

From *sphaza* to *makoya*!: A BA degree for court interpreters in South Africa¹

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1. Abstract

In the past, court interpreters in the South African courts were compelled to serve under judges and magistrates, most of whom were agents of the apartheid system and thus would neither concern themselves about the proper training of court interpreters nor encourage any improvement in their working conditions. The meagre six-week orientation provided by the Justice College, historically the only attempt made to provide any sort of training for court interpreters, has always been ridiculed by court interpreters as a “*sphaza* training”, meaning insignificant and superficial. The inefficiency of the course can be attributed partly to its brevity, and partly to the lack of insight into the interpreting process which led to the service being misunderstood as a mere process of linguistic transfer from one language to another. Consequently, some interpreters feel justified in declining to take responsibility for poor performance, claiming “garbage in, garbage out”, meaning that poor training begets poorly qualified, incompetent and unprofessional linguistic service providers. The present article is an explication of how the University of South Africa addresses this situation by providing training in court interpreting. This training, embraced by most court interpreters as the *makoya*, the real thing, will hopefully improve the status of the service, renew the self-worth of practitioners and enhance their performance.

2. Background

The South African courtroom constitutes a very complex linguistic environment. Languages spoken during court proceedings include the eleven official languages, their non-standard varieties², plus a

¹ Sphaza is a non-standard term of dubious etymology, made up of Nguni phonemes with a wide frequency in urban areas. The word is commonly used as a qualificative in sphaza-shop to imply an unlicensed shop trading on a very small scale and with makeshift facilities. Makoya is a non-standard indigenised borrowing of McCoy, as used in the expression “the real McCoy,” meaning the genuine thing.

² Each of the eleven official languages has a minimum of four non-standard varieties. For example, Sesotho has at least five non-standard varieties: Sekgolokwe, Setlokwa, Sephuthing, Sekwena and Serotse. The standard form of the language is based on Sekwena. Apart from the eleven official languages and their varieties, other non-standard languages spoken in court include *tsotsitaal*, which literally means ‘the language of criminals’, and fanakalo (a pidgin, which is a combination of Zulu, English and Afrikaans and is used mainly in the mines).

multitude of “heritage languages”³ of Africa, Asia and Europe (cf. Moeketsi, 1999:126-127). Unlike in other countries, where a similar number of languages might be used in the courtroom, but where interpreting is needed only in a tiny number of court cases, South Africa is unusual in that the *majority* of court cases require interpreting. In the Magistrates’ Courts, where the majority of the criminal cases occur, about 90% of court cases require interpreting, at least in Gauteng, the most multilingual province.

One might well ask about the reasons for this linguistic mayhem. Simply put, unlike most courtrooms, where the language of the court is the language of the majority of the people, as in English in the United States or Britain, with some interpreting for the minority of cases where the participants speak other languages, South African court cases are conducted in the languages of the minority, namely English and/or Afrikaans, with interpreting services provided for speakers of the indigenous African languages, who form 76,5% of the population (Census 1996:table 2.8). This is a legacy of South Africa’s apartheid past, where English and Afrikaans were selected as the official languages of the country, despite the fact that they were the languages of the minority.

The term *minority* is therefore totally inadequate to describe the South African linguistic situation. It is far more useful to distinguish between the terms *minority* languages and *minoritised* languages (Aguilar-Amat & Santamaria 1998:74). The term ‘minority language’ refers only to the demographic weight of the speech communities of that language, but the term ‘minoritised language’ can be used to refer to languages which suffer from functional difficulties, not because of lack of numbers, but rather as a result of historical and socio-economic conditions such as colonialism. Thus, languages which are the language of majority in their region may *become* minoritised, for instance as a result of an historical event or a re-organisation of territorial borders. Thus one could say that the African languages became minoritised languages through apartheid. While Afrikaans was actively promoted as a language in order to stand alongside English as an official language, the African languages were only taught in schools up to a certain level and the technical registers of these languages have remained underdeveloped (Wallmach 2000:198). And so, even today, English and Afrikaans still function as the *de facto* official languages of the court proceedings (although nothing prevents another language such as Sesotho from being used), and English is the official language of record, which means that those who do not speak English and/or Afrikaans are compelled to make use of interpreting services in exercising their right to be tried in their own language. The Department of Justice therefore employs around 2,500 court interpreters (mostly male) on a full-time basis, and a number of part-time interpreters, mainly for the foreign languages. Most interpreters are assigned to particular courtrooms, where they interpret every case brought before that court. In a normal day, the South African court interpreter might be required to interpret in five African languages plus English and Afrikaans. This might sound impossible, but given the fact that seven of the nine African languages are grouped into two main language families, a Setswana-speaking court interpreter will be able to speak and understand the other two languages in the Sotho family, and may also speak and understand other languages in the Nguni group of languages up to a certain level.

Given the enormous challenges facing the South African court interpreter, and the sheer numbers of interpreters employed full time by the Department of Justice, the Commission for Conciliation, Mediation

³ Non-official minority languages of immigrants to South Africa, explicitly recognised in the South African Constitution.

and Arbitration (cf. Moeketsi, 2002), and the South African National Defence Force, one would expect the training of court interpreters to be given the highest priority. Unfortunately, interpreting has historically occupied the margins of South African society, just as it has in other parts of the world. Because translation and interpreting traverse the boundaries between cultures, by their very nature they represent the possibility of violating an established social order by introducing new ideas, new characteristics, new ideologies into the target culture (Jacquemond 1992: 139). It is precisely to eliminate the ever-present danger of transgression that translation and interpreting practices assume the absolute sovereignty of the original and the subservience of the translation, the necessity for faithfulness to the original and, of course, the necessity for the translator or interpreter to remain invisible in the translation or interpreting process. Lawrence Venuti (1998:31) explains: “Given the reigning concept of authorship, translation provokes the fear of inauthenticity, distortion, contamination... It is partly to quell these fears that translation practices in English cultures (among many others) have routinely aimed for their own concealment.” And thus, the ideal interpreter remains an invisible linguistic figure. What seems to be required is that the interpreter should show some kind of individual loyalty towards a source language speaker or message, and that loyalty must somehow be balanced against similar loyalty to the target language listener and the target language message. How the interpreter should balance these conflicting loyalties is not made clear at all. In fact, Anthony Pym (1992) goes so far as to suggest that the easiest way to avoid the individual translator’s ethical dilemma of divided loyalty between source and target cultures is simply to omit the figure of the individual translator, thereby avoiding the issue of the subjectivity originally called upon to make such decisions! In accordance with this view, an ethics of anonymity would have the translator remain an essentially passive entity with no identity beyond his or her professional identity. Andrew Chesterman (1997:169) makes the point that the invisibility issue is a very important one, “as it also concerns the translator’s role in society, the translator’s status and power, the translator’s rights. Invisible translators, who seek to efface themselves textually, also tend to get effaced socially.”

Add to this the fact that in the South African context most court interpreters are African, interpreting for African accused and witnesses, and one can imagine that their position in an apartheid society was unenviable at best. Historically, court interpreters had a low standard of education, at best a poor Grade 12 qualification and at worst, only a Grade 10 qualification. After selection and appointment as court interpreters, they were (and still are) provided with a six-week training course by the Justice College, a division of the Department of Justice. This training course is supposed to take place before the court interpreter is assigned to a particular court, but in some instances, court interpreters wait for up to five years before attending the course, and therefore must acquire any interpreting expertise through self-training. Prospects for professionalisation and/or advancement such as recognition, financial or otherwise, for excellent performance or for following extra training courses in court interpreting were negligible, with the only avenue upwards being to study law, and thereby leave the court interpreting service.

This clearly unacceptable situation prompted court interpreter unions and representatives of the Department of Justice to consult with a number of academic institutions regarding the possibility of a more comprehensive training programme. In response to this, the University of South Africa (Unisa) introduced a Bachelor of Arts degree with specialisation in Court Interpreting (BACT) in 1999. In the following sections, we discuss the rationale behind the Unisa degree and its structure (cf. Moeketsi, forthcoming).

3. Rationale behind a degree in court interpreting

Many academics would argue that interpreting is essentially a vocational subject, requiring only the learning of certain specific skills, and therefore that interpreting should be taught in community or technical colleges and not at degree level in a university context. This, coupled with the fact that many court interpreters already practising in the courts do not have the necessary qualifications to gain access to

degree studies, was why various South African universities (the Universities of the Witwatersrand, Port Elizabeth, Free State, Potchefstroom) opted to introduce an undergraduate Diploma in Legal Interpreting in 1998⁴.

