

The provision of interpreting services in isiZulu and South African Sign Language in selected courts in KwaZulu-Natal

by

Nontobeko Lynette Mnyandu

2016

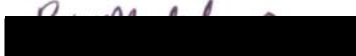
The provision of interpreting services in isiZulu and South African Sign Language in selected courts in KwaZulu-Natal

by

Nontobeko Lynette Mnyandu

Thesis submitted in fulfillment of the requirements of the degree of Master of Technology: Language Practice in the Department of Media, Language and Communication in the Faculty of Arts and Design at the Durban University of Technology.

Approved for final submission:

Supervisor: 
Dr R.L. Makhubu
DTech Language Practice

Date: 10 March 2016

DECLARATION

I, **Nontobeko Lynette Mnyandu**, declare that the thesis titled “The provision of interpreting services in isiZulu and South African Sign Language in selected courts in KwaZulu-Natal’ is my own work and has not been submitted for any other degree or examination at any other institution.

Signature:  _____

Date: **10 March 2016**

Abstract

IsiZulu is a previously marginalized language and is spoken by 78% of people in KwaZulu-Natal (South Africa.info 2012). Signed language on the other hand, is not an official language in South Africa, although it is recognised despite the profession having undergone major transformation since democracy. This study hypothesizes that isiZulu and South African Sign Language interpreters both face challenges when given interpreting assignments. This study aims to create an awareness of the needs of the isiZulu speakers and deaf people when seeking judicial assistance and also to contribute towards the provision of quality interpreting services in some of the courts in KwaZulu-Natal. With this study it is hoped to assist the Department of Justice and Constitutional Development to be able to see where they can still improve on their system. This study was conducted only in four courts, therefore, the findings cannot be generalized to be the same in all the courts in South Africa.

Isisongo

IsiZulu kusewulimi obelucindezelwe, kanti lusetshenziswa abantu abangamaphesenti angama-78 KwaZulu-Natali (SouthAfrica.info 2012). Ulimi lwezandla ngakolunye uhlangothi, akulona ulimi olusemthethweni eNingizimu Afrika nangale koshintsho oluningi olwenziwe kusukela kwaqala intando yabantu. Lolu cwaningo lucabangela ukuthi otolika besiZulu kanye naboLimi Lwezandla babhekana nezingqinamba uma benikwe umsebenzi wokutolika. Lolu cwaningo

luhlose ukwazisa ngezidingo zabantu abakhuluma isiZulu kanye nabangezwa uma bedinga usizo lwezomthetho kanye nokuxhasa ekunikezeleni ukutolika okusezingeni elifanele kwezinye zezinkantolo KwaZulu-Natali. Ngalolu cwaningo kuthenjwa ukuthi luzosiza uMnyango Wobulungiswa kanye nokuThuthukiswa koMthethosisekelo ukuba ubone ukuthi yikuphi la okungalungiswa khona inqubo yokwenza yawo. Lolu cwaningo lwenziwe ezinkantolo ezine kuphela, ngakho-ke okutholakele ngeke kuze kuthathwe ngokuthi kuyafana ezinkantolo zonke zaseNingizimu Afrika.

Acknowledgements

My heartfelt gratitude goes to the following people, who were with me every step of the way; who assisted me with everything I needed, and never left my sight:

- To God be the glory, for all the great things He has done for me. I thank the Almighty God for keeping His promise of never leaving me nor forsaking me. Without my God I am nothing. You are indeed a Provider and a Father to the fatherless. I am very grateful for everything; You deserve the praise and glory. Amen.
- To my mom, MaMbatha; my pillar of strength. Words cannot begin to explain how grateful I am for your prayers and everything. UNkulunkulu kuphela oseyongibongela kuwe. INkosi ikubusise, ikugcine uze udle izinyoni zabantwana bakho.
- To my late dad, thank you for believing in me. This is for you.
- To my late sister Nokuthula and my brother Mthandeni; I thank you for the encouragement and for all the support; you are dearly missed.
- To all my sisters, aunt Zivele, my nieces and my nephews thank you so much for everything, I wouldn't ask for a better family than you.
- To NSFAS, Minister of Higher Education and the DUT Scholarship, thank you for funding me throughout my studies; I would not be here if it was not for you. I thank you.

- To my spiritual family- ACTS, my Priests Rev. Fr Magwaza, Chaplains Rev. Fr. Dube and Rev. Fr. Tshuma; I thank you so much for your prayers and care, indeed nisebenzela izulu.
- To my mother in Christ, Mrs Gule. You have been a great mother and advisor not only to your own children but also to me. Thank you for being there for me. INkosi ikubusise.
- To my mentor - Odette Swift. Thank you for believing in me. Thank you for always being there for me and for caring, words can't describe how grateful I am to have had met you in my life. God bless you.
- To my supervisor, Dr Makhubu. It has indeed been the craziest years, but I thank you for bearing with me throughout this study.
- To my lecturer, Mr Dlamini. Thank you for being a caring and a loving father.
- To all my friends; Thanda sisuka kude kabi nawe, wena nje uyisthandwa! Queen, Thanks for lending an ear when I felt like breaking down and giving up.

For all the love and attention you have given me, I dedicate this poem to all of you, know that you are my greatest treasure!



The Treasures In You

There are treasures in life,
But owners are few
Of money and power,
To buy things brand new.
Yet you can be wealthy
And feel regal, too,
If you will just look,
For the treasures in you.



These treasures in life,
are not hard to find,
when you look in your heart,
your soul, and your mind.
For when you are willing
to share what's within,
Your fervent search
for riches will end.



The joy and the laughter,
the smile that you bring,
The heart unafraid
to love and to sing.
The hand always willing,
to help those in need,
ones quick to reach out
to labor and feed.



So, thank you for sharing,
these great gifts inside;
The caring, the sharing,
the hug when I cried,
Thanks for the energy,
encouragement too,
And thank you for sharing
the treasures in you.

Author Unknown

List of Acronyms

SL – Source Language

TL – Target Language

SASL – South African Sign Language

PanSALB – Pan South African Language Board

SATI – South African Translators' Institute

DoJ & CD – Department of Justice & Constitutional Development

Table of Contents

Declaration	i
Acknowledgements	iv
List of Acronyms	vii
Table of Contents	viii
CHAPTER ONE: INTRODUCTION	1
1.1 Introduction	1
1.2 Background of the Study	1
1.3 Hypothesis	2
1.4 Aims and Objectives	3
1.5 Research Questions	3
1.6 Rationale	4
1.7 Limitations and Delimitations	4
1.8 Summary of chapters	4
1.9 Conclusion	6
CHAPTER TWO: LITERATURE REVIEW	7
2.1 Introduction	7
2.2 Language Matters in South Africa	8
2.3 History of the Development of Language in the Courtroom	10
2.4 What is Interpreting?	15
2.5 History of the Interpreting Profession	16
2.6 Interpreting Explored	18
2.7 The introduction of Legislation	19
2.8 Codes of Professional Conduct for Court Interpreters	24
2.8.1 Professional Ethics for Court Interpreters	26
2.9 Training of Interpreters	31
2.10 Interpreting Quality	34
2.11 Qualities of Interpreters	36
2.12 The Interpreting Process	39
2.13 Provision of Interpreting Services in Courts	40
2.14 Roles of a Court Interpreter	45
2.15 Languages of focus – isiZulu and SASL	46
2.15.1 IsiZulu	46
2.15.2 South African Sign Language	49
2.16 Conclusion	51

CHAPTER THREE: METHODOLOGY.....	53
3.1 Introduction.....	53
3.2 Paradigms	53
3.3 Critical Theory Paradigm	56
3.3.1 Characteristics of a Critical Theory Paradigm	61
3.4 Research Methods.....	62
3.5 Data Collection Techniques.....	65
3.5.1 Interviews	65
3.5.2 Questionnaires	66
3.5.3 Observation	66
3.6 Target Population.....	67
3.7 Sample Size	67
3.8 Obtaining permission to conduct the interviews.....	67
3.9 Conclusion.....	67
CHAPTER 4: Findings and Analysis	69
4.1 Introduction.....	69
4.2 Data Presentation and Analysis.....	69
4.3 Data Analysis of isiZulu Interpreters, SASL Interpreters, isiZulu first language speakers and Deaf people	70
4.4 Interview Responses for the isiZulu interpreters	70
4.5 Questionnaire Responses for the isiZulu speakers.....	80
4.6 Interview Responses for SASL interpreters	86
4.7 Questionnaire Responses for the Deaf people	93
4.8 Conclusion.....	96
Chapter 5: Conclusion and Recommendations.....	97
5.1 Introduction.....	97
5.2 How the findings link with the hypothesis and objectives	97
5.3 Answers to the Research Questions	102
5.4 Recommendations	103
5.5 Conclusion.....	105
Bibliography	106
Appendix I	118
Appendix II	119
Appendix III	120
Appendix IV.....	121

Appendix V..... 122
Appendix VI..... 124

CHAPTER ONE: INTRODUCTION

1.1 Introduction

This chapter looks at the background of the study and describes the environment in which it will be conducted. It focuses on the motivation behind the researcher's desire to embark on this particular study and it outlines the aims and objectives of the study. It also looks at the research questions and how the researcher will go about answering the questions and the sub-questions.

1.2 Background of the Study

The research will be conducted at 4 courts in KwaZulu-Natal, namely eMpangeni, Pietermaritzburg and uMlazi Magistrate Courts. The study will also be conducted at the Durban High Court. The researcher was motivated to embark on this particular research due to previous research whereby many people were complaining about the court system with regards to language. People interviewed in the previous research conducted by the researcher at BTech level felt that their languages were still marginalised in some way, given the experiences they had encountered in courts. An example is given of a person who was once able to hear and attended a court case with an isiZulu interpreter and now is deaf and attended a court case which needed a South African Sign Language interpreter. The respondent claimed the interpreting services received were different in these two cases.

The Bill of Rights which is enshrined in the South African Constitution states that every accused person has the right to be tried in a language that the person understands or to have the proceedings interpreted into a language that is understood (Republic of South Africa 1996:17). This clause confirms the right of both isiZulu speakers and Deaf people who are unable to follow proceedings in courts where the discourse is all in English or spoken language to be treated in their native or sign language. Therefore, the researcher decided to undertake this research in order to make people aware that their individual languages are very important to them and that they have the right to speak their languages freely. It must be noted that this study is not comparing isiZulu and SASL, however it is trying to identify whether there are any similarities or differences that exist between these two languages and the interpreters who provide interpreting services for the said languages of focus, therefore, the interview questions will also differ in some aspects.

1.3 Hypothesis

This study hypothesizes that isiZulu and SASL interpreters are facing challenges when given the interpreting assignments due to the lack of adequate training and guidance.

1.4 Aims and Objectives

The main aims of conducting this study are twofold:

- To create an awareness of the needs of isiZulu speakers as well as Deaf people when seeking assistance in the Department of Justice and Constitutional Development.
- To contribute to the provision of quality interpreting services in some of the courts in KwaZulu-Natal.

The research objectives are as follows:

- To identify the challenges that isiZulu and SASL interpreters face.
- To contribute towards assisting the isiZulu and SASL interpreters in overcoming the challenges.
- To make recommendations regarding the provision of isiZulu and SASL interpreting.

1.5 Research Questions

This study seeks to answer the following questions:

- Are there indeed challenges that isiZulu and SASL interpreters face?
- Can the challenges be overcome by the intervention of training?
- What are the other interventions that can assist the isiZulu and SASL interpreters to perform well?

1.6 Rationale

It is hoped that this study will assist the Department of Justice and Constitutional Development to be able to see where they can still improve on their system. It will also make the department aware of the needs of their interpreters as they will also be interviewed in this study.

1.7 Limitations and Delimitations

The study is restricted to some of the courts in the province of KwaZulu-Natal and not to a province or a country as a whole. Therefore, the findings cannot be generalised to be the same throughout South Africa. Each province would have different factors and presumably have different findings. This study has been based on a small sample size of 15 isiZulu and SASL interpreters and 15 isiZulu speakers as well as Deaf people. However, due to the shortage of SASL interpreters in the said courts, the researcher was only able to interview 5 SASL interpreters in all 5 courts, collectively.

1.8 Summary of chapters

Chapter One introduces the study and looks at the background of the study where it gives details on where and how the research is to be conducted. It also looks at the research questions, hypothesis as well as the aims and objectives of the study that created a desire for the researcher to embark on this study. The researcher outlines the importance of the study and the people who might benefit from it. The limitations and delimitations are delineated in this chapter.

Chapter Two introduces the study and analyses the language matters in SA in general, where it identifies PanSALB as a board that is mandated by law to deal with African language matters, especially the previously marginalised languages and languages that are not yet official. Literature on the history of the development of languages in the courtroom is reviewed. The term ‘interpreting’ is defined as some people still confuse interpreting with translation. The views of international researchers of what interpreting is are elaborated on in this chapter. A detailed history of interpreting as a profession is stated in this chapter. The introduction of the interpreting legislation is discussed in this chapter which led to the formation of codes of professional conduct and professional ethics that court interpreters need to adhere to. The training of interpreters and the interpreting quality are discussed, giving birth to the qualities that interpreters should possess. This chapter takes the reader through the interpreting process – how interpreting is done. This chapter further identifies the setting in which the study is taking place, which is the courts. It then gives details about the provision of interpreting services in courts and certain worrisome interpreting incidents that have taken place in South Africa are identified for the interpreters to learn and improve from them. The roles of court interpreters are also stipulated in this chapter. Finally, the languages of focus which are isiZulu and South African Sign Language are elaborated on.

Chapter Three In this chapter the term paradigm is explained and details on how paradigms were formed are given. This chapter then selects one paradigm which is more appropriate for the study which is the critical theory paradigm and the characteristics of the critical theory paradigm are identified. This study uses a

mixed method of research and the method is explained in this chapter. Data collection techniques that were used in this study are also elaborated on. The target population is stated and the sample size given as well as the process of obtaining permission to conduct research.

Chapter Four analyses the data gathered from participants, in the form of graphs and discussions indicating the responses received from the participants. This study relies heavily on participants to duly complete questionnaires and in willingness to participate in interviews.

Chapter Five concludes the study by proving the hypothesis and linking the objectives with the findings. The research questions are also answered in this chapter. Lastly, the recommendations are provided.

1.9 Conclusion

This introductory chapter has laid the foundation for this study. The research problem and questions were highlighted and the manner in which the study goes about in attempting to answer these questions was described. This chapter has given the hypothesis of the study. The research aims, objectives and the rationale of the study were stated. The limitations and delimitations of the study were also mentioned. In the next chapter, the researcher will be reviewing literature conducted by other authors which is related to the topic at hand.

CHAPTER TWO: LITERATURE REVIEW

2.1 Introduction

This chapter begins by reviewing literature on the language matters in South Africa in general, whereby it identifies a structure(s) that plays a role in promoting languages; especially the previously marginalised languages of South Africa. It then reviews literature on the history of the development of languages in the courtroom. It must be said that without language, there would be no need for interpreting because interpreting mainly exists to bridge the language barriers that occur between people who do not speak the same language. As this study is mainly on interpreting, the researcher found it appropriate to define the term 'interpreting' before getting deeper into it as a profession.

A detailed history of interpreting as a profession is discussed in this chapter. The way people view or understand interpreting may differ; it is for this reason that literature was reviewed on what other authors have explored on interpreting. The introduction of the interpreting legislation is discussed in this chapter which led to the formation of codes of professional conduct and professional ethics that court interpreters need to adhere to. The training of interpreters and the interpreting quality are discussed, giving birth to the qualities that interpreters should possess. This chapter takes the reader through the interpreting process – how interpreting is done. This chapter then goes to the court setting which this study focuses on, and gives details about the provision of interpreting services in courts and provides certain worrisome interpreting incidents that have taken place in South Africa for interpreters to learn and improve from them. The roles of court interpreters are also

stated. Lastly, more details about the languages of focus which are isiZulu and South African Sign Language are reviewed.

2.2 Language Matters in South Africa

In order to understand the disputes about language in courts and court interpreting, it is necessary to understand the background of language matters and the role it has played and continues to play in shaping the South African political and historical landscape.

Erasmus (1999:48) quotes the Bill of Rights Section 9(3) of the Constitution where it defines “equality” with specific reference to culture and language, “...The State may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth” (Erasmus 1999:48). The Bill of Rights stipulates that each person can use the language they want and can follow the culture of their choice. It also insists that everyone has a right to use their native language and to practice a culture of their own. It further states that linguistic communities can enjoy their own culture; practice their own religion and also use their own language. Each person has a right to form, join and maintain cultural, linguistic and religious grouping of their own choice.

South Africa is very fortunate to have structures like the Pan South African Language Board (PanSALB) and the Deaf Federation of South Africa (DeafSA). These structures oversee language issues. PanSALB is a board which is

mandated by law to investigate complaints about language rights violations from any individual, organisation or institution. This board conducts hearings at which complainants and respondents are present, and depending on its findings may recommend steps to be taken by the department or institution concerned.

In May 2004, PanSALB launched a campaign to raise the public's awareness of their right to be served in their own language at government institutions. During the campaign, the citizens were urged to complain to PanSALB if public servants refused to serve them in their language. The then PanSALB Chief Executive Professor, Cynthia clearly stated that it is the government's responsibility to get interpreters of all official languages at its key delivery service points. PanSALB and the Department of Arts and Culture worked closely on the national policy for language use in government for higher education that was launched in 2003. PanSALB also took part in the South African Languages Bill and in a number of initiatives to ensure that South Africa has the human resources needed to implement the Bill when it became law. The initiatives announced in March 2004, include a government bursary scheme for postgraduate studies in language, interpreting and translation which shows that South Africa has made languages one its priorities (PanSALB history 2014).

DeafSA on the other hand is the South Africa's largest organisation representing about one million Deaf population, which is recognised internationally by the World Federation of the Deaf (WFD). This organisation was founded in 1929, as a result of the need to provide services to the Deaf community on a national level. Since

1994, DeafSA has been working on the transformation process alongside many other South African organisations in this new era of democracy. DeafSA conducts its business according to the official mission statement which is *“To promote the interests of the Deaf and hard of hearing effectively on a national level in Southern Africa.”*

DeafSA co-ordinates and facilitates the process of providing all kinds of services with the aim of incorporating the one million Deaf South Africans into mainstream society. DeafSA has enthusiastically carried out various activities aimed at developing and promoting South African Sign Language to date. DeafSA has worked closely with PanSALB in compiling a business plan detailing the process of developing and promoting SASL with the ultimate purpose of having SASL recognised as the 12th official language (Deaf Federation of South Africa 2007).

