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Court Interpreting in Zimbabwe: A Descriptive Study of Consecutively-Interpreted Rape Trials in Regional Magistrates' Courts

by

Paul R. Svongoro

A thesis submitted to the Faculty of Humanities of the University of the Witwatersrand, Johannesburg, in fulfillment of the requirements for the degree of Doctor of Philosophy in Translation/Interpreting

Supervisor: Dr Kim Wallmach

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DEDICATION

This work is dedicated first and foremost to all court interpreters in Zimbabwe and beyond whose work in the justice system is of utmost importance but rarely recognised. I also devote this work to my wife, Tafadzwa, and to my sons, Simbanashe and Ngonidzashe, who are always a source of inspiration in everything I do.

DECLARATION

Student number: 604684

According to Rule G27 of the Rules for Student Discipline, I declare that this thesis entitled,

Court Interpreting in Zimbabwe: A Descriptive Study of Consecutively-Interpreted Rape Trials in Regional Magistrates' Courts

is my own work and that I am the sole author. All the sources that I have used or quoted have been indicated and acknowledged by means of complete references.
It is submitted for the degree of PhD (Translation/Interpreting) at the University of the Witwatersrand, Johannesburg and has not been submitted in order to obtain any other qualifications with another university.

Paul R. Svongoro

Signature……

Date……

ABSTRACT

This is a linguistic investigation of English and Shona consecutively-interpreted rape trials heard in selected Regional Magistrates' courts in Zimbabwe. The Zimbabwean magistrates' courts can be regarded as a special context because, in most trials, the court officials in an English-medium trial also speak the language(s) of the accused/witness, although they conduct the trial in the language of the court, i.e. English. In such a unique context, the interpreter is not the only bilingual participant. This is unlike many other bilingual settings where court officials do not speak the language of the accused/witness. Specifically, the study investigates the contention between, on the one hand, the impression of the role of the interpreter as a translating device, reflected in court interpreters' guidelines in Zimbabwe and, on the other hand, the reality of the interpreting situation. Focusing on the effect of additions and omissions on source language utterances, the study employs an interdisciplinary approach which draws from interpreting studies approaches, discourse analytic approaches and corpus-based interpreting studies to investigate interpreted courtroom discourse. The main source of data is question/answer transcripts of consecutively-interpreted rape trials heard at two regional magistrates' courts in Zimbabwe, making the study principally linguistic although it employs aspects of ethnography. Data from transcripts were supplemented by 92 hours of observation of open court proceedings and structured and semi-structured interviews with court interpreters, magistrates and public prosecutors. The findings presented in this study reveal that, because court interpreters are mindful that their primary goal is to ensure that participants fully understand each other's communicative intentions, they adopt a strategy for conveying renditions which would ensure that a speaker's communicative motive, and not only his/her actual words, is available to an end receipient. The resultant interpreted discourse thus reveals some additions and omissions which may impact on the propositional content and style of the source language message. It is possible to argue that the interpreters included these elements based on their intuitive reasoning. The study therefore argues that the presence of additions and omissions in the interpreters' renditions could be explained in terms of court interpreters' awareness of the importance of pragmatics and context. In this way, the interpreters' renditions, as confirmed by my findings, support the expectation that court interpreters are always mindful of the need to convey the speakers' meaning in full. The study therefore makes a special contribution, from an African point of view, to the debate on interpreters' role perception by advocating a move towards a more holistic account of dialogue interpreting encounters in which all features are taken into account so that the interpreter's role is better appreciated. The recommendations the study makes on how various stakeholders can work with interpreters will ultimately enhance the quality of interpreting service provision to ensure that the rights of the people for whom they interpret are safeguarded. Although the findings of this study are based on data from Zimbabwean courtrooms, many of the issues raised in this study would be of interest to other interpreter-mediated courtrooms.

Key words: consecutive interpreting, court interpreting, discourse analysis, role of the court interpreter

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ABBREVIATIONS

Abbreviations used in the transcripts

A	Accused Person
I	Interpreter
I1	Interpreter One (when the trial involved more than one interpreter)
I2	Interpreter Two (when the trial involved more than one interpreter)
M	Magistrate
PP	Public Prosecutor
W	(State) Witness

Abbreviations used in the thesis

AIIC	Association Internationale des interprètes de conférence
ALRC	Australian Law Reform Commission
AUSIT	Australian Institute of Interpreters and Translators
BNC	British National Corpus
CA	Conversational Analysis
CALS	Centre for Applied Language Studies
CDA	Critical Discourse Analysis
CI	Consecutive Interpreting/Interpretation
CIS	Corpus-based Interpreting Studies
CTS	Corpus-based Translation Studies
CL	Corpus Linguistics
DPSI	Diploma in Public Service Interpreting
DoJCD	Department of Justice and Constitutional Development
IIT	Interpreter-initiated turns
IOL	Institute of Linguistics
LSPs	Language Service Professionals
NAATI	National Accreditation Authority for Translators and Interpreters
NAJIT	National Association of Judicial Interpreters
NRPSI	National Register of Public Service Interpreters

RID	Registry of Interpreters for the Deaf
SADC	Southern African Development Community
SATI	South African Translators' Institute
SL/TL	Source Language/Target Language
TAALS	American Association of Language Specialists
ZJSC	Zimbabwe Judicial Service Commission

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CHAPTER 1: INTRODUCTION

1.1 Introduction and background

From Ancient Egypt to the 21st century, interpreters have enabled communication between speakers of minority and majority languages. This means that the practice of interpreting from one language form into another on the African continent, as elsewhere, goes back thousands of years. Although this observation emphasises the critical role played by the interpreter since the origins of cross-linguistic communication, it is paradoxical that the interpreters' role, which has occupied centre stage, remains one that is highly misunderstood and, as a result, contested (De Jong, 1992; Angelelli, 2004). In most African countries, research (e.g. Moeketsi, 1999; Moeketsi and Wallmach, 2005; Usadolo, 2010; Lebese, 2013; Svongoro and Kadenge, 2015) has shown that a misunderstanding of the interpreter's role is worsened by the absence of clear legislation defining the role of court interpreters. Lebese (2013: iv) points out that "this has resulted in legal officials (magistrates and judges) forming their own opinions as to what the role of court interpreters is". Angelelli (2004) identifies a number of interpreter roles. For example, the interpreter in her glass booth facilitates communication during international conferences. In a hospital, medical interpreters are critical in treating the health of an ailing patient. In a court of law, another interpreter helps to bring justice to speakers of minority languages. In the case of Zimbabwe's pre-independence justice system, those who could speak English, the language of the former colonial master, provided language mediation between the majority Shona or isiNdebele speaking Africans and the minority English speaking magistrates and district administrators (DAs) who were the administrators of colonial justice. If communication is to succeed in each of these settings, the interpreter must be attuned to the social realities of the speakers and pay attention to the socio-cultural factors affecting communication, such as the social background of the interlocutors, or the constraints imposed by the context of the interpreted communicative situation.

Interpreters in the above mentioned examples have a similar objective – to expedite communication. Facilitating communication is, therefore, the basis for the interpreters' role. A unique feature of this role since its origin was that it was performed between two parties that did not share the same status (Roy, 1993; Eades, 1996; Metzger, 1999; Angelelli, 2004). This difference in power and status has characterised the field since its conception, and these power

differentials vary from one situation to another, as does the nature of situated practices. Although interpreters have always been necessary, not only for bridging communication between individuals who speak different languages but, also, for reducing the social disparities among them, their role remains one that is highly obscure and, consequently, a subject for debate. According to Barsky (1996) and Mikkelson (1999), and also noted by Angelelli (2004), interpreters have been required since ancient times to take an oath stating that they would interpret without bias, neither omitting nor adding anything. The assumption at the time was that a rendition could be unbiased, and that the interpreting of the meaning of the message was independent of the interpreter him/herself and of how the parties constructed it. Today, too, the chief concern of most interpreter organisations is accuracy (Jacobsen, 2002). Interpreters are expected to relay accurate renditions of a message. There are some who even expect the interpreter to make communication between parties as "smooth as it would be" if the parties shared a common language (Hoffman, 1994: 16). According to Angelelli (2004), most of the codes of ethics of many organisations set this insurmountable goal as an achievable reality and, as a result, a tension has emerged between the dictated and the actual role of the interpreter. The main concern of professional interpreter organisations was to dictate how that role should be played out rather than to understand the complexity of the role that interpreters play as they facilitate communication in various contexts of their work. The problem that arises from such dictation is that it leads to the distortion of the reality of the interpreter at work, limiting the opportunities for understanding the multifaceted and complex role that interpreters play. Hale (2004) rightly points out that the different contexts in which interpreters perform, and the people for whom they interpret, impose different challenges and needs on the interpreted communicative events they facilitate. Thus, their role as interpreters undergoes constant change in order to satisfy those needs and constraints. This is a part of the practice of interpreting that should not be overlooked.

In spite of the progress made in the last two decades in which the perception of the interpreter's role has shifted from a language conduit to an essential partner in cross-cultural conversation or a co-participant to the interaction (Angelelli, 2004: 36; Svongoro, 2015), interpreters' guidelines, such as those laid down in Hoffman (1994) for court interpreters in Zimbabwe, continue to perpetuate the traditional view of the interpreter as a translating gadget, simply transferring linguistic products from one language into another (Jacobsen, 2003).

In particular, some of Hoffman's (1994: 14) rules for interpreters in Zimbabwe state that:

(1) The interpreter shall not him/herself add or enlarge on any statement made by a "speaker".

(2) The interpreter shall not him/herself put any question to any "speaker", unless the answer to such question is necessary to enable the interpreter to grasp the "intended idea".

(3) The interpreter shall not omit or fail to interpret any part of any utterance because it is not understood by him/her, or because he/she thinks it should not be interpreted, unless he/she informs the bench of his/her omission.

(4) The interpreter shall not directly or indirectly alter the style, force or impact of any utterance be it a question or a statement of fact.

However, from the 1980s, as empirical studies on the portrayal of the interpreter began to emerge, the traditional view of the interpreter began to be challenged.

Although most of these studies were conducted in one specific setting, utilising ethnographies of communication and discourse analysis (cf. Berk-Seligson, 1990; Jacobsen, 2003; Hale, 2004), the studies began to advance a more visible role of the interpreter. In disregard of the evidence presented in these studies, many professional organisations still continue to state that interpreters are neutral, objective conduits in the communicative event. Such a view about the role that interpreters play continues to be overshadowed by the invisible ideology perpetuated by the existing form of practice. In view of the above contestations regarding the role of the interpreter, this study attempts an empirical investigation of court interpreting in Zimbabwe to obtain a deeper understanding about interpreters' responsibilities, about what they do, what they think they should do, and what others expect them to do in "face-to-face" courtroom trials which have their own constraints as well as being constrained by societal norms (Mason, 2001).

1.2 Scope and aims of the study

This thesis is a linguistic, corpus-based investigation of consecutively-interpreted question-answer interactions in a courtroom setting, an activity commonly referred to as court interpreting. It focuses on consecutively-interpreted rape trials in the Zimbabwean bilingual courtroom. The Zimbabwean bilingual courtroom could be regarded as a special context in the

sense that the court officials in an English-medium trial also speak the language(s) of the accused/witness, although the trial is conducted in the language of the court, i.e. English. In such a unique context, the interpreter is not the only bilingual participant. This is unlike many other bilingual settings where court officials do not speak the language of the accused/witness. In such a setting, the different court players strategically use various aspects of language which court interpreters have to deal with in their interpretations on a daily basis.

The central aim of this study is to carry out a detailed empirical investigation into the contested role of the interpreter during the three-party communication process in this special context. Specifically, the study investigates the contention between, on the one hand, the impression of the role of the interpreter as a mere translating device, reflected in court interpreters' guidelines such as those referred to above by Hoffman (1994) and, on the other hand, the real world of the interpreting setting in the courtroom.

1.3 The research questions

This study is based on the following two research questions:

(1) To what extent do court interpreters follow the rules (presented above among others) prescribed by Hoffman's (1994) guidelines for court interpreters in Zimbabwe?

(2) To what extent, and with what effect, do court interpreters in Zimbabwe act outside the rules prescribed by Hoffman's (1994) guidelines for court interpreters?

My expectation is that the primary mandate of court interpreters is successful interaction. In order for this target to be achieved, court interpreters are aware that participants will have to fully comprehend each other's meaning. For this primary purpose to be achieved, court interpreters avoid providing mere literal versions of speakers' source language utterances as set out in Hoffmann (1994) and Feltoe (1993), as this does not necessarily lead to comprehensive understanding. End receivers who are "unaccustomed with the context" (linguistic and/or situational) of the interaction will not be able to fully infer speaker meaning (Hale, 2011). In order to compensate for the differences in inferencing abilities of end receivers, the interpreters adopt a strategy for conveying the speaker's communicative aim, rather than merely his/her actual words. The resultant target language discourse will therefore contain

some additions, some of which have an emphasising effect on the source language message, and others which have a down-toning effect. Here emphasising additions refer to those additions which serve to "increase the force of an utterance, or part of an utterance, in the source language" (Svongoro, 2015: 107). The interpreter may add emphasis by including one or more items which were not present in the source language (SL) utterance, either explicitly or implicitly, or by stressing one or more items in the interpreter's target language (TL) discourse which was not stressed in the SL utterance. Down-toning additions, on the other hand, have a reverse function isias "they serve to dilute the force of the utterance, or part of the utterance, in the SL" (Svongoro, 2015: 114).

I thus established the following two expectations:

(1) Court interpreters' verbal behaviour reflects, first and foremost, their commitment to enabling successful communication in the courtroom.
(2) As a result of this commitment, court interpreters' target language (TL) discourse will reveal a variety of emphasising and down-toning additions and omissions, most of which are different from real errors committed unconsciously.

1.4 Justification for the study

As a result of years of colonialism under the British, there are two legal systems in Zimbabwe. The first is customary law as practised by the traditional chiefs. Customary law is a continuation of the law practiced in Zimbabwe before British colonialism in the 19th century. The second is criminal law, as practiced for instance at the magistrates' courts, which is a legacy of the colonial era, introduced by the British. Whereas customary law is practised in the language of the chief and his people, i.e. Shona or Ndebele (or any other indigenous language), criminal law is practised in the language of the former coloniser, i.e. English. After Zimbabwe's independence from the British in 1980, The Report on the Formulation of a National Language Policy (1998: 25) states that in the Constitution of Zimbabwe (Articles 82 and 87) (before Amendment No. 20 of 2013):

> There is recognition of the convention that in Zimbabwe law is practised in English… The only concessions allowed are to be found in Articles 13 and 18 of the Constitution,

> which state that a person who is arrested or detained shall have his or her charge or reason of detention explained "in a language that he understands" [Articles 13 and 18(3) (b)] and shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial, that is, English [Article 18(3) (f)].

According to the same report (also cited in Svongoro, 2015), more than 98% of Zimbabwe's population speaks one or more African language as their mother tongue or first language. For the vast majority, English is learnt formally in schools but remains a second language. Even for those who speak English fluently, or with near fluency, the technicality of legal English and the specialised use of ordinary terms, cause "great obstacles to communication" in the courts of law (Du Plessis & Wiegand, 1998). This makes the use of an interpreter a necessity in the majority of cases. Hoffman (1994) and Feltoe (1993: 56) stress the importance of the interpreter in the court:

> As the pivot of the court, the interpreter bears a heavy responsibility in the administration of justice, because upon him [*sic*] depends, to a great degree, the proper elucidation of the issues, thereby avoiding a miscarriage of justice, i.e. upon his word may depend the liberty, reputation or, at times, the very lives of the accused persons (Hoffmann, 1994: 1).

Despite this crucial language mediation role played by interpreters in courtrooms, there is a dearth of pertinent studies on interpreter-mediated exchanges in the courts of law in Zimbabwe. To my knowledge, a short paper by Dube (1999) and an unpublished Masters of Arts dissertation by Van Grieken (2001) remain the notable contributions in that area. More recently, Svongoro and Kadenge (2015) and Svongoro (2015) have re-kindled academic interest in this understudied area. However, none of these studies delve into extensive research about issues pertaining to the complexities of language mediation, even though court interpreters are often accused of being inconsistent, inaccurate, and giving incomplete renditions during criminal trials. An article that appeared in the *Daily News* of 9 March 2001, titled "Lawyer walks out of court over interpreter", and another in *The Herald* of 16 January 2008, entitled "Court Interpreters should be well paid", are typical examples of such accusations.

Peripheral findings from cases studied by Van Grieken (2001: 14) (see also Jacobsen, 2009) reveal that there have been performance shifts, or what she terms "interpreter mis-interpretations and mis-representations". The shifts observed by Van Grieken (2001) seem to suggest that there is a conflict between the objectives of interpreting set out in Hoffman's (1994) guidelines and the observable reality of the interpreted encounter. However, Moeketsi's (2000: 227) view is that "court interpreting should allow the accused person or any other party who does not speak the language of the court to participate effectively in the case that concerns them as though the proceedings were conducted in their own language". This implies that the interpreter, as an officer of the court, is a pivotal role-player in the proceedings and does not merely have a functional role of converting a speaker's message verbatim from one language into another.

In view of this contention between the role of the court interpreter as prescribed by Hoffman (1994) and the reality of what actually takes place in an interpreter-mediated trial, the current study seeks to undertake a comprehensive and empirical study of court interpreting in Zimbabwe. By so doing, it is hoped that the researcher will be able to elicit a deeper understanding of the basis of the above conflict and other related allegations against court interpreters.

Interpreting, as will have become clear by now, is an integral part of courtroom communication. Hence, if the interpreter makes mistakes, whether these are omissions, additions or replacements (cf. Antonsen, 2006; Stone, 2009), it may impact the trial as well as the delivery of justice.

In spite of the close connection and importance of language to law, local linguists have not paid much attention this. As a result, the role of linguistics in analysing courtroom discourse has not been a target of serious empirical investigation in the Zimbabwean context. The studies by Dube (1997) and Van Grieken (2001) cited above, as well as Svongoro's (2007) investigation of linguistic features of courtroom discourse, do at least attempt to place the subject in a Zimbabwean context. However, much of what is written in these studies is of a prescriptive nature and based on very limited courtroom evidence. It is in light of this paucity of research that I have undertaken a serious corpus-based linguistic study of consecutively-interpreted rape trials in Zimbabwean courtrooms. This study also provides ground-breaking research in corpus-based interpreting studies in the Zimbabwean context. Corpora developed

for this study not only provides insights into interpreting strategies and norm-based interpreting behaviour, but also determines how source language texts may be similar or different from interpreted texts in the target language. Such corpora become an invaluable tool for improving interpreter training.

While the construction and use of English corpora (and other European languages like French and German) dominates corpus linguistics studies, corpora in other languages, such as Shona, are still unavailable. In Zimbabwe, research crafted around the development of corpora of interpreting practices in courts of law is still lacking. There is, therefore, a need for research in less studied languages, and especially for utilising corpus-based approaches to obtain more than the usual valuable insights into the interpreting process and court interpreters' coping strategies and behaviours. For example, it could also be used to describe some of the fundamental differences and similarities between interpreting in different situations and, as such, can be used to inform interpreter training (Rodriguez-Inés, 2010).

While corpus-based studies are increasingly attracting scholarly interest among researchers in other parts of the world (Baker, 1995; Shlesinger, 1998; Laviosa, 1998; Moropa, 2009 & Dose, 2010), they are still relatively new in Zimbabwe. The paradox, however, is that the courts of law have vast amounts of authentic recorded data comprising audio tapes and transcribed material which researchers can take advantage of and retrieve, select and analyse by using corpus linguistic techniques. Although this material is largely manual, it is possible for researchers to convert such material to make it machine-readable and analyse such data using information technology related research methods. Shlesinger (1998: 486) argues that in order to empirically verify general hypotheses about translation and interpreting products and processes, "the creation of parallel and comparable corpora comprising discourse relevant to interpreting" is important. In line with this, I analyse court interpreting data which is available in Zimbabwe's courts of law by investigating the interpreting process with a view to contributing towards a better understanding of interpreter-mediated exchanges. Once the data for the current study has been compiled, it can be kept in an anonymised machine-readable format and can be a positive step in corpus building for future studies and interpreter pedagogy, thus improving the quality of interpreting (Hale, 2004).

Finally, the choice of rape cases is justified by its scope as gender and sexual violence is a widespread phenomenon in Southern Africa (Thetella, 2003; Kudya, 2006). Figures from

Zimbabwe National Statistics (ZimStats, 2013) indicate, for instance, that at least 15 women are raped every day in the country. Secondly, rape trials have been elected because they seem to present severe challenges as regards language use during proceedings as attested to by researchers (Morris, 1995; Mikkelson, 2000). Mikkelson (2000: 88) states that "…these cases are particularly stressful to interpret, because explicit testimony must be presented regarding the acts that were performed. Reliving the experience can be traumatic for the victim, and the interpreter must take special care not to be emotionally involved". Besides, rape cases are considered very serious criminal cases in Zimbabwe and often drag on for long before they are finalised (Kudya, 2006). Because of this, I was able to collect a sufficient amount of primary data for analysis and to make a comparison between interpreters' renditions at the magistrate's courts when using the general court procedure and when using the Victim Friendly Procedure. In Zimbabwe, all matters involving children, such as abuse, sexual harassment and rape, are prosecuted using the Victim Friendly Procedure. According to Kudya (2006) and Jusa (2008), the concept of the Victim Friendly Court System was a simultaneous development initiated by the government and women and children's rights activists in the early 1990s. In 1992, the vulnerable witness committee was set up by the Ministry of Justice, Legal and Parliamentary Affairs. The committee, which comprised magistrates, prosecutors, and police officers, was tasked to investigate problems faced by vulnerable witnesses in the Criminal Justice System in Zimbabwe. In 1993 the committee presented the "Vulnerable Witnesses Committee Report" outlining the problems encountered by victims of crime and the suggested recommendations by stakeholders, with a specicial interest in women and children's rights and related issues.

According to Jusa (2008), the report of the Vulnerable Witnesses Committee led to the formation of the Victim Friendly Court Committee that oversees the implementation of the protection of victims of crime and their active participation in the criminal justice system. One of the committee's recommendations resulted in the establishment of the Victim Friendly Court system in order to create a criminal justice system which valued confidentiality and created favourable conditions for victims. The Victim Friendly Procedure is a special and closed-circuit court designed to allow young victims "to talk freely and comfortably about their ordeals in the hands of the perpetrator. Separate rooms are created for offenders and victims waiting for the trial. During the trial, the victim is placed in a separate room from the courtroom with an intermediary or support person" (Jusa, 2008: 159). In many cases, this is the court interpreter. A video camera is placed in the victim's room for the purpose of capturing and relaying the

victim's testimony into the courtroom where a TV monitor receives and shows the victim's conduct and testimony (Kudya, 2006).

Apart from the seriousness with which rape cases are treated in Zimbabwe's courtrooms, Valero-Garcés (2005) points out that dealing with rape cases also raises cultural, psychological and emotional issues for all players. Valero-Garcés (2005) reached this conclusion when she investigated the emotional and psychological impact of rape and other violent trials on the Interpreters in Public Service (IPS). Apart from this, as Thetella (2003: 64) notes, "discussing issues of sexuality in public remains taboo in most African societies". The language dilemma is exacerbated by the organisation of the courtroom which relies on special rules of language use that, in some cases, restrict what may (or may not) be said (Stubbs, 1996). It is, therefore, imperative to carry out a close study of court interpreting involving cases of alleged rape to find lasting solutions to these and other problems encountered in the courts of law.

In the context of the current reality of court interpreting in Zimbabwe, this study aims to fill part of the gap that exists in the knowledge about the practice and profession of interpreting in general and court interpreting in particular. It is, therefore, anticipated that the corpus and the results of the study would be ideal for those interested in compiling interpreting corpora to help in practical interpreter training, developing and maintaining their interpreting skills and ensuring world-class continuous training.

1.5 Corpus-based interpreting studies (CIS)

This study is linguistic in nature although it utelises some aspects of ethnography. It utelises maily an authentic corpus of consecutively-interpreted question and answer interactions involving cases of alleged rape. It therefore draws insights from the broad field of Corpus-based Interpreting Studies (CIS), which is an emerging field following pioneering work in Corpus-based Translation Studies (CTS) and Corpus Linguistics (CL) (Shlesinger, 1998; Bendazzoli and Sandrelli, 2009). Corpus linguistics is a data-driven methodology for analysing large quantities of machine-readable running text, allowing for the investigation and empirical testing of theoretical hypotheses. This study uses machine-readable texts in the form of court transcriptions as the basis for investigating interpreted courtroom interactions for a deeper understanding of interpreting. Thus, as Baker (1995) observes, the corpus-based study of

interpreting will also help to define what sets interpreting apart from translation, while continuing to explore common ground with corpus-based translation studies. The use of corpora in this study is hoped to alleviate some of the most pressing methodological problems in interpreting research, namely the collection and the selection of materials. Xiao (2010) rightly states that "the rapid development of corpora, including parallel and comparable corpora, is particularly relevant and important to translation and interpreting studies". It is hoped that the corpus-based methodology utilised in this study will enable the researcher to empirically study and closely analyse how interpreters give their renditions in rape cases through the analyses of authentic data obtained from actual usage during interpreter-mediated courtroom interactions. Baker (1993: 248) sums it up when she says that interpreting "needs the techniques and methodology of corpus linguistics in order to make a major leap from prescriptive to descriptive statements, from methodologising to proper theorising

However, for a better understanding of the corpus approach used in this study, a distinction has to be made between two related but different approaches: the corpus-driven approach and the corpus-based approach. According to Tognini-Bonelli (2001), the corpus-driven approach is a methodology where the corpus serves as an empirical basis from which lexicographers extract their data and detect linguistic phenomena without prior assumptions and expectations. Any conclusions or claims are made exclusively on the basis of corpus observations. The same scholar defines the corpus-based approach as a method that uses an underlying corpus as an inventory of language data. From this repository, as Rayson (2000) points out, appropriate material is extracted to support intuitive knowledge, to verify expectations, and to find proof for existing theories or to retrieve illustrative samples.

The approach I adopted for this study is the corpus-based approach. I interrogate a corpus of interpreter-mediated courtroom interactions in Zimbabwean courtrooms to confirm or refute the hypotheses of the study. The corpus acts, therefore, as supporting material.

1. 6 Courtroom discourse and the study of implicature

One area that provides an interface between law and linguistics is the study of the interaction of participants in court proceedings an activity generally called courtroom discourse (Goffman, 1981). A variety of interactions take place in the courtroom including interactions between the people who are directly involved in a lawsuit i.e the plaintiffs and or the accused and

magistrates or judges depending on the context. Such interactions typicaly involve question and anwer intearctions in the form of examination, re-examination and cross-examination. Other interactions however, may involve court officials and the interpreter whose role is to interpret testimonies by the parties to a conflict when the parties do not speak or understand the language of the court. The court interpreter's role is to interpret in full what the witness or defendant says, without commenting on it. Although such interactions are characteristic of dialogues, courtroom discourse may also involve the study of monologues (e.g. by lawyers, magistrates and judges) some of which can be so dramatic. The major features which characterise dialogue are the aspects of turn taking which is manifest in dialogue participants' contributions. The other is "grounding" as participants strive to establish common ground (Brown & Levinson, 1987). Participants have strategies to signal that and what they hear, understand, and accept or not although repair and misunderstanding may still occur. The last is identifying and dealing with conversational implicatures i.e participants rely on interpreting utterances beyond literal meaning. According to Blakemore (1992), Grice (1975) was the first to study cases in which what a *speaker* means differs from what the *sentence* used by the speaker means. Implicature denotes either the act of meaning or implying one thing by saying something else, or the object of that act. Implicatures can be part of sentence meaning or dependent on conversational context amoung other issues. In light of possible implicatures during interactions, Grice's (1975) theory emphasises the cooperative principle for effective communication to take place. The study of implicature is therefore, important in the examination of how courtroom questions, testimonies, style and register are interpreted for instace, and how alterations between the meaning of the source language text and the target language text during interpretation may lead to unintended meanings. The study of implicature is also important in the examination of the strategies court interpreters may resort to when faced with implicature.

Although many other interactions (e.g. monologues) happen in the courtroom, this study examines question and answer interactions between the court (i.e magistrates and public prosecutors) on the one hand and the witnesses and the accused persons on the other. The focus is on how these interactions are interpreted by the interpreters during proceedings.

1.7 Court interpreting

There has been a significant increase in scholarly interest in court interpreting over the past two decades (Hale, 2004; Lebese, 2013; & Svongoro, 2015). Court interpreting is sometimes regarded as belonging within the umbrella concept known as community interpreting (Roberts, 1997) or, more professionally, as public service interpreting (PSI) (Valero-Garcés, 2005). According to Roberts (1997: 8), the terms *ad hoc* interpreting, cultural interpreting and liaison interpreting are sometimes used as synonyms for this activity. However, judging from the occurrence of these terms in the literature, community interpreting and public service interpreting have now become the most widely accepted labels. Although court interpreting is considered part of of community interpretation, Pöchhacker (1999: 127) observes that, more often than not, court interpreting "is viewed as a separate specialty", one that is distinct from the activity of public service interpreting. The same activity mentioned here as court interpreting is occasionally referred to as legal interpreting, judiciary interpreting, or forensic interpreting. According to Hale (2006), the field of legal interpreting is extensive and complex. It encompasses a wide variety of contexts, including police interviews or interrogations, lawyer-client meetings and court hearings. Such settings vary in level of formality, number of participants, and access to the public, factors which impact on the dynamics of the situation, as well as on the accessibility of data for any potential research. Most interpreting scholars prefer the term court interpreting (e.g. Berk-Seligson, 1990; Mikkelson, 2000; Hale, 2011). Strictly speaking, the term limits interpreting to a given setting, namely a court of law, but interpreting conducted in various other institutions associated with the judiciary, for example law offices, law enforcement agencies, and prisons, also tend to fall under court interpreting (Mikkelson, 2000).

Throughout this study, I use court interpreting to refer to all activities involving language mediation for people who do not speak the same language to facilitate a trial in a court of law. Court interpreting is understood in Roy's (2000: 112) terms as, "a linguistic and social act of communication, and the interpreter's role in this process is an engaged one, directed by knowledge and understanding of the entire communicative situation, including fluency in the languages, competence in appropriate usage within each language, and in managing the cross-cultural flow of talk". In Zimbabwean courtrooms, where trials are based on the common-law tradition characterised by the rapid questioning of witnesses, long consecutive interpreting is

not feasible during examination and cross-examination, but could be used when interpreting witness and expert testimonies, and during the pronouncement of the judgement. In Zimbabwe as elsewhere, court interpreting is usually conducted in the short or sequential consecutive mode which operates at the sentence level and where "the interpreter must wait for the speaker to finish before beginning the interpretation" (Mikkelson, 2000: 70). When interpreting using the consecutive mode, the message is heard in the source language; it is then carefully interpreted and delivered in the target language. This means that the consecutive mode of interpretation demands memorisation skills, as it requires a faithful and complete interpretation of the message being interpreted. This demand cannot be overemphasised for court interpreting in which accuracy is an essential aspect. Since consecutive interpretation means interpreting what is said, after it is said, one obvious result of this mode is that it adds considerable length to court proceedings.

Although court interpretation is mainly conducted in the short consecutive form, there are instances when it is conducted in the simultaneous mode. The simultaneous mode of interpretation involves the interpretation and rendering of the message from the source language to the target language instantaneously as it is heard by the speaker. In a sense, the interpreter is listening and speaking at the same time. This mode of interpretation involves communication in one direction only, and it is often done continuously without pauses or interruptions. This mode of interpretation requires language speed as the conversion process is done extremely fast. This makes simultaneous interpreting physically and emotionally demanding (Hale, 2004). It requires the interpreter's complete concentration and non-stop oral communication. According to Mikkelson (2000), simultaneous interpreting causes excessive strain on the interpreter's vocal chords and mental fatigue hence, one interpreter cannot work at it alone. While simultaneous interpreting is often provided during international conferences, it is not unusual that court interpreters are regularly requested to provide simultaneous interpreting in the form of sight interpretation. In the U.S. courtrooms for instance, simultaneous interpreting is very common phenomena (Mikkelson, 2000). In Zimbabwean courtrooms alike, interpreters are repeatedly requested to provide sight interpretation of statements entered at police stations, medical reports and other testimonials important for trials. In that case, the interpreter reads a text in the source language into the target language simultaneously, in a manner in which the contents of the document can be easily understood by the audience.

1.8 Organisation of the study

This study comprises eight chapters. Chapter 1 introduces the study and contains the aims, problem statement, justification and organisation of the study. Chapter 2 contains a detailed critical review of the literature regarding the development of interpreting studies in general and the field of liaison interpreting in particular. In this chapter, court interpreting as context-specific liaison interpreting will be reviewed in detail. Chapter 3 examines court interpreting situations in different parts of the world. Such an examination will allow the researcher to compare and contrast the development and practise of court interpreting in Zimbabwe and other parts of the world. Chapter 4 explains the theoretical framework on which the study is crafted. The framework chosen for this study is interdisciplinary and draws from interpreting studies approaches, discourse analysis and corpus-based interpreting studies. Chapter 5 deals with the methodology of the study, including the techniques for data collection and methods of data analysis. Chapters 6 and 7 contain the presentation of the data and analysis of the findings respectively. In Chapter 8, conclusions are drawn from the discussion of the research results. Recommendations on how researchers, responsible authorities and institutions can work with interpreters and improve the practice of court interpreting will be presented. The recommendations also include how interpreters can improve the quality of their interpreting to ensure that the rights of the people for whom they interpret are safeguarded.

CHAPTER 2: THE FIELD OF LIAISON INTERPRETING

2.1 Introduction

Chapter 1 presented the background, scope, aims and the research questions on which the study is based. In this chapter, I discuss the development of interpreting studies as an area of scientific inquiry, with a specific focus on research in liaison interpreting in general and court interpreting in particular. The review of literature will be presented in terms of the major developments in the field of interpreting studies in chronological order. I then focus on how liaison or community interpreting, also more professionally known as public service interpreting (Valero-Garcés, 2005; Pöchhacker, 2004), acquired increasing visibility during the 1980s and 1990s in the face of mounting communication problems in public sector institutions. Thereafter I explore the different areas of liaison interpreting, focusing on legal interpreting. Lastly, the chapter critically analyses major issues in court interpreting research from different parts of the world.

2.2 The development of interpreting studies

Interpreting is a term which cannot be easily defined because of the variety of forms and contexts (Hale, 2011) in which it occurs. Besides, different scholars will define and characterise it in accordance with their particular aims, experiences and interests (Wehrmeyer, 2013). In other words, the object of interpreting is multi-faceted, involving diverse modes, modalities, settings, norms and interactional and institutional constraints (Hale, 2004). In the simultaneous mode, for instance, interpreting is carried out at international conferences and symposia. In the consecutive mode, , however, it is commonly carried out on an *ad hoc* basis, for examply by children of immigrants, hospital cleaners, trained or untrained signed-language interpreters, tour guides, and countless others with varying levels of language and communication skills.

Interpreting, then, can be characterised most broadly as "interlingual, intercultural oral or signed mediation, enabling communication between individuals or groups who do not share (or do not choose to use) the same language(s)" (Pöchhacker and Shlesinger 2002: 2). Pöchhacker (2004: 1) approaches interpreting from the perspective of "Translation Studies" and regards it as a *translational activity*, as a special form of translation. According to Mikkelson (2000: 66), "within that conceptual structure of translation, interpreting can be distinguished from other types of translational activity by its *immediacy*. Thus, in principle, interpreting is performed *here and now*" – what Mikkelson (2000: 66) refers to as "real time" – for the benefit of people who want to engage in communication across barriers of language and culture.

Although interpreting is an ancient human practice which clearly predates the invention of writing and (written) translation, it only became professionalised in 1953 when the AIIC (Association Internationale des interprètes de conférence), the first World Association of Conference Interpreters, was founded in Paris (Pöchhacker, 2004: 1). Apart from this, its recognition as something to be studied and observed is as recent as the 1990s when the name "Interpreting Studies" was coined by Gile (1991). According to Pöchhacker and Shlesinger (2002), and Pöchhacker (2004), interpreting, as an area of translation research, has grown significantly so that it now demands research that is separate from translation and covers multiple approaches which speak to the diversity and complexity of the interpreting phenomenon. However, before the 1990s, interpreting studies were still relegated to a sub-section of translation studies. James Holmes (1972), for example, cites intepreting in Pöchhacker and Shlesinger (2002: 2) as an example of a "medium-restricted" form of human (versus machine) oral (versus written) translation. Put differently, Holmes (1972) viewed interpreting as part of Translation Studies and did not see the need to designate it as a separate (sub) disciplinary entity. This, in spite of the fact that interpreting has been critical in human interaction and mediation across linguistic and cultural boundaries since ancient times.

2.3 The growth of interpreting into a field of practice and research

Interpreting scholars (see Schjoldager, 1996 and Pöchhacker, 2004) widely consider the Nuremberg trials (1945–1946) as the first time simultaneous interpreting was used, with interpreters claiming centre stage. According to Angelelli (2004), after World War II the

sudden demands to train more interpreters resulted in interpreting making its way into academia. Universities in Europe, Asia, the Americas, Africa and other parts of the world introduced courses, programmes and degrees in interpreting. Issues in which power was at stake required educated interpreters. The education of interpreters was thus prompted by the need to ensure communication between heads of state, rather than by the communicative needs of communities who did not share the societal language. Members of the less-dominant cultures with a need to communicate in their everyday lives received low priority on the list of interpreting needs. According to Pöchhacker (2004), this may explain why many university programs only offered (and still only offer) conference interpreting courses (exceptions being, for example, the Vancouver City College for Community Interpreting and the University of Charleston North Carolina which offers a course in Legal Interpreting). At the end of the 20th century and the beginning of the 21st century, interpreters took centre stage once again. The importance of interpreters has been highlighted in recent times of crisis, such as Kosovo, Macedonia, the tragedy known as 9/11, and the war in Iraq. Each of these represents a critical situation in which interlocutors with dissimilar languages have been put in contact. Without interpreters, people from different nationalities are not always in a position to communicate effectively. The 9/11 terrorist attack on the United States has especially served to raise awareness about the importance of professional interpreters in less-commonly taught languages. The U.S. Government has reacted in a variety of ways to improve national security. Besides its traditional investment in language learning through the Inter-agency Language Round table and the Title VI initiatives (which fund Language Acquisition Resource Centres), the US Government is also funding a new University Affiliated Research Centre. Set up at the University of Maryland, CASL has been given the task and resources to respond to the dire needs of the country for increasing numbers of well-trained translators and interpreters. Especially crucial are the Persian and Arabic languages.

However, as Angelelli (2004) observes, it is important to note that interpreting entered academia in order to meet a pragmatic need rather than to become an object of study. Research questions about the practice, its practitioners and their roles, which are essential for understanding the underlying complexities of the interpreted communicative event, were secondary to market demands. This may explain why "many of the principles governing the profession today are the result of personal experiences, anecdotes, and opinions, rather than of empirical research" (Angelelli, 2004: 16). In many ways the situation these days is not different. Government mandates require well trained interpreters to perform highly classified

tasks. Today, as in the time of the Navajo code talkers of the Second World War, interpreters are instrumental in facilitating communicative needs that are critical to national security (Angelelli, 2004).

Pöchhacker (2004) observes that, unlike the other types of interpreting listed above, conference interpreting was practised in the simultaneous mode by the 1950s and had made great strides towards becoming a full-fledged profession, complete with university-level training, a professional organisation and a code of ethics. It also began to attract interest as an object of scientific enquiry. According to Pöchhacker (2004), Paneth (1957) was the first to notice its research potential. By the mid-60s researchers in the field of psychology, intrigued by simultaneous interpreting as a challenge to prevailing theories of human processing capacity, also conceived of it as an object of research. This is probably the major reason for the abundance of process-oriented psychological and psycholinguistic approaches to simultaneous interpreting. The overriding theme in the earliest studies of this period is the role of cognitive speed at the micro-level in the processing of language. However, while scholars from this period (see Paneth, 1967 and Gerver, 1971) draw on psychological and psycholinguistic approaches to interpreting, other scholars, particularly those in the field of interpreting itself, emphasised valid research design methods based on insights from personal experience. For example, Chernov (1979), one of the Soviet scholars, studied theories of human activity which looked at redundancy in natural language and how anticipation in simultaneous interpreting enables communication. Kirchhoff (1976), of the so-called Leipzig School, and Seleskovitch (1976), of the so-called Paris School, used an observational approach to the study of authentic data in interpreting, especially in the consecutive mode.

Taking into account the fact that as late as the mid-1990s interpreting studies could be described as being a "(sub)-discipline in the making within a discipline in the making" (Shlesinger, 1995: 9), it is important to trace how interpreting studies has evolved over time to become a discipline of its own.

2.3.1 Early forms of liaison interpreting

Angelelli (2004) agrees with Hermann's view (1956) cited in Pöchhacker and Shlesinger (2002: 15) that "in Antiquity as in other eras, interlingual behaviour was determined by the specific situation, and within it, by individual human decisions." Power differentials have always been in place between communicating individuals, and many times they have been

determined by language use. According to Angelelli (2004), only Egyptians were viewed as being fully human in Ancient Egypt, while foreign races were considered "wretched barbarians," and the interpreter was seen as "the speaker of strange tongues" (Hermann 1956 in Pöchhacker and Shlesinger, 2002: 15). In Ancient Greece, too, the interpreter was not only seen as the linguistic intermediary for regular business transactions, but was also considered semi-divine and able to perform numerous tasks. Since the Greeks were somewhat averse to "foreign tongues", interpreters were constantly in demand. Greeks could only communicate with high status Roman Senate representatives or non-classical peoples like Egyptians or Celts with the help of interpreters. On the other hand, as noted by Angelelli (2004), the Roman Empire was quite unique in how they valued a language different from their own. The Empire was practically bilingual, with the Latin and Greek languages enjoying almost the same status in schools. Interpreters seem to have held a prominent position in Roman society. In fact, Cicero specifically mentions his interpreter and the work done for him in both a positive and negative light (Hermann 1956 in Pöchhacker and Shlesinger, 2002: 19).

In Africa, Wallmach (2015) points out that although written records on the subject are scanty and interpreters have hardly ever occupied the limelight, the history of interpreting in Africa can broadly be divided into three periods: the pre-colonial, the colonial and the post-colonial era (Bandia 2009 cited in Wallmach, 2015). Wallmach (2015) goes on to explain that the pre-colonial period is characterised by trade between West African countries and the Arab world from as early as the 7th and 8th centuries. Most commonly locals acted as intermediaries and interpreters between the trading parties. On the eastern and southern coasts, the Portuguese traded with the locals from the 15th century, again with the interpreter as the go-between.

Wallmach (2015) identifies two famous interpreters from Southern Africa who stand out as legendary figures: Autshumato and Eva. Autshumato ("Chief Harry"), seen as the embodiment of the interpreter as traitor, was a Khoikhoi leader. He became an interpreter for Jan Van Riebeeck who wished to establish a refreshment station on behalf of the Dutch East India Company in 1652 at the Cape of Good Hope, the most southern tip of Africa. Although the situation looked promising, the Company's need for cattle meant barter with the local inhabitants or *strandlopers* (lit. "beach walkers"), who spoke an incomprehensible tongue. Chief Autshumato, who had learnt to speak English after being taken to the East on an English ship, helped to facilitate trade. However, Autshumato rightly saw the Dutch as a threat to the existence of his tribe and, in 1658, was accused of misinterpretation and lack of loyalty to the

Dutch. He was imprisoned on Robben Island but was one of the very few political prisoners there who managed to escape.

The second interpreter identified by Wallmach (2015) is Krotoa, also known as Eva, born around 1642. She was Autshumato's niece and can be thought of as the embodiment of the interpreter as collaborator or "slave". In return for cattle (to be secured by Autshumato), housekeeping and interpreting services, Van Riebeeck offered Krotoa a Christian home. She quickly learned Dutch, donned Western attire, converted to Christianity, and soon acted as both interpreter and mistress to Van Riebeeck. It is clear from a jubilant entry in Van Riebeeck's journal ("Eva says she has a Dutch heart") that the Dutch commander's interest in her was crucial to relations at the Cape. Much like the Mexicans' distrust of La Malinche, Khoi descendants saw Eva as "the woman between", both collaborator and traitor.

During the colonial period in the mid-1800s, Wallmach (2015) asserts that explorers such as David Livingstone had opened up the interior for discovery, and the "Scramble for Africa" had begun. Within half a generation, Europe had annexed almost the entire continent, with six nations in particular – France, Britain, Portugal, Germany, Italy and Belgium – changing Africa's linguistic landscape forever. Journalist-explorers such as Henry Stanley, sailor-explorers like Pierre de Brazza, soldier-explorers like Frederick Lugard, and gold and diamond tycoons like Cecil John Rhodes, all rushed to heed Livingstone's call in 1857 for a worldwide crusade to open up Africa to "commerce and Christianity" and to combat the slave trade organised by Swahili and Arabs in East Africa (Pakenham, 1991). There were hardly any exploratory expeditions into the African hinterland that did not include interpreters, some who no doubt saved their leaders from disaster, and others whose linguistic skills were suspicious.

Wallmach (2015) further points out that as time went by, interpreters were increasingly needed not only to facilitate trade and exploration, but also to assist in the negotiation of often one-sided treaties with colonial powers. When the colonisers proceeded to effective occupation, interpreters also became involved in the inevitable armed conflicts that ensued. African interpreters proved indispensable to the operation of the colonial system. In courtrooms, district offices and health clinics, African colonial employees enabled communication, provided information, and oversaw the implementation – and reinterpretation – of colonial policies (Lawrance et al. 2006). Interpreters were crucial to the effective functioning of the colonial administration because few Europeans learnt African languages, but also because budgetary

constraints prevented the hiring of European interpreters. The colonial period saw the status of African interpreters being raised and made official, bolstering their ranks in the social and administrative hierarchy (Niang 1990 cited in Wallmach, 2015).

Apart from the above, Wallmach (2015) also notes that interpreters (and translators) played an important role in the evangelisation of Africa, assisting missionaries from Europe and America to spread the word of God and, at the same time, to codify the languages of Africa for the first time. This tradition continues today, with interpreting being performed to assist multilingual congregations all over Africa.

In the South African colonial context, Ntuli and Swanepoel (1993), cited in Wallmach (2015), point out that, after British rule had made way for descendants of Dutch settlers known as Afrikaners to take power, the influence of the ideology of *apartheid* or "separate development" (i.e. enforced racial separation and the entrenchment of white supremacy) from 1948 to 1994 was intimately entwined with the politics of language and, therefore, also with translation and interpreting. After Afrikaans (derived originally from seventeenth-century Dutch) was declared an official language alongside English in 1925, the National Party government began a development programme aimed at ensuring that Afrikaans would become established at a level comparable with English, the powerful language of imperialism. The nine African languages of South Africa also received government-sponsorships for translation and interpreting activities in the courts, the media and education, but only as far as this served the policy of separate development.

In the post-colonial period, the coming of independence, achieved mainly between the 1950s and 1970s, saw the emergence of the modern interpreter on the African continent (Wallmach, 2015). With the acquisition of national sovereignty, some African countries adopted the languages of the coloniser (e.g. French in Senegal and English in Zimbabwe), while others adopted local languages as official, such as Ethiopia (Amharic) and Tanzania (Swahili) (Niang 1990 cited in Wallmach, 2015). Interpreters were needed to assist in communicating with local populations during campaigns for independence as many African leaders no longer spoke the local languages, many of them having been educated in Europe,. Their services were also required in the courts and in various government organisations.

