunu chepkondok b)Aisurutab emet (SPER)	a)sources of money b)taxes of a state
23.	Speaker	a)Ngalalindet (SPER) b)Kandoindetab ngalek	a)speaker b)leader of talks
24.	Transition*	a)Kasartab kasirtoetab wolutik (LE). b)Waletab kandoinatet c)Kasirtoetab walutik	a) period of passing of changes b)changes of leadership c)passing of changes
25.	Ward*	a)Ole ndochin serkalitab kaunti (SPER). b) Kot ne kinyoisen eng sipitali	a) an area under county leadership b)room of treatment in hospital

Table 4.2 gives the various responses in Kipsigis of the selected lexical items and their back translation. The table was arrived at by sampling twenty- five of the lexical items with varied responses from that of the legal experts (LE) and based on the researcher's knowledge of the Kipsigis language. The lexical items and phrases with two and more varied responses were selected by the researcher so as to address the objectives of this study. It was noted from the sampled data that some lexical items had similar responses with that of legal expert. Some of which are: 1) Abuse of office, 3) Constituency, 5) County assembly, 6) Devolution, 7) Equal opportunities, 8) Financial management, 9) Gender, 10) High court. Some of these responses

match with those of the experts as shown in table 4.3 while others were different. The similar responses with those of the legal expert are denoted by (SPER) that is, studied population and expert responses and the different ones are abbreviated (LE) that is, legal experts.

In the table some of the lexical items with the least varied responses were (3) Constituency, (5) County assembly, (7) Equal Opportunities and (10) High court. The lexical items with three and more varied responses were nine out of the twenty- five selected ones. The lexical items that were interpreted correctly by few respondents and had eight and more respondents turn up (frequency) were sampled. This was because those lexical items with few turn up (frequency) were difficult to judge and rate their level of difficulties in this study. Considering the objectives of the study, the researcher identified nine difficult lexical items and phrases (marked with asterisks) for further analysis and discussion as shown in table 4.3.

#### **4.4 Comparison of Sampled Responses by Legal experts**

The legal experts' responses for the twenty- five selected lexical items were compared with those of the respondents' in this study. From these responses it is worth noting that some responses were not of much difference in meaning though different words were used, for instance, 4.3 (2) Constitution, (6) Integrity and (7) Marginalized communities. Some lexical items like 4.3 (3) Devolution, (4) Gender, (5) Infrastructure, and (8) Transition pose similar challenges to both legal experts and studied population.

**Table 4.3: Comparison of responses by Legal experts and studied respondents**

<b>S/No</b>	<b>Lexical items and phrases</b>	<b>Respondents' (law experts) Interpretation</b>	<b>Back Translation</b>
1.	Checks and balances	Kaoyetab kandoinatet (LE)	Control on leadership
2.	Constitution*	Ngatutiet ne ribei emet (LE)	Law that secures a country
3.	Devolution	Kasibtoetab kandoinatet ak kimnatet (SPER)	Decentralization of leadership and power
4.	Gender*	Kwonyik ak murenik (SPER)	Men and women
5.	Infrastructure	Tetutikab bandab tai (LE)	Plans for development
6.	Integrity *	Misto ne mie / likwobindo (SPER)	That which is pure
7.	Marginalized communities	Bororosiek che kigitaban (LE)	Sidelined communities
8.	Transition*	Kasartab kosirtoetab wolutik (LE)	Period of changes
9.	Wards*	Got ne mingin ne bo kounti (SPER)	Area of county representative

Table 4.3 shows responses by the legal respondents (LE). Some of the responses match with those of the studied population and these are denoted by Studied Population and Experts

Responses (SPER). The particular lexical items and phrases, respondents' equivalence interpretations in Kipsigis and back translation have been shown. The lexical items marked with the asterisks were further analyzed and discussed in this chapter.

#### **4.5 Data Analysis and Discussion**

This involves; uncovering underlying structures, examining and extracting important variables, detecting any anomalies, testing any underlying assumptions and scrutinizing the acquired information as well as making inferences (Kombo and Tromp, 2006). In this study the researcher analyzed the collected information, extracted important variables and made inferences.

In the study, the researcher listed the lexical items and phrases that the respondents interpreted in Kipsigis in order of frequency from the most chosen to the least. From this list, the researcher selected twenty five lexical items and phrases for analysis and discussion.

A description and discussion of each difficult lexical item and phrase identified follows.

##### **4.5.1. Checks and balances**

In the Kipsigis language, the phrase 'Checks and balances' lacks an equivalent and this is demonstrated by the responses by the respondents. Though the responses given may not be aptly, nevertheless it brings out the closest equivalence in the Kipsigis. The difficulty perhaps arises from the ambiguity that the same words in TL have. In isolation the phrase above gives a different meaning which is checks 'Kechigil' (to investigate) and balances 'Kebiman' (to weigh).

The responses given however, show that the respondents apply the pillars of the interpretive theory: command of the native language and command of the source language to arrive at these.

The various sampled responses and English gloss are as shown below.

Ref. Table 4.2 (2) Checks and balances:

4.2 2.a) Kegin ak kilitit – (to investigate and resolve)

4.2 2.b) Kilitit tuguk – (to resolve issues)

4.2 2.c) Kaoyetab kandoinatet \_ (to weigh issues) - most appropriate interpretation.