2.3 History of the Development of Language in the Courtroom

According to Cote (2005:5), the indigenous African populations lived under complex bodies of law before the arrival of European colonizers. People identified themselves through numerous individualities, one of the most important being language. When the first colonizers of the Dutch East India Company arrived at the Cape in 1652, they introduced a written body of law as well as the Dutch language. Throughout the Dutch East India Company rule, the Dutch and its local derivative - the fledgling Afrikaans, became the prevailing language in the execution and administration of that law. The exclusive use of these languages was threatened by the British conquest of the Cape and its subsequent takeover in 1806. British

administrators brought not only their law, but forced their language on the administration of the colony, including the courts.

The language of the Dutch colonizers began to develop intensely after the formation of the independent states of the Orange Free State and the Transvaal in the 1850's, leading to the publication of texts in their language (Afrikaans) rather than the Dutch language. The Anglo-Boer War brought an end to the independence of these states, but the people who then referred to themselves as Afrikaners retained a sense of nationalism that led them to take great measures to protect and develop their identities, especially with regards to their language. During the discussions that led to the Union of South Africa Act of 1910, a joint submission was presented and acknowledged by the British government making both English and Dutch the official languages of the country. The subsequent Official Languages of the Union Act 8 of 1925 included Afrikaans as part of the Dutch Language. The 1961 Republic of South Africa Constitution Act 32 of 1961 overturned the importance and made Dutch part of the Afrikaans language while the 1983 Republic of South Africa Constitution Act 110 of 1983 made no mention of Dutch at all (Cote 2005:5).

Throughout the twentieth century, considerable efforts on the part of the Afrikaans-speaking community driven by an anti-imperialist sentiment led to a rigorous development of the Afrikaans language. This was especially true in the area of law. Afrikaans medium schools were established in Stellenbosch and Pretoria, and by 1937 a journal in Afrikaans language law was published. In 1948, the Nationalist

Party saw an increase in the use of Afrikaans in the public sector. As the state grew, so did the use and support of the language to the point where it had developed into a fully-fledged legal language.

Unfortunately, the other South African languages did not receive the same courtesy. It only until the 1993 “Interim Constitution” (Constitution of the Republic of South Africa Act 200 of 1993) that African indigenous languages were given any official recognition as languages of the state. The realities of a multilingual South Africa could not be ignored, even by former euro-centric colonial and post-colonial governments. Statutes such as the Magistrates’ Courts Act of 1944 created obligations for courts to find interpreters for accused persons who appeared before the court and did not understand the language of the court. Rules of the High Court as well as the Criminal Procedure Act 51 of 1977 both contain dispositions for the use and translation of testimony and documents in indigenous languages in courts. Generally, these provisions ensure that evidence and testimony is interpreted into what were the two official languages of the Republic, English and Afrikaans. However, there was no interest in developing these languages for use in government until the 1950’s. It was at this time that the government began to implement its “homelands” scheme in which areas of the country would become self-governing. It was anticipated that the indigenous languages of each ethnic group would become the language of government for each homeland area (Cote 2005:5-7).

By the early 1990's, the struggle against apartheid had reached the point of negotiations; language had played an extremely important part in the development of the liberation movement's struggle towards democracy. One of the topmost moments of the struggle was the Soweto uprisings which put the situation in South Africa in the eye of the international community and saw a violent turn in the various movements. One of the main reagents for this uprising was the decision by the government to enforce schooling in Afrikaans on black students. The constitutional negotiations and the subsequent draft Constitutions that were created were governed by a set of Constitutional principles which were to be respected before the Constitutional Court would accept a final draft. Principle XI sought the protection and promotion of language and culture. This principle influenced the provisions of the Constitution today, both those provisions within as well as those outside the gambit of the Bill of Rights (Cote 2005:5-7).

Inggs (1998) and Hlophe (2004:42) concur that the only two official languages in the country for many years were English and Afrikaans, and that these two languages were therefore, also the official languages of the courts. Hlophe (2004: 42-43) argued that there did not seem to be any legitimate reason for the South African courts to be exempted from embracing this new spirit of multilingualism. The reality, however, was that the official languages did not enjoy equal rights and were far from being treated fairly by the courts in South Africa. Despite the constitutional recognition and protection of individual's linguistic and cultural range, in the courtroom setting only two languages prevailed. English and Afrikaans

continued to be used almost entirely as languages of record in the courts and consequently there was an expectation that the proceedings were to be conducted in one of these two languages.

This issue poses a serious problem for non-English or Afrikaans speakers who only speak one or more of the other nine languages of the country. This means that without competent interpreters, the country is risking injustice in courts. In a diverse society like South Africa, the courtroom has always been and continues to be a place where contact between different linguistic communities is assured. For many South Africans from previously underprivileged communities, the continued emphasis on English and Afrikaans would appear to confirm their uncertainties about the integrity of the justice system, and this is where the need for suitably qualified interpreters comes in. Inggs (1998) echoes the statement by stating that court interpreters in South Africa play a vital role in the court system. As the majority of the South African population has neither English nor Afrikaans as a first language, court interpreters were therefore, and still are, needed in all courts on a constant basis. Formerly, the provision of court interpreters for all other languages of South Africa was not seen as a necessity. Since 1994, linguistic rights have been enshrined in the constitution and not only are court interpreters a necessity, but it is now recognised that their provision is a vital means of breaking language barriers.

2.4 What is Interpreting?

Interpreting began as a profession in the twentieth century and individuals define interpreting in different ways. Scott as cited in (Napier and Barker 2004:370) states that interpreting is more than just the conception of the message, but rather the re-expression of thoughts from one language into another, integrating the same meaning and style as a native speaker of the second language would use. Mikkelson (2000:67) briefly defines interpreting as an oral transference of message from one language to another. Baker (1998: 40) concurs with the definition of Mikkelson, he states that interpreting is an oral translation of oral discourse, and is different from an oral translation of written texts. Pöchhacker and Schlesinger (2002:3) break it down by defining interpreting as an interlingual, intercultural, oral or signed mediation, enabling communication between individuals or groups who do not choose to use the same language. "Interpreting should re-express the thoughts of one language into another, incorporating the same intent and style as a native speaker of the second language would use. By adopting a sociolinguistic approach to interpreting, the focus is not on the decoding and re-encoding of information in different languages, but rather on the message that is delivered and the meaning it conveys" (Mikkelson 2000:67). In the case of Sign Language, interpreting involves the transference of message from an oral manner to a visual manner or vice-versa (Mikkelson 2000:67).

2.5 History of the Interpreting Profession

According to Pöchhacker (2004), the first attempts to record the history of interpreting were published in the mid-1950s. Since then, many other historical accounts of the interpreting profession have emerged that have expanded the understanding of the history of the profession. This historical perspective provides the origins of interpreting but does not provide any analysis into the actual task and process of interpreting.

Pöchhacker (2004) describes how interpreting moved from a service provided as a favour by bilinguals who happened to be available at that time, to a profession regulated by ethics and recognised as a specialist service. This process began in the late 1910s when the League of Nations employed a corps of interpreters who were responsible for all interpreting during the Paris Peace Conference in 1919 and thereafter. Training schools for interpreters and translators in Europe began to be established from 1930 onwards, many specifically focusing on simultaneous interpreting which was put to the test during the Nuremberg Trials in 1945-46. As a result of the introduction of interpreting studies at various universities and schools, and the large number of graduates who studied at the institutions, professional organisations for translators and interpreters began to be established from the 1950s onward (Pöchhacker 2004).

Moeketsi (1999) avers that court interpreting in South Africa is much older than the Nuremberg Trials at the end of the Second World War. It dates back to the 17th

century, when the colonialists first set foot on African shores, and it is unique in some interesting ways. Mikkelson (1999) asserts that the practice of interpreting dates back as far as the dawn of recorded history. It is assumed that the practice of court interpreting is as old as the practice of law. According to (Harris 1997), interpreting has been “documented in stone since the time of the Pharaohs.” According to Ntuli (2012:26), court interpreting was provided for the accused persons who were not familiar with Afrikaans or English, since the language of legal proceedings in South African courts for many years used to be Afrikaans and English only. In rendering this type of interpreting, the interpreter would listen and take notes while the state prosecutor put a charge to the accused person. After the entire charge or charges have been read, the interpreter would then interpret that into the language of the accused person and the presiding officer (magistrate) would ask whether the accused understood the charge(s) against him. At this point, the interpreter would interpret that and interprets the accused plea back to the magistrate.

With specific reference to court interpreting, Colin and Morris (1996) cite court interpreted trials in 1682 and 1820 that were landmarks in the English courtroom. A series of interpreted trials, the prosecution of the Nazi war criminals at Nuremburg in 1945/46, was a watershed for the interpreting profession because it was the first instance of the use of equipment to provide simultaneous interpreting services. Conference interpreters also cite these trials as a key stage in the development of their own profession (Seleskovitch 1978).

Since that time, interpreting in general and court interpreting in particular have become increasingly professionalised activities. One of the most important aspects of the profession is the existence of academic programs designed to prepare candidates for entry into the field (Carter 1990). Schools of interpreting have now been established all over the world, first in Europe, then in North America and Australia, and more recently in Asia, Latin America, and Africa. The European schools focused exclusively on conference interpreting, as did their counterparts in North America at first. No formal training in court interpreting was offered until government entities began setting proficiency standards for interpreters in the courtroom (Ntuli 2012:27).

2.6 Interpreting Explored

Gaiba (1998: 49) argues that interpreters at Nuremberg were selected because they could speak two languages or had a language degree but, once at Nuremberg, they were unable to perform simultaneous interpreting. Some of those interpreters were then employed to perform written translation. Gaiba's statement implies that even if one is bilingual or possesses a language degree that does not necessarily guarantee that one will be able to render quality interpreting services if one does not have interpreting skills which will be discussed later on in this chapter. In order to prove the difficulties and stress involved in interpreting, (Bochum 2006: 26 cited in Ntuli 2012:20) quotes Gravier (1978:4) saying "interpretation requires that one have nerves of steel". Longley (1989: 106) claims

that interpreters must have the ability to work under pressure and for long hours. Bochum (2006: 27) cited in (Ntuli 2012:20) further quotes Roland (1999: 13) who states that interpreters must possess a quality of coolness and calmness under pressure. These statements precisely describe the personality of an interpreter. It is important that this be brought to the attention of those practicing interpreting for them to be aware that interpreters are not just expected to provide some or other kind of interpreting, but that it is crucial for them to provide a high quality interpreting services in order to meet the client's expectations. By the same token, managers of interpreting staff need to understand clearly that interpreters should be adequately trained in order to deliver an interpreting service of good quality.

2.7 The introduction of Legislation

The first regulation of the quality of interpretation in the United States courts occurred when the Federal Court Interpreters Act was passed in 1978 (Gonzalez *et al.* 1991). This legislation required that Spanish interpreters working in the federal courts reveal proficiency by passing a certification assessment. At the same time, the Registry of Interpreters for the Deaf (RID) developed a legal skills certificate as a match to the general certification exam it had been issuing since 1972. In the same year (1978), Australia also began requiring a proficiency exam for interpreters. Numerous individual states in the United States followed the lead of the federal courts and adopted certification requirements for court interpreters. California, for example, began testing interpreters in 1979, followed by New York

(1980), New Mexico (1985), and New Jersey (1987). This trend accelerated in 1995 when the National Center for State Courts founded a consortium of states to pool resources for interpreter training and testing (Mikkelson 1999).

Although there has been increasing awareness of the need to ensure the quality of interpreting services in the courts in many countries, legislatures have not taken action to enforce standards; instead, the selection of interpreters has been left to the courts' discretion. In the United Kingdom, for example, the police and the courts are encouraged to employ interpreters listed on the National Register of Public Service Interpreters, but the law does not require them to do so (Colin and Morris 1996, Tybulewicz 1997). Valero-Garces (1998) and Martonova (1997) argue that in countries where there is an occupation of public translator or sworn translator, legislatures have merely declared that these translators are qualified to interpret in court proceedings, even if they have never had any training in interpreting.

The certification movement in the U.S. has been limited to court interpreting, at least for spoken-language interpreters; in Australia and Canada, a multi-tiered program of accreditation has been established. Professional interpreters in Australia, for example, are rated at four different levels: 1) Paraprofessional Interpreter, 2) Interpreter, 3) Conference Interpreter, and 4) Conference Interpreter (Senior). Although it is not stated by the law, it is however, recommended that court proceedings be interpreted by interpreters at the third level or above; those who qualify as interpreters are tested only in consecutive interpreting. Another singular characteristic of the United States is that the regulation of court interpreting was

initiated by the legislature at the federal and state levels, though with input from professional interpreters.

According to Romberger (2010:17), the 1990 survey revealed that, among the 31.8 million people who spoke a home language other than English, it was reported that 44 percent of them spoke very poor English. It was then that many courts acknowledged that access to justice needed to be improved for individuals with limited English proficiency. After the publication of Court Interpretation Model Guides, state courts began to understand the challenges and became aware of the significance of delivering on the promise of equal access to the courts. In 1995, the Consortium for State Court Interpreter Certification (now the Consortium for Language Access in the Courts) was formed in four states. As states joined the Consortium and various legal associations recruited presenters for annual conferences and educational sessions, more and more judges began to comprehend the difference between bilingual individuals and court interpreters.

Training and testing began to increase the number of credentialed interpreters. Consortium states developed and shared resources, including a Code of Professional Responsibility for Interpreters in courts, interpreter training programs, interpreter guidelines, online registries of interpreters, and continuing education resources. Judges began to be curious about the qualifications and credentials of the interpreters appearing in their courts. Some started avoiding using family members or bilingual court employees as interpreters. Others drafted rules of the court, requiring credentialed interpreters, especially for criminal cases. With

training and testing, more and more credentialed interpreters became available (Romberger 2010:18).

The growing professionalisation of courts interpreting is the emergence of professional associations. In the United States, the first such organization to be established was the California Court Interpreters Association, founded by a group of interpreters in Los Angeles in 1971 (CCIA 1999 cited by Mikkelson 1999). Sign-language interpreters founded the RID in 1964, but the CCIA was the first professional association of court interpreters. The CCIA played a vital role in pushing through the legislation that led to the first certification exam in California in 1979. Independently, the Court Interpreters and Translators Association (CITA), was founded in New York in 1978. In 1988, the organization changed its name to the National Association of Judiciary Interpreters and Translators (NAJIT 1999 cited by Mikkelson 1999). Meanwhile, the American Translators Association (ATA), founded in the 1950s, began attracting more interpreter members and many of its regional chapters and affiliated organizations had large reliance on court interpreters among their membership. In 1998, the American Translators Association started an Interpreter's Division to meet the needs of members who provide both interpreting and translating services. Many states now have professional associations that are made up partly or entirely of court interpreters (e.g. the Arizona Interpreters Association (AIA), and the Court Interpreters Association of Oregon (CIAO)).

As noted above, most countries do not have legislation requiring that interpreters who perform services in the courts pass an examination; rather, certification programs tend to be voluntary schemes established and administered by professional associations. In Canada, for example, a certification exam for court interpreters was first developed by the Society of Translators and Interpreters of British Columbia (STIBC) in the early 1980s, and eventually the test was adopted for the entire country. It is now overseen by the Canadian Translators and Interpreters Council (CTIC 1999 cited by Mikkelson 1999). According to Tybulewicz (1997), a similar situation exists in the United Kingdom. The Institute of Translators and Interpreters (ITI), which represents court, business, and conference interpreters, administers proficiency exams in various fields of specialization. Despite the lack of legislation requiring the use of ITI tested interpreters, the organization is striving to ensure that courts throughout the United Kingdom implement such regulations.

Court interpreting was ignored by the established schools for interpreters. European schools of conference interpreting may have a course in legal interpreting as part of their curriculum, but none offers degrees or specializations in court interpreting. The Monterey Institute of International Studies offered its first certificate course in court interpreting in 1983 as an addition to the M.A. in conference interpreting. That same year, the University of Arizona began its yearly Summer Institute of Court Interpretation. Since that time, universities and colleges all over the country have launched certificate courses in court interpreting. The first school to offer a degree in the field was the University of Charleston, South

Carolina, which began its M.A. in Legal Interpreting and Translating in 1996 (Mikkelson 1999). California State University at Long Beach also developed a B.A program in interpreting (Burriss 1999). The Durban University of Technology, the University of KwaZulu-Natal, University of Johannesburg and Wits are some universities that offer Interpreting and Linguistics courses and it is undoubtedly that other universities who have not started as yet will also follow suit.

2.8 Codes of Professional Conduct for Court Interpreters

The legislation of court interpreting gave rise to the codes of professional conduct and professional ethics for court interpreters. According to Moeketsi (1999a: 133-140), research has shown that the South African courts have always relied on interpreting services rendered by bilingual and multilingual individuals who have received very little or no training in interpreting and who neither know the roles nor responsibilities of a court interpreter. Research has also shown that court personnel, i.e. judges, magistrates, prosecutors and lawyers also need to be acquainted with the professional responsibilities of the interpreters and the impacts it has on the quality of the service provided.

The purpose of the codes of professional conducts adapted from Moeketsi (2008:225-226) are as follows:

- To provide a set of core principles which will guide the court interpreter in carrying out his/her duties, as well as give guidance to all court personnel

who require the services of court interpreters. This code is intended to assist the court interpreter to remain impartial at all times.

- To ensure that the constitutional rights of all those who do not speak the languages of the court are protected. The Bill of Rights enshrined in the Constitution states that "Every accused person has a right to a fair trial, which includes the right to be tried in a language that the accused person understands or, if that is not practicable, to have the proceedings interpreted in that language". This also includes the rights of hearing-impaired individuals (Republic of South Africa 1996:17).
- To increase the competency and consistency of interpreting services in all proceedings and to ensure that court interpreting services rendered are of a professional quality in all proceedings before trial, during trial, and in any following proceedings.
- To serve as a foundation for the education and training of court interpreters, and to encourage the continued professional development of court interpreters.
- To serve as a reference which may be accessed or quoted by all court personnel including court interpreters where no other authoritative standards have been adopted.

Other features include:-

- To accept full responsibility for their interpretations and to bring unresolved problems to the attention of their clients/employers.

- To accept no work that is beyond them except with the knowledge of their clients/employers, and to keep to agreed deadlines and forms of delivery.
- To constantly pursue self-improvement in order to improve the quality of their work.
- Not to accept any work that, in their opinion, is intended for unlawful or dishonest purposes or is contrary to the public interest.
- To be guided in negotiating remuneration by the principle of equitability, and in particular to refrain from charging excessive rates.
- Always to uphold the highest ethical and moral standards in their dealings with their clients/employers and in the practice of their occupation as interpreters.
- To take part in the activities of the Institute and always to conduct themselves in such a way that their conduct and the quality of their work will be to the credit of the Institute (Code of ethics adapted from SATI 2007).

2.8.1 Professional Ethics for Court Interpreters

In Spanish courts and in some other countries, there is no official code of ethics or protocol for court interpreters to follow, and court interpreting is not properly recognised as a profession (Hunt-Gómez and Moreno 2015:190). Interpreters should conduct themselves in a manner consistent with the dignity of the court and shall be discreet as possible. Interpreters should be sure to observe the protocol of the court where they are working, which includes using the proper forms of

address for courtroom personnel - i.e. "Your Honour", "My Lord", etc (Mikkelson 2000:49).