But many others believe that, given the complexity of background knowledge and linguistic skills required, court interpreting should be taught both at first-degree level in order to meet immediate needs, as well as at postgraduate university level (Corsellis *et al.* 2003: 299). Here one might cite the Bachelor degree in court interpreting offered by the Fachhochschule Magdeburg in Germany as well as the MA degrees in legal interpreting and translation (mainly in Western European languages) offered in Denmark and Spain (Corsellis *et al.* 2003: 299), to mention only a few. Our findings, based on comprehensive research into the courtroom situation in South Africa, support the view that court interpreting should be taught at degree level. Practical linguistic and interpreting skills do need to be taught, but, given the complexity of the court interpreting process and the demands made on the court interpreter, so do aspects of linguistics and interpreting theory, law, psychology, sociology, communication and criminology, and these subjects are more readily found in a university context. Also not to be taken lightly is the status afforded by a university degree, bearing in mind that the court interpreter should be on an equal footing with judges, magistrates and lawyers, all of whom are highly educated. So when conceptualising the type of training programme needed for court interpreters, one of the primary motivators was the need for personal development and empowerment, and not only for training in interpreting skills.

Given the fact that most students registering for the programme are already working in the courts as interpreters, another overriding aim of the programme is to increase their awareness of the tasks they are faced with every day and to improve their ability to reflect upon the realities of court interpreting. A purely theoretical course which deals with the standard “do’s and don’ts” in interpreting and which produces students who can only parrot these idealised rules without being able to solve problems and real-life situations themselves would be of very little use in court, where interpreters are constantly faced with contradictions between ideal conditions and actual conditions, between idealised notions of performance and actual constraints. It is also hoped that some of the most motivated graduates of the programme might study further to become inspectors or managers of interpreters in the future.

Curriculum design does also depend to a great extent on the type of institution offering a course. The University of South Africa (Unisa) is one of eleven mega distance education universities in the world (universities with more than 100 000 students) and its qualifications up to doctorate level are recognised worldwide. Briefly, tuition in about 2 600 study units is provided by staff in 63 teaching departments in six faculties (the university employs about 3 000 staff members, including academic, administrative and support staff). Unisa’s main campus is in Pretoria, with provincial centres in Cape Town, Durban, Polokwane, Nelspruit and Umtata. There are examination centres all over the world. Tuition takes place via a combination of traditional distance education (whereby students use printed study guides for self-study and post written assignments to lecturers) and modern distance education (using email, internet, audio and video cassettes and video-conferencing), plus contact teaching (discussion classes where

⁴ The Universities of the Witwatersrand and Port Elizabeth have since discontinued their diplomas, mainly because low subsidies for undergraduate diplomas at universities and low student numbers made these courses unsustainable in the long term. South African court interpreters, who are employed full-time in courts all over the country, cannot easily travel to attend courses at residential universities in the cities. The Universities of the Free State and Potchefstroom no longer offer the Diploma in Legal Interpreting, but plan to teach court interpreting as one part of a general BA degree (with separate streams for court interpreting, community interpreting, sign language interpreting, and translation). Following the degree option will mean that these universities will receive better government subsidies, and students will be able to go on to study at postgraduate level. However, it does also mean that practising court interpreters who do not have high enough marks to study at university are excluded.

lecturers travel to the various centres, discussion classes where students travel to the main campus in Pretoria, as well as winter and summer schools). Students also have access to tutors at the learning centres who give lectures after working hours and on weekends and discuss problems with students. Given South Africa's size (approximately three times the size of France) and the geographical distribution of court interpreters in South Africa, often in small towns hundreds of kilometres from the nearest big city, Unisa's distance teaching model is well suited to the training of court interpreters, despite the challenges of teaching practical interpreting skills from a distance, which we discuss later on.

4. The BA with specialisation in court interpreting

The nature of the BA programme in court interpreting requires an interdisciplinary approach, combining subjects from the Faculties of Humanities and Social Sciences, as well as Law. The interpreting and translation modules in the programme do not teach language acquisition but presuppose a certain competence in at least two languages which can be used as a foundation to develop practical interpreting and translation skills and to improve existing language skills. Students need matriculation exemption (Grade 12 with university entrance) to register at Unisa. Alternatively, conditional exemption may be granted on the grounds of mature age or upon completion of prescribed access courses. Students who have completed any relevant modules at another university are given credit for these modules for the BACT programme, to a maximum of 15 modules. Students who have completed a Diploma in Legal Interpreting at other institutions in South Africa gain a maximum credit of 15 modules for the Unisa degree.

Most of the students currently registered for the degree are practising court interpreters, who require the theoretical and practical skills to reinforce their existing practical experience in court, and who also need to be exposed to practical interpreting situations outside the courtroom so as to open up other avenues in terms of job opportunities. The minority of students have no previous professional exposure to interpreting, but have generally interpreted in church, health, tourism or other liaison contexts, given the multilingual situation in South Africa. These students need to learn both practical interpreting skills as well as certain theoretical aspects of interpreting.

4.1 Syllabus overview

The degree programme consists of a total of thirty semester modules, which in the ideal case are completed in three years (students taking ten modules per year), but are usually taken over a longer period.⁵ The table below is a full overview of the modules making up the programme.

<i>Level I</i>	<i>Level II</i>	<i>Level III</i>
Principles of Interpreting I	Principles of Interpreting II	Principles of Interpreting III
Court Interpreting I	Court Interpreting II	Court Interpreting III
Multilingualism: The role of languages in SA	Translation & Editing Techniques	Translation & Editing Practice
A Language (module 1)	A Language (module 2)	A Language (module 3)
B Language (module 1)	B Language (module 2)	B Language (module 3) or D Language (module 1)
C Language (module 1)	C Language (module 2)	C Language (module 3) or

⁵ One module at the university is 80-120 notional study hours, worth 12 credits (10 notional hours per credit), and thus the entire BA degree adds up to a total of 360 credits or 30 modules.

		D Language (module 2)
Introduction to the Theory of Law I (module 1)	Criminal Procedure (module 1)	Law of Evidence (module 1)
Introduction to the Theory of Law I (module 2)	Criminal Procedure (module 2)	Other law courses
Criminology (module 1) or The origin of South African Law	Criminal Law(module 1)	Court Practice
ELECTIVE MODULE	ELECTIVE MODULE	ELECTIVE MODULE

The nine modules relating to interpreting and translation (the first three rows in the above table) together make up a nine-module major in court interpreting. The three modules of *Principles of Interpreting* and the three modules of *Court Interpreting* give the programme its focus, and are the only modules (apart from *Court Practice*) which had to be designed specifically for the programme. These modules are discussed in detail below. Unfortunately, space constraints make it impossible to provide detailed descriptions of all thirty modules in the programme, but information regarding the language courses, language requirements and the elective modules is provided in Addendum A.

4.2 The core of the programme

From the outset, it must be said that teaching practical interpreting skills at a distance is the central challenge in offering the core interpreting modules at Unisa. It is impossible to conduct contact classes with students on a daily basis, as one would at a residential university. On the other hand, the distance option is often the only possible option, since most students are fully employed court interpreters, which means that they are not able to attend classes on a full-time basis and, in many cases, live and work too far away to attend classes even on a part-time basis, say once a week. (Because of this constraint, even those residential universities offering court interpreting courses, such as the University of the Witwatersrand, could not offer contact classes on a daily basis, but had to teach on the basis of intensive teaching weeks combined with take-home assignments.) Of course, those students working for the Department of Justice do also benefit from extensive practical interpreting experience in the courts, which is a clearly not the case for students not employed as interpreters.

In order to give students the opportunity to practise their interpreting skills, students are provided with oral texts on audio cassettes, from which they interpret in order to complete the quick exercises given in the study guides and the oral interpreting tasks. The oral interpreting tasks are submitted on tape to the lecturers, who provide detailed written feedback. As far as is possible, the lecturers who mark practical interpreting tasks are experienced interpreters themselves. The *Principles of Interpreting* modules are run by two full-time lecturers with simultaneous and consecutive interpreting experience, one with French, German and Afrikaans to English as a language combination and the other with English to Tsonga and Xhosa. A third lecturer, also responsible for the module *Translation and editing techniques*, is responsible for the English to Afrikaans combination. External lecturers are employed on a part-time basis to handle all other language combinations, i.e. English and German, French, Spanish, Portuguese, Italian, Mandarin Chinese, Zulu, Venda, Swati, Sesotho, Northern Sotho, Tswana. (With regard to the relevance of offering such a wide spread of language combinations, it is important to note that while the majority of court interpreting students take African languages and English or Afrikaans as their language combinations, expertise in foreign language combinations is needed in South African courts, although interpreters are employed on a part-time rather than a full-time basis.) All lecturers can be contacted by students telephonically or in person at any time, even over weekends.