In the Americas, too, Angelelli (2004) points out that interpreters have assumed a central position since the Spanish Conquest. When Columbus planned the voyage that would eventually land him in the Americas, he knew that interpreting would be an important factor in his ability to communicate with the natives, so he decided to take two interpreters with him. One of these interpreters had spent time in Guinea, and the other supposedly spoke Arabic, Hebrew, and Chaldean. However, when Columbus first set foot in the Americas, he came face-to-face with over 133 tribal families who spoke over 1000 different languages, spanning the territory from southern Argentina to northern Mexico (Bastin cited in Baker, 2001). Unfortunately for Columbus, the languages spoken by his interpreters did not prove to be useful on the American continent. This served as a powerful learning experience as he realised the need to educate some natives in the Spanish language and culture which committed him to interpreter training. According to Bastin, cited in Baker (2001), this was achieved by capturing ten natives and transporting them to Spain, where they were taught the Spanish language and culture. On subsequent voyages to the Americas, Columbus brought with him these previously uprooted interpreters who were now familiar with the Spanish language and culture. As a result, between 1495 and 1518, communication between the Spaniards and the natives became enabled by a new generation of native interpreters. Sometimes the interpreting task involved more than simply having to speak Spanish and a native language. It has been documented that Hernán Cortés once utilised the skills of three interpreters working together. Cortés would speak in Spanish to an interpreter, who would then interpret into Mayan for the Yucatec natives. This would then be interpreted from Yucatec into Nahuatl for the Mexican tribes. In one account, a young Mexican boy (who understood Spanish), named Orteguita, would listen to the interpreter and verify that what she was saying corresponded to what Cortés had originally said (Bastin cited in Baker, 2001: 506). This incident demonstrates how, even though the more dominant party was concerned about accuracy, they did not entirely trust the interpreter. Because of Cortés' position of power, Orteguita reported only to Cortés who was able to demand accuracy and verify its plausibility.

Throughout the colonisation of the Americas, interpreters acquired an increasingly important and specific role and status within the emerging Latin American societies (Angelelli, 2004). Between 1529 and 1630, Carlos V, Philip II, and Philip III signed 15 decrees related to interpreting. The first one considered interpreters as assistants to governors and judges. In 1537, there was a revival of the Orteguita phenomenon where the concern for accuracy took centre stage. A law was passed requiring natives to be accompanied by a Christian acquaintance who

could verify the accuracy of any rendition. A unique feature of interpreting in its early days was that it took place between two parties that were unequal in status. This difference in power and status has characterised the field since its conception, and these power differentials vary from one situation to another, as does the nature of situated practices.

However, although these power differentials and the differences that result from the various situated practices (i.e., settings such as international organisations, courts of law or health care centres) have formed an integral part of interpreting discourse, research did not focus on this until the 1990s. As courts were established, laws were created to regulate interpreters' salaries. Interpreters were initially paid in terms of the number of questions they interpreted, as well as working conditions, for example the amount of work per week and number of interpreters per courtroom. Interpreters were required to take an oath stating that they would interpret without bias, neither omitting nor adding anything. The assumption at the time was that a rendition could be unbiased and that themeaning of a message was independent of the interpreter, as well as of the subsequent interpretation (reconstruction) by the parties involved. But accuracy was not the only thing expected of interpreters. "Christianity and goodness" were also considered key qualities of the interpreters of that era (Bastin in Baker, 2001: 508).

2.3.2 Professionalisation of interpreting

The practice of interpreting became professionalised in 1953 when the AIIC (Association Internationale des interprètes de conférence), the first World Association of Conference Interpreters, was founded in Paris (Angelelli, 2004). Although interpreting enabled communication between speakers in any setting with different languages, interpreting for conference settings became the focus of attention and the leader in establishing standards for both training programs and professional associations. Shortly after the formation of the AIIC, its American counterpart, the American Association of Language specialists (TAALS), was established in Washington D.C. in 1957. The membership of the American Association of Language specialists was drawn from interpreters and translators based in nine countries of the Americas (Argentina, Brazil, Canada, Guatemala, Mexico, Peru, Uruguay, U.S., and Venezuela). After the creation of the AIIC and TAALS, more than 20 years passed before the National Association of Judicial Interpreters (NAJIT) was formed in the U.S. in 1978. Soon thereafter other court and medical associations of interpreters began to emerge at both state and national levels. Even today there is no professional association for community or telephone interpreters. Although there is no certification exam for conference interpreters, there does exist

a procedure that evaluates experience in terms of number of contract days and peer recommendation. In contrast, for court interpreters, there are various certifications, both at state and federal levels. One would think that the rules of a professional organisation would reflect the reality of the practice it governs and that the different associations would attend to the specific needs of each setting, but this is not necessarily the case. Today, as in the 14th century, the chief concern of most interpreter organisations is still only accuracy, especially in liaison interpreting contexts such as courtrooms and medical settings. According to Laviosa (1998), professional organisations set as their goal that interpreters relay accurate renditions of a message, even going to the extreme of stating that the goal of the interpreter is to make communication between parties who do not share a language as smooth as it would be if the parties did have a common language. Conference interpreting in particular emphasises fluency, continuous response and accuracy.

These days, interpreter training programmes take context into account and train interpreters accordingly (Valero-Garcés, 2005; Takimoto, 2006; Hale, 2011). This is because of the realisation that the different contexts in which interpreters perform their work, and the clients for whom they interpret, have diverse needs and impose different challenges on interpreter-mediated communicative events. Thus, their role as interpreters undergoes constant change in order to meet those needs and constraints. This is a part of the practice of interpreting that should not be overlooked, especially when analysing codes of ethics and standards of practice of the different professional organisations. When professional organisations designed codes of ethics or standards of practice, they continued to ignore situated practices which determine the constraints within which each interpreter does his/her job. As a result, interpreter guidelines werenot grounded in research on the various interpreting situations. One might wonder which factors in fact guided the research on interpreting.

2.3.3 Research into conference interpreting

Angelelli (2004:15) identifies four periods that characterised research in conference interpreting: the early writing period (or anecdotal period); the experimental period; the practitioners' period; and the renewal period.

During the early writing period (1950s and 1960s), practicing interpreters and interpreter trainers began to think and write about the field. They were not researchers themselves, so they mainly wrote reflectively about their thoughts and experiences (e.g. Herbert, 1952; Van Hoof,

1962 both cited in Baker, 2001). Writings from this period, though anecdotal and not empirically grounded, significantly shaped the conceptualisation of interpreting and the role interpreters were supposed to play. The experimental period followed when researchers from cognitive psychology, neurolinguistics and psycholinguistics became interested in aspects of interpreting related to the cognitive processing of information. These studies, mainly experimental in nature, were concerned with the effect of different variables on cognitive performance, such as native language, source language, ear-voice span, and pauses in speech delivery (Gerver, 1976 cited in Gile, 2001: 42). Research from this period set the stage for an agenda that was mostly concerned with psycholinguistic and cognitive processes in interpreting. Limited or no attention was directed to the social and political roles of the interpreter during this period.

During the practitioners' period (1970s), practising interpreters began to researchinterpreting. The results of that research were considered theoretical or conjectural rather than empirical, and these individuals generally worked in isolation from other scientific communities (Gile, 2001: 42). It was during the practitioners' period that the *Théorie du sens* (Theory of meaning) became prominent (Seleskovitch and Lederer, 1989). Seleskovitch and Lederer's (1989) theory argues for an idealised view of the interpreter and of interpreting. It claims that interpreting is based on meaning, where meaning is considered a construct that exists on its own, rather than as the result of the co-construction of the parties involved in the interaction. Therefore, as long as the interpreter has command of the source and target languages, as well as world knowledge, he/she is thought to be capable of capturing the one true meaning of an utterance and then rendering it into another language. Its failure to consider any of the social factors present in the communicative act of interpreting resulted in numerous critiques (Gile, 1995) as interpreting does not occur in a social vacuum (Wadensjö, 1998: 8). Without any empirical underpinning, the exclusion of the various contexts in which interpreters performed has been at the core of the professional ideology that considers interpreters as bilingual "ghosts" (Collado Aís cited in Pöchhacker and Shlesinger, 2002: 336) and has influenced the teaching and learning of interpreting significantly.

According to Angelelli (2004: 15), the renewal period, popularly known as the "social turn" in interpreting (Roy, 1993), began as a reaction to the theory of meaning. Originating in the 1980s and still in vogue today, the renewal period calls for a more scientific study of interpreting and an interdisciplinary approach to the topic (Gile, 1995; Moser-Mercer, 1997, 1998; Setton,

1998). As has been evident across time, research in conference interpreting has focused mostly on the information-processing aspect of interpreting or linguistic transfer, and not on the communicative event and its participants. Only recently (e.g. Diriker, 2002) have we begun to see expansions towards a sociocultural approach to the role of interpreters and the contexts in which interpreting occurs. Diriker (2002) is certainly one clear example of the "social turn" in interpreting.

2.3.4 Research into court interpreting

According to Angelelli (2004), some empirical studies on the role of the interpreter began to emerge around the time of the renewal period, although it did not necessarily focus on conference interpreting. Most of these studies were conducted in one specific setting and were of a qualitative nature (e.g., ethnographies of communication or discourse analysis studies). Berk-Seligson (1990) explored the participatory role of the interpreter in her ethnography of a courtroom. Berk-Seligson (1990) demonstrated that, through the manipulation of the use of polite forms among other sociolinguistic devices, interpreters in the bilingual courtroom become more or less visible. This phenomenon is also evident in descriptive studies, such as those performed with witness statements at a police station (Fowler, 2003) and in Danish (Jacobsen, 2002) and Australian (Hale, 2004) courtrooms. In Zimbabwe, Van Grieken (2001), Svongoro (2015) and Svongoro and Kadenge (2015) focus on court interpreting as an area of liaison interpreting. The range of linguistic, cultural, pragmatic, historical and legal issues presented in these works offers a rich and alluring examination of the field of liaison interpreting. In her study, Van Grieken (2001: 58) examines interpreters' coping strategies in Zimbabwean courtrooms and argues that "for most interpreter encounters, interpreting is much more than making cultural adjustments and changes to language structures, and as such, interpreted events should be treated as three-way/triadic interactions in which every participant's utterance impacts on other participants". Svongoro and Kadenge (2015) concur with Van Grieken's (2001) study as both studies show that interpreter training, or lack thereof, has a direct impact on interpreter performance. In the case of Zimbabwe, it is not a case of complete neglect, but a case of limited interpreter training which raises a number of questions about the competence of these interpreters.

In spite of this evidence, many professional organisations continue to state that interpreters are neutral, objective conduits who lack agency in the communicative event. When rules governing the work of an interpreter in a court of law are constructed, the complexity of a role such as the

one studied by interpreting researchers is paradoxically presented as a controllable and automatic neutral position.

2.4 Liaison interpreting research

Liaison interpreting is "the name given to the genre of interpreting where the interpreting is performed in two language directions by the same person" (Gentile et al., 1996: 17). This activity has acquired a number of epithets according to the context in which it developed and to socio-political considerations in different parts of the world in which it is practiced. In the United Kingdom, for instance, it is called *public service interpreting*, in Scandinavia, *contact interpreting* and, in Australia, it is called *community interpreting* or *three-cornered/dialogue interpreting.* According to Roberts (1995: 7), community interpreting is "...the oldest breed of interpreting in the world". The name *liaison interpreting* was coined to distinguish it from conference interpreting in order to relegate the former to the period when conference interpreters were developing a professional ethos, and to view the sphere of operation of liaison interpreters as being less important. Liaison interpreting can therefore be distinguished from conference interpreting in terms of:

(1) the physical proximity of the interpreter to clients;
(2) an information gap between the clients (a doctor and a patient, for instance, or a magistrate and an accused person);
(3) the necessity of interpreting in both language directions; and
(4) the liaison interpreter works as an individual and not as part of a team.

For Gentile et al. (1996), the term *liaison interpreting* is used to name 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, welfare and educational institutions with immigrants; and in a whole host of less formal situations such as tourism, education and cultural contacts. In these varied contexts, the interpreter as mediator is physically present in an interview or meeting (thus face-to-face and more immediately interpersonal), and usually uses the consecutive mode of interpreting. This distinguishes it from the established field of international conference interpreting in that conference practitioners work mainly in the simultaneous mode and often remain anonymous to their listeners.

To date, liaison interpreting research has largely moved from a prescriptive and monolithic view of language in which the interpreter is seen as "a pane of glass" or a "black box" (Ndebele, 2012) through which ideas flow unchanged, to an increasing appreciation among scholars and practitioners in the field of the fact that language – and thus the interpreter's performance – is a much more complex, interactive affair. Thus, the interpreter-mediated exchange is seen to be constructed by all parties and governed not only by internal factors, but also by external factors. The broadening of issues addressed in the literature on liaison interpreting also shows the development from an insistence on terminology/correspondence, or on prescriptive-style training programmes and equally prescriptive codes of ethics, to a lesmore descriptive mode. Liaison interpreting literature today includes a variety of studies on issues related to culture, institutional constraints, political agendas, and so on (Wadensjö, 1995; 1998). However, this evolution has made itself felt much more strongly in academic research than in professional organisations and training institutions where a monolithic approach to language is still common, if not predominant.

2.4.1 The role of the interpreter

According to Angelelli (2004), the last two decades of the 20th century witnessed a shift in the perception of the interpreter's role from a language conduit to an essential partner in cross-cultural conversation or, in other words, a co-constructor of the interaction with agency (Angelelli, 2004: 36). Research utilising a sociolinguistic lens has illustrated crucial differences in the participatory role of interpreters, and these differences depend upon the nature of the interpreted communicative event (Angelelli, 2003; Berk-Seligson, 1990; Fowler, 2003; Jacobsen, 2002; Roy, 2000 and Wadensjö, 1995). The fact that the interpreter constructs, co-constructs, repairs, and facilitates the talk during an interpreted encounter proves her/his role as a co-participant (Berk-Seligson, 1990; Fowler, 2003; Jacobsen, 2003; Roy, 1989, 2000 and Wadensjö 1995, 1998). Wadensjö (1998) points out that speakers in a communication encounter and interpreters co-construct conversation. Well-documented ethnographies of interpreters in the courtroom (Berk-Seligson, 1990), the hospital (Angelelli, 2004), academia (Roy, 2000), medical settings (Metzger, 1999), the immigration office, the police station (Wadensjö, 1995, 1998) and the community are evidence of the visibility (Angelelli, 2003, 2004) of interpreters. These studies (e.g. Metzger, 1999) have challenged the notion of neutrality by studying the participation of interpreters during interactions (Metzger, 1999) and by considering interpreting as a special case of interaction (Wadensjö, 1998) with interpreters

sharing responsibility (Roy, 2000). However, the conceptualisation of the interpreter as a conduit (Roy, 2000) or a ghost (Pöchhacker & Shlesinger, 2002) is still prevalent, especially in research on conference and court interpreters.

The issues of role and role conflict are more common in the area of court interpreting research (Jansen, 1995 and Berk-Seligson, 1990). The evasiveness and complexity of the interpreter's role in cross-linguistic interaction have led different categories of people to express varying impressions about the role of the interpreter. As a result, there are a number of different monikers for people in the profession. According to Roy (2000), some perceive the interpreter in the rigid and narrow view of being a "machine" or "conduit'; others in the glorifying view of being "advocates" or "champions" (see examples cited by Tate and Turner, 2002); while for some, interpreters are "agents of culture and negotiators" (e.g. Roy, 2002). Using methods such as interviews, surveys and ethnographic interviews, interpreting researchers have conducted studies to obtain perceptions of service providers (Kelly, 2000), minority speakers (Hale and Luzardo, 1997), and interpreters themselves (Angelelli, 2003) on the role of interpreters in the courtroom. Martin and Herráez (2009) study Spanish court interpreters' self-perception. Martin and Herráez's (2009) study is based on research involving 19 subjects who replied to a questionnaire exploring the perceptions of practicing court interpreters in Madrid with regard to their work. The topics covered include controversial issues at the centre of the interpreter's role, such as adaptation of language register, cultural explanations, expansion and omission of information, and the relationship between interpreter and clients. Based on the study, Martin and Herráez (2009) argue that, at least in Spain, it was important to determine whether court interpreters were aware of what their role was, the limits thereof, and reasons for acting beyond their established functions. The results of the study indicate that the majority of practicing court interpreters tend to go beyond the limits provided by codes of ethics. The study also describes how interpreters were seen to adopt a more active role than would be expected and how this can influence the end result of their work. In spite of the weaknesses in the research, such as instruments and sample sizes used in some of these studies, their findings are important in empirically confirming much of the anecdotal evidence regarding role perceptions.

According to Hale (2004), viewed in a broad historical perspective, interpreters often appear as all-round intermediaries carrying out a number of functions in addition to their translational task (Martin and Herráez, 2009). It was only with the emergence of conference interpreting as a profession in the 20th century that sharper boundaries emerged for what interpreters in highly

visible international settings would or would not do. As conference interpreters found themselves working in the simultaneous mode from the booth, the confines of their role in the communication process became even narrower, with little chance for direct interaction with the communicating parties other than by their audible translation output. However, beyond international settings, Hale (2004) observes that the role of the interpreter has remained characteristically fluid. The pioneering efforts of signed-language interpreters in the U.S., which date back to the 1960s, are a case in point. Charged with enabling communication in situations of obvious inequality, namely between representatives of mainstream institutions on the one hand and underpriviledged, "disabled" individuals on the other, interpreters were naturally portrayed in a helper role which extended to whatever actions needed to be performed. According to González et al. (1991), sign language interpreters in the U.S. and elsewhere have made great strides in clarifying and re-defining their roles, particularly by establishing a professional code of ethics, training programmes and accreditation. In the same way, Mikkelson (1991) observes that the 1980s and 1990s saw spoken language interpreters in community settings also establishing codes of conduct and standards of practice, particularly for court and medical interpreting. Nevertheless, Berk-Seligson (1990) notes that interpreters in the public service have continued to grapple with role definitions, given the diversity of socio-cultural and institutional constraints shaping their work in any given national environment.

Against this background which is characterised by the elusiveness and complexity of the interpreters role in cross-linguistic interaction (Roy, 2002), practising interpreters have written about the interpreter's role. Although individual practitioners differ in their definitions and descriptions of the interpreter's role, they seem to have one thing in common: moving away from the normative role of the interpreter (Wadensjö, 1992) to roles which reflect the actual or real situations (Tate and Turner, 2002). Some of the major interpreter role definitions and descriptions are further explained below.

2.4.1.1 Interpreters as helpers

According to De Jong (1992), before the 1960s, interpreting was performed by children for family members and friends of the deaf community, or members of immigrant communities. As such, interpreting was cast in the helper's view with no distinction between a helper and an interpreter. Related names for the interpreter cast in this way are interpreter as advocate, emphathisers or the Good Samaritan (De Jong, 1992). Few of the interpreters at that time were

paid for their work and even fewer were educated in any formal way. The helper notion of the interpreter allowed extreme personal involvement of the interpreter. This involvement may discourage people (such as the deaf) to take charge of their lives.

2.4.1.2 Interpreters as a conduit

Roy (2002), who studied signed language interpreting in the U.S., observed how consumer expectations and efforts towards professionalisation necessitated moving away from the helper's notion to the notion of an interpreter as a conduit, machine, bridge, window, mirror, telephone line, etc. The conduit notion was also perceived as a way of disassociating with the helper view, and portrays interpreting as a special profession. However, the conduit notion was not without its own share of problems, especially when interpreters denied responsibility for unsuccessful interpretations and when clients began to see them as "cold and self-serving" (Roy, 2002). Such problems relating to the conduit notion necessitated the search for an alternative name as some interpreters felt that, "Machines do what they are told! They are under instruction. No instruction, no action. Machines do not generate their own contributions to the job in hand" (Tate and Turner, 2002: 379). The conduit metaphor of the interpreter, although expanding on the responsibilities of the interpreter, denies the interpreter any personal involvement or agency. Interpreters do much more than what these metaphors seem to suggest in the practical spheres of their work.

2.4.1.3 Interpreters as communication facilitators

As the conduit notion failed, interpreters and educators turned to the academic field for an alternative view (Roy, 2002). The third metaphor was interpreters as communication brokers or facilitators. The view of interpreters as communication facilitators was more of an academic term with roots in communication theory in which communication is seen as a process involving a sender and a receiver of messages with the interpreter as the third participant. This notion, like the others, received criticism, particularly from the deaf community in the U.S.

2.4.1.4 Interpreters as bilingual/bicultural coordinators

According to Roy (2002), descriptions in the 1970s and 1980s acknowledge that interpreting involves communicating across languages and cultures. Being an interpreter is, therefore, being bilingual and bicultural. However, most practicing interpreters know from experience that they do more than make changes to language structures or adjust cultural codes (Roy, 2002).

Wadensjö (2002), a professional dialogue interpreter working in Swedish and Russian with interests in interpreting in police and medical settings, contrasts the interpreter's role as laid down in the official code of conduct or "guide to good practice" with actual interpreter behaviour as shown in observations and transcriptions of authentic discourse data. Bringing together such diverse theories as Bakhtin's theory of language and Goffman's conceptual framework for the analysis of talk, Wadensjö's (1998) approach to the studying of the "inter-activity" cast fresh light on the complexity of interpreting behaviour.

For Wadensjö (1998), interpreting in dialogue situations exhibits the interplay of relaying; i.e. "translating" and "coordinating moves". Put differently, professional interpreters are seen as going beyond their normative role of just relaying or translating, and are seen as actively shaping the development and outcome of the mediated encounter. This finding conflicts with the principle of neutrality and shows it to be a myth. According to Wadensjö (1998), during their work interpreters may do other coordinating activities apart from relaying or translating, such as requesting information, commenting on their own or other speaker's utterances and providing explanations/clarifications. However, all of these views still have shortcomings and there is thus a need, as Roy (2002) rightly puts it, for a robust view of the role of the interpreter which can respond to the various contexts in which they work.

2.4.2 Redefining the role of the interpreter

Research attempting a more comprehensive description of the interpreter's role has now been carried out (Tate and Turner, 2002; Hetherington, 2007; Dickinson and Turner, 2009). Although these studies were carried out in signed language interpreting contexts, they provide interesting insights for spoken language interpreting in various contexts.

British Sign Language interpreters Tate and Turner (2002) investigated, for instance, how the role and responsibilities of sign language interpreters have continued to develop since the emergence of the profession in the 1960s. They focus on the interpreters' role in terms their code of ethics, exploring how interpreters interpret the guidelines in the code of ethics in situated communication events. In other words, Tate and Turner's study looks at what is in the code of ethics and what goes on in real interpreting events; that is, what occurs on the practical level. Their study reveals that although interpreters are expected to follow the code in a mechanist way, they sometimes add their own input. In addition, in actual/real practice, interpreting may not always conform to the model prescribed by the code. Given the above

revelations, one can conclude that interpreters need more fully written guidelines and education on how to use the code with sensitivity to context (Tate and Turner, 2002) to enable them to make their choices in a humane and professional way.

Other interesting studies, as indicated above, are by Hetherington (2007) and Dickinson and Turner (2009). Hetherington investigated job-related stress in signed-language interpreting contexts in the north-west of England from a sample of signed language interpreters using a methodology called Interpreting Phenomenological Analysis (IPA) to obtain firsthand accounts of the interpreters. Hetherington makes use of semi-structured interviews to get views of working signed-language interpreters about their work. Some of the questions asked included:

(1) How do you feel about being an interpreter?
(2) What can you say are the differences between a good and a bad day at work?

The findings of the study suggest two significant causes of stress: 1) the perception that the interpreter performs "magic" contradicts greatly with the participants' accounts of the complexity of their role and their responsibilities in ensuring effective and successful communication; and 2) that interpreting can have serious emotional and psychological impacts on interpreters, particularly those working in isolation in communities and without organisational support.

Similarly, Dickinson and Turner (2009) examine the portrayal of the sign language interpreter in work place contexts and redefine the role of the interpreter as an essential, active and visible part of the communication process. They urge interpreters to move away from the conduit notion to more translucent and open ways involving and informing all involved.

From the above findings, it is clear that interpreters in all situations cannot avoid being involved as a participant which means that the invisibility of the interpreter is simply a myth (Mason, 2001) and that interpreted encounters should always be viewed as a three-party/triadic (Mason, 2001) exchange in which the interpreter's utterances are impacted upon and impact on other participants' interactions. Given this important description about interpreting, interpreters should therefore, adjust to reality and become more visible by interrupting, adjusting and managing the discourse and should continue to press for codes of ethics more sensitive to the various contexts they work in. Stated differently, interpreters should make sense of problems

and challenges and find strategies to deal with them. This however, does not mean that interpreters can now throw away the code of ethics. They should be guided by the code of ethics for interpreters but can still find themselves, as human beings, making decisions which may go beyond the code.

Borrowing Swift's (2012) Oxford Online dictionary (2010) definition, one can view a role as the function assumed or part played by a person or thing in a particular situation. For Swift (2012), *role* is not fixed but changes according to the specific circumstances one (the interpreter) finds him/herself in. Whereas role and role conflict have been key terms in research on interpreting, Mason (2009) uses *positioning* for role to reflect the continuously changing nature of interaction between participants and results from joint negotiation. While using a different term, Mason (2009) agrees that role is not a static concept. Interpreters in different roles will make a range of moves, both linguistic and paralinguistic (e.g. gaze, lexical choices, gate-keeping, footing and manipulation of responses). Positions adopted and accepted by participants exert influence on the development of the exchange.

2.4.3 Studies on training issues in liaison interpreting

Another key issue in interpreting studies relates to the training of interpreters in different countries. Central in this category are comparative studies on the performance of trained and untrained interpreters. Hale and Gibbons (1999) and Hale (2001; 2004) focus on interpreter training issues in Australia. De Jongh (1992) focuses on the American situation, and Moeketsi and Wallmach (2005) examine the South African scenario. Nord (2003) investigates Germany, while Lee (2009) also pays attention on the Australian courtroom. Although there seems to be very little written material on the development of court interpreter training in Zimbabwe, studies in the area generally agree that there is an urgent need to consider training issues in this area so that Zimbabwe does not continue to lag behind developments in interpreter training in other parts of the world (Hale and Gibbons, 1999 and Van Grieken, 2001).

Hale's (2004) study raises important issues about the interpreting profession. Using examples from bilingual courtrooms, Hale demonstrates how issues of misunderstood identity and role, as well as mixed loyalties interfere with the accuracy of an interpretation and the implications this may have. As also pointed out in Svongoro and Kadenge (2015), Hale observes that interpreters are invariably surrounded by temptations from all sides to deviate from their role. When interpreters are not clear about their role due to poor or inadequate training, they are

easily swayed by pressures from institutional, professional and interpersonal spheres. The conclusion Hale makes points to the importance of having proper training, and a clear professional, institutional and interpersonal environment in which interpreters operate so that interpreters are confidently able to perform their duties. Through this study, Hale provides important insights into the field of court interpreting by tracing the development of court interpreting practices and research in Australia with the view of informing court interpreting training and curriculum design. Hale deals primarily with the micro-linguistic analysis of Spanish interpreters' renditions in the courtroom, but draws on social and professional issues to explain the interpreters' performance.

Hale's (2004) study thus explores what Svongoro and Kadenge (2015) refer to as the intricate process of interpreting in the constrained context of the courtroom and describes the discourse practices of interpreters vis-à-vis those of the lawyers and the Spanish speaking witnesses in the triadic interaction. Drawing on this work, the current study looks at the renditions of the Shona-English interpreters in triadic courtroom interactions in a Zimbabwean setting. It is hoped that the findings of the present study may be used to help develop training programmes and curriculum based on the results of the research.

Nord (2003), writing about interpreting in German courts, also raises issues about training for interpreters. Nord's paper describes the structure and underlying philosophy of the International Bachelor's degree programme in Court and Community Interpreting in the department of Technical Communication of the University of Applied Sciences of Magdeburg, Germany in 1999. According to Svongoro and Kadenge (2015), Zimbabwe, like many other countries, recognises the rights of citizens or immigrants who have limited or no knowledge of the court language. Hale (2005) points out that when witnesses do not speak the language of the courtroom, interpreters are employed to interpret proceedings accurately. It is this notion of "accuracy" that this research tries to pursue as research findings point to the fact that interpreters constantly alter witness testimonies favourably or detrimentally, thus potentially influencing the outcome of the trial (Hale, 2005). This is evidence that the rights of witnesses and the accused are often neglected, especially in law courts, where often literally matters of life and death are at stake. In the case of Zimbabwe, "it is not a case of complete neglect but the case of limited interpreter training which raises a number of questions on the ability of these interpreters to cope with the challenges of the interpreting task, especially in rape cases" (Svongoro & Kadenge, 2015: 52).

2.5 Liaison interpreting research in non-legal contexts

Liaison interpreting takes place in different contexts, each with specific demands for the interpreter. These contexts range from interpreting in business (Dickinson and Turner, 2009) and healthcare contexts (Meyer, 2001), to social services and legal and quasi legal environments (Hale, 2004; Mikkelson, 2000; 2012). All of these make different contributions to the understanding of liaison interpreting in general and court interpreting in particular. There are, also, a number of types of liaison interpreting contexts that can be identified.The first type is that which occurs in contexts such as tour guiding (tourism) and business negotiations (e.g. in diplomatic interpreting or interpreting in broadcast interviews), as well as employment interviews. For example, Dickinson and Turner (2009) examine the role of sign language interpreters in workplace settings and show that the interpreter is an essential, conspicuous and active part of the communication process. For well over a decade, it has been clear that the development of the sign language profession in the United Kingdom – at least in terms of public service interpreting – depends to a considerable extent upon maintaining a mutually supportive, though constructively critical, relationship between service providers and consumers (Pollitt, 1997; Scott-Gibson, 1991). According to Dickinson and Turner (2009), the workplace is a complex environment, with its own specific rules and cultural norms. In such an environment, people present different social identities and these identities are continually negotiated and constructed through interaction with their colleagues. Sign language interpreters have to be aware of these complexities and must act as cultural mediators, working in a participatory way with both deaf and hearing clients in order to create a shared understanding of discourse and accurately reflect and replay the shifting, hybrid identities within that discourse. Drawing upon data from a study into the experiences of sign language in the workplace environment, Dickinson and Turner explore the ways in which all primary participants can contribute to a more successful interpreted outcome. The argument advanced by them (Dickinson and Turner 2009: 171) is that, "... in order to work effectively and successfully in any setting, sign language interpreters must continue to move away from pervasive 'interpreter as conduit' norm and must consider working in a more transparent and open way, involving and informing all parties in the communicative interaction."

The second context of liaison interpreting research is what Meyer (2001), Wadensjö (2001) and Mason (2001) have studied and can be thought of as therapeutic interpreting, such as doctor-patient interviews, patient counseling, and education on issues such as reproductive health and HIV and AIDS. Meyer (2001: 87) pursues the theme of competing discourses in liaison interpreting settings. Working with untrained interpreters in a medical encounter, Meyer observes tendencies which, though observable in professional dialogue interpreters, are more prevalent or more readily observable in the spontaneous behaviour of non-professionals. Like Miguélez (2001), Meyer (2001) also finds that the problem is not just that of knowing correct terminology, but also about particular solutions adopted for rendering particular terms (when, for instance, is a bruise a bruise and when it is a haematoma?). It has, therefore, more to do with the participation framework, power, distance between the participants and the professional stance adopted by the interpreter than any notion of technical equivalence. The participation framework and footing in the triadic exchange are also alluded to in Hale and Mason (2001), Stewart (2001) and Wadensjö (2001). Wadensjö (2001), however, looks at the triadic relationship in terms of proxemics, the spatiallocation of the interpreter in relation to the other two parties within the framework of psychotherapy sessions, in which patients, prompted by therapists, recount traumatic events from their past. In this highly sensitive environment, the interpreter him/herself is subject to a great deal of stress and may suffer "burnout". But Wadensjö presents evidence which might suggest that something as apparent as seating arrangements may have serious consequences both on the experience of the participants and on the outcome of the exchange. Specifically, the inclusion of the interpreter within a shared "communicative radius" (opportunities for eye-contact, shared sight-lines) with other participants appears to have a positive effect on the quality of experience for all concerned.

Like the studies cited above, Merlini (2009) explores interpreting practice in the field of emergency medicine. Analysing a corpus of tape-recorded interpreter-mediated encounters between medical staff of an Italian hospital and English-speaking tourists, the results of the study provide insights into the nature of interpreter-mediated medical encounters where patients are not members of a minority community, but feel nonetheless vulnerable because the emergency has occurred away from home. Not only is the study interesting in terms of the specificity of the setting, namely an accident and emergency ward, but also in terms of the unusual profile of the interpreters who are employed on a seasonal basis as "administrative assistants".

Merlini (2009) employs a range of theoretical approaches, from Fairclough's (2001) distinction between powerful and non-powerful participants, to Have's (2009) notion of phase-specific conversational patterns (the typical phase-by-phase structure of a medical encounter can be represented as opening, complaint presentation, verbal and physical examination, delivery of diagnosis, prescription of treatment/advice and closing), to Hall's theory of contexting. By using these, Merlini (2009) demonstrates that asymmetry in medical encounters is the product of a complex set of factors. More specifically, Merlini (2009) argues that it is a shifting variable which is locally and interactionally determined through successive talking turns by all interlocutors, doctor, patient and interpreter alike. The interpreter is seen to behave as a fully-fledged social actor who makes independent choices on the basis of his or her assessment of the goals and requirements of the ongoing activity. The same sentiments are also raised about interpreters in mental health in the Netherlands by Bot's (2009) study of two frequently used models of the interpreter: the translation machine model and the interactive model of interpreting.

Bot's (2009) study provides a summary of observations made about the adherence of participants to these models and are based on empirical data obtained from videotaped interpreter-mediated psychotherapeutic sessions. The study makes two important observations: 1) that the translation machine model is, essentially, an ideology; and 2) that the translation machine ideology rejects the interactional realities of interpreter-mediated talk, which leads to the baseless assumption that interpreters actually make comparable renditions that do not need any repair strategies. In fact, these repair strategies, as observed by Bot (2009: 126), "lead to the creation of the mutual understanding between the therapist, patient and interpreter that is ultimately sought".

The third context relates to the provision of high quality and culturally sensitive services in interpreter-mediated social work encounters involving complex interaction and negotiation between the service provider and the interpreter. The success of these encounters is considered to be largely dependent on the level of mutual trust invested in the communicative approaches adopted by both agents. Tipton (2010) investigates the socio-cultural norms that underpin the relationships of trust between service providers and interpreters in the social work field. In the study, Tipton re-interprets the "server-served" relationship in social work contexts with the aim of promoting cross-fertilisation between the interpreting and social work professions, as well

as research disciplines, and to develop theoretical insights that may have applications at the level of both interpreting and social work practice.

2.6 Legal interpreting

Liaison interpreting in legal contexts includes suspect and witness interviews at police stations (Mikkelson, 2010), lawyer-client interviews in the courtroom (Hale, 2004), immigration hearings and probationary services (Wadensjö, 2001). To the outsider, the law often seems strange and forbidding. Much of this strangeness relates to legal ljargon. Lawyers, for instance, use a specialised form of language for understanding and applying legal concepts and arguments. In England, for instance, Maltby (2010) observes that the language used for law is English, but that the ordinary English-speaking person may feel that the lawyers' jargon is a distant cousin of everyday language. When looking at interpreting, whether for deaf people or for speakers with different languages, several key points can be made from the outset:

(1) understanding the setting;
(2) understanding differences between the original utterance and the interpretation, bearing in mind that an interpreters' rendition can never exactly parallel the message delivered in the other language;
(3) understanding the role of the interpreter as one which actively facilitates communication, dealing with communication problems and any resulting dilemmas as they see fit; and
(4) understanding the impact of the interpreter with a clear understanding that proceedings without an interpreter differ in many ways from those where interpretation services are provided.

Maltby (2010) extends notions of interpreter impartiality and neutrality enshrined in interpreter codes of conduct to investigations of conflict between impartiality and neutrality as articulated in institutional interpreting policies. Drawing on aspects of critical discourse analysis, Maltby (2010) considers the interpreting policies of two voluntary sector advocacy organisations in the UK asylum application context (Asylum Aid and Refugee Action) to argue that institutional interpreting policy might act as an interface between codes of conduct and institutionally specific conceptualisations of interpreters and their roles. The author argues that interpreting

policy articulations by different organisations can result in different interpreter identities which diverge from the one prescribed in the code of conduct. These conceptualisations are, in part, ideologically shaped by institutional operational objectives.

Also focusing on immigrants in the U.S., Barsky (2010) adopts Mason's work on accessing contextual assumptions in dialogue interpreting by evaluating its implications in terms of the kinds of translation and interpretation issues that arise when authority figures encounter "illegal" immigrants in the Southern U.S. Using the findings of a large-scale research project completed in 2009, Barsky argues for a higher level of engagement on the part of the interpreter, such that he/she will assume the role of "interpreter" as opposed to "translator"; that is, be an active participant instead of a (disingenuously) "objective" intermediary.

Tillmann's (2009) study analyses five texts from an authentic asylum interview held by the German immigration authorities and interpreted between German and English. Specifically, the author investigates the linguistic techniques employed by an immigration official questioning an asylum applicant during an interpreted interview and concentrates on how these techniques are transmitted through the interpretation process. The study thus considers: 1) how the interpreter deals with the pragmatic meaning expressed by the immigration official through, for example, modal particles and down-toning devices; and 2) the challenges posed by the linguistic differences the two languages of interpretation, especially the frequency of use of modal particles. Like Merlin (2009), Tillman (2009) establishes that the use of modal particles is a prominent feature of immigration official questioning techniques which seems designed to reduce distance and improve rapport, while urging the applicant to provide detailed information about him/herself. However, Tillman (2009) observes that the interpreter was found to introduce pragmatic changes by rendering questions less forceful or reducing the openness of questions. Modal particles which convey casualness were also omitted by the interpreter, as were particles that subtly indicated the immigration official's growing skepticism. Tillman (2009) therefore argues that the interpreter's deletion of pragmatic content from the official's questions may have crucial consequences for the goal of the encounter: to establish the applicant's story of persecution and truth of his/her assertions. It can be assumed that such pragmatic changes may also have serious consequences in the related field of courtroom interpreting.

2.6.1 Recurring themes in court interpreting

The bulk of the linguistic and micro-analytic research on legal interpreting has been in the context of the courtroom. Much of these studies have concentrated on the discourse of the courtroom in Common Law countries due to the availability of data, as most courtrooms are open to the public. Besides, the huge body of research carried out on the language of the courtroom (O'Barr, 1982; Conley and O'Barr, 1990 and Gibbons, 2003) also serves as a theoretical basis for the study of interpreting. It is a characteristic feature of many of the researchers who investigate legal interpreting that they are currently or have been in the past practising interpreters themselves. These researchers are therefore acquainted with the issues that surround legal interpreting and are driven to investigate aspects that require practical answers to real life problems. Research in the field of court interpreting can be classified into five main categories. Of note are the themes and issues studied by Hale (2006), Miguélez (2001), Wadensjö (1998), Pym (1999), Mason and Stewart (2001) and others as discussed below.

2.6.1.1 Language use in the bilingual courtroom

The first category of research deals with the language of the courtroom. In this category are works that study written and oral discourse in the monolingual and bilingual courtroom where interpreters are an added participant. O'Barr (1982), Wodak (1984), Moeketsi (1999), Gibbons (2003) and Lebese (2013) provide insightful works in this category. Results of these studies suggest that lawyers use language as a strategic resource to achieve their own purposes in court through a number of linguistic meansthat allow jurors and the bench to assess witnesses' credibility, trustworthiness, intelligence and competence, and are based not only on the content of their testimony but, also and importantly, on the style of speech they use to present their evidence. This power is exercised in the courtroom through language in a number of different ways. All these results have important implications for the work of interpreters, as issues other than the propositional content of the utterances are of crucial importance for the courtroom setting.

2.6.1.2 How courtroom questions are interpreted

In the second category are studies on the interpretation of different question types in the courtroom. According to Hale (2006: 208), "One strategy used by lawyers to elicit the desired answers is the type of question used, which differs according to the type of examination".

During examination-in-chief, for instance, witnesses are given more freedom to respond and there are thus less coercive question types, such as modal interrogatives and WH-questions. In cross-examination, more coercive types of questions predominate and include closed type and leading questions. These questions are used as a means of control in the courtroom. Question types can thus have an impact on the answers they elicit. Apart from the study by Hale, many other scholars have investigated the way in which interpreters understand and interpret courtroom questions. Rigney (1997), Berk-Seligson (1999, 2002) and Fraser and Freedgood (1999) all examine how interpreters treat courtroom questions from a discourse analytical, pragmatic perspective. The results of these studies point in one way or another to the fact that interpreters affect the verbal outcome of lawyers' and judges' questions and thus interfere in the way that the examiners want to get information. Moeketsi (1999) also supports this view when she examines a similar situation in South African courtrooms.

Also focusing on the issue of courtroom questions, Wadensjö (2010) studied the production and elicitation of expanded answers to YES/NO questions in interpreter-mediated trials. She carried out a comparative analysis of sequences drawn from two interpreter-mediated (Swedish-Russian) court trials, documented in Sweden. Wadensjö observes that in single-language trials, defendants' ability to gain conversational space to expand a minimal answer heavily depends on the immediate sanction of the legal questioners. In interpreter-mediated court proceedings, however, the analysis suggests that the ability of foreign-language speaking defendants to expand a narrative is relatively independent of the direct sanctions of the questioners. This must be explained by a range of linguistic and pragmatic factors.

2.6.1.3 How expert witness testimonies are interpreted

One of the most challenging assignments a court interpreter faces is interpreting for expert witnesses. It is common practice in most courts of law to make use of expert witnesses from a wide variety of fields. According to Miguélez (2001), it has generally been assumed that the expert witness is challenging and preparations usually focus on specialised vocabulary and phraseology. Miguélez (2001) examines several hundred pages of transcribed expert courtroom testimony and found that, contrary to the generally held assumptions about expert witnesses, their testimonies were not as lexically specialised as one might think. In fact, many of these testimonies, from very different fields, contained many more grammatical, structural and syntactic errors than would be expected. Miguélez goes on to categorise the frequently

occurring errors found in these transcribed testimonies and has noted the strategies used by both novice and experience interpreters to deal with these challenges.

2.6.1.4 How style and register are interpreted in court

Related to the above are studies which examine the interpretation of style and register in witness testimonies. Research has been conducted into the effect of the way in which witnesses present their answers, highlighting the fact that it is not only the content of the answer that is important when forming an impression of a witness, but also the way in which such information is presented. This is what is commonly referred to as speech style, register or form. O'Barr (1982), Berk-Seligson (1990) and Hale (2004) are all important in this regard. Using methods ranging from experiments to descriptive discourse analytical approaches, these scholars studied aspects relating to how various courtroom participants used powerful or powerless speech and politeness markers during their interactions (Berk-Seligson, 1990 and Hale, 2004). These studies revealed that speakers of the powerful speech style were professionals and speakers of the powerless style were working-class. They also show thatinterpreters generally added some powerless features in their interpretations. For instance, Hale (2004: 216) points out that "the interpreted versions had considerably more hesitations and grammatical errors than the original speech".

Hale (1999) examines how discourse markers used in courtroom discourse, such as "well", "now" and "you see", are conveyed by interpreters. She finds that lawyers use discourse markers as argumentative and confrontational devices toexpress disagreement during cross examination and to control the progression of speech during the examination-in-chief. Like Knapp-Potthoff and Knapp (1987), Hale observes a tendency of interpreters to omit or mistranslate such particles. Interpreters may judge discourse markers as superfluous and thus leave them out or may be prevented by translation difficulties from rendering such linguistic devices. However, Hale (1999) points out that while the illocutionary point (Searle, 1969) of an expression remains intact, the illocutionary force is likely to be reduced through such losses, potentially prompting a change in the interlocutor's reaction to the utterance. In a courtroom context, the consequences of even relatively subtle pragmatic changes introduced in the interpreting process can be significant and has been demonstrated, for instance, by Berk-Seligson (1990). Again, the findings of these studies are also important in understanding the aspects of style that characterise language use in the courtroom and how these have a bearing on the goings-on in the courtroom as an institution.

2.6.1.5 The pragmatics of court interpreting

Other studies investigate the pragmatics of courtroom interpreting. Different aspects of pragmatic theory have been used to analyse interpreting data. Hale (2006: 217) gives a general definition of pragmatic meaning as "...the meaning of utterances beyond the word, determined by context, situation and participants". This has led interpreting researchers to argue against the myth of literal, word-for-word translations. Aspects of pragmatic theory that have been used in courtroom interpreting research include Austin's (1962) speech acts and Grice's (1975) cooperative principle which comprises the observance of the quality, quantity, relevance and manner maxims which have been widely deployed to study cross-cultural communication and interpreting research. Other scholars have relied on Brown and Levinson's (1987) "face" and politeness theory which also provides an important theoretical basis for interpreting research. The focus in pragmatic studies has been on the analysis of difficulties associated with rendering pragmatically correct interpretations (Moeketsi and Wallmach, 2005) and on illustrating issues of cross-linguistic pragmatics which are important for the court processes. These studies move away from a largely prescriptive approach of language to a view of language as "a much more complex, interactive affair situated in a larger institutional, cultural and political framework that affects both the micro-and macro-linguistic aspects of the interpreter's performance and of the various interlocutors' utterances" (Rudvin, 2006: 21).

Mason and Stewart (2001) also make worthwhile contributions to the understanding of the pragmatics of courtroom interpreting. They approach the pragmatics of interpreting from the perspectives of politeness and negotiation of face. By comparing two very different events, namely cross examination of a Spanish-speaking witness in the O.J. Simpson trial in the U.S. and interviews by immigration officials of illegal Polish immigrants, they are able to show that the inherently face-threatening nature of the events themselves (the witness whose credibility is being undermined, the immigrant who is about to be deported) leads to a great deal of face-work in the speech of the questioner and the interviewee alike. The conclusion Mason and Stewart draw from these triadic speech events, which inherently contain a degree of threat to face, is that face-threatening acts are frequently modified in the act of translating, irrespective of the style of interpreting adopted. Related to these findings, Berk-Seligson (1990) also presents evidence from U.S. courtrooms which reveal subtle shifts of politeness in interpreting and of the actual effects such shifts may have. Berk-Seligson (1990: 142) notes that interpreters may either delete hedges and other particles or, conversely, add them. Berk-Seligson (1998)

describes a related phenomenon involving the use of honorifics, such as *Señor, Señora*, which reveals that it is more commonplace in Latin American Spanish than are 'Sir' or 'Madam' in North American English. The observation she makes is that there a tendency to omit these forms of address in interpreters' output from Spanish to English (particularly when a witness has inappropriately addressed the interpreter as *Señorita* instead of the attorney. In an experiment to judge the effects of such omissions, she found that witnesses who were interpreted as using these honorifics were perceived by jurors to be more trustworthy and convincing than those who were interpreted without using them. This suggests that failure to interpret markers of politeness in a courtroom setting can have serious consequences.

In relation to the pragmatic aspects of courtroom interpreting, others studied how the physical presence of participants exerts a determining influence on the way meanings are exchanged and negotiated (Lang, 1976; Mason & Stewart, 2001; Takimoto & Koshiba, 2009; Wallmach, 2014). These studies generally observe interpreter behaviour in traditional courtroom settings and note the importance of gaze, posture and gesture in the behaviour of each participant and how these signal inclusiveness or exclusiveness. Mason and Stewart (2001) for instance, pointed to issues we would now describe in terms of the participation framework, power, distance, footing and so on. The last aspect in this list, footing, is investigated by Wadensjö (1998) and Wallmach (2014) within the three-way exchange between the interpreter and those for whom s/he is interpreting. Takimoto and Koshiba (2009: 7) define footing as "…the speaker-hearer alignment" during the interpretation process. By this, Takimoto and Koshiba (2009) mean that for paticipants to interpret smoothly in an interpreted event, the interpreter must render not only the content of an utterance but also the footing; that is, the speaker-hearer alignment. Wadensjö's (1998) argument is that there are shifts in footing between the interpreter and those for whom he/she interprets. For example, one participant may address the interpreter directly, referring to the interpreter in third person ("Tell him that...") or address the other participants directly and expect the interpreter to reflect this direct address. The interpreter will often shift footing within an exchange. Again, clients will sometimes make observations which they do not expect the interpreter to relay to the other party. In all such cases, clues to the footing being adopted may be signaled by subtle changes in gaze, posture or tone of voice. Wallmach (2014) also analyses changes in footing in long consecutive interpreting in South Africa's healthcare services. The contribution Wallmach (2014) makes to the debate on interpreting in therapeutic contexts is that interpreters should be trained to participate as active co-participants so that they may control turn duration and be more aware

of role attribution, among other things, to enable them to interpret accurately in the long consecutive mode.