According to Mikkelson (2000:49), codes of ethics do not offer a foundation for morality nor offer a comprehensive theory of social justice, but they are the moral philosophy of practice in the professional life. The following are the main codes of professional ethics that court interpreters should constantly strive to adhere to:

a) **Accuracy**

Moeketsi (2008:235) states that court interpreters should conserve every element of information contained in the SL. By accurate interpreting, Wallmach and Kruger (2000:145) articulate that it means that the interpretation shall be complete, particular and in exact conformity with the source. The court interpreter should not omit, add or modify the source utterances. This means court interpreters should not be tempted to refine obscenities or other forms of obscene language. Non-standard forms of the language, such as *Tsotsitaal* and *Isicamtho*, should be produced in an equivalent non-standard target register. According to Mikkelson (2000:49), court interpreters should convey complete and accurate meaning of the speaker's message; this includes decisive or vulgar remarks.

b) **Confidentiality**

Interpreters are to maintain confidentiality at all times and never take advantage of any information disclosed during the course of their work. They must refrain from

revealing information of the cases they interpret in and must also not disclose the identity of the parties they interpret for (Mikkelson 2000:49). Moeketsi (2008:239) articulates that conversations between attorneys and their clients contain private information and such information should be protected. Court interpreters shall not derive personal profit or take advantage of such confidential information acquired while acting in a professional capacity.

c) Impartiality

Interpreters should be neutral and impartial at all times, and should not allow their personal attitudes or opinions to intrude upon the performance of their duties (Mikkelson 2000:49). Court interpreters should refrain from any form of behaviour that may be seen as favouritism. They may not serve in a case where close friends and relatives are involved as the accused, witness, or where they have a financial interest or any other interest that would be affected by the outcome of the case. They should not accept money or favours for the performance of their duty from any individual other than the salary received from their employer. Before court interpreters begin their task, they should unveil to the court any prior involvement, whether personal or professional, that could be reasonably understood as a conflict of interest (Moeketsi 2008:238).

d) Competence

Competence refers to all the skills and knowledge available to the court interpreter; as well as the capabilities that make the court interpreter suitable and qualified to

render interpreting services in court. This includes knowing and observing the established protocol, rules and procedures for delivering interpretations in court. The following are the aspects that distinguish a competent court interpreter:

i. **Proficiency**

Moeketsi (2008:236) articulates that court interpreters should provide professional services only in matters in which they believe they can perform accurately. When they doubt their abilities, the magistrate should be informed. Interpreters may also withdraw from any case in which their professional performance will be affected due to lack of proficiency. Court interpreters intentionally who omit difficult parts of the SL are regarded as incompetent and unprofessional and do not deserve to serve as court interpreters.

ii. **Scope of practice**

Moeketsi (2008: 237) states that court interpreters should refrain from performing duties of other court officials. They should limit themselves to interpreting and should neither give legal advice to individuals for whom they are interpreting for, nor explain court procedure to lay-participants. Geldenhuys and Joubert (1994:159) emphasise that court interpreters must not express personal opinions to the accused and witnesses, make themselves specialists in cultural matters, engage in any other activities which may be seen as rendering another service other than interpreting, or start any communication with the other participants

unless that communication is meant to assure an accurate and faithful interpretation.

iii. **Dress code**

The court interpreter's style of dress should be consistent with the dignity of court proceedings; it should be of reasonable and acceptable standards, clean and decent (Moeketsi 2008:237).

iv. **Self-improvement**

Court interpreters should maintain high levels of competence by increasing their knowledge of evolving terminology, their interpreting skills, as well as their knowledge of the law and court procedure. Court interpreters should interact with colleagues and specialists in related fields; attend workshops, seminars and conferences on related topics. They should keep up-to-date with all rules of courts and legal policies that have to do with the performance and duties of court interpreters (Moeketsi 2008:237).

v. **Unethical behaviour**

Competent court interpreters have a moral and legal duty to report to the presiding officer any effort by anybody that makes it difficult or impossible for them to carry out their duties (Moeketsi 2008:238).

vi. **Accountability**

The court interpreter should not use the court's time or facilities for private or personal gain. They should be guaranteed to give account for their behaviour while on duty (Moeketsi 2008:238).

2.9 **Training of Interpreters**

Sawyer (2004: 1) states that communication is increasing on a daily basis as the population is growing each day, therefore language and cultural barriers also increase; because the growing population uses more diverse languages and cultures in their communicative discourse. The services of language professionals who are well trained to mediate between languages and cultures are required in order to overcome this.

Sawyer (2004: 1) further states that these language professionals should be educated in institutional settings that are shaped by highly specific political, cultural, legislative, and market-specific constellations in their countries across the globe. This statement that professionals should be “educated in institutional settings” does not necessarily mean that they should be trained in-house or just

be mentored; it means that each institution must come up with its own training program.

Ntuli (2012:28) cited an unpublished report of Tshabalala from the Parliament of the Republic of South Africa, where he expressed an agreement with the position that professional training should be moved out of language departments, citing the example of the University of Free State which had a standalone Unit for Language Facilitation. Tshabalala further stated that the University of Free State does not teach language but focuses on the development of interpreting skills. He further commented on the shortage of language practitioners in South Africa. He identifies the increase of language units in government departments as an important cause, as the greater availability of posts makes it extremely difficult to attract and retain suitable staff (Unpublished Report 2009: 2).

According to Donovan (2006: 1), one of the main concerns of interpreting courses is to ensure that the training provided really does prepare graduates for the interpreting market. Graduates have to be ready to work immediately in a proficient and professional way. Thus, course content is usually organised with the view to matching skills learnt with skills needed in the market. She also states that this objective is being challenged by emerging trends. Given the rapid pace of change, it is more important than ever that courses be run and taught by practicing professionals who are in touch with the profession. If possible, the teaching team should be made up of practicing interpreters with a wide range of experience on

different markets. However, this is only valuable if they get together regularly to pool views and discuss emerging trends and their significance for training (Donovan 2006: 5). Hunt-Gómez and Moreno (2015:190) echo that the training of court interpreting needs to be done efficiently country wide to guarantee a fair trial for a defendant who is not fluent in the language used in the courtroom, and in addition, to give professional court interpreters appropriate recognition for their work. The American Bar Association (2012) also concurs with other authors and states that it is necessary to ensure that court interpreters are competent in the languages in which they work in, understand their roles and the basic concepts of interpreting, possess competent interpreting skills, and know the code of ethics for court interpreting.

In South Africa, training has not been able to keep pace with the changes in interpreting practice in the market. Translation and interpreting are the main areas with the technical registers of the languages of South Africa (including South African Sign Language) which are being developed and standardised. The increase in translation and interpreting practice reveals that there is a need to reflect on norms and standards, and to integrate this knowledge into training using genuine practical examples. Currently, interpreter training in South Africa is based mainly on research into interpreting practice conducted outside of South Africa. Dr Kim Wallmach's research project (together with a number of masters and doctoral students) is a good example as this project is aimed at addressing this gap on developing corpora of interpreting practice in various contexts not only to provide insight into interpreting strategies and norm-based and context-based interpreter

behaviour, but also to determine some of the differences and similarities between spoken and signed language interpreting in various contexts, and thus improve interpreter training in South Africa (Research in Translation and Interpreting 2016).

2.10 Interpreting Quality

According to Johnson and Christensen (2012:1), interpreting quality has been an important topic in interpreting research for more than at least the last three decades; however there is still no formal concord within the interpreting community on how the concept of interpreting quality can be defined. As a research topic of research, quality is extremely complex and can be viewed from different perspectives (Kalina 2004). In a paper about interpreting quality as a theoretical concept, Grbic´ (2008) presented various approaches to quality. These include quality as exception, quality as perfection, and quality as fitness for a given purpose. According to Garzone (2002:107), the concept of quality in interpretation can be defined as a construct embodying the norms which are seen as appropriate to guarantee the intrinsic and extrinsic properties considered ideal for an interpretation performance in a given social, cultural and historical situation. Interpreting is a service to those who do not understand a message delivered in the original language; therefore, quality should not be compromised. Marrone (1993: 35) states that research into audience expectations and preferences with special regard to the definition and evaluation of the interpreting quality is of vital importance for a profession whose purpose is to render effective communication between the speaker and the audience.

The basic problem of quality is the sum of several different, heterogeneous aspects, some of which involve different subjects i.e. interpreters, clients, users and speakers. Each of these has a different view and perception of quality. This implies that quality means different things to different people and in different settings. However, its main focus is to meet customer needs and organisational objectives (Garzone 2002: 110). Reiss (1989) came up with a theory of translation called Skopos Theory, which states that '*an interpreter's performance is good if it serves its purpose and if it applies adequacy as a decisive criterion*'; it is believed that if this theory could be adopted, it could have a positive impact on the standard of quality of interpreting. There is a general agreement among interpreting researchers that the interpreter's working conditions, to a large extent, determine the quality of a given court interpreting. Kalina (2002: 124) points out that there is not necessarily a direct correlation between the interpreter's skills and qualifications and the actual performance in a specific situation.

Quality is, however, affected by the challenges faced in recruiting qualified and skilled staff. It is generally known to those involved in language practice that in South Africa to date, interpreting especially simultaneous interpreting is still a scarce skill and not many interpreters are qualified in it. Some of those who are said to be qualified do not update their skills in line with the development in this discipline as it is generally known that language and technology are dynamic and not static. Not updating skills leads to poor interpreting performance. On the other hand, the efforts and qualifications of qualified professionals who always update

their skills in order to render quality interpreting services to their clients are not recognised by their employers despite the provisions in the South African Language Policy Framework (United Nations System 2002).

The following statements were made at the first Pan-African Conference on the training of translators, conference interpreters and public service interpreters held at Gigiri, Nairobi, Kenya from 23 – 25 February 2009:

(Cosmidou 2009 cited in Ntuli 2012:27) emphasised the importance of relay interpreters - this refers to an interpreter who is responsible for interpreting directly from the source language, and whose interpreting will therefore serve as the basis from which other interpreters may interpret into other languages. This interpreter plays a vital role when the discourse is full of dialects; this interpreter therefore, simplifies the discourse for the other interpreter to interpret to a target language. Ntuli (2012: 28) further cited (Casimiro 2009: 26), whereby he stated that the qualities that makes a good interpreter should be identified and that the training programmes should be designed accordingly. He added that the programmes should be orientated to the needs of the African continent and not certain countries alone.

2.11 Qualities of Interpreters

According to Mikkelson (1999), skills go beyond qualities. A survey of the literature conducted by Mikkelson reveals a great deal of overlap in the descriptions of an ideal interpreter, regardless of whether the subject of discussion is a court,

medical, or conference interpreter. The following qualities are identified by various authors as essential for good interpreting:

- a) **Language skills:** According to Mikkelson (1999), it is advantageous for interpreters to have a good command of their working languages to interpret accurately, even though they tend to underestimate the degree of that command. Gonzalez *et al.* (1991) emphasize the breadth and depth of linguistic expertise required. They are also united in making the point that language is just a prerequisite for mastering the techniques of interpreting.
- b) **Analytical skills:** According to Gonzalez *et al.* (1991) analysis is the prime strategy used by court interpreters; it is so essential to that it can be considered as a fundamental part of the process rather than a subordinate tactic. Writing about conference interpreting, Jones (1998) also emphasises how important it is to analyze a speech before interpreting it.
- c) **Listening and recall:** Gentile *et al.* (1996) note that effective interpreting requires effective listening skills. Many authors define the specific kind of listening that interpreters perform as "active listening," and further point out that this active, attentive listening is quite different from other forms of listening, and has to be learned by the interpreter (Jones 1998). Memory or recall is also identified as essential by almost all experts on interpreting, regardless of the type. Seleskovitch (1978a) asserts that in interpreting, memory and understanding are inseparable; the one is a function of the

other. Having a good memory is especially important for a court interpreter, who must retain and reproduce the message in its exact form in the target language.

- d) **Ethical behavior:** Although the interpreter's code of ethics has the greatest impact on the interpreter's work in legal settings (Gonzalez *et al.* 1991), authors like (Sussman and Johnson 1996) agree that ethics are major considerations for all interpreters.

- e) **Speaking skills:** According to (Weber 1984; Frishberg 1986; Gonzalez *et al.* 1991), most people associate speaking skills with appearances before large audiences at public events such as congresses, assemblies, or press conferences; and public speaking is indeed a key element in the training of interpreters. Gentile *et al.* (1996) point out, however that effective speaking skills range from quality of voice to choice of idiom, vocabulary, phrasing, etc. Consequently, what comes out of the mouth of the interpreter and the way it is uttered is vital in the overall effectiveness of the interpretation.

- f) **Cultural knowledge:** It is universally acknowledged that interpreters working in medical and social service settings need to be acutely aware of cultural differences, although there is a widespread disagreement about what they should do with that knowledge (Carr *et al.* 1997). Court

interpreters on the other hand, are expected to take culture into account, although they are much more restricted in their ability to educate their clients about cultural differences (Gonzalez *et al.* 1991). Authors like Seleskovitch (1978a&b), Seleskovitch and Lederer (1984) have written extensively about the link between language and culture. (Jones 1998) sums it up best by stating that "...in all of their work, interpreters must bridge the cultural and conceptual gaps separating the participants in a meeting."

2.12 The Interpreting Process

In order for one to fully understand what interpreting is, one must first understand the process involved in interpreting. The interpreting process is very complex compared to the translation process. It involves the intricate process of conveying the message from one language to another and the added difficulty of achieving it in real time. The entire process of listening, comprehending and conveying takes a few seconds, at most, minutes. The interpreting process, therefore, consists of 3 main stages: - comprehension, conversion and delivery (Hale 2004: 3).

a. **Comprehension**

The process of interpreting begins by understanding the SL. Thomas (1983) as cited in Hale (2004:3) discovered that communication break-down occurs between speakers of the same language who have failed to understand the pragmatic meaning of the other speaker's utterances. Hale further reiterates that

understanding a message can be influenced by various number of factors, including the knowledge of the language, subject matter, context, institutional culture as well as the speaker's own culture, and the speaker's coherence and presentation of the message (Hale 2004: 3).

b. Conversion

Hale (2004:4) articulates that the conversion phase is when an interpreter is making fast mental choices about the best way to convey the speech into the TL. This involves finding equivalent words in the TL. Sometimes one may find that some words do not have equivalence in the TL; in such instances interpreters should then convey the pragmatic meaning of the message, however preserving the original meaning. The interpreter's language competency, training, memory capacity, listening and interpreting skills as well as experience have a great impact on this phase.

c. Delivery

This stage is when the interpreter orally delivers the message after considering the two previous phases. Here, the interpreter's output cannot be corrected or edited once uttered, unlike translation where corrections can be made as many times as one likes. In interpreting, it may reflect negative outcomes on the original speaker if it is in a form of backtracking or self-correction (Hale 2004:4).

2.13 Provision of Interpreting Services in Courts

The courtroom is considered to be a sensitive social institution as matters that come before it sometimes mean the difference between freedom and captivity, or, in some countries, life and death for the accused (Usadolo and Kotzé 2014:346). This statement emphasises the need for effective communication between participants in the courtroom. This necessity is reiterated by Khoon (1990:110), who recommends that all communications in court should be handled with caution as “any misrepresentation, be it even a verbal slip, may have dire consequences, particularly in cases where the fate of a defendant hangs in the balance” (Khoon 1990:110). Khoon’s affirmation validates why it is necessary to bridge communication barriers between diverse language groups in the courtroom. This can be done by providing court interpreters to assist many South Africans and others who appear before the courts and who are not proficient in the main court languages used during the proceedings.

According to Romberger (2010:18), self-represented parties with very limited English proficiency is still a growing challenge in some courts. An interpreter bound by ethics is prohibited from helping a party navigate the court system and from becoming an advocate. When interpreters are expected to provide different services for the self-represented parties than he or she does for other parties is beyond the interpreter's ethical obligations; an interpreter works for the courts, not for the party. As a result, while courts are establishing protocols for handling cases that involve self-represented parties, they also should consider those individuals who have a limited English proficiency. All provisions that are made for the English-

speaking self-represented party should also apply to the person with limited English. Prior to this, the magistrate might make a statement to the parties to clarify the interpreter's role in court.

Example: There is an interpreter amongst us who will assist through these proceedings, and you should be aware of what the interpreter can and cannot do. The interpreter is not a party in the case, has no interest in the case, is not working for either party, and will be completely neutral. He/she is only here to help us communicate effectively, and interpret what is said during this proceeding. The interpreter is not an attorney, a social worker, or an advocate; his/ her only job is to interpret (Romberger 2010:18). By clarifying the role of an interpreter to both parties involved, it makes the provision of the interpreting services more effective.



Figure 1



Figure 2

These figures show how interpreting services are rendered in courts, for both spoken language and Signed Language in the USA.

Du Preez (2014) mentions that the state of the interpreting services in the South African courts has been an ongoing and worrying topic of discussion for some time now. The latest example is the murder trial of paralympian Oscar Pistorius, where certain state witnesses lost so much confidence in the Afrikaans-English

interpreter that they decided to testify in English, rather than in Afrikaans. In the same trial, a new interpreter misinterpreted witnesses' testimonies on several incidents. One example was when defense counsel had to correct an interpreter during the testimony of one state witness who said: "*...when we arrived there were towels and black garbage bags on the scene.*" The interpreter interpreted this testimony from Afrikaans into English as: "...there was black clothing." The witness also stated: "*The person was already dead when the paramedics arrived*" and the interpreter responded: "The body died on their arrival."

Reports indicate that in another matter in the Eastern Cape High Court in Port Elizabeth, at least 16 State witnesses who testified at a murder trial were recalled because the interpretation of their original evidence in court was not up to standard. During the course of the trial, the three accused who were all isiXhosa speakers complained about the quality of the interpreting of certain evidence given by State witnesses. The chief interpreter of the court confirmed that not only the interpreting of the evidence was not up to standard, but the witnesses were also not properly sworn in by the interpreter (du Preez 2014).

Further recent incident includes the Sign Language interpreter, who humiliated South Africa during the late former state president Nelson Mandela's memorial service. A media report by du Plessis (2014) reveals that, Chief Justice Mogoeng has voiced out his concern about the interpreting matter when he recently addressed the Judicial Officers' Association of South Africa in Benoni. He voiced

his concern about the poor training of interpreters and stated that South Africans are losing court cases because of the poor quality of the interpreting services rendered by the court interpreters. The information gathered on the provision of interpreting services reveals that many people are losing faith in court interpreters, but that does not necessarily mean they are incompetent or not well trained. For future research, it is recommended that investigations about what causes interpreters to break down during the court proceedings should be carried out, and identifying the main cause of the misinterpretations.