Other opportunities for students to practise their interpreting skills are discussion classes, which take the form of extended workshops or summer/ winter schools, and are held on a regular basis (at least 10 contact hours per module). There are also excellent videoconferencing facilities which link Unisa's central campus to its satellite campuses, as well as a sound studio which records CDs and videos as well as audio cassettes. But since the majority of students do not have access to computers or video machines, CDs and videos cannot form part of the core learning package, and can only be used as additional material. Offering courses online is also not really practical, since very few home users in South Africa have access to ISDN lines, and the bandwidth available is therefore very limited (some users do not even have access to normal telephone lines!) This is a very different scenario from that in Canada, for example, where students have free internet access via ISDN lines and can therefore enrol for an online course in community interpreting or legal interpreting such as those offered by Vancouver Community College, for instance.

Practical interpreting examinations are conducted in the form of "take-home" examinations, where students send in their tapes to the lecturers, except in the case of *Court Practice*, where students are required to travel to Pretoria for their examination, which is conducted in moot court format in front of a panel of examiners (more about this module later).

In the next few sections, we discuss the content of the core interpreting modules of the programme, namely *Principles of Interpreting I, II and III*, *Court Interpreting I, II and III* and *Court Practice*. Our aim in all the *Principles of Interpreting* modules is to provide students with the opportunity to improve their interpreting skills in a number of different settings. The main focus is court interpreting, but we would also like to provide students with the opportunity to branch out into other types of interpreting practice, and therefore expose them to health, business and conference settings, amongst others. The modules on court interpreting (i.e. *Court Interpreting 1, 2 and 3*), on the other hand, focus specifically on interpreting in legal settings.

4.2.1 Content of *Principles of Interpreting* modules

Principles of Interpreting 1 is the first core module in the BA with specialisation in court interpreting, as well as being an elective module for students registered for a general BA degree and for the Bachelor in Theology programme. *Principles of Interpreting 1* introduces learners to interpreting as a professional act of communication, providing both the theoretical underpinning and the practical consecutive interpreting experience required at a basic level. This is a skills-oriented course and therefore the practical component is as important as the theoretical component.

From the start, we attempt to move away from an idealised equivalence-based model of interpreting. *Principles of Interpreting 1* starts from the premise that professional interpreting is essentially a "service activity with a communication function, performed in a professional setting with a professional aim in mind and constrained by this setting" (Gile 1995:21). Professional interpreting does not happen in a vacuum; it is a professional act of communication paid for by a client, and is subject to professional rules, as well as to particular rules relating to communication (Gile 1995:22). Thus students learn that interpreting does not simply involve transferring a message from one language to another - the situation within which interpreting takes place must also be taken into account, since it may have a strong influence on how one should interpret. Christiane Nord's (1997) functional approach was found to be very useful in this regard, particularly as regards the idea that it is the initiator of an interpreting process who initiates the whole interpreting process because he or she needs something to be interpreted for a particular purpose. In order to fulfill this purpose an interpreting brief (a set of instructions relating to the interpreting process) is required. Although it is the initiator who starts the whole interpreting process, the interpreter is the only participant who has the competence to fill in the details of what is required in the interpreting brief and

decide whether or not the interpreting brief can be carried out. The type of preliminary analysis represented by the interpreting brief is very important - it encourages students to learn the importance of asking for background information from the client before starting to interpret and to reflect on how interpreting practice might differ depending on the context, the mode and the type of interpreting involved.

Apart from displaying an understanding of the communicative situation involved in a range of interpreting contexts, students are expected to understand the cognitive processes involved in consecutive interpreting (Gile's (1995) effort model) and be able to use Gile's ideas to explain interpreting problems that they might have encountered as part of their own practical experience. Gile (1995:161) developed his model on the basis of two assumptions: firstly, that interpreting is fundamentally difficult, requiring some sort of mental 'energy' or effort that is only available in limited supply; and secondly, that interpreting takes up almost all of this mental energy or effort, and sometimes requires more effort than is available, at which times performance or production deteriorates. He compares the process of interpreting to a host at a dinner party, who has to share out the contents of a bottle of wine equally amongst all his guests. If one guest is given too much wine, if too much effort is expended on one process, the other processes will suffer. He portrays the consecutive interpreting process as follows:

$$\begin{array}{lcl} \text{Phase One} & = & \text{Phase Two} \\ L + (N) + M & = & \text{Rem} + \text{Read} + P \end{array}$$

This is the ideal situation, where the efforts of listening and analysis, note-taking and memory skills are sufficient for the message to be perfectly understood in Phase One, and the efforts of remembering, reading notes and production are all sufficient for the message to be perfectly interpreted on Phase Two. At first sight, Phase Two looks more difficult than Phase One, particularly since Phase Two involves long-term memory, but Gile (1995:179) points out that interpreters working in the consecutive mode actually have fewer problems with Phase Two than they do with Phase One. The reason for this is that Phase Two is entirely determined by the interpreter, unlike Phase One, which has to be performed according to the pace of the source language speaker. The consecutive interpreter is free to perform the three efforts which constitute Phase Two at his or her own pace. Because there is no time pressure in Phase Two, this means that a trained interpreter usually has enough processing capacity to handle all the tasks. This is also why interpreters are usually prepared to work into their B language in the consecutive mode, even when they refuse to work into their B languages in the simultaneous mode. (In simultaneous, there is time pressure in both Phase One and Phase Two, so interpreters may prefer to work into their A languages only.) Thus, it is most likely that interpreters might experience problems with Phase One, rather than Phase Two, i.e. the efforts put into listening and analysis, note-taking and memory in Phase One are insufficient for proper production in Phase Two.

Once students have a theoretical understanding of the individual processes involved in consecutive interpreting, they begin with practical monolingual interpreting exercises to improve memory skills, listening and analysis and visualisation. The exercises have been carefully chosen so as to help students to acquire skills and techniques that can only be refined with a great deal of practical interpreting work over the years to come. Initially, only dialogues and narrative texts delivered extemporaneously are used for practice, as these are much easier to interpret than prepared speeches. Later on, students are exposed to prepared speeches delivered at a slow pace, and are encouraged to reflect on the differences between spoken and written discourse, and between prepared and unprepared speeches. Wherever possible, authentic texts which require interpreting are used. Students completing *Principles of interpreting 1* are expected to be able to interpret in the short consecutive mode (2-3 sentences at a time for approximately 10 minutes in total) in basic liaison interpreting situations, as well as being able to interpret a narrative/descriptive text of approximately 500 words at sight (i.e. from the written into the oral mode) from the

second language into the first language.

In *Principles of Interpreting II*, we focus on various types of liaison interpreting including court, health, and business interpreting. The word *liaison* means ‘link’ in French, and thus the term refers to the type of interpreting that takes place in a number of different settings where two or more interlocutors do not share a language and where the interpreter must be present in order to bridge the communication gap. Gentile *et al.* (1996:1) support the use of this term as follows:

We use the term ‘liaison interpreting’ to refer to a growing area of interpreting throughout the world: in business settings, where executives from different cultures and languages meet each other; in meetings between a society’s legal, medical, educational and welfare institutions and its immigrants who speak a different language; in relations between a dominant society and indigenous peoples speaking different languages; in a whole host of less formal situations in tourism, education and cultural contacts.

Liaison interpreting requires bi-directional or two-way interpreting between two or more parties who do not understand each other’s language and who can only communicate by means of an interpreter. Liaison interpreting involves close physical contact between interpreter and participants, and often a difference in power and status between speaker and listener. It therefore places a number of constraints on the court and liaison interpreter which the conference interpreter does not often encounter (cf. Erasmus 1999:viii).

One of the thorniest issues in court interpreting is clearly the requirement to interpret *verbatim*. Court interpreters often feel that they lack sufficient status in the courtroom to countermand what often amounts to explicit instructions by the bench to interpret literally. At the same time, they have a duty to ensure that the accused understands the proceedings. We try to address this problem by discussing the fact that the form (the words) of an utterance does not automatically correspond to the meaning of the utterance, and thus if we simply interpret the literal form of what is said, we may end up losing the meaning of that utterance in the other language. For example:

A witness to a cash heist (communicating through an interpreter) stated in a South African courtroom that the accused had pointed an arrow at the security officer during the heist. The court decided that an arrow was not really a dangerous weapon, and the accused was acquitted. There was a clear interpreter error here: the word used by the witness did literally mean *arrow* when interpreted into English, but the word *arrow* was in actual fact a slang term for *gun*! So by being faithful to the witness’ actual words, the interpreter failed to be faithful to the witness’ meaning, which was that the accused had pointed a gun, not an arrow at the security officer. The interpreter should have clarified the witness’ real intention by asking the witness whether he had meant to say *arrow* or *gun*. (Wallmach & Kruger 2003: 105)

Thus, meaning is not constructed from the formal language of the message alone, but also depends on how an utterance functions in a specific context (i.e. the setting or situation within which it was produced). In other words, the verbatim requirement cannot apply to words only, as in translating word-for-word, but must be reinterpreted to apply to meaning. As Holly Mikkelsen (1999:1) puts it:

Given that 1) court interpreters have an obligation to provide an accurate and complete interpretation of messages from one language to another, 2) words have no meaning without context, and 3) the language of the law is full of excess verbiage, it is clear that a verbatim interpretation of courtroom proceedings is meaningless, if not impossible. In practice, interpreters have learned to disregard instructions from the bench such as “don’t interpret, just translate,” or to “just translate word for word what he’s saying,” and instead to convey the **meaning** of the source-language message as precisely as they can within the limits of the target language’s grammar and syntax.