2.6.1.6 How interpreters represent varying courtroom realities

Hale and Gibbons (1999) examine how different realities are represented through the use of language. According to Hale and Gibbons, two layers of reality are manifested in the courtroom: 1) that of the court itself – the courtroom reality; 2) and that of the events under examination in the case – the external reality. While interpreters tend to faithfully interpret language referring to the external reality, there are continual and significant changes in their interpreted representation of the courtroom reality. Such changes may have significant influenceson the evidence and, accordingly, on the outcome of the case. Drawing on courtroom transcripts involving Spanish-English interpreting by interpreters in Sydney, Australia, Hale and Gibbons observe that there were regular changes in the interpreted versions of questions asked by the powerful court participants; that is, by the lawyers, police, or bench. In relation to these varying realities, Hale and Gibbons look at the disappearing courtroom, tenor changes and question forms. The first two are illustrated below:

The disappearing courtroom

Hale and Gibbons (1999) observe that the courtroom reality is frequently deleted or diminished in the interpreted form. In the example below drawn from Hale and Gibbons's findings (1999: 8), the word *court* literally goes missing as it is not interpreted. S while there is reference to the court in the English source, there is no reference whatsoever to the court in the translation. The following example given by Hale and Gibbons (1999: 11) is clear about this:

> **C:** CAN YOU TELL THE COURT what happened?
> **I:** *Y luego que paso?* (And what happened?)
> **C:** CAN YOU TELL THE COURT TO YOUR BEST, THE BEST OF HER *(sic)* MEMORY
> **I:** *Pero algo recuerda usted?* (TO THE BEST OF HER *(sic)* RECOLLECTION, (But you remember something?)

The above is an example of deletion. The reduction in the representation of the courtroom is not limited to the court reference only. A change is also produced by the deletion of "can you

tell" in the two examples removing the whole notion of "versions of events", in other words, of a secondary reality produced by a here-and-now primary courtroom reality.

A similar example can also be drawn from the Zimbabwean courtroom data which reveals the same phenomena:

> **Court:** Now, can you tell THE COURT the events of the second rape encounter.
> **Intepreter:** *Zvino chirondedzera zvakaitika pazuva raakakubata chibharo kechipiri kacho.* 'Now narrate what happened on the day he raped you for the second time'
> (Extract from case 5)

Again, in the above example, the words "the court" found in the English source text are not interpreted in the target language text. This is also evidence that while interpreters in Zimbabwean courtrooms tend to faithfully interpret language referring to the external reality, there are consistent and significant changes in their interpreted representation of the courtroom reality.

Tenor changes

According to Hale and Gibbons (1999: 9) and also echoed by Svongoro and Kadenge (2015), when indirect questions are interpreted as direct questions (as in the example below from Hale and Gibbons), the move from indirectness to directness produces another effect, a change in politeness, using Brown and Levinson's (1987) terminology, or a change in tenor in Halliday and Hassan (1985) terms. Tenor is a means of negotiating social relationships, in this case within the courtroom, so it is part of the courtroom reality. In particular, tenor manifests relations of status and relations of affect, and both may be modified by changes as shown below:

> **C:** Uh, MR GOMEZ, COULD YOU PLEASE, GIVE YOUR NAME?
> **I:** *Diga su nombre* (State your name)

In the above example, the interpreter omits the title and name of witness and the politeness marker "could you please". The Spanish version is therefore shorter and more concise. The name and title may have been seen as irrelevant by the interpreter, but the omission of the

witness' title and name, as well as the politeness marker has an effect on the tenor of the utterance as it makes it less polite and less formal.

Hale and Gibbons argue that although the above omissions are understandable given the demands and constraints upon the courtroom interpreter, they have undesirable consequences. Changes in tenor may, for example, conceal both the respect and the formality with which witnesses/accused are being treated or, conversely, the hostility they are facing. Similarly, legal professionals would be disturbed by changes in the nature of the questions that they ask. Construction of questions with the desired level of coercion during cross-examination is a highly developed skill among most lawyers, and one that plays a crucial role in the adversarial courtroom. When changes to questions and their force occur during interpretation, all this is threatened and the practical consequences are several.

Emotional and psychological demands on the interpreter

Over and above the inherent difficulties of the translation process, interpreters face several obstacles when working in the courtroom. While some of the obstacles arise from the interpreters' ignorance of the language of the courtroom, some are a result of the legal world's ignorance of the intricacy of the translation process and the consequent unrealistic demands on the interpreter. In particular, time constraints are a huge obstacle, as well as the emotional and psychological effects of interpreting in cases where violent, traumatic and terrifying events are recounted (Valero-Garcés & Abkari, 2010). TheTruth and Reconciliation Commission's hearings in South Africa (Bock et al, 2006) are a good example. Bock et al. (2006) present some cases in which interpreters were overcome by emotion when faced with interpreting the horrendous accounts of gross human rights violations from some of the testifiers. Though held in the simultaneous mode and not in the consecutive mode (Wallmach, 2002), the hearings of the Truth and Reconciliation Commission provided an open display of emotional breakdown and some of the interpreters were not able to handle the cases with the professional detachment required which, in turn, showed that the interpreter cannot be erased (Wallmach, 2002).

2.7 Conclusion

This chapter presented a review of the theoretical perspectives concerning interpreting studies. The first issue I discussed relates to the major themes in interpreting studies, particularly issues

concerning interpreter role perceptions and descriptions, efforts at redefining the role of the interpreter and interpreter training issues. The second issue I covered in this chapter relates to different types and modes of interpreting with an in-depth discussion of liaison interpreting. The last issue dealt with in the chapter concerns some of the major issues in court interpreting research, particularly issues in connection with interpreting quality issues and the consequences these may have on the triadic exchange.

The following chapter examines court interpreting situations in various parts of the world.

CHAPTER 3: COURT INTERPRETING SITUATIONS IN DIFFERENT PARTS OF THE WORLD

3.1 Introduction

In the preceding chapter, I presented a critical review of the state of affairs in liaison interpreting in general, and court interpreting in particular. This chapter examines the current court interpreting situations in Australia, South Africa and Zimbabwe. These three countries have been chosen for closer examination because of their remarkable differences in terms of the development and practice of court interpreting. In Australia, for instance, there is no uniformity on the use of interpreting services and court interpreters are not required to be qualified even though accreditation from the National Accreditation Authority for Translators and Interpreters (NAATI) is desired. In South Africa, on the other hand, accreditation by the South African Translator's Institute (SATI) is not a requirement, although a Diploma in Legal Interpreting is a recommendation. In Zimbabwe, both accreditation and qualification are not requirements for court interpreters.

These three countries have, firstly, been chosen for examination because they all have linguistic profiles requiring the services of interpreters. Besides, migration dynamics in these countries have resulted in diverse immigrant populations from different parts of the world. The obvious result of this is a complex multilingual and multicultural social fabric, with populations speaking a variety of African, Asian and European languages. Secondly, the dominant languages spoken in these countries, such as English, French and Spanish, are often regarded as world languages because they are widely spoken across the globe. In Zimbabwe and South Africa, for instance, these languages have official status due to the legacy of colonialism which saw the "imposition of the languages of the colonial masters as the *de facto* official languages on these member states and the relegation of local languages to languages of the home"

(Hachipola, 1998:19). These two countries thus share the same sociolinguistic situation characterised by the impact of colonialism on indigenous languages. Since the advent of colonialism, many African countries, like Zimbabwe, have adopted their colonial masters' languages as official languages for commercial and administrative functions, and diminished their own languages to those used at the community level. This has effectively meant that for the people to access services in the commercial and administrative sectors where European languages such as English, French, Spanish, Portuguese and German are used, they needed to acquire a Western education first. In societies with the mentioned sociolinguistic situations, the service of interpreters are required in both private and institutional contexts to bridge the communication gap for those who do not speak the official language of that particular community. Apart from the above, South Africa and Zimbabwe have been chosen for closer examination because they have similar legal systems based on the Roman Dutch Law tradition.

The examination of court interpreting situations in these three countries offers an opportunity for sketching the development and practice of court interpreting in different parts of the world, particularly regarding issues relating to interpreter training and employment, as well as professionalisation and accreditation. The overall objective of this examination is to inform stakeholders in Zimbabwe and the rest of the world of the issues at play concerning the practice and profession of court interpreting.

3.2 Court interpreting in Australia

In the sections below, I examine the development of court interpreting in Australia in terms of the recruitment, training and accreditation of interpreters, as well as other issues pertinent to the interpreting profession in that country.

3.2.1 Australia's multicultural character

According to Hale (2011), the 2011 Census in Australia reveals its multicultural character, although the details of the 2011 Australian census revealed an interesting change from the last census in 2006. Among the revelations of the 2011 census is that Mandarin is now the second-most spoken language at home. In the last census it was Italian. In 2011, 81% of Australians aged five years and over spoke only English at home, while 2% did not speak English at all.

The most common languages spoken at home (other than English) are Mandarin (1.7%), Italian (1.5%), Arabic (1.4%), Cantonese (1.3%) and Greek (1.3%).

The census revealed that 47.3% of its population is of non-English speaking background. Of these, 6% is primarily of Cantonese, Italian, Mandarin, Vietnamese and Arabic speaking background (Choolun, 2009). According to Choolun (2009), these non-English speakers require particular support to overcome the myriad potential language difficulties that impede their integration into the Australian society and when they find themselves in the courts of law.

According to Hale and Gibbons (1999), the term *community interpreting* was coined in the 1970s in Australia, from which it spread to Europe and eventually the U.S. For years, Australia remained the prime active country in the development of community interpreting as we currently know it. After the Second World War, due to the influx of immigrants, the government shifted towards multilingualism to accommodate the "new Australians". Most of the community interpreting was *ad hoc* until 1973 when a telephone interpreter service was created, at which point the need for interpreting schools and training arose. As interest in interpreting increased, it spread overseas and, in 1978, the U.S. Court Interpreters Act boosted the professional development in the field of court interpreting by requiring that interpreters take further education as offered by professional bodies or universities. Since the 1970s, the need for community interpreters has skyrocketed, causing steps towards more thorough and uniform education and certification. For example, in 1995 the first international conference on "Interpreters in the Community" was held at Geneva Park near Toronto. For Australia and other continents, the conference represented the most important landmark development for "Interpreters in the Community" as an emerging profession (Mikkelson, 1996). Before the conference, community interpreting had been dealt with only in the context of some professional organisations. In 1997, the National Accreditation Authority for Translators and Interpreters (NAATI) was created in Australia in order to set and maintain high national standards in the fields of translation and interpreting.

3.2.2 The right to a court interpreter

It is surprising that Australian common law does not provide an automatic right to an interpreter. However, Choolun (2009) and Hale (2011) observe that in South Australia, a statutory right to an interpreter exists for a witness who is not proficient in English during court proceedings and when being questioned by the police. Victorian and Commonwealth statutory

provisions grant the right to an interpreter in more limited circumstances. What all this means is that, "whether to use an interpreter is a matter within the discretion of the presiding judicial officer. Exercising such discretion entails consideration of the accused's common law right to a fair trial" (Choolun, 2009: 27). This consideration is paramount, irrespective of whether the non-English speaker is the accused a witness in the trial. The judicial officer must, in both cases, measure the likely influence of an interpreter on the trial's ultimate verdict.

Choolun further asserts that in assessing whether a person's level of English proficiency is sufficient to understand proceedings, whether related to statute or common law, the often monolingual judicial officer faces an unenviable task. To avoid burdening court interpreting services, courts have generally limited the use of interpreters to those persons with demonstrably inadequate English proficiency. However, this approach has received considerable criticism from Kirby (1991:49-51) who warned that elementary English is unsatisfactory for the purpose of communicating in the courtroom. According to Choolun (2009: 30):

> …the mere fact that a person can sufficiently speak the English language to perform mundane or serial tasks or even business obligations does not necessarily mean that he/she is able to cope with the added stresses imposed by appearing as a witness in a court of law.

Given this scenario, judicial officers would benefit from objective criteria provided by a language authority, such as English Australia, to assist in their assessment of a person's level of English proficiency.

3.2.3 The role of the court interpreter

According to code of ethics of the Australian Institute of Interpreters and Translators (AUSIT) (2008), there are eight principles governing interpreting in all disciplines: professional conduct, confidentiality, competence, accuracy, impartiality, employment, professional development and professional solidarity. Given the attention to detail required in legal proceedings, great emphasis is placed on accuracy in evaluating a court interpreter's performance. But, while the role of the court interpreter first advocated "word for word" or literal interpretation as the signpost of accuracy, Hale (2004, 2011) notes that this approach reflects a misconception about interpretation, notably among lawyers, and particurly about it being a purely mechanistic

process. The interpreter is thus seen to perform the role of a "conduit pipe" rather than being part of "a complex human interaction". This view may have come from Lastor and Taylor (1995) according to whom the conduit model's machine-like function encourages impartiality by restricting the interpreter's exercise of discretion. In so doing, it severely limits the interpreter's contribution to the ongoing proceedings and confines the potential influence that interpreters may wield over lawyers' linguistic strategies, thereby allowing lawyers to maintain control over the direction of court proceedings In 1985, however, the Australian Law Reform Commission (ALRC) concluded that this narrow conception of the court interpreter's role excludes the "human elements" of the interpreting process (ALRC Interim Report, 1985: 339). These human elements include the linguistic, cultural and social elements that interpreters use when an exact equivalence in the target language is unavailable. These elements are more important in the courtroom where technical and strategic language is very common.

Apart from the above, the conduit model goes against the generally accepted view by Hale (2004) that "accuracy" encompasses both accuracy of content and of message intention and effect ("pragmatic equivalence"). It is true that the linguistic strategies used by adversarial lawyers for impact rely as much on message intention and effect as on message content. In the same vein, the interpreter must include all aspects of the spoken delivery if he/she is to convey the lawyer's strategic intentions. The non-English speaker's responses also carry many similar nuances. Failure by the interpreter to attend to these nuances by construing accuracy in narrow terms may result in the non-English speaker either gaining an unfair advantage or being misrepresented. However, empirical studies in the Australian courtrooms (e.g. Choolun, 2009 and Hale, 2011) attest to the fact that both lawyers and interpreters subscribe to a modified conduit notion. Under this notion, which Lastor and Taylor (1995) label "the compromised conduit", the interpreter tries to place the non-English speaker in "as close a position as an English speaker in the same situation" (Hale, 2011). By doing so, Choolun emphasises that the interpreter interprets what is said and the manner in which it is said so that the message is understood in the same way as the original. Apart from this, the interpreters abiding by this model avoid omissions and personal ideas, pay attention to pauses, tone of voice, hesitations, style and register. Furthermore, the compromised model allows for the possibility that the interpreter may need to intervene in proceedings to provide clarification when cultural differences inform the person's behaviour and speech.

3.2.4 Common issues in court interpreting

Court interpreting in Australia faces a number of avoidable and unavoidable challenges in its attempt to achieve justice for the non-English speaking community (Hale, 2011; Choolun, 2009). One such major obstacle identified by Hale (2011) is that the interpreter's capacity to place the non-English speaker in the same position as the English speaking witness. One constraint in terms of this is that the interaction between the two parties is remarkably slowed, affecting the dynamic in the relaying of the message. In spite of assistance offered by the "compromised conduit model", there is consensus that evidence presented through an interpreter loses much of its impact. This is because the judicial officers do not readily understand the witness, nor are they fully able to appreciate, for instance, the degree of conviction or uncertainty in which evidence is given. That is, they cannot fully follow the nuances, inflections, quickness or hesitancy of the witness.

Hale (2011) further argues that the interpreter, in one way or another, exerts some degree of influence on the communication process, even in light of appeals to impartiality. There are also occasions when pragmatic equivalence is hindered by words, phrases and questions that are linguistically or culturally incapable of interpretation. Choolun (2009) observes this situation to be common in cross-examination where deliberately vague or complex questioning complicates the interpreting process. Hale (2011) gives the English double negative, for example, as a common weapon in the cross-examiner's armoury and shows that there is no pragmatic equivalent in many languages, including French, Mandarin and Spanish. In such instances, accuracy of content alone must suffice.

The other set of obstacles are avoidable, though this is subject to the willingness of the parties concerned. One such an obstacle is the poor quality interpreting (Hale, 2011) that is so prevalent. Although no objective standard of interpreting exists, the Queensland Interpreter's Oath includes all key aspects of quality interpreting, namely accuracy, consistency, competency, contemporaneousness, continuity and impartiality. However, consistency is affected by the use of different interpreters in the same case, as well as by intermittent interpreting. According to Choolun (2009), intermittent interpreting goes against the principle of continuity as interruptions in the interpreting process increase the likelihood of error. Studies by Hale (2011) and Taylor and Lastor (1995) echo these findings and show that court interpreting in Australia falls short of the criteria set in the interpreter's oath. Both studies argue

that legislation providing for an interpreter merely creates the illusion of a right if the quality of interpreting itself is so poor as to lead to a miscarriage of justice.

Alongside poor interpreting is the significant shortage of accredited professional interpreters. According to NAATI a mere 231 Australian interpreters were accredited in 2008. This number causes a strain on the available accredited interpreters which indirectly impacts on interpreting quality. Apart from this, Choolun (2009) notes that the shortage leaves the courts at risk of being unable to provide the non-English speaker with an interpreter upon request. According to the NAATI's Annual Report of 2006-2007 (2007), this problem is common with regard to Aboriginal Australians for whom the availability of interpreters in the traditional Wik-Mungkan language is increasingly scarce. Besides, the few available Wik-Mungkan interpreters were often found to be related to a witness, thereby precluding their participation in the case. In the face of judicial criticism, the South Australian Government announced additional funding for training of Wik-Mungkan interpreters in June 2008. And, according to the same NAATI (2007) report, the Commonwealth Department of Immigration and Citizenship (DIAC) also recently supplied funding for the accreditation of new interpreters in emerging community languages. The availed funding has started yielding results as revealed in the NAATI's 2013/2014 Annual Report. According to the report, NAATI increased its number of qualified examiners to 250 in 61 language specific panels. The same report also states that between July 2013 and June 2014, NAATI granted revalidation to 628 accreditations in a total of 62 languages.

The other challenge relates to fundamental differences between court interpreting and interpreting in other disciplines (Choolun, 2009). Court interpreting requires serious concentration and the ability to follow complex thought which is both physically and mentally demanding (Valero-Garcés, 2005). For this reason, it is imperative that interpreters are afforded adequate breaks during cases for rest and refreshment. Failure by courts to observe this is common and reflects a lack of understanding among parties about the interpreting process, as well as the interpreter's contribution to that process.

The third and highly contested aspect is in connection with the speed, length and questioning strategies employed by lawyers (Hale, 2010). Although demanding that lawyers make their adversarial style appropriate to the interpreting process would be to go against the art of advocacy, it would be reasonable to encourage all parties to be articulate and to deliver clearly

worded and manageable expressions. In this regard, the judicial officers can play an important regulatory role.

Finally, the fourth challenge, according to Hale (2001), relates to the seating arrangement in the courtroom. The interpreter is often positioned at a distance which may cause hearing difficulties and thus compromise the quality of interpreting

3.2.5 Interpreter training and accreditation

According to Hale (2011), poor quality interpreting, especially incompetency and inaccuracy can be mitigated by academic and practical training and improved remuneration. Choolun's (2009) view is that, although the days of *de facto* or *ad hoc* interpreters are long gone, the misconceived notion that interpreting is an exercise capable of being carried out by any bilingual speaker still exists, particularly in the legal profession. However, as early as 1975, Jakubowicz and Buckley (1975: 22) emphasised that: "Competent interpreting is not merely an ability to speak a language, however fluently, but is an acquired skill with specialisation needed in appropriate areas together with a strict code of professional ethics". NAATI, established by the Commonwealth Government in 1977, is responsible for setting these professional standards alluded to by Jakubowicz and Buckley (1975). It is also the avenue through which interpreters enter the profession. According to NAATI (2011), professional interpreters in Australia are rated at four different levels: 1) Paraprofessional Interpreter; 2) Interpreter; 3) Conference Interpreter; and 4) Conference Interpreter (Senior). It is recommended, though not required by law, that court proceedings be interpreted by interpreters at the third level or above. The majority of court interpreters are accredited at the interpreter level, however, which is awarded on the basis of a 75-minute generalist examination for which no prior interpreting training is required. However, in 1982, the Australian Institute of Multicultural Affairs recommended that tertiary institutions collaborate with NAATI to establish tertiary training courses for interpreters. As tertiary institutions offering courses in translation and interpreting are still few and non-compulsory for employment, the vision that interpreters would enter the profession after completion of tertiary education is yet to come to reality.

The Australian Institute of Multicultural Affairs (2008) also realised the special demands of court interpreting and called for special examinations for would-be court interpreters.

Surprisingly though, the National Accreditation Authority of Translators and Interpreters had not offered any such specialist examination by 2008, prompting criticism that NAATI-accredited interpreters are ill-equipped for court interpreting. As a reaction to this criticism, in March 2008, NAATI introduced a sight translation test to its interpreter level examination to complement the consecutive interpreting test. This has strengthened the examination's overall relevance to court interpreting. However, the examination still overlooks the simultaneous mode of interpreting used in court, as well as the linguistic register, precision of interpreting and understanding of legal procedures.

Having looked at the above issues, one can safely argue that compulsory training in interpreting from tertiary institutions as a pre-condition for the NAATI accreditation would help Australia in many ways. In one way, it would address issues relating to academic and practical training which cannot be covered by the 75-minute NAATI examination. In another way, it would provide suitable specialist training for court interpreters which could, in turn, prepare them to face court interpreting demands. Tertiary training could also help to illuminate the character of interpreting as a low-skill profession and provide the respect and appropriate remuneration that it deserves. Finally, tertiary training would also provide tertiary institutions with an opportunity to share the task of examining candidates for the NAATI accreditation, making the process more expedient and, in so doing, increasing the availability of interpreters in the country.

Before making summative comments about strides made and challenges facing the development of court interpreting in Australia, I present an examination of court interpreting in two African countries namely, South Africa and Zimbabwe.

3.3 Court interpreting in South Africa

South Africa leads other African countries, especially those in the Southern African Development Community (SADC), in terms of the development of sound language policies and services. Below, I look at how the development of court interpreting has evolved over the years to the present day situation. The examination focuses on issues relating to employment, training, accreditation and opportunities for further professional development.

3.3.1 The language situation

South Africa, like many other African countries, is multilingual, with about 30 languages spoken by its population (Lebese, 2013). Eleven of these languages are official, with English and Afrikaans still maintaining their old status of being the languages for formal and official purposes, such as being the languages in the courts of law (Moeketsi, 1999). In spite of this abnormal situation, statistics point to the fact that over 75% of the population speaks African languages, including African heritage languages like Namibian Nama and Herero, Zimbabwean Shona, Mozambican Ronga, Malawian Chewa, Malawian Mbundu, East African Swahili and Kikuyu, Nigerian Yoruba, Zambian Nyanja and Bemba etc. (Moeketsi, 1999: 127). Apart from these groups of speakers, there are also Asian and European heritage languages like Hindi, Tamil, Cantonese, Taiwanese, Dutch, German, French, Portuguese, Greek, and so on.

With South Africa's transition to democracy in 1994, there was a renewed interest among different sections of society regarding language use, particularly on how language can enhance access to justice, especially for those South Africans who do not understand the official languages of the judiciary. Such a situation, as Moeketsi and Wallmach (2005) rightly observe, require the service of interpreters in the majority of criminal cases, particularly in the province of Gauteng because of its extremely multilingual nature.

The situation in South Africa, which is also manifest in many other African countries, is something of a paradox. Afrikaans and English, which are spoken by the minority of the total population, continue to be the languages for important functions such as the law and administration. According to statistics provided by Statistics South Africa (2011), isiZulu is the mother tongue of 22.7% of South Africa's population, followed by isiXhosa at 16%, Afrikaans at 13.5%, English at 9.6%, Setswana at 8% and Sesotho at 7.6%. The remaining official languages are spoken at home by less than 5% of the population each. This effectively means that the languages of the majority of the population are minoritised because these languages "suffer from functional difficulties, not because of any lack of numbers, but rather as a result of historical and socio-economic conditions, such as colonialism" (Moeketsi & Wallmach 2005: 2). Against this background of unevenness, the following sections examine court interpreting in South Africa in terms of employment requirements for interpreters, their working conditions, training available for them and issues relating to professionalisation and accreditation.

3.3.2 Employment of court interpreters in South Africa

According to Lebese (2013), all court interpreters in South Africa are employed by the Department of Justice and Constitutional Development (DoJCD). The basic educational requirements are Grade 12, knowledge of Afrikaans and English and two South African local languages. According to Moeketsi (1999), these languages must be from different language families; i.e. one from the Sotho group of languages and another from the Nguni group of languages. This requirement usually applies in the case of interpreters in multi-ethnic urban areas such as the Gauteng provincial area, which by nature is cosmopolitan. According to Moeketsi (1999: 125), the reason for this requirement is that genealogical/typological similarities among languages in the same family form a strong basis for mutual intelligibility, hence the insistence on proficiency in both Nguni and Sotho languages to ensure that the widest possible spectrum of languages is covered. Besides grade 12 as an educational requirement, it is also emphasised that the possession of a tertiary degree and computer literacy will be added advantages.

The possession of tertiary qualifications in Legal Interpreting and Translation is recommended for the position of principal interpreter and other higher positions in court interpreting. However, these requirements are different for foreign language interpreters who are often simply asked whether they speak the language requested rather than being tested. Although many of the foreign language interpreters possess degrees from other fields, most of these degrees are not relevant training for interpreting work. Unfortunately for the foreign language court interpreters, apart from the fact that quite a significant number of them did not have interpreting experience prior to being employed in South Africa, their diplomas and degrees are usually not linguistic or language-related ones that would count in their favour as interpreters. To make matters worse, there is currently no funding available for foreign language court interpreter training in South Africa, only for full time South African court interpreters.

Another requirement for interpreters in some areas is knowledge of languages such as Tsonga and Venda. These languages do not belong to any one of the larger families and do not share the same morphological, phonological and lexical features with languages in the lager families. In the case of South Africa, it is also important to note that the language requirements vary from one province to another (Lebese, 2013). For example, in the Eastern Cape, one of the language requirements for prospective applicants is the ability to speak IsiXhosa and the two

de facto official languages, i.e. Afrikaans and English. In that province, interpreters from other languages are used in an *ad hoc* manner when the need arises. Adverts for interpreters in magistrates' courts in the Limpopo, on the other hand, will specify English, Afrikaans, Northern Sotho, Tsonga and Venda and, in addition to this, fluency in Shona, Zulu and Swazi are normally indicated as added advantages. The specification of Shona is necessitated by the recent influx of Zimbabweansto South Africa following the political and economic meltdown in the country. Although Zulu and Swazi are not major languages in the Limpopo province, their inclusion in the adverts as an added advantage also means that there is a frequent need for court interpreters in these languages.

In the past, the employment of court interpreters usually took the form of internal vacancy advertisements in the particular court requiring the services of interpreters (Moeketsi, 1999: 131). However, following the reforms in the Department of Justice and Constitutional Development, especially regarding the operation of the courts and making the courts accessible to the general public, this has changed. Nowadays, advertisements for prospective interpreters can be found in mass media, such as newspapers and the internet (i.e. the Department of Justice and Constitutional Development website). However, the procedure is slightly different for language interpreters. No formal advertisements are made as the news is passed on to other interpreters who then head-hunt for an interpreter in a particular language.

Before their employment, applicants go through a selection and interview process. This is usually done by a panel of experienced interpreters comprising senior interpreters and chief interpreters who shortlists the names of candidates for interviews. One part of the interview process is a language test for prospective interpreters. This aspect emphasises the importance of language proficiency for the work of interpreting. The written part of the examination includes, according to Moeketsi (1999: 133), a translation of short texts into the candidate's working languages. The written interview provides an opportunity to assess the candidate's understanding of the South African legal system and the writing and translation skills of the candidate interpreter. Apart from the written examination, it is also a requirement for the candidate interpreter to take an oral interview administered by the principal interpreter with the help of at least one experienced interpreter, usually of senior interpreter's rank. The oral interview involves questions being put to the interpreter in different languages to assess the candidate's oral presentation skills, as well as the candidate's knowledge of legal matters in courts. But Stander (1990) and Moeketsi (1999) critique the oral view. According to Stander

(1990), the oral interview does not go far enough to assess interpreting ability, as "oral translation is not assessed here, but the tests are believed to be acceptable for the purposes of the Department of Justice" (Stander, 1990: 98). Moeketsi's observation is that this has been the system of interviews for candidate interpreters dating back to the 19th century when Sol Plaatje was employed by the same interview format. The format remains unchanged even in the face of several innovations which have been introduced in court interpreting (Moeketsi, 1999: 132).

3.3.3 Training programme and opportunities for further professional development

The DoJCD is fully aware of the importance of proper induction and orientation programs for new employees. Having been appointed after the oral and written interviews, the newly appointed interpreter is required to go through orientation training in the first few days of appointment. This orientation training, as explained by Moeketsi (1999: 133) and Stander (1990: 100), helps the new interpreter familiarise him/herself with the court system. The principal interpreter takes the new interpreter through important aspects of the workings of the courtroom, such as the different role players and their functions in the courtroom, address forms, the different kinds of crimes heard by the different courts, and the stages of the trial process. The new interpreter is also taken to the courtroom to observe the trial process and the performance of experienced interpreters with the principal interpreter explaining other relevant issues like court etiquette and procedures to the interpreter.

After these few days of orientation, the new interpreter is taken into partial practice as a trainee interpreter. At this stage, as Stander (1990: 101), observes, "The senior interpreter monitors the performance of the new recruit to iron out any major problems the interpreter may experience initially, and to ensure no misinterpretation takes place". The new interpreter is usually assigned to less important tasks at this time, such as bail applications and postponements. Based on performance reports from his/her principal, the new interpreter may be allowed to work unsupervised in a particular courtroom for about six months or more before he/she is sent to the Justice College, Pretoria, to train as a court interpreter. The training offered at the Justice College takes the form of an in-service training model which normally lasts for five weeks (Lebese, 2013). The training provided by the department focuses on various areas of specialisation that enhance the practising capabilities of the interpreter. Referring to the aspects of the training, Moeketsi (1999) indicates that the training will help the new interpreter integrate theoretical training from the classroom setting with practical training in real courts. Upon successful completion of the training, the interpreters are deployed to the courts where

their services are put to optimal use. Apart from the beginner's course outlined above, there are other in-service training courses available for court interpreters run by the Justice College. These courses include the Advanced Interpreter's course and the Management Training for Principal Court Interpreter's course. Other courses are offered on a needs basis. For example, consultants from outside may be hired to offer voice performance courses to improve interpreters' use of vocalisation, pitch, pace, inflection and projection.

South Africa, unlike most countries in the SADC region, also boasts different training programmes that are acceptable to all the stakeholders from the different tertiary institutions. The decision to come up with training programmes at different institutions was arrived at during a meeting which including the DoJCD, the Justice College, and the court interpreter's unions (Inggs, 1998; Blaauw, 1999; and Moeketsi and Wallmach, 2005). The major reason for this decision was that interpreter training offered at the Justice College was generally considered to be inadequate, even among the interpreters themselves who referred to it as "*sphaza* training, meaning insignificant and superficial training" (Moeketsi and Wallmach, 2005: 1). Besides, as Inggs (1998) observes, the courses were hoped to give interpreters the opportunity to obtain a qualification, increase their status in the DoJCD and ensure quality interpreting in courts.Following this development in 1998, most universities in South Africa began enrolling court interpreters for a diploma programme. In 1999, The University of South Africa (Unisa) responded to the call by enrolling students for a Bachelor of Arts Degree with speacialisation in court interpreting (Moeketsi and Wallmach, 2005: 4). As these programmes were designed for practising court interpreters, they were aimed at equipping practising court interpreters with the required theoretical knowledge and practical expertise. However, most of these tertiary institutions no longer offer these qualifications. Unisa, for instance, closed its BA in Court Interpreting degree in 2009.

Apart from training offered at the Justice College and the various diplomas, undergraduate and post-graduate degree courses offered at various institutions in South Africa, recognised training for court interpreters is now available through the Sector Education and Training Authorities (SETAs). In 1998, the South African government passed the Skills Development Act to facilitate and promote skills development in private and public sectors (Skills Development Act, 1998). The main purposes of the Act are to improve South Africa's competitiveness and productivity and to act as a tool to address the education imbalances of the past (Open Society Foundation, 2005). As a result, twenty-five sectors were identified, including the justice sector,

which falls under the sector Police, Private Security, Legal, Correctional Services and Justice Sector Education and Training (POSLEC SETA, 2000). Training by POSLEC SETA, which was later amalgamated with DIDTETA (Diplomacy, Defence and Trade Education and Training Authority) to form a new SETA called SASSETA (Safety and Security SETA) in July 2005, is accredited in terms of the South African Qualifications Authority (SAQA Act). The South African Qualifications Authority registered qualification for court interpreters is referred to as the National Diploma: Legal Interpreting. It falls within the discipline of Communication Studies and Language and is rated within the National Qualifications Framework (NQF) at level 5. The University of the Free State has offered this Diploma until recently. Short courses leading to this qualification are also currently offered by the Wits Language School, with the Diploma accreditation being provided by the SASSETA.

3.3.4 Levels in the court interpreting profession

Within the DoJCD, court interpreting is structured at five basic levels (Moeketsi 1999: 141). These levels include: chief interpreter, inspectors, chief interpreters, senior court interpreters and junior court interpreters. To these five levels Usadolo (2010: 200) adds foreign language interpreters at the bottom-most leg of the hierarchy as shown in the diagram below:

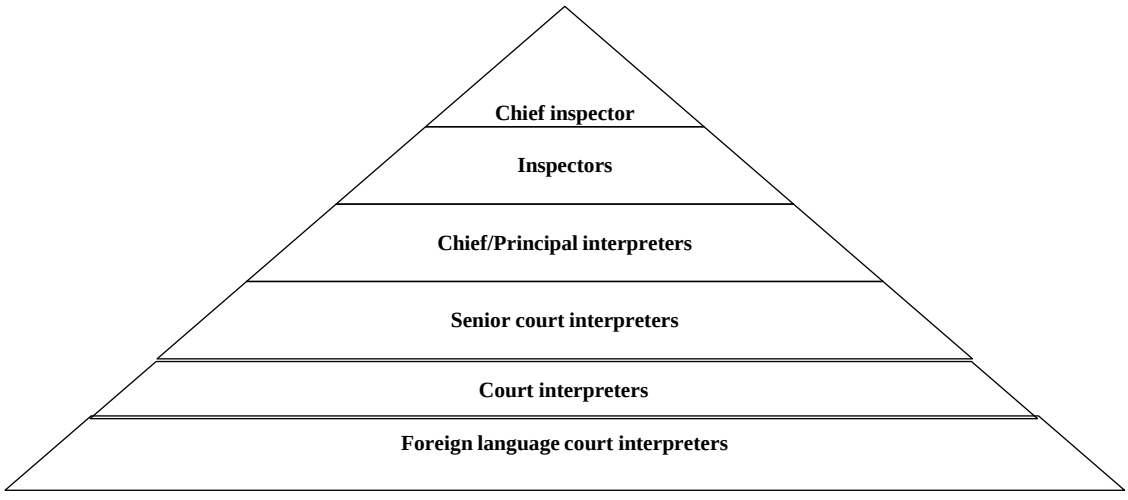


Figure 3.1: Levels in the court interpreting profession (Source: Usadolo, 2010)

According to Moeketsi (1999: 140), dividing the interpreting profession into the levels shown in Figure 6.1 above "serves as a necessary incentive for interpreters to perform to the utmost of their abilities, realising there are prospects for upward mobility". At the highest level is the *chief inspector* who has overall responsibility for all court interpreters in South Africa. He/she has final authority in terms of training, management and employment matters concerning court

interpreters. Below the chief inspector are the *inspectors.* These are interpreters promoted by virtue of their experience at principal interpreter level. Inspectors supervise subordinate interpreters at different courts in the province in which they serve, provide training at the Justice College and perform administrative duties in their areas of jurisdiction. The level below the inspectors is that of *chief interpreter* or *principal interpreter.* The chief interpreter's position requires ten to twelve years of working experience and chief interpreters are responsible for larger courts with multiple courtrooms in cities such as Johannesburg, Cape Town, Bloemfontein, East London, Port Elizabeth and others. Their duties include, among others, training and developing court interpreters, supervising court interpreters, interpreting in high profile and special cases, administrative issues relating to interpreters, allocating interpreters to courts and arranging for foreign language interpreters. Below chief interpreters are *senior court interpreters* who are promoted on the basis of three years' working experience. Senior interpreters are usually found in high courts. Besides their interpreting duties, they also perform administrative functions, such as attending to personnel administration, translating legal documents, recording cases in criminal record books, keeping court records up to date and any other duties assigned to them in terms of the rationalisation of the functions by the office.

At the entry level we find the *court interpreters* who work in district magistrate courts as well as regional courts. Some of the interpreters have several years of working experience, and while some would have attended the Justice College, there are some who have not. Their duties include interpreting in criminal, civil and labour courts, as well as in quasi-judicial proceedings and consultations. They also have to translate legal documents and exhibits, record cases in criminal books and make arrangements for foreign language interpreters.

Finally and at the lowest level there are *foreign language court interpreters*. They are also referred to as *temporary/casual* interpreters. Foreign language court interpreters can be found at district regional magistrates' courts and high courts. Their major duties include interpreting in criminal, civil and labour courts, as well as quasi-judicial proceedings and consultations, and translating legal documents and exhibits. Although the duties assigned to foreign language court interpreters are the same as their permanent counterparts at court interpreters' level, they do not have any administrative functions. However, duties such as making arrangements for foreign language court interpreters which is normally the responsibility of court interpreters may also be done by foreign language interpreters. In spite of these significant duties, Wallmach (2015) observes that foreign language court interpreters are generally not well paid

and have few training opportunities. As a result, the quality of this interpreting service is still low.

3.3.5 Accreditation and code of professional practice

According to Blaauw (1999: 296), the accreditation of members of any profession is one way of assuring the public use of professionals. This also applies to the interpreting profession. Although there is still low regard for interpreters in South Africa, as indicated by the conspicuous absence of regulatory bodies for their work, positive efforts have been made towards accreditation and professionalisation, especially when one compares the situation in South Africa to other African countries in the SADC region. The only accreditation body for interpreting in South Africa is the South African Translators' Institute (SATI). According to the SATI website (2013), SATI is a professional association which serves the interests of translation, interpreting and related language professions. As stated in Blaauw (1999: 290), SATI "promotes and protects the interests of the profession through initiatives relating to the co-ordination and planning of formal language practitioner training, arranging workshops in translation, interpreting, editing and terminology activities, and arranging seminars and conferences" in South Africa. SATI is the only body in South Africa that has made a significant contribution to the interpreting profession. Although much of what it has done is largely for the benefit of conference interpreters who constitute the majority of interpreter members, it is reasonable to assert that the profession of court interpreting would likewise benefit from its efforts.

SATI accredits interpreters in different categories and has added the much-needed voice for interpreting to be recognised as a profession. The accreditation process takes the form of an examination which tests an individual's interpreting skills. As explained on the SATIwebsite (2013), the examination is assessed by an accredited interpreter and involves recordings made at testing sessions. The assessment is made according to set criteria and the candidate must score 80% on all of the set criteria to pass. An interesting position adopted by the SATI regarding the accreditation process is to disregard the use of academic qualifications as a starting point. The reason for this position is found on the SATI website which explains that, "Owing to the historical disadvantages suffered by some South Africans under apartheid, it was decided that the SATI accreditation would not be based on formal or academic qualifications, but only on proof of competence in practice". This position seems to ensure an even playing field for all players concerned. Apart from this provision, the importance of prior

learning or experience is recognised. Some interpreters in post-apartheid South Africa did not have appropriate academic qualifications, but had acquired significant experience to be accredited like those who had certificates. Accreditation is done in such genres of interpreting, translation and related fields as translation, simultaneous (conference) interpreting, language editing, terminology and corporate accreditation for language agencies and offices. Candidates are issued with a certificate which indicates that they have successfully passed the examination and are deemed to be accredited interpreters.

Another important contribution by SATI to the interpreting profession is its code of ethics. Its code of ethics is at par with other related regulatory bodies in the world, such as NAATI in Australia, the National Register of Public Service Interpreters (NRPSI) in the UK, and the National Association of Judicial Interpreters (NAJIT) in the U.S. SATI's Code of Ethics is aimed at the promotion of standards in the work of its members who are guided by ten basic principles including accuracy, responsibility, adherence to deadlines, pursuit of self-improvement, trust, honesty, equitability in negotiating remuneration, respect for rights of clients, upholding the highest ethical and moral standards and taking part in SATI's activities aimed at improving performance. Unfortunately, SATI is not very popular with court interpreters working both in South African local languages and in foreign African languages, perhaps because there is no specific accreditation for court interpreters. Many court interpreters are, therefore, members of the National Education, Health and Allied Workers' Union (NEHAWU) which is a trade union for many categories of workers whose main responsibility is to take part in wage negotiations and working conditions in line with the applicable labour laws. Only a few interpreters are members of the South African Court Interpreting Officers and Allied Workers' Union (SACIOAWU). Most foreign language interpreters are not members of any professional association or trade union.

On a more positive note regarding the professionalisation, training, accreditation and employment of language professionals (including court interpreters) in South Africa, in May 2014, the President assented to *Act No. 8 of 2014* of the *South African Language Practioners Council Act.* The act seeks to provide for the establishment of the South African Language Practitioners' Council to regulate the training of language practitioners and to provide for control of the accreditation and registration of language practitioners among other key functions. Such an act also ensures the protection and advancement of language practices in South Africa and for the maintenance of membership registers and the removal and restoration

of members on registers, as well as other ancillary matters. If the council lives up to its mandate, the field of language practice will certainly grow in the right direction in this Southern African country, but members must have a qualification in order to register as language practitioners.

3.4 Court Interpreting in Zimbabwe

Madhuku (2010: 86) observes that, "the nature of court procedures in Zimbabwe tend to rely more on oral rather than written presentations of argument and thus hearings tend to be lengthy". Such a unique bilingual courtroom impacts on the interactional dynamics of the courtroom communicative process and potentially on the administration of justice (Eades, 2000). To ensure that the rights for such persons are protected, interpreters are provided for Shona, Ndebele and speakers of other languages in court (Zimbabwe Judicial Services Commission website, 2013). The nature of the Zimbabwean courtroom and the government's commitment to the provision of interpreting services are, therefore, an interesting area of linguistics research. In the sections below, I examine the development of court interpreting in Zimbabwe with special attention paid to how it has evolved since the colonial era and issues relating to the employment, training and accreditation of court interpreters.

3.4.1 The language situation and the development of court interpreting

Zimbabwe is a multilingual country, with English as its official language, and Shona and Ndebele as the predominant languages in their respective geographic spheres. Besides Shona and Ndebele, Hachipola (1998) in Viriri (2003) states that a few other African languages are also spoken in Zimbabwe. These include Kalanga, Nambya, Tonga, Venda, Tsonga, Nyanja and Tswana. Shona is widely spoken across the country by 75%, and Ndebele by about 16% of the population (Viriri, 2003). This is probably the reason why Lodhi (1993: 83) lists Zimbabwe among the countries with one predominant African language. Although Zimbabwe is said to have the highest literacy rate in the SADC region, some Zimbabweans are illiterate and cannot communicate in English. Even though some may have some proficiency in English, they do not have the level of proficiency in English required in sensitive communication settings such as the courtroom.

As pointed out by Svongoro and Kadenge (2015), little material exists on the historical background of court interpreting in Zimbabwe. As a result, information on the subject is largely based on oral interviews with chief and senior interpreters based at Magistrates' Courts in Zimbabwe. The oldest of these interpreters I had the opportunity to interact with has been employed for around 40 years. From this long-serving interpreter, I learnt that the first interpreters in Zimbabwe, then Southern Rhodesia, were brought in from South Africa by the first white settlers in the 19th century. The interpreter's duties were that of a clerk and he/she was, therefore, expected to be able to read and write. Hale (2004) reports the same situation in Malaysia where the courts require interpreters to act as court clerks, ushers, clerical staff and even lawyers, with no training at all. These working conditions interpreters are sometimes exposed to have a bearing on their work.

Because a Western kind of education was not yet available in Southern Rhodesia, interpreters were brought in from South Africa although proper training for even these interpreters was not yet available until the late 1990s (Moeketsi and Wallmach, 2005). Later, with the introduction of Western education in Southern Rhodesia, a select few, educated to standard three or four (equivalent to today's Grades 5 and 6) would be employed as clerks with the Native Affairs Department. These clerks were picked quite randomly as the Native Affairs Department was not too particular about their standard of education (see also Svongoro & Kadenge, 2015). This situation was similar to in the one in South Africa before 1994 (Moeketsi and Wallmach, 2005) and other African countries in which colonial languages dominated in all administrative and legal functions. In South Africa, as Moeketsi and Wallmach (2005) observe, English and Afrikaans are the languages of the courts of law even though the majority of cases (about 90%) involve speakers of indigenous languages. In the past, court interpreters in the South African law courts were compelled to serve under judges and magistrates who were agents of the apartheid regime and would thus neither concern themselves about the proper training of court interpreters, nor encourage any improvement in their working conditions. When Hoffmann joined the profession in the mid-20th century, certain requirements were introduced, such as a working knowledge of Shona, Ndebele and Chewa. The interpreters were all black Africans as the white settlers did not have sufficient knowledge of the local languages. In 1970, the majority of the interpreters in Salisbury (Harare) were black, with two white interpreters (Hoffmann and du Plooy) and one coloured. Also, until 1981, all interpreters were men as it was believed that some jobs could not be performed by women. This situation has changed dramatically as the majority of court interpreters in Zimbabwe are now women. This also tends

to be the global trend. The clerks-cum-interpreters were highly regarded by the black population because they knew the white man's language and understood the white man's law. Even when education became more widespread, the interpreters were still powerful because of their knowledge of legal terminology.

3.4.2 The establishment of criminal law courts

According to Madhuku (2010), courts are classified into two broad categories, namely, criminal courts and civil courts**.** Civil courts, in turn, are divided into two groups: ordinary civil courts and specialised courts. In examining each court, two issues arise, namely the court's composition and its jurisdiction. In examining both issues reference must be made to the Constitution of Zimbabwe and the relevant Act of Parliament regulating the operations of the court in question. In Zimbabwe, there is specific legislation that prescribes the composition and jurisdiction of each court.

The composition of a court refers to its judicial officers (Kudya, 2006); i.e. whether a judge or a magistrate presides; the number of presiding judicial officers required to constitute the court; the qualifications the presiding officers must have; whether there is provision for assessors and, if so, the manner in which they are selected. The jurisdiction of the court refers to its powers and the matters over which it has competence and also determines its position in the structure of the courts, particularly how it relates to other courts (Kudya, 2006). There are three main criminal courts in Zimbabwe, namely the Magistrates Court, the High Court and the Supreme Court. However, Madhuku (2010) observes that five other 'courts' exercise specialised criminal jurisdiction. These are Children's Courts, Courts-Martial, Police Boards of Officers, Prison Boards of Officers, and Parliament sitting as a court in matters involving breach of parliamentary privileges.

3.4.3 The composition of magistrates' courts and their jurisdiction over rape cases

According to Madhuku (2010), magistrate courts represent the lowest criminal court in Zimbabwe. Two pieces of legislation govern its operations. These are the *Magistrates Court Act* (Chapter 7:10) and the *Criminal Procedure and Evidence Act* (Chapter 9: 07) as summarised below from Madhuku (2010).