2.14 Roles of a Court Interpreter

According to Moeketsi (1999: 31), the main role of the court interpreter is to facilitate communication in a responsible manner, bearing in mind that any language misunderstanding in the courtroom may have potentially tragic consequences especially on the rights, freedom and the life of the accused person. Lebesse (2013:26) emphasises that the interpreter's role is thus to facilitate communication where one party is not familiar with the language of the record used in the court.

The court interpreter's role is to put the non-English speaking witness or defendant on the same position as the English speaking defendant or witness. It is not the interpreter's role to simplify language or arguments used in the courtroom to ensure that the non-English speaker understands them, but the court interpreter's role is to deliver the message as it is in the TL. It is a major misconception that an interpreter should assist the non-English speaker by reducing a complicated argument to a simple one. If the original message is not clear, the interpretation should remain unclear (Hale 2004:10).

Mikkelsen (2000:2) states that court interpreters must not only master the techniques of interpreting and a wide range of registers in all their working languages, but also they should master the densities of terminology used by the judges and attorneys in those languages. Court interpreters must be familiar with the legal system in which they operate. They must understand the importance of

language in the courtroom; its strategic use, the rules of evidence and other legal procedures which are fundamental to the delivery of a court case (Hale 2004:2).

Interpreters need to draw on their metalinguistic cognizance to enhance their ability to produce successful and equivalent interpretations (Napier and Barker 2004:371).Hale (2004:10) further elaborates that, court interpreters have a duty to conserve not only the exact meaning of the source language message, but also the register, style and tone of that SL.

2.15 Languages of focus – isiZulu and SASL

This section will be looking at isiZulu and SASL as the languages of focus of the study.

2.15.1 IsiZulu

According to Statistics South Africa (2011), isiZulu is one of the most common languages in South Africa. It is said to be spoken by nearly 22.7% of the total population or 11 587 in SA. IsiZulu is an extremely regional language, with 77.8% of its speakers to be found in KwaZulu-Natal. More than 18% of isiZulu speakers are to be found in Gauteng, the second province in which it is in the majority, with its speakers making up 19.5% of the provincial population. In Mpumalanga, it is spoken by nearly a quarter of the population, who make up 7.6% of all South African isiZulu speakers. The presence of the language in the remaining six provinces is minor (SouthAfrica.info 2015).

SOUTH AFRICAN LANGUAGES – 2011		
Language	Number of speakers*	% of total
Afrikaans	6 855 082	13.5%
English	4 892 623	9.6%
IsiNdebele	1 090 223	2.1%
IsiXhosa	8 154 258	16%
IsiZulu	11 587 374	22.7%
Sepedi	4 618 576	9.1%
Sesotho	3 849 563	7.6%
Setswana	4 067 248	8%
Sign language	234 655	0.5%
SiSwati	1 297 046	2.5%
Tshivenda	1 209 388	2.4%
Xitsonga	2 277 148	4.5%
Other	828 258	1.6%
TOTAL	50 961 443**	100%

* Spoken as a home language **Figure 3** – Adapted from Statssa (2011)

IsiZulu is a language of South Africa's largest ethnic group, the Zulu people, who take their name from the chief Shaka Zulu who founded the royal line in the 16th century. The warrior King Shaka raised the status of the Zulu kingdom in the early 19th century. The current monarch is King Goodwill Zwelithini. As a tonal language and one of the country's four Nguni languages, isiZulu is closely related to isiXhosa. It is the most widely understood African language in South Africa, spoken from the Cape to Zimbabwe. The writing of isiZulu was started by missionaries in what was then Natal in the 19th century, and they produced the first isiZulu translation of the bible 1883 (SouthAfrica.info 2015).

Djité (2008) and Mufwene (2008) assert that on an educational level, literacy in isiZulu is being sustained through a system of public education. This specifies a need to gather and formalise indigenous knowledge of isiZulu and to compile

isiZulu texts and standardise terms for use in every field of science and technology in the country.

During the apartheid and post-apartheid eras, the two isiZulu language boards; one represented under the African Languages Board Act of 1977 and the other under the Pan South African Language Board (PanSALB) Act of 1995, have hardly made any progress with regards to the standardisation of the language as per the governments' expectations in either era. PanSALB as a board that works closely with the Department of Arts and Culture designed new language body units for each of the official languages, including the isiZulu National Language Body in 2001 (Cockburn, Khumalo-Seegelken, and Villet 2014). Furthermore, a 'Project for the Study of Alternative Education in South Africa (PRAESA) – was developed to support and contribute to efforts by these bodies and other non-governmental grassroots projects to classify and regulate entomological terminology in isiZulu (Praesa 2015).

Dictionaries have been seen by the users of isiZulu (and often also their writers) as a trendsetter of standardised usage and spelling, thus accorded a prescriptive role. Modern lexicography recognises that a language is dynamic and grows from time to time, an insight that has led to dictionaries becoming linguistically descriptive, rather than rigid, but they can still be compiled for linguistic standardisation agendas. Ideally, language variations that attain a certain level of universal intelligibility cannot be overlooked when compiling a descriptive dictionary. However, it is presumed that lexicons aimed at standardisation would

disregard much of the dialectal, cultural, social and grammatical richness of languages like isiZulu because of their distinctive agenda (Cockburn, Khumalo-Seegelken, and Villet 2014).

2.15.2 South African Sign Language

According to Erasmus (1999:68), SASL is a visual-gestural language created and used by Deaf South Africans to communicate with one another. It is not a spoken language but rather a visual language. It is perceived through the eyes and not through the ears like the spoken language. The signs of SASL and any other form of Sign Languages are gestural in nature as they are made up of precise, regular, rule-governed body movements (Erasmus 1999:68). Tweney and Hoemann (2015:66) define Sign Language as a linguistically structured communication method in which meanings are mapped primarily onto gestures made by the arms, hands, torso and face of the communicator. Aarons and Akach (2002:128) noted that the distinguished feature of Sign Languages is that they are made through the medium of space, not sound, and that they use the hands, face, head and upper torso for their realization.

Aarons and Akach (2002:128) declare that there is no universal Sign Language. South African Sign language just like other languages arise naturally through the use by the community in a context of natural use, and they advance as they are passed down from generation to generation. Sign Languages are not written down, which leads to a slightly higher degree of inconsistency in the Sign Language of a

community. However, in general, the Sign Language used in one country is slightly different from the one used in another country i.e: SASL and BSL/ ASL.

According to Berke (2014), currently there are approximately 600,000 South Africans who use SASL. Currently there are possibly more than three million hearing impaired South Africans. These statistics refer explicitly to Deaf people who share the deaf culture. Deaf culture can be defined as people belonging to a linguistic minority group, who share special values, social norms, customs and technology which are transferred from generation to generation (Reagan 2008:171).

The formal teaching of SASL at tertiary level in South Africa only began in 1999 with the introduction of SASL as a subject at the Free State University. In 2000, both the University of the Witwatersrand and the ML Sultan Technikon (now Durban University of Technology) introduced SASL courses and the North-West University began offering SASL classes at the start of the 2011 academic year (Swift 2012:24).

In the Constitution of South Africa (1996) every disabled person is granted all the rights that any other person in the country has, and they are assured that any form of unfair discrimination, based on their disability, is unconstitutional. Furthermore, the language of the South African Deaf community – South African Sign Language (SASL) SASL is not an official language, but according to the South African Constitution (1996), this language should be promoted and developed (Aarons and Akach 2002:129). This recognition of South African Sign Language was further

embodied in the South African Schools Act (1996). It contains evidence of a sharp departure from the apartheid oral policy in schools for the Deaf. This was done by granting a recognised Sign Language the status of an official language for the purposes of learning at a public school.

Some Deaf people in South Africa are illiterate, that is, they cannot communicate and express themselves in any way other than through South African Sign language (Crawhall 1995:2). Akach and Morgan (1997) argue that Sign Language interpreters should always be present in deaf communities in every country in the world. Historically, children of deaf adults (CODAs) were responsible for making communication between the deaf communities and the hearing communities possible. Religious workers, social workers, and teachers with some knowledge of Sign Language vocabulary and structure but without any training acted as interpreters for a long time. There had been no formal training of Sign Language interpreters in South Africa up to 1997. Nowadays, people have become more aware of Sign Language and the rights of the Deaf as a minority language group, the interest in Sign Language interpreting has increased and a greater need for interpreter training has been created.

2.16 Conclusion

This chapter highlighted all aspects that were mentioned in the introduction. It gave a broader understanding of what this study is about through reviewing literature that was written by other authors. The two languages of focus shed light on how they originated, and how their development has gone thus far. The following

chapter is the Methodology. It will entail details of different paradigms and linking the study to the most appropriate one. The research method, data collection techniques, and permission of obtaining data are all also going to be detailed in the next chapter.

CHAPTER THREE: METHODOLOGY

3.1 Introduction

This chapter begins by explaining the term paradigm, it gives details about paradigms and how they are formed. This chapter then selects one paradigm which is more appropriate for the study which is the critical theory paradigm and it also identifies characteristics of the paradigm. This study adopts a mixed research methodology and the method is explained in this chapter. Data collection techniques that were used in this study are also elaborated on. The target population is stated and the sample size given.

3.2 Paradigms

According to Guba and Lincoln (1994), a paradigm is a set of basic beliefs that represents a worldview, defines the nature of the world and the individuals within it. Guba and Lincoln further note that a paradigm comprises of the investigator's assumptions not only about the manner in which an investigation should be executed (methodology), but also in how the investigator defines truth and reality (ontology) and how the investigator comes to know that truth or reality (epistemology). Lincoln and Guba (2000) have added axiology, or the values supporting ethics, aesthetics, and religion, to this framework on research paradigms. They suggest that answers to questions regarding these four elements provide an interpretive framework that guides the entire research process including strategies, methods, and analysis. Positivism was the predominant paradigm during the 1930's. Researchers in new fields of inquiry believed that if they imitated

this successful paradigm, they too would be successful. Positivists approached research in a very objective, controlled and rigid manner; attempting to reach a determined truth (Guba and Lincoln 1994).

During World War II, countries undergoing economic crises adopted more of a philosophical and political viewpoint on research and research design. Less rigid and less pre-ordinate methodologies began to surface as inquirers began to question whether the rigid positivist approach could truly be applied to human behavior with all of its elusive nuances. Post-positivists attempted to soften this view of inquiry by looking to trade off a bit of the consistency and inelasticity for more ecologically valid and relevant results. Post-positivists began to look at pending inquiry into human behavior from a number of different angles, both quantitatively and qualitatively (Guba and Lincoln 1994).

During the late 1950's, inquiry began to be viewed from many different perspectives following the increase in knowledge of psychology, anthropology, linguistics, economics, and sociology after Russia launched Sputnik, which offered a major challenge to the United States and had a deep effect on politics and eventually on educational research. Powerful and advanced technology provided more advanced statistical analyses, leading to an improvement in research development as major funding became available through the federal government. The empirical-analytical approach then began to be questioned as inquirers became increasingly interested in how people attribute meaning to their life events

and not only in the discovery of human behaviour (De Landsheere 1997; Candy 1991). Researchers started looking at alternative paradigms to inquiry. The constructivist paradigm was formed and it began to gain favor in the social scientific community as more and more scientists and educators began to discuss different methodologies and philosophies of inquiry and they began to look beyond discovery to develop a richer understanding of the density of human behavior.

De Landsheere (1997) states that during the 1980's, the social science community agreed that no research paradigm can be relied on to answer all types of inquiry into human behavior. Critical issues began to focus on the influence that class, gender, and race had on human behaviour both politically and socially (Denzin and Lincoln 1994). Yet, scientists were faced with issues and questions that did not fit within any existing paradigms, giving rise to the critical theory paradigm. As stated by Crotty (1998); Kim (2003); Kincheloe and McLaren (2000), critical theorists did not just perform inquiry for discovery or understanding, but rather were concerned with issues of power and oppression, and sought to encourage action that would change the status quo and uphold emancipatory ideals.

3.3 Critical Theory Paradigm

This study is based on a critical theory paradigm. As stated by Bloomberg & Volpe (2008:9), the critical theory arose during the 1980's from the critique that post - positivist assumptions compelled unfair structural laws and theories that deprived rights to certain individuals or groups. Critical theorists view research as intertwined with politics, and therefore believe that the research contain an integral action agenda that will bring about change in people's lives, the institutions and societies in which individuals live and work (Bloomberg & Volpe 2008:9).

According to Nielsen (1992:265), critical theory aims to provide knowledge of the society's' structure and its dynamics thus enabling the society to determine its true interests. In essence, it shines a critical light on the workings of society and finds them dominated by the interests of wealthy leaders who had succeeded in convincing most people that those best interests are also the interests of society at large. Basnet (2011) concurs with Nielsen by stating that the critical theory aims to promote democracy by making changes in different social, political, cultural, economic, ethical as well as other society oriented beliefs and systems. Here democracy means the people's ability to speak without fear from others or to have a sense of freedom from the various restrictions in the society as well as the social, political, economic, cultural, religious, gender and cast barriers. Basnet (2011) further states that critical researchers nowadays also aim to transform society to address inequalities, particularly in relation to ethnicity, gender, sexual orientation, disability, language and other parts of society that are marginalised which is also the main goal of this study.

According to Welton (1995:14), critical theory is both critical and emancipatory. It is critical in the sense that it critiques capitalist society and it is emancipatory in the sense that it envisages something better for human beings. Welton highlights these interests by defining critical theory as a theory of history and society driven by a passionate commitment to understand how ideological systems and societal structures hinder the fullest development of human kind's collective potential to be self-reflective and self-determining historical actors. Critical theory as a paradigm that frames the way people look at the world involves the cultivation of a critical attitude on all levels. Certainly, Horkheimer (1972:229) was convinced that the future of humanity depended on the existence of the consciously critical attitude, which he considered as part of the development of society.

According to Kellner (n.d:1), critical theory is inherently interdisciplinary. He describes it as a multi-disciplinary approach for social theory which combines perspectives drawn from political economy, sociology, cultural theory, philosophy, anthropology, and history. It thus overcomes the common division to established academic disciplines in order to address issues of broader interest. This study therefore, is linked to this theory as it is hoped that it will bring about change in people's lives and the conditions that court interpreters are working under as well as give the two languages of focus a chance to enjoy equal freedom.

Constructivists believe that it is not only important to discover and describe human behavior, but also to understand the intentions, values, attitudes and beliefs behind human action, on the other hand, critical theorists do not believe this philosophical

stance goes far enough. Critical theorists believe that it is not enough to simply describe and understand human behavior; rather they seek to improve the well-being of humans in society by challenging oppression and questioning the status quo. Critical theorists believe it is essential to look beyond the perceptions of the individual to the factors that lead to the development of those perceptions, including the underlying assumptions, both of the individual and society. Critical theorists believe that one's interpretation of a situation is shaped by a number of external forces and struggles including societal norms, such as race, gender, disability, political, social, historical, and economic ideologies (Candy 1991; Crotty 1998; Kincheloe and McLaren 2000).

According to Denzin and Lincoln (2000); Guba and Lincoln (1994); Kincheloe and McLaren (1994), critical theory is not a single paradigm, but rather a collection of alternative paradigms which includes feminism, neo-Marxism, materialism, social theorists, sociolinguists, participatory inquiry, racialised discourses, cultural studies, and odd theory. Each of these alternative paradigms is a study unto itself; however, they share certain fundamental beliefs. Critical theorists in general maintain the socially and historically situated power relations as the basis of all thought; all facts are value-laden and entrenched in ideology; supply and demand relationships in society cannot be separated from social relationships; language underpins both our conscious and unconscious awareness; oppression is present in society and many interconnected oppressive forces are prevalent throughout society; and most orthodox research reinforces the supremacy of class, race, and gender oppression (Kincheloe and McLaren 1994).

Kincheloe and McLaren (1994) describe the goal of critical inquiry as a conscious attempt to expose the social injustices and biasness that occur in a society as a result of uncritical or unquestioned acceptance of the dominant culture or race. Ultimately, through exposure of these previously taken for granted inequities, the goal of the critical theorist is to disrupt the status quo resulting in emancipatory action by the dominated members of the society. Authors like Creswell (1994); Kincheloe and McLaren (2000) reiterate that the critical theorist aims to negate oppressive forces, raise consciousness, and invoke a call to action to aid emancipation that will potentially lead to empowerment and social change. This action will eventually result in a more equal and democratic society for all. Therefore, the critical theory is concerned with advocacy and the facilitation of social change (Kim 2003).

Ontologically, critical theorists believe that knowledge or reality is essentially historical. It has been shaped by social, political, cultural, economic, ethnic, racial, and gender factors, and it has been crystallized over time into a taken for granted reality (Lincoln and Guba 2000). According to critical theorists, this reality is improperly accepted as truth (Guba and Lincoln 1994). Truth is arrived at through discourse and grounded subjectively, inter-subjectively, or through some accepted norm. However, when these claimed norms do not serve the entire population equally, power struggles and oppression occur (Kincheloe and McLaren 2000).

Epistemologically, according to Guba and Lincoln (1994), the critical inquirer cannot be distanced from the subject of the investigations, since the nature of the query itself is completely determined by value. These values do not only include

the values of the inquirer, but also the values of those participating in the investigation. Emphasis is placed on the interactions of individuals in society and the inquirer. The values of the inquirer will ultimately influence the inquiry itself and vice versa. Knowledge is created through the interaction of the inquirer and the participants. Since advocacy and activism are keys in critical inquiry, interactivity of the inquirer is essential (Guba and Lincoln 1994). The inquirer and participants are partners in the process; both becoming more enlightened from the inquiry. The inquirer is expected to be involved with participants and to be instrumental in facilitating greater insight and therefore facilitating emancipatory action on the part of the participants to confront oppression within the social context (Crotty 1998; Freire 1972; Guba and Lincoln 1994; Kincheloe and McLaren 1994).

Kincheloe and McLaren and (2000) state that at the heart of the critical theory, methodology is a dialectic dialogue, which uncovers the unconscious assumptions by which everyday experiences are interpreted. By uncovering these underlying assumptions and offering them up for critique and dialogue, they can be brought into a larger historical framework. Reflection upon the assumptions underlying the historical reality helps develop an understanding of the presence and origins of these hegemonic and oppressive practices. Through rational discourse and critical reflection, incongruities and contradictions of everyday life are explored. Raising questions about social norms and values from cultural, social, political, economic, race, gender, and class perspectives allows for these reified beliefs and practices to be challenged. According to Freire (1972), as the participants in the inquiry begin to develop more informed insights, emancipatory action is facilitated to ease

oppression, recreate the world, and develop a more equal and democratic society. Critical reflection, critical discourse, and consensual validation are essential in the transformative or emancipatory process (Cranton 1994).

3.3.1 Characteristics of a Critical Theory Paradigm (Adapted from Gay, Mills and Airasian 2011:511):

- It is democratic, enabling the participation of all people.
- It is equitable, acknowledging people's equality of worth.
- It is liberating, providing freedom from oppressive, debilitating conditions.
- It is life enhancing, enabling the expression of people's full human potential.