#### **4.5.2. Constitution**

The term 'Constitution' according to Oxford Advanced Learners Dictionary means 'the system of laws and basic principles that a state, a country or organization is governed by. The constitution in this sense is the pillar of all laws that a country or other subsidiaries organization may enact.

In Kipsigis, 'Ngatutik' (laws) interpretively, is a general term used to refer to laws or regulations. Therefore, from the respondents' responses the exact equivalence seems to be lacking and thus the various responses given. Table 4.2 (3.b) the closest equivalence 'Ngatutiet ne ribei emet' (the law that secures the country) given by legal experts describes an aspect of the constitution. However, based on the Relevance theory which also underscores the importance of context in interpretation, neither the studied respondents nor the legal experts were exhaustive in their responses. The researcher considers 'Ngatutiet ne tononchin ngatutik' (law that forms pillars of other laws) as the best equivalent. The other sampled responses include:

4.2 3. a) Ratutikab ngatutik – (combination of laws)

4.2 3.c) Ngatutiet ne o – (the great law)

#### **4.5.3. Devolution**

The respondents' responses demonstrated the lack of Kipsigis equivalence to render the exact meaning. However, the respondents grasp the meaning as in English Oxford Advanced Learners Dictionary which means the act of giving power from a central authority or government to an authority or a government in a local region. This relates to the third and the fourth pillars of interpretive theory; command of the relevant world knowledge and the aspect of sense in interpretive methodology. This is because nearly all the responses have an aspect or some aspects of devolution in their meanings. Below are some of the sampled responses from the

respondents. Therefore, the response that constitutes the most aspect of the devolution becomes the most appropriate equivalent. It is worth noting that this lexical item was challenging to both the studied population and the legal experts.

#### Table 4.2 (3) Devolution

4.2 3.a) Letaetab kandoinatet – (Spreading of leadership)

4.2 3.b) Pcheetab bounatet – (Division of leadership)

4.2 3.c) Kosibtoetab kandoinatet ak kimnatatet korikyik bik – (Decentralization of power and leadership closer to the people) - Most appropriate response.

#### 4.5.4. Gender

The term 'Gender' according to Oxford Advanced Learners Dictionary means the fact of being male or female, especially when considered with reference to social and cultural differences. In their attempt to interpret, the Kipsigis respondents demonstrated varied concept of this lexical item. The Relevance and Interpretive theory were at play. That, it is the nature of humans to improve their understanding of the world around them is no denying. The responses reflect this. Considering that this term is used in reference to both men and women in Kipsigis its equivalence is ambiguous and in most cases is avoided in the native language in preference to the English; Gender with nativised pronunciation /Genta/. In table 4.2 (9.a) the closest appropriate of which is 'itondab ne tie ak ne muren' (identity of a man or a woman) is the best interpretive equivalent. For this lexical item, some of the studied population gave similar response with those of the legal experts. The other various responses include:

4.2 9.b) Kwonyik ak murenik – (Women and men)

4.2 9.c) Terchinetab bik – (Differences between people)

4.2 9. d) Koger geit kwonyik ak murenik – (The fairness between women and men)

#### **4.5. 5. Infrastructure**

The term 'Infrastructure' from the respondents' responses seems to lack Kipsigis equivalence. The respondents' responses also demonstrated that the problem arises due to the ambiguity of interpretation. According to Oxford Advance Learners Dictionary, infrastructure means basic systems and services necessary for an organization to function. This includes buildings, roads, water and power. Thus, interpretively, to arrive at Kipsigis equivalent of this term is cumbersome. But considering the fourth pillar of the interpretive theory; command of interpretive theory that is, the understanding of sense as contained in a word the following responses though not exhaustive are relevant to some extent. Only the legal experts were able to give appropriate response. Some of the sampled respondents' responses include:

4.2 11.a) Barabariosiek ak etosiek – (roads and bridges)

4.2 11.b) Chobetab ortinwek – (construction of roads)

4.2 11.c) Teeksetab tugukab bandab tai – (basic systems and means of development). This is most appropriate interpretation as it captures the general sense of the lexical item.

#### **4.5. 6. Integrity**

The respondents' attempts to interpret the term 'Integrity' proved challenging in the sense that the Kipsigis close equivalence appears to have other synonyms. Table 4.2 (12) shows various responses given bear the aspects of the intended meaning though interpretively the most appropriate one is ( 6.a)'Misto ne mie' or 'Libkwobindo' (trustworthy and purity). Considering the inference aspect of the Relevance theory the other respondents inferences are reflected. It is also worth noting that some of the studied respondents gave similar responses to that of the legal experts. Some of the other responses given by the respondents were:

4.2 12.b) Atebet ne mie – (rightful way of life)

4.2 12.c) Ne chulaat – (something straight forward)

4.2 12.d) Chito ne kiyani – (someone trustworthy)

#### **4.5. 7. Marginalized communities**

The phrase ‘Marginalized communities’ attracted diverse responses from the respondents. This demonstrates that Kipsigis equivalent is not within the grasp of these respondents. Interpretively, the appropriate Kipsigis equivalent response – Table 4.2 (13. a) ‘Boror riosiek che kigitaban’ (Sidelined communities) captures its meaning aptly. Only the legal experts gave appropriate response. Also, ‘Boro rosiek che kiginyasta’(despised communities) interpretively means the same. Some of the sampled responses given include:

4.2 13.b) Bororiosiek che tutigin – (minority communities)

4.2 13.c) Bororiosiek che mi taban – (peripheral communities)

#### **4.5. 8. Transition**

The lexical item ‘Transition’ proved challenging to the respondents. The Oxford Advanced Learners Dictionary defines Transition as a period of changing from one state or condition to another. Therefore, interpretively, the appropriate phrase in Kipsigis; Table 4.2 (24. a) is ‘Kasartab kosirtoetab wolutik’ (period of passing and operation of changes). Considering the pillars of the interpretive theory; the third and the fourth pillars; command of the relevant world knowledge and aspect of sense in interpreting methodology, the given responses fall within the concept of the interpretive meaning as ‘change’ is the central idea. Some of the other sampled responses include:

4.2 24.b) Waletab kandoinatet – (change of leadership)

4.2 24.c) Kosirtoetab wolutik – (the passing of changes)

#### 4.5.9. Ward

The lexical item 'Ward' due to its ambiguity also proved challenging to some respondents.

According to Oxford Advanced Learners Dictionary the word "ward" has three meanings:

- i) A room in a hospital where sick people stay.
- ii) One of the areas into which a city is divided (in Britain) which elects and is represented by a member of local council.
- iii) A person, especially a child, who is under the legal protection of a court or another person (a guardian).

Table 4.2 (25) The Kipsigis closest equivalent is (25.a) 'Ole tononchin ne kigilewen ne bo Kaunti' that is an area represented by an elected member of County Assembly. From the respondents' responses both the Relevance and interpretive theory interplay in this interpretation. Where the respondents gave the meaning denoted in the 4.5.9 (i) The second and the third pillars of the Interpretive theory were in operation but the aspects of Relevance theory was lacking. Thus, context plays a significant role for the appropriate response. This was necessary for one to eliminate the meanings denoted in (i) and (iii) which were inappropriate in this case. The legal experts had no difficulty but some studied respondents were challenged. Some of the other sampled responses include:

4.2 25.b) Ole indochin serkalitab kaunti – (an area under county leadership)

4.2 25.c) Kot ne bo sipitalit – (a room of treatment in the hospital)

#### 4.6.0 Respondents' Challenges in the responses to the selected lexical items and phrases.

Several factors like language differences, word borrowing, ambiguity, literal interpretation, lack of equivalence and nativisation may contribute to appropriate or inappropriate interpretation of legal language in the Kenya constitution.

In this study, the researcher particularly highlights some of the factors that may have influenced the interpretation of the lexical items and phrases from English to Kipsigis. These are some of the factors that might have caused the respondents to misinterpret the selected lexical items and phrases.

#### 4.6.1 Language Differences

Translation or interpretation becomes easier when two languages are closely related. This is because the more unrelated two languages are the more difficult it becomes to translate or interpret from one of them to the other. English and Kipsigis do not fall in the same language group. English is an isolating language and to some extent inflecting language while Kipsigis is agglutinative language. For instance, what is expressed in a single word in English is expressed using many words in Kipsigis. This is perhaps what complicates the interpretation of lexical items such as;

<b>Lexical items</b>	<b>Kipsigis gloss</b>
4.2 (4.c) Constitution	Ngatutiet ne o
4.2 (6.c) Devolution	Kosibtoetab kandoinatet ak kimnatet
4.2 (9.a) Gender	Itondab ne tie anan ne muren

#### 4.6.2 Word borrowing

A loanword is a word or expressions adopted from a donor language and incorporated into a recipient language without translation. A loan word can also be referred to borrowing. Some of the lexical items that lack equivalents in Kipsigis have been incorporated. This poses problem as

their meanings become unclear. For instance, the following lexical items are often incorporated in what seems to be code mixing situations;

<b>Lexical items</b>	<b>Kipsigis blend</b>
4.2 (3) Constituency	(Countituent)
4.2 4.2 (6) Devolution	(Devolusion)
4.2 (23) Speaker	(Speaker)

### **4.6.3 Ambiguity**

Ambiguity is a pervasive phenomenon in human languages. Ambiguity multiplies the alternatives and poses challenges to appropriate translation or interpretation of lexical items. Word with more than one meaning are said to be lexically ambiguous. Some lexical items are found to be ambiguous in this study. For instance,

- 4.2 (9) Gender This either mean social orientation on roles played by men and women or sexuality.
- 4.2 (25) Ward This is taken to mean either a room in a hospital or a politically administrative area of a society.

### **4.6.4 Lack of equivalence**

Since English and Kipsigis languages are unrelated and especially in the legal aspect of language, there are several lexical items that lack equivalence. For instance, in the difficult lexical items identified, most lack equivalence in Kipsigis. For examples,

<b>Lexical items</b>	<b>Kipsigis gloss (Unpacking)</b>
4.2 (2.c) Checks and balances	Kaoyetab kandoinatet
4.2 (4.c) Constitution	Ratutikab ngatutik
4.2 (6.c) Devolution	Kosibtoetab kandoinatet ak kimnatet
4.2 (12.a) Integrity	Misto ne mie / likwobindo

4.2 (24.a) Transition

Kasartab kosirtoetab wolutik

4.2 (25.a) Ward

Got ne mingin ne bo kaunti

The respondents attempted to interpret by means of unpacking. The many other lexical items and phrases that attracted low frequency in interpretation could be as a result of this challenge.