3.4.3.1 Composition

A magistrate court is presided over by a magistrate. In criminal matters, magistrates can be divided into four classes: ordinary magistrates, senior magistrates, provincial magistrates and regional magistrates. A magistrate court may be presided over by any of these four. In theory there is no minimum qualification for a person to be appointed as an ordinary magistrate – any "fit and proper person" may be so appointed. In practice, however, only persons who have undergone some legal training are appointed as magistrates.

The *Magistrates Court Act* itself specifies minimum qualifications for appointment to the other classes of magistrates. Ordinary magistrates, who have held office for four years or more, or those who have been qualified to practice as legal practitioners for no less than four years, may be appointed as senior magistrates. Provincial magistrates are appointed from the ranks of senior magistrates. Regional magistrates are normally appointed from the ranks of provincial magistrates. In a criminal trial, a magistrate may either sit alone or preside with the assistance of one or two assessors. The circumstances under which an assessor or assessors may be appointed depend on whether the court is being presided over by a regional magistrate or by a lesser magistrate. For a regional magistrate, the decision about whether or not to have an assessor lies with him/her but is still subject to the directions of the chief magistrate. It is the regional magistrate who decides whether to have one or two assessors. However, he/she must choose the assessor or assessors from persons who are qualified in terms of Section 6 of the *High Court Act* (Chapter 7: 06). For any other magistrate, the decision about whether or not to sit with an assessor or assessors requires the approval of the Minister of Justice. The minister must also approve the choices of assessors who, in this case, need not be qualified to act as assessors in the high court but need merely be persons who have "experience in the administration of justice or skill in any matter which may have to be considered at the trial".

The role of assessors is limited to matters of fact (Kudya, 2006). Any matter of law arising for decision at the trial is decided by the magistrate and assessors have no say over such a decision. In matters of fact and where there are two assessors, each has an equal voice with the magistrate and the finding of the court is that reached by the majority. Where there is one assessor, it is the decision of the magistrate that counts if there is a difference of opinion. The fixing of a sentence is the sole responsibility of the magistrate although he/she may consult the assessor or assessors if he/she thinks it necessary to do so.

3.4.3.2 Jurisdiction of a magistrate court over rape cases

According to Madhuku (2010) and Kudya (2006), the jurisdiction of a magistrate court is determined by three aspects: the territory where the crime takes place; the nature of the crime; and the punishment that may be imposed. Regarding territory, a magistrate court has no jurisdiction over common law crimes committed outside Zimbabwe. In technical terms, it is said that the court has no extra-territorial jurisdiction over a common law crime. However, it has extra-territorial jurisdiction over a statutory crime where the statute in question has extraterritorial effect. For crimes committed in Zimbabwe, the general rule is that a magistrate court only has jurisdiction over offences occurring in the region or province in which it is established. In this regard, Section 56 (1) of the *Magistrates Court Act* provides as follows:

> Subject to Sub-section 1 of Section 49, any person charged with any offence committed within any province or regional division may be tried by the court of that province or that regional division, as the case may be. Exceptions to this general rule include: (i) a court may have jurisdiction for an offence committed within five kilometres beyond its boundary, (ii) where any element of the offence takes place in a given province or region, the court therein may have jurisdiction even though the other elements of the offence have taken place outside the province or region and (iii) the Attorney General, with the consent of the accused, may direct that the trial be held in the court of any province.

A magistrate court thus has jurisdiction over all crimes except treason, murder and any statutory offence for which the death sentence is mandatory. However, not every magistrate court has jurisdiction to try serious criminal matters such as those of a sexual nature, in particular, rape. Only regional magistrates have jurisdiction to try cases of rape, except where the Attorney General has authorised trial or sentencing before a magistrate who is not a regional magistrate. Some regional magistrates exclusively deal with rape cases (Kudya, 2006). Although regional magistrates have jurisdiction over rape cases in Zimbabwe, in South Africa, magistrates' courts have no jurisdiction over cases of rape. This means that apart from murder and treason, magistrates can not preside over rape. These cases are heard by judges of the High Court which used to be called the Supreme Court (DoJCD website, 2017). According to Kudya (2006), it is not unusual in Zimbabwe for a regional magistrate to deal with six cases involving girls below the age of eight within a single week. Kudya (2006) further notes that from their experiences,

regional magistrates concur that more than half of the cases they preside over do not take off on the set trial dates and, as a result, are continuously postponed. The postponements are attributed to the malfunctioning of the victim-friendly court facility and to the dire shortage of manpower to deal with the cases. Regional magistrates also generally agree that when children give evidence, even with the assistance of the victim-friendly court, most struggle to give a convincing account of the events of the rape encounter so as to convince the court that they were indeed raped.

3.4.3.3 The physical layout of the courtroom and participants

Apart from being confused and mystified by the language of court actors, ordinary citizens in Zimbabwe are further challenged by the physical layout of the courtroom (see Appendix 2 for the general layout of magistrate courts in Zimbabwe) and the general positions of the participants. Apart from the defence and prosecution teams wearing black gowns and suits, the magistrate is clad in red robes and occupies a raised platform. The interpreter "perched precariously on a bar stool" (Moeketsi, 1999: 13) is also a common player in the proceedings. The accused occupies the accused's box while the witness takes the witness stand. This strange environment creates an uneven playing field characterised by unequal power-play (Fairclough, 1999) and rules governing who says what and at what time which further makes the courts inaccessible to the ordinary citizens they are designed to serve.

3.4.4 Policy requirements for the provision of court interpreters

The policy position regarding court interpreting in Zimbabwe is enshrined in the *National Language Policy (1998)*, the *Constitution of Zimbabwe Amendment (No. 20) Act*, the *Criminal Procedure and Evidence Act* and the *Magistrates' Court Act*. These form the main policy documents. To protect linguistic human and cultural rights, Zimbabwe's National Language Policy (1998) and the Constitution (articles 82 and 87) are explicit about the need to provide court interpreters where the accused/complainant is not familiar with the language of the courts of law, namely English. The courts in Zimbabwe recognise English as the language of the court and therefore strictly adheres to article 18(3) (f) of the Constitution, which states that all persons shall be permitted to have, without payment, the assistance of an interpreter if they cannot understand the language used during the trial, i.e. English.

To ensure that the linguistic rights for such persons are protected, interpreters are provided for Shona, Ndebele and the other 14 officially recognised languages in court (*Constitution of*

Zimbabwe Amendment (No. 20) Act 2013 and Zimbabwe Judicial Services Commission website, 2013). The current constitution clearly provides an enabling policy environment for the promotion of multilingual services provision and guarantees the respect of linguistic human rights. Section (70) (1) (j); 2(a), (b) states that:

> Any person accused of an offence has the following right-... "*to have the proceedings of the trial into a language that they understand"*; (2) (a) Where this section requires information to be given to a person – *the information must be given in a language the person understands*; and; (b) if the person cannot read or write, any document embodying *the information must be explained in such a way that the person understands it*. (Italic my own emphasis.)

The above clauses reveal that there is oral, sign and sight interpreting that should take place in the Zimbabwean courts. These clauses contain firm instructions which are expressed in the deontic use of the legal *must* which expresses the mandatory need for the provision of interpreting services in Zimbabwean courts. Observations in selected magistrate courts carried out during the study revealed that these clauses are generally adhered to, but that English, Shona, Ndebele and Sign Language, to some extent, enjoy the lion's share when it comes to the provision of interpreting services in Zimbabwean courts. These are followed by official minority languages such as Tonga in their areas of concentration. In Zimbabwe there is also significant interpreting and translation into foreign languages such as French, Portuguese and German. Trials involving Mandarin speakers resident in Zimbabwe are also on the increase, following the government's Look East policy which was meant to strengthen trade and bilateral relations with China and other countries of the Eastern block.

However, despite these clear constitutional provisions, a number of concerns can be raised with regard to court interpreting in Zimbabwe. The first concern cited by Ndlovu (2016) relates to the denial of a fair trial to the arrested, accused and detained during the arrest, interrogation, compilation of charge sheet and opening of the docket which constitutes the foundation of court proceedings. Arrested person are, in most cases, denied justice and the right to a fair trial because during arrest they do not have the right to give a statement or respond to charges in the language of their choice. This is so because the Constitution of Zimbabwe does not mention the right to an interpreter during the preliminary levels of opening a case. The second concern relates to the arresting officers who provide the interpreting and translation services without

any prior training in these fields. It is not unusual for a person to be arrested by someone who does not speak or understand their language. The arresting officers then have to do lot of interpreting and translation of statements during the compilation of charge sheets and statements which are submitted to the courts in English, yet they would have been given in a local language or any other language which is not English. One wonders how much information is gained, lost, distorted, or remain untranslated and misinterpreted during the process.

Although significant strides have been made towards fulfilling this constitutional requirement by ensuring that all courts provide interpreters as and when required, the effort has not been supported by either the availability of clear guidelines in terms of the qualifications for interpreters, a properly designed curriculum to ensure the availability of qualified interpreters or by the existence of a professional association, which would ensure that there is a professional code of ethics to which members must adhere or face sanction.

As regards the *Criminal Procedure and Evidence Act*, relevant sections regarding court interpreting are Sections 264 (ii); 319F (1) (a). The sections state that:

> *264 Proof of evidence and statements given or made at preparatory examination*
> Subject to the proviso to subsection (1) of section eighty-four, in any proceedings in any court –...
> (ii) purpotes to have been certified As correct under the hand of the person who transcribes such record; shall, upon its mere production by any person, be prima facie evidence of such statement or evidence, as the case may be, and, if the same was made orv given as aforesaid through an interpreter or interpreters, of the correctness of the interpretation.
> *319F Persons who may be appointed as intermediaries or support persons*
> (1)Except in special circumstances, which the court shall record, a court shall not appoint a person as an intermediary unless that person–
> (a) is or has been employed by the State as an interpreter in criminal cases; and...

The sections of the *Criminal Procedure and Evidence Act* above make provision for court interpreting mandatory although they do not state the qualifications of the interpreter who provides the service. This may imply that interpretation services may be offered by any person ordered by the court to do so. There is need for the act to specify the qualifications of this

person, especially given that the qualifications of other court officials are explicitly specified in other policy documents.

Apart from the above, relevant sections regarding interpreting in the *Magistrates' Court Act*, are Sections 5; 7; and 69. The Act states that the proceedings in all cases shall be in the English language and shall be carried out in open court and that the proceedings may be conducted in any other language agreed upon by parties and the presiding magistrate. It further states that the records of the proceedings of the court shall be kept in the English language and shall be accessible to the public under the supervision of the clerk of the court at all convenient times upon payment of a stipulated fee. This makes clear the supremacy of the English language in a dispensation which promotes the equitable treatment and use of all officially recognised languages. It alo becomes apparent that this act has not been aligned with the new constitutional provisions of ensuring equal treatment of all officially recognised languages and their parity of esteem.

In as much as the court is an open court, there is no guarantee of interpretation services as English is the language of proceedings. The public is also not guaranteed of translation services. There is silence on interpretation services in this section, yet we expect this to be said here. An interpreter is only mentioned in Section 69 and only in terms of the administration of oath, not in terms of the actual interpretation of the proceedings. As in the constitution, there is silence on the qualifications of the interpreter.

From the above, although the *National Language Policy*, the *Constitution of Zimbabwe Ammendment (No. 20) Act*, the *Criminal Procedure and Evidence Act* and the *Magistrates Court Act* make provisions for the court interpreter, they present a weak case for the full provision of interpretation and translation services. The prominence placed on English, for instance, indicates the lack of will to ensure parity of esteem and equitable use of all the officially recognised languages. Effectively, this means that the covert language policy of Zimbabwe is one that recognises English as the sole official language and language of record. Besides, where these documents make reference to the interpreter, they are not explicit about the qualifications the interpreter should hold to qualify for the position. As such, they seem to violate the citizens' linguistic human rights as their access to justice and a fair trial are compromised. They do not embrace the constitutional duty to treat all the officially recognised languages equitable.

3.4.5 Rules for court interpreters

Interpreting in Zimbabwean courts is governed by certain principles which Hoffman (1994: 4) terms "Rules of court interpretation". These are considered fundamental principles of the system of court interpretation and any breach of them amounts to an irregularity. They are those acts which an interpreter is obliged to and prohibited from performing. Any interpreter is also entitled to certain rights to enable him/her to perform his/her duties properly, and these rights have been included in the rules. Interpreters are required to obey these rules and are entitled to be granted these rights. Although most of these rules generally provide interpreters in Zimbabwe with crucial reference material, some of the rules seem to violate best practices for court interpreting which emphasise that court interpreters should emphasise in a manner that speakers of any language can fully participate in the judicial process and gain access to justice (Hale, 2011). This means that as officers of the court, interpreters hold a specific duty and responsibility to deliver high-quality court interpreting.

Below, I examine the 23 rules which guide court interpreting in Zimbabwean courtrooms (Hoffman, 1994: 27-38).

(1) A court interpreter shall interpret faithfully, *to the best of his/her ability* and without fear, favour or prejudice.

Rule 1 above ephasises on "…to the best of..." the interpreter's ability rather than faithfulness, presumably because of the understanding that interpreters are liable to make errors and omissions. Although this rule seems to contradict the principle of accuracy (and hence best practices for court interpreting) on which court interpreting should be based, Hoffman stresses that interpreters should give every human being every right that the interpreter would claim for him/herself.

(2) The interpreter shall allow a witness the option of taking the oath or of making a declaration to speak the truth.

Although Rule 2 above reminds interpreters of their responsibility to caution witnesses to tell the whole truth and nothing but the truth, it emphasises that this has to be done within the witness's right to take the oath according to his/her religious beliefs. It is,

therefore, the interpreter's responsibility to ascertain from the witness what his/her belief is and then act accordingly. However, this responsibility can only be excercised with the permission of (or after) the magistrate because international best practices for interpreters are based on the principle that the more invisible, the less noticeable an interpreter is in the courtroom, and hence, the better one is doing his/her job.

(3) The interpreter shall not himself/herself add to or enlarge on any statement made by a "speaker".

In terms of Rule 3 above, Hoffman emphasises that when a speaker answers a question in a single word, "Yes" or "No" for instance, the interpreter should not enlarge on this. The reason for this rule could be that a reply in the affirmative is not necessarily the same as an assertion if it were to be entered into the record. The rule therefore makes it imperative that interpreters should never add anything to an idea, not even by way of explanation, unless it is made clear that the explanation is the interpreter's and not the speaker's.

(4) The interpreter shall not himself/herself put any question to any speaker, unless the answer to such question is necessary to enable the interpreter to grasp the "idea intended".

Rule 4 above forbids interpreters from either investigating a point on behalf of the prosecutor, accused or any other party, or from getting further information on their behalf. This means that interpreters are only allowed to put to the witness questions put to them by the questioner for interpretation. The only concessions to depart from this rule are for those questions which the interpreter may not have understood entirely.

(5) The interpreter shall not himself/herself answer any question put by a speaker, unless the question was put to him/her directly to enable the listener to grasp the "intended idea".

According to this rule, when a witness seeks further information before answering the question put to him/her, it is not for the interpreter to answer that question by giving

the information the witness requires, but to interpret it to the questioner. This means that even when the interpreter knows the answer or can supply the information sought by the witness, he/she must not presume that he/she knows what is in the mind of the questioner.

(6) The interpreter shall not himself/herself construct a "plea" from the remarks made by an accused.

Rule 6 emphasises that it is not the interpreter's responsibility to construct a plea from any remarks made by an accused when the charge is put to him/her. The rule reminds interpreters of their primary role, namely to interpret to the bench and remarks made by the accused. In terms of this rule, interpreters should not take it upon themselves to conclude whether it amounts to a plea of guilt or innocence. The interpreter thus bears the responsibility of interpreting everything the accused says in answer to the charge, instead of constructing a plea from what the accused says. Doing otherwise may result in a gross miscarriage of justice.

(7) The interpreter shall either put to the witness in question form or interpret to the bench *all* remarks made by an accused when he is asked if he has any questions to put to the witness in cross-examination.

The above rule is primarily based on Hoffman's (1994) observation that, for most ordinary people in Zimbabwean courts, court appearance is equal to making a statement rather than putting questions to the witness. When asked to cross-examine, most ordinary people reply "I have no questions to ask". If and when they do attempt cross-examination, they make statements rather than ask questions. It is the interpreter's responsibility to ensure that everything said (in question or statement form) by the accused is interpreted to the bench without wasting the court's time and prejudicing the accused.

(8) The interpreter shall inform the bench of the fact whenever a "speaker" is using a language other than his mother tongue, and he, the interpreter is aware of it.

Rule 8 generally reflects Zimbabwe's sociolinguistic profile in which Shona and Ndebele are the major languages in their respective geographic areas; i.e. in the Matebeleland provinces most people speak Ndebele while in the Mashonaland provinces most speak Shona (Ndlovu, 2011). However, many foreigners in the geographic areas, for example Zambians, Malawians and Mozambicans, will agree to give evidence in a local language and not their mother tongue. For fairness to these minority populations, the bench should be informed of their mother tongues and the language which they have chosen to use. It is assumed that if interpreters make the bench aware of the situation, certain allowances will be made and greater precautions taken in the interests of justice.

(9) The interpreter shall satisfy himself/herself that the accused can hear and understand everything that is said by a "speaker".

The above rule could be regarded in part as one of the rules which spell out court interpreters' non-interpreting roles and thus as evidence of the centrality of the interpreter's role in the success of the communication process in the courtroom (Hale, 2004, 2011). The rule emphasises the interpreter's role in ensuring that the accused is afforded a fair trial by making sure that when a witness is giving evidence, he/she speaks out loudly and distinctly enough for the accused to hear. Where the interpreter has doubt as to whether or not the accused can follow the witness, he/she must inform the accused that if he/she can not hear and follow what the witness is saying, he/she must not hesitate to inform the interpreter. In terms of the same rule, the interpreter is also expected to speak loudly and distinctly enough for the accused to follow the interpreted version, thus enabling him/her to appreciate the significance of the answers given by the witness. Apart from this, Hoffman (1994: 32) further states that "If, on account of the technical nature of the evidence, illiteracy of the accused, or for any other reason, the interpreter can not make the accused to grasp the idean intended by the speaker, the interpreter should immediately inform the bench of the fact". The reason for this and the other precautions discussed under this rule is to ensure that interpreters do their utmost to give the accused an idea of the nature of the evidence for or against him/her.

(10) The interpreter shall immediately inform the bench should he/she have any doubt as to whether a listener understands and appreciates a question or statement interpreted to him.

Hoffman (1994) and practising interpreters alike agree that some questions or statements are very difficult to interpret into indigenous languages, e.g. Shona. This is so because some English (legal) terms do not have Shona equivalents. Besides, some ordinary people do not grasp the intended idea as easily as others do. Although most judicial officers in Zimbabwe generally speak the languages of the witness or accused and are therefore in a position to judge for themselves whether a question or statement has been understood, it remains the interpreter's responsibility to place the judicial officers and the accused/witness in the same position as the interpreter and to inform the bench when the interpreter suspects that a listener has not understood and appreciated a question or statement.

(11) The interpreter shall bring to the notice of the bench any perculiarity concerning any "speaker" or "listener" which may affect the case.

Rule 11 could be based on the fact that the interpreter is in a much better position to observe the parties involved in the trial than judicial officers who are often seated at a distance. The rule thus requires interpreters to report to the bench any physical and speech perculiarities they notice as these may have a bearing on the trial. By informing the bench, the bench will then take whatever steps it deems necessary.

(12) The interpreter shall put all the "alternative charges" to an accused before asking him to plead.

This rule is probably a reaction to some practising interpreters I observed who are in the habit of putting the main charge to the accused and asking him/her to plead to the charge first and, should he/she plead guilty, they refrain from putting the alternative charges to him/her. When interpreters interpret the main charge only, the accused may be prejudiced when asked to plead to the main charge before the alternative charge and its meaning are put to him/her. For fairness, it is therefore essential that the accused should have all the alternative charges put to him/her before he/she is called upon to

plead. This rule by Hoffman is very clear. Interpreter responsibility (Hale, 2005) is premised on the provision of complete and accurate interpretetations.

(13) The interpreter shall not interpret any question, nor convey any idea, in such a manner that his interpretation amounts to a "leading question" or suggests an answer to the "listener".

The rule emphasises that interpreters should not change the form of the question by either constructing an interpreted version of a non-leading question in such a way that it suggests an answer to the question put, or by conveying the idea in the form of a leading question. Again, where interpreters experience difficulty in framing questions, particularly during cross-examination by the accused and the court, they should appeal to the bench for assistance.

(14) The interpreter shall immediately bring the fact to the notice of the bench should he have any doubt as to whether he/she can properly understand any "speaker", or any "listener" can properly understand him/her.

The above rule is very clear as it relates to dealing with people with speech and hearing impediments. If the interpreter cannot properly understand a speaker on account of such impediments, the interpreter is immediately expected to inform the bench.

(15) The interpreter shall not omit or fail to interpret any part of any utterance because it is not understood by him/her, or because he/she thinks it should not be interpreted, unless he informs the bench of this omission.

Put simply, Rule 15 states that interpreters should interpret in full a speaker's utterances without making decisions about what is relevant/irrelevant. This means that every utterance is absolutely necessary for interpretation. In terms of this rule, Hoffman (1994: 34) emphasises the following: "Never omit or fail to interpret anything, for any reason whatever, unless you inform the bench of your omission". By this, Hoffman (1994) reminds interpreters of three issues: 1) the need to interpret everything transmitted to them; 2) the need to to draw to the attention of the court of their inability

to interpret anything through ignorance or misconception; and 3) never to take any chances as they may prejudice the case and mislead the court.

(16) The interpreter shall immediately inform the bench when he has reason to believe that he/she has made an error or omission.

This rule is based on the common adage that to err is human. It is, therefore, unrealistic to expect interpreters to not make errors. During the course of their work, interpreters admit that when an issue is further investigated in cross-examination, for instance, or after much more has been said, they sometimes realise that they have made a mistake or omitted part of an idea. In view of this common experience and Rule 16, once an interpreter realises he/she has made a mistake, he/she must immediately inform the bench of the fact and the circumstances. It is unethical on the part of interpreters to allow any party to bear the brunt of their mistake. Rule 16 therefore makes it clear that it is not weakness, but a responsibility, to admit that one has made a mistake.

(17) The interpreter shall not interpret as having been uttered (by words) any "idea" made known to him/her by a sign, indication or demonstration.

During trials, it is not uncommon to find speakers who use signs or indications as they communicate their ideas (Ndlovu, 2016). These signs, indications or demonstrations are part of the evidence and must be interpreted. In fact, interpreters themselves consider these signs and indications as being far less confussing than an attempt to describe the intended idea in words. According to this rule, apart from their usual interpreting, interpreters should ask the court to view the indication, thereby placing the court in the same position as they are with regard to grasping and understanding the idea intended by the indication.

(18) The interpreter, when giving evidence, should not state that he/she interpreted *correctly*.

Rule 18 above warns against dogmatism as mistakes in interpreting are not always known by the interpreter concerned. The reason for this is simple: interpreters may make mistakes which may not be apparent to them.

(19) The interpreter has the right to ask for, and to receive, any document to be interpreted by him/her.

This rule reminds interpreters of their right to request any document, particularly the charge sheet, if they feel that, in order to ascertain the complete contents of the document, they require reading it themselves before interpreting it to another party (Ndlovu, 2016). It is only when interpreters insist on reading the documents on their own, and on translating the contents as recorded on the documents, that they can make sure the complete contents are interpreted.

(20) The interpreter has the right to control any "speaker" as to the rate at which he/she shall speak.

According to Rule 20 above, it is within the interpreter's rights to request a speaker to speak in a manner that can enable him/her to interpret what has been said. This rule is essential if the interpreter is to avoid omissions and errors in their interpretations.

(21) The interpreter has the right, within the bounds of reasonableness, to determine how long he/she shall take in grasping and conveying an "idea".

The above rule attempts to strike a balance between two important aspects in interpreting: *time and accuracy.* While interpreters in court are expected not to waste time trying to grasp and convey the speaker's intended idea, they must never sacrifice accuracy to save time. Interpreters should, therefore, not allow any person to hurry them. Instead, they they must allow themselves reasonable time to consider or to check any point before interpreting. This is because what may appear to be simple question in one language may be very difficult to put into another language.

(22) The interpreter has the right to ask that the "court record" be amended if he is satisfied that, on account of an error or omission on his/her part, the record is not correct.

This rule is based on the fact that the record always reflects the interpreted version. If the interpreter is satisfied that, through an error or omission on his/her part, the record does not truly reflect the evidence in the case, he/she should have the record amended.

(23) The interpreter has the right to ask to be excused from interpreting (recuse himself) if he/she is satisfied that, in the interests of justice, such action is necessary.

This rule is very clear about impartiality in the work of interpreters (Hale, 2004, 2011). When an interpreter is satisfied that a miscarriage of justice is likely to occur because of his/her personal interest (for or against) in the case, because of his/her relationship with or to any of the parties concerned in the case, or for any other reason whatsoever, he/she should respectfully inform the bench of the circumstances and ask to be excused.

In summary, the 23 rules for court interpreters in Zimbabwe examined above address a number of issues relating to court interpreting. The first is the issue of norms for court interpreting, particularly the conduit image (Roy, 2000; Swift, 2012) and the strong norm of interpreter neutrality which are often the basis of court interpreting and on which best practices for court interpreters are based in various parts of the world (Hale, 2010). The second issue is about the strategies the interpreters may adopt when faced with an interpreting challenge. For example, the addition of information that is implicit in the ST, or the omission of irrelevant information, for instance during cross-examination of the witness by the accused. However, the rules examined seem to emphasise implicitly and explicitly that these additions and omissions have to be done in terms of the high priority given to accuracy as a norm for court interpreting. Finally, although most of the issues examined in the above rules generally pertain to court interpreting, some are relevant for the broader context of interpreting studies in general.

3.4.6 The interpreter's role in trial procedures

Hoffman (1994) clearly spells out the importance of the court interpreter in trials. This is especially the case when the magistrate, the prosecutor and/or attorney are not conversant in the languages used in the proceedings. For Hoffman (1994: 3) the interpreter is not a mere "bystander" in court; he/she is an officer of the court, and in his/her hands lies the duty of interpreting. The record of the proceedings is compiled on the interpreted version of the

evidence. Except where there is clear proof that a genuine error has been made, what the interpreter says is final and his/her interpretationcannot be appealed. Because of this important responsibility, the interpreter must always keep his/her attention on the work at hand and avoid anger or impatience. An interpreter's roles are summarised below from Hoffman (1994).

a. Ascertaining the language and identity of the accused

The first thing the interpreter does when a case is called is to check the identity of the accused so as to ensure that the correct person is before the court. After this, the interpreter finds out which language the accused normally speaks or prefers to use. Once the interpreter has established that they can understand each other, he/she checks whether the accused's name is recorded (spelt) correctly on the indictment. Where more than one accused are charged on the same indictment, the interpreter should make sure that they are in the correct numerical order, for example whether the magistrate wants accused No. 1 to stand on the left or right side.

b. Putting the charge to the accused

In putting the charge to the accused, the interpreter should be careful that all particulars, dates, places, etc. are given to the accused. Where a charge involves a "special intent" or "special element", great care should be taken to explain the "special intent or element" to the accused. Below, I refer to four such crimes:

(1) Rape: The interpreter must ensure that the accused is aware that "lack of consent" is an essential element where the complainant is not under the age of consent (i.e. two years).
(2) Culpable homicide: The interpreter should carefully explain to the accused that the death was caused through his criminal negligence or fault and that the "intent to kill" was not an "essential element".
(3) Murder: The interpreter should explain to the accused that the "intent to kill" is an "essential element".
(4) Assault with intent to do some grievous bodily harm: The interpreter should explain to the accused that at the time he/she committed the assault, his/her intention was to seriously injure or harm the complainant.

c. Swearing-in, controlling and handling of witnesses

For the success of interpreting, the interpreter must, at all times, control and handle the speaker as advised by the court. This applies, for instance, to admistering the oath and swearing in

witnesses. Where relevant, it is the interpreter's role to caution or admonish a witness to speak the truth and even ask him/her to repeat the whole oath after the interpreter.

d. Interpreting evidence

Interpreting evidence is one of the crucial responsibilities of interpreters in Zimbabwe. Although interpreters are not expected to know all the laws of evidence in their multiplicity and complexity, it is of assistance to them in the performance of their duties to know some of the more simple rules pertaining to evidence in a trial. Besides, interpreters should also be aware of how to act should they consider that any statement made by a speaker is inadmissible as evidence in a trial. Apart from this, interpreters are reminded that it is dangerous to refrain from interpreting any remark made by a speaker because they think it is inadmissible as evidence.

e. Interpreting the cross-examination of the witness by the accused

It is normal court procedure, that after the witness has given his/her evidence, the accused be informed by the bench of his/her right to cross-examine the witness and will be asked if he/she has any questions for cross-examination. First, it is the interpreter's responsibility to convey this right to the accused. However, before conveying this to the accused, the interpreter should explain to the accused the function of cross-examination. Accused persons who are usually strangers to court procedures are often tempted to give evidence or to make a statement instead of cross-examining the witness. Second, it is the interpreter's responsibility to interpret everything the accused says to the witness. Finally, where the accused repeats the same question over and over again, it is the interpreter's responsibility to inform the bench and ask whether he/she is to repeat the questions too.

f. Explaining the accused's rights to him/her at the close of the State's case

After the public prosecutor has called all the witnesses he/she intends calling, he/she will inform the bench that he/she has closed his/her case. The accused has the right to call witnesses in his/her defence and may also do one of the following:

(i) Give evidence, in which case he/she is sworn in by the interpreter and cautioned to speak the truth. The interpreter also explains to the accused that he/she will be liable to cross-examination.

(ii) Make an unsworn statement, in which case the interpreter explains to the accused the difference between evidence under oath and an unsworn statement.

(iii) Remain silent.

It is therefore the interpreter's role to carefully explain all rights to the accused.

g. Interpreting the close of the case for the defence

At this stage, it is the interpreter's responsibility to make sure that the accused has no further witnesses to call, that he/she has nothing more which he/she wishes to bring to the notice of the bench in connection with his defence, and nothing further that he/she wants to add to his/her evidence or statement.

h. Interpreting the addresses

At this stage, the prosecution and the defence address the court concerning the verdict. It is the interpreter's role to ask the accused if he/she wishes to inform the magistrate of any reasons why he/she should not be convicted or if he/she has anything to point out to the bench, or if he/she has any submissions concerning the case, or if he/she has any questions to put the bench about the merit of the case. All these provisions are within the accused's rights and it the interpreter's role to make sure that the accused is made aware of the rights due to him/her.

i. Interpreting the verdict

It is important that the interpreter conveys the correct verdict and any other remarks made by the bench to the accused and to make sure the verdict is heard by the accused.

j. Interpreting evidence in mitigation

The "convicted prisoner" is, once again, entitled to call witnesses, give evidence or to make a statement to the bench in mitigation. At this stage, the interpreter's role is twofold. First, the interpreter asks the convicted prisoner if he/she has anything to say in mitigation which ameliorate his/her sentence and second, the interpreter makes it clear to the convicted prisoner that this is not the opportunity to comment on the verdict.

k. Interpreting the sentence

At this stage, the interpreter carefully explains the sentence to the prisoner, making sure that he/she has understood the sentence and its conditions. This is important because

> when a prisoner is subsequently accused of not complying with the conditions imposed upon him/her, the excused will invariably state that the interpreter did not explain the conditions to him/her clearly or that he/she did not understand the conditions interpreted to him at the time he/she was sentenced. This means that careful and complete interpretation is important at any stage of the trial procedure.

However, all the above roles important as they are, should never be performed by interpreters acting on their own. Their role should essentially remain that of interpreting and ensuring that speakers of the languages they interpret can fully participate in the judicial process and gain access to justice. Any deviation from this central role of their work is a violation of best practices for court interpreters. Their role should always be that of language mediation so that parties to a conflict and the court can proceed with the trial in the same way as they would in a monolingual setting.

3.4.7 Employment requirements and training for court interpreters

With the establishment of Criminal Law Courts, interpreting became a 'profession' in itself, and a set of guidelines for people wanting to be interpreters were gradually developed. Today's guidelines state that one who wants to become an interpreter should have at least five Ordinary Level subjects with C grades or higher, and at least two Advanced Level subjects. In addition, the applicant must be proficient in English and at least two of the following languages with a working knowledge of the third: Shona, Ndebele, or Chewa (as cited in the Ministry of Justice, Legal and Parliamentary Affairs' regulations and on the Zimbabwe Judicial Service Commission website, 2014). Apart from these language requirements, an advertisement for court interpreters' positions which appeared in *The Sunday Mail* of 11-17 May 2014 (see Appendix 1) also states proficiency in Chinese and Sign Language as added advantages. Unlike in Australia and other parts of the world where interpreters are hired on a contractual needs basis, all court interpreters in Zimbabwe are full-time employees and fall under the employment of the Judicial Service Commission, as is the case with magistrates and judges. However, in the interests of enhancing justice, public prosecutors are not directly employed by the parent Ministry of Justice, Legal and Parliamentary Affairs. They are separately employed by the National Prosecuting Authority of Zimbawe (NPA) which is headed by the Prosecutor General (PG).

The language qualifications for interpreters are, in actual fact, not as strict as above, as applicants with knowledge of other languages spoken in Zimbabwe, such as Kalanga and Venda, are also accepted. Somebody employed as an interpreter usually has no college or university qualification as this is not a pre-requisite. New candidates are tested by the Chief Interpreter, using self-devised tests. The recruits then receive on the job training from senior interpreters. In addition, the interpreters make use of two handbooks: *A Guide to Interpreting in Judicial Proceedings,* by J. Hoffmann (1994), and *Phrasebooks for Interpreters,* by G. Feltoe (1993) which are available in three languages: Shona, Ndebele and Nyanja.

The initial phase of the training programme is a test of candidates' language knowledge involving lists of legal English terminology. Candidates are required to give the Shona and Chewa equivalents. One can question the sincerity of such a training programme given the work and circumstances interpreters work in (Giles, 1995). Hale (2004) points out that these court interpreters need an extended training programme which enlightens them on the different spheres in which they will do their work (Moeketsi, 1999). Candidates who pass this phase proceed to the induction phase. They are then taken to magistrate courts to familiarise themselves with the various courts and the procedures that take place in them. This also involves observing real court proceedings. Next the candidates are taken to a dummy or mock court. Senior interpreters act out the roles of the magistrate, prosecutor, defense counsel, accused and witnesses and the new interpreter acts the interpreter's role. They use real court records that have already been processed with the chief interpreter noting the performance of the interpreter and later on correcting any mistakes, verbal and non-verbal. This means that the interpreters do a lot within and outside their jurisdiction. Research elsewhere (Hale, 2011) has shown that interpreters who receive this kind of training are more likely give inaccurate renditions when they do not understand a message or the discourse of the utterance (Takimoto, 2006; Teichman & Buenker, 2005). What is needed are explicit standards in the field and specialised training for interpreters, especially considering the fact that interpreters in Zimbabwe are not made aware in advance of the type of lawsuit and the potential lines of questioning. Teichman and Beunker (2005) observe that if court interpreters are made aware in advance of the case in which they will interpret, it will alleviate some of the potential stress of encountering unexpected vocabulary or unfamiliar participants.

Under normal circumstances, it takes six months for a new interpreter to be 'properly' trained in Zimbabwe. This is good considering the fact that the Judiciary College in South Africa used

to provide a mere six week orientation period before 1994 (Moeketsi, 1999). Once the new interpreter has managed the dummy court, he/she is taken to a plea court and thereafter goes to the trial courts. After six months, or sometimes sooner depending on how fast the new interpreter learns, he/she will be assessed by the chief interpreter and, if all training has gone well, he/she will be able to work in the courts on his/her own. In Chirango's (2013: 7) view this is not sufficient: "Court interpreters in Zimbabwe have low standards of education and undergo [...] a short orientation exercise provided by equally under qualified personnel". However, it is important to note that what Zimbabwe is experiencing now, other countries have gone through and have since started correcting. South Africa (Moeketsi and Wallmach, 2005; Wallmach, 2004), Australia (Hale, 2004) and the U.S. (Freedgood, 2010) are good examples.

This, then, is the process that is followed in the training of court interpreters in Zimbabwe under normal circumstances, although it may not be ideal and adequate, the new interpreter is not totally unprepared when they face real court interpreting. However, most of the junior interpreters employed at the magistrates' courts in Zimbabwe today went through a crash course in May 2000 due to a serious shortage of interpreters and, as a result, were not given the usual six months of training.

Despite the importance of courtroom interpreting, there still remains a great anomaly when one considers the quality of training court interpreters receive in Zimbabwe. Although the training of court interpreters has become more widespread in different parts of the world (Hale, 2004), pre-service college training is still not a requirement for interpreters in Zimbabwe. The majority of interpreters working in Zimbabwean courtrooms remain untrained bilinguals, yet interpreting tasks require a very high level of not only bilingualism, but also biculturalism, as well as adequate training and practice (Hale, 2004). If interpreters are not college trained, they will not be regarded as professionals and will, as a result, have no credibility among other professionals like lawyers, magistrates and judges. Untrained interpreters, as Hale (2004) observes, will also generally have a poor understanding of the complexities of the interpreting process, of the significance of the task and of the implications of their choices which may lead to them being insecure and vulnerable to pressures. Gile's Effort Model (2009) presents the tightrope hypothesis which shows some of the psychological pressures interpreters face during the course of their work. The tightrope hypothesis states that problems occur in interpreting when total processing capacity requirements exceed available processing capacity, and when processing capacity available for a given effort is not sufficient for the task. The model

therefore provides a conceptual basis for fully understanding interpreting processes in terms of maximum interpreter training effect.

Apart from the above training shortcomings for court interpreters in Zimbabwe, another training challenge relates to the area of sight translation. Court interpreters in Zimbabwe are not adequately trained to provide sight translation although in the course of their work they are given documents to sight interpret at short notice. Sight translation "is the oral translation of a written document" (Mikkelson, 2000: 76). These documents include docket, testimonies and reports on a case which have to be sight interpreted at the same time the case is being presided over in court. Given this, the interpreters have no time to read through the documents and familiarise themselves with the matters and text beforehand. To exacerbate the matter, most of the time the documents to be sight interpreted are poorly written, sometimes with technical language and in bad handwriting. For instance, the interpreters sometimes encounter statements recorded by investigating officers which are poorly edited, often with instances of direct or literal translations (Ndlovu, 2016). At other times, the interpreters have to struggle with illegible medical reports scribbled by medical doctors and pharmacists.

Jacobsen (2002) points out that court interpreters the world over are often accused of misinterpreting and misrepresenting what the accused and witnesses say which may result in incorrect decisions being made (Hale, 2002; Keratsa, 2005; Moeketsi, 1999; Lee, 2009; Berk-Seligson, 2000; Freedgood, 2010 etc.). In Zimbabwe, for instance, there have been allegations that the interpreters misrepresent what the accused and/or witness/es are saying in Shona, as reported in *The Herald* and the *Daily News* articles cited in Chapter 1. There is, therefore, a need to carry out a linguistic investigation into the different ways in which interpreters give their renditions in the course of their work and the effects they have on the legal process. It is hoped that the results of this study will be used to inform the practice of interpreting, promote the need for specialist court interpreting training, and help develop appropriate curricula based on data-based research.

3.4.8 Working conditions and levels within the profession

Although the court interpreting profession is systematically structured in Zimbabwe according to a hierarchy similar to that of South Africa (Moeketsi, 1999), they are still held in low regard, and are even rated lower than legal clerks. In Zimbabwe, like Lebese (2013) observed for South African court interpreters, court interpreters regularly find themselves performing tasks that

are outside their scope of duties, such as clerical duties, which compromises their own work. In Zimbabwe, one court interpreter I encountered during the study is employed as a professional government bus driver. So apart from his interpreting duties, he transports other civil servants to and from work.

According to an advert for court interpreters posted on the Judicial Service Commission of Zimbabwe website (2014), court interpreters also have to counselvulnerable litigants in the Victim Friendly Court, deal with bails andfines, and pay out witness expenses (see also the court interpreter's job advertisement in Appendix 2). To this Chirango (2013: 36) sums up court interpreters' work when she states:

> Court interpreters are subjected to the torture of working long hours without a break. In Zimbabwe court interpreters only break from proceedings during tea and lunch periods. Sometimes interpreters are made to work without a break as the magistrate wants to make sure that the case being dealt with is finalised on that day.

These working conditions cause mental exhaustion, fatigue and damage to the vocal chords. All these factors contribute to poor interpretation and may result in the miscarriage of justice. These working conditions are certainly incompatible with the high quality interpreting expected of interpreters. Most of the courtrooms observed also didnot have working microphones and were sometimes noisy because of people moving in and out.

3.4.9 Professionalisation and accreditation

As alluded to above, court interpreters in Zimbabwe are still fighting to be ranked fairly within the Judicial Service Commission in Zimbabwe. Unlike magistrates, for instance, whose interests are represented by the Magistrates' Association of Zimbabwe (MAZ), there is still no professional association for court interpreters in Zimbabwe. At a meeting held with court interpreters at the Mutare magistrate court on 28 February 2014, most junior interpreters confessed ignorance of the existence of any court interpreters' association. However, although most senior interpreters acknowledged the existence of the Zimbabwe Court Interpreters' Association, they admitted that the association was inactive and faced collapse due to non-payment of subscriptions by members. Apart from the absence of an active professional association, both junior and senior interpreters admitted that there was no regulatory framework for court interpreters in Zimbabwe which makes it difficult to develop a national code of

conduct. In South Africa, the South African Language Practitioners' Act of 2014 provides this regulatory framework. The absence of an active court interpreters' association and regulatory framework confirms Herbulot's (1998: 3) view that a professional association ensures that the professional status of interpreters is not undermined. When this status is clearly articulated, "it will take on reality in the eyes of others, instead of being considered merely as something anyone can do".

The absence of an active association was also seen by the interpreters as a reason for the non-availability of refresher workshops and training which they used to have in the past with funding from organisations such as Lawyers for Human Rights, Legal Aid Project (LAP) and The Catholic Commission for Justice and Peace (CCJP). The interpreters at the meeting highlighted that such refresher workshops would have been even more relevant now in view of the changes made to the *Criminal Procedure and Evidence Act* (Chapter 9: 07) which they are unfamiliar with but which is referenced daily in court proceedings. The absence of an active professional association was, as the interpreters at the meeting pointed out, the reason why their concerns about working conditions, preparation time and interpreter by-pass (when an accused person or witness addresses the court directly rather than through the interpreter) continue to be unresolved issues. As indicated already in this chapter, it is important for court interpreters to belong to a professional association (Keratsa, 2005) which would be able tomeet the needs of their members, which includes the need to be treated professionally.

With the scenario presented above regarding professionalisation and accreditation of court interpreters in Zimbabwe, one wonders whether court interpreting can be regarded as a profession or not. According to Madhuku (2010: 84), a profession is only a profession when:

(1) It has a governing body with powers of control and discipline.
(2) There is some register or record of membership.
(3) There is restriction of admission to those with the required standard of special skills, education and training.
(4) There is voluntary submission by members to standards of ethical conduct beyond those required of the ordinary citizen by law.
(5) The duty to clients is paramount.

However, the court interpreting profession in Zimbabwe fails to meet most, if not all, the above benchmarks which leaves the profession open to the conclusion that "it is still a profession in the making" (Mikkelson, 2000: 47).

3.5 Conclusion

In this chapter, I examined the court interpreting situations in Australia, South Africa and Zimbabwe. Various issues relating to the employment of court interpreters, training, professionalisation and accreditation were discussed.

For Australia, the chapter has shown that the profession is highly advanced. A national professional association has available a detailed Code of Ethics and a Code of Practice, and a national accreditation authority tests interpreters and certifies all types of interpreters at four professional levels. Nevertheless, court interpreters in Australia are still not required to be qualified which is one of the causes of dissatisfaction about the state of court interpreting.

As regards South Africa, I have argued that although South Africa has made significant progress towards the improvement of the quality of interpreting and, hence, the delivery of justice in line with trends in the other parts of the world, it still faces some challenges which need to be addressed so as to ensure that the interests and professional status of court interpreters are respected and that the rights of non-English speakers are protected. One such challenge relates to accreditation as the Diploma in Legal Interpreting is still regarded as an advantage, but not a requirement, for a job as a court interpreter.

For Zimbabwe, I have shown that the country still faces a number of challenges which need to be addressed so as to ensure that the interests and professional status of court interpreters are respected and that the rights of non-English speakers are safeguarded. Unlike South Africa, where a national professional association exists and develops codes of ethics and practice, as well as tests for interpreters, Zimbabwe has no active professional association for court interpreters. In this regard, the government should double its efforts to provide training courses, professionalisation and accreditation if the quality of interpreting and the professional status of

interpreters are to be improved to match trends and developments in other parts of the world. For Zimbabwe, the chapter argued that although the current crop of interpreters is not completely unprepared for the job, training programmes have to be developed to complement on-the-job training for court interpreters and for the specific needs of the untrained interpreters. This will boost their professional status among other court players and raise their confidence and morale. An active professional association will also ensure a well regulated and monitored profession which values continuous training and responsibility to clients.

CHAPTER 4: THEORETICAL FRAMEWORK

4.1 Introduction

In this chapter, I explain the interdisciplinary approach adopted for this study. The interdisciplinary approach draws from discourse analytic approaches and interpreting studies approaches. This framework is consistent with recent developments in interpreting studies in the last decade. Researchers (Wadensjö, 1998; Roy, 2000) have begun to examine the process of interpreting as embedded in a process of verbal interaction; that is, as a conversational process consisting of people talking to each other through an interpreter or, in other words, as a discourse process, as it is called by Roy (2000). Although the term discourse has come into wide use and is associated with a variety of disciplines (Stubbs, 1983; Schegloff, 1986; Fairclough, 1992; Van Dijk, 1996; Wodak, 1999 and Jaworski & Coupland, 1999), the term was first used in linguistics (Harris, 1952). In linguistics, discourse analysis refers to the analysis of language beyond the sentence. This study applies the linguistic approaches of discourse analysis to the analytical study of interpreting as discourse; i.e. a process of conversational exchanges between two primary speakers through an interpreter. It also examines how an interpreter manages the discourse process between two participants who do not speak the same language. By employing the chosen approach, I attempt to: 1) present a definition of interpreted events in the courtroom based on a discourse framework; 2) describe, analyse, and interpret the turn-taking exchanges in interpreter-mediated trials; and 3) discuss, from the analysis of one role performance, the interpreter's role as it is performed during interaction with others. The preferred theoretical approach is explained below in greater detail.

4.2 Discourse analytic approaches

According to Rudvin (2012), interpreting for people who do not speak a common language is a linguistic and social act of communication, and the interpreter's role in this process is an engaged one, directed by knowledge and understanding of the entire communicative situation, including fluency in the languages, competence and appropriate usage of each language, and the managing of the cross-cultural flow of talk. Stubbs (1983) and Gardner (2004: 281) seem

to be in agreement about the object of discourse analysis, i.e. "discourse analysts do what people in their everyday experiences of language do instinctively and largely unconsciously: notice patterning of language in use and their circumstances (participants, situations, purposes, outcomes) with which these are typically associated". For Ng (2011), discourse analysts thus notice these aspects consciously, deliberately and systematically and, as far as possible, objectively to provide accounts of what their investigations have revealed. Discourse analysis is a multi-disciplinary field and hugely diverse in the range of interests. For many, the interest in discourse is beyond language in use (Jaworski & Coupland, 1999: 3) to "language use relative to the social political and cultural formations…, language reflecting social order but also shaping social order, and shaping individuals' interactions with society".