In summary of all the paradigms that have been discussed above and others not mentioned, below is a table that reveals major issues that each paradigm deals with according to the ontology, epistemology and the methodology for each paradigm.

Table 1: Research Paradigms – Major Issues

	Positivism	Postpositivism	Interpretivism	Critical Theory	Indigenous
Ontology (Nature of Reality)	External to human mind	External to human mind	Socially constructed	Material and external to the human mind	Multiple realities; a set of relationships and a process of relationships; ontology is the same as epistemology. ^a
Epistemology (Knowledge and relation of knower to known)	Find universals- Investigator and investigated are independent of each other	Find universals - Independence is not possible but objectivity is the goal	Reflect understanding from interaction of investigator and subject	Uncover local instances of universal power relationships and empower the oppressed	Egalitarian and inclusive. ^b Knowledge is not in things, but rather relationships (interpersonal, intrapersonal, environmental, and spiritual). ^c Culture, worldview, language, histories, spiritualities, and place in the cosmos. ^d
Acceptable Methods & data	Scientific method. Objective data. Quantitative.	Scientific method. Objective data. Quantitative and qualitative.	Subjective and objective research methods. Qualitative.	Subjective inquiry based on ideology and values. Both quantitative and qualitative.	Respectful and reciprocal. ^e Inclusive, healing, educational, empowering. ^f Arising from community, recursive. ^g Decolonizing. Privileging of Indigenous values, accountable and beneficial to community. ^h Local. ⁱ Story, sharing circles, protocol. ^j

This table was adapted from (Wills 2007)

3.4 Research Methods

This study uses a mixed methods research. Gay, Mills and Airasian (2011:481) define the mixed methods research as a method that combines quantitative and qualitative approaches by including both quantitative and qualitative data in a single study. The purpose of using this method is to build on a synergy and strength that exists between quantitative and qualitative research methods to better understand a phenomenon in ways that may not be possible when using one method.

Gay and Weaver (2011:27) define the mixed methods research as a combination of the work of others. It is an approach to inquiry that combines the unique

methodology of both quantitative and qualitative methods. When used in a cycle, it produces a strong synthesis of findings that have greater insight and more validity than when one method was used alone.

In determining the suitability of which method(s) to use (quantitative, qualitative, or the mixed methods), the starting point would be to determine the purpose of the study, and the type of data being sought to answer the research question(s). Certain quantitative research questions often lend themselves to only quantitative methods. On the contrary, certain qualitative questions can only be answered by qualitative methodologies and methods. Nevertheless, whenever possible, a mixed methods approach should be considered. The reason for doing so is that a mixed methods approach has the benefit of capitalizing on the strengths of both quantitative and qualitative approaches, while balancing the weaknesses of both (Creswell 2009). The use of mixed methods has the advantage of better highlighting the degree and difficulties of the phenomenon being researched and it is practical in a sense that the researcher is free to use all methods in addressing the research problem (Creswell and Plano Clark 2010). The rationale provided by Creswell and Plano Clark (2010) for the use of mixed methods research outlines the basis for the reasons why it is believed that this methodology is suitable for most research problems. Reason for this is, by giving equal power to both the quantitative and qualitative data in the theory-building process, researchers can more easily construct a holistic understanding of the subject in question by

combining the inductive and deductive data obtained in the epistemological process.

From this perspective, the goal of the research is to both explain and explore to be able to hypothesize and thereby simplify to other populations and more specifically understand the active interactions and perceptions of the people involved. Figure 4 below demonstrates the active correlation between the deduction (quantitative) model and the inductive model (qualitative) that make up the research circle. This figure shows that the subject in question can move from theory to data and back again, or from data to theory and back again. Although quantitative methods are deductive in nature and qualitative methods are inductive in nature, both inductive and deductive analyses involve common characteristics in the epistemological process. Bachman and Schutt (2007:43) argue that both deductive reasoning and inductive reasoning are essential. An idea cannot be fairly tested unless the deductive reasoning is used, however, researchers should also reason inductively, making whatever theoretical sense of unforeseen findings. Subsequently, if the new findings seem adequately important, the researcher can return to deductive reasoning and plan a new study to test new ideas.

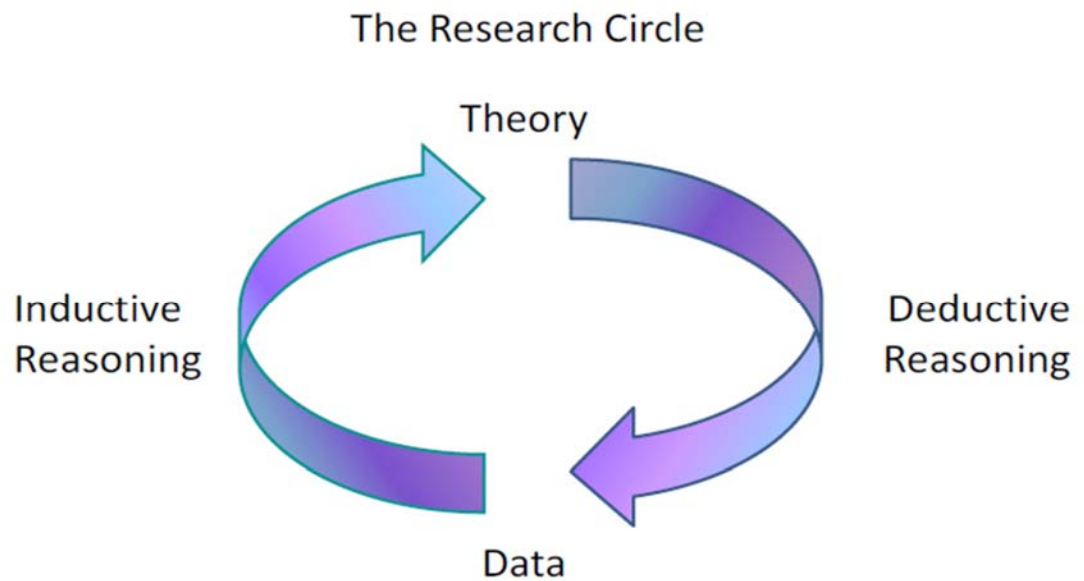


Figure 4 - Adapted from Bachman and Schutt (2007:44)

3.5 Data Collection Techniques

There are many ways of collecting data and since this study is both qualitative and quantitative, the researcher decided to conduct interviews, administer questionnaires and observe during court proceedings as part of a mixed methods research.

3.5.1 Interviews

Gay, Mills and Airasian (2011:386) define an interview as a purposeful interaction whereby one person obtains information from another. Johnson and Christensen (2012:198) highlight that the interviewer gathers data from the interviewee who provides data. Punch (2009:144) emphasises that the interview is the most crucial

data collection tool. It is an incredibly good way of accessing people's perceptions, connotations, definitions of situations and construction of certainty. Interviews were conducted with 20 isiZulu interpreters and as mentioned in the introduction, the researcher was unable to find 20 SASL interpreters as per the initial sample size. Nevertheless, 5 SASL interpreters were able to be located and interviewed in all four courts, collectively.

3.5.2 Questionnaires

A questionnaire is an instrument containing sets of questions to be answered by a selected group of research participants. Questionnaires allow the researcher to collect large amount of data in a short period of time (Gay, Mills and Airasian 2011:388). Questionnaires were distributed to 15 isiZulu first language speakers and to 15 Deaf people.

3.5.3 Observation

Johnson and Christensen (2012:206) define observation as the process of watching behavioural patterns of people in certain situations to obtain information about the phenomenon of concern. Observation is an important way of collecting information about people because people do not always do what they claim they do. This study conducted a natural observation in all said courts, as defined by

Johnson and Christensen (2012:206) that an observation done in the practical setting also forms part of the mixed method of research.

3.6 Target Population

This study was targeted at the Deaf people and isiZulu first language speakers in the area, South African Sign Language interpreters and isiZulu interpreters.

3.7 Sample Size

Twenty isiZulu interpreters and 5 SASL interpreters were interviewed. Fifteen isiZulu first language speakers and 15 Deaf people were asked to fill up questionnaires.

3.8 Obtaining permission to conduct the interviews

The court manager from each Magistrate court that the researcher visited gave the researcher permission to conduct the research in that particular Magistrate court after carefully reading and signing the consent form provided to him/her. The interpreters, the Deaf people as well as isiZulu first language speakers were also required to sign the consent form.

3.9 Conclusion

This chapter outlined the paradigms and an appropriate theory for this study was clarified. The research method used to conduct this study was analysed. Data collection techniques to be used in collecting data, target population, sample size and ways of obtaining permission to conduct the research were given deeper

clarity. The next chapter is the analysis of findings. The researcher will be analysing data from the interviews conducted and questionnaires.

CHAPTER 4: Findings and Analysis

4.1 Introduction

The previous chapter took the reader through the process of accessing data from the participants. The current chapter will analyse the data gathered and provide conclusions based on the findings. It must be noted that, initially the sample size was 20 isiZulu interpreters and 20 SASL interpreters. However, during the course of the study the initial number of participants was not achieved. The researcher was only able to interview 15 isiZulu interpreters and 5 SASL interpreters due to the shortage of SASL interpreters in courts. This chapter will provide the reader with questions as they were listed in the questionnaires, and then provide the responses below. The same goes for the interview questions and responses.

4.2 Data Presentation and Analysis

The heavy reliance of this study was on participants to duly complete questionnaires and the willingness to participate for those whom interviews were conducted with. The interviews were conducted with 15 isiZulu and 5 SASL interpreters in Mpangeni Magistrate court, Pietermaritzburg Magistrate court, Umlazi Magistrate court and the Durban High Court. Interviews were scheduled one day per court. The interviewees from all the visited courts were willing to participate, and share their views.

Questionnaires and the letter of consent were administered to 15 isiZulu first language speakers and 15 SASL users. The participants to fill up questionnaires

were selected randomly. A group of 15 isiZulu first language speakers was formed and the researcher explained to the participants what the study was all about.

Deaf people were also very enthusiastic to participate in the study. They were also willing to direct the researcher to their friends and family members who had experiences with the court, and this was done voluntarily. The participants were requested to fill in questions there and then, but for those who could not; they were given 3 days to fill in the questionnaires and they kept to time.

4.3 Data Analysis of isiZulu Interpreters, SASL Interpreters, isiZulu first language speakers and Deaf people

Data analysis involves organizing the observations, findings and literature. By working with the data, explanations are created, theories are developed and stories are linked. In order to do this, one must categorise, synthesize and interpret the data collected (Glense and Peeshkin 1992 cited in Makwerere 2009:52). Question and answer format was used in analyzing the data. Tables and charts were used to indicate percentages and list of points that were raised by the participants, and a discussion of the responses.

4.4 Interview Responses for the isiZulu interpreters

Question 1 Years of interpreting

Figure 5

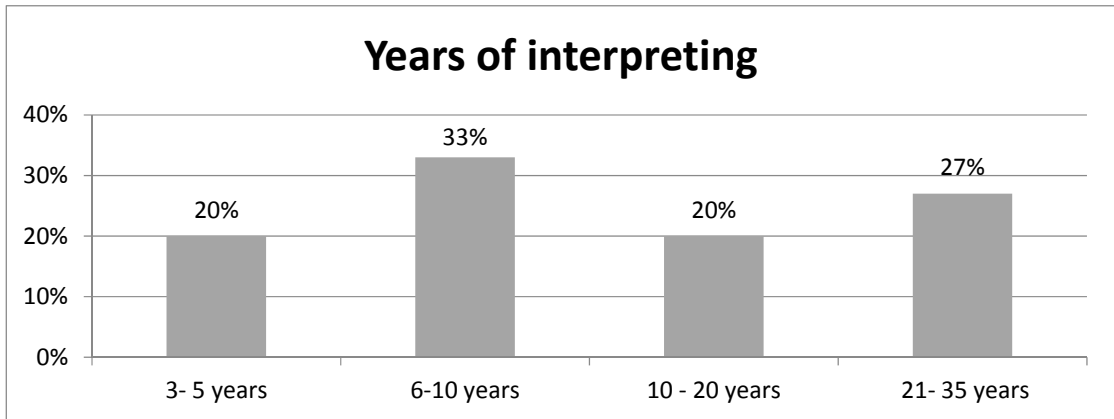


Figure 5 above shows how many isiZulu interpreters have been interpreting and for how long they have been interpreting. It is evident that most of the interviewed interpreters have been in the industry for more than five years. There is a tie in two categories; it shows that 20% of the isiZulu interpreters have been in the court interpreting industry for not more than five years while the other group has been interpreting for more than 20 years now.

Question 2 and Question 3 Are you a qualified interpreter and in which institution did you study?

Figure 6



Figure 6 above shows that 87% of interviewed isiZulu interpreters are qualified, while the remaining 13% did not undergo formal training at university level. This question, (question 3 links with question 4 which asks where the interpreters studied the interpreting course). 40% of the isiZulu interpreters said they studied Translation & Interpreting Practice at the Durban University of Technology, 47% went to the Justice College, while the remaining 13% did not go to any university level; they finished Matric and went to courts because they had languages as major subjects. By looking at the results reflecting the qualification of isiZulu interpreters, it can be concluded that the system that courts were using has drastically changed; there are now more interpreters with qualifications compared to the findings of (Mnyandu 2010) which revealed that during that time, courts were using unqualified interpreters to render the services.

Question 4 Which language combination do you specialize in?

Figure 7

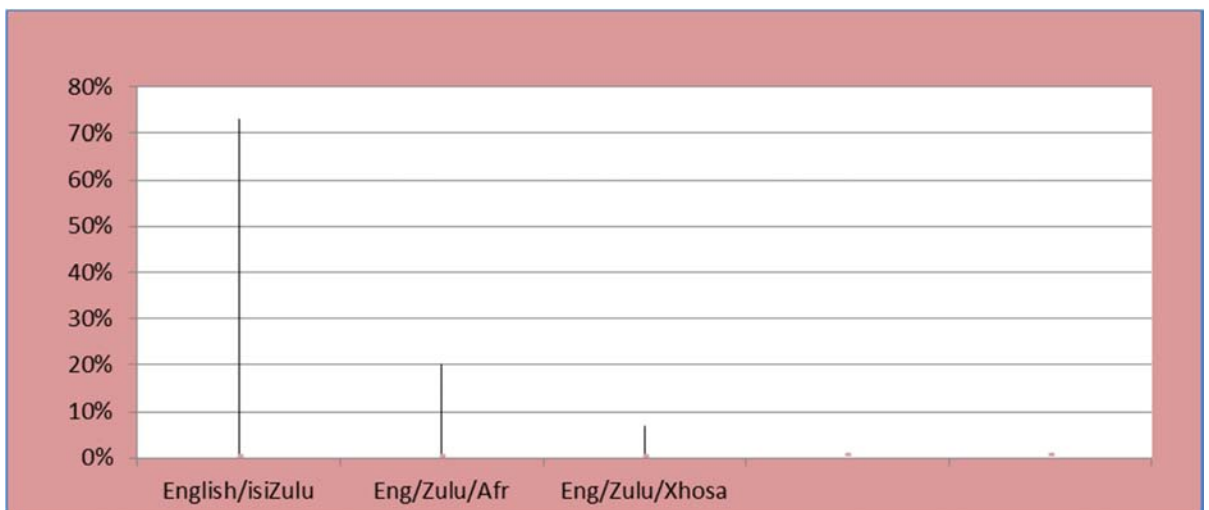


Figure 7 above shows that 73% of interpreters are interpreting from English into isiZulu and vice-versa. 20% of interpreters use the English/isiZulu/Afrikaans language combination, whereas 7% use English/isiZulu/isiXhosa language combination. It must be noted that one of the isiZulu interpreters revealed that years back when court interpreting was introduced, court interpreters were required to have English/isiZulu and Afrikaans as the language combination, however, this has changed, a combination of English/isiZulu is currently the requirement in KwaZulu-Natal courts.

Question 5 According to your experience, what happens when an isiZulu speaking person wants to lay a charge or is to be arrested in cases where the police officer does not speak isiZulu? Do the police make use of interpreters?

In response to this question, all 15 isiZulu interpreters responded by saying that police do not go with interpreters when someone is to be arrested, but all the time they send at least one police who is a first language speaker of the language used by the accused to avoid language barriers that may occur. Regarding laying a charge, all interviewed isiZulu interpreters claimed that, they have never been exposed to incidents where all police do not understand isiZulu. This proves that the police are also cautious with issues regarding language because they have an understanding that without proper language communication, they would be risking injustice. This is echoed by Ralarala (2012:55) where he stated that, in South Africa, an encounter with officers at a

local police station with the intention to lay criminal charges is an example of a language incident which connects language, law and crime.

Question 6 Are there any challenges you come across during the course of your work? Yes/No. If the yes, how do you overcome them?

Each occupation comes with its own challenges; it is of this reason that the participants were asked this question.

Table 2 below shows the common challenges that isiZulu interpreter’s face and ways in which they overcome such challenges, jointly:

Table 2

Challenges	Overcoming challenges
Dialects	When a person uses a term that is considered to be an area (dialect) term, isiZulu interpreters ask for the meaning of the term or ask the accused or witness to use a more familiar word. “Do not be shy to tell the court that you do not understand a certain term. If it means the court must be adjourned as you go and consult with your colleagues, then let it be”, one interpreter said.

Non-equivalent terms	When a term used has no equivalent in the target language, the interpreters explain the term in such a way that the people concerned/authorities know what that term means even though it does not have an equivalent.
----------------------	--

These challenges stated by the isiZulu interpreters in the above table can cause serious problems when encountered during the court proceeding. However, it is admirable that these interpreters have found ways in dealing with such issues. Usadolo and Kotzé (2014:349) concur that there is indeed a huge challenge that court interpreters encounter when they have to interpret new words, terms or concepts they are unfamiliar with and even terms that do not have the equivalence in the target language. They state that in overcoming this difficulty, the interpreter would have to notify the court and request the defendant or witness to use the standard dialect which is the general term.

Question 7 How frequently do you attend trainings organized by DoJ?

In response to this question, 20% (3) of interpreters stated that they had never attended any training organised by the department because they are employed on contract basis. The remaining 80% (12) of interpreters stated that they attend trainings at least once after 2 years. Judging from the results for this question, it is established that as much as the permanently employed interpreters do attend

trainings, at least once in two years, it is still not adequate as terminology changes all the time. For the contract interpreters, it is rather a confusing issue that no training is provided to them whereas they do the same job as the permanently employed interpreters and untrained interpreters are most likely to produce poor performance. Driesen (2003:113) echoes this by stating that training must be an ongoing process because terminology changes all the time. He further states that using untrained interpreters jeopardizes the quality of interpreting because bilingualism does not guarantee the accuracy and quality of interpreting when having to deal with language and cultural differences. Training could be of much assistance as interpreters would be aware of how to deal with language issues.

Question 8 Do you feel you are adequately trained for the job or do you feel that you still require more training?