#### **4.6.5 Nativisation**

Nativisation is where the source language word is brought into the target language text and it is modified either phonologically or morphologically so as to fit the morphological form of the language in question. The term Ward has been nativised to Kipsigis /Watit/ when the English word is affixed with Kipsigis language noun form -it thus /Watit/. The word Gender is also nativised to /Genta/.

**Table 4.4: Comparison of Responses of the Selected lexical items according to gender (df = 18)**

S/NO.	LEXICAL ITEMS	MALES (N= 10)		FEMALES (N= 10)		t-calc.	p-value
		Number	Mean	Number	Mean		
1	Abuse of office	4	0.4	3	0.3	0.447	0.660
2	Checks and balances	6	0.6	1	0.1	2.611	0.018*
3	Constituency	4	0.4	4	0.4	0.000	1.000
4	Constitution	8	0.8	3	0.3	2.466	0.024*
5	County assembly	5	0.5	3	0.3	0.885	0.388
6	Devolution	8	0.8	3	0.4	1.897	0.024*
7	Equal opportunity	5	0.5	5	0.5	0.000	1.000
8	Financial management	3	0.3	3	0.3	0.000	1.000
9	Gender	7	0.7	2	0.3	1.852	0.024*
10	High court	5	0.5	5	0.5	0.000	1.000
11	Infrastructure	8	0.8	2	0.2	3.182	0.005*
12	Integrity	9	0.9	2	0.2	4.200	0.001*
13	Marginalized communities	8	0.8	3	0.3	2.466	0.024*
14	Mediation	4	0.4	3	0.3	0.447	0.660
15	National security	5	0.5	5	0.5	0.000	1.000
16	Negotiation	4	0.4	3	0.3	0.447	0.660
17	Nominated member	4	0.4	3	0.3	0.447	0.660
18	Participation	7	0.7	5	0.5	0.885	0.388
19	Persons with disabilities	6	0.6	4	0.4	0.866	0.398
20	Right of minorities	4	0.4	2	0.2	0.949	0.355
21	Self governance	4	0.4	3	0.3	0.447	0.660
22	Sources of revenue	5	0.5	6	0.6	0.429	0.673
23	Speaker	6	0.6	7	0.7	0.447	0.660
24	Transition	6	0.6	1	0.1	2.611	0.018*
25	Ward	7	0.7	2	0.2	2.466	0.024*

P-values marked \* are significantly different ( $p < 0.05$ ); t-crit. = 2.101 (df= 18)

The table 4.4 shows the correct interpretation of lexical items by male and female respondents regardless of their age. The particular lexical items and the correct responses are shown in terms of numbers, the mean and percentages.

Table 4.4 shows that the male respondents had more correct interpretation in almost all the lexical items but especially in the interpretation of the following lexical items: Checks and balances, Constitution, Devolution, Gender, Infrastructure, Marginalized communities, Transition and Ward. This could be due to the fact that men tend to participate most in political matters and may often become conversant with these terms than women. This is accounted for by the third pillar of the interpretive theory: Command of relevant world and background knowledge that favours men than women in this case. For the other lexical items the gap is narrower as the lexical items could be commonly used by both men and women as the same may not be exclusively restricted to matters to do with politics and governance.

Figure 4.2: Graph for correct responses according to gender.