In view of the above, discourse analysis may, broadly speaking, be defined in Ng's (2011) terms as the study of language viewed communicatively and/or as communication viewed linguistically (Gardner, 2004: 284). Spelling out the above definition typically involves reference to concepts of language *in use*, language *above or beyond the sentence*, language as meaning *in interaction*, and language in *situational and cultural contexts*. Depending on their particular convictions and affiliations – functionalism, structuralism, social interactionism, etc. – linguists will tend to emphasise one, or some, rather than others in this list. Discourse analysts will therefore draw, in their own particular fashion and to different degrees, on the theories and techniques of a number of source disciplines for the study of language in use – especially linguistics, psychology, pragmatics, sociolinguistics and anthropology. For the current study, I adopted discourse analytic approaches modelled on pragmatic theory (Grice, 1975; Searle, 1969 and Brown & Levinson, 1987), conversational analysis (Sacks & Schegloff, 1984), critical discourse analysis (Fairclough, 1999; Wodak, 1996) and aspects of relevance theory (Sperber & Wilson, 1995).

Although these areas differ in some of their underlying assumptions about language, that is, about units of language as data, about ways of analysing data, and about notions of context, they also manifest important similarities. According to Schifrin (1994), these similarities form a central set of unifying principles for the academic study of discourse. Many of these principles – such as using natural conversational data; searching and analysing recurring patterns across speech; discovering how participants experience conversation; and exploring social and cultural factors that influence how and what people say – are some of the hallmarks of discourse analysis.

In the case of the current study, I examined interpreters as interpreting discourse, or conversations; i.e. participating in a process that has been studied and analysed in monolingual contexts for two decades. These approaches were used to analyse interpreter-mediated trials which were observed, recorded, transcribed and then analysed to understand how an exchange of messages actually happens between two speakers of different languages. These approaches were, therefore, viewed as capable of enabling a holistic way to study human communication, a field that is expanding and interdisciplinary; thus entirely suited for the study of interpreting. In addition, these approaches, particularly conversation analysis, also allow for parts of interpreted discourse to be isolated and then described in terms of the aspects pertaining to interpreting. Such a study would contribute to a better understanding of what components constitute interpreted events in general from what the description of one particular interpreted situation can illustrate.

A key aspect of analysing conversations, or discourse, is that speakers take turns and issues of power are always at play. In taking turns, one person talks, and stops, and then the next person talks. However, discourse studies of conversational interaction have shown that turns do not always occur as one-at-a-time rotation and that other features, such as simultaneous talking and pauses, play a role in the back-and-forth nature of conversation. Thus, when using conversation analysis, the first step would be to describe how turns occur in interpreted conversations. In any conversation, two speakers speak and they also listen. Listening is the way the next response comes about. Exchanging messages and keeping a conversation flowing allows no one to be passive. In any discourse process, including court interactions, the flow of talk and the contributions of all speakers must be considered to understand the meaning of any single utterance. In addition, courtroom players interact to accomplish a purpose (or purposes). They bring with them different expectations about the ways in which to accomplish their goals through talk. Moreover, in the case of the courtroom, Gile (2009) observes that the various court players have different understandings about ways in which to display their intentions and give or acquire information, as well as different ways in which to present themselves and their perceptions about the relationships that are present. In the case of bilingual courtrooms, what further complicates the situation is that the speakers present their ideas using different linguistic structures and following different automatic and unconscious conventions for using those structures. For example, inherent in language use are systems for organising talk, such as

openings and closings, turn-taking, pauses, signalling continuing thoughts, interruptions, and the presence or lack of understanding.

Researchers in interpreting, many of whom are or were practitioners, have conducted studies that indicate the participation of interpreters in discourse processes (e.g., Metzger, 1999; Roy, 1989; Wadensjö, 1992, 1998). They have demonstrated that interpreters are involved in negotiating things such as who has the turn, asking for clarification, prompting a response or turning from a primary party, explaining what one party or another means, or explaining that one participant does not understand the other. Because the two primary speakers in interpreted events do not know the other's language, the interpreter is the only participant who can logically maintain, adjust and, if necessary, repair differences in structure and use. Typically, the interpreter is the only one who knows or can easily use the conversational or discourse strategies of both languages. This means that the interpreter is an active, third participant who can influence both the direction and outcome of the event, and that the event itself is intercultural and interpersonal, rather than simply mechanical and technical. Below is an elaboration of the chosen discourse analytic approaches.

4.2.1 Pragmatics

Under pragmatics, I adopted approaches which attempt to figure out the means by which language users – apparently universally, though this is subject to empirical contradiction – make sense, In light of the various situational factors, of others' utterances and devise means to have their own understood more or less as they intend. Included under pragmatic theory are the works by Grice (1975), Brown and Levinson (1987), Thomas (1995), Grundy (2000) and Sperber and Wilson (1995). Using these theoretical approaches, I examine Grice's (1975) principle of cooperativeness in interaction; i.e. the "cooperative principle" and its "maxims" and procedures for determining relevance (Sperber & Wilson, 1995). The same approaches also enable the analysis of indirectness and implicature and how these derive from particular ways of performing speech acts and manipulating the "maxims". I also apply Brown and Levinson's (1987) politeness theory. According to Ng (2011), the theory deals with the concept of "saving face", and thus looks at acts which are potentially damaging in term of this, and at the linguistic strategies used for limiting such damage, when it is unavoidable. The theory is not only informed by linguistic pragmatics, but also by social psychology and linguistic anthropology. Borrowing from scholars such as Cambridge (1999), and Mason and Stewart (2001), who draw on politeness theory to show how participants pay attention to face

management, I also deploy politeness theory to analyse how court players, and particularly court interpreters, manage their face and others' faces, as well as how face management is dealt with in interpreters' renditions.

According to Brown and Yule (1983: 26), pragmatics is an analytic approach in linguistics which involves what Dean and Pollard (2011) refer to as contextual considerations. Doing discourse analysis certainly involves doing syntax and semantics, but it primarily consists of doing pragmatics. Said differently, any study involving pragmatics will involve the analyst treating his (court) data as the record (text) of a dynamic process in which language was used as an instrument for communication in a context by a speaker/ writer to express meaning and achieve intentions (discourse). Working from the courtroom data, I deploy pragmatic theory to analyse regularities in the linguistic realisations used by people to communicate their meanings and intentions.

According to Dean and Pollard (2011), such an approach brings into consideration a number of issues which do not generally receive much attention in the formal linguist's description of sentential syntax and semantics. Because the current study investigates the use of language in context by a speaker, it is more concerned with the relationship between the speaker and the utterance on the particular occasion of use, than with the potential relationship of one sentence to another, regardless of their use. That is, in using terms as reference, presupposition, implicature and inference (Grundy, 2000), the discourse analyst is describing what speakers and hearers are doing, and not the relationship which exist between one sentence or proposition and another. I am, therefore assuming the discourse analyst's role and adopting a pragmatic approach to the study of language use in the courtroom, as is in line with Dean and Pollard (2011). Hale (1995), for instance, uses this pragmatic approach in her article to analyse whether interpreters are aware of pragmatic differences that may exist in the languages in which they interpret. In that article, Hale adopts Crystal's (1987) and Cook's (1989) definitions and understanding of pragmatics. Hale (1995), citing Crystal (1987: 120), defines pragmatics as the discipline that "studies the factors that govern our choice of language in social interaction and the effects of our choices on others". Cook (1989: 29), cited by the same author, clarifies the difference between "the terms *semantic* meaning (the fixed context-free meaning) and *pragmatic* meaning (the meaning which the words take on in a particular context, between particular people)". In the context of interpreting, it is always necessary to aim at equivalence of pragmatic meaning (i.e. equivalence-based interpreting in Wallmach's (2000: 218) terms),

even at the expense of semantic correspondence if necessary (Hale, 1995). Put differently, pragmatic meaning overrides semantic meaning in this instance. In the court practice, interpreting one major problem observed by Hale (1995) and shared by Berk-Seligson (1990) is that interpreters are not always aware of the pragmatic differences between the two languages in which they interpret and, as a result, render a faithful, semantic interpretation in the belief that they are being accurate, when in fact they are not.

Research by the two scholars has shown that pragmatic failure often occurs in interpreting due to pragma-linguistic transfer, when lexical items and utterances are translated semantically, and superficially appear to be accurate, when in fact they are pragmatically incorrect (Hale, 1995: 211). Despite Wadensjö's (1998: 47) caution about the "cognitive bias" of pragmatics, which tends to concentrate on "intentions and inner states of mind" rather than "activities in context", there is no doubt that pragmatics offers an additional dimension to the study of interpreter-mediated communication.

Finally, the pragmatic approach I chose for this study is also relevant for analysing the relationship between language and social structure in interpreter-mediated rape trials contrary to popular views by critical discourse analysts (Fairclough, 1989, 1992; Chouliaraki & Fairclough, 1999), Ng (2011) that only critical discourse analysis holds a monopoly on the issues of power and politics in discourse. For example, in Searle's speech act theory, "having the authority to do so" is one the felicity conditions in issuing an order; in Brown & Levinson's (1987) politeness theory, differences in power between the speaker and hearer is one of the factors in choosing a strategy to manage a face threatening act.

4.2.2 Conversational analysis

Work on Conversation Analysis (CA), notably rules of turn-taking and topic management, as well as the sequencing rules governing relations between acts, provides theoretical grounding for this study. According to Ng (2011), the rules that CA is interested in are understood as members' rules and not analyst's rules. These include the norms of behaviour, as well as recurring patterns of the action itself according to which make sense of what is going on. In this respect, CA differs from pragmatics. It also differs in its insistent empirical concern with the minutiae of textual data (Schegloff, 1986).

According to May (2004), CA examines how social structures and social processes are reproduced through talk and is grounded in ethnomethodology. CA is based on the premise that participants accomplish social action through "talk in social interaction". Talk in social interaction is not merely about "talk" but about how social structures and social practices are reproduced implicitly in the interaction. As Gardner (2004) rightly points out, the prime focus of conversation analysis is talk rather than language. Talk is an occasion when people act out their sociality (Schegloff, 1986). The emphasis within conversation analysis on the social can be traced historically to its emergence within the discipline of sociology in the 1960s. In the decades since it has become cross-disciplinary, with CA scholars working not only in sociology, but also within anthropology, social psychology, communication studies, linguistics and applied linguistics.

CA, as one of the approaches to the study of spoken language, differs from other approaches with regard to certain theoretical assumptions, methodological principles, and analytic techniques. One fundamental difference stated by Gardner (2004: 281) is the object of inquiry in conversation analysis which is interaction. While most approaches to discourse tend to focus on the speaker, in conversation analysis talk is seen as a jointly accomplished activity, with the listener and the speaker given equal status as co-constructors of the emerging talk. The second aspect of difference Gardner (2004: 282) explains is that conversation analysis pays attention to *temporality*; that is, time and simultaneous talk in conversation. Thus, "a silence can profoundly affect how some talk that precedes or follows it is understood, and simultaneous talk may be indicative of how speakers understand or feel about each other. The aspect of time thus raises considerations relating to how talk emerges moment by moment.

For conversation analysts, spoken discourse is a rich source of social data. The focus is on data that arise in day-to-day activities and the method is used when what participants do outside research settings is relevant to the research. To date, CA has built up a body of evidence to show that conversation is not a disorganised and disorderly activity, but rather displays a very fine order of organisation at all points (Sacks & Schegloff, 1984: 24; Silverman, 1998: 126). This means that talk is locally organised and managed, and 'interactionally' or jointly produced (Sacks, Schegloff & Jefferson 1974: 725). Initial work in conversation analysis investigated turn order, or whose turn is it to speak; turn size, or how long each participant speaks; and repair, or how participants resolve problems. The study of orderliness in conversation has

remained the centre of CA since the 1960s, with an increasing number of researchers investigating interaction in work and institutional settings.

Descriptive studies on interpreting in the community have also been undertaken. Friedland and Penn (2003: 95-111), for instance, use CA to look at mediated clinical interviews, as does Meyer (2002), who also applies it in medical interpreting contexts. González (2006) uses it to study context shifts and how meaning is jointly negotiated in institutional interaction, while Wadensjö (1992, 1998) uses it to come up with a comprehensive description of interpreter behaviour in public service encounters. Rather than concentrating exclusively on the interpreter as a translator, Wadensjö (1998) shows how each participant in the triadic encounter affects the other participants' behaviour. Her distinction between the interpreters' translating activity and the activity of coordinating others' talk is well documented and has become an important reference in later studies. Shifts of footing, distribution of responsibility, role expectations, and attending to miscommunications are all shown to be routine features of interpreting as an activity and are all analysed in the communicative detail of relatively short transcribed sequences.

From Wadensjö's (1998) study, one can draw three major aspects of relevance to interpreting studies. The first and most important is that her approach is largely descriptive, rather than prescriptive. For this, she is representative of a trend in empirical interpreting studies which is characteristic of Berk-Seligson (1990), Hale (1997) and Roy (2000). The descriptivism in Wadensjö's (1998) study, like the others listed above, does not appear to be motivated by any claim to true objectivity but stems, rather, from a desire to avoid interpreting studies as error analysis, which a concentration on prescriptive issues may do. The second aspect of Wadensjö's (1992, 1998) approach is her clear distinction between "talk as text" and "talk as activity". The first of these is common with early discourse analysis approaches that tended to treat the text as an object in itself. What is a more relevant approach is one which treats data of speech events as evidence of participants' plans, goals, and (inter)actions. Interpreting research of this kind focuses on discourse as the negotiation of meaning among participants and places human agents at the centre of communication which opens doors to considerations of aspects such as institutional constraints, power relations, role negotiation and others. Finally, Wadensjö's (1998) method, like others in her category (Bolden, 2000; Gavioli, 2004) utilises authentic, non-experimental data which is consistent with CA and very central in empirical accounts of interpreting in public service settings. This enables her to analyse the organisational

elements of talk, including turn taking, adjacency pairs, repairs, topic management and gate-keeping. Of further note is the idea that Wadensjö (1998: 97) does not limit her use of context in analysing talk to a strict CA approach, but also appeals to external context introduced in talk where relevant. The basis for this lies in the fact that she is a participant-observer of the cases she analyses. This micro-analytic approach of CA sheds light on what evolves within an exchange. González (2006: 392), drawing on recent studies of institutional interaction, also adopts a dynamic view of context as constantly shifting and jointly negotiated: "each contribution in the course of the interaction is not only determined by what was said before, but itself also contextualises upcoming talk". Studies of this kind are, therefore, able to reveal a lot about particular linguistic features and their manipulation, especially in the courtroom.

In exploring how one interpreter manages the flow of talk, one basic, crucial system was examined in detail: the turn exchange system. Exchanging turns is at the heart of the way people talk back-and-forth to each other. How turns operate and how people take speaking turns in ordinary conversational discourse has been studied extensively in linguistic approaches to discourse, and these findings are applied here. In the present study, I show that the two primary speakers take turns with the interpreter and that they participate in creating turns. The interpreter also participates in the process by creating and resolving turn phenomena, such as silence, pauses, and simultaneous talk. The interpreting event itself is influenced by both linguistic and social factors, such as the status of the participants, levels of indirectness, and explicit understanding of the progression of talk. I demonstrate that interpreters are fully developed participants in face-to-face interpreting who can impact on both the direction and outcome of an interpreted event. Examining turns during an interpreted conversation offers relatively new empirical insights into interpreting as an interdependent, exchange process that has unique and complex features. It is a process that requires interpreter participation in organising and managing the exchange of turns. It also requires an exploration of the interpreted event as a social, linguistic act governed primarily by social roles and goals during the act of communication.

4.2.3 Critical discourse analysis

According to Ng (2011), what distinguishes Critical Discourse Analysis (CDA) (Fairclough, 1989, 1995; van Dijk, 1996, 1999; Wodak, 1996) in its approach to language is that it aims to lay bare the "hidden effects of power", the kind of effects which may stigmatise the vulnerable, exclude the marginal and naturalise privilege. It also draws on critical, post-structuralist,

feminist and post-colonial theory, such as those by Foucault and Bourdieu on symbolic capital, and particularly their reference to the inclination of power and domination in society, as well as the disparate and indirect ways in which power is transferred and social order maintained within and across social classes. It furthermore draws onsystemic functional linguistics which concerns itself with issues of identity, dominance, and resistance, seeking out evidence in texts, such as those found in the media, advertising texts, political documents and speeches, which reveal different kinds of bias, such as class, gender, ethnic, sexual, etc. Finally, and crucially, it distinguishes between two senses of the word discourse: what Gee (1999: 1) calls "discourse" and "Discourse". The former refers to instances of language in use; i.e. actual speech acts. The latter refers to far more abstract ways of using language; i.e. configurations of things that can actually be spoken out in particular cultural and institutional contexts, ways of thinking and speaking about them, and ways of behaving in relation to them.

CDA views language as "everywhere and always" political (Gee, 1999: 1). By politics, Gee (1999: 2) means "anything that a group of people believes to be a source of power, status and worth". When communicators speak or write, they "always take a particular perspective on what the world is like". Communicators take a perspective on what is "normal" and not; what is "acceptable" and not; what is "right" and not. CDA is therefore a political enterprise. In addition, and most importantly, is the sense that it is motivated by a particular political agenda, for example neo-conformist, anti-elitist or neo-Marxist, and it seeks not to only understand the social world, but to transform it (van Dijk, 1984). In light of this, critical discourse analysis is viewed as a reaction to the "tendency to regard language texts as 'objects' whose formal properties can be mechanically described without interpretation" (Fairclough, 1989: 27). CDA is an approach to discourse analysis that brings to the fore the social conditions of the production and reception of texts and, therefore, the very topics of power, class, gender, race, etc. which are suggested by Cronin (2002) as urgent issues for investigation under CDA. To sum it up, CDA treats discourse as reflections of belief systems and of institutional power.

A number of scholars have applied CDA to studies on community interpreting (Pöllabauer, 2004; Mason, 2005 and Maryns, 2006). Of these examples, Pöllabauer (2004) examines the role of interpreters in asylum hearings in Australia, paying special attention to "role conflicts, discrepant role expectations, the asymmetrical power distribution and existing norm systems" (Pöllabauer, 2004: 153). Evidence from the transcripts studied by Pöllabauer (2004) shows the power wielded by the interpreter over asylum seekers in the form of effects of interruptions

and omissions, and the tendency to serve the interests of the institution. In Pöllabauer's (2004) study, miscommunications are shown to be due to a lack of shared background and linguistic resources between officials and claimants. The researcher then relates these miscommunications to underlying motives and institutional constraints (Fairclough, 1995 and van Dijk, 1998). For example, the interpreter's use of "we" aligns herself (interpreter) with the immigration officer and thus speaks as the voice of the institution. Other studies with similar findings are by Mason (2005) and Maryns (2006: 2) who look at the "discursive construction of what counts as evidence" in such hearings.

While CDA has contributed much to our understanding of power, criticisms have been raised against it, for example by Widdowson (2000) who critiques it from both a linguistics and discourse analysis stance. The first objection is that there is a tendency among critical discourse analysts to pre-select data in order to prove a certain point, particularly discourses regarding power and control (Toolan, 2002). As a way of countering this, the use of corpus linguistics can provide a good deal of the independent data that critical discourse analyses require. The second criticism levelled against critical discourse analysis relates to the non-replicability of the studies. This weakness can be avoided if critical discourse analysis studies of community interpreting makes their methods explicit so that their findings can be tested by others (although the data on which studies are based can often not be made available to later researchers for obvious reasons of confidentiality). The third objection is in connection with cognition. CDA stands accused of paying insufficient attention to "what goes on inside people's heads" (Chilton, 2005: 6); that is, what conceptual processing activities go on during discourse processing. Cicourel (2006) suggests here that CDA integrate cognitive approaches into their analyses. It is perhaps Wodak (2006) who has done the most thus far in terms of this. Despite the critiques raised against CDA, it nevertheless remains a useful tool in community interpreting research and can be refined by attending to the above and other related objections.

4.2.4 Relevance theory

Relevance theory (RT) was developed by Sperber and Wilson (1986, 1995) and provides concepts that are crucial for understanding the nature of translation and some of the problems it typically involves. According to Gutt (1998: 41), "the relevance theory framework is founded on two main concepts: the inferential nature of communication and context". According to Sperber and Wilson (1995), and echoed by Ndlovu (2009), communication not only requires encoding, transfer and decoding processes, but crucially involves inference in addition. This

means that one utterance can convey different meanings because meaning builds not only on its *semantic content*, but also on the *context* in which it is interpreted or, more technically, on the contextual information with which it is inferentially combined.

According to the relevance theory, the notion of the "context of an utterance" is an important aspect. Context, in relevance theory, is a "psychological construct, a subset of the hearer's assumptions about the world"; more specifically it is "the set of premises used in interpreting (that) utterance" (Sperber & Wilson, 1986: 15). According to Hale (1999), context in the case of relevance theory is not limited to information about the immediate physical environment or the immediately preceding utterances, but includes aspects such as expectations about the future, religious beliefs, memories, general cultural assumptions, beliefs about the mental state of the speaker, and so on. All of these aspects may all play a role in interpretation. Another aspect of context in relevance theory is that it is assumed to be organised, and that this organisation affects the accessibility of a particular piece of contextual information on a particular occasion.

Drawing on the aspects of relevance theory, Ping (2008) examins short-term preparations for the court interpreting of criminal cases in Chinese courts. Mason (2006) also uses relevance theory to analyse participant moves in community interpreting dialogues. According to Mason (2006), the underlying model of relevance theory posits that communicators, including interpreters, will seek to maximise the contextual effects they create in exchange for the lowest expenditure of processing effort. This theory is particularly relevant for interpreters who are constantly conscious of the need to be brief (efficient) and to-the-point (effective) because of the perception that their interventions hold up or lengthen the communication process. Some evidence of this principle in interpreters' output is available in Mason (2004).

Relevance theory is furthermore said to be an "ostensive/inferential" model of communication. In this conception of communication, speakers provide ostensive cues of what they intend to communicate while hearers infer what was intended from the evidence provided, including the ostensive indicators (Mason, 2006). In their explanation of ostension, Sperber and Wilson (1995) bring to light the fact that the basic information contained in an utterance is accompanied by indications about the communicative intention of the speaker in uttering it. These ways of making the communication intention manifest is what Gumperz (1982: 131) calls "contextualisation cues" which are "any features of linguistic form which contribute to

the signalling of contextual presupposition", including prosodic phenomena, style switching, lexical and syntactic choices. Equally significant are the non-verbal cues such as gaze, facial expression, gesture and posture. These cues are very central in the analyses conducted by Wadensjö (1998) and González (2006). Setton (2002: 179) also addresses the process of meaning assembly in simultaneous interpreting in the relevance theory framework with particular emphasis on pragmatic factors. The argument Setton (2002) advances is that the "message" for translation not only comprises the propositional content and the attitudes under which it is presented, but also procedural directions to relevance, all of which are intertwined in discourse in such a way as to allow the finely incremental assembly of speaker meaning.

On the basis of this, I apply relevance theory to explore the inferential aspect of interpreting with a focus on understanding the source speaker's utterances and how this is transferred to the target audience or target language. That is, I look at howthe interpreter conveys the speaker's *informative* intention and *communicative* intention, if at all, which can be perceived In light of the speaker's ostensive stimulus, contextual assumptions from previous utterances, and the physical environment which helps the interpreter gain the *optimal* relevance to the source speaker's utterance.

4.3 Interpreting studies approaches

The second strand of approaches adopted for this study are theoretical approaches adopted from interpreting studies. The approaches adopted from interpreting studies, particularly Wadensjö's (1998) approach, match perfectly with the chosen discourse analytic approaches explained above. For the purposes of this study, I deploy the following theoretical approaches from interpreting studies: Wadensjö's (1998) interpreting as interaction approach, Gile's (1995) effort model in interpretation, and Dean and Pollard's (2001) demand-control theory. These theoretical perspectives were used to augment the discourse analytic approaches explained in Section 4.2 above. Below, I explain each of the interpreting studies approaches in detail.

4.3.1 Wadensjö's (1998) interpreting as interaction

According to Roy (2000), Wadensjö's (1998) interpreting as interaction approach is about "interpreter-mediated conversations as a mode of communication, about interpreters and their responsibilities, about what they do, what they think they should do and what others expect

them to do in face-to-face, institutional encounters". Wadensjö (1998) applies the approach to examine empirical data recorded during interpreter-mediated encounters within medical, legal, and social services settings. Using this approach, Wadensjö (1998) shows what interpreters and primary speakers actually do as they come together and what they think they are doing when they talk to each other. Wadensjö's work (1992, 1998) is theoretically grounded in analytical frameworks of the nature of social organisation (Goffman, 1981) and in the dialogic nature of language and interaction. Wadensjö (1998) offers a seminal perspective of the interpreter as an engaged actor solving not only problems of translation, but also problems of mutual understanding in situated interaction. Applying a dialogic framework revealed that interpreting consists of two interdependent activities, namely translation and coordination, further evidenced by the fact that interpreters create two kinds of talk, namely talk that is generated from relaying a message, and talk that is generated from the interpreter to assist or mediate the flow of talk. When the performance of the interpreter's role is investigated as interaction, then the interpreter is studied in relation to a relevant audience or the role that he/she performs with others. It becomes self-evident that "the dialogue interpreter must be conceived of as both relayer and co-ordinator" (Goffman, 1992: 266). Wadensjö (1998) also provides examples of utterances directed at the interpreter and from the interpreter which are not about the content of the relayed message. Thus, the progression of talk is both a co-ordinated activity among the participants, and a responsibility of the interpreter. In view of this, Roy (2000: 91) points out that, "In an interpreter-mediated conversation, the progression and substance of talk, the distribution of responsibility for this among co-interlocutors, and what, as a result of interaction, becomes mutual and shared understanding-all will to some extent depend on the interpreter's words and deeds". Elaborating further on interpreter rights and responsibilities, Wadensjö (1998) problematises "understanding" in conversation and its opposite "miscommunication" by showing three different ways in which interpreters deal with miscommunication events while on duty. The ways in which interpreters deal with miscommunication reveal their perspectives on what constitutes sufficient understanding among the participants for whom they are mediating.

In her discussion of "replaying by displaying" and "replaying as re-presenting", Wadensjö (1998) explores how interpreters relate as narrators of others' speech to convey impressions of self as a person using others' words or to "re-present the expressiveness of preceding talk". Through language, interpreters can distance themselves from an utterance they speak, a distinction that results in the primary participants' better understanding of the message. Her

point is that even when interpreters move further away from the role of strictly transferring, it benefits the goal-oriented exchange. By noticing this distancing, it demonstrates how the reality of interpreting does not reflect the idealised and often recursive pedagogy about how interpreters do their work. Notably, in manifesting this distance, we get an idea of personal style which individual interpreters in a particular situation may exhibit during the course of the work. Central to Wadensjö's (1998) interpreting as interaction approach is the view that the old adage "just translate and translate everything" is a useful shorthand for explaining interpreting to lay persons and newcomers, but it is not useful for explanations needed to define interpreting as a profession and to define the actual rights and responsibilities that define the everyday experience of interpreting work. Wadensjö (1992, 1998) has opened a new avenue for understanding, researching and teaching the work of interpreters. Wadensjö's seminal work (1998) can thus be said to offer a perspective of the interpreter as an engaged actor solving not only problems of translation, but also problems of collective understanding.

From this we can see that Wadensjö (1998) differs from Berk-Seligson (1999) in attempting to understand interpreters as they do their jobs by not evaluating them against idealised and unsubstantiated notions of "ideal" practice. According to Wadensjö (1998), when Goffman (1981) introduced his participation framework which look atthe complex ways in which speakers participate in a conversation, he did not explore the complexities of listener. It is Wadensjö (1998) who does this. She develops the notion of reception formats corresponding to that of 'production formats'. Wadensjö (1998) argues that production roles is a way of making explicit in what sense speakers display their own or others' opinions or attitudes and bydistinguishing different modes of listening, she shows how we might better understand how individuals demonstrate "their own opinions and attitudes concerning rights and responsibilities in interaction" (Roy, 2000: 92).

For Wadensjö (1998), an interpreter's role, as both a social role and a role that performs an activity, is realised through interaction with others. In the context of the courtroom, this social and performative role is realised through the ways in which the interpreter interacts with other co-participants, i.e. the magistrate who preside over the trial, the prosecutor who leads the prosecution, the witnesses on whom the state's case depends and, of course, the accused whose freedom is at stake, as well as others. With analytical precision and detail, Wadensjö (1998) explains how interpreters both listen and speak within shifting stances of their own participation, shifting from relaying to coordinating the interaction. Thus, from time to time,

interpreters change the level and degree of their participation. Again, in the context of the current study, one would expect the interpreter's level and degree of participation to change depending on the stage of the criminal trial. Wadensjö's (1998) interpreting as interaction approach is significant for the current study because it profoundly changes the current vision, or ideology, of what interpreters are doing. In fact, the *"pas de trois"* (using Wadensjö's expression) is the basic, fundamental event of interpreting and other models should be seen as deriving from it. It changes how interpreters and their work are perceived and, hence, how interpreting is taught.

Since Wadensjö (1992), more and more researchers, myself included, are turning towards an interactive, discourse-oriented approach to interpreting. In 1995, Critical Link, an international conference on community interpreting, took place in Canada. Here community interpreting refers to face-to-face, interactive interpreting in legal, health and social services, as well as other community-oriented settings. The proliferation of papers after the conference affirms the importance of a discourse approach to interpreting and the active role of the interpreter. Researchers around the world, many of whom are also interpreters, are defining, examining and analysing interpreted interaction, and reporting similar results. Fenton (1997) reports on the way in which interpreters in New Zealand influence proceedings in courtrooms, noting like Berk-Seligson that interpreters are visible, verbal participants. In studies on courtrooms in New Zealand, Fenton finds that, "Interpreters in the courtroom are far from being perceived by everyone else in the courtroom as non-thinking, mechanical or electronic devices, but rather as men and women in possession of special skills, the application of which requires good judgement and integrity, and who can be held accountable for their performances" (Fenton, 1997: 33). Similarly, Dimitrova (1997) who analysed the interpreted interaction between doctors speaking Swedish and patients speaking Spanish, noticed simultaneous talking, interruptions, and turn-taking by interpreters and the primary interlocutors. In her discussion, she notes that interpreters are at the centre of the turn-taking process and that training programmes should, therefore, teach students how to interrupt primary speakers in order to avoid simultaneous talk and to claim speaking turns. Fowler (1997) suggests that although the law would like to see the interpreter as a conduit, it is clear that when breakdowns occur, English magistrates want the interpreters to "fix it": "The magistrates I interviewed did not blame the interpreter for communication breakdown, but they certainly made it clear that when breakdowns occurred it was the responsibility of the interpreter to rectify them" (Fowler, 1997: 197).

It is for the succinctness and detail of the interpreting as interaction approach that I adopt this approach which also allows for a closer sociolinguistic and discourse analytic study of the role of interpreters during rape trials in Zimbabwean courtrooms.

4.3.2 Gile's (1995) effort model of interpreting

Gile (1995) points out that one of the most striking and challenging phenomena in interpreting is its fundamental difficulties in terms of effort. The effort model in interpretation (Gile, 1995) attempts to explain this difficulty in a way that should facilitate the selection and development of strategies and tactics toward better interpreting performance. According to Gile (1995), performance problems in interpreting do not only occur in fast, informationally heavy, or highly technical speeches, but also in clear, slow speech segments in which no particular hurdles can be detected. Moreover, errors and omissions do not occur only in students' or amateur interpreters, but also in seasoned professionals (Hale, 2004). Gile (1995) came up with the models to explain both the errors made by professional conference interpreters in speech segments containing no apparent difficulty and the reasons behind the errors. The models explain why interpreting is so difficult and how these difficulties can be alleviated. Although the effort model has its origins in conference interpreting, it can well be applied to research in consecutive interpreting in its varied contexts, including the courtroom.

The effort model of simultaneous interpreting is a cognitive framework which conceptualises simultaneous interpreting as a set of multiple cognitive operations which can be grouped into three "efforts" (Berk-Seligson, 2002; Wallmach, 2004; Petite, 2005). These efforts are: 1) comprehension efforts of the source speech by the interpreter involving a set of operations which are collectively called "listening effort" or "listening and analysis effort"; 2) production efforts which are operations which concur to produce a target speech, including self-monitoring and self-correction; and 3) memory efforts which are operations which manage in the very short term (up to a few seconds) the storage and retrieval of information related to the source and target speech in short term memory. They are collectively called "memory effort", a concept distinct from, but in many ways similar to, the cognitive psychologists' working memory model(s).

On top of these three core efforts comes the coordination effort, which manages attention, allocation and shifts between the three. There is no assumption that cognitive components

operating in one of the three core efforts cannot be present in another. In particular, working memory necessarily applies to both the listening effort and the production effort. However, it is assumed that each effort includes non-automatic components (which require processing time and processing capacity) and that the combination of any two efforts and of the three efforts at a given time generally requires more processing capacity than any single effort. Moreover, it is assumed that simultaneous interpreters tend to work close to saturation; in other words, that total processing requirements during interpreting take up most of the interpreter's available processing capacity. This "tightrope hypothesis" (Gile, 1999) is the (often implicit) basis of much use of the effort models in the literature and of empirical research around them.

Simultaneous interpreters report regularly that they frequently find themselves unable to understand a source-speech segment because their attention is occupied elsewhere (for instance in target-speech production), or that they are unable to produce an appropriate target-language speech segment while listening to the incoming source language speech, and that they frequently find themselves in a situation where they have understood a source-speech segment but have 'forgotten' it by the time they are about to reformulate it in the target speech. On the basis of these observations about simultaneous interpreting, it is also assumed that not only are total processing capacity requirements often close to the maximum available capacity, but simultaneous interpreters tend to also work close to saturation with respect to each effort, i.e. that at any time, for at least one of the three core efforts, the processing capacity required for the task it is performing tends to be very close to the capacity made available for it. Using these definitions, Gile (1995) modelled simultaneous interpreting as a process consisting of three efforts described above, namely listening and analysis effort (L), the short term memory effort (M), and the speech and production effort (P), plus a coordination effort (C), which is required to coordinate the three other efforts. Stated briefly:

$$\mathbf{SI = L + P + M + C}$$

However, for consecutive interpreting situations, and particularly those requiring long consecutive interpretation, Gile (1999) believes that consecutive interpretation consists of two phases: a listening and reformulation phase, as well as a reconstruction phase:

CI = L + M + N, where N is the note-taking process followed by phase two.

CI = Rem + Read + P, where interpreters retrieve messages from their short-term memory and reconstruct the speech (Rem), read the notes (N), and produce the target language speech (P).

However, this formula proposed by Gile (1999) is only applicable in the case of long consecutive interpreting, where the interpreter takes notes to render orally the message at the end of the speaker's speech. In short consecutive interpreting (such as interpreting during examinations-in-chief, cross-examination and mitigation) where the interpreter undergoes exclusively the oral task of rendering the information to the other part, the pace of the whole process is slower which increases the interpreter's capacity of understanding and analysing the information. Due to this, the interpreter only uses his/her short term-memory and produces the language speech, without of course, neglecting coordination. The formula remains the same as in the case of simultaneous interpreting, but mimics the mutual perception of the speaker with the interpreter ease the latter's task. Short consecutive interpreting can therefore be summarised as:

Short CI = L + M + P + C

From a cognition-psychological perspective, Meifang (2012) deploys the effort model to examine the role of note-taking in consecutive interpreting so as to understand the complex relationship between memory and note-taking. Meifang's (2012) results about note-taking, comprehension and memory bring about a fresh view of Gile's (1995) effort model, arguing that, in principle, the components are cooperative with each other rather than competitive. The conclusion drawn was that note-taking is a necessary helper for consecutive interpreting, and that behind the competitive relationship, there is actually cooperation among comprehension, memory and note-taking.

Although Gile's (1995) theory has widespread use in simultaneous interpreting situations, I adopt it to analyse consecutively-interpreted interactions involving cases of alleged rape. My assumption (following Valero-Garcés, 2005) is that interpreting in rape trials, like interpreters working in simultaneous contexts, requires interpreters to tune up their listening and memory and production skills as they may find themselves working with sexually explicit language and horrendous descriptions of rape episodes. This makes the effort models of interpreting appropriate for analysing consecutively-interpreted rape trials in Zimbabwean courtrooms.

4.3.3 Dean and Pollard's (2001) demand-control theory

The demand-control theory is a job analysis method useful in studies of occupational stress, as well as the reduction of stress related illness, injury, fatigue and burnout. According to Karasek (2000) (see also Dean & Pollard, 2011), jobs present *demands* to which any worker in that position will be expected to respond. In turn, workers bring *control resources* which may or may not be adequate to respond to the demands presented by the job. Control, for Karasek (2000), is a broad concept which includes the different resources potentially useful in responding to job demands, such as education, physical characteristics, experience, authority, material and fiscal resources, etc. When the worker's control resources are adequate to respond to job demands, the work is effective and the worker is not at risk of stress or any other occupational health problems. When the situation is reversed so that there is a mismatch between demand and control, the incidence of occupational health problems are much greater. The model below is illustrative of this:

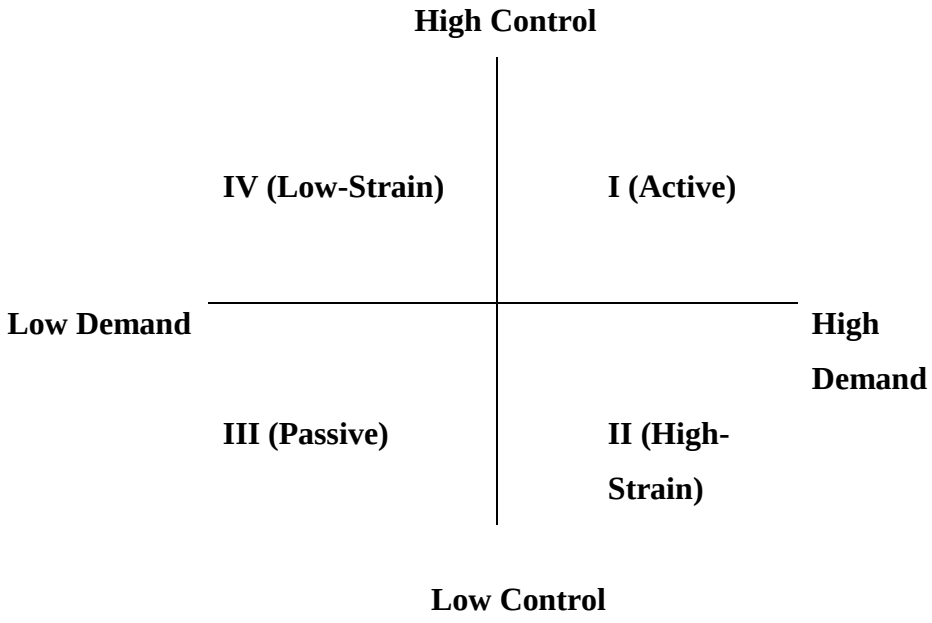


Figure 4.1: The interactive demand and control dimensions in the four quadrants (Karasek, 2000)

The model above presents the two dimensions referred to also as demand and control, and the strength of each dimension ranges from low to high. Unlike popular views of work place stress, Karasek and Theorell's (1979) model, cited in Karasek (2000), rejects the assumption that occupational stress is inevitable. In fact, they reject the term *stress* as being too simple to capture the nature and complexity of the range of employee-job interactive experiences the

model envisions. Although this theory was first applied specifically to sign language interpreting (Dean & Pollard, 2001; 2011), it is relevant for studying interpretation in the court context with its interpreting demands, ranging from the linguistic, social, cultural, emotional and psychological to institutional demands (Valero-Garcés, 2005). In the case of court interpreting, these demands are not static as they depend in some instances on the interpreting task at hand and, for court interpreting, on the stage of the criminal trial and on the level of complexity of the case. Some research studies, for instance, have argued that interpreting rape cases (especially when minors are involved) and expert testimonies are much more demanding than what they are in others cases (Bucholtz, 1994; Krieg, 2007 and Orenstein, 2007).

The translation work of interpreters concerns much more than language. The characteristics and goings-on in the physical environment, the dynamics and interactions between the people who are present, and even the 'inner noise' of the interpreter contribute to the accuracy, or lack thereof, in the resulting translation. The competent interpreter must understand and react accordingly to language and non-language features of each interpreting task. Shlesinger (2011) reports on a consultancy firm called Mertens Hoffman which, in 2005, applied the demand-control theory to carry out an extensive study on the viability and implications of remote interpreting in large international organisations. The results of the study showed that in the short term no damage to the interpreter's health or performance quality was observed. However, t in the medium to long term, it was found that the remote interpreting technological set up may affect the morale and motivation of interpreters and cause burnout which, in turn, may damage interpreters' health and performance quality.

In line with the studies cited above, I also apply the framework of demand-control theory to examine the complex occupation of courtroom interpreting in Zimbabwean bilingual courtrooms which I have already referred to as a 'special context' in Chapter 1. Liaison interpreters, unlike conference interpreters, work in close proximity to the participants for whom they interpret. This close proximity can present ethical and other demands on the interpreter. The interpreter may, for instance, be tempted to be drawn into roles that may contravene the one prescribed by their code of ethics. Interpreters are therefore faced with competing demands from the participants involved (the interpersonal sphere), the setting (the institutional sphere) and their code of ethics, professional training and accreditation (the professional sphere), struggling to negotiate pathways among the different roles they are expected to assume (Hale, 2004). Demand-control theory is widely seen in the U.S. and other

countries as being relevant for the analysis of interpreting assignments, roles and ethical issues (Forestal & Williams, 2008 and Witter-Merithew, 2008) which also makes it relevant for the current study.

4.4 Conclusion

This chapter explained the interdisciplinary approach which informs the analysis of the data collected for the study. By integrating discourse analytic approaches with approaches from interpreting studies, the chapter argues for a more scientific study of interpreting and for an interdisciplinary approach to the topic. Such an approach allowed the researcher to analyse the practice of interpreting and the interpreter's role as both a linguistic and social act of communication. This is in line with developments in the last decade in which researchers (e.g. Ndlovu, 2009) have begun to examine the process of interpreting as embedded within a process of verbal interaction; that is, as a conversational process of people talking to each other through an interpreter.

In the next chapter, I explain the methodology of the study, including the data collection apparatus and the qualitative and quantitative methods of data analysis.

CHAPTER 5: METHODOLOGY

5.1 Introduction

In Chapter 3, I explained the interdisciplinary theoretical framework for this study which includesthe perspectives of discourse analytic approaches as well as interpreting studies. In this chapter, I explain the methodology which is largely qualitative, although it also employs basic descriptive statistics and frequent counts characteristics of the quantitative paradigm. This approach can be explained in two ways. First, descriptive statistics and frequent counts are relevant considering that the corpus-based approach adopted involves a great deal of quantitative analyses (Stubbs, 2001), including frequency analysis, type-token ratios etc. Data distribution, because of it numerical format, is reflected in this study in the form of tabular and graphical representation. In other words, data is presented and analysed to reflect the degree and actual frequency of occurrence of particular forms (Olohan, 2009). Secondly, the qualitative approach on which the study is primarily based helped me to make descriptions about language use as I interpreted the language data collected and analysed. It should be pointed out at this stage that early attempts to develop corpus-based interpreting studies (CIS) were first based on manual corpora that could not be analysed using corpus linguistics methods (Bendazzoli & Sandrelli, 2009). Observational and experimental studies based on corpus data were therefore analysed manually. This was initially the methodological approach I intended to use, as corpus-based studies are still new in Zimbabwe. Research in the field, such as by Wallmach (2000), Rodriguez-Ines (2010), and Kruger, Wallmach and Munday (2011), directly and indirectly provided the impetus for me to take advantage of the current trends and advances in corpus-based interpreting studies in other parts of the world and to use corpus linguistic methods for electronic analysis of corpora. A number of corpus linguistics computer programmes such as Wordsmith Tools, ParaConc, Wmatrix and EXMARalDA make possible automatic analyses of corpora. Of these tools, I adopted Paul Rayson's (2009) Wmatrix for this study. Using Wmatrix, I was able to analyse the distribution and frequencies of lexical items, key word and key domain clouds as well as the distribution of content words versus grammatical words and the relative occurrence of interpreter-initiated turns.

5.2 Triangulation

The research methodology I adopted for this study adds to the growing body of research which places value on mixed methodologies as a necessary alternative.The combination of the qualitative approach, descriptive statistics and frequency counts reflect a manifestation of triangulation (Hansen, 2005). According to Hansen (2005), triangulation helps to provide clarity and coherence to the investigation and description of complex phenomena.

In this regard, no one qualitative approach was used, but rather a pluralist strategy which involved various theories from interpreting studies and discourse analysis, in combination with descriptive statistics of corpus linguistic analyses, was chosen. Below is the diagrammatic representation of the methods I deployed within the triangulation approach design for this study:

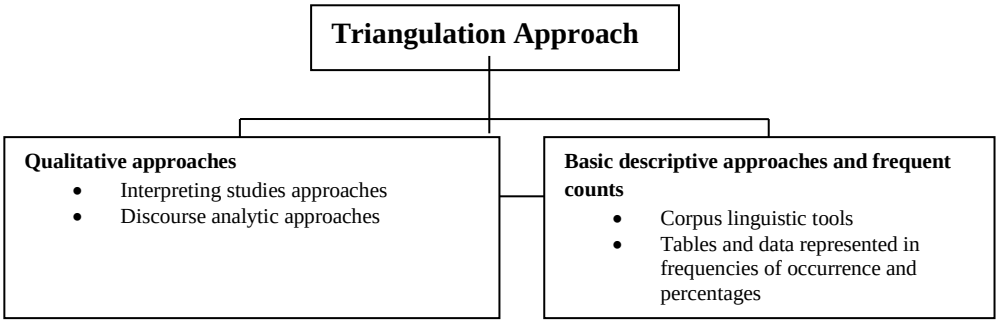


Figure 5.1: Diagrammatic representation of the triangulation approach adopted for the study

The triangulation illustrated above involved the three major dimensions explained in Litosseliti (2010), namely 1) data triangulation, i.e. the application of more than one method for data collection; 2) theoretical triangulation from which I adopted the theoretical perspectives found in discourse analysis and interpreting studies; and 3) methodological triangulation because I used more than one methodology for this study which is summed up in the corpus-based interpreting studies approach I adopted.

5.3 Methods of data collection

The current study is essentially linguistic although it employs aspects of ethnographic research in interpreting. Researchers agree that research on interpreting is characterised by three basic

techniques for data collection summarised as *"watch, ask and record"* (Pöchhacker, 2004: 64). This is what Berk-Seligson (1990) refers to as ethnographic research. In standard methodological terms, this corresponds to observational methods which range from informal participant observation to highly structured observations with the help of coding schemes, interviews and questionnaires which can be more or less structured and variously administered, as well as the collection of documentary material (e.g. corpora of authentic discourse) for analysis. For this study, apart from the transcriptions of court proceedings on which the study is mainly based, I adopt some aspects of ethnographic research for data collection. Below, I explain the techniques which I employed for data collection, starting with transcriptions of court proceedings as the main source of data for the study.

5.3.1 Transcriptions

This study is primarily based on a corpus of court transcriptions involving cases of alleged rape. These rape trials were heard at two regional magistrate courts in Zimbabwe, one in Harare and another in Mutare. According to Niemants (2012), the growing interest in studies based on samples of authentic interpreting data goes hand in hand with the need to think about adequate methodologies to make such data available for research. In order to analyse conversation (or indeed any talk-in-interaction), such as those occurring in a court of law or in a medical context, audio-recorded data is typically transcribed into written format that is amenable to analysis. In the case of Zimbabwean courtrooms, all serious cases are audio-recorded for record purposes and for reviews at the High Court. For this study, I was able to transcribe audio-recorded interpreter-mediated interactions into the written form for purposes of analysis with the assistance of transcribers at two regional magistrate courts.

The corpus analysed in this study comprises transcriptions of 19 cases totalling 89 319 words heard in English, which necessitated the use of interpreters for non-English speaking witnesses and defendants. The study uses the turn as the unit of analysis and the transcripts for the courtroom interactions are presented using a modified version of Du Bois' (1991) transcription method for oral discourse. The annotation conventions from the Jeffersonian (2002) method was opted for. Although transcripts differ across many dimensions, I transcribed the interactions using the following dimensions: word, units of analysis, pauses, prosody, turn-taking, vocalisms and any other non-verbal aspects and events as shown using the symbols below.