We then focus on implied meaning and how dialogue and conversation work. We discuss what really happens in spoken interaction: how listeners understand what speakers are saying and how knowledge is conveyed when people imply, suggest or mean something different from what they say. We examine the concepts of direct and indirect speech acts, and then move on to the rules of conversation. Students are

made aware of the fact that the co-operative principle and the politeness principle can assist in decoding some of the hidden rules of conversation. Tasks are based on the analysis of authentic texts, wherever possible. One such task requires students to assess whether the witness in an extract from a Truth and Reconciliation Commission hearing could be described as a cooperative witness in terms of Grice's (1975) principles (in other words, is the witness true, brief, relevant and clear?) The extract is taken from an amnesty hearing into the events that happened at Vlakplaas, a farm midway near Pretoria which was the headquarters for covert operations of the South African security forces during the apartheid years. Brigadier Viktor was the chief of Section C (the ANC/ PAC desk) of the Security Head Office.

Extract: TRC Amnesty Hearing - Transcript of witness statement by William Rudolph Liebenberg, 28/11/ 1996

ADV NTSEBEZA: Did you know Brigadier Viktor?
MR LIEBENBERG: I have heard the name Mr Chairman.
ADV NTSEBEZA: He was never in Cape Town during your time?
MR LIEBENBERG: Not that I know of - well I never met him face to face no.
ADV NTSEBEZA: I see, but do you also - do you know if he was connected with Vlakplaas? Or is what you know in connection thereof what you have read in the papers?
MR LIEBENBERG: Only what I read in the papers Mr Chairman.
ADV NTSEBEZA: I see - well you are excused.
MR LIEBENBERG: Thank you Mr Chairman (...).

Source: <http://www.truth.org.za>

Students are required to determine whether William Liebenberg is a cooperative witness. Mr Liebenberg clearly has a good command of English and answers in short, brief, relevant sentences, meeting the requirements of courtroom discourse. Because of this, many students mistakenly judge him to be a cooperative witness, even though he is clearly avoiding answering difficult questions, refusing to answer questions with a simple yes or no, and is very possibly even lying. It is obviously important for interpreters to understand how conversational maxims operate, otherwise they will fail to interpret accurately in court.

Students also learn how the notions of turn-taking, topic management, feedback and repair can assist us in understanding more about how conversations are structured. They learn how interpreted interaction differs from the conventional norms of everyday face-to-face interaction (and why this can cause problems for interpreters) and can describe the dynamics of the interpreted interview (Gentile et al. 1996). They must also demonstrate cultural and linguistic sensitivity as well as awareness of the power relations and role conflict inherent to many liaison interpreting situations.

The second part of the module focuses on the mechanics of consecutive interpreting, beginning with a brief revision of Gile's (1995) effort model for the consecutive interpreting process and then focussing on one of the most important skills for long (or short) consecutive interpreting in the context of Gile's effort model, namely note-taking. Gile's (1995) model is very useful in helping students to understand the important role played by note-taking in consecutive interpreting. Note-taking is involved in both Phase One and Phase Two of the consecutive interpreting process, and is also critical in terms of processing capacity. A well trained interpreter will be able to optimise his or her note-taking by reducing the processing capacity and time needed for note-taking while maintaining the efficiency of notes in reinforcing memory (Gile 1995:182). We begin with note-taking for short consecutive (cf. Schweda-Nicholson 1990 and Mikkelsen 2000), and then gradually introduce the principles of Rozan (1956) and Jones (1998). We do not attempt to provide students with hard and fast rules on which symbols to use when taking notes. Students are encouraged to develop their own note-taking systems. Having said that, it is also important to try to reduce the effort and processing involved in note-taking so that more energy can be devoted to the other efforts in consecutive interpreting, such as listening, analysis and delivery. Learning a basic set of symbols rather than making the symbols up while interpreting has some distinct

advantages, since interpreters then will use less processing capacity while taking notes (Gile 1995:182). For this reason, we do expose students to the symbols used in long consecutive by Matyssek (1989) and Rozan (1956). However, teaching students to competently perform long consecutive for extended stretches of text in the true conference interpreting tradition (although some students do become quite competent at this) is not our primary aim. This skill can be perfected at postgraduate level if students wish to study conference interpreting at a residential institution. Our main aim is to teach untrained interpreters that their memories can stretch much further than they think, particularly with the aid of a few notes. Many untrained court interpreters (even those with years of experience) habitually stop the speaker after no more than three seconds in order to start interpreting as a matter of habit. One senior court interpreter even explained once that he has a metronome in his head – ‘I count to one, two, three, and then stop the witness.’ While keeping the chunk to be interpreted short clearly aids accuracy in court, interpreting at such short intervals can lead to serious distortion of the message. Students need to learn that they can easily interpret longer chunks without loss of accuracy, that short consecutive need not necessarily imply short short consecutive!

During the course, students therefore have the opportunity to improve their practical consecutive interpreting skills as well as practising their note-taking skills for short and long consecutive interpreting in a variety of contexts. They are expected to be able to interpret competently in the short consecutive mode *without notes* (2-3 sentences at a time for approximately 15 minutes in total) as well as being able to competently interpret a narrative/descriptive text of approximately 500 words at sight from the second language into the first language. In addition, students are expected to be able to interpret in the short consecutive mode *with notes* (3-4 sentences at a time for approximately 15 minutes in total) and interpret a basic narrative/ descriptive text of approximately 500 words in the long consecutive mode *with notes* using their own system of note-taking from the second language into the first language. Students are also given guidance on aspects of professional practice in specific liaison interpreting settings (mainly health, legal and business settings).

Principles of Interpreting III is an introduction and an orientation to the field of simultaneous interpreting (without equipment). We emphasise right from the start that this module is only an introduction, and that students wishing to specialise in simultaneous interpreting with equipment at conferences will have to study further at a residential institution. Nevertheless, in view of the role that the simultaneous mode is increasingly playing in courtrooms around the world and in other formal and informal settings as well, we felt it to be important that students gain some experience in this in mode of interpreting. Learners are also given the opportunity to broaden the scope of their practical interpreting skills to include simultaneous interpreting without equipment and with/without text and learn to apply the strategies and coping tactics appropriate for this mode of interpreting.

We begin by discussing the general factors that make simultaneous interpreting seem difficult in comparison to consecutive interpreting. These general factors are always present in any kind of simultaneous interpreting situation, whether the speech is fast or slow, prepared or unprepared, technical or not. But there are also five specific factors or problem triggers which can increase the difficulty of a specific simultaneous interpreting task, namely: text complexity; lack of familiarity with the material; non-contextualised information, such as names and numbers; linguistic or syntactic dissimilarities between the source and target languages, and external factors such as background noise, etc.

We then discuss why it is that many interpreters perform simultaneous interpreting extremely well despite these difficulties. How does the simultaneous interpreter predict and process discourse with only a few words of text as a guide? In order to answer this question, we discuss how memory works, and how the limitations of short-term memory can be overcome by the use of the technique of chunking to organise

information. We discuss how chunking up, down and sideways (Katan 1999:147-8) at word level (eg chunking up to a more general word if a specific word is not lexicalised in the target language), and sentence level (using intonation, stress, pauses and sentence splitting to organise information) can assist simultaneous interpreters in organising and anticipating information. Most importantly, chunking up from sentence to text level by using knowledge schemas to make sense of what is being said (Cook 1995: 69) is the best way of all to predict information in simultaneous interpreting, and makes students realise why consulting parallel texts before interpreting is so valuable. The information which simultaneous interpreters encounter as they are interpreting is assumed to be at least partly derivable from schematically organized knowledge already represented in memory (Shlesinger 1998). For example, a simultaneous interpreter who hears a sentence like: “I would like to welcome you all here today,…” should be able to predict the type of situation and the type of speaker where that sentence might be used by chunking up to text level and thinking, “That sounds like the opening speech at a conference.” He or she is using the schema of a conference, which should allow him or her to predict the type of sentence which might come next, for instance: “I hope that this conference will be an enriching experience for us all” (Wallmach & Kruger 2003: 76).