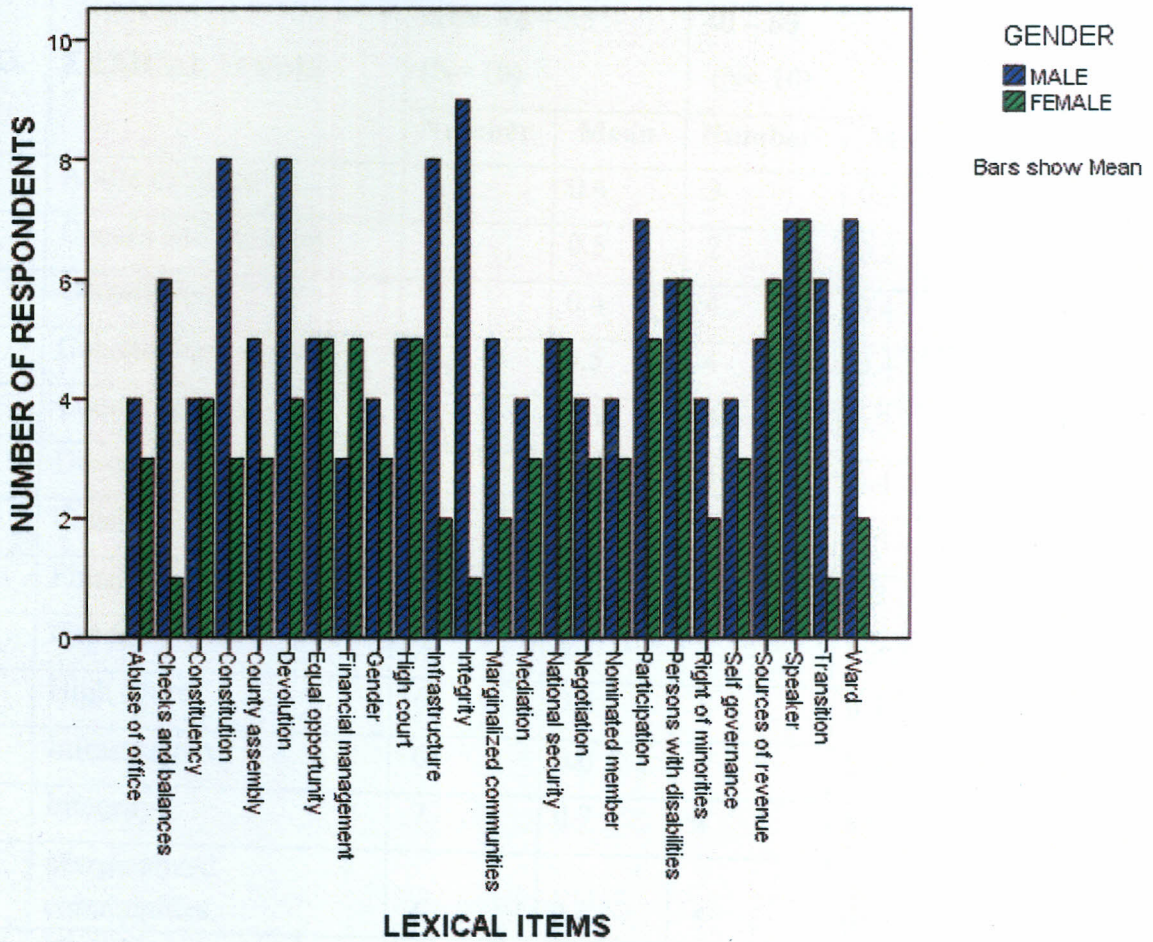


Figure 4.2 graphically captures the correct interpretation of the lexical items according to gender. At a glance, more males seem to interpret the lexical items correctly than the females.

The graph figure 4.2 also shows that nine lexical items were interpreted most correctly by the male respondents. This difference could be attributed to the male participation in matters of governance and politics as this is an area where legal terms are not uncommon. This is accounted by the second and the third pillar, command of the source language (SL) and command of the relevant world and background knowledge respectively.

**Table 4.5: Comparison of Responses of the Selected lexical items according to age (df = 18)**

S/NO.	LEXICAL ITEMS	AGE 18 – 35 (N= 10)		40 – 60 (N= 10)		t-calc.	p- value
		Number	Mean	Number	Mean		
1	Abuse of office	4	0.4	3	0.3	0.447	0.660
2	Checks and balances	5	0.5	2	0.2	1.406	0.177
3	Constituency	4	0.4	4	0.4	0.000	1.000
4	Constitution	5	0.5	4	0.4	0.429	0.673
5	County assembly	5	0.5	3	0.3	0.885	0.388
6	Devolution	5	0.5	4	0.4	0.429	0.673
7	Equal opportunity	6	0.6	4	0.4	0.866	0.398
8	Financial management	4	0.4	3	0.3	0.447	0.660
9	Gender	7	0.7	3	0.3	1.852	0.081
10	High court	6	0.6	4	0.4	0.866	0.398
11	Infrastructure	6	0.6	4	0.4	0.866	0.398
12	Integrity	7	0.7	4	0.4	1.342	0.196
13	Marginalized communities	6	0.6	5	0.5	0.429	0.673
14	Mediation	4	0.4	3	0.3	0.447	0.660
15	National security	5	0.5	5	0.5	0.000	1.000
16	Negotiation	4	0.4	3	0.3	0.447	0.660
17	Nominated member	4	0.4	3	0.3	0.447	0.660
18	Participation	6	0.6	6	0.6	0.000	1.000
19	Persons with disabilities	7	0.7	5	0.5	0.885	0.388
20	Right of minorities	5	0.5	4	0.4	0.429	0.673
21	Self governance	4	0.4	3	0.3	0.447	0.660
22	Sources of revenue	6	0.6	5	0.5	0.429	0.673
23	Speaker	7	0.7	6	0.6	0.447	0.660
24	Transition	6	0.6	2	0.2	1.897	0.074
25	Ward	7	0.7	3	0.3	1.852	0.081