SYMBOL	MEANING	USE
S1: S2:	Speaker identity	Speakers are generally numbered in the order in which they speak. The speaker's identity is shown at the beginning of each turn. In my transcripts however, I used court participant roles for speaker identities such as interpreter, magistrate, prosecutor, accused and witness.
M/F	Speaker gender	In my transcripts I also indicated the gender of the different court players just before the role itself, e.g. M.Magistrate: for a male magistrate.
Capital initial	Grammar	Indicates sentence/utterance beginning.
[text]	Brackets	Indicates the start and end points of overlapping speech.
(.)	Micro pause	A brief pause, usually less than 0.2 seconds.
↓ down arrow	Down Arrow	Indicates falling pitch or intonation.
↑up arrow	Up Arrow	Indicates rising pitch or intonation.
@dustcoat	Vocalism	Indicates laughter.
-	Hyphen	Indicates an abrupt halt or interruption in utterance.
>text<	Greater than/Less than symbols	Indicates that the enclosed speech was delivered more rapidly than usual for the speaker.
<text>	Less than/Greater than symbols	Indicates that the enclosed speech was delivered more slowly than usual for the speaker.
°	Degree symbol	Indicates whisper, reduced volume, or quiet speech.
ALL CAPS	Capitalised text	Indicates shouted or increased volume speech.
underline	Underlined text	Indicates the speaker is emphasising or stressing the speech.
SNIFF	Vocalism	Indicates a cough or throat clearing.
(...hhh)	High Dot	Audible inhalation.
(text)	Text in parenthesis	Speech which is unclear or in doubt in the transcript.
Italic text	Italic text in double Parentheses	Annotation of non-verbal activity.
intentionally	Underlined text	Indicates speech/word/phrase said with emphasis.
[speech]	Square brackets	Indicates overlapping speech.
***	Asterisk	Indicates omitted letters where words are considered as being sexually explicit either in the SL or the TL.
((speech))	Double brackets	Indicates emphasis often coupled with pointing at the reference.

Figure 5.2: Transcription method adopted for the study

All interpreted utterances were compared with those of the source-language-speaker and analysed for any linguistic and pragmatic changes in the form of additions, elaborations, omissions and distortions, introduced by the interpreters. This kind of comparison involved matching both the source language utterance and the rendition with their respective context of utterance (linguistic and/or situational), and identifying any discrepancy or modification in the interpreter's target text which could be identified as an addition or an omission. In order to carry out this part of the investigation, I had to define additions and omissions, that is, to set up criteria for which an element, or elements, in an interpreter's target text could be said to constitute an addition/s or an omission/s. In doing this I aimed at avoiding two problems. First of all, I wanted to avoid the problem of confusing additions/omissions with elements which might be explained as mandatory adjustments caused by the translation process (Jacobsen, 2008). As indicated in the introduction section above, the purpose of the analysis was to identify elements in an interpreter's target text which would be considered a violation of the official requirements (i.e. Hoffman's (1994) principle of *accuracy and faithfulness*), by adding or leaving out information. However, for the purpose of this investigation, additions/omissions caused by the need to adapt to the requirements of the structure of the target language would not be identified as additions/omissions. Such additions/omissions must be presumed to add/subtract nothing to the semantic and/or pragmatic content of a source text. Furthermore, by their very nature, many of these additions/omissions would probably be present in the formal translations also. Examples of these are additions caused by grammatical restructuring, e.g. change of tense or of word-classes, or caused by translating a term in the source language into an equivalent in the target language which is made up of more words. Secondly, I also wanted to avoid the problem of confusing additions/omissions with items which had to be identified as interpreter errors (Grabau and Gibbons, 1996). There are instances when the interpreter does not add new material but merely substitutes one piece of information for another. This fact is supported by the ensuing dialogue between the magistrate, the witness and the interpreter in Figure 5.3 below.

Speaker	**SL utterances / interpretations**	**English gloss**
M	Where was your mother at that time	
I	*Amai wako wanga waripi panguwa iyoyo*	Where was your mother at that particular time?

W	*Wanga watokwira* lift *kuenda kutaundi*	She had already boarded a **vehicle** to town
I	She had already taken the bus to town	

Figure 5.3: Additions with no pragmatic effect on the source language message

The error in the question above arises from the word "lift", appearing in the witness' utterance which is an English word, but not uncommon in code-mixed spoken Shona. The word literally means any form of transport but usually small cars which picks (hence 'to lift') you up at one point and transfers you to another. The interpreter's rendition carries the word "bus" instead. This could be regarded as an error on the interpreter's part, but does not change the basic meaning that the mother had used some form of transport to go to town. My considerations regarding the avoidance of these two problems resulted in the following working definitions:

(1) An addition is an *item in a court interpreter's target text which has no precedent on the surface of the original utterance* (Schjoldager, 1996: 128) Thus, an addition may be:

a) an item introduced in the interpreter's target text which is not in any way warranted, or justified, by the source text; or
b) an item implicit, or possibly implied, in the source discourse, which has been made explicit in the interpreter's target discourse; or
c) an item which was not present in the source text, but which appears at least implicitly, if not explicitly, in the interpreter's target text.

Such an item may be a pause (silent or word-filled), a paralinguistic feature, a word or a phrase, or it may also be the result of matching an interpreter's linguistic choice (or even its absence) with its context. For example, it is quite plausible that an implicature may be generated in a target text, but that it has no trace in the corresponding source text in which case the interpreter will have introduced an addition.

The above definition includes additions which may be explained by reference to commonly acknowledged translation strategies derived from translational norms, i.e. strategies adopted by translators in order to produce appropriate target texts (Chesterman, 1997: 63-74). For example, translation theory has long recognised that translators tend to adopt the strategy of

explicitation, which is the strategy of including items explicitly in the target text which are only implicitly present in the source text (Chesterman, 1997: 71; cf. Blum-Kulka, 1986: 19). Thus, it may be that explicitation is responsible for some of the additions identified in the target texts of the court interpreters in this investigation. In fact, studies on court interpreting, such as those by Hale and Gibbons (1999), Hale (2002; 2004) andWadensjö's (1991) study of dialogue interpreting in health-care settings and police stations, all refer to additions which serve to explicitly express implicit information. Similarly, Setton (2002: 184) reports that simultaneous interpreters are often found to expand or insert structure in their target texts, and to include text-external knowledge of the situation or conference event, as well as inter-clausal elements, e.g. connectives.

Schjoldager (1996: 232), who also explores translational norms in simultaneous interpreting, reveals that interpreters may adhere to norms which legitimise the presence of additions in their target texts. Schjoldager (1996: 128) defines an addition as an item in an interpreter's target text which has no precedent in the original utterance, and her norm-oriented analysis of target-text/source-text relations enables her to establish several categories of additions, such as additions included in order to avoid violating target language norms, additions explicating information which was implicitly present in the source text, and additions conveying information which was neither explicitly nor implicitly present in the source text (Schjoldager, 1996: 129).

Barik (1975), who also investigates simultaneous interpreting, analyses additions as a category of translation departures. Thus, Barik (1975: 276) defines an addition as an item in the interpreter's target text which was not present in the source text. This narrow definition not only excludes material connected with the interpreting process, such as repetitions and false starts (Barik, 1975), but also excludes material resulting from an interpreter's adherence to a translational norm. Barik's (1971; 1975) definitions enables him to establish four main categories of additions: qualifier additions (a qualifier or a short qualifying phrase); elaboration additions; relationship additions (e.g. connectives); and closure additions (material accompanying rephrasing, omission or misinterpretation). Barik (1975: 277) also refers to some "minor" additions, explaining that these were disregarded in his study. Obviously, some of the categories of additions established by Schjoldager (1996) and Barik (1975) were also identified in the data collected for this investigation. In fact, Schjoldager's (1996) model (and to some extent Tkacůkova's, 2009) of target-text/source text relations inspired the model used

in this study. Nevertheless, principles of translational correspondence are not a primary concern in the present investigation. As explained in Chapter 1, the object of study is interaction (face-to-face and three-party), rather than action (interpreter performance). Thus, similar to Wadensjö's (1991) study, the investigation in this thesis provides a more procedural account of court interpreting, taking into consideration the significant influence that interactional factors are bound to exert on the performance of the interpreters. Consequently, rather than attempt to explain the categories of additions presented in this chapter as resulting from the interpreters' adherence to norms, or failure to adhere to norms, I shall attempt to explain them as a strategy resulting from the interpreters' need to achieve successful interaction, i.e. as resulting from their need for ensuring the transmission of speaker meaning. Finally, the above definition illustrates the importance of distinguishing between information which may be classified as *given*, or shared, since it is already present in the context of the interaction, having been previously introduced, explicitly or implicitly, and information which may be classified as *new*, since it is being introduced, explicitly or implicitly, into the exchange for the first time.

As with additions, I also have a working definition for ommissions:

(2) An omission in this study is when the *court interpreter leaves out information which was present in the source language during interpretation* (Pym, 2008). According to the "conduit notion" of the interpreter's role, the court interpreter is expected to interpret everything said by the speaker. Using Pym's (2008) pragmatic approach to omission in interpreting, an omission is understood as an incomplete rendition of the information present in the source language which is a conscious decision made by the interpreter rather than a mistake resulting from miscomprehension.

Pym (2008) makes a distinction between *low-risk* and *high-risk* omissions, claiming that the former are "part of a general economy of time management" (Pym, 2008: 95). In this way, Pym questions the notion that non-omission is always desirable and maintains that some omissions "can be made without jeopardising the fundamental aims of the communication act". Hence, it is possible (and sometimes even advisable) for an interpreter to deliberately omit certain elements of the source speech for pragmatic reasons: in order to make the rendition more concise and coherent, devoid of superfluous digressions and message redundancy, as well as to dispose of information that is implicitly present in the speech and, thus, irrelevant for the participants (Pym, 2008: 93). Some omissions are viewed as a condensation technique that

makes the interpretation more coherent. However, for the purpose of this study all such tendencies were considered as constituting an omission.

In the analysis, I explored the additions I identified and observed to have a significant impact on the propositional content and style of the source language discourse and classified them into two broad categories: emphasising additions and down-toning additions.

5.3.1.1 The transcription process

As Niemants (2012: 165) observes, research based on samples of authentic data requires transcription of these data in order to turn evanescent speech into an analysable format. Data for this research required a great deal of transcribing authentic audio-recorded court hearings into readable format. However, I discovered that transcription as a process is not a simple process of transcribing audio or videotaped data, as if transcriptions are clear and directly reflect the "hard reality" in text. Rather, transcription involves a number of theoretical or methodological issues about language, which itself is not transparent and hence constitutes a rich source of examinable data.

Transcription is a multidisciplinary concern covering a number of fields of research and practice. According to Niemants (2012: 166), as a research method, transcription is a type of translation, involving the "transfer" and "movement" of data from the oral into the written form. In this regard, literatures around the world, both in the past and in contemporary times, were and are experienced in the oral mode, through live performances involving audiences, emotions and reference to the social and religious context. This so-called performance literature, typical of many non-Western societies, has gradually disappeared in the West, surviving only as written transcription representing some or all of the original words. In contemporary life, transcription appears to occur whenever speech is recorded in writing. One may find it, for example, in medical and court records, or in parliamentary proceedings and student notes. Transcription may as well be used where non-native and hearing-impaired people may benefit from written subtitles to compensate for language deficits. Another frequent manifestation of transcription is in journalism, although this is controversial in terms of reliability and detail. Significant contributions to transcription have also come from the field of phonetics, where transcription has a long history. Within this framework, the International Phonetic Alphabet (IPA) was born, designed to represent those qualities of speech that are

distinctive in spoken languages: phonemes, intonation, and the separation of words and syllables.

According to Niemants (2012), in pragmatics and discourse studies, transcription centres on the analysis of talk in interaction, where conversation analysis has been characterised by great attention on transcription practices and conventions. Jefferson (2002), for instance, developed a system where specific symbols were used to transcribe: a) time, place and date of the original recording; b) participant identifications; c) words as spoken; d) sounds as uttered; e) inaudible or incomprehensible words or syllable; f) silences; g) overlapping speech and sounds; h) prosodic features (how something is said) such as pace, stretching, stress and volume. The Jeffersonian transcription system, born in the pre-digital era, is probably the most widely used in transcription convention over the last 30 years, and has paved way for a number of alternative transcription conventions which are more user and computer-friendly.

As a researcher, I was mindful to take into account that when a researcher adopts transcription as a method, he/she should remember that it is not only the transcription product which is important, but also the process, and the transcriber performing it. Mack (2006) makes a strong statement that researchers can no longer pretend not to see the mediation process involved in this special form of translation from the oral to the written form, and the role played by transcribers. Just as translations with parallel text lay bare the transformations and losses involved in the translation process, alignment of audio and transcript uncovers the transformations and losses occurring in the transcription process. Just like translators, transcribers must recognise that they will not be able to make an exact copy of the original as "no transcription is a complete record of a spoken event" (Cencini and Aston, 2002: 47).

Taking into consideration the issues raised in the above paragraphs, I had to consider not only issues of convenience such as speed, simplicity and fashionability (Niemants, 2012) in coming up with transcripts for this study, but also had to take into account theoretical issues as I explain below.

Selecting and preparing the data

According to Niemants (2012: 169), an extensive phase between data collection and analysis involves data preparation. This is based on an interpretive process where selection appears to be the first issue involved. Selection entails exclusion: just like a good map maker, the

transcriber should determine what to miss out rather than what to include. What to exclude tends to reflect the purposes and ideology of the research. In view of Niemants' (2012) important considerations and warning, I had to carefully consider my transcripts so that they would not be too detailed. Transcripts that are too complicated become difficult to follow and assess. A more practical transcript is better. However, Niemants (2012) warns against random selectivity and encourages a conscious filtering process on the part of the transcriber. In selecting the transcripts used in this study, I adopted Niemants' (2012) taxonomy based on six main issues: participants, conversational structure, linguistic and paralinguistic features, prosodic features, silences (and their duration) and kinesic elements (gaze, gesture and body movements) which fall under the label "multimodality".

Data representation

According to Niemants (2012), the way in which data is represented also largely depends on the purposes of the research. There a many ways of putting words into writing, making visible and audible what was originally only audible. The first decision I had to make was whether to use a phonetic or orthographic transcription. Next, I also had to consider what should constitute the basic units and level of contextual information to be included. These units included turns at talk, clauses or sentence-like objects, and words or syllables. Then I also had to consider how non-verbal and indeed non-vocal features, such as laughter and pauses, were to be represented and distinguished from speech. Finally, I had to give due consideration to how interruptions, overlaps, inaudible segments, and dialectal characteristics were to be represented. The transcription system used for this study is based on transcription systems developed within conversational analysis. These transcription systems are credited for their completeness, as they aim to account for all aspects of oral communicative behaviour that might lead to the description of what participants are constructing with their talk-in-interaction. However, this completeness characteristic of conversational analysis methods makes transcribing an extremely difficult task which may render the transcripts virtually illegible for non-conversationalists. For a more complete picture of how the data was presented, see examples cited in Chapters 6 and 7 and the transcription chart shown on page 123.

5.3.2 Observation of open court proceedings

As explained in the introduction of the study, rape cases are classified as serious offences and often take long to be completed (see also Svongoro et al., 2012). I therefore took advantage of this and observed (watch and record), retrieved, selected and analysed courtroom interpreter-

mediated interactions. I had to conduct personal observations of selected on-going (new) rape trials. I used observation in line with Berk-Seligson's (1990: 43) ethnographic approach in which a researcher makes a detailed and systematic study of behaviour that takes place in a particular setting or institution, what Pöchhacker (2004: 63) refers to as studying phenomena as it occurs "naturally" and "in the field". Using observation, the data are "there" for the taking. As an outsider, to borrow Robson's (1993) term, I had to observe court interpreters' and other interactants' language behaviour "from a distance". With the help of ethnographic notes, I looked out for:

a) Any shifts in linguistic and pragmatic meaning between the source language discourse and the interpreted target language discourse.
b) The immediate reactions by interactants to these changes in linguistic and pragmatic meaning.
c) The consequences the shifts in linguistic and pragmatic meaning had on the legal process.
d) Any non-verbal aspects of communication accompanying participants' talk and how they were interpreted by interpreters.
e) The probable underlying reasons for the changes in meaning on the part of court interpreters.

Using observation, I aimed at collecting primary data regarding court interpreting. Guided by the above checklist, I observed proceedings in open sessions in the mentioned courtrooms to determine the roles of the participants, such as the interpreter, the magistrate and the prosecutor. Monacelli (2000: 196), making a comment about observation as a data collection tool, quotes from the biologist Humberto Maturana (1980) who says, "Anything said is said by an observer". This means that all research findings, to a greater or lesser degree, are necessarily descriptions made by an observer in a particular domain.

At the end of the data collection exercise, I observed proceedings in 13 cases at different stages of the trial process, which totalled 92 hours of observation of open court proceedings. However, as a researcher, I was aware of the difficulties relating to the collection of data using observation. For instance, it is at times difficult to obtain consent from practising interpreters who may perceive the researcher as attempting to evaluate the quality of their work. For that reason, I used observation alongside interviews to improve the quality of data collected.

5.3.3 Interviews

In view of the shortcoming of observation referred to above, I also conducted interviews with court officials, particularly interpreters, magistrates and prosecutors to get their views on, understanding of and experiences with the interpreting process, particularly during rape trials. Interviews also enabled arriving at a deeper understanding of magistrates' and public prosecutors' perceptions about the work interpreters do. Apart from questions relating to their training, experiences, interpreting styles and levels within the interpreting profession, the researcher also elicited interpreters' views about whether they alter source language texts consciously or unconsciously, and what the underlying reasons for such alterations might be. These interviews were conducted in line with Hetherington's (2007) methodology, namely Interpreting Phenomenological Analysis (IPA), to get first-hand accounts of the interpreters. According to Hetherington's (2007) IPA, if you want to know about a job, get to the people who do the job and ask questions. Using this approach, Hetherington (2007) makes use of semi-structured interviews to get views of working signed-language interpreters about their work. The interview schedule, although used flexibly to adapt to the chief interpreters' responses, had 20 working questions. These questions were used as a guide and were carefully modified according to the chief interpreters' responses. These questions were in four main categories: issues of interpreter qualifications, testing and recruitment, evaluation of interpreter performance and the interpreting process.

5.3.3.1 Questionnaires

As already mentioned, I conducted my study at two Regional Magistrates' courts located at the Rotten Row Magistrates' Courts in Harare and the Mutare Magistrates' Courts. The Rotten Row Magistrates' Courts are the biggest and busiest in Zimbabwe, with twenty courtrooms. This means that there are 20 magistrates, each assigned to a courtroom and one more whose duties are mainly administrative as the Provincial Magistrate. At the Mutare Magistrates' Courts there are eight courtrooms, six of which are for criminal matters, namely courtrooms A-F, and two others that hear civil matters. This number of courtrooms translates to eight magistrates each assigned to a courtroom and one Provincial Magistrate who performs administrative duties. The number of public prosecutors and interpreters was found to be slightly higher than that of magistrates at both courts.

Part of the study consisted of three questionnaires: one for full time court interpreters (CIQ), another for magistrates (MQ) and the last for public prosecutors (PPQ). The questionnaires

were distributed and collected through the clerk's office at the respective courts when I made routine visits to the respondents' courts. The CIQ contained 60 questions, the MQ contained 19 questions, and the PPQ contained 15 questions. The CIQ had a mixture of closed and open-ended questions and focused on four main areas: issues of quality (recruitment, qualifications, training and accreditation), issues of process (e.g. preparation for interpreting tasks) and issues regarding working conditions and remuneration. The MQ and PPQ questionnaires had only open ended questions. The MQ questions focused on the role of the magistrate in ensuring the availability of the interpreter, their experiences in working with interpreters, their impressions about the quality of interpreting in Zimbabwe, and the frequency of occurrence of interpreted trials in their courts. The PPQ focused on their experience in prosecuting interpreted cases, the quality of interpreting, and their views on the role of the interpreter.

The sampling method was systematic but not probabilistic. Participation for all respondents was voluntary subject to respondents meeting the basic criteria: interpreters with experience in working in courts; and magistrates and public prosecutors with experience working with interpreters. As there are no figures available on the total number of those who qualified to take part in the survey, it was impossible to calculate an exact response rate. However, I was able to estimate a response rate by using the number of interpreters, magistrates and public prosecutors employed by the Ministry of Justice, Legal and Parliamentary Affairs at the two magistrate courts where I conducted my study.

CATEGORY	**MALE**		**FEMALE**		**TOTAL**
Magistrates (all levels)	Harare	07	Harare	14	21
	Mutare	03	Mutare	06	09
Public prosecutors	Harare	16	Harare	09	25
	Mutare	10	Mutare	02	12
Court interpreters (disregard levels)	Harare	13	Harare	11	24
	Mutare	6	Mutare	5	11

Figure 5.4: Potential respondents by the courts they are employed in Zimbabwe

The actual respondents

17 full-time court interpreters (six at Mutare and 11 at Harare) completed the questionnaire. The magistrates' questionnaire was completed by 11 magistrates (five at Mutare and six at Harare) while that of Public Prosecutors was answered by 13 public prosecutors (six at Mutare and seven at Harare) as shown in the table below:

	FREQUENCY	PERCENTAGE
Interpreters	17	41.4
Magistrates	11	26.8
Public Prosecutors	13	31.7
TOTAL	41	100.0

Figure 5.5: Actual respondents by positions

Based on these figures, the response rate was approximately 39% (48.5% CIQ, 36.6% MQ and 35.1% PPQ), which falls within the standard expected response rate for self-selected questionnaires (Hale, 2011). While I cannot claim representativeness of the whole population of magistrates, public prosecutors and interpreters, the sample is large enough to make generalisations based on the results. The questionnaires were piloted and amended before being delivered to the full list of respondents. I also obtained ethics clearance from the University of the Witwatersrand Human Research Ethics Committee (Protocol number: H120927, see Appendix 1).

Respondents' age and gender

41% of the MQ and PPQ respondents were female and 59% were male, with the majority (54%) being in the 41-50 age group. 78% of males were over 40 years of age, but only 42% of females were in that age bracket. Again, the sample is distinguished by gender on the positions that the respondents occupied. Males occupied 59% of magistrate or public prosecutor positions compared to 41% occupied by females.

Like the MQ and PPQ sample, there was a higher representation of men (57%) than women (43%) among the interpreters, which is inconsistent with the trend in the field of court interpreting. In terms of age, the highest age group for interpreter respondents was also in the 41-50 age group, with 39% of the respondents falling in that age bracket. However, the

interpreters were slightly younger than the MQ and PPQ, with 47% of interpreters under 40 and only 27% of MQs and PPQs in that age group. Only 11% of the interpreters were over 50 compared to 21% of MQs and PPQs.

Respondents' work experience

Length of time in their current positions as interpreters was evenly distributed, with 30% having less than five years experience, 25% from 6 to 10 years, 28% from 11-20 years and only 14% with over 20 years experience. For magistrates and public prosecutors, experience in their current positions was evenly spread across the first three five-year groups, with 34% being in the job for less than five years, 28% from 6-10 years and 27% from 11-20 years. Only 11% had worked in the current position for over 20 years.

Frequency of interpreted cases

100% of magistrates and public prosecutors heard and prosecuted interpreted cases respectively on a daily basis. A considerable number (23%), though, stated that they hear or prosecute cases requiring foreign language interpreters, such as French, Chinese/Mandarin, Portuguese and KiSwahili, just to mention a few. Again, 100% of interpreter respondents indicated that they interpreted in court on a daily basis, with the majority (74%) acknowledging that they interpret in more than one case per day.

5.4 Methods of data analysis

The collected data were analysed according to the theoretical approaches explicated in Chapter 4. The chosen approach, as explained before, is in line with Mason's (2001) observation that the recent advancement of research in interpreting studies has helped to foster an understanding of the convoluted nature of interpreter-mediated interactions. The discourse analytic and interpreting studies approaches were thus directed mostly towards the investigation of the nature of triadic (Mason, 2001) trials in Zimbabwean courtrooms. In such a context, the interactions involve two primary interlocutors and an interpreter. Drawing from methods of discourse analysis, I was able to analyse the dynamics of interpreter-mediated interactive discourse (Roy, 1996) as a "socially situated practice" (Angelelli, 2004: 24). First, I applied approaches from pragmatics, such as Grice's (1975) theory which emphasises the cooperative principle for effective communication. This, together with Tkacůkova's (2010) study, was used

as a framework for analysing how hearers infer meaning during interpreter-mediated question-answer dialogues in the courtroom. It was also used to analyse the strategies that a court interpreter may be assumed to resort to when confronted with implicature in a source language utterance. This enabled me to discuss the implications of the inference process for court players and the proceedings. The theory of implicature is therefore relevant for studying how alterations between the meaning of the source language text and the target language text may lead to unintended meanings.

I also applied Brown and Levinson's (1987) aspects of politeness which Halliday and Hasan (1985) refer to as tenor (Mason and Stewart (2001) name it face) to the investigated interpreter-mediated interactions. According to Hale and Gibbons (1999), in the context of the courtroom, politeness is used for negotiating social relationships among participants. Politeness manifests in relations of status and these may be modified when interpreters change politeness strategies used by interactants, or when interpreters introduce changes in tenor absent in the source utterance. Thus, changes in politeness or tenor are argued to cause changes in the pragmatic force of the interpreted text (Hale & Gibbons, 1999 and Hale, 1997). I furthermore drew on methods of conversation analysis, with a special emphasis on turn-taking processes, the role of context, footing and other aspects of non-verbal communication, as well as the role of interactivity in face-to-face (interpreter-mediated) communication (Wadensjö, 1998). Finally, I also used critical discourse analysis (Fairclough, 1992; van Dijk, 1998 and Wodak, 1984) to analyse court interpreting as a social practice and from a critical social standpoint.

The above discourse analytic approaches were then complemented by approaches from interpreting studies. I was able to extend Wadensjö's (1998) interpreting as interaction approach by analysing the interpreters' role in Zimbabwean courtrooms beyond the "ideal interpreting norm" of "just translating", and included the function of "coordinating" the primary parties' utterances (Wadensjö, 1998: 105). Such an approach acknowledges that the translating and coordinating aspects are simultaneously present in dialogue interpreting encounters. Besides, Gile's (1995) effort models of consecutive interpreting helped foster a better understanding of the practice of interpreting in terms of the listening, memory and production efforts involved in the interpreting process. This, together with the various emotional, linguistic and institutional demands (Dean & Pollard, 2001) on the interpreter, helped me come up with more informed analyses about what interpreters do and why they do what they do in the context of their social, ethical and professional environment.

5.4.1 The corpus tool

In this study, I adopted Wmatrix as the corpus querying tool. Wmatrix was built by REVERE (Rayson, 2000, 2009), a UK funded project investigating the extraction of information from software engineering documents. It is a web-based corpus processing environment which allows researchers to have local and remote access to some corpus annotation and retrieval tools. However, unlike other corpus querying tools which are freely available online for download, Wmatrix can only be used for free in the short-time trial version and a user has to obtain a licence by directly contacting Paul Rayson. Tools available in Rayson's (2000) Wmatrix include: CLAWS (part-of-speech tagger), SEMTAG (word-sense tagger) and LEMMINGS (a lemmatiser). Using Wmatrix, I was able to produce frequency lists, carry out statistical comparisons of those lists, and do key word in context (KWIC) concordances. This is because Wmatrix extends the KeyWords method to key grammatical categories and key semantic domains. Wmatrix proved particularly useful in conducting lexical analysis and the study of collocations, clusters and statistics related to the texts within my corpus. Some of the tools found in Wmatrix are WordList (Rayson, 20000) which I used to generate lists of words from the corpus under study; KeyWords, which is responsible for generating lists of key words from the list generated by the WordList; and Concord, which generates lists of concordances or the occurrence of a specific item. Wmatrix has the advantage that it deals with large amounts of information and can provide information speedily for specific analyses. This lends to this study the features of impartiality and representativeness, something that would have been difficult to do manually.

Based on this, the study can be said to be authentic-data-based linguistic research inspired by the works of Berk-Seligson (1999, 2000), Hale (1996, 2002, 2004), Wallmach (2004) and Mikkelson (1995, 2000). The study drew on interpreter-mediated authentic tape recorded and transcribed question and answer dialogues, featuring the questioning of defendants and witnesses by magistrates and prosecutors during rape trials. The languages which were involved in this study are Shona and English. The researcher conducted a source-text/target-text comparison of the collected data to identify whether changes in linguistic and pragmatic meaning existed. This type of corpus is what Baker (1995) refers to as a parallel corpus. It consists of original, source-language texts in language A and thetranslated version in language B. Performance shifts in the form of additions and omissions that were identified were noted and categorised according to their effect on the semantic and or pragmatic content (in

Tkacůkova's (2010) terms) of the source text and the immediate interaction during the trials. Below, I explain some of the tools found in Wmatrix.

5.4.1.1 Word-frequency lists

The most basic feature provided by a corpus-analysis tool is a word frequency list which allows users to discover "how many different words are in a corpus and how often each appears" (Bowker 2002: 47). These two features are called types and tokens respectively. This list can usually be ordered by frequency or alphabetically and can be used to identify common lexis in a particular corpus. For illustrative purposes, I will use a sentence from my corpus of extracts involving cases of alleged rape:

> **After raping the complainant you threatened the complainant with death should she report you to the police.**

This sentence drawn from the Svongoro et al. (2012) study contains a total of 17 words; therefore, the corpus contains 17 tokens. However, some of the words appear more than once (the, you, complainant); therefore, the corpus contains only 13 *different* words, and these are known as types. In a word-frequency list, the types are presented in a list and the number of tokens (the number of times that word occurs) is shown beside the type as shown below:

Words	Tokens
after	1
raping	1
the	2
complainant	2
You	2
threatened	1
Her	1
with	1
death	1
should	1
She	1
report	1
to	1
police	1

Figure 5.6: A word-frequency list showing types on the left and tokens on the right

Word-frequency lists can be manipulated in a number of ways. They can be sorted in various different orders, including order of occurrence in the corpus, alphabetical order, and order of frequency, and these lists can be arranged in ascending or descending order. In addition to counting the frequency of words, corpus-analysis tools calculate the ratio of types to tokens. Some corpus-analysis tools can also count the number of sentences and paragraphs, and calculate the average length of words, sentences, and paragraphs in the corpus. This type of information can help interpreters assess some of the stylistic features of the text in the corpus.

5.4.1.2 Lemmatised lists

Some tools permit more sophisticated types of manipulations, such as the creation of lemmatised lists. While a simple word-frequency list will process individual word forms, a lemmatised list will group related words together to get a combined frequency count for the group of words rather than separate counts for each individual word form. According to Bowker (2002: 51), the word "lemma" is normally used for a word that includes and represents all related forms. In so doing words like "translate", "translates", and "translated" will not be treated as separate forms because they are related.

5.4.1.3 Stop lists

Another specialised list is a stop list, which contains any other items that a user wants the computer to ignore. For example, interpreters are often more interested in words that have some semantic value and are less interested in words with a grammatical function, such as articles, conjunctions, and prepositions.

5.4.1.4 Type-token ratios

Olohan (2004: 78) points out that some additional tools may include lists of statistics for a particular corpus. Wordsmith Tools, for instance, produces statistics for the corpus and individual files detailing information related to words and sentences. The number of tokens in a corpus has been defined above as the number of orthographic running words in the corpus. The Teaching English Corpus (TEC), for instance, has about five million words or tokens. Types refers to the number of different words used in the corpus and the type-token ratio is, therefore, the relationship between the total number of running words in a corpus and the number of different words used (Olohan, 2004: 80). This ratio is dependent on the corpus size.

5.4.1.5 Lexical density

This is the measure of the proportion of lexical (also called content) words to grammatical words (also referred to as function words) in a corpus. As pointed out by Stubbs (1996: 72), the category of lexical words in English is composed of nouns, main verbs, adjectives and adverbs. Grammatical words are represented by auxiliary verbs, pronouns, prepositions, determiners and conjunctions. Lexical density is calculated by obtaining a percentage for the lexical words as a proportion of the total number of words. Laviosa (1998, 2002) uses lexical density as a measure of *simplification*. Laviosa (1998) and Baker (1996) share the view that simplification is the idea that translators subconsciously simplify the language or message or both and is known as the process of "de-complexification". When information about the variety of word forms used indicates a lower ratio, then it is an indication of more repetition and less variety in vocabulary. On the other hand, lexical density can also be used to study *explicitation* which is a tendency among translators to spell things out in translation, including the practice of adding background information.

5.4.1.6 Concordance tools

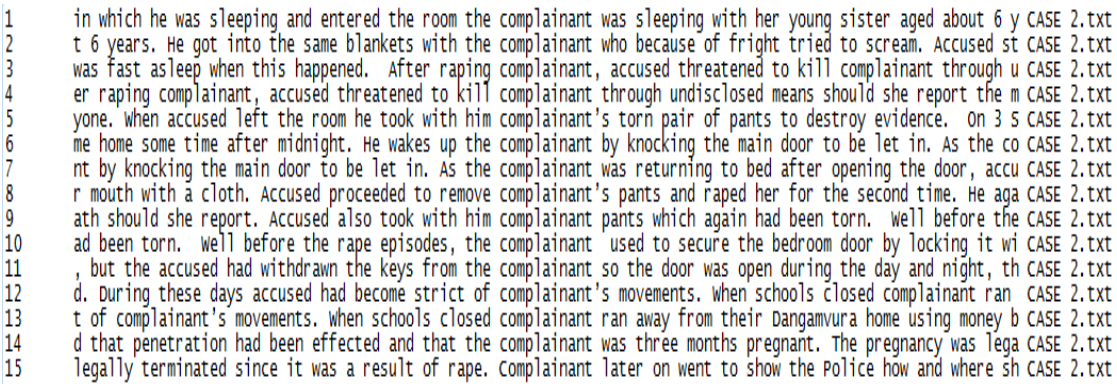
Olohan (2004: 63) explains that once a corpus has been compiled or selected applicable to a specific research question, the researcher has to decide what kinds of data are required from the corpus, and in what form. The most common tool for data retrieval is the concordancer. In addition to the display of corpus excerpts in "keyword in context" format (to be explained below), it also incorporates functions to study collocations and words occurring in clusters.

A concordancer, in Bowker's (2002: 53) terms, is a tool that extracts all the occurrences of a particular search pattern in its immediate contexts and presents these in an easy-to-read format. Zanettin (2012: 11) shares this view and defines a concordance as an "index of all the instances of specific words or phrases in a corpus, along with their contexts" as shown in Figure 5.7 below for the search pattern "pants" from a courtroom corpus of a trial involving alleged rape.

1	fed a cloth in her mouth and forcibly removed her pants which got torn and had sexual intercourse with he	CASE 2.txt
2	room he took with him complainant's torn pair of pants to destroy evidence. On 3 September 2004 accused	CASE 2.txt
3	cloth. Accused proceeded to remove complainant's pants and raped her for the second time. He again threa	CASE 2.txt
4	he report. Accused also took with him complainant pants which again had been torn. Well before the rape	CASE 2.txt

Figure 5.7: Sample concordances for "pants" from the study's corpus of rape trials

Once a search has been conducted, the results are displayed for the user. The most common display format is known as a KWIC ("keyword in context") display. In a key word in context display, all occurrences of the search pattern are lined up in the centre of the screen as shown in Figure 5.8 below. The extent of the context on either side of the search pattern is variable and can often be specified by the user. The key word in context display in Figure 5.8 hows the concordance produced for the search pattern "complainant" in the same rape trial corpus.



1	in which he was sleeping and entered the room the complainant was sleeping with her young sister aged about 6 y	CASE 2.txt
2	t 6 years. He got into the same blankets with the complainant who because of fright tried to scream. Accused st	CASE 2.txt
3	was fast asleep when this happened. After raping complainant, accused threatened to kill complainant through u	CASE 2.txt
4	er raping complainant, accused threatened to kill complainant through undisclosed means should she report the m	CASE 2.txt
5	yone. When accused left the room he took with him complainant's torn pair of pants to destroy evidence. On 3 S	CASE 2.txt
6	me home some time after midnight. He wakes up the complainant by knocking the main door to be let in. As the co	CASE 2.txt
7	nt by knocking the main door to be let in. As the complainant was returning to bed after opening the door, accu	CASE 2.txt
8	r mouth with a cloth. Accused proceeded to remove complainant's pants and raped her for the second time. He aga	CASE 2.txt
9	ath should she report. Accused also took with him complainant pants which again had been torn. Well before the	CASE 2.txt
10	ad been torn. Well before the rape episodes, the complainant used to secure the bedroom door by locking it wi	CASE 2.txt
11	, but the accused had withdrawn the keys from the complainant so the door was open during the day and night, th	CASE 2.txt
12	d. During these days accused had become strict of complainant's movements. When schools closed complainant ran	CASE 2.txt
13	t of complainant's movements. When schools closed complainant ran away from their Dangamvura home using money b	CASE 2.txt
14	d that penetration had been effected and that the complainant was three months pregnant. The pregnancy was lega	CASE 2.txt
15	legally terminated since it was a result of rape. Complainant later on went to show the Police how and where sh	CASE 2.txt

Figure 5.8: A KWIC display of the concordances retrieved for the search pattern "complainant"

As with word-frequency lists, these can be sorted out in a variety of ways, such as order of appearance in the corpus (like in the example above), or alphabetically according to the words preceding or following the search pattern. Regardless of the search type pattern entered, the benefit of using concordance lines as a source of linguistic evidence is that they reveal the context in which individual occurrences of words are found. The options for sorting and displaying the data, as Bowker (2002:55) rightly observes, can facilitate the process of observing and distinguishing patterns of linguistic behaviour.

5.4.1.7 Collocations

Wmatrix also has the ability to compute collocations, which are a characteristic co-occurrence patterns of words. Simply put, collocations are words that "go together" or are "found in each other's company" (Bowker, 2002: 64). More technically, collocations are words that appear together with a greater than random probability. Because language is not random, certain words tend to cluster together, and some of these clusters form collocations.

5.4.2 Corpus design

Another important issue in this corpus-based interpreting study was that of corpus design (Zanettin, 2000; Olohan, 2004). I had to consider a number of issues suggested by Olohan (2004) as being critical in corpus-based studies. The factors I had to consider were corpus representativeness, size and sampling. For Kennedy (1998: 60), "Issues in corpus design and compilation are fundamentally concerned with the validity and reliability of research based on a particular corpus, including whether the corpus can serve the purpose for which it is intended". Many scholars (e.g. Sinclair, 1991; Meyer, 2002) agree that the decisive factor in corpus design is the purpose of a corpus. This purpose largely determines whether a corpus will contain written or spoken language, or both, and what registers and varieties will be represented in it. In relation to this view, Kennedy (1998) identifies three issues to be considered. The first is whether a corpus is static or dynamic. If a corpus is static, it constitutes a collection of texts that were selected according to some specific principles and for a specific research project, thus providing a snapshot of aspects of the language at a particular point in time. Most corpus-based research is done on static corpora. The British National Corpus (BNC) is static, for example, although very large. According to Hunston (2002: 21), "a dynamic corpus, on the other hand, is also referred to as a monitor corpus since it constitutes an enormous collection of texts that is constantly being added to and that is studied primarily for its ability to reflect language change and to provide data on words that do not occur often". Kennedy (1998), notes that these huge, dynamic corpora, aiming to track language as it changes and develop over time, are more resource-intensive and therefore often less accessible to individual researchers. This aspect of corpus design is called permanence by Hunston (2002: 25).

Representativeness, though a tricky notion, is the second issue I had to consider in designing the corpus of the study. According to Olohan (2004), researchers would like to be able to make generalisations based on their data analysis, but it is often difficult to confirm with any degree of confidence that their data are depictive of a particular language or genre. When compiling a corpus, a researcher would want to ask him/herself whether it is representative of written or spoken texts in that language. Compilers of such as corpora the British National Corpus (BNC) made decisions in an attempt to represent both written and spoken language and different text genres. However, representativeness, also raise questions about how texts and utterances are produced and used. So when deciding what texts are to be included in a written corpus, issues to be considered might go beyond judgements about text type and genre, as well as text function

or purpose. Regional and temporal factors will often play a part in corpus design. Thus, criteria such as the nationality, ethnicity, age, gender, etc. of a writer or speaker may also be considered in selection of texts, depending on their relevance for the research questions that are to be investigated using the corpus data.

The third aspect I considered in corpus design was corpus size. On the one hand there is the view that the larger the corpus is, the better it is and, on the other hand, there is the opposing view that "a bigger corpus will not necessarily be more useful than a smaller one, particularly when studying high frequency words, since there is a limit to the amount of data a researcher can analyse" (Kennedy, 1998: 66). A choice is also usually made between using whole texts or samples of text (selected according to some principle or randomly). There is some acknowledgement that a smaller corpus can be adequate for studying grammar, and that the size of a corpus may ultimately depend on the availability of suitable texts, or other factors such as the need for manual annotation (Hunston, 2002).

From the above, it is clear that, in compiling a corpus, researchers need to consider a range of issues and identify criteria that will help them make choices about which material to include or exclude. While multi-purpose corpora typically contain texts representative of various genres, specialised corpora can be limited to highlight one genre, or a family of genres. In each case, these criteria are established and choices are made based on the aim of the research, the research questions to be addressed and the hypotheses to be tested. Kennedy (1998: 68) sums this up by confirming that, "In the final analysis, of course, a corpus is more or less adequate according to the extent to which the corpus matches the purposes to which it is put".

5.4.3 Corpus annotation and mark-up

Bowker (2002: 68) states that corpus processing can be done in two ways. The first is when the researcher uses "raw" corpora. However, it is possible to encode additional information into a corpus, and this information can be either linguistic or non-linguistic in nature. The addition of linguistic information is referred to as annotation, while the addition of non-linguistic information is known as marking-up a corpus. The decision about whether or not a corpus should be annotated and/or marked-up depends on the project at hand, with some researchers providing additional information while others do not.

For the purposes of this study, I attempted linguistic annotation in the form of syntactic annotation, in which each word in the corpus has its associated part of speech specified with tags. Some taggers use very general part-of-speech notations (e.g. "verb", "noun"), while others use more specific notations such as "imperative verb", "plural common noun". Punctuation marks were also tagged. While adding all parts of speech to a corpus manually would take a very long time, programmes called taggers can do this automatically with over 95 percent accuracy, which is reasonable for many purposes.

Another type of linguistic annotation I conducted is called semantic annotation. This was used to distinguish between the various meanings of a word. Semantic annotation can, therefore, be used to distinguish different meanings of homonyms. According to Bowker (2002), homonyms are words that look the same but have different meanings when used in different contexts. The example cited by Bowker (2002: 69) is that of the word "bank" which can refer to 1) a financial institution or 2) the side of a river. Semantic annotation (e.g. bank1 vs. bank2) could be used to distinguish between the different senses of a word. The advantage of having a linguistically annotated corpus is that it allows users to focus their searches more narrowly. For example, an interpreter may wish to retrieve all instances of the word "test" where it appears as a verb but not as a noun, or all instances of the word "bank" when it appears in sense 1 but not as in sense 2. Such retrieval patterns would not be possible in an unannotated corpus.

Adding non-linguistic information could be to mark-up different structural sections of the texts (e.g. title, subtitle, sentence, paragraph, section, and chapter). A researcher working with a corpus involving doctor-patient interaction may mark up different structural sections, such as history taking, diagnosis and prescription. Similarly, a researcher examining court transcripts may mark up the transcripts into initial arraignment, case outline, examination-in-chief, cross-examination, summation and sentencing. If the transcripts involve the use of an interpreter, they may be further marked up in terms of interpreter's age, gender, training and years of experience. In this way, it would be possible to ask the computer to retrieve only occurrences of a specific search pattern that appears, for instance, in the title of a text. Other non-linguistic information that could be added to a corpus includes publication date, text type, subject field, author/ or interpreter-related details, and so on. However, such information would need to be added manually.

The advantage of a "raw" corpus is that it is easier and faster to build. Annotating or marking up a corpus requires a great amount of initial investment time, but subsequently allows for more specific searching options. Consequently, there is a trade-off between the time required to annotate/mark up and the benefits gained by doing so.

5.5 Ethical issues of the study

As a researcher, I was quite aware of ethical issues involved in research concerning human participants and of the seriousness with which the University of Witwatersrand's Human Ethics Research Committee (HREC) considers ethical issues in research. I therefore took every effort to ensure that issues of fairness, honesty, openness and respect of participants' rights and interests were upheld. This was achieved by making sure that all the questions were submitted to the Human Ethics Research Committee for review and approval before they were administered. I also obtained authorisation for the study from the Permanent Secretary in the Ministry of Justice, Legal and Parliamentary Affairs and the Chief Magistrate whose letters, among other documents, were submitted to the University of the Witwatersrand's Human Ethics Research Committee. The ethics clearance was issued under protocol number H120927, as is shown in Appendix 1. Informed consent on a voluntary basis was also obtained from the participants before the study and the right of participants who wished to withdraw from the study at any time was respected. Furthermore, information for and used in the study was treated as confidential. I also communicated to participants all relevant information about the study, including whether the study would benefit them directly or indirectly.

5.6 Limitations of the research methodology

Owing to Zimbabwe's multilingual nature, court interpreters across the country interpret between the language of the court, i.e. English, and a variety of local languages, such as Shona, isiNdebele, Kalanga, Tonga, Chewa and Nambya, to name the main ones. Although studying court interpreting in the different geographic regions where the different languages are spoken would provide an in-depth understanding of interpreting phenomena, a study of that magnitude would definitely pose language, financial and logistical constraints on the part of the researcher. For this reason, I had to focus on two provincial areas which are predominantly Shona-speaking

provinces and concentrate on interpreters whose working languages are English and Shona. These are also the languages I speak.

The biggest limitation, however, related to the challenge of deciding which courtroom proceedings to attend, especially considering that I did not have research assistants working with me. This made the data collection process a daunting task. Trials go through different stages, such as initial arraignment, presentation of the state's case, the defense outline, witness testimonies, cross examination, mitigation, judgment and sentencing. Equipped with the court roll, I had to decide which case and at which stage to observe. Some cases which were of interest were not used eventually, due to the fact that some witnesses chose not to attend, or because the accused persons were in default.

The other challenge had to do with transcribing audio files into word files. This is an extremely tiresome process which is often labour-intensive and time consuming. Once audio files were converted into word, the researcher again had to make sure that all conversational and prosodic features which accompany talk are correctly shown in the transcripts according to Du Bois (1991) and Jefferson's (2002) transcription conventions. Apart from these challenges, the other challenges had to do with resources, both financial and human, as well as research target population, unwillingness to cooperate, and the challenges relating to gate keeping which one would expect to encounter when investigating courts of law.

5.7 Conclusion

In this chapter the methodology of the study was explained. The research was contextualised within the field of corpus-based interpreting studies and the research design was described as incorporating both corpus-based interpreting studies and discourse analytic research. The instruments which were used to collect data, the type of data, and how the data were analysed were highlighted, as were the limitations of the study and ethical considerations.

In Chapter 6, I present and analyse the data using simple descriptive statistics and frequency lists.

CHAPTER 6: LEXICAL CHOICES, QUESTION FORMS, TURN-TAKING AND STYLE IN INTERPRETER-MEDIATED TRIALS

6.1 Introduction

In Chapter 1, I stated that the focus of the investigation in this thesis is the contention between the perception that the court interpreter is a "translating machine" (Hale, 2001), simply transferring language products from one language into another, and the observable reality of the interpreting situation. Based on previous research (Rigney, 1999; Hale 2001; Jacobsen, 2002) my expectations were that: 1) the actual behaviour of court interpreters would provide evidence of an obsession with achieving successful communication, i.e. with building and conveying the speaker meaning to end receipients; and 2) as a result of this obsession, that their target language discourse would contain a variety of additions and omissions. Because court interpreters are fully aware that their primary objective is achieving successful interaction, I further hypothesised that the court interpreters in my investigation would be prepared to violate ethical guidelines and, more specifically, the principles of *accuracy* and *faithfulness* (Hoffman, 1994) which demand that they deliver unqualified direct versions of originals. Although the strategy of violating ethical guidelines has a good cause, one consequence of such a strategy is that interpreters' target texts will contain a variety of additions and omissions, some of which may have an impact on the trial process.