In answering this question, all 15 isiZulu interpreters said they feel they are adequately trained for the interpreting job they are doing given the years they have worked as interpreters. This includes the 3 interpreters that have never undergone any training. The 3 that did not undergo training supported their responses by stating that they train themselves by socialising with the senior interpreters and training themselves. All 15 isiZulu interpreters emphasized the need for interpreters to always train themselves on a daily basis (i.e. Ask questions, ask for clarity and read). It is a general norm that in order to feel that you are adequately trained for the job you are doing, you must train yourself by socializing with people who have been in the industry prior to you.

Question 9 Do your colleagues have a good understanding of your role as an isiZulu interpreter?

In response to the above question, all isiZulu interpreters said yes, colleagues do have a good understanding of their occupation and they respect them. “They know without us, the court will not proceed” said 1 of the interviewed interpreters. The researcher believes that the responses from this question will relieve the upcoming court interpreters; they will not feel undermined or even intimidated by people of other professions.

Question 10 How do you develop your vocabulary?

The following points were the answers given by the interviewed isiZulu interpreters collectively. We develop our vocabulary by:

- Reading newspapers, magazines, books, articles, and listening to the news with the aim of interpreting it.
- Visiting other areas where isiZulu that is spoken there is somehow different from the one we know.
- Socialising with other people.

Question 11 Have you mastered the court terminology?

Figure 8

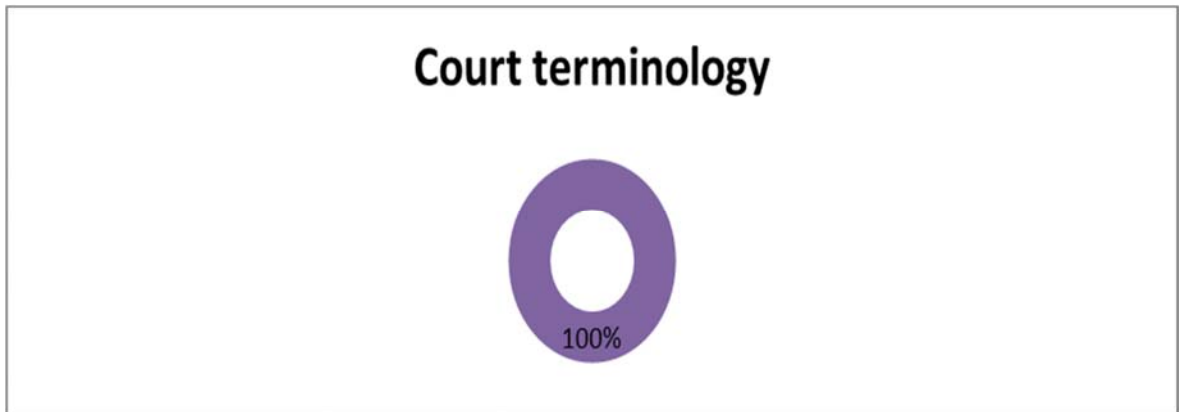


Figure 8 above shows that all 15 isiZulu interpreters said they have mastered the court terminology. This is because they interpret on a daily basis, and most of them have been in the industry for a long time and training helps them to be updated with the new terminology. The 3 interpreters stated that, since they do not undergo any training, they learn from those who do attend trainings.

Question 12 What things would you like to see improving in this court regarding isiZulu interpreting?

The following are the responses given by isiZulu interpreters, jointly:

- Remuneration
- Language services having its own director
- Marketing of the interpreting profession to the public
- Adding more qualified interpreters

Question 13 What advice would you give to a person who also wants to see himself/herself interpreting in court?

Table 3

Advices
Love your job
Have passion for languages
Be eager to learn and explore new things
Gain as much vocabulary as you possibly can

The above table shows all the advices given by 15 interviewed isiZulu interpreters. It is believed that these advices provided by the interpreters will have a positive impact to the upcoming court interpreters and to all other interpreters in general.

4.5 Questionnaire Responses for the isiZulu speakers

Question 1 Age group

Figure 9

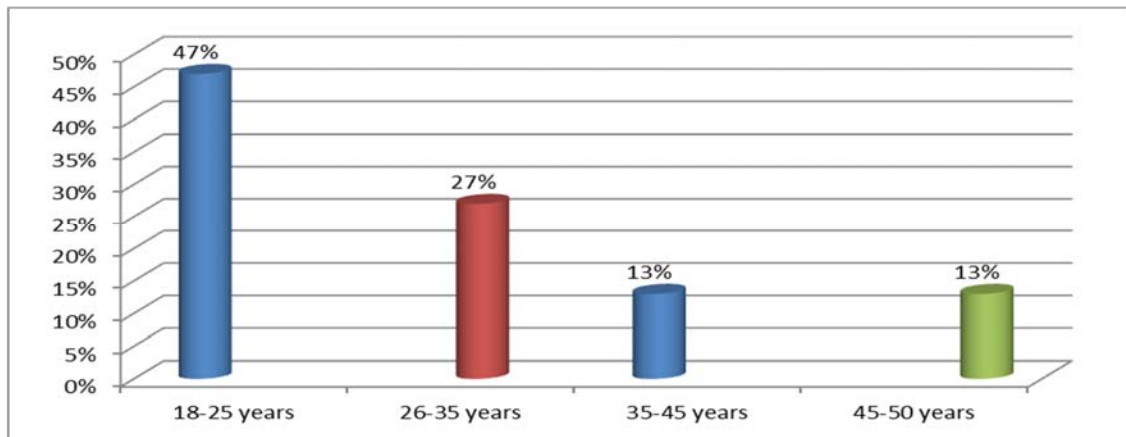


Figure 9 above shows different age groups of isiZulu speakers who completed questionnaires. It shows that the highest percentage of isiZulu speaking participants were between the ages of 18 – 25 years making 47%, followed by 27% of people between the ages of 26-35 years and then 13% of isiZulu speakers fall under the age group of 35-45 years and lastly, another 13% fall under the age group of 45-50 years. This question was included to get views and comments from people of different age groups, be it youngster or much older people.

Question 2 Tell us about your experience with the court

Table 4

Cases	Number of respondents	Experiences with the court
-------	-----------------------	----------------------------

Murder	3 respondents – 20%	<ul style="list-style-type: none"> • Respondent 1 was accused of murder and was proven not guilty. • Respondent 2 was accused of murder and was sentenced to 35 years in prison. • Respondent 3 was charged with murder and was sentenced to 30 years in prison but was released after a year as new evidence was found and was then found not guilty.
Assault	6 respondents – 40%	<ul style="list-style-type: none"> • Respondent 4 was charged with assault and served 1 year on probation. • Respondent 5, 6 and 7 had laid assault charges against family members but later on withdrew the charges.

		<ul style="list-style-type: none"> • Respondent 8 was charged with assault and was sentenced to 18 months in prison. • Respondent 9 was also charged with assault and served 6 months on probation.
Robbery	4 respondents – 27%	<ul style="list-style-type: none"> • Respondent 10 was a victim of armed robbery and was one of the witnesses during the case. • Respondent 11 and 12 were accused of robbery and were sentenced to 3 years in prison. • Respondent 13 was also a witness in a robbery case.
Rape	2 respondents – 13%	<ul style="list-style-type: none"> • Respondent 14 was a victim of rape and had laid a charge. • Respondent 15 was framed for rape, after serving 6 months

		new evidence was found and he was released.
--	--	--

Table 4 above shows the responses from isiZulu speakers, with regards to their court experiences and the cases they were involved in.

Question 3 Do you see the need of having interpreters in courts? Yes/ No? Why?

All 15 isiZulu speakers responded by saying yes there is always a dire need for interpreters in courts, as some people are unable to follow the court proceedings in English, therefore they need interpreters to assist them in understanding what exactly is being said and for justice to take its course. Law is made possible by language, which is a basic human characteristic. Crime is part and parcel of the human form and, as such, communication constitutes an ultimate part of the criminal process which consists of language events from beginning to end (Waterhouse 2009:42).

Question 4 I trusted the interpreters assigned to me by the court.

Table 5

Agree	Strongly Agree	Neutral	Disagree	Strongly Disagree
✓				
✓				
✓				

	✓			
	✓			
	✓			
	✓			
	✓			
	✓			
	✓			
	✓			
	✓			
		✓		
		✓		
✓				
✓				

Table 5 above reveals that in response to the statement above, 33% of isiZulu speakers agreed that they trusted the interpreters which were assigned to them by the court during their court cases, 53% said they strongly agree, while 14% decided to remain neutral about this matter. The positive responses for this question show that indeed the court interpreters play a vital role.

Question 5 - Were you satisfied with the English version conveyed by the assigned interpreter? Yes/ No? Why?

In response to this question, all interviewed isiZulu speakers said, “yes” they were satisfied with the English version conveyed by the assigned interpreters as they do understand English as well. Two of the interviewed isiZulu first language speakers stated that, having an interpreter does not necessarily mean that one does not understand the language of the court, however, an interpreter is there to assist you should you have difficulties in comprehending the court terminology.

4.6 Interview Responses for SASL interpreters

Question 1 How long have you been interpreting?

Figure 10

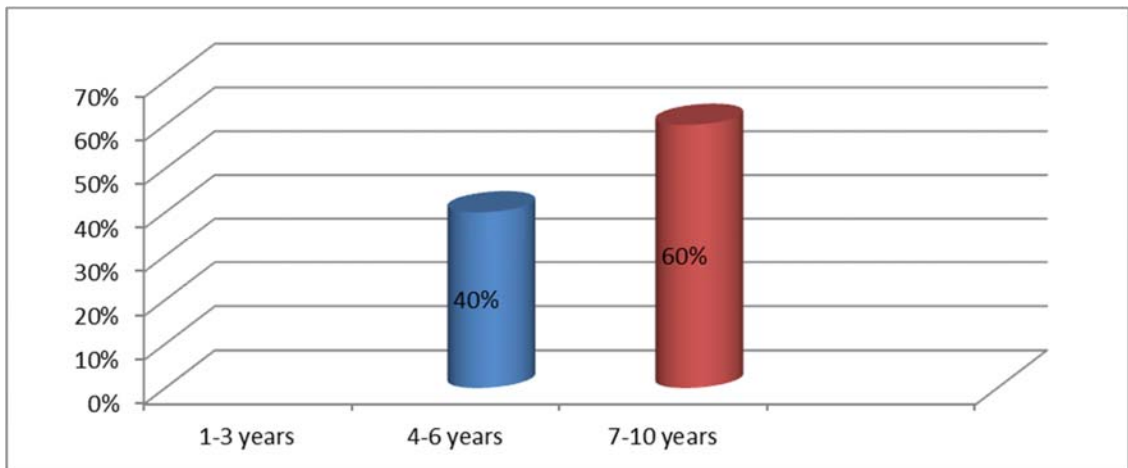


Figure 13 above reveals that the highest percentage of interviewed SASL interpreters is 60% whom are interpreters who have been interpreting for about 7 – 10 years, followed by 40% of SASL interpreters who have been interpreting for about 4- 6 years.

Question 2 Are you a qualified SASL interpreter?

Figure 11



In response to this question, all 5 SASL interpreters are qualified as isiZulu/English interpreters. However, after university they pursued their love for SASL hence they are able to communicate well with Deaf people. It is of this reason they all responded by saying they are indeed qualified as SASL interpreters.

Question 3 Where did you study interpreting?

This question links with question 3, as they all answered that they are qualified and they all studied Translation and Interpreting Practice at the Durban University of Technology. They however, became part of the Deaf organisations after university, which is where their vocabulary/signs were improved and developed.

Question 4 Did you study SASL as an independent course or as one of your subjects?

In response to this question, they all studied SASL as a subject but maintained to pursue their dreams as Sign Language interpreters through socializing with Deaf people and people who were already in the field of Sign Language interpreting and also engaging with Deaf organisations.

Question 5 According to your knowledge, are SASL interpreters provided when Deaf people seek assistance in the department of justice (eg: laying a charge or making a statement) or when they are to be arrested? Or are the police trained to communicate with them using South African South African Sign Language?

In response to this question, all interviewed SASL interpreters said, in a case where Deaf people seek assistance in the department of justice (eg: laying a

charge or making a statement), they normally arrive with people whom they know to interpret for them because SASL interpreters are not provided at the police stations. However, in a case where the police are to arrest a Deaf person, the department arranges a SASL interpreter to make the communication easy for both parties.

Question 6 What are the challenges you come across during the course of your work and how do you overcome such challenges?

Table 6 below shows the challenges that SASL interpreters said they come across and ways in which they overcome such challenges:

Table 6

Challenges	Overcoming challenges
Cultural differences	<ul style="list-style-type: none"> • Adapt to different cultures and beliefs.
A person you are interpreting for agreeing to understand what you are signing but later on changes and say they only understand British/American Sign Language.	<ul style="list-style-type: none"> • Tell the court that the person you are interpreting for had agreed beforehand that they understand SASL and let the court decide on what to do next. • Ask the court to get the American/British Sign Language interpreter.

These challenges stated by the SASL interpreters may cause havoc in courts. In certain instances the court may even be adjourned until the problem has been resolved. During the researcher's observation in one of the courts, the court was indeed adjourned because the Deaf defendant said they did not understand the signs by the SASL interpreter; the Magistrate had to adjourn the court until a British Sign Language interpreter was located.

Question 7 How frequently do you attend trainings organized by DoJ?

In response to this question, all 5 interviewed SASL interpreters revealed that there is absolutely no training that is offered by the department. They only train themselves by attending Sign Language seminars and interacting with Deaf people. Using untrained interpreters in courts may jeopardize the quality of interpreting and may also lead to injustice in courts (Driesen 2003:113).

Question 8 Do you think you are adequately trained for the SASL interpreting job you are doing?

All interviewed SASL interpreters believe that they are adequately trained as SASL interpreters, through the years of experience that they have. Even though no training is provided to these interpreters, the responses show much confidence. This goes to show that indeed when one loves their job, self-training is made a priority and it has positive results.

Question 9 Do your colleagues understand your role as a SASL interpreter?

In response to the above question, all SASL interpreters responded by saying, “Yes” the colleagues understand their role as SASL interpreters. As much as Sign Language is regarded as a different language, but like any other South African languages; it is now well respected in the workplace.

Question 10 Have you mastered the court terminology?

Figure 12

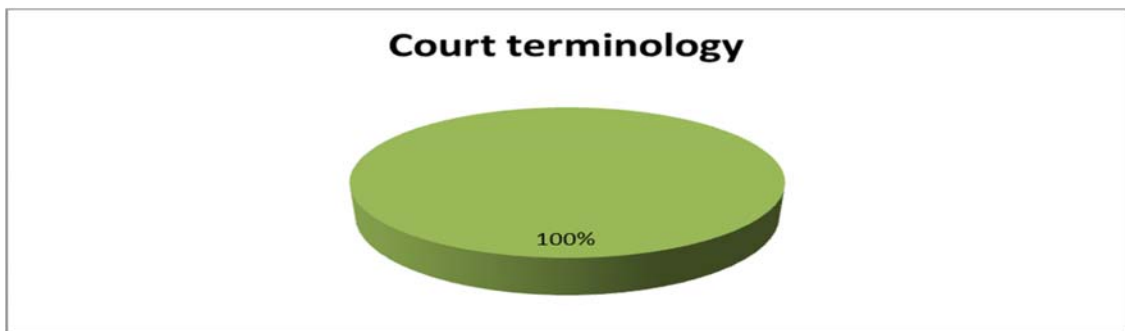


Figure 12 above shows that all interviewed SASL interpreters responded to the above question by saying they have mastered the court terminology in SASL. Even though there is no training that is provided to these interpreters, the responses show that self-training is key.

Question 11 What things would you like to see improving within the Department of Justice with matters regarding South African South African Sign Language?

The following are the improvements/recommendations suggested by the interviewed SASL interpreters to the Department of Justice & Constitutional Development:

Table 7

Improvements/ Recommendations to the Department of Justice & Constitutional Development
<ul style="list-style-type: none">• The department of Justice must employ full-time SASL interpreters.
<ul style="list-style-type: none">• DoJ & CD must provide training for SASL interpreters as they do for isiZulu/English interpreters.
<ul style="list-style-type: none">• DoJ must employ Deaf people who will be trained on deaf culture. Those people will work as Relay interpreters.
<ul style="list-style-type: none">• Remuneration issue must be taken into account.

Question 12 what advices would you provide to a person who also wants to see themselves doing SASL interpreting in courts?

The following are the advices given by all the interviewed SASL interpreters collectively:

Table 8

Advices
<ul style="list-style-type: none">• Have passion about what you do.
<ul style="list-style-type: none">• Be confident.
<ul style="list-style-type: none">• Spend time with Deaf people.
<ul style="list-style-type: none">• Practice South African Sign Language at all times.

4.7 Questionnaire Responses for the Deaf people

Question1 Age group

Figure 13

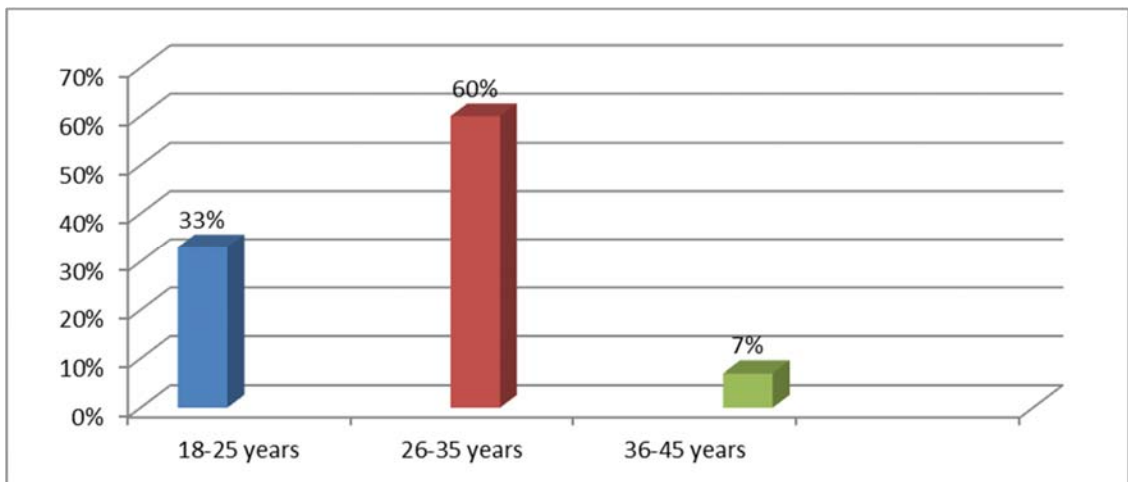


Figure 13 above shows different age groups of Deaf people who were given questionnaires. It shows that the highest percentage of Deaf participants were between the ages of 26 – 35 years (60%), followed by 33% of people between the ages of 18-25 years and lastly, 7% falls under the age group of 36-45 years. This question was included to get views and comments from people of different age groups, be it youngster or much older people.