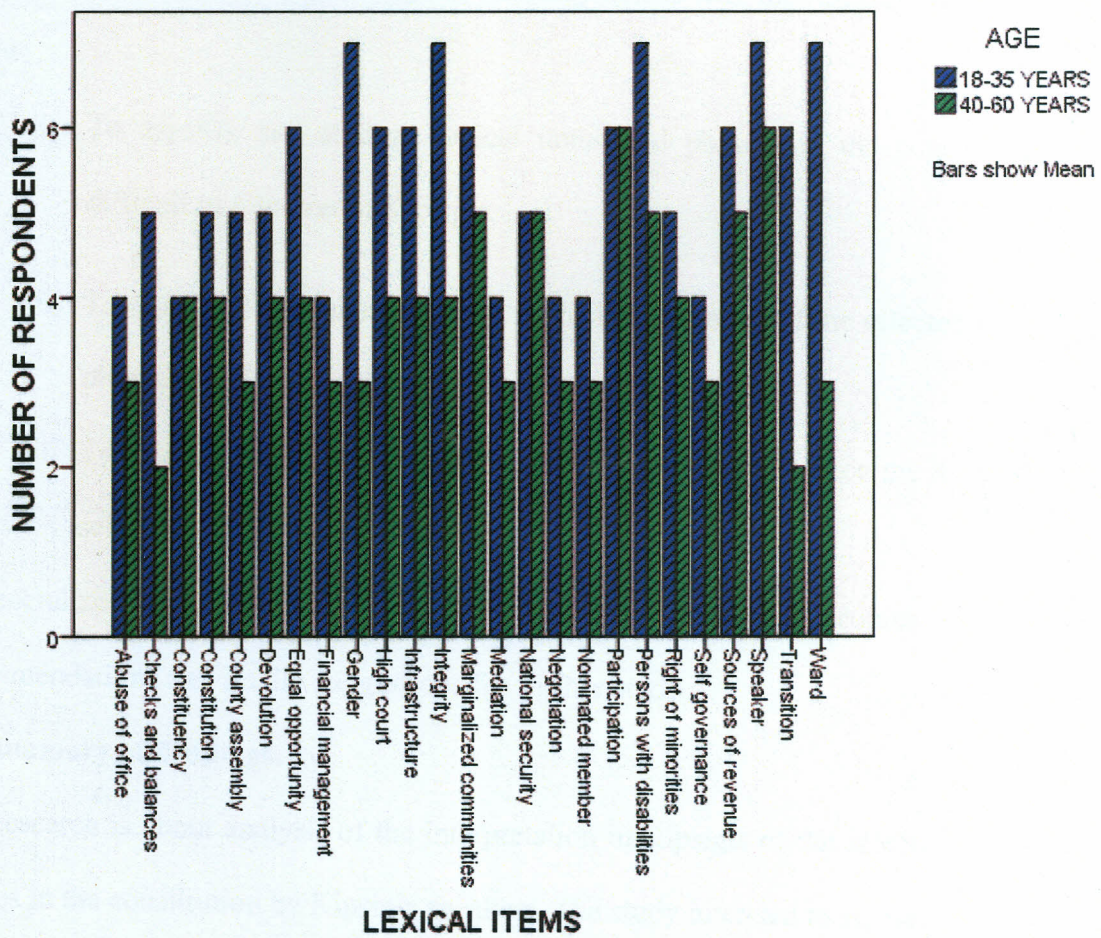
P-values marked \* are significantly different ( $p < 0.05$ ); t-crit. = 2.101 (df= 18)

Table 4.5 shows comparison of the correct responses of lexical items between the two age groups, that is the younger and the elderly. From this table, it is clear that, the younger more slightly interpreted correctly the lexical items compared to the elderly. This is accounted for by the third pillar of the interpretive theory; command of the relevant world and background knowledge. This could be attributed to exposure and perhaps interest in matters politics and governance. It implies that the younger have a better interest in these issues than the elderly. The elderly also could have other pressing social issues to address.

#### **4.7 The influence of Age in the responses to the selected lexical items**

The T – TEST, is a statistical tool that is used to compare the correct interpretation of lexical items by the respondents according to social variables of gender and age. According to the tool, when the P- value is less than 0.05, it means that there is significant difference in the interpretation. When the P- value is greater than 0.05, there is no significant difference in the interpretation. From the above comparison, it is worth noting that age as a social variable has no significant influence in the correct interpretation of lexical items. This is because the P- value is greater than 0.05. Thus, the effect of age if any must have cut across as equal number of the respondents was drawn from the study population. The graph below figure 4.3, further illustrates the above differences.

Figure 4.3: Graph for correct Responses of lexical items according to age.



#### 4.8 Conclusion

In this chapter, the researcher has analyzed and presented data by first looking at the interpretation of lexical items and phrases, identifying the difficult ones and describing the challenges in the interpretation. The chapter has also looked at respondents' interpretation based on the theories outlined in chapter two. The next chapter covers a summary of research findings, conclusion and recommendations.

## CHAPTER FIVE

### 5.0 Summary of Findings, Conclusions and Recommendations

This chapter summarizes the findings of the study in line with the research objectives as outlined below:

- i) To identify and analyze lexical items and phrases in the constitution which are difficult to interpret in Kipsigis. .
- ii) To describe the challenges faced in the interpretation of the selected lexical items and phrases.
- iii) To assess whether the variables of gender and age influence the interpretation of the selected lexical items and phrases.

A generalized conclusion based on the findings of the study comes first, followed by recommendations and finally suggestions for further study.

### 5.1 Summary of Findings.

This research is about analysis of the interpretation in Kipsigis of the selected lexical items and phrases in the constitution by Kipsigis speakers. The study intended to answer three questions:

- 1) Which lexical items and phrases in the constitution were difficult to interpret in Kipsigis?
- 2) What were the difficulties in the interpretation of selected lexical items and phrases in Kipsigis?
- 3) Do the variables of gender and age influence interpretation of the selected lexical items and phrases in Kipsigis?

The research involved identifying lexical items that were difficult to interpret, analyzing and describing challenges in interpretation of the selected lexical items and testing whether the social variables of gender and age had influence in the interpretation of the given lexical items and phrases. The data on these lexical items and phrases was generated from Chapter eleven of the Kenya Constitution which is on Devolved Government.