In this chapter, I use simple descriptive statistics to analyse how interpreters deal with the lexical, grammatical, syntactic, conversational and pragmatic aspects of communication used by the different court players in their interpretations. For instance, I analyse the frequency and use of different lexical, grammatical, syntactic and conversational features by the different court players and how these were interpreted by court interpreters during court proceedings. These features include aspects such as lexical items, pronouns, question forms such as tag questions, yes/no questions, wh-questions and but/so-prefaced questions, as well as conversational aspects of interaction centred on the distribution of turn-taking.

As indicated in Chapter 5, this study is largely corpus-based interpreting research. The multi-perspective approach chosen has been discussed in the same chapter in terms of interpreting

studies, discourse analysis and corpus-based interpreting studies. I have taken advantage of the current trends and advances in corpus-based interpreting studies in other parts of the world and used corpus linguistics methods for electronic analysis of authentic courtroom interpreting corpora. From the available corpus linguistics computer programmes, I adopted Wmatrix for this study to analyse a collection of (1) *machine-readable* 2) *authentic* texts which were (3) *sampled* to be (4) *representative* of language mediation in the Zimbabwean courtroom.

The chosen corpus linguistics tool, namely Wmatrix, was used for statistical descriptive analyses. The data were presented and analysed to reflect the degree and actual frequency of occurrence of particular forms (Olohan, 2009). Quasi quantitative research on courtroom interaction dates back to the 1980s (Harris, 1984; Philips, 1987) when the popularity of computer-aided data processing allowed for the processing of more extensive data samples. Typically, these studies concern themselves with various features reflected in the syntactic structures of questions and the effect they had on the length and quality of witnesses' responses during courtroom interactions.

Covering a wide range of legal cases, the above-mentioned quantitative studies offer a general overview of questioning techniques that court officials prefer to use. In the first section of this chapter, I build on these studies in order to illustrate in what ways lexical, grammatical, syntactic and conversational features are used by courtroom players, and how these are interpreted by interpreters in the course of the trial.

6.2 Distribution of words and their frequencies

One way of distinguishing between different speakers is by considering their speaking styles. In this way, distinguishing features of a speaker have to be considered with respect to the other speakers. The analysis of style, also called stylometry (Kajzer-Wietrzny, 2013; Baker, 2000; Hernans, 1996), is an interdisciplinary research area combining literary stylistics, statistics and computer science. For the purposes of this study, style is considered in the context of court interpreting as an individual interpreter's way of interpreting which is characterised by a consistent prominence of one or many linguistic features in one's interpretations, and which is distinguishable from those of others (Kajzer-Wietrzny, 2013: 28). According to Kajzer-Wietrzny (2013), style reveals a person's attributes and these attributes include repetitiveness,

questioning strategies, use of fillers, aspects of modality and informativeness. Informativeness is shown by lexical density; i.e. the proportion of lexical/content words to function/grammatical words. A lower lexical density suggests that the text is less informative, as information load is diluted with more function words. In other words, when given two texts that are equal in length, the one which contains more lexical words would be considered more informative. According to Morgan et al. (1996), one universal feature of human languages is the division between grammatical or function words and content words. This distinction between is universal (Morgan et al., 1996) although the world's languages show systematic differences in the way they use grammatical/function words and position them with respect to content words. Below, I analysed the distribution and frequency of content and function words in the source language discourse and in the interpreted target language discourse and explained the probable underlying reasons for the distribution and frequencies revealed.

Using a tool of Wmatrix (Rayson, 2000; 2009) called frequency profiles, I was able to click on a frequency list to see the most frequent items in the corpus. Then from the frequency list view, I was able to click on 'concordance' and see standard concordances. These can show the usual word based concordance as well as all occurrences of words in one part of speech (POS) or semantic category. Frequency lists are available for words in the simple interface, and in the advanced interface for part of speech tags and semantic tags as illustrated in Examples 1 and 2 below. The lists can be sorted alphabetically or by frequency.

However, I observed that in both the English-only and the Shona-only corpora, there is generally a higher frequency occurrence of grammatical words than content words. The summaries I present in Examples 1 and 2 below are quite revealing in this regard.

Example 1: English-only corpus showing the distribution and frequency of the top 10 words

Word	Frequency	Relative Frequency
the	1106	6.04
you	556	3.03
to	493	2.69
and	385	2.10
was	365	1.99
I	356	1.94

that	301	1.64
he	266	1.45
accused	239	1.30
did	223	1.22

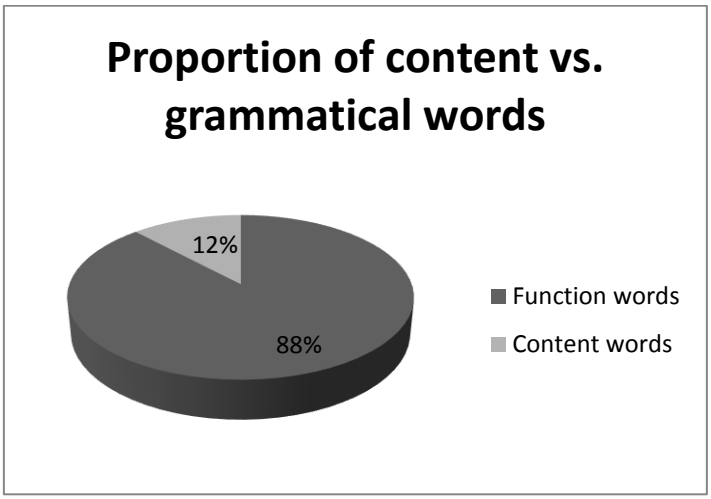


Figure 6.1: Proportion of content vs. function words in the English-only corpus

Example 2: Shona-only corpus showing the distribution and frequency of the top 10 words

Word	Frequency	Relative frequency
kuti	415	3.16
here	159	1.21
mwana	151	1.15
kana	115	0.87
sei	85	0.65
Saka	73	0.56
kubva	71	0.54
pane	65	0.49
asi	64	0.49
uyu	60	0.46

The top 10 words shown above are a mixture of content and grammatical words in Shona. The content words are *'mwana'* (child) and *'kubva'* (a verb in the inifinitive) and the rest are

grammatical words. Below, I show the proportion of content words versus grammatical words in the Shona-only corpus.

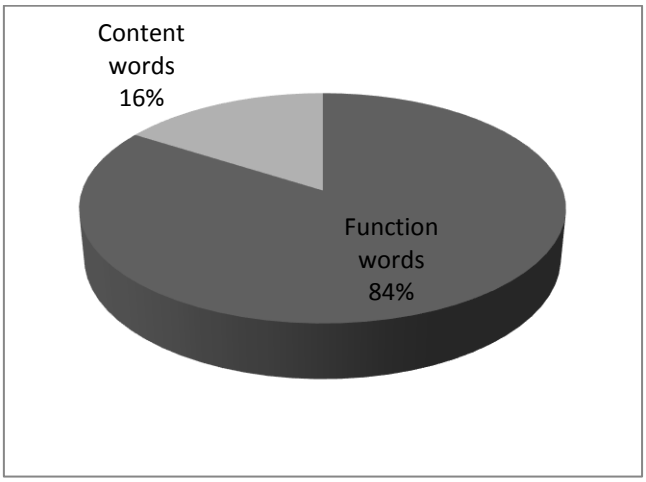


Figure 6.2: Proportion of content vs. grammatical words in the Shona-only corpus

6.2.1 Distribution and frequency of content words

At a cursory glance, both the English-only and Shona-only corpora would suggest that there is an equal occurrence of "rape" and "*chibharo"* (rape). However, these forms are only the stems for many possible occurrences.

In the English-only corpus, the word "rape" also occurs as "raping", "raped", and "to rape". Similarly, in the Shona-only corpus, the same semantic item 'chibharo' occurs with other words like *"kubata chibharo"* (to rape) and may have a host of euphemistic synonyms used in its place. Such synonyms include *"kubhinywa"*, *"kubatwa"*, *"kuitwa mukadzi"*, *"kurarwa"* and "*kupindwa"*, as well as others which are sexually explicit and taboo words, but which court interpreters sometimes use.

Example 3: Occurrences of the search term "rape" in the English corpus

26 occurrences.		
in relation to	rape	85. <M.Interpre
sible for me to	rape	the child? 255
an standing can	rape	a woman It has n
ble? I did not	rape	complainant? 27
h two counts of	rape	, the first is t
Well before the	rape	episodes complai

he revealed the	rape	to her mother an
was a result of	rape	Complainant late
ve the right to	rape	his own daughter
r:> When did he	rape	you 34? <F.Witn

Example 4: Occurrences of the search term *"chibharo"* (rape) in the Shona corpus

20 occurrences.

a ndeyekubata	chibharo	(.) zvichinz
Munhu abatwa	chibharo	zvanga zvisipo
Achiti abatwa	chibharo	188. <M.Inter
)? Dzekubata	chibharo.	Yekutanga nd
Ubva mamubata	chibharo	kechipiri Maka
Mubata kwenyu	chibharo	vakazopfuurira
Asikana wenyu	chibharo	Izvi ndizvo zv
Oti wakabatwa	chibharo	kepiri , ronde
)) dzekubata	chibharo	Zvinonzi pamho
Unge mamubata	chibharo	mwana iyeyu uy

Apart from the above, another content word which was observed as conspicuously recurring in the data is "again" which court interpreters correctly captured but at times over-emphasised as *"zvekare/zvakare"* in their Shona interpretations. Below is the frequency of occurrence of these lexical items.

Example 5: Occurrences of the search term "again" in the English corpus

62 occurrences.

estroy evidence	Again	on three September
o the floor and	again?	closed her mou
second time He	again	threatened her w
ant pants which	again?	had been torn
RALLY It may be	again	a problem for he
into my vagina	again	160. <M.Prosect
nterpreter :> He	again	inserted his pen

emoved the pant	again	171. <F.Witness
nterpreter:> He	again	threatened that
And	again	l ask you the sa

Example 6: Occurrences of the search term *"zvakare"* (which can be the equivalent of 'and, again and also in English') in the Shona corpus

94 occurrences.

Pane affidavit	zvakare	yakanyorwa nach
singakwanisiki	Zvakare	pane chi tray c
p imo maMutare	zvakare	iwe M.L.M wakai
Vakatorwa pasi	zvakare	kuti mhosva ino
Aino mairamba	zvakare?	19. <F.Magis
Ve nokuberekwa	zvakare	muchigara panha
nty twelve imi	zvakare?	Makauya kumba
amutyityidzira	zvakare?	Muchiti maizo
ukwa rake riye	zvakare	? rakanga rabv
Ezviitiko izvi	zvakare	makanga musinga

Example 7: Occurrences of the search term *"zvekare"* (and/again/also) in the Shona corpus

4 occurrences.

:>Zvaonekwawo	zvekare	navana Muchuchi
Chibva mataure	zvekare	kuti kumutyityi
:>Zvaonekwavo	zvekare	navana Muchuchi
chibva mataure	zvekare	kuti kumutyityi

6.2.2 Distribution and frequency of pronominal forms of address

According to Angelelli (2003), the use of personal pronouns and specific address forms is a useful key for understanding the alignment of court interpreters and the parties for which they interpret. If, for instance, the third person singular is used, it indicates detachment and the intention to deny all responsibility for the utterance. The use of the first person, on the other

hand, may suggest a cooperative attitude and the endeavour to share the responsibility about what is being said (Angelelli, 2003). Interpreters investigated in this study had a tendency to shift from one pronominal form to the other, therefore signalling a different level of involvement, which might be influenced by the witness' or accused's personal story, the attitude of the public prosecutor or the magistrate, as well as the sensitivity of rape cases involved in the trials. The interpreter would decide – often unconsciously – whether to speak *on behalf of* (first person) or *about* (third person) the interlocutors. Resorting to the first person may, moreover, indicate the autonomous intervention of the interpreter who becomes a full participant.

In the examples below, I show the occurrence of pronominal forms "you" (English) and its Shona counterpart *"iwe"* (you) which can however, co-vary depending on context of usage. Occurrences of pronominal forms of "you" vs. "*iwe/imi/imimi"* which in English would be "you" (singular) / "you" (plural/honorific) / "you" (emphatic demonstrative pronoun) in the corpora.

Example 8: Occurrences of the pronoun "you" in the English corpus

556 occurrences.		
from me She said	you	have raped my dau
<F.Magistrate:>	You	did not go to wor
t go to work but	you	were supposed to
NG ELSE , unless	you	seriously need th
O r:> When? were	you	born 12. <F.Witn
.Prosecutor:> Do	you	confirm that when
errands he found	you	in his house 15.
What time? did	you	retire to bed 19
back was any one	you	still awake 21.
Prosecutor:> But	you	already told the

The pronoun "iwe" ('you' - singular form) in the Shona corpus

According to Mashiri (1999: 93), terms of address in Shona derive from a multiplicity of sources, both modern and traditional.The choices of terms of address, including pronouns, reflect very broad categories of social meaning. Address forms can, therefore, be screens upon which the Shona project their attitudes towards different aspects of their life. The use of address

forms and cultural values are closely interrelated. The pronoun *"iwe"* can be used as *"imi"* which is the honorific/plural form, or as *"imimi"* which is the emphatic form as shown below.

Example 9: Occurrences of the pronouns *"iwe"* and *"imi"* ("you" singular and "you" plural) in the Shona corpus

31 occurrences.
, muno maMutare iwe E. M. Wakak**** I
Oitaidzo ten pm iwe wakadzoka kumba k
Bvaaridza mhere iwe wakazobuda mumba
reter:>Nokudaro iwe mutongwi hausiku
<M.Interpreter:> Iwe wanga wakarara se
Uzvinzwa ndakati iwe handizvidi izvozv
<M.Interpreter:> Iwe wakanyatsoziwa se
<M.Interpreter:> Iwe ndipo muchiri kug
a newe zvakanaka iwe WABATA MWANA WANG
Witness:>Nokuti imi manga muri kumaku
<M.Interpreter:> Imi maizviziva here k
Iwaa pairi kuti imi? Muri murume an
kwaHonde Valley imi muchigara nemukad
three mangwanani imi makabuda mamakang
Zakuridza mhere imi ((mukapfokotedz
er twenty twelve imi zvakare? makauya
Nechemukati Asi imi? Makazotora maki
Waigara mai vake imi musingazvizivi Ac
Kazoita kuti ((imi)) musungwa Mumh

Example 10: Occurrences of the pronoun "imimi" (which is the English "you" in the emphatic form) in the Shona corpus

33 occurrences.
Kunze kwemutemo imimi mukawanikwa much
wake kundorara imimi makabva mamubata
uti makabuditsa imimi chipfuti chakang

Chamuri kuramba imimi ndechekuti makash
a nayo Kunyange imimi muchitora mhosva
Iyi Muri vaviri imimi vasungwa makaend
Kunze kwemutemo imimi kubva marara naE
izvo , Zvinonzi imimi mune makore anoi
Mumba yamairara imimi musina kupfeka ,
Kuti agonorara imimi ndopa makabva mam

The pronouns used in the above examples, namely *"iwe*, *imi*, and *imimi"*, co-varied with the speech situations during trials; i.e. whether it is the accused or witness addressed by the pronouns, the attitude of the addresser to the addressee, and other contextual factors. According to Mashiri (1999:96), Shona speakers' linguistic performance (in this case the interpreter) is governed by their communicative competence in that it takes cognisance of extralinguistic factors. Knowledge of the latter enables language users to deploy appropriate pronouns of address as determined by the situation. The use of *"iwe"* in the above to refer to the male accused is probably prompted by the fact that he is facing a serious crime and one which is seriously condemned by society and for which the interpreter is not obliged to show respect nor sympathise. However, when another interpreter uses the honorific pronoun *"imi"* for a different accused of an advanced age, cultural factors, such as considering the accused's advanced age, could be used to explain such a preference. *"Imi"* is the plural form of *"iwe"* which is used for a plural subject or when showing respect is required. In the last example, *"imimi"* is used emphatically to refer to two accused men. In this case, the need to place emphasis takes precedence over other socio-cultural factors like age or the need to show respect and sympathy.

Occurrences of the pronominal forms "she" vs. "*Iye*" ("he/she") in the corpora

Example 11: Occurrences of the pronoun "she" in the English corpus

187 occurrences.		
ers away from me	She	said you have rap
ed my daughter?	She	was the only woma
aint , I thought	she	was joking J is T
J is Ts mother ;	she	is the one who wa
d then I thought	she	was joking Ts mot

lice officer but	she	is a female They
e station J said	she	did not observe a
ng? but today?	she	alleges she obser
ay? she alleges	she	observed semen I
police came and	she	said she heard I.

Example 12: Occurrences of the pronoun *"iye"* (which is he/she in English but which can also refer to "now") in the Shona corpus

44 occurrences.		
I pedyo nerodhi	iye	yake yakanga iri
nterpreter:> ((Iye		wenyu uyu)) ang
. <F.Witness :> Iye		akati ndaimuonera
a? Kamwe chete	iye	asina kutenderana
<M.Interpreter:>Iye		zvino VaMuchichis
<M.Interpreter:>Iye		zvino VaMuchuchis
Akat inoti izvo	iye	mufakazi akapa HU
een P.M anogara	iye	kuYeovil muno maM
Abva azvizivisa	iye	Achiti aishanda k
O Zvinonzi izvo	iye	nyakumhangara P

In the above, the Shona pronoun *"iye"* has 44 occurrences in the corpus. However, the pronoun can be the equivalent of "he/she" in English, although it can also be used as an equivalent of "now" which is an adverb of time in English. In 6.3 below, I show the distribution of key word clouds in my corpora.

6.3 Distribution of key word clouds

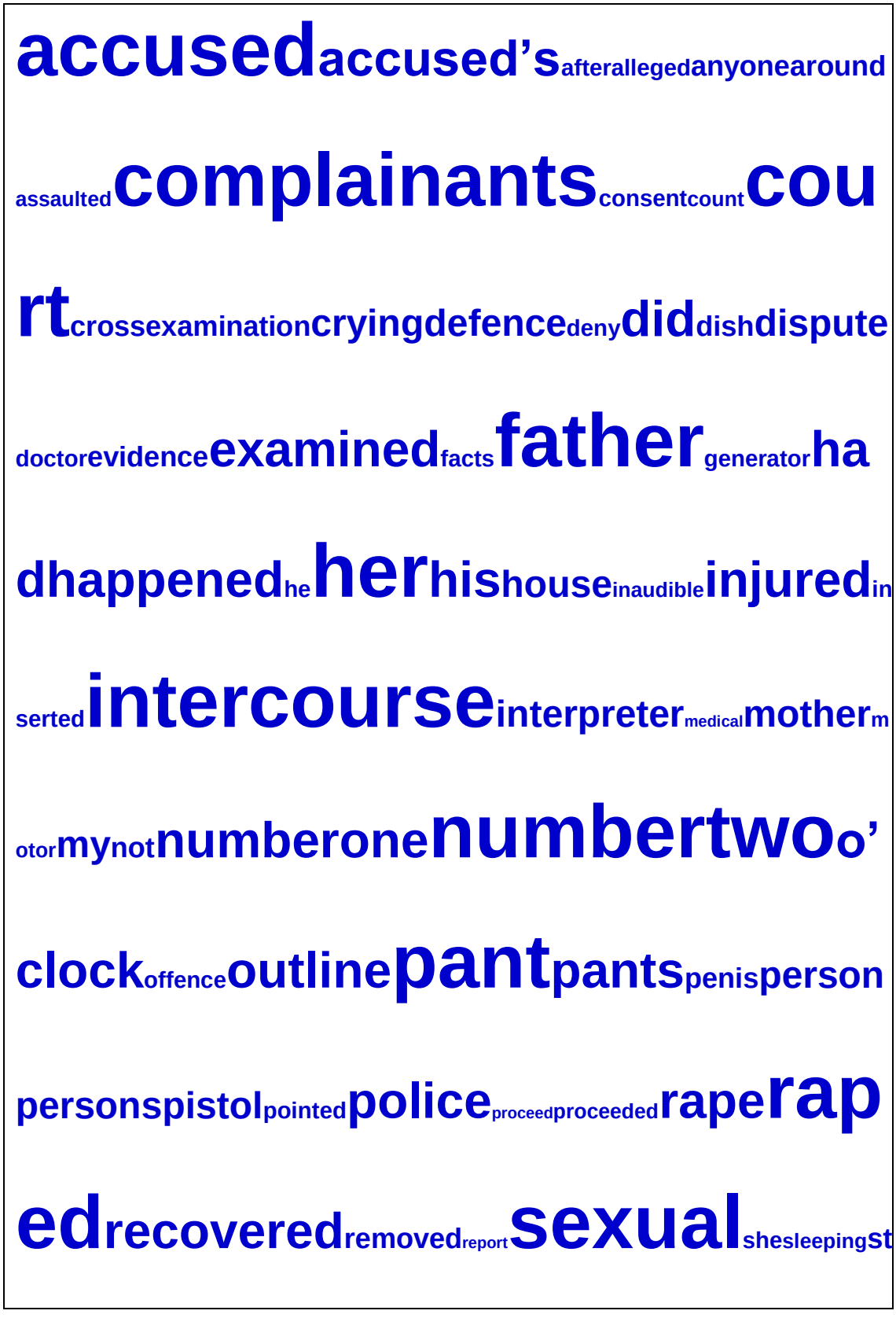
The key advantages one enjoys using Wmatrix (Rayson, 2009) as a corpus analysis tool include being able to explore part-of-speech tagging (also called grammatical tagging) and semantic tagging. Thus, using Wmatrix means that one can now not only investigate frequencies and distributions of word forms and lemmas, but also of grammatical word classes and semantic domains. Semantic tagging is especially useful as it can make recurrent themes appear in frequency lists, even if they do not frequently "surface" on the formal level (Archer, 2007:

251). This means that if we are faced, for example, with a text that any reader would feel is about "a trial" (like in the context of the current investigation), but in which the actual word *trial* is avoided while words like *charge, witness, accused, complainant, plead and guilty* are used, the word"trial" will probably still crop up as one of the "key word clouds". The tables below show key word clouds extracted from the English-only and the Shona-only trial corpora in Zimbabwean courtrooms.

In Tables 8 and 9 below, I present key word clouds extracted from the English-only corpus (Table 8) and the Shona-only corpus (table 9). These are then compared with the British National Corpus sampler spoken which is a larger normative corpus. By clicking on 'compare frequency list', a comparison of the frequency list for the English/Shona-only corpus against the British National Corpus sampler spoken can be performed. According to Piao (2002), this comparison can be carried out at the word level to see key words, or at the part of speech level (in the advanced interface), or at the semantic level (to see key concepts or domains).

The log-likelihood statistic is employed by Wmatrix and can be performed using the log-likelihood calculator. In the simple interface, word and tag clouds are shown which visualise the more significant differences in the larger font sizes. In the advanced interface, more detailed frequency information is also displayed in table form. Using Wmatrix, it is also possible to search for collocations. Collocations are pairs of words that occur together more often than would be expected due to chance (Piao, 2002).

Although I did not directly use the log-likelihood and collocation functions of Wmatrix in this study, the log-likelihood function is nevertheless used in Wmatrix to produce key word clouds. Below, I present key words which made possible analysis at the word level, and key concepts or domains which made possible analysis at the semantic level.


accused accused's afterallegedanyonearound assaulted complainants consentcount court crossexamination crying defence deny did dish dispute doctor evidence examined facts father generator had happened he her his house inaudible injured in serted intercourse interpreter medical mother m otor my not numberone numbertwo o' clock offence outline pant pants penis person personspistol pointed police proceed proceeded rape raped recovered removed report sexual shesleeping st



Example 13: Key word cloud for the English-only corpus compared to the British National Corpus sampler spoken (larger items are more significant)

Although pronominal forms feature prominently as grammatical words in the Shona-only corpus shown in Example 14 below, it is quite clear that most of the content words which appear as key word clouds in the table are all related to 'a trial'. Such content words in their order of significance are: *'musungwa'* (accused), *'mhosva'* (offence/crime/charge), *'mumhan'ari'* (complainant), and *'chibharo'* (rape). Second, words expressing denial and admission (and hence consistent with 'a trial') were also found to be significant among the identified content words. Examples of these words shown in Table 9 below listed in their order of significance are: *'hongu'* (for admission), *'handina'* (for denial), *'kwete'* (for denial), and *'aiwa'* (also for denial), to mention a few. One should, therefore, expect the analysis of semantic tags to throw up semantic domains as shown below; these may not necessarily be congruent with the top key words.





Example 14: Key word cloud for the Shona-only corpus compared to the British National Corpus sampler spoken (larger items are more significant)

In Examples 13 and 14 above, I simply compared frequency and not semantics as comparing phenomena across two languages would be very strange. Besides, because Shona is an agglutinative language, results might be skewed as the same word may be recorded as different words, e.g. the word *"uraya"* which is the verb "to kill" could appear as *"akauraya"* (he/she killed), *'aurayiwa'* (he/she has been killed), *"tichauraya"* (we will kill), *"wachauraya"* (they will kill), and so on.

6.4 Distribution of key domain clouds

In the chart below, Wmatrix was used to analyse key semantic domains for the English corpus.



Example 15: Key domain cloud for the English-only corpus compared to the British National Corpus sampler spoken (larger items are more significant)

In the example above, the key semantic domains tool in Wmatrix enabled me to do further analysis of what was presented earlier on in Examples 13 and 14 as key words. In Example 15 above, these are now shown as recurring "themes and topics" (Rayson, 2009) which would otherwise be difficult to conduct manually.

While most corpus-based tools succeed in describing the linguistic "surface level", Wmatrix can even reach the "below-surface level" through the assignment of semantic tags which can be regarded as a kind of automatic text interpretation. Hence, Wmatrix as a digital tool can reach the deepest level of interpretation, namely the themes and topics that are often written "between the lines" and which human beings are so successful in finding.

Below Table 10 shows the key domain clouds extracted from the English-only corpora. These key domain clouds are part of Wmatrix's complex text interpretation. This allowed me to contrast the results at the word level (key word clouds above) to the results at the key domains (semantic tags below). I was, therefore, not surprised to observe some of the results at the key domain level reinforcing results at the key words level. For example, in the English-only corpus, "accused", "complainant" and "court" appeared as key words, but "Law and Order" and "Crime" appeared at the semantic level. The same could be said for "inserted", "rape", "intercourse" and "sexual" which also appeared as key words, while "Anatomy and Physiology" and "Relationship and Intimacy" appeared at the semantic level. Finally, at the semantic level, "Speech Acts" appeared for key words like "assaulted", "examined", "injured" and "recovered". This illustrates the advantage of Rayson's (2009) key semantic domains approach over the key words approach since it allows one to spot further items of interest that otherwise do not appear with other techniques.

While the discussions in Sections 6.2 to 6.4 above focused on lexical issues, i.e. the frequency of occurrence of certain lexical items and their distribution, from Section 6.5 below, I focus on courtroom questions and how they were interpreted during proceedings.

6.5 Distribution of question forms

Apart from lexical choices used by the various court players and how they were dealt with by interpreters as discussed in the sections above, one area of court interpreting research revolves around how court interpreters change the pragmatics of courtroom questions, as well as which court officials, particularly lawyers, use tools of manipulation to control witnesses. Various scholars (Rigney, 1999; Berk-Seligson, 1999; Hale and Gibbons, 1999; Hale, 2004 and Ng,

2004) have classified courtroom questions in various ways, but I have found Rigney's (1999) taxonomy insightful and thus adopted this to analyse question forms used in this study.

6.5.1 Rigney's taxonomy of question forms

Rigney (1999), following Woodbury (1984), examines how courtroom questioning is done through an interpreter using data from the Rosa López testimony during the 1995 O.J. Simpson murder trial in Los Angeles. Rigney's (1999) study shows that attorneys' power, as stipulated by the law, to ask questions and manipulate the questions in order to exercise control over witnesses' answers, is reduced or lost when the questioning is performed through an interpreter, not only because the presence of a third person in the process inevitably changes the flow of communication, but also because the interpreter is found to alter the pragmatics of questions which is an important tool of manipulation for attorneys.

Rigney (1999) categorises courtroom questions into 13 types according to their degree of control over the witness's testimony, with open wh-questions at the one end assigned the lowest degree of control, and factual declarative questions on the other end assigned with the highest degree of control. Rigney's (1999) results show that the interpreter has a tendency to alter the pragmatics of certain types of English questions in the Spanish rendition by, for example, removing the modal question in a request (such as "can you", "would you"), thus turning a polite request into an "unmitigated command" (Rigney, 1999: 96).

In other cases, a tag question, which is coercive in nature and allows the questioner to exercise more control over the testimony, may be changed into a Yes/No question, with a relatively lower degree of control, thus reducing the coerciveness of the original question. Rigney (1999) observed that some of the alterations are attributed to linguistic differences between English and Spanish. For example, it would be difficult to translate an English reverse polarity tag question with a positive tag into Spanish because of the lack of equivalents. However, other alterations are made despite the linguistic similarities between the two languages.

The main types of questions can be ranked according to their coerciveness in the following order (Woodbury, 1984 and Rigney, 1999):

Least coercive Qs

Wh- Qs

Routinised Wh- Qs

Grammatical yes/no Qs

Negative grammatical yes/no Qs

Declarative Qs

Tag Qs

Most coercive Qs

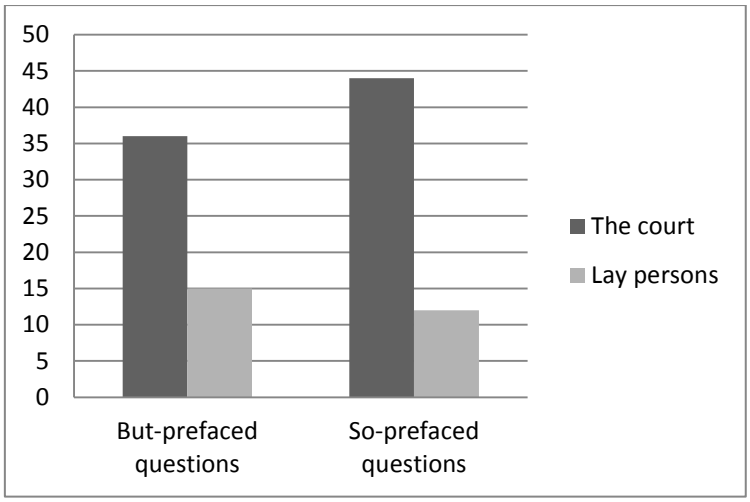
Using insights from the above classification, I analysed how court interpreters dealt with the pragmatics of courtroom questions in their interpretations. This can be seen below.

6.5.1.1 But/so prefaced questions

The results of this study showed that coerciveness in cross-examination questions was achieved through the use of but-prefaced questions which explicitly signal the counter-arguments presented by the parties in a dispute. In a way, out of all the question types, declarative questions were found to be the most convenient for expressing counter-arguments as they have the same syntactic structure as declarative sentences. I thus concur with Rigney's (1999) observation that opinions are expressed through declarative sentences in ordinary conversation.

In Figure 6.3 below, but/so prefaced questions were observed to be typical of the court; i.e. they were mainly used by magistrates and public prosecutors, while lay personsused them sparingly. It was observed that 71% of but-prefaced questions were used by the court, while 29% were used by lay persons. Similarly, of the total 56 so-prefaced questions identified, 79% were attributed to the court, while lay persons used 21% as shown below.

Figure 6.3: Comparative occurrence of but/so prefaced questions



The reason for the above scenario is that the court tries to subject "the stories presented by parties in a conflict to various forms of checking" (Hale & Gibbons, 1999: 204). First, they are examined for their relevance to the case at hand as the rules of evidence limit the presentation of evidence to material connected to the case. The stories are then examined for accuracy (Hale & Gibbons, 1999). According to Madhuku (2010), in the Common Law system, particularly in a criminal trial, the customary roles of the prosecution and defence are to construct different representations of the same story. One such representation would lead to a conviction, while the other would lead to a not guilty verdict. Thus, one way used by the court to examine 'these stories' is the use of but-prefaced questions which explicitly signal the counter-arguments presented by the parties in a dispute. This occurs because of the use of open-ended questions during cross-examination, aimed at coercing witnesses, and controlling and constraining their answers to a limited range preemted by the leading questions, as well as how the intended effect of the questioner is altered by an interpreter's renditions. These findings are corroborated the findings of Rigney (1999) and Hale's (2004) investigation into the way in which questions are used strategically in the courtroom to elicit free narratives from witnesses during the examination-in-chief The findings are very similar in that they show that there is a conscious tendency on the part of the court to strategically use the above question forms to elicit certain responses from the witnesses and the accused persons.

6.5.1.2 Then-prefaced questions

Apart from but/so-prefaced questions presented and explained above, another interesting occurrence observed in the data are then-prefaced questions as shown in the three examples below.

Example 16: The use of then-prefaced questions

Extract	**Speaker**	**Utterance**	**English gloss**
C3M	M	Uhu…	Yes…
	PP	Then what happened	
	1	*Chii chakazoitika*↑	What then happened
C1H	I	I heard the sound but sounded like it was from afar I was suddenly shocked when I realised someone was squeezing into my blankets…	
	M	Uhu…	Yes…
	PP	And then what happened	
C2H	W	*Chakaitika ndechokuti ndakashaya mwana masikati acho iwayo asi ndakangoti ari kutamba nevamwe vake semazuva ose*	During that afternoon in question my child was conspicuously away from home but just thought she was out playing with friends as usual
	I	Then what happened	
	PP	*Chiyi chakazoitika*	What then happened

The then-prefaced questions used in the three examples above were attributed to the court and were used by the court during the examination-in-chief, as well as the re-examination, to further probe witnesses and accused persons by asking them to recount events under examination in the case. This is referred to as the eternal reality in Hale and Gibbons' (1999) words. In the three examples presented above, after giving an answer to one question, the accused person or witness is further probed by "**Then** what happened?/And **then** what happened?" to further furnish the court with the events of the alleged rape encounter in the context of this study.

6.5.1.3 Wh-questions

In the study of lay people, wh- questions occur more often in lay persons' cross-examination as shown in Tkačuková's (2010) study. According to Tkačuková's (2010) findings, while lay persons use wh-questions more often, attorneys use wh-questions sparingly as they do not restrict the response boundaries as effectively as closed questions, for example declarative questions and tag questions. Where wh-questions are used by the defence and prosecuting counsel, they are used tactfully. According to Hale and Gibbons (1999), a common tactic used by counsel when examining a friendly witness is to ask *"What happened?",* which is intended to obscure the fact that what will be told by the witness is merely a version of the events, rather than the events themselves. Conversely, during cross-examination the question will be framed as *"What do you say happened?",* which is done to weaken the credibility of the hostile witness's evidence (Hale & Gibbons, 1999: 205).

However, this study revealed a different scenario. Although both court officials and lay (accused) persons used wh-questions, the results were that most of the identified wh-questions were attributed to the court, with lay persons, like the court itself, preferring the more coercive Yes/No questions as shown below. A total of 475 wh-forms occur in the English-only corpus and are distributed as shown in Table 6.1, followed by the comparative analysis is Figure 6.4 below.

Table 6.1: Distribution of question and non-question wh-forms

Wh-forms	**Question wh-forms**	**Non-question wh-forms**	**Total wh-forms**
Who	31	59	90
What	69	90	159
Whose	0	0	0
Why	16	13	29
When	59	91	150

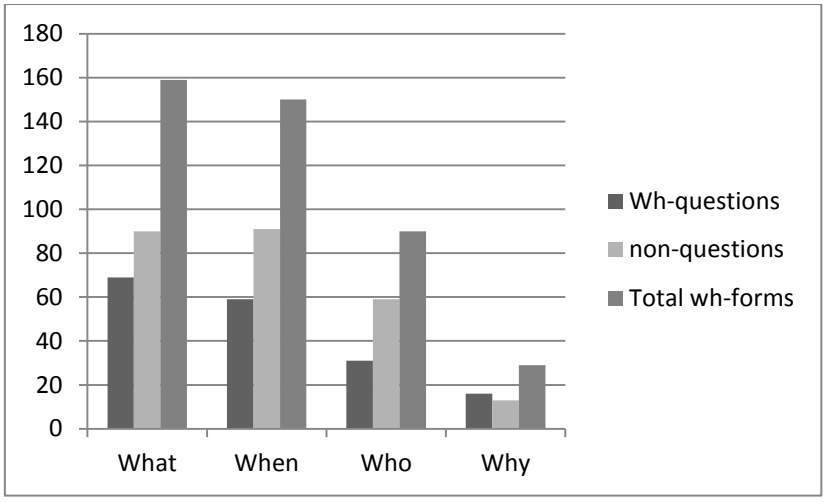


Figure 6.4: Comparative occurrence of wh-forms

The above shows the general occurrence of wh-forms in the corpus and the actual occurrence of wh-questions. The reason why Figure 6.4 above is important is that, when searching for wh-questions in the corpus, all wh-forms which occur in the corpus were shown, including wh-forms which are not questions. However, when I closely examined the use of question forms during the examination-in-chief and cross-examination by the court, as well as during cross-examination by lay persons, I observed that although the court used a variety of wh-questions, the accused seldom used them, preferring yes/no questions instead, as shown later on in Figure 6.6 appearing under Section 6.5.1.4 below.

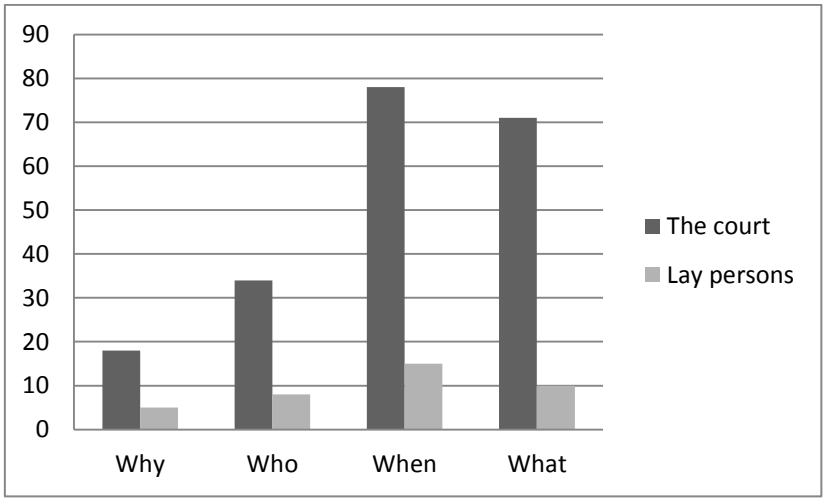


Figure 6.5: Comparative occurrence of Wh-questions

6.5.1.4 Yes/no questions

It was observed that: 1) the court generally preferred a simplified type of yes/no questions in trials which involved the victim friendly procedure where minors were witnesses; and 2) the court also used yes/no questions during mitigation. The following extracts reveal these simplified yes/no questions used by the court during the examination-in-chief of one minor witness and during mitigation.

Example 17: Yes/no questions during the examination-in-chief

Turn	**Speaker**	**SL utterances/interpretations**	**English gloss**
1	PP	M., you reside at xxx in Marlborough Is that correct↑	
2	I	*M., ndizvo here kuti unogara pa number xxx ku*Marlborough↑	M., is it true that you reside at number xxx in Marlborough?
3	W	*Ehe*	Yes
4	I	Yes	
5	PP	You stay with your mother Is that correct↑	
6	I	*Ichokwadi here kuti unogara naamai wako* ***(.)*** *Ichokwadi here*↑	Is it true that you live with your mother (.) Is it true?
7	W	*Ehe*	Yes
8	I	Yes	
9	PP	Are you going to school↑	
10	I	*M. unoenda kuchikoro here*↑	M. do you go to school?
11	W	I go to crèche	
12	I	I am attending crèche	
13	PP	Okay, fine And R. is your friend Is that correct↑	
14	I	*R. ishamwari yako, ndizvo*	R. is your friend. Is that correct?
15	W	*Ehe*	Yes
16	I	Yes	
17	PP	And do you know somebody called G.↑	

18	I	*Anonzi G. unomuziva*↑	Do you know someone by the name G.?
19	W	*Ehe*	Yes
20	I	Yes	
21	PP	How do you know him↑	
22	I	*Ko G. unomuziva sei*↑	How do you know G.?
23	W	*Ndakamuona kumba kwavo*	I saw him at their house
24	I	I saw him at their house	
25	PP	And do you know why you are here today↑	
26	I	*Unoziva here kuti chiyi Chakaitika chaitisa kuti uuye kuno uku nhasi*↑	Do you know the reason why you are here today?
27	W	*Ehe*	Yes
28	I	Yes	
29	PP	Can you tell us what happened	
30	I	*Titaurire zvakaitika*	Tell us what happened

Below is an extract showing yes/no-questions used by the court during mitigation.

Example 18: Yes/no questions during mitigation

Turn	**Speaker**	**SL utterances/interpretations**	**English gloss**
1	M	Mitigation	
2	I	*Tasvika panguva yekuti mutaure zvichemo zvenyu*	Now we have reached stage when you are expected to….
3	M	Accused one	
4	I	*Musungwa wekutanga zvichemo zvako*	Accused one, what are your
5	M	How old are you	
6	I	*Chekutanga une makore mangani ekuberekwa*	First, how old are you?
7	A	Thirty nine	
8	I	I am thirty nine years old	

9	M	Are you married	
10	I	*Une mudzimai nevana here*	Do you have a wife and children?
11	A	*Hongu*	Yes
12	I	Yes	
13	M	Are you employed	
14	I	*Uri kushanda here*	Are you employed?
15	A	*Kwete*	No
16	I	No	
17	M	Any money on person	
18	I	*Une mari here yawakasungwa uinayo* ***(.)*** *uye marii*	Did you have any cash on you when you were arrested?
19	A	*Kwete ndandisina*	No, I did not have.
20	I	No	
21	M	Any savings	
22	I	*Pane here yawakachengeta kumba kana kubhengi*	Do you have any cash savings at home or in the bank?
23	A	*Kwete*	No
24	I	No	

In Figure 6.6 below, a summary of the findings relating to the comparative use of yes/no questions between the court and ordinary persons is shown.

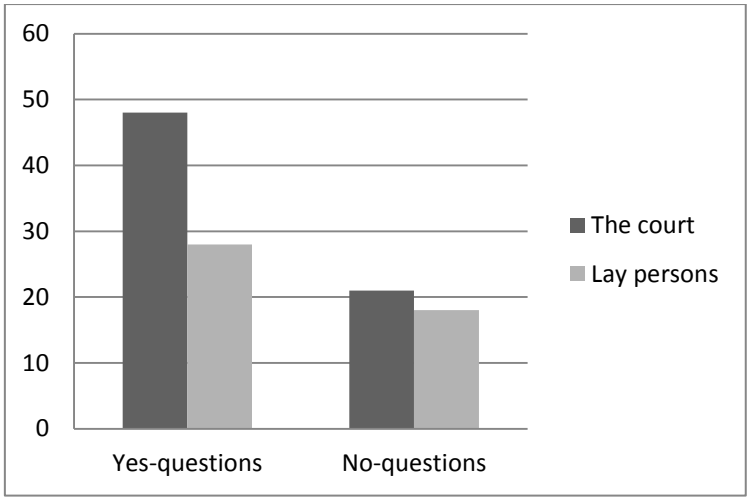


Figure 6.6: Comparative occurrence of yes/no questions

It is clear from the summary above that out of the total 76 yes-questions asked, 63% of these were attributed to the court, while a mere 37% were asked by lay persons. However, out of the total 39 no-questions asked, 54% were attributed to the court, while 46% were asked by lay persons. This means that although lay persons sparingly used wh-question forms, they preferred yes/no questions, especially when the accused persons cross-examined witnesses.

6.6 Distribution of turn taking

A trial in the adversarial courtroom is notably marked by what critical discourse analysts refer to as power asymmetry, with magistrates and public prosecutors as questioners enjoying the institutionalised power and control over lay participants as answerers (Atkinson and Drew, 1979; Cotterill, 2003; Gibbons, 2008; Harris, 1984; Walker, 1987; Woodbury, 1984). Walker (1987: 58-59) identifies three sources of power enjoyed by the legal professionals, namely a *sociocultural base of power* stemming from their roles as authorised participants to resolve disputes in a recognised societal institution; a *legal base of power*, which stipulates counsel's right to ask questions and imposes sanctions against those refusing to answer; and a *linguistic base of power*, which originates from the right to ask questions and thus to manipulate the question forms in order to control the answer to the question posed. In an interpreter-mediated trial, however, counsel may lose some of this power and thus control over the proceedings. Ng (2009: 162) suggests that the use of the consecutive mode in court interpreting gives counsel an extra layer of control over witnesses who cannot tell their stories and interact with counsel as freely as their counterparts in a monolingual court as they have to pause frequently for

interpretation, and to interact with counsel *through* the interpreter. However, Ng (2011) argues that counsel's power as stipulated by the law to ask questions and manipulate the question forms by means of various rhetorical devices (i.e. linguistic base of power) may be diminished if the pragmatics of the questions is not reproduced in the interpreted version. Studies by Hale (1999, 2004), Rigney (1999), Berk-Seligson (1999) and Hale and Gibbons (1999) all illustrate a change of the pragmatic force in the interpreter's renditions of counsel's strategically formulated questions. These studies show that counsel's power to manipulate the questions in order to exercise control over witnesses' answers is very much reduced, or even lost, when the questioning is performed through an interpreter. Hale (2001) points out that another way counsel may lose control of the evidence is when interpreters move away from their strict role as mouthpiece to become active participants by interrupting the proceedings, thus assuming "power by virtue of the control they take away from the examining lawyer or the witness" (Hale 2001: 1). In other words, where the interpreter does not adhere to his/her prescribed role as a mere *conduit* of words, but assumes a more active role in interrupting and negotiating meanings with the speaker, or responding to questions from witnesses, he/she casts him/herself in a lawyer-like position, and counsel may lose some of their *legal base of power* to the interpreter.

Anderson (2002: 212) suggests that bilingualism is itself a rare skill, which inevitably casts the interpreter "in a highly important role vis-à-vis his clients" and the interpreter's position in the middle "has the advantage of power inherent in all positions which control scarce resources". However, he points out at the same time that the interpreter's monopolistic power disappears "if a client happens to be bilingual" (Anderson, 2002: 214). In the Zimbabwean context, most court players are bilingual. This applies both to officers of the court and, at times, to the accused persons and witnesses. It could thus be argued that the linguistic power of the interpreter depends, to a large extent, on the co-present court actors' degree of bilingualism. The state of affairs in court interpreting in the early colonial days, as depicted in Chapter 2, shows how powerful a court interpreter can become when bilingualism is "a rare skill which the other parties to the interaction are unable or unwilling to acquire"(Anderson, 2002: 212). In an interpreter-mediated trial, the degree of bilingualism of the co-present actors determines their participation status, or the participant roles they are capable of playing. As posited in the introductory paragraph above, the more participant roles a court actor takes on or is capable of playing, the more power and control he/she has over the communicative act and vice versa.

The interpreter is thus "a power-figure, exercising power as a result of monopolisation of the means of communication" (Anderson, 2002: 214).

Anderson (2002) suggests that the monopolistic power, combined with "the relative ambiguity of the interpreter's role, allows him/her considerable latitude in defining his/her own behaviour vis-à-vis hi/her clients and, as a result, the means to translate selectively without his/her monolingual clients knowing the difference, "unless he [*sic*] oversteps rather wide bounds" (Anderson, 2002: 213). It could thus be argued that, being the only bilingual in the encounter, the interpreter has the "power" to depart from the ethical code that requires interpreters to be faithful and impartial, among other things. A staff interpreter working between English and Shona in the present-day Zimbabwean courtrooms, however, rarely enjoys this monopolistic power that an interpreter has in a typical bilingual setting due to the presence of the other bilinguals, except in trials involving a witness speaking another language of which the other court actors have little knowledge. In that case, the court will function as a typical bilingual setting for as long as the testimony of that particular witness lasts.