We then build on students’ understanding of chunking while providing them with the opportunity to practise their simultaneous interpreting skills, with and without access to parallel texts. At the same time, we expose them to other coping tactics which can help them to deal with problems that may arise while interpreting (Gile 1995:208), and attempt to prioritise the choice of appropriate tactics in simultaneous interpreting. Tactics should be chosen so as to: maximise information recovery (rule 1); minimise interference between recovery of the affected chunk of speech and the transmission of neighbouring chunks (rule 2); maximise the communication impact of the speech (rule 3). Apart from choosing tactics according to the first three rules proposed by Gile (1995), there are two other rules, or rather habits, which interfere with good interpreting practice and should be avoided: the law of least effort (rule 4); and self-protection (rule 5) (Gile 1995: 208).

These tactics may be prioritised differently in different interpreting settings, and can become norms, or preferred forms of behaviour in those settings. For instance, in conference interpreting (simultaneous interpreting with/ without equipment), it is generally accepted that the prevailing norm emphasises fluency of output. There are numerous references in the literature on simultaneous interpreting which state that an interpretation should sound like an original speech, and that it is at its best when listeners forget that they are listening to an interpreter rather than the original speaker. Seleskovitch (1978), in particular, stresses the need for naturalness with regard to the interpreter’s output in the target language, and AIIC, the International Association of Conference Interpreters, admonishes its new and would-be members to “make your public forget they are ‘only’ listening to an interpretation.” (in: Pöchhacker 1995: 74). In other words, in terms of Gile’s (1995) rules for choosing tactics, rule 3 (maximise the communication impact of the speech) is generally considered to be the most important rule in conference interpreting. If it is consistently used, this rule becomes a norm which can be called the **fluency norm**. The second most important norm in conference interpreting could be said to be rule 1: maximise information recovery which, if used as a norm, becomes the **accuracy norm**. Another norm prevalent in conference interpreting which is not quite as easy to label, would seem to be similar to the idea behind Gile’s (1995) rule 2: minimise recovery interference. It can be expressed in the idea that macroprocessing (chunking up) is acceptable, i.e. deletion or generalization of unimportant pieces of information is allowed, if this helps to keep up a fluent output, since a full rendering of each separate element in the proposition is liable to use up the cognitive resources of the interpreter and may also exceed the capacity of the listener to process the target-language input. (Shlesinger 1999) calls this norm the **norm of condensation**. She also makes the point that macroprocessing may also entail **adding** material not found as such in the source text. The idea that simultaneous interpreters should always finish their sentences, *even if the speaker does not* is a clear

example of this.

Court interpreters exposed for the first time to the norms for conference interpreting, particularly those such as the fluency norm and the norms of compensation and addition, which arose as a result of the exigencies of the simultaneous mode as well as of the conference setting, are often disapproving of these norms, since they differ so radically from the norms of court interpreting, as we shall see later on. But when examining the norms operating in court interpreting, we need to bear in mind that the norms for court interpreting were developed in the context of short consecutive interpreting, which is a very different mode from simultaneous interpreting. Despite the fact that simultaneous interpreting does occur in the court setting (and in fact in some countries such as the United States, it is now the most common mode of interpreting used in certain phases of a trial), and despite the difficulties inherent in the simultaneous mode, very little allowance has been made for this in the norms. Often, what interpreters think they are doing or should be doing is not what is actually happening in practice. Or it might be that what users expect is different from what interpreters expect. Users might expect interpreters to interpret in a certain way, even though their expectations may be based on lack of knowledge of the interpreting process.

Thus there is a potential conflict between two sets of norms in court interpreting: the expectancy norms implicitly or explicitly projected by the court, and the performance norms based on the court interpreter's practical experience. The court demands *verbatim accuracy* (see earlier discussion) and **absolute impartiality**. (**Fluency**, while important, is not nearly as important as accuracy in the courtroom. So, in the interests of accuracy, court interpreters will try to interpret the hesitations, pauses, use of dialect by a witness as far as is possible. They will try not to smooth out the interpretation too much, even though they are aware that someone who does not understand the source language might think that it is the interpreter who is being incoherent, and not the original speaker.) Although the court interpreter (and interpreters involved in other types of legal interpreting) attempt to satisfy these norms, they also know that these norms may conflict with the actual performance requirements of the job. Absolute impartiality and neutrality are sometimes very difficult in sensitive cases such as rape or child abuse cases particularly, as is the case in South Africa, where court interpreters are not debriefed or given counselling. Using direct speech as an interpreter, which is correct professional practice, can also sometimes cause problems, by far the most difficult of which is the fact that using 'I' makes the interpreter identify much more closely with what is being said than would be the case if the interpreter were able to create some distance between himself and the client by using the third person (Wallmach 2002). Archbishop Tutu, chairperson of the Truth and Reconciliation Commission (1996-1999)⁶, recognises this in the foreword to his report:

It has been a gruelling job of work that has taken a physical, mental and psychological toll. We have borne a heavy burden as we have taken onto ourselves the anguish, the awfulness, and the sheer evil of it all. The interpreters have, for instance, had the trauma of not just hearing or reading about the atrocities, but have had to speak in the first person as either a victim or the perpetrator:

They undressed me and opened a drawer and shoved my breast into the drawer which they then slammed shut on my nipple! [or] I drugged his coffee, then I shot him in the head. Then I burned his body. Whilst we were doing this, watching his body burn, we were enjoying a braai on the other side.

(<http://www.mg.co.za/mg/projects/trc/1chap1.htm>)

⁶ The Truth and Reconciliation Commission was the fruit of protracted negotiations between politicians that culminated in the Promotion of National Unity and Reconciliation Act of 1995 (Government Gazette 1995). This Act established a commission which was to provide "as complete a picture as possible of the nature, causes and extent of gross violations of human rights" committed in South Africa between 1 March 1960 and 5 December 1993.

Other norms observed by researchers, of which court interpreters might not be aware, are the norm of **simplification** (some courtroom interpreters have been shown to **simplify** institutional discourse when interpreting to the defendant) and the norm of **conventionalisation** (they may also elevate the style of the defendant's responses when addressing the court).

4.2.2 Content of *Court Interpreting* modules

The modules on court interpreting (i.e. *Court Interpreting I, II and III*), focus specifically on interpreting in the legal and alternative dispute resolution settings, and provide students with the opportunity to specialise in the legal domain.

Court Interpreting I provides a general introduction to court interpreting in South Africa and aims at helping court interpreters to better understand their context of practice. The first section focuses on the diverse multilingual population of South Africa and the standard and non-standard language varieties spoken in the different provinces. Court interpreters are language practitioners, and it is vital that they be fully informed about the official and the heritage languages spoken in their country, as well as the suitability of certain languages to operate as the *lingua franca* of the judiciary. The court interpreter is viewed as a service provider who deals directly with citizens and immigrants of varying social, economic and linguistic status in the courts of law. The ability to assess the accused's level of education and economic status assists interpreters to anticipate whether the people who end up in courts of law will be able to participate effectively in their trials, with or without the assistance of the court interpreter, and/or legal representation.

The second section of the module discusses the South African court structure. Students must know the different types of courts at different levels, as tabled in S166 of Act 108 of 1996, as well as being aware of new developments as the Justice Department introduces a variety of special courts. With regard to the courtroom itself, students should be able to identify all the role-players and to distinguish between their different roles. Students should thus understand the accusatorial system of justice as employed by South African courts and be able to relate it to the physical layout of, and discourse participation in, the courtroom. Particular attention is paid to certain aspects of courtroom discourse such as its nature and structure. Particular emphasis is on the nature of adjacency pairs and questions and answers and the court interpreter's participation in this type of discourse. Students are also required to use real life courtroom situations to think about taboos and euphemisms and to explain how cultural and traditional behaviour among courtroom interlocutors influences the work of a court interpreter. The whole idea at this level is to introduce the courtroom as a linguistic context, and to portray courtroom discourse as *sui generis*, completely different from everyday conversations.

Court Interpreting II is essentially a "mixed bag" in that it covers a number of diverse aspects relating to the skills and knowledge required by a court interpreter in carrying out his or her duties. A court interpreter's day is filled with variety. The daily activities include dealing with personal issues such as determining language preferences of court participants; working with all levels of language usage (from non-standard forms to highly technical/scientific forms); acting as bridge across languages and sometimes even guiding bewildered participants through unfamiliar court procedures; always keeping the do's and don't's of court interpreting in mind. The module begins with an introduction to Dell Hymes' *ethnography of communication*, the study of language in relation to "the entire range of extra-linguistic variables which identify the social basis of communication" (Crystal 1985:113). These extra-linguistic variables are all the factors that influence the production and understanding of language in court. We examine the linguistic and situational issues in the High Court which affect the production and interpretation of courtroom

discourse, as well as the influence of situational factors on the court interpreter's communicative competence. At this stage we identify the ecological arrangements, i.e. the physical structure of the courtroom as having a direct impact on who says what to whom, when and why.