From this study, out of the twenty five selected lexical items nine proved difficult to the respondents. These were Checks and balances, Infrastructure, Constitution, Devolution, Gender, Integrity, Marginalized communities, Transition and Ward. This constitutes 36% of the selected lexical items and phrases. According to the study there were various challenges faced by the respondents in this interpretation. Among these challenges are language differences, word borrowing, ambiguity, lack of equivalents and nativisation. Concerning the third question, the study established that gender but not age had significant influence in the interpretation of the selected lexical items. This was because the male tended to interpret most of the lexical items better than their female counter part. This could be attributed to differences in politics and related issues, where legal register is commonly used.

Langat (2006) used the social variables of gender, age and culture in the analysis of language of sexuality among peers. She discovered that gender did not influence the interpretation of the language of sexuality. In addition, she established that age and culture had an influence on the interpretation. Thus, this study confirmed that age did not influence the interpretation by Kipsigis speakers of the lexical items in the Kenya constitution. In addressing, the research objectives and questions both the Relevance and the Interpretive theories were employed. The Relevance theory mainly addressed the aspect of 'inference' while the Interpretive tackles 'resemblance' for all the respondents' responses in the study.

## **5.2 Conclusion**

From the findings of the research, the researcher concludes that the appropriate interpretation of the lexical items and phrases is directly propositional to the proper comprehension of the words and phrases used in the constitution of Kenya. That means the respondents' interpretation of the selected lexical items and phrases reflected their level of understanding of the constitution.

All the research assumptions but one variable of age in this study have been confirmed. This study confirms the following assumptions that:

- 1) Some lexical items and phrases in the Kenya constitution were difficult to interpret in Kipsigis.
- 2) There were challenges in the Kipsigis interpretation of some selected lexical items and phrases in the Kenya constitution.
- 3) The social variable of gender and not age influences on the interpretation of some selected lexical items and phrases in Kipsigis.

## **5.3 Recommendations.**

Constitution of Kenya is an important document that should serve every Kenyan regardless of their gender, language, ethnic group and level of education. Thus, there is a need to address obstacles that alienate Kenyans from enjoying or exercising their constitutional rights such as, right to information, education and participation in matters governance as envisage in this document. This leaves the relevant arms of government and authorities with no option other than to ensure that everyone understands this important document. This may be done at various levels, apart from enhancing quality and accessibility of education there is no law against interpretation or even translation of this document in various languages. Just as it has been approved by the

11<sup>th</sup> parliament that the Kiswahili version be developed, it is also possible to avail the same document in other languages with the help of linguists as there is no language that is inferior to others. This way we will even enhance unity in diversity.

#### **5.4 Areas for Further Research**

In acknowledging that the study has not exhaustively handled the area of interpretation of lexical items and phrases in the constitution, it is suggested that future research should look at the following areas. Firstly, the impact of interpretation and translation of the constitution in Kiswahili as approved by the 11<sup>th</sup> parliament of 2013 - 2017. Secondly, there is a need to make a study on how Kiswahili lexical items may affect comprehension of the Kenya constitution. Thirdly, there is a need to find out challenges in the interpretation of lexical items and phrases in the Kenya constitution (2010) in other Kenyan first languages.

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## APPENDICES

### A1: LETTER OF INTRODUCTION

**Chepkwony K. Alfred**

**Kenyatta University**

**P.O BOX 43844-00100**

**NAIROBI.**

**OCTOBER, 2015**

**TO WHOM IT MAY CONCERN,**

I am Chepkwony Kipkoech Alfred, a postgraduate student at Kenyatta University. I am conducting a linguistic research in Analysis of interpretation of selected lexical items in Kenya constitution (2010), by Kipsigis speakers for my M.A dissertation. My area of study is Kembu location - Bomet East of Bomet County. The findings of this study are aimed at investigating the need to interpret important documents such as Kenya Constitution into Kipsigis language. Kindly accept to answer my questionnaire attached hereunder and allow the researcher to do research in your premises/institution for this purpose.

Yours faithfully,



Alfred K. Chepkwony

## A2: QUESTIONNAIRE (For Respondents)

### Instructions

- (i) This study seeks to evaluate interpretation of lexical items and phrases in the Kenya Constitution (2010) elicited from 'Devolved Governments' into Kipsigis.
- (ii) All the information you give in this questionnaire will be used only for the purpose of this academic research.
- (iii) Kindly answer all the questions with honesty.

### Section A: General Information

1. i) Name \_\_\_\_\_

ii) Gender [A] Female [B] Male (Tick one)

iii) Age [A] (18 – 35) [B] (36 – 50) [C] (Tick one)

2. Highest level of education attained: (Tick one appropriate)

(i) Primary school standard \_\_\_\_\_

(ii) Secondary school form \_\_\_\_\_

iii) Any other (if any) \_\_\_\_\_

3. What is your first language (mother tongue)? \_\_\_\_\_

**Section B: Identification and selection of words and phrases contained in the constitution:**

4. The following are words and phrases in the constitution of Kenya (2010), please study them and **select twenty** that you can easily give their meanings in Kipsigis.