Question 2 Are there any deaf people at home?

Figure 14

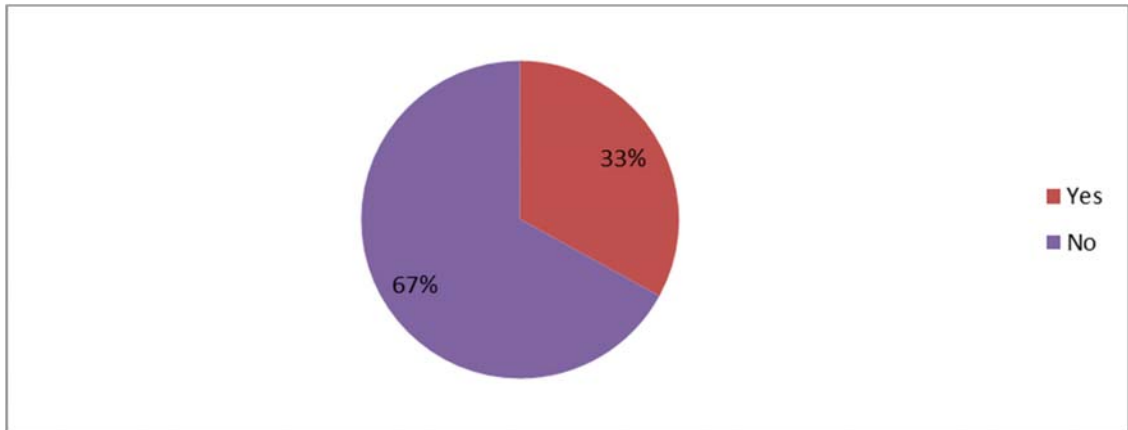


Figure 14 above shows that in response to the question above, 33% said yes there are deaf people in their homes (some deaf children, others deaf parent(s)). The remaining 67% said no, they are the only deaf members in their families. This question was asked so that the researcher could identify if these participants strongly belonged to the Deaf culture or deaf household.

Question 3 Do you consider SASL as your first language? Yes/No. Why?

In response to this question, 67% of Deaf people answered "Yes", they consider SASL as their first language because it is the language they grew up using and they consider themselves as belonging to the Deaf community and regard themselves as capital "D" for Deaf meaning they identify themselves as culturally deaf, and have a strong deaf identity. 33% of deaf people answered "No"; they do not consider SASL as their first language because they were used to the spoken language before they were involved in incidents that resulted to their deafness.

Question 4 Have you ever interacted with the police in any way? (e.g: arrested/ reported a crime) What was the experience like?

Fifty per cent of the Deaf participants are friends; they stated that they have had interactions with the court. They were walking as a group where someone mocked one of them and they ended up beating up that person. They were then accused of assault. The other 50% have had family members and friends attending court cases. In rating the interpreting services they all received, they all said the interpreting services were of good standard and the trials were fair.

Question 5 Are there any recommendations you would like to give to the Department of Justice & Constitutional Development?

Table 9 below shows the recommendations made by the deaf people:

Table 9

Recommendations
<ul style="list-style-type: none">• Employ full-time qualified SASL interpreters
<ul style="list-style-type: none">• Judges, Attorneys and everyone who partakes in the justice process must learn SASL
<ul style="list-style-type: none">• Employ deaf people who will act as Relay interpreters

4.8 Conclusion

This concludes the chapter on findings and analysis. This chapter focused on analysing the data received through interviews conducted and questionnaires distributed. The researcher analysed the data obtained via question and answer format, and responses were also interpreted where necessary. The next chapter will conclude on the whole study, by proving the hypothesis and by linking the objectives with the findings. Lastly, recommendations will be furnished.

Chapter 5: Conclusion and Recommendations

5.1 Introduction

In this chapter, the researcher links the findings with the objectives of the study. Recommendations that need to be taken into consideration in improving the interpreting services both in isiZulu and SASL within the Department of Justice and Constitutional Development are discussed.

5.2 How the findings link with the hypothesis and objectives

Drawing conclusion from the findings, it reveals the hypothesis was proven true; both isiZulu and SASL interpreters do face challenges during the course of their work due to the lack of adequate training, especially for contract interpreters and SASL interpreters. With reference to the research which was conducted by the researcher at BTech level, where many courts still used unqualified interpreters, the findings of this study show that has changed. Most interpreters who were interviewed in this study went to the Justice College to study interpreting and others went to other institutions to study interpreting courses, and that makes them to qualify for the job they are doing. Nevertheless, the challenge still remains. The only interpreters who receive training are those who are permanently employed by the department, and not those who are employed on contract basis. In the case Sign Language interpreting, interpreters do not receive training at all. They are

required to train themselves to improve their terminology/signs. This poses a serious concern and risks injustice in the courtroom.

Objective 1- To identify the challenges that isiZulu and SASL interpreters face.

Both isiZulu and SASL interpreters do face challenges when given interpreting assignments. After the interviews that were conducted with the interpreters of both said languages, it was revealed that these interpreters face challenges regarding issues of dialects, finding terms that do not have the equivalents in the target language, cultural differences and the use of an unfamiliar Sign Language. This objective was therefore achieved.

Objective 2 - To contribute towards assisting the isiZulu and SASL interpreters in overcoming the challenges.

Usadolo and Kotzé (2014:349) states that there is indeed a huge daily challenge that court interpreters encounter when having to interpret new words, terms or concepts they are unfamiliar with. They give an example of an interpreter who stated that there had been a recurrence of such difficulties in courts, where a defendant or witness used words that were unfamiliar mixing with the standard language. However, in overcoming this difficulty, the interpreter would notify the court and request the defendant or witness to use the standard dialect which is the general term. Richards and Schmidt (2002:155) came up with the term 'dialect levelling' which is a process of reducing dialect differences as a result of the influence of standard vernacular. They give an example of their observation in the courtroom, where they witnessed two scenarios where the court interpreters had

difficulties in understanding some words that were uttered by the accused. According to the interpreter, it was not a case of unknown vocabularies, the words were known but it was difficult to find the appropriate equivalents. The words used by the accused in this particular instance and which caused a problem for the court interpreter were “*Ka kunu me?*” (“How are you people?”). The court interpreter had to request the accused to repeat the sentence using the Nigerian lingua franca—Pidgin English, before she renders the sentence in the target language. The interpreter maintained that the accused was using the Igbo dialect and code-mixing it with the standard Yoruba dialect. By code-mixing, it is meant the use of the standard and regional dialects together in a sentence.

According to Pupavac (2006:61), a common language represents a shared form of communication developed in the society. Those speaking in the same language logically form a language community. An international linguistic human rights framework requires States to actively promote linguistic identities. States are required to sustain and protect minority languages within the communities. At the same time, international policy-makers have been kindly accepting the existence of a language on the basis of a group declaring it a language community. The recognition of the linguistic identity as a right is related to the current understanding of social problems and social solutions. A community language is seen as a fundamental part of a community’s identity and self-esteem, which in turn is seen as important to protect a community’s well-being and nurturing harmonious relations between communities.

Linguistic rights go hand in hand with the minority cultural rights. The establishment of conditions to ease and maintain the use of a specific language (mother tongue) is now regarded as an obligation to linguistic right as opposed to merely an enrichment-orientated right. The aim of linguistic human rights today is to protect minority identities. Linguistic and cultural rights are the innermost and most vital rights for maintain and distinguishing a minority group as a distinct group.

The 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic minorities requires states to generate favourable conditions to enable individuals belonging to minority groups to express their characteristics and to build up their culture and language. States are required to implement measures for individuals belonging to minority groups to have sufficient opportunities to learn their mother tongue or to have instructions in their mother tongue (Pupavac 2006:65). In summary, necessary linguistic human rights are considered today to encompass positive recognition and maintenance of linguistic identities.

Grabau (1996) suggests that linguistic (including Sign Language) and cultural differences can be overcome by allowing the interpreter time to interview the accused/witness as part of his/her preparation prior the trial. During the interview, the interpreter should be able to determine the type of Sign Language, the dialects, culture and the formal or informal expressions of the accused/witness. Prior

knowledge of these facts would, amongst other things, enable the interpreter to abolish any possible misunderstanding as a result of dialect and cultural variations. De Jongh (1992:28) echoes Grabau's suggestion and states that an interview of this nature should provide the interpreter with sufficient referential knowledge. He further suggests that interpreters be given enough information about the situation or subject matter of the case.

If the KZN courts and all other courts in general can adopt what the aforementioned authors have suggested and the strategies and laws that other courts in other countries have adopted, court interpreters could be assisted in overcoming the challenges that they are facing.

Objective 3 - To make recommendations regarding the provision of isiZulu and SASL interpreting.

It is recommended that for future research purposes, training for both permanent and contract interpreters be investigated and proper training programs be adopted. More recommendations are further mentioned in the recommendations section.

5.3 Answers to the Research Questions

The research questions were also answered in the study. This study proved that indeed there are challenges that both isiZulu and SASL interpreters face. It also proved that there is a lack of adequate training for the afore-mentioned interpreters and that the intervention of training would be helpful in overcoming the challenges that these interpreters come across. Untrained interpreters are most likely to produce poor performance. This is echoed by Driesen (2003:113) when he states that using untrained interpreters jeopardizes the quality of interpreting because bilingualism does not guarantee the accuracy and quality of interpreting when having to deal with language and cultural differences, however, training could be of much assistance as interpreters would be aware of how to deal with such challenges. Upon recruitment, the panel must make sure that they employ suitably qualified court interpreters who will be able to tackle the challenges they might encounter in a more professional manner. After appointment, the employed interpreters must be retrained and reskilled to keep up with the emerging and developing terminology and this process must be an ongoing process. Training could be in a form of workshops, seminars, etc. Moreover, opportunities must be made available to staff members who may still want to pursue their studies further, and any form of support be given. By so doing, interpreters would perform even much better.

5.4 Recommendations

- It is recommended that the DoJ take peoples' concerns as listed under the findings into consideration. It is also recommended that the requirements for job applications be strict in saying only people with diplomas/degrees need to apply, reason being that those people know and understand the theory, they only need to put their theory into practice rather than any bilingual or multilingual person.
- Training should be made available also to contract interpreters and SASL interpreters, because they also do the same job as the permanently employed interpreters. If this still is not done, South African courts are risking injustice.
- The court proceedings are oral rather than written, however, much of the language in the courtroom is based on written texts (magistrate's instructions, criminal and civil codes, contracts, and the like), Mikkelson (2012: 210) asserts that to fully understand such discourse, court interpreters must read similar texts and become familiar with the legal register in their preparations for interpreting.
- In the case of Sign Language, it is highly recommended that Relay interpreters be employed to bridge language gaps / matters of dialect. This is also the case in Australian context, (Teuma 2010) cited in Napier (2012:221) has explored the challenges in interpreting for indigenous Deaf clients in legal settings, and how a second interpreter plays a vital role to

relay between the indigenous Sign Language and Australian Sign Language.

SASL must be made a 12th official language of SA. According to Phillipson and Skutnabb-Kangas (1995:32), people are often treated unfairly and suppressed by means of language. They further declare that people who are deprived of linguistic human rights may thereby be prohibited from enjoying other human rights, including a fair political representation, a fair trial, access to education, access to information, freedom of speech, and maintenance of their cultural heritage. The Bill of Rights has a responsibility to ensure that Deaf people are not deprived their human rights on the basis of their disability. Deaf people are considered a minority group, at the count of one million+; while in fact they are a much larger group than the users of some current official languages.

The Deaf Association of SA (DeafSA) submitted a memorandum on the 1st of February 2007 which was to give effect to one of DeafSA's objectives as listed in the South Africa's Constitution, which is to facilitate and successfully lobby for the acceptance, recognition, development, and utilisation of interpreting services of South African Sign Language as a medium of communication with Deaf people as the 12th official language which however, to date nothing has been done.

SASL holds the key to a Deaf person's enjoyment of essentially all his/her human rights. Deaf people have no access to their rights unless SASL becomes readily available to them as a means of access to communication, information and other forms of human experience. Therefore, the recognition of SASL will enable Deaf

people to enjoy the same rights as other South African citizens and it is only through SASL that the quality of Deaf people's lives can be promoted (Deaf federation of South Africa 2007). Therefore, South Africa as a caring society can no longer continue to disregard such a large group by not making SASL a 12th official language.

5.5 Conclusion

This research documents the experience of the isiZulu speakers and Deaf people when they encounter the justice system. The evidence that it presents shows there has been some improvements in certain areas, for an example there are younger but qualified interpreters now compared to the situation before. However, the issue of not having enough permanently employed SASL interpreters is however still a problem, which was the cause of not being able to attain the initial sample size of SASL interpreters. The chapter has proven the hypothesis to be true. The objectives have been linked with the findings and the research questions were answered in this chapter. Lastly, the recommendations that can assist in improving the situation in courts, especially with regards to the provision of isiZulu and SASL court interpreting were made in this chapter.

Bibliography

Aarons, D. and Akach, P. 2002. South African Sign Language: One language or many? In: Mesthrie, R. ed. *Languages in South Africa*. Cape Town: Cambridge University Press, 127-147.

American Bar Association (ABA). 2012. *Standards for Language Access in Courts*. Chicago: Standing Committee on Legal Aid and Indigent Defendants.

Akach, P. and Morgan, R. 1997. *Community Interpreting: Sign Language Interpreting in South Africa*. Paper presented at the Community Interpreting Symposium 6-7 October 1997 at the University of the Orange Free State, Bloemfontein.

Bachman, R. and Schutt, R. 2007. *The practice of research in criminology and criminal justice*. 3rd ed. Thousand Oaks: Sage.

Baker, M. 1998. *Conference and Simultaneous Interpreting*. Canada: Routledge.

Basnet, M. 2011. What is critical research paradigm? *Academics* (blog). Available: <http://manju-basnet.blogspot.co.za/2011/05/what-is-critical-research-paradigm.html> (Accessed 28 September 2015).

Berke, J. 2014. South African Sign Language. *Deaf community – South Africa* (blog). Available: <http://deafness.about.com/od/internationaldeaf/a/southafrica.htm> (Accessed: 01 October 2015).

Bloomberg, L. and Vople, M. 2008. *Completing your qualitative dissertation: A roadmap from beginning to the end*. California: Sage.

Burris, S. 1999. University degree program steams ahead. *The Polyglot* 29(1): 3-10.

- Candy, P. 1991. *Self-direction for lifelong learning*. San Francisco: Jossey-Bass.
- Carr, S., Roberts, R., Dufour, A. and Steyn, D. 1997. *The Critical Link: Interpreters in the Community*. Amsterdam: John Benjamins Publishing Company.
- Carter, M. 1990. Occupation to profession continuum - status and future of AAHPERD. *Journal of Physical Education, Recreation and Dance*, 61(3): 106-09.
- Cockburn, J.J. Khumalo-Seegelken, B. and Villet, M.H. 2014. IziNambuzane: IsiZulu names for insects. *South African Journal of Science*, 110: 9-10.
- Colin, J. and Morris, R. 1996. *Interpreters and the Legal Process*. Winchester: Waterside Press.
- Cote, D. 2005. The Right to Language Use in South African Criminal Courts. Master of Laws, University of Cape Town.
- Cranton, P. 1994. *Understanding and promoting transformative learning: A guide for educators of adults*. San Francisco: Jossey-Bass.
- Crawhall, N. 1995. Sign of the times: Deaf rights in South Africa. *Bua!* 10(1):4-7.
- Creswell, J. 1994. *Research design: Qualitative and quantitative approaches*. Thousand Oaks: Sage.
- Creswell, J. 2009. *Research design: Qualitative, quantitative, and mixed methods approaches*. 3rd ed. Thousand Oaks: Sage.
- Creswell, J. and Plano Clark, V. 2010. *Designing and conducting mixed methods research*. Thousand Oaks: Sage.
- Crotty, M. 1998. *The foundations of social research: Meaning and perspective in the research process*. Thousand Oaks: Sage.
- Deaf federation of South Africa. 2007. Memorandum towards recognition of South African Sign Language as the 12th official language. DeafSA, South Africa.

De Jongh, E. M. 1992. *An introduction to court interpreting*. Lanham: University Press of America.

De Landsheere, G. 1997. History of educational research. In: Keeves, J. ed. *Educational research, methodology, and measurement: An international handbook*. New York: Pergamon Press, 8-16.

Denzin, N. K. and Lincoln, Y. S. 2000. Introduction: The discipline and practice of qualitative research. In: Denzin, N. K. and Lincoln, Y. S. eds. *Handbook of qualitative research*. Thousand Oaks: Sage, 21-29.

Djité, P. 2008. *The sociolinguistics of development in Africa*. Clevedon: Multilingual Matters.

Donovan, C. 2006. Where is interpreting heading and how can training courses keep up? Informal survey. Results unpublished. Available: <http://www.emcinterpreting.org/?q=system/files/Where%20is%20interpreting%20heading%20Donovan.pdf> (Accessed 16 September 2015).

Driesen, C. 2003. Professional ethics. In: Hertog, E. ed. *Aequalitas: Equal access to justice across language and culture in the EU*. Antwerp: Lessius Hogeschool, 69-72.

Du Plessis, C. 2014. Bad interpreters ruin court cases. *City Press* (online), 25 January: 7. Available: <http://www.citypress.co.za/news/bad-interpreters-ruin-court-cases-says-mogoeng/> (Accessed 20 October 2014).

Du Preez, J. 2014. Article: languages, justice and the courts - a misinterpretation (online). Available: <http://fwdeklerk.org/index.php/en/latest/news/267-article-languages-justice-and-the-courts-a-misinterpretation> (Accessed 20 October 2014).

Erasmus, M. ed. 1999. *Liaison Interpreting in the Community*. Pretoria: Van Schaik.

Freire, P. 1972. *Pedagogy of the oppressed*. New York: Continuum.

Frishberg, N. 1986. *Interpreting: An Introduction*. Silver Spring: Registry of Interpreters for the Deaf.

Gaiba, F. 1998. *The Origins of Simultaneous Interpretation: The Nuremburg Trial*. Ottawa: University of Ottawa Press.

Garzone, G. 2002. *Quality and Norms in Interpretation*. Amsterdam: John Benjamins Publishing Company.

Gay, B. and Weaver, S. 2011. Theory Building and Paradigms: A Primer on the Nuances of Theory Construction. *American International Journal of Contemporary Research*, 1(2):24-32.

Gay, L.R., Mills, G.E. and Airasian, P.W. 2011. *Educational Research: Competencies for Analysis and Applications*. 10th ed. New Jersey: Pearson Education, Inc.

Geldenhuys, T and Joubert, J.J. eds. 1994. *Criminal Procedure Handbook*.

Johannesburg: Juta.

Gentile, A., Ozolins, U. and Vasilakakos, M. 1996. *Liaison Interpreting, A Handbook*. Melbourne: Melbourne University Press.