Whereas *Court Interpreting I* focuses mainly on issues arising in the magistrate's court, *Court Interpreting II* is oriented around more specialised issues. Students are introduced to the specialised language used during the production of expert/scientific evidence and learn that the expert witness differs from the ordinary witness mainly because he/she has the knowledge, skill and training to form an opinion that will assist any trier of fact to understand the evidence or to establish a fact in issue. Students are introduced to concepts such as forensic science, forensic analysis, and to categories of scientists whose investigations may be used in court as expert evidence, as well as learning to deal with the various types of expert evidence in practice. Students are also exposed to the use of language during alternative dispute resolution (ADR). The discussion of ADR includes a clear-cut definition of the concept as well as the distinction between ADR processes and courtroom litigation. This is essential because court interpreting has traditionally been associated with criminal and civil processes. ADR is then traced back to the traditional methods of dispute resolution and reference is made to aspects of *kgotla*, the Sesotho traditional court. The similarities between the two can only emphasise the advantages of ADR over litigation. The chapter closes with the distinction between primary and secondary processes of ADR and the role played by the interpreter in these processes.

Because a court interpreter has to deal with ethical issues as well as linguistic issues in court, this BA programme introduces a self-composed, unofficial model of a Professional Code for Court Interpreters that is meant to assist court interpreting students to understand the role of a court interpreter. Our discussion of this self-styled "Professional Code" thus starts by concentrating on the general nature of a professional code, i.e. what is understood by a professional code and what the purpose of a code is and then follows the phases of a criminal trial. The discussion is substantiated with examples from authentic court cases. The Code is studied in two parts, viz., professional practice which tables all that the interpreter ought to do, and professional ethics, which emphasises how it has to be done.

In *Court Interpreting III*, the main focus is to build quality into the court interpreting service. The chapter on quality management and assurance introduces a new concept, *Perfect Interpreting Process*, (PIP) a coinage which aims at revolutionising the court interpreting service into a quality service provider which has as its focal point continual improvement in "delighting" the customer. Traditional standards of performance, which allowed for bad interpreting which was full of errors, relied on guesswork, and contained omissions, breakdowns and general failures, are no longer acceptable. In terms of PIP, court interpreters should question existing and established mediocre practices, they should be willing to change for the better and be dedicated to the best practice.

The PIP strategy advocates massive training for the practising court interpreter. It looks closely at the changing South African scene, the concomitant changes in crime and the profile of the criminal and the resultant expansion in the court structure to include small claims courts, tax courts and sexual offences courts. At this level we are, therefore, compelled to focus also on gender and children's issues in court. Special emphasis is placed on the interpretation of cases of rape and other forms of molestation of women. Further emphasis is on the interpretation of child molestation and child abuse cases. Cross-cultural communication in court also forms an important part of this module because of the changes in the profile of the criminal. The next study unit constitutes a discussion of international perspectives and a brief comparison with the South African context. This module concludes with a chapter on aspects of human language technologies (HLT). This introductory chapter explains how HLT provide services such as the checking of spelling, grammar and style, the summarizing of texts, automatic translation, information

retrieval and information extraction. The chapter ends by showing how HLT can contribute to Perfect Interpreting Practice. While written translation is a minor part of a court interpreter's work, we nevertheless felt it to be important for students to be aware of the latest developments which can contribute to translation quality.

Finally, *Court Practice* is the “capstone” of the entire programme, a year-long module which, as previously mentioned, integrates the learning outcomes for the whole qualification. Students must complete three extensive assignments, which consist of both a written and an oral interpreting component, as well as an oral interpreting examination held in Pretoria (in moot court format and adjudicated by interpreter trainers, legal and language experts and magistrates). The written components of the assignments consist of field research (observation in court followed by a written report) in a number of difficult aspects of court interpreting: case preparation (including expert evidence), terminology preparation, ethical issues, the role of the court interpreter and legislation concerning the role of the interpreter, role conflict, team interpreting, and women and children in the legal system (domestic violence, rape, interpreting for child witnesses in the courtroom, handling sex discourses in the courtroom, handling stress in sensitive cases). Students will have encountered some of these issues theoretically over the years, but have not had the opportunity to conduct their own research on these topics and to analyse and communicate their findings in the form of an academic essay or report. The oral interpreting tasks for each assignment consist of sight interpreting, long and short consecutive interpreting and simultaneous interpreting practice in the above-mentioned contexts.

5. Assessment

Two types of assessment are used, namely formative and summative. Formative assessment is conducted in the form of written and oral assignments and/or portfolio assignments and summative assessment consists of written and oral examinations or portfolio tasks completed at the end of each semester.

5.1 Formative assessment

In an attempt to assist students to participate actively in the learning process, the workbooks for the *Principles of Interpreting* modules include a number of oral and written exercises which students complete as they go along. In addition, there are three assignments for each module, plus a “take-home” oral interpreting exam which is submitted on tape as an assignment. The assignments are made up of a number of written theoretical tasks and oral interpreting tasks based on the notes in the study guide and workbook. Assignment 1 (written and oral) is a self-assessment assignment which does not have to be handed in, and for which students receive model answers. Assignment 2 (oral) and Assignment 3 (written) must however be handed in and passed to earn the necessary 100 credits to gain admission to the examination. The assignment also counts 20% towards the final mark for this module.

The modules *Court Interpreting I, II and III* contain two types of formative assessment. The first comprises a number of self-assessment and test-yourself questions based on every chapter of the study guide. Students do not have to submit their responses for evaluation. The second type of assessment, handed in as Assignment 1, consists of a portfolio made up of three tasks dealing with research conducted in the Magistrates' Courts, High Courts and Alternative Dispute Resolution institutions. Students are required to collect and analyse data by observing court processes as they relate to, for instance, the charge/indictment, judgements, expert evidence and other aspects of forensic linguistics.

For *Court Practice*, students must complete three extensive assignments, which consist of both a written and an oral interpreting component, and count 75% of the final mark.

5.2 Summative assessment

In the case of *Principles of Interpreting* the examinations consist of a written theoretical component and a practical oral interpreting component. The written examination paper is two hours long and the oral (taped) examination is approximately 30 minutes long. The exam mark counts 80 marks, consisting of 40 marks for the oral practical interpreting exam plus 40 marks for the written exam. The assignment mark (oral and written) makes up the other 20% of the final mark. For *Court Interpreting*, summative assessment consists of a two-hour written examination based on the prescribed book and the study guides. The examinations consist of multiple choice questions, short questions as well as essay type questions. There is no written exam for *Court Practice*, but there is an oral interpreting examination held in Pretoria (in moot court format and adjudicated by a panel consisting of interpreter trainers, legal and language experts and magistrates). Students' marks for interpreting practice count over 60% of the overall mark - 37,5% for the oral portfolio tasks (12,5% x 3 assignments) completed during the year plus 25% for the oral examination.

5.3 Marking systems

We have developed outcomes-based marking systems for oral tasks as well as for written tasks and portfolio tasks, which are used for all six interpreting-related modules. The reasoning behind these systems is that the emphasis is not on marking answers wrong or right, but in assessing students according to the outcomes achieved in completing the assignment. Rather than awarding an impressionistic overall mark, we award marks for individual outcomes, allowing students to see where their strengths and weaknesses lie and to monitor their progress.

5.3.1 Marking system used for oral interpreting tasks

The practical side of interpreting consists of two main processes, namely the decoding or analysis of the source text and the encoding (i.e. expressing in the target language and target culture) of the source text into the target language version; these two processes together make up the interpretation. The underlying assessment principle is to recognise, in practical terms as well as in the context of the tasks set in the assignments, what constitutes a professionally acceptable standard in decoding the source text and encoding the target language version. Decoding the source text requires:

- (1) accuracy - the correct transfer of information and evidence of complete understanding; absence of misinterpretations;

whereas encoding the source text in the target language requires:

- (2) appropriate choice of vocabulary, idiom, terminology and register;
- (3) grammar and coherence of the TL message;
- (4) good interpreting technique and performance.

The practical interpreting work is evaluated according to the above assessment criteria, which are outlined in more detail below.

OUTCOME 1: ACCURACY OF MESSAGE

(Transfer of information, including dates, names, figures etc.)

Outcome not achieved (0)	Outcome achieved (+1)	Outcome exceeded (+2)	Distinction (+3)
Inadequate. Some understanding of message. But a number of misinterpretations or	Adequate. No serious errors or omissions. Some minor inaccuracies or	Good. No misinterpretations No more than 3 minor shifts in	Excellent. Totally accurate transfer of information. Perfect

inaccuracies and occasional serious errors or omission lead to false transfer of information.	misinterpretations may be present	meaning.	interpretation.
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OUTCOME 2: VOCABULARY, IDIOM, REGISTER, PURITY IN TL

Outcome not achieved (0)	Outcome achieved (+1)	Outcome exceeded (+2)	Distinction (+3)
Inadequate. Number of clumsy or inappropriate renderings which seriously impair/distort the message. Little/no sense of register.	Adequate. Some peculiarities but will not impair overall acceptability of message. Some incorrect choice of register and idiom.	Good. Vocabulary, terminology and idiom are appropriate throughout. Register is mostly appropriate.	Excellent. Language and register entirely appropriate to subject matter and intention of original.