- |                                     |                               |
|-------------------------------------|-------------------------------|
| 1) Devolution                       | 16) Constituency              |
| 2) Enhancing capacity               | 17) Wards                     |
| 3) Recognizing diversity            | 18) Persons with disabilities |
| 4) Self-governance                  | 19) Speaker                   |
| 5) Participation                    | 20) <i>Ex officio</i> member  |
| 6) Right of minorities              | 21) County governor           |
| 7) Marginalized communities         | 22) County legislation        |
| 8) Accessible services              | 23) Gross violation           |
| 9) Decentralization of state organs | 24) Abuse of office           |
| 10) Checks and balances             | 25) Exercise oversight        |
| 11) Constitution                    | 26) Infrastructure            |
| 12) Democratic principles           | 27) Jurisdiction              |
| 13) Sources of revenue              | 28) Demographic trends        |
| 14) Gender                          | 29) Geographical features     |
| 15) County assembly                 | 30) Integrity                 |
| 31) Inter-governmental disputes     | 47) Terminate the suspension  |
| 32) Negotiation                     | 48) Ethical requirements      |
| 33) Mediation                       | 49) Undischarged bankrupt     |
| 34) Arbitration                     | 50) Independent candidate     |

- |  |                                |
|--|--------------------------------|
| 35) Coordinating policies                                | 51) High court                 |
| 36) Senate   | 52) Privileges                 |
| 37) Financial management                                 | 53) Immunities                 |
| 38) Prejudicial  | 54) Transition                 |
| 39) Impede implementation                                | 55) Administrative functions   |
| 40) Norms and standards                                  | 56) Gazette                    |
| 41) National security                                    | 57) County executive committee |
| 42) Mobility of goods                                    | 58) Nominated member           |
| 43) Equal opportunity                                    | 59) Vulnerable groups          |
| 44) Invalidate   | 60) Inconsistency              |
| 45) Exceptional circumstances                            |                                |
| 46) The Independent Electoral and Boundaries Commission. |                                |

5. **SECTION C**: Interpretation of the selected lexical items and phrases.

From your list in Q4 above, attempt to interpret (explain in Kipsigis) the meaning of each word and phrase identified and selected using the table below:

LEXICAL ITEMS / PHRASES	KIPSIGIS INTERPRETATION / MEANING
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	

**THANK YOU**

**A3: INTERVIEW SCHEDULE (For Kipsigis speakers with training in language/ law career)**

**Interview Questions to focus group of four respondents:**

**Questions:**

1. What is your occupation ..... Gender [A] Female [B] Male

Age [A] (30 – 45) [B] (46 -60) (Tick one)

2. In your own opinion, are there any challenges in interpretation from legal register into Kipsigis? ..... any that you have encountered? ..... If yes, on which areas of language? ..... and what are some of these lexis?

3. How do you rate Kipsigis speakers with average knowledge of English as they interpret Constitutional matters, News items, and Legal issues among others in the Mass media?

A: 01 - 04 (Below average)

B: 05 - 06 (Satisfactorily)

C: 07 – 08 (Good)

D: 09 – 10 (Excellent)

4. Kindly **give reasons** for your choice in 2 above. ....

6. How would you interpret the following lexical items and phrases in the Kenya constitution into Kipsigis?

LEXICAL ITEMS / PHRASES	KIPSIGIS INTERPRETATION / MEANING
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	

**THANK YOU**



KENYATTA UNIVERSITY  
GRADUATE SCHOOL

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Internal Memo

FROM: Dean, Graduate School

DATE: 1<sup>st</sup> February, 2016

TO: Alfred Kipkoech Chepkwony  
C/o English and Linguistics Dpt.

REF: C50/CE/23169/2010

SUBJECT: APPROVAL OF RESEARCH PROPOSAL  
=====

This is to inform you that Graduate School Board, at its meeting of 27<sup>th</sup> January 2016, approved your Research Proposal for the M.A Degree Entitled, "Analysis of Kipsigis Interpretation of Selected Lexical Items in the Kenya Constitution (2010)".

You may now proceed with your Data Collection, subject to clearance with Director General, National Commission for Science, Technology and Innovation.

As you embark on your data collection, please note that you will be required to submit to Graduate School completed Supervision Tracking Forms per semester. The form has been developed to replace the Progress Report Forms. The Supervision Tracking Forms are available at the University's Website under Graduate School webpage downloads.

Thank you

  
JOHN ODONGI  
FOR: DEAN, GRADUATE SCHOOL

c.c. Chairman, Department of English and Linguistics

Supervisors:

1. Dr. Joyce Wangia  
C/o Department of English and Linguistics  
Kenyatta University
2. Prof. Githiora Chege  
Department of English and Linguistics  
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JMO/rwm



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Our Ref: C50/CE/23169/2010

DATE: 1<sup>st</sup> February, 2016

Director General,  
National Commission for Science, Technology  
and Innovation  
P.O. Box 30623-00100  
**NAIROBI**

Dear Sir/Madam,

**RE: RESEARCH AUTHORIZATION FOR ALFRED KIPKOECH CHEPKWONY- REG. NO. C50/CE/23169/2010**

I write to introduce Mr. Alfred Kipkoech Chepkwony who is a Postgraduate Student of this University. He is registered for M.A degree programme in the Department of English and Linguistics.

Mr. Chepkwony intends to conduct research for a M.A thesis Proposal entitled, "Analysis of Kipsigis Interpretation of Selected Lexical Items in the Kenya Constitution (2010)".

Any assistance given will be highly appreciated.

Yours faithfully,

  
**MRS. LUCY N. MBAABU  
FOR: DEAN, GRADUATE SCHOOL**

JMO/rwn