Gonzalez, R., Vasquez, V. and Mikkelson, H. 1991. *Fundamentals of Court Interpretation: Theory, Policy and Practice*. Durham: Carolina Academic Press.

Grabau, C.M. 1996. Court interpreting: View from the bench. *State Court Journal*, 20(1): 6-11.

Gravier, M. 1978. Preface. In: Seleskovitch, D. ed. *Personality and the Linguist*. Bradford: Bradford University Press, iv.

Grbic', N. 2008. Constructing interpreting quality. *Interpreting*, 10(2): 232-257.

Guba, E. G. and Lincoln, Y. S. 1994. Competing paradigms in qualitative research. In: Denzin, N. K. and Lincoln, Y. S. eds. *Handbook of qualitative research*. Thousand Oaks: Sage, 105-118.

Hale, B. 2004. *Discourse of Court Interpreting: Discourse Practices of the Law, the Witness, and the Interpreter*. Philadelphia: John Benjamins Publishing Company.

Harris, B. 1997. Foreword: A landmark in the evolution of interpreting. In: Carr, S., Roberts, R., Dufour, A. and Steyn, D. eds. *The Critical Link: Interpreters in the Community*. Philadelphia: John Benjamins Publishing Co., 1-3.

Hlophe, J.M. 2004. Receiving justice in your own language – The need for effective court interpreting in our multilingual society. *Advocate*, 17(1): 42-47.

Horkheimer, M. 1972. *Critical theory: Selected essays*. Translated from German by O'Connell, M. J. and others. Toronto: Herder and Herder.

Hunt-Gómez, C.I. and Moreno, G. P. 2015. Reality-based court interpreting didactic material using new Technologies. *The Interpreter and Translator Trainer*, 9(2): 188-204.

Inggs, J. 1998. Current Developments in Court Interpreter Training in South Africa. *Proteus* (online), 7(4): 1-3. Available: http://www.najit.org/membersonly/library/Proteus/HTML%20Versions/back_issue_s/inggs.htm (Accessed 19 October 2014).

Johnson, B. and Christensen, L. 2012. *Educational Research: Quantitative, Qualitative, and Mixed Approaches*. United Kingdom: Sage.

Jones, R. 1998. *Conference Interpreting Explained*. Manchester: St. Jerome Publishing.

Kalina, S. 2002. Quality in Interpreting and its Prerequisites: A Framework for a Comprehensive View. In: Garzone, G. and Viezzi, M. eds. *Interpreting in the 21st Century: Proceedings of the 1st Conference on Interpreting Studies*. Amsterdam: John Benjamins, 121-130.

Kalina, S. 2004. Zum Qualitätsbegriff beim Dolmetschen (Quality in interpreting). *Lebende Sprachen*, 1: 2-8.

Kellner, D. n.d. *Critical theory and the crisis of social theory* (online). Available: <https://pages.gseis.ucla.edu/faculty/kellner/essays/criticaltheorycrisisofsocialtheory.pdf> (Accessed 01 October 2015).

Khoo, W.F. 1990. Court interpreting in a multiracial society: The Malaysian experience. In: Bowen, D. and Bowen, M. eds. *Interpreting: Yesterday, today and tomorrow*. Binghamton: State University of New York, 108-116.

Kim, S. 2003. Research paradigms in organizational learning and performance: Competing modes of inquiry. *Information Technology, Learning, and Performance Journal*, 21(1): 9-18.

Kincheloe, J. L., and McLaren, P. L. 1994. Rethinking critical theory and qualitative research. In: Denzin, N. K. and Lincoln, Y. S. eds. *Handbook of qualitative research*. Thousand Oaks: Sage, 138-157.

Kincheloe, J. L., and McLaren, P. L. 2000. Rethinking critical theory and qualitative research. In: Denzin, N. K. and Lincoln, Y. S. eds. *Handbook of qualitative research*. Thousand Oaks: Sage, 279-314.

Lebese, S.J. 2013. The undefined role of court interpreters in South Africa. M.Tech, University of South Africa.

Lincoln, Y. S. and Guba, E. G. 2000. Paradigmatic controversies, contradictions, and emerging confluences. In: Denzin, N. K. and Lincoln, Y. S. eds. *Handbook of qualitative research*. Thousand Oaks: Sage, 163-188.

Longley, P. 1989. The use of aptitude testing in the selection of students for conference interpretation training. In: Gran, L. and Dodds, J. eds. *The theoretical aspects of teaching conference interpretation*. Udine: Campanotto, 105-108.

Makwerere, D. 2009. Challenges and opportunities in developing football as a vehicle for peace building in Zimbabwe. M.Tech, Africa University.

Marrone, S. 1993. Quality: A shared objective. *The Interpreters' Newsletter*, 5:35-41.

Martonova, K. 1997. Court interpreting and legal translation in the Czech Republic. In: Rybinska, Z. ed. *On the Practice of Legal and Specialised Translation*. Warsaw: The Polish Society of Economic, Legal and Court Translators (TEPIS), 103-110.

Mikkelson, H. 1999. Court Interpreting at a Crossroads (online). Available: <http://www.acebo.com/pages/court-interpreting-at-a-crossroads> (Accessed 15 September 2015).

Mikkelson, H. 1999. Training judges and other court personnel. *The Polyglot*, 29(1): 3-13.

Mikkelson, H. 2000. *Introduction to Court Interpreting: Translation Practices Explained*. United Kingdom: St. Jerome Publishing.

Mikkelson, H. 2012. Garbage In, Garbage Out: The Court Interpreter's Lament. In: Bidoli, C. J. K. ed. *Interpreting across Genres: Multiple Research Perspectives*. Trieste: Edizioni Università di Trieste, 201-218.

Mnyandu, N.L. 2010. The provision of signed language interpreting at the Durban Magistrate court. B.Tech, Durban University of Technology.

Moeketsi, R. H. 1999. *Court Interpreting: Department of African Languages*. University of South Africa Pretoria: Muckleneuk.

Moeketsi, R. H. 1999. Redefining the role of the South African court interpreter. *Proteus* (online), 10 (3-4). Available: http://www.najit.org/membersonly/library/Proteus/HTML%20Versions/v8n3-4/moekesti_v8n3-4.htm (Accessed 23 September 2015).

Moeketsi, R.H. 1999a: *Discourse in a Multilingual and Multicultural Courtroom: A Court Interpreter's Guide*. Pretoria: Van Schaik.

Moeketsi, R.H. 2008. The do's and don'ts in court interpreting: a functional approach to a professional code. *Language Matters*, 31(1): 222-242.

Mufwene, S. 2008. *Language evolution. Contact, competition and change*. London: Continuum.

Napier, J. 2012. Exploring Themes in Stakeholder Perspectives of Video Remote Interpreting in Court. In: Bidoli, C. J. K. ed. *Interpreting across Genres: Multiple Research Perspectives*. Trieste: Edizioni Università di Trieste, 219-254.

Napier, J. and Barker, R. 2004. Sign language interpreting: The relationship between metalinguistic awareness and the production of interpreting omissions. In: Napier, J. ed. *Sign Language Studies*. Auslan: Macquarie University, 369-393.

Nielsen, K. 1992. On the status of critical theory. *Interchange*, 23(3): 265-284.

Ntuli, T. P. 2012. Quality Interpreting Service: The Parliament of South Africa as a Case Study. Masters, Stellenbosch University.

PanSALB history (online). 2014. Available: <http://www.pansalb.org.za/pansalbhistory.html> (Accessed 10 October 2014).

Phillipson, R. and Skutnabb-Kangas, T. 1995. Lessons for Europe from Language Policy in Australia. In: Phillipson, R. and Skutnabb-Kangas, T. *Papers in European language Policy*. Roskilde: Roskilde Universitets center, 3-37.

Pöchhacker, F. & Shlesinger, M. eds. 2002. *The Interpreting studies reader*. London: Routledge.

Pöchhacker, F. 2004. *Introducing interpreting studies*. London: Routledge.

Praesa (online). 2015. Available: <http://www.praesa.org.za/about-praesa-2/> (Accessed 01 October 2015).

Pupavac, V. 2006. Language rights in conflict and the denial of language as communication. *The International Journal of Human Rights*, 10(1): 61-78.

Punch, K.F. 2009. *Introduction to Research Methods in Education*. London: Sage.

Ralarala, M.K. 2012. *A compromise of rights, rights of language and rights to a language in Eugene Terre'Blanche's (ET) trial within a trial: evidence lost in translation*. *Stellenbosch Papers in Linguistics* 41:55-70.

Reagan, T. 2008. South African Sign Language and language-in-education policy in South Africa. *Stellenbosch Papers in Linguistics*, 38: 165-190.

Reiss, K. 1989. Text Types, Translation Types and Translation Assessment. In: Chesterman, A. ed. *Readings in Translation*. Helsinki: Oy Finn Lectura, 105-115.

Republic of South Africa. 1996. *Constitution of the Republic of South Africa, Act 108 of 1996*. Pretoria: Government Printers.

Republic of South Africa. 1996. Preamble, Founding Provisions (Chapter 1) and Bill of Rights (Chapter 2). Pretoria: Government Printers.

Republic of South Africa. 1996. *South African Schools Act 84 of 1996*. Pretoria: Government Printers.

Research in Translation and Interpreting (online). 2016. Available: <http://www.witslanguageschool.com/NewsRoom/ArticleView/tabid/180/ArticleId/11/Research-in-Translation-and-Interpreting.aspx> (Accessed 09 March 2016).

Richards, J.C and Schmidt, R. 2002. *Longman dictionary of language teaching and applied linguistics*. London: Longman.

Roland, R.A. 1999. *Interpreters as Diplomats: A Diplomatic History of the Role of Interpreters in World Politics*. Ottawa: Ottawa University Press.

Romberger, W. 2010. The Provision of Court Interpreter Services in the 21st Century. *The Judges' Journal*, 49(2): 16-20.

SATI. 2007. Code of ethics for individual members (online). Available: http://translators.org.za/sati/cms/downloads/dynamic/sati_ethics_individual_english.pdf (Accessed 19 July 2013).

Sawyer, D. 2004. *Fundamental Aspects of Interpreter Education*. Amsterdam: John Benjamin Publishing Company.

Seleskovitch, D. 1978a. *Interpreting for International Conferences*. Washington: Pen & Booth.

Seleskovitch, D. 1978b. Language and Cognition. In: Gerver, D. and Sinaiko, H. eds. *Language Interpretation and Communication*. New York: Plenum, 333-342.

Seleskovitch, D. and Lederer, M. 1984. *Interpréter pour traduire*. Paris: Didier.

SouthAfrica.info (online). 2015. Available: <http://www.southafrica.info/about/people/language.htm#.VIm9pEB0zmQ> (Accessed 13 October 2015).

Statistics South Africa. 2011. Available: <http://www.salanguages.com/stats.htm> (Accessed 29 August 2015).

Sussman, L. and Johnson, D. 1996. Dynamics of the Interpreter's Role: Implications for International Executives. *The Journal of Language for International Business*, VII(2): 1-14.

Swift, O. B. 2012. The roles of signed language interpreters in post-secondary education settings in South Africa. Master of Arts, University of South Africa.

Thomas, J. 1983. Cross-cultural pragmatic failure. *Applied Linguistics*, 4(2): 91-112.

Tweney, R. D and Hoemann, H.W. 2015. Translation and sign languages. In: Roy, C and Napier, J. eds. *The Sign Language Interpreting Studies Reader*. Netherlands: John Benjamins Publishing Co, 138-161.

Tybulewicz, A. 1997. ITI and its law, insurance, finance and court networks. In: Rybinska, Z. ed. *On the Practice of Legal and Specialised Translation*. Warsaw: The Polish Society of Economic, Legal and Court Translators (TEPIS), 30-41.

United Nations System. 2002. Inter-Agency Meeting on Language Arrangements, Documentation and Publications. United Nations System, Vienna.

Usadolo, S.E and Kotzé, E. 2014. Some interlingual communicative challenges for foreign African interpreters in South African courtrooms. *Stellenbosch Papers in Linguistics Plus*, 43: 345-357.

Valero-Garces, C. 1998. Community interpreting and translating in the Spanish social context. In: Katschinka, L. and Springer, C. eds. *Fourth International Forum and First European Congress on Court Interpreting and Legal Translation: Language is a Human Right*. Vienna: International Federation of Translators (FIT), 50-55.

Wallmach, K. and Kruger, A. 2000. *Principles of Interpreting II: Tutorial Letter*. Pretoria: University of South Africa.

Waterhouse, K. 2009. Interpreting criminal justice: A preliminary look at language, law and crime in Ireland. *Judicial Studies Institute Journal*, 2: 42-75.

Weber, W. 1984. *Training Translators and Conference Interpreters*. Orlando: Harcourt Brace Jovanovich.

Welton, M. ed. 1995. *In defense of the lifeworld*. Albany: State University of New York Press.

Willis, J. W. 2007. *Foundations of qualitative research: interpretive and critical approaches*. London: Sage.

Appendix I

Letter to the Authority

Moncrieff Flat no.18

106 Berea Road

Durban

4001

26 June 2014

Dear Sir/ Madam

My name is **Nontobeko Lynette Mnyandu**, Student no. **20817695**. I am currently doing my Master of Technology Degree in Language Practice specializing in interpreting at the Durban University of Technology.

I am conducting a research on a topic titled: “**The provision of interpreting services in isiZulu and South African Sign Language in some of the courts in KwaZulu-Natal**” which requires me to publish a journal article on an area of interest in my field of study. I therefore, request a permission to conduct my research at this court in order for me to compile an accurate research report.

If you wish to have a look at the final thesis report, it is possible upon request I would gladly appreciate your permission and co-operation in this matter.

Yours Sincerely

Mnyandu N.L (Miss)

Appendix II

Consent Form/ Ifomu lokunika imvume

You may answer the questions in English or IsiZulu./ Ungaphendula imibuzo ngesiNgisi noma ngesiZulu.

Research conducted by N.L. Mnyandu for the partial completion of MTech: Language Practice/ Ucwangingo olwenziwa ngu-N.L. Mnyangu ekuphohleni i-MTech: Language Practice.

This study is conducted under the Department of Media, Language & Communication at the Durban University of Technology./ Lolu cwangingo lwenziwa ngaphansi koMnyango i-Media, Language & Communication e-Durban University of Technology.

Do you allow me to conduct this research with you? (Yes/No)

Uyanginika imvume yokuba ngenze lolu cwangingo nawe? (Yebo/ Cha)

If you allow me to conduct this research with you, I will only need 30minutes of your time to interview you. (Agree/Disagree)

Uma ungivumela ukuba ngenze lolu cwangingo nawe, ngizodinga imizuzu engama-30 nje kuphela yesikhathi sakho ukuba ngikubuze imibuzo. (Vuma/Phika)

Do you understand that you are free to withdraw from this project at any time if you so wish? (Yes/No)

Ingabe uyaqonda ukuba ukhululekile ukuhoxa kulolu cwangingo noma yinini uma uthanda? (Yebo/Cha)

Do I have your permission to publish the findings? (Yes/ No)

Uyanginika imvume yokuba ngishicilele imiphumela? (Yebo/Cha)

Initials & Surname/ Izinhlamvu neSibongo Date/Usuku

Signature/Sayinda

If you have further queries regarding the project, please feel free to contact the supervisor Dr R.L. Makhubu via email at makhubu@dut.ac.za

Uma unemibuzo mayelana nalolu cwangingo, ngicela ukhululeke ngokuba uxhumane nomphathi, uDkt R.L. Makhubu nge-imeyili ku- makhubu@dut.ac.za

Thank You/ Ngiyabonga

Appendix III

Interview Questions for the isiZulu Interpreters

- How long have you been interpreting?
- Are you a qualified interpreter?
- Where did you do your interpreting course and in which year?
- Which language combination do you specialise in?
- According to your experience, what happens when an isiZulu speaking person wants to lay a charge or is to be arrested in cases where the police officer does not speak isiZulu? Do the police make use of interpreters?
- Are there any challenges that you come across? Yes/No? If yes, what are those challenges and how do you overcome them?
- How frequently do you attend trainings organized by DoJ?
- Do you think that you are adequately trained for the job that you are doing or do you feel there are some areas whereby you still want to get more/ additional training on?
- Do you think your colleagues have a good understanding of your role as the isiZulu interpreter?
- How do you develop your isiZulu vocabulary?
- Have you mastered the court terminology?
- What things would you like to see improving in courts regarding isiZulu interpreting?
- What advice would you give to a person who also wants to see himself/herself interpreting in court?

Thank you so much for your valued time ☺

Appendix IV

Interview Questions for the SASL Interpreters

- How long have you been interpreting?
- Are you a qualified interpreter?
- Where did you do your interpreting course?
- Did you study SASL as an independent course or as one of your subjects?
- According to your knowledge, what happens when deaf people seek assistance in the Department of Justice (eg: laying a charge or making a statement) or when they are to be arrested? Are the police trained to communicate with them using South African South African Sign Language or do police go with interpreters?
- Are there any challenges that you come across? Yes/No? If yes, what are those challenges and how do you overcome them?
- How frequently do you attend trainings organized by DoJ?
- Do you think that you are adequately trained for the job that you are doing or do you feel there are some areas whereby you still want to get more/ additional training on?
- Do you think your colleagues have a good understanding of your role as the South African Sign Language interpreter?
- Have you mastered the court terminology?
- What things would you like to see improving in this court with matters regarding South African Sign Language?
- What advice would you give to a person who also wants to see himself/herself interpreting in court?

Thank you so much for your valued time ☺

Appendix V

Questionnaire for the isiZulu speakers

Iminyaka (Age) :

Chaza ngosekuke kwakwehlela enkantolo (Tell us about your experience with the court)

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Uyasibona isidingo sokuba notolika ezinkantolo? Yebo/Cha? Chaza. (Do you see the need of having interpreters in courts)? Yes/No? Explain.

.....

.....

.....

-----Ngiyabathemba otolika engibanikezwa yinkantolo (I trust the interpreters assigned to me by the court)

Vuma (Agree)	Vuma kakhulu (Strongly agree)	Angisho lutho (Neutral)	Phika (Disagree)	Phika kakhulu (Strongly disagree)

Ngabe ugculiselekile ngenkulumo yesiNgisi edluliselwa utolika omunikeziwe? Yebo/Cha? Chaza (Are you satisfied with the English version conveyed by the assigned interpreter?) Yes/No? Explain

Thank you so much for your valued time 😊

Appendix VI

Questionnaire for the Deaf people

➤ Age group: 18 – 25

26 – 35

36 – 45

➤ Are there any deaf people at home? Y/N

➤ Do you consider South African SASL as your first language? Y/N? Why?

➤ Have you ever interacted with the police in any way? (e.g: arrested/ reported a crime?) What was the experience like?

➤ What would you like to recommend to the Department of Justice regarding the SASL and the interpreting provision?

Thank you so much for your valued time 😊