OUTCOME 3: GRAMMAR AND COHERENCE IN TL

Outcome not achieved (0)	Outcome achieved (+1)	Outcome exceeded (+2)	Distinction (+3)
Inadequate. Blatant grammar errors. Inappropriate structural features. Very stilted, incoherent, very literal rendering of structure of SL.	Adequate. Some grammar errors present. Structure is sound, but there may be some incoherence or awkwardness. May be too close to original resulting in a stilted TL message.	Good. Near-perfect grammar. Good structure, coherent links between ideas.	Excellent. Grammar perfect. Fluent and natural expression in target language. Sounds like an original message. Structure, links and discourse organisation are all entirely appropriate to TL.

OUTCOME 4: INTERPRETING TECHNIQUE AND PERFORMANCE

(presentation, confidence, fluency of delivery, hesitations, backtracking, irritating habits, etc.)

Outcome not achieved (0)	Outcome achieved (+1)	Outcome exceeded (+2)	Distinction (+3)
Inadequate. Some major faults in technique, making interpretation unacceptable in professional terms.	Adequate. Correct in major technical elements but more than 2 faults in technique.	Good. Good public speaking skills; Less than 2 minor faults in technique.	Excellent. Faultless public speaking skills. No hesitations or irritating habits; absolutely fluent and confident delivery.

Ticks are made against the quality category achieved for each outcome, ranging from ‘outcome not achieved’, to a distinction. Pass marks are awarded to those who achieve all four outcomes and distinctions to those who achieve distinctions for at least 3 outcomes. Each student starts off with 7 marks out of 20 marks, and then the marks for outcomes 1, 2, 3 and 4 are added. For example, 7/20 plus 1 mark for ‘outcome achieved’ in the first category, 2 marks for ‘outcome exceeded’ in the second category and 1 mark each for ‘outcome achieved’ in the final two categories. This adds up to a total of 12/20 or 60%.

5.3.2 Marking system used for portfolio tasks

The gist of the *Court Interpreting* modules is that would-be interpreters should understand the context in which court interpreting is carried out. They should also understand exactly how pivotal the role of the court interpreter is in assisting the court to hear and adjudicate over cases. This can be achieved by the students’ actual observation and study of real court proceedings over and above the study of the study guides and prescribed book. The major learning outcomes assessed in the portfolio tasks are whether the

student:

- (1) is willing / able to assume responsibility for his/her learning;
- (2) can make experience an integral part of his/her learning;
- (3) is able to reflect on his/her prior learning/experience and to link theory and practice;
- (4) can take risks while learning and developing creative solutions;
- (5) can work meaningfully with concepts and content.

In the table below, we refer to the second outcome in order to exemplify how portfolio tasks are evaluated:

OUTCOME 2: EXPERIENCE AS VITAL PART OF LEARNING

(Visits to courtrooms, observing trials, recording discourses, etc.)

Outcome not achieved (0)	Outcome achieved (+1)	Outcome exceeded (+2)	Distinction (+3)
<p>Inadequate The student has failed to demonstrate the value of experience to learning.</p>	<p>Adequate The student has attempted to focus on learning and the product thereof as influenced by experience.</p>	<p>Good. Sufficient inclusion of proof that the student appreciates the value of conducting research and accumulating data.</p>	<p>Excellent Reflective items have been included which indicate the student’s awareness of the value of learning through experience, as well as the value of knowledge gained.</p>

5.3.3 Marking system used for written tasks

The four major outcomes assessed in written tasks in assignments and examinations are the following:

- (1) understanding and application of the key concepts used in interpreting;
- (2) the student’s ability to reach a reasoned conclusion based on the information given;
- (3) the student’s ability to communicate ideas effectively; and
- (4) the student’s ability to think analytically and critically about the interpreting process.

In the table below, we refer to the third outcome in order to exemplify how written tasks are evaluated:

OUTCOME 3 = ability to communicate your ideas effectively

Outcome not achieved (0)	Outcome achieved (+1)	Outcome exceeded (+2)	Distinction (+3)
<p>Answers to questions are unstructured, incoherent or full of errors Answers do not relate to the question</p>	<p>Answers to questions relevant to the question but unstructured or containing errors</p>	<p>Answers to questions clear, relevant, well-organised and in a style appropriate to the target audience</p>	<p>Answers to questions clear, relevant, well-organised, error-free and in a style appropriate to the target audience, with creative and innovative comments and suggestions</p>

6. Conclusion

To sum up, devising a degree for the training of court interpreters in South Africa was a consequence of the failure on the part of the Justice Department to provide clear guidelines for the execution of interpreting in the South African courts of law. The lack of an official professional code and a court interpreters’ act means that the role of the court interpreter will continue to be misunderstood by all those who deal with the court interpreter, from the highest judge to the lowest accused person; the court interpreter will continue to suffer discrimination as the least academically qualified role-player in court, despite all the linguistic and interpreting skills acquired; and court interpreters who are, intentionally or

inadvertently, unethical and unprofessional in carrying out their task will continue to exist. Devising this degree, therefore, has been a huge challenge both for the lecturers involved and for the students, who have played an active role in shaping the degree to suit their needs. Discussion classes have proved to be an active breeding ground for new ideas and new approaches, as well as for feedback as we learn of the newly acquired self-confidence among practising court interpreters who, despite the fact that they may have been practising for many years, now feel that they can take their place alongside attorneys and magistrates as professionals in the courtroom. The success of the degree thus far, as well as the many aspects still not covered, have led us to consider establishing a postgraduate course for court interpreters which focuses on research skills in the fields of forensic linguistics, specialised legal procedures, terminology and lexicography, as well as on the management and administration of the court interpreting service.

List of sources

- Aguilar-Amat, A. & Santamaria, L. 1998. Terminology policies, diversity and minoritised languages. In: Chesterman, A., San Salvador, N.G. & Gambier, Y. *Translation in context: Selected contributions from the EST congress, Granada 1998*. Amsterdam: John Benjamins:73-86.
- Chesterman, A. 1997. *Memes of Translation*. Amsterdam: John Benjamins.
- Census in brief, Report No. 1:03-01-11 of 1996.
- Cook, G. 1995. *Discourse*. Oxford: Oxford University Press.
- Corsellis, A., Hertog, E., Martinsen, B., Ostarhild, E. & Van den Bosch, Y. 2003. European equivalencies in Legal Interpreting and Translation. In: Brunette, L, Bastin, B. Hemlin, I. & Clarke, C. (eds.) *The Critical Link 3: Interpreters in the Community*. Amsterdam: John Benjamins: 293-305.
- Crystal, D. 1985. *A Dictionary of linguistics and phonetics*. Oxford: Basil Blackwell.
- Erasmus, M., Mathibela, L., Hertog, E. & Antonissen, H. (eds.) 1999. *Liaison Interpreting in the Community*. Pretoria: Van Schaik.
- Department of Education Language in Education Policy, 14 July 1997. <http://www.polity.org.za/html/govdocs/policy/edulangpolicy.html>
- Gentile, A., Ozolins, U. and Vasilakakos, M. 1996. *Liaison Interpreting: A Handbook*. Melbourne: Melbourne University Press.
- Gile, D. 1995. *Basic Concept and Models for Interpreter and Translator Training*. Amsterdam: John Benjamins.
- Government Gazette. 1995. Pretoria: Government Printers, 26 July.
- Grice, H.P. 1975. "Logic and conversation." In Cole, P. & Morgan, J.L. (eds) *Syntax and Semantics Vol 3: Speech Acts*. New York: Academic Press.
- Jacquemond, R. 1992. "Translation and cultural hegemony: The case of French-Arabic translation" In Venuti, L. (ed.) 1995. *Rethinking translation*. London: Routledge: 139-158.
- Jones, R. 1998. *Conference interpreting explained*. Manchester: St Jerome.
- Katan, D. 1999. *Translating cultures: An introduction for translators, interpreters and mediators*. Manchester; St Jerome.
- Matyssek, H. 1989. *Handbuch der Notizentechnik für Dolmetscher: ein Weg zur sprachunabhängigen Notation*. Heidelberg: J. Groos.
- Mikkelson, H. 2000. *Introduction to court interpreting*. Manchester: St Jerome.
- Mikkelson, H. 1999. Verbatim interpretation: an oxymoron. <http://www.acebo.com/papers/verbatim.htm>
- Moeketsi, R.H., 2002 : "Understanding the other: A case of mis-interpreting cultural utterances during Alternative Dispute Resolution" in Cotterill, J. (ed.). *Language in the Legal Process*, Palgrave Publishers:196-210.
- Moeketsi, R.H., forthcoming: "Court Interpreting: A prism of language, culture and the law", in *International Perspectives on Language and the Law*, edited by S. Blackwell Amsterdam: John Benjamin.
- Moeketsi, R. 1999: *Discourse in a Multilingual and Multicultural Courtroom: A Court*

- Interpreters' Guide. Pretoria: JL van Schaik.
- Moser-Mercer, B. Frauenfelder, U.H., Casado, B. Künzli, A. 2000. Searching to define expertise in interpreting. In: Dimitrova, B.E & Hyltenstam (eds.) *Language processing and simultaneous interpreting*. Amsterdam: John Benjamins.
- Nord, C. 1997. *Translating as a purposeful activity*. Manchester: St. Jerome.
- Pöschhacker, F. 1995. 'Clinton speaks German': A case study of live broadcast simultaneous interpreting. In Snell-Hornby et al., eds. 207-216.
- Pym, A. 1992. *Text and transfer*. Frankfurt: Peter Lang. Out of print: Accessed at <http://www.fut.es/~apym/on-line/tt/7.htm>
- Roza, J.-F. 1956. *La prise de notes en interprétation consécutive*. Genève: Georg.
- SAQA Act (1995) (Act No. 58 of 1995, Section 14) Government Gazette No. 18787, March, 1998.
- Schweda Nicholson, N. 1990. "Consecutive note-taking for community interpretation." In: *American Translators' Association Series: Interpreting - yesterday, today and tomorrow*. vol IV. New York: State University of New York:97-100
- Seleskovitch, D. 1978. Language and Cognition. In: Gerver, D. & Sinaiko, W.H. (eds.) *Language interpretation and Communication*. New York: Plenum Press:333-341.
- Shlesinger, M. 2000. Interpreting as a cognitive process: how can we know what really happens? In: Tirkkonen-Condit, S. & Jääskeläinen, R. *Tapping and mapping the processes of translation and interpreting: outlooks on empirical research*. Amsterdam/Philadelphia: John Benjamins.
- Shlesinger, M. 1999. "Norms, strategies and constraints: how do we tell them apart?" In Lugrès, A.A. & Ocampo, A.F. (eds.), *Anovar/Anosar: Estudios de traducción e interpretación*. Vigo: Universidade de Vigo:65-77.
- Shlesinger, M. 1998. Interpreting as a cognitive process: What do we know about how it is done? In: Fernández, Leandro Félix and Emilio Ortega Arjonilla, eds. 1998. *II Estudios Sobre Traducción e Interpretación*. Volume II. University of Malaga Press:749-766.
- Truth and Reconciliation Commission, 1996-1999, *Truth and Reconciliation Commission of South Africa Report*, Foreword by Archbishop Desmond Tutu, Volume 1, Chapter 1. (<http://www.truth.org.za>.)
- Venuti, L. 1998. *The scandals of translation*. London: Routledge.
- Wallmach, K. 2000. Examining simultaneous interpreting norms and strategies in a South African legislative context: a pilot corpus analysis. *Language Matters*, vol 31:198-221.
- Wallmach, K., 2002. 'Seizing the surge of language by its soft, bare skull': Simultaneous interpreting, the Truth Commission and *Country of my skull*. *Current Writing*, Special issue on Translation and Power, vol 14 (2).
- Wallmach, K. & Kruger, A. 2003. *Principles of Interpreting 3: Notes and workbook* (PIN301-X/501/1/2003). Pretoria: University of South Africa.

Addendum A: Language courses, language requirements and elective modules

The **language courses** for the BA with specialisation in court interpreting are offered by the language departments in the Faculty of Humanities and Social Sciences. Students are required to complete a total of nine language modules for the programme. As regards the official languages of South Africa, they may choose from Zulu, Xhosa, Swati, Sesotho, Northern Sotho, Tswana, Venda, Tsonga, Afrikaans and English. Other languages available are French, Portuguese, Arabic, German, Spanish, Italian, Mandarin Chinese, Shona and Russian. These courses are taught by means of a combination of distance teaching (written notes and audio cassettes as part of the study package, and written assignments and oral assignments in the form of audio cassette tapes marked by lecturers) and contact teaching (lectures as part of discussion classes and videoconferencing).

Students' languages are classified according to the **standard classification for interpreting**, i.e. A, B, C, and D languages. The A language is the student's first language. Native or near-native proficiency in both speaking and writing is required, and the student must be able to interpret from the B, C or D language into this language as well as being able to interpret from this language into the B language. Students must have matriculation exemption (Grade 12 with university entrance) in their first languages in order to take a language as an A language. Alternatively, students with a foreign language as mother tongue and who did not complete their schooling in South Africa may complete a language proficiency test with the Romance Language Department. In order to classify the second language as a B language, the student must have near-native proficiency in both speaking and writing, and must be able to interpret from this language into the A language, as well as being able to interpret from the A language into this language. In general, the B language is the language of the courtroom, i.e. English or Afrikaans, which is why students must be able to interpret into as well as from the B language. Students must have matriculation exemption (Grade 12 with university entrance) in either English or Afrikaans as second language in order to take one of these languages as a B language. In South Africa, all school pupils are required by law to take at least two languages in order to pass Grade 12, eg Zulu as first language and English as second language (Department of Education Language in Education Policy, July 1997). Students must have good proficiency in both speaking and writing the C and D languages, and must be able to interpret from these languages into the A or B language. Although international standards do not require interpreters to interpret into the C and D languages, the South African reality is such that a Mosotho court interpreter often interprets between English/Afrikaans and Xhosa/Zulu. There is no language proficiency test for C or D languages.

Students with the African languages of South Africa in their language combinations are required to take either 3 or 4 languages (i.e. 3 modules of A language, 3 modules of B language and 3 modules of C language; or 3 modules of A language, 2 modules of B language, 2 modules of C language and 2 modules of D language). The A language will be the student's first language or mother tongue and, in general, the B language will be either English or Afrikaans. Wherever possible, students are encouraged to choose their C languages from a different language family to that of the A language, in order to increase their marketability as court interpreters (and bearing in mind that most students will already speak and understand a third, or even a fourth, language, having grown up in a multilingual environment). In other words, if a student's first language (A language) belongs to the Nguni language group (Swati, Zulu, Xhosa), then his or her C language should preferably belong to the Sotho language group (Pedi, Sotho, Tswana) or alternatively, one of the smaller African languages, namely Venda or Tsonga.

Students with foreign or heritage languages in their combination are required to take either 2 or 3 languages (i.e. 6 modules of B language plus 3 modules of A language or vice versa, or 3 modules of A language, 3 modules of B language and 3 modules of C language). English or Afrikaans must be one of the

languages chosen. All foreign language modules selected for the programme are at second or third year level only. In other words, no credit is given for first-year language courses as part of the nine-module language requirement, since these courses require no prior knowledge of the languages. Students with a foreign language as their first language are allowed to register directly for second-level modules after passing a language proficiency test.

The **law modules** are the same modules as those taken at first year level by students registered for the LLB degree through the Faculty of Law, and have not been simplified in any way for court interpreters (Court interpreters taking the Diploma in Legal Interpreting can only take so-called “street law” courses, and do not have access to any degree courses in law). We felt it to be important for the court interpreter to have access to the same law courses as prospective prosecutors, magistrates and other lawyers participating in the courtroom. Those students wishing to pursue law rather than court interpreting in the future are automatically able to transfer their credits, and will have already completed nine modules (seven law modules plus two language modules) out of the requisite forty required for the LLB.

In addition, there are four **elective modules** in the programme which are aimed at contributing to the overall development of competent court interpreters. Three elective modules, one at each level, are chosen from a list of recommended Humanities and Social Sciences subjects and the fourth elective module is chosen from a list of recommended law subjects. While students are allowed to choose any module from the Faculty of Humanities and Social Sciences for their elective modules, we recommend that they choose modules dealing with communication skills, public administration, development administration, psychology, sociology or cognitive linguistics. Many students elect to take extra language modules, particularly if their languages are not yet of a sufficient standard. The law elective can be chosen from the following modules: *Indigenous Law*; *Interpretation of Statutes*; *Law of Evidence*; *Fundamental Rights*; *Forensic Medicine*; *Criminal Law* (module 2), *Civil Procedure* or *Introduction to Criminology: Causation, Explanation, Prevention and Reaction to Crime* (module 2). While it would clearly be advantageous for students to do all of these courses, this is simply not possible within the constraints of the curriculum.