6.6.1 The norm in interpreter-initiated turns

As mentioned already in this thesis, accuracy is accorded the highest significance in court interpreting, as it matters considerably in the administration of justice. Misinterpretation of the witness testimonies may lead to miscarriages of justice (see Koo, 2009; Morris, 2010). The interpreter, as González et al. (1991: 475-476) point out, acts as the voice of the non-English speaker and is, very often, the only bilingual person in court. As such, the interpreter has "an overriding obligation to ensure that the TL rendition meets the highest standards of accuracy" so that the witness's testimonies can be conveyed precisely and completely. González et al. (1991) contend that in order to attain this highest level of accuracy, interpreters must opt for verbatim interpretation and "conserve every single element of information" in the source language message, including both linguistic and paralinguistic elements, such as the source language register, word choice, obscenities, repetitions, self-corrections, slips of the tongue, pauses, false starts and tone of voice. On the other hand, interpreters must not try to enhance the clarity of the source language message through addition and elaboration, and must not lengthen the testimony or improve on any nonsensical or non-responsive testimony. What González et al. (1991) is proposing above is, in essence, that accuracy in interpreting necessitates a close adherence to both the propositional content and style of the source language message. As a matter of fact, this is the generally established definition for *accuracy* in various

codes of ethics governing the practice of court interpreting, and emphasises the importance of a faithful rendition of the source language speaker's message without addition, omission or distortion, as well as the requirement for the interpreter to conserve not only linguistic, but also paralinguistic, elements. For example, the National Accreditation of Judicial Interpreters and Translators (NAJIT) defines *accuracy* in the following way:

> Source-language speech should be faithfully rendered into the target language by conserving all the elements of the original message... and there should be no distortion of the original message through addition or omission, explanation or paraphrasing. All hedges, false starts and repetitions should be conveyed; [...] the register, style and tone of the source language should be conserved.

In Zimbabwe, Hoffman's (1994: 21) rule 1 and rule 3 for interpreters emphasise that "court interpreters must interpret faithfully – without addition or omission – everything said in court", and that if a witness is speaking incoherently and unintelligibly, interpreters should refrain from clarifying for the witness and are "expected to try his/her utmost to interpret accurately and faithfully what was said in full". Unfortunately, these rules emphasise literalism/verbatim interpreting.

While verbatim interpreting is a highly controversial issue and has been challenged, it is generally agreed among researchers (Berk-Seligson, 1990, 2002; De Jongh, 1992; González, 1991; Hale, 2002; Lastor and Taylor, 1995) that interpreters should convey not only the content of the utterance, but also the style in which the utterance is made if participants in the court proceedings who do not speak the language of the court are to be placed on an equal footing with those who do. Thus, it is believed that the style in which a message is delivered impacts on how it is received by the listeners.

6.6.2 The results of interpreter-initiated turns

In interpreter-assisted trials in Zimbabwe, the transcribed audio-tapes are transcribed are always in English. The testimonies of the accused/defence and witnesses are thus in the interpretated language and not in their first language/s. This scenario reflects the assumption that "the English interpretation of the court interpreter is a faithful rendition of what has been said in the source language" (Berk-Seligson, 1999: 31). However, Berk-Seligson (1999) finds this assumption unwarranted. It could be argued, quite to the contrary, that this approach

manifests in itself an assumption that there may well exist a discrepancy between the interpreter's rendition and the source language version, and that different court players paying attention to different versions of the same testimony will necessarily come to different conclusions about the trial. In other words, this approach reflects the judicial view that the two versions are not necessarily "identical", and this view has been proven true as is evidenced in the studies conducted over the past two decades, which have been devoted to the investigation of how court interpreters deal with the style of speakers in the courtroom (Berk-Seligson, 2002; Hale, 2004; Hale and Gibbons, 1999; Rigney, 1999).

The findings of the above studies demonstrate that interpreters tend to focus only on the propositional content of a speaker's utterance, and often fail to preserve the style in which the utterance is made. Some of these studies examine how interpreters alter the styles of witnesses' testimonies and, potentially, their credibility, and may subsequently impact on the outcome of the trials (Berk-Seligson, 2002; Hale, 2002), while others investigate how the pragmatics of questions, as the counsel's tool of manipulation, are altered by interpreters (Berk-Seligson, 1999; Hale, 2004; Hale and Gibbons, 1999; Rigney, 1999).

6.6.3 Types of interpreter-initiated turns

Berk-Seligson (1990: 65) regards the dialogues initiated by interpreters as "the interpreter's attention-drawing behaviour", arising from the need to clarify witnesses'/defendants' answers and attorneys' questions, to account for witnesses'/defendants' side comments, to prompt witnesses/defendants to speak, or otherwise to silence them. Hale's study of the New South Wales courtroom in Australia suggests seven reasons for interpreter interruptions (Hale, 2001: 2) which were modified in her later study (Hale, 2004).

In the sections below, I used Berk-Seligson's (1990) and Hale's (2001) typologies as a point of reference to identify and quantify the types of interpreter-initiated turns found to be recurring in the data. First, Table 2 below presents the summary of the interpreter-initiated turns identified in the corpus. Figure 6.7 below it then shows the relative occurrence of the identified interpreter-initiated turns which were found to be recurring in the data. The examples presented and explained below Figure 6.7 were part of a total of 21 interpreter-initiated turns which were identified in the corpus. These interpreter-initiated turns were distributed as shown in the summaries below.

Table 6.2: Types of interpreter-initiated turns and frequency of occurrence

Type of interpreter-initiated turns	Frequency of occurrence	Percentage of occurrence
Seek further information (TSFI)	7	33
Seek confirmation (TSCn)	4	19
Seek clarification (TSCl)	6	29
To prompt witness (TPW)	1	5
To identify speaker mistake (TIM)	1	5
To instruct witness/accused (TIWA)	1	5
To intervene in a conflict (TIC)	1	5

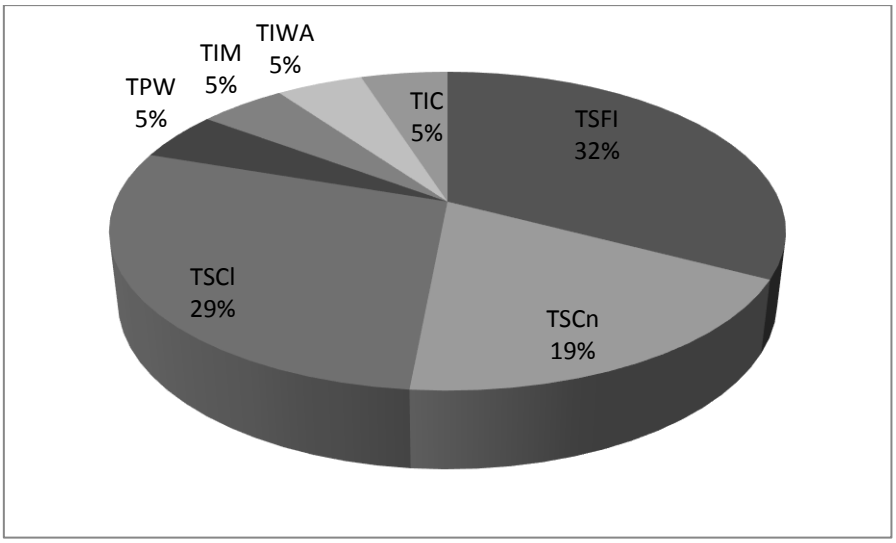


Figure 6.7: Relative occurrence of interpreter-initiated turns

In Table 6.2 and Figure 6.7 above, the relative occurrence of the identified interpreter-initiated turns in the corpus is shown and below I illustrate and explain each sub-type of the identified interpreter-initiated turns.

6.6.3.1 Turns to seek clarification

This is when the interpreter interrupts the proceedings frequently to clarify the meaning of the previous speaker's utterances.

Example 19: Turns to seek clarification

Speaker	SL utterances/interpretations	English gloss
PP	And did he completely remove your pants	
I	*Saka pant wakaribvisa zvachose here kana kuti wakaridzikisa kana kudii*↑	So did he completely remove your pants or he simply lowered them or what exactly did he do?
W	*Wakaribvisa*	He took them off
I	*Rese*↑	Completely?
W	*Ehe*	Yes
I	He completely removed my pants	
PP	And the what happened next	
I	*Ndokubva zvazoita sei*	What then transpired?
W	*Wakavhara muromo wangu* and inserted his penis into my vagina…	He blocked off my mouth and…
I	*Akabva adii*↑	What did he do?
W	He inserted his penis into my vagina without an agreement with me	
I	After covering my mouth, he inserted his penis into my vagina without my consent	

Example 20: Turns to seek clarification

Speaker	SL utterances/interpretations	English gloss
M	What time of the day was it	
I	*Dzakange dziri nguwai*	What time was it?
W	*Kuma two pm*	Around two pm
I	Around two pm	
W	*Ehe*	Yes
I	*Masikati*↑	In the afternoon?
W	*Ahh* two am	
I	Around two am instead You Worship	

The three questions asked by the interpreters above are clarification questions. The interpreters sought to clarify a certain position before proceeding and thus claimed another turn before it could be claimed by either the magistrate or the public prosecutor. However, in a court of law, repeated clarifications by the witness may give the impression that the witness is being evasive and uncooperative, which may, in turn, impact on the credibility of the witness.

6.6.3.2 Turns to seek further information

While above illustrates interpreter-initiated turns to seek clarifications, the example below illustrates interpreter-initiated turns to seek information.

Example 21: Turns to seek further information

Speaker	**SL utterances/interpretations**	**English gloss**
PP	May you proceed and chronicle the events of the second time that accused had sexual intercourse with you	
I	*Ko kechipiri kacho chiyi chakaitika*	How about on the second encounter. What happened?
W	*Wakapindazve mu*bedroom *medu sepakutanga*	He entered our bedroom like he did the first time
I	*Wapinda ndokubva waita sei*↑	After entering what did he do?

Example 22: Turns to seek further information

Speaker	**SL utterances/interpretations**	**English gloss**
M	What are you alleging↑Are you alleging that this is what happened Why are you not saying so↑	
I	*Uri kutii*↑*Nemhaka yei uchizvitaura Uri kuti ndizvo zvakaitika here kuti wakakurova*↑	What are you saying and why are you saying it. Are you saying this is what happened, that they assaulted you?

A	*Ndiri kutaura kuti wakandirova, kuti waindirova kuti ndibvume nyaya*	I am saying they assaulted me so that I admit to committing the offence
I	*Wana ani*↑	Who exactly?
A	*Iwo ma*complainants	The complainants
I	Yes, Your Worship, the complainants were assaulting me forcing me to admit I had committed the offence	
M	Who assaulted you↑	
I	*Akakurova ndiani, reva kuti nhingi nanhingi*	Who exactly assaulted you? Name the person.
A	*Babamunini wavo anenge anonzi musoja*	Their uncle who is said to be a soldier
I	*Minin'ina wababa wemumhan'ari*↑	Is he young brother to the accused?
A	*Ehe*	Yes
I	The complainant's uncle, her father's younger brother who is a soldier	

The interpreter in the above triadic exchange asks the witness a follow-up question, shown as highlighted, for further information before interpreting her utterance, possibly in an attempt to make a more complete and grammatically adequate rendition, though such utterances could have been interpreted without the requested information. In these instances, the interpreter ostensibly takes on the examining role by controlling not only the form, but also the content of the interaction.

6.6.3.3 Turns to seek confirmation

Most of the interpreter-initiated turns occurring during the witness's examination-in-chief are checking turns used by the interpreter to check her understanding of the witness's utterance by repeating or rephrasing what is said by the witness – also the second-most frequent type of interpreter-initiated turns in the witness's cross-examination. On the surface, the interpreter is making use of these turns to check her understanding of the speaker meaning, but it may well be the case that the interpreter uses these turns as a delaying strategy to buy time for

reformulating her interpretation, as shown in the following example, where the interpreter's turn is immediately followed by her rendition without waiting for the witness's confirmation.

Example 23: Turns to seek confirmation

Speaker	**SL utterances/interpretations**	**English gloss**
PP	Thank you Your Worship What is contained there actually is his previous record and can be read with due respect	
M	Thank you Give it to the interpreter please	
M (to interpreter)	If the record may be read in respect of accused person two	
I	*Ndinoda kuti uteerere musungwa wechipiri nezvemhosva yawakabatwa nayo ukatoipika mumashure inowa CRB nhamba…*	I want you to listen carefully accused two about your previous conviction which is CRB number…
I	*Wanzwa zvandakuverengeraka iwe K.*	Did you understand what I read in connection with you K.?
A	*Hongu*	Yes
I	*Ndizvoka kuti wakabatwa ukatopikira mhosvai yoyi*↑	It is true that you were convicted and served a jail term for this previous crime?
A	*Hongu*	Yes

6.6.3.4 Turns to prompt the witness

Prompting mostly occurs after the interpreter has rendered an obviously unfinished utterance by the witness. This can be seen as a repair strategy on the part of the interpreter, as in Example 24 below, where the interpreter starts interpreting before the witness is able to finish her turn.

Example 24: Turns to prompt witness/accused

Speaker	SL utterances/interpretations	English gloss
M	To start with accused, were you ever served with a copy of this medical report↑	
I	*Chekutanga wakamboratidzwa kana kupiwa gwaro iri*, medical report*iyi*↑	First of all, were you served or at least shown this document, the medical report?
A	*Kwete Ndatopuhwa izvozvi ndakagara pano*	No, I have just received it now while sitting here
I	No Your Worship, I only received it today when I was seated here in court	
A	*Zvakare tichiri ipapo medical report iyoyo…*	Still regarding that medical report…
I	Besides regarding this medical report…	
I	Medical report *iyoyo ehe…*	Yes, that medical report…
A	*…ndinopokana nayo semaziwire andinoitawo mutemo*	I disapprove of it based on my own understanding of the law
I	…I object to the medical report based on how I understand the law	

After rendering her answer into English, the interpreter recapitulates it in Shona "Medical report *iyoyo ehe...*" (Yes, that medical report...) for the witness, as a reminder of what the witness has said, and before prompting her to carry on with her testimony. The interpreter may have deemed it necessary to prompt the witness to go on with her testimony knowing very well that the turn might be taken over by the examining officer.

6.6.3.5 Turns to instruct the witness/accused

In Example 25 below, I illustrate interpreter-initiated turns meant for instructing the witness and the accused person.

Example 25: Turns to instruct the witness/accused

Speaker	SL utterances/interpretations	English gloss
M	*((Just keep quite Just keep quite))* That is not for her to answer It is for the police to answer to that	
I	*Mubvunzo iwowo hawangaupinduri ungatopindurwa nemapurisa*	That question is not for her to respond to but rather the police
W	*Aiwa ndinopindura mibvunzo Ndinofanira kutomupindura*	No, I will respond to the questions. I have an obligation to answer him.
I	*Imbomirai imi mhamha*	Just wait, you mother.
M	Madam, be patient We are the court We know what evidence has to be led here You understand	
I	*Munofanirwa kuziwa kuti isu ndisu tinenge tichiziwa zvamunenge muchifanirwa kuti mupindure nezvamusingakwanisi Handiti manzwisisa*↑	You should know that it is up to us to determine which questions you should respond to or not. Do you understand that?

Example 26: Turns to instruct the witness/accused

Speaker	SL utterances/interpretations	English gloss
A	*Kusvika kuma*six *baba wangu pawakadzoka nemotokari*	Up to around 6 pm when my father came back home in his car.
I	Up to about 6pm when my father returned driving his vehicle	
W	*Ndodaira here*	Should I respond to that?
I	*Pindurai henyu*	Respond to that.
W	*Ndine mibvunzo wekuti paati baba wangu…*	I have a question relating to her earlier allegation that his father…

I	*Musabvunze Ino inguwa yekuti mungopindure zvabvunzwa*	Do not ask question. At this point just respond to what has been asked.

In Examples 25 and 26 above, the interpreter assumes the court's power by intervening during the interactions to direct the witnesses about the appropriate course of action to take during the cross-examinations. In Example 25, for instance, the magistrate realised that the question asked by the accused was only relevant if it were directed at the police and not at the witness. However, the witness insisted she was supposed to answer every question, including the irrelevant ones, to which the interpreter intervened by saying *"Imbomirai imi mhamha"* (Just wait, you mother). In Example 26, the witness directs a question to the court when she says *"Ndodaira here"* (Should I respond to that?). Instead of interpreting the question to the court, the interpreter provides a response *"Pindurai henyu"* (Respond to that). However, instead of providing a response to the asked question, the witness asks another question and the interpreter intervenes again and directs the witness not to ask questions, but to provide answers to questions as expected during cross-examination. In the course of these exchanges, the magistrate's voice disappears and the interpreter assumes the court's role of issuing directives and making decisions.

6.6.3.6 Turns to intervene in a conflict

Apart from the above interpreter-initiated turns, interpreters were also found to initiate turns aimed at helping to resolve a conflict, as shown below.

Example 27: Turns to intervene in a conflict

Speaker	**SL utterances/ interpretations**	**English gloss**
A	Do you recall that you said you were sleeping next to M.	
I	*Uchiri kuyeuka kuti wamboti wanga wakarara pedyo naM*	Do you still remember that you have already said you were sleeping next to M
M (to witness)	Who retired to bed first↑	
I	*Ndiani↑akatanga kurara*	Who went to bed first?

W	*Takatanga kurara*	We went first.
I	We slept first before accused	
A	You are not telling the truth	
I	*Hausi kutaura chokwadi*	You are not telling the truth.
W	*NDIMI MURI KUTONYEPA* we went first	It is you who is lying instead. We went first.
I	*NDIMI MURI KUTONYEPA tisu Takatanga kurara**Zvisinei, hamufaniri kuitisana nharo Chenyu kubvunzana nekupindurana chete Zviri kudare kuona chokwadi kana manyepo***	It's you who is lying. We were the first to go to bed. Nevertheless, you two should not argue about issues here. Your responsibility is limited to asking and responding to questions only. It is the court's duty to decide on what is true and what is false.
A	Would someone come and fit where you were sleeping	

In the above extract featuring the cross-examination of the state witness by the accused person, a conflict situation emerged between the accused person and the witness about which of the two retired to bed first. Although the interpreter continued to interpret as expected, she went beyond her role of relaying messages by intervening in the conflict, reminding the two parties of their responsibilities and that of the court; i.e. to judge who between them was telling the truth or lying when she says: "*Zvisinei, hamufaniri kuitisana nharo Chenyu kubvunzana nekupindurana chete Zviri kudare kuona chokwadi kana manyepo."* (Nevertheless, you two should not argue about issues here. Your responsibility is limited to asking and responding to questions only. It is the court's duty to decide on what is true and what is false).

This reminder is contained in the interpreter's last rendition and is the part that is highlighted in the extract.

6.6.3.7 Turns to identify a speaker mistake

Data from the transcripts also revealed that 5% of the interpreter-initiated turns were directed at identifying a speaker's mistake. This could be argued to be in line with court interpreters' primary objective, namely to achieve successful communication. The first example to illustrate this is Example 28 below.

Example 28: Turns to identify speaker mistake

Speaker	**SL utterances/ interpretations**	**English gloss**
M	But you have already testified in this court that you reported the matter to the police in September who then asked you to take the child to the doctor for medical examination	
I	º Your Worship, with due respect I wish to correct you on the correct month the matter was reported The witness said August and not September.	
M (to witness and interpreter)	My apologies for the error madam Can you go ahead and interpret to her with the correct month in context	
I	*IMI maziwisa dare muno nechekare kuti mhosva iyi makaimhan'ara kumapurisa muna August iwo mapurisa achibva ati muende kuchipatara nemwana kutia ongororwe*	You have already told the court that you reported this crime to the police in August and the police advised you to take the child to the hospital for examination.
W	*Ndizvozvo, asi wakange urimusi wa31 Saka patazoenda rechimangwana racho tanga tatobata September*	Yes it is true but it was on the last day of August. When we took the child to the hospital the on the following day it was

		already the first day of September.
I	Yes Your Worship but the report was made on the last day of August When we took the child to the hospital the following day it was already on the first of September	

In the example above, the court has made an obvious mistake about the date on which the accused person made her statement to the police. As the month in question is August, not September, the interpreter is sure that the public prosecutor has made a mistake and alerts him to it in a whisper. The interpreter's intervention in this case is presumably to avoid the confusion which might be attributed to the witness if the mistake is preserved in the rendition. This might also be regarded as the interpreter's face-saving strategy, because any confusion caused by the court might be seen later as an interpreting problem. In any case, this is evidence that the interpreter does not see herself as a copying machine (the conduit myth), but one who plays an active role in coordinating talk and facilitating communication, taking into consideration the participant roles of court actors, as well as the consequences of their power and control over the triadic communication.

6.7 Results from questionnaires

In order to test my hypothesis, three questionnaires were administered to serving full-time court interpreters (QCI), magistrates (QM) and public prosecutors (QPP) as explained in the methodology chapter. In the sections below, I present and discuss the results from the court interpreters' questionnaire. Results from the magistrates' and public prosecutors' questionnaires will be dealt with in Chapter 7.

6.7.1 Interpreting styles adopted for different speakers

The results of the survey as a whole corroborate the results by Ng (2011) regarding the two distinct interpreting styles adopted for lay participants and legal professionals respectively in the courts of Zimbabwe, which conforms to the findings arising from the court data. The majority (78%) of the respondents conceded that they would adopt first person interpreting for

witnesses/defendants, but not for the legal professionals, regardless of their years of experience in court interpreting and whether or not they have had any training in first person interpreting.

6.7.2 How content of utterances influenced interpreting styles

When asked if their preference between first person and third person interpreting had anything to do with the content of the utterance (see Appendix 4, Section 5, and Questions 5.1 to 5.7 in the questionnaire for court interpreters), especially considering the fact that the current investigation concerned rape cases, eight (32%) out of the 17 subjects chose "Yes", while (68%) chose "No" as their answers. Those who had responded affirmatively to this question were asked to explain in the question that followed "*Why do you think the content of the utterances would affect interpreting styles?"* Of the 12 explanations provided, half were irrelevant or non-responsive in that the respondents merely reiterated what they did, like "when I interpret witnesses' testimony, I always use 'I' but when I interpret the public prosecutor or magistrate questions, I always use 'The court put to you that...'" without explaining why they did that. These explanations seem to confirm the two different interpreting styles for lay participants and legal professionals, and my suggestion that the interpreting styles adopted have more to do with *who* the speaker is than *what* the speaker has said. Of the other four who gave relevant explanations, three suggested that their use of third person interpreting was as a self-protective device. In particularly, it is used to protect themselves against the anger of the accused person or witness when the court (magistrate and public prosecutor) is putting questions to them, or when the magistrates are delivering their verdicts, which may embarrass, offend or "provoke the message recipients and evoke negative feelings", particularly in the case of rape trials. It could be argued, however, that the generally accepted view about the use of reported speech as a protective device is supported only by a minority of the respondents, and that the majority of them refuted the correlation between the content of an utterance and the interpreting style adopted.

6.7.3 Styles of interpreting and the rationale for adopting them

Although interpreters in Zimbabwe are expected to interpret in the first person as is the norm in other parts of the world, interpreters confirmed the adoption of different interpreting styles for 'the court' and lay participants, when they were asked in Question 5.7 to state their reasons for adopting either the first person or third person style of interpreting. From their responses, the following set of answers were found to summarise the interpreters' responses:

(1) I feel uncomfortable assuming the voice of the magistrate or public prosecutor, because they occupy a higher hierarchical level in the service and, hence, in the, so I use the third person.

(2) I avoid giving the impression to all those present in court that I am pretending to be the magistrate and the public prosecutor by assuming their voice, so I use the third person.

(3) I do not want the witnesses or the accused person to think that I am speaking for myself if I do my interpretation in the first person

(4) I just do what other colleagues (e.g. the interpreter I studied under/who trained me) are doing.

(5) I use reported speech to protect myself or to distance myself from what is said by SL speakers.

The above responses to the question seem to propose that the interpreter's choice of interpreting style is affected by a variety of factors. These factors are explained below.

6.7.3.1 Pragmatic considerations

Responses 1 and 2 above suggests a pragmatic attention on the part of the respondents as they avoid interpreting the magistrate's or public prosecutors' utterances in the first person opting the third person style of interpreting. It could be argued to be an interpreters' response to the second-person audience role – the "addressee" – in that it takes into account the lay-participants' lack of understanding of the role of the interpreter or of the professional norm of first person interpreting. This option was chosen by 6 respondents, representing 35% of the total number of respondents.

6.7.3.2 Inherited practice

The fourth answer does not represent an informed decision on the part of the interpreter but, rather, a passive or inherited one, in that the interpreter simply follows what other interpreters are doing or normally do in court, regardless of whether it is the best strategy or not. Three respondents chose this option, representing 18% of the total number of subjects. This interpreting style may have stemmed from the interpreters' perceptions of power differences between ordinary people (the accused and witnesses alike on one hand) and professional participants (the magistrate and the public prosecutor on the other hand) in the judicial proceedings. It can, therefore, be argued that because of the interpreters' lack of training on the

sensitive nature of the courtroom hierarchy and of power relations, the interpreter more readily assumes the voice of all the speakers by using direct speech. Other interpreters, however, considered it as improper and felt that there is need for showing respect for the powerful courtroom participants.

6.7.3.3 Psychological factors

As noted in the first answer given to Question 4.19, it is my conclusion that the adoption of a third person interpreting style for utterances produced by 'the court' stems from interpreters' reluctance or unease in assuming the voice of the powerful participants in court. Answers 1 and 2 confirm this and show that the interpreters were afraid that those unaware of the professional norm of first person interpreting may regard them as pretending to be powerful participants themselves. Together these two answers were given by five respondents, representing 29% of the total number of respondents. This suggests that there does exist a psychological element in the interpreters' choice of interpreting styles. The interpreter's uneasiness in assuming the voice of 'the court' has to be understood in the special context of the Zimbabwean courtroom. As noted in Chapters 1 and 3, and throughout this thesis, in Zimbabwe, unlike in many other jurisdictions, the accused persons and witnesses requiring interpreting services are *not* the exclusive audience of the Shona interpretation, which is also accessible to the majority of the participants in the courtroom, including Shona monolinguals such as the audience in the public gallery and English/Shona bilinguals like bilingual magistrates, public prosecutors and lawyers. In the course of interpreting, the interpreter is conscious of the presence of these English/Shona bilinguals who are always playing "auditors" or "overhearers" roles (Bell, 1984). In other words, interpreters' shift from a first person to a third person interpreting styles can be regarded as their response to these audience roles, as they may consider it impertinent to assume the voice of legal professionals while, simultaneously, wanting to show respect and earn the approval of the English/Shona bilinguals in the public gallery by referring to these powerful participants in their official capacities, just as speakers do when they accommodate their speech style to their audience (Bell, 1984).

6.7.3.4 A self-protection device

Three respondents, representing 18% of the total responses, suggested in the last response above that the use of reported speech for interpreting magistrates'/public prosecutors' utterances is to disclaim responsibility for offensive remarks, also knows as the disassociation theory (Ng, 2013). For example, one respondent stated, "I do that for self-protection. I take

care to distance myself from what is said like that which may offend the message recipients and evoke negative feelings". As noted above, the court data show that the various interpreting styles adopted depend largely on *who* the speaker is (or the audience are), and not *what* is said. Section 6.7.4 below evaluates the impact of the third person interpreting style on participant roles and on the force of the intended speech act.

6.7.4 Impact of interpreting in third person

In this section, the court data demonstrated that interpreting *from* English in the third person and *into* English in the first person is a practice commonly adopted by interpreters in the Zimbabwean courtroom. The results of the survey conducted with court interpreters largely corroborate this finding and thus support the argument that the practice has little to do with the content of the source language utterance, and more with the speaker of the source language utterance. However, when the court interpreters in this study adopted this style of interpreting, it was observed to have an impact on both participant roles and the neutrality of the interpreters, as well as on the force of the intended speech act as explained below.

6.7.4.1 Impact on the participant role and neutrality of the interpreter

Angermeyer (2009) suggests that, when interpreting in the first person, the interpreter speaks *as* the person whose speech he/she is interpreting and *about* him/her when reported speech is adopted. With reference to Goffman's participation framework, Angermeyer (2009) suggests that, by interpreting in the first person, the interpreter assumes the role as animator of the interpreted utterance, rather than as author or principal (Angermeyer, 2009: 5). However, Angermeyer (2009) points out at the same time that other participants may not always recognise the interpreter's role and may hold the interpreter responsible for the interpreted talk. Angermeyer (2009) argues that the use of reported speech may, therefore, be seen as an implicit stance taken by the interpreter to avoid alignment with the SL speaker. Wadensjö (1998) too, suggests that the use of reported speech has the effect of distinguishing the voice of the interpreter from the SL speaker's voice, or what she refers to as the "currently speaking self and the meaning other" (Wadensjö, 1998: 273). In a similar fashion, Leung and Gibbons (2008: 179) argue that the use of reported speech by the interpreter is to emphasise that he/she is not the *principal* of the interpreted utterance.

As discussed in Chapter 2, interpreting in the third person by using reported speech brings in the interpreter's own voice, making him/her a participant in his/her own right. As suggested by

Wadensjö (1998), by referring to the speaker in the third person, the interpreter reserves the first person pronoun "I" for him/herself. It could thus be argued that the use of reported speech would highlight the presence of the interpreter, though the invisibility of the court interpreter has been challenged and proved more of a myth than a reality by empirical studies, even without the use of reported speech. As Jacobsen (2002: 32) puts it, "the pretence of the court interpreter's invisibility cannot be sustained anyway". However, the variation in interpreting styles might problematise the interpreter's neutrality and impartiality. Furthermore, assuggested by Angermeyer (2009), interpreting the source language speech in the third person may be seen as an attempt on the part of the interpreter to avoid alignment with the source language speaker. It could thus be argued that by interpreting the lay participants' speech in the first person, and utterances produced by legal magistrates and public prosecutors in the third person, the interpreter seems to align him/herself with the powerless participants while distancing or alienating him/herself from the powerful participants. This alignment inevitably compromises the interpreter's neutrality. The three examples below are illustrative of this scenario.

Example 29: Interpreting lay participants' speech in the first person

Speaker	**SL utterances/interpretations**	**English gloss**
PP	What was your business in the house↑	
I	*Wakanga uchiitei mumba imomo*↑	What were you doing in the house?
W	*Ndakanga ndakarara nevana vake*	I was sleeping with his children.
I	I was sleeping together with the accused's children	

In Example 29 above, the interpreter interprets the witness' utterance in the first person as expected. The prefix for the first person in Shona is *nd-*, as in "*Ndakanga ndakarara nevana vake"* ("I was sleeping together with the accused's children"). However, because the interpreter chooses the third person for interpreting the public prosecutor's question below, the interpreter could be accused of aligning him/herself with the powerless participants, while distancing him/herself from the powerful participants.

Example 30: Interpreting magistrates'/public prosecutors' speech in the third person

Speaker	SL utterances/interpretations	English gloss
PP	How were you sleeping at that time↑	
I	*Zvanzi wanga wakarara sei*↑	He is saying how you were sleeping at that time.

In Example 30 above, the interpreter renders the public prosecutor's question in the third person, as if to distance him/herself from questions directed at the witness. The simple question, "How were you sleeping at that moment?" is rendered in the third person as "*Zvanzi wanga wakarara sei?" ("*He is saying how you were sleeping at that time?").

In the cross-examination of the witness by the accused person below, the trial was conducted using the victim-friendly procedure. It involved a minor, aged four years (but three and a half years old when the alleged crime was committed), as the witness. Apart from the generally simplified questioning format and language use, such cases would normally have two interpreters, one for the accused person in the main court, and another interpreter with the minor in a different and specially prepared room. The rooms are linked via a camera and television. Below is the interaction.

Example 31: Interpreting in the third person for lay participants

Speaker	SL utterances/interpretations	English gloss
I2	Why did you not tell your mother↑ instead you told R	
I1	*Izvozvi ari kubvunza kuti ko iwewe wakarega kuudza amai wako uchiudza R nei*↑	At this moment he is asking why you did not tell your mother but chose to tell R instead?
W	*Ndakavaudza*	I told her
I1	I told her	
I2	*Zvanzi ndakavaudza*	She said she told her

Both interpreters in the interaction above use reported speech in their Shona translations. Although the chosen style is deemed appropriate for the interpreter interpreting for the minor

witness, i.e. I1, the same cannot be said for the interpreter interpreting for the accused, i.e. I2. The behaviour of I2 seems to confirm the findings from the questionnaires in which some interpreters confirmed that "I just do what other colleagues are doing or do it". In the same extract reporting verbs like "*zvanzi"*, "*ari kuti"* and "*kwanzi"* (which literally mean he/she says/alleges/reports that) appear 12 times and are attributed to both interpreters. Although it can be argued that I1 is aligning herself with the minor, who is a victim of rape in this case (and hence impacting on the neutrality of her role as the interpreter), I doubt if the style of I2 can also be argued to be some form of alignment with the accused person who, in this case, is the perpetrator of rape.

6.7.4.2 Impact on the force of the speech act

It is generally agreed that interpreting in the third person has a distancing effect (Mason, 1999; Morris, 1995). In the courtroom, this distancing effect inevitably impacts on a speech act. Cheung (2012) argues, following Clayman (2007: 243), that reported speech could be used by court interpreters as a strategic device to neutralise and legitimise aggressive and challenging questions in the adversarial courtroom. At the same time, he suggests that the use of reported speech by court interpreters has the pragmatic function of enhancing the illocutionary force of the interpreted utterances by "alerting listeners to the gravity of what is to come" (Cheung, 2012: 86). One could thus argue that the use of reported speech has an impact on the illocutionary force of the speech act by either reinforcing or neutralising it. In Examples 30 and 31 above, a direct question (i.e. to ask as a speech act) is converted into an indirect question or a statement. The same could also be said of Example 32 below which is an extract of the cross-examination of a witness by the accused person. Here the accused person is accusing the witness of lying, but the speech act is distorted in the interpreter's rendition as shown below.

Example 32: Distorting speech acts in a lay participants' speech

Speaker	**SL utterances/interpretations**	**English gloss**
W	*Handiwirirani newe*	I do not agree with you
I	I disagree with you	
A	You are not telling the truth	
I	*Ari kuti hausi kutaura chokwadi*	He is saying you are telling the truth

Example 33: Distorting the speech act in the magistrate's speech

Speaker	SL utterances/interpretations	English gloss
M	Do you understand the facts accused↑	
I	*Zvanzi wanzwisisa here zvkanangana nemhosva yawakatarisana nayo*↑	He is saying have you understood the facts relating to the charge you are facing.
A	*Hongu*	Yes

It could be argued that the interpreters' use of reported speech has, on the one hand, the function of "neutralising" the accusation by making it less confrontational or face-threatening, as in Example 32. On the other hand, the use of the third person indicates to the addressee (i.e. the accused person) that the accusations originate from a party with authority (i.e. the magistrate) and thus deserve their serious attention, as in Example 33.

In summary, the shifts in the interpreting style shown in the examples above can be seen as an attempt by interpreters to accommodation their audience. However, because lay participants are less informed about institutional norms, they may mistakenly think that the interpreter is speaking for him/herself. As suggested by Angermeyer (2009: 19), court interpreters working from and into English "find themselves in a situation where they have to translate for two very different audiences and negotiate two different sets of expectations of their behaviour and language use".

6.8 Conclusion

Using the tools of Wmatrix and questionnaires, this chapter analysed the frequency and use of different lexical, grammatical, syntactic and conversational features by the different court players, as well as how these were interpreted by court interpreters during court proceedings. In the chapter I used the tools of Wmatrix, such as frequency profiles, and the keywords and key concepts approaches to: 1) analyse how different court players strategically use various aspects of language in the courtroom; and 2) how these aspects are then interpreted during trials. I have illustrated that through the use of various lexical items, question forms and turn-taking, the power of a participant, and thus his/her control over a triadic exchange, is realised not only in the role(s) he/she is capable of playing, but also through the participant roles of the

co-present court actors. I have shown that the interpreter working with bilingual court officials and interpreting for bilingual lay people sees his/her power considerably reduced by these other bilinguals (the magistrate and the public prosecutor, on one hand, and the witness/es and accused on the other), who take on not only the roles of speakers (questioners) and addressees of witnesses' interpreted evidence, but also of overhearers of the witnesses' answers and then judge the accuracy of the interpretation.

I have, furthermore, illustrated how and why the participant role assumed by the interpreter inevitably has an impact on the court proceedings in one way or another. By assuming a primary participant role in the proceedings through interrupting a speaker to seek clarification or further information, or even to intervene in a conflict, the interpreter takes away some of the inherent power of the magistrate or prosecutor. On the other hand, by adhering strictly to the prescribed role as mouthpiece for the key court players and refraining from clarifying anything the speaker says, even in the face of ambiguous and contradictory utterances, the interpreter may risk misinterpreting the speaker's meaning and may, as a result, be accused of this by the court. I therefore argue that by assuming roles other than 'relaying' utterances, the interpreter can become an active player in the triadic speech event, as well as a critical actor in successful communication.

Another aspect I investigated in this chapter is the use of first and third person. The court data shows that interpreters choose between interpreting in the first person or third person depending on *whose* speech they are interpreting; i.e. whether it is the lay person or court official's speech. The results of the survey reveal that although interpreting in the third person is regarded as unprofessional and as deviating from the norm, it is not an uncommon practice in Zimbabwean courtrooms. The use of reported speech was argued to be an effort on the part of the interpreter to negotiate the voices of the powerful participants. As the use of reported speech is generally regarded as unprofessional and as a deviation from the norm of first person interpreting, the ellipsis/omission strategy can be seen as an effort on the part of the interpreter to avoid assuming the voice of the source language speaker. Here the results of the survey suggest a sense of unease on the part of the interpreter in assuming the voice of court officials, but less so of the witnesses and accused. It can thus be argued that the non-standard third person interpreting style is the interpreter's response to the power asymmetry in the courtroom. Another important aspect is that of bilingualism. In the case of the Zimbabwean courtroom, as noted above, lay participants are often not the exclusive audience of the interpretation as it is

also often accessible to the audience in the public gallery, as well as bilingual court personnel. The interpreter thus has a much more varied audience for the Shona interpretation. This may explain the interpreter's unease in assuming the voice of the powerful participants.

In Chapter 7, I will apply purely qualitative techniques to the data to examine how court interpreters deal with the pragmatics of additions and omissions in interpreter-mediated trials.

CHAPTER 7: THE PRAGMATICS OF ADDITIONS AND OMISSIONS IN INTERPRETER-MEDIATED TRIALS

7.1 Introduction

In Chapter 6 I used simple descriptive statistics to analyse the frequency and use of different lexical, grammatical, syntactic and conversational features found in the language use of the different court players and how these were interpreted during trials. These features included aspects such as lexical items; pronouns; question forms like tag questions, yes/no questions, wh-questions and but/so-prefaced questions; andconversational aspects of interaction centred on the distribution of turn-taking. These aspects were analysed in line with the objectives of the study stated in Chapter 1. In this chapter, I use qualitative methods to analyse how interpreters deal with the pragmatics of the various lexical, grammatical, syntactic, conversational and pragmatic aspects of communication of different court players in their interpretations. First, I examine the different pragmatic strategies used by the different court players and how these strategies were interpreted by court interpreters. I then discuss the court interpreters' motives for choosing the various strategies. The pragmatic resources I analyse in this section included paralinguistic features like laughter, fillers or discourse markers, changes in footing, aspects of modality, lexical sophistication and factuality. I also use the qualitative approach to make descriptions about language use. Here I look in particular at the strategic use of language during the questioning phase of a trial. This is important as the form of the questions can pre-empt the kind of responses given (Drew, 1990). It is the interaction between meaning, context and communication that helps court officials manipulate witnesses effectively. This qualitative part of the research is aimed at linking the strategic language use and pragmatic aspects of court interpreting. In this section, I also aim to account for the way in which interpreters deal with the pragmatics of source language messages, as well as the manner in which court interpreters' renditions might affect the pragmatics of the source language messages.

In the section below, I start this investigation by exploring the additions I identified, specifically in terms of their significant impact on the propositional content and style of the source language discourse. I classified these into two broad categories, namely emphasising

additions and down-toning additions. Each category and its subcategories is explained and illustrated.

7.2 Emphasising additions

Additions in this category serve to emphasise or increase the force of the utterance, or part of the utterance, in the source text. The interpreter adds emphasis by including one or more items which were not present in the source language text, either explicitly or implicitly, or by stressing one or more items in the target language discourse which was not stressed in the source language discourse. These additions reflect what Shlesinger (2008: 252) terms interpretese. Research (e.g. Shlesinger, 2008 and Shneider, 2008) has shown that such interpretations (interpretese) differ significantly from the source language utterances. Typical features are observed at phonological, lexical, morphosyntactic and discourse levels. Differences between source language utterances and target language discourse were initially regarded as errors, particularly in court interpreting, and especially given the high priority accorded to accuracy, but are now increasingly viewed as shifts. In other words, they are viewed as tactical manoeuvres or strategies aimed at optimising the load of obtaining and delivering information (Shneider, 2008). These shifts are generally viewed as deliberate decisions aimed at overcoming interpretation difficulties, rather than errors in the interpretation process (Kalina, 1998; Bendazzoli et al., 2011). The emphasising additions identified in this study were sub-categorised and described hereafter.

7.2.1 Emphasising with the absolute negative 'never'

The lengthened interpretation of the witness's answer in Example 2 below is a result of the insertion of certain linguistic items which the interpreter perceived to be underlying in the original utterance. Instead of simply rendering the source language message as "No", the interpreter made it "I never said anything like that" which the interpreter perceived to be underlying in the original utterance. The added linguistic items include the absolute negative *never* (Horn, 2010) which slightly changes the style in which the utterance is made. The inclusion of *never* potentially strengthens the witness's credibility (by emphasising denial in absolute terms) which may have an impact on the outcome of the trial as shown below.

Example 2: The absolute negative

Speaker	SL utterances/Interpretations	English gloss
I	*Waudza dare muno kuti pandakadzoka ndakakuti uuye mu bedroom mangu Ndakadaro here ini*↑	You have already testified in court that when I came back I asked you to come to my bedroom. Did I ask you to do so?
W	*Kwete*	No
I	I NEVER said anything like that	

The same explanation stated for Example 2 above also applies for Example 3 below.

Example 3: The absolute negative

Speaker	SL utterances/Interpretations	English gloss
A	Do you recall yourself saying that the child complained that her leg had been dragged or touched↑	
I	*Muchiri kutondera muchiti mwana akati akanzwa seaidhonzwa kana kubatwa gumbo*↑	Do you remember telling the court that your child felt as if her was leg was being dragged or touched?
W	*Kwete haana kusvika achidaro*	No, the child did not say so when she came to me
I	NO she never mentioned something relating to her leg being dragged or touched	

The addition of the negative marker "never" in the interpreter's rendition in Example 3 could be said to be an interpreter's strategy for making the source language speaker's intentions (i.e. denial) available, or more available, to end receivers. This is in line with Grice's (1975) theory of conversational implicature which provides a framework for analysing how hearers (interpreters in this case) infer speaker meaning. This means that these additions are, in all likelihood, a conscious procedure aimed at conveying the speaker's intentions to the target audience in full.

7.2.2 Emphasising with the form of address 'Your Worship'

Emphasising additions below were attributed to the inclusion of the politeness form of address "Your Worship" in the target language texts. This feature could first be attributed to the adversarial courtroom setting characterised by power asymmetries (Cotterill, 2003; Gibbons, 2008) between the different court players which may have a bearing on the interpreter's performance. Secondly, this feature is what O'Barr (1982) identifies as features of the "powerless speech style" which might also be expected to produce either a positive or negative impression of the testifying witness or defendant. As illustrated in Examples 4 and 5 below, the politeness forms and hyperformality (O'Barr, 1982: 121) in the target language texts emphasise and enhance the witness' image in terms of "convincingness and trustworthiness" (Berk-Seligson, 2002: 39).

Example 4: Adding forms of address to speech by the witness

Speaker	**SL utterances/Interpretations**	**English gloss**
P	The following morning did you go to school	
I	*Ko mangwana acho wakazoenda kuchikoro*↑	Did you go to school the following morning?
W	*Ehe ndakaenda*	Yes, I went.
I	Yes Your Worship	

Example 5: Adding forms of address to speech by the witness

Speaker	**SL utterances/Interpretations**	**English gloss**
P	Was this in the same spare bedroom	
I	*Makange muri musipeya imwecheteyo here*↑	Was it in the same spare bedroom he raped you before?
W	*Ehe*	Yes
I	Yes Your Worship	

The addition of the form of address "Your Worship" in the interpreter's renditions in Examples 4 and 5 serve as a strategy attending to the "powerless speech style". However, when one considers Examples 6, 7 and 8 below, the addition of the politeness forms to source language

utterances by the accused persons, may be argued to be mainly a result of the ritualised courtroom conventions (Rigney, 1999; Hale, 2004) requiring certain participants, interpreters for instance, to show respect to the court, even though it alters the SL utterances slightly.

Example 6: Adding forms of address to speech by the accused

Speaker	**SL utterances/Interpretations**	**English gloss**
I	*Wanzwisisa mhosva yauri kupomerwa*↑	Have you understood the allegations being leveled against you by the state?
A	*Hongu*	Yes
I	Yes, Your Worship	

Example 7: Adding forms of address to speech by the accused

Speaker	**SL utterances/Interpretations**	**English gloss**
M	Uhu Anything else	
I	*Pachine zvimwe*	Anything else you would like to ask?
A	*Ndingangoti hapachina zvimwe*	I can say there is nothing more to ask
I	I think that is all, Your Worship	

Example 8: Adding forms of address to speech by the accused

Speaker	**SL utterances/Interpretations**	**English gloss**
M	To start with accused, were you ever served with a copy of this medical report↑	
I	*Wakamboratidzwa here kana kupiwa gwaro,* medical report *iyi*↑	Were you served or shown this document, the medical report?
A	*Kwete Ndatopuhwa nhasi izvozvin dakagara pano*	No, I have just been served it today while seated here

I	No, Your Worship, I only received it today while I was seated here in court	

Thus, when one considers Examples 6, 7 and 8 above, the addition of the politeness forms to the source language utterances by the accused persons, may be attributed to two main reasons. First, it may be argued that, as a result of the ritualised courtroom conventions (Rigney, 1999; Hale, 2004) which require participants such as interpreters to show respect to the court, the insertion of "Your Worship" is unsurprising. Another reason could be the aspect of negotiation of face (Goffman, 1981) in relation to the variable of power and distance. Court interpreters seem to be mindful of threats to face andadopt politeness tactics like the inclusion of the politeness form "Your Worship" to save face.

7.2.3 Emphasising additions featuring completely new information

Emphasising additions in this category reveal that interpreters' target language texts were lengthened because they included new information not found in the source language texts. In Example 9 below, although the interpreter adds new information in the target language text, she filters out an important part of the propositional content of the source language message, i.e. *"don't worry"* and adds, instead, *"how clever the court is"*. The utterance "*don't worry"* in the magistrate's source language text has an assuring effect that the rights of the accused to a fair trial will be respected. Filtering out this phrase in the target language text and including new information in the form of *"how clever the court is"*, affects the propositional content of the source language text. This tendency by interpreters to edit magistrates and public prosecutors' utterances is driven by the motive to enhance intelligibility and the effectiveness of the communication process, particularly for the benefit of lay interactants (Ng, 2013).

Example 9: New information additions

Speaker	SL utterances/Interpretations	English gloss
M	Just wait, don't worry	
I	*Chimbomirayi muone mashandire acho, kungwara kwakaita varungu*	Just wait and see how it works, how clever the white man is

The addition of *"kungwara kwakaita dare"* (*how clever the court is*) in Example 9 above is testimony to the fact that, contrary to the perception that the court interpreter is a "translating

machine" able to produce exact replicas of the original utterances (Mason, 2000), the interpreter participates actively in the process of matching the magistrate's utterances to the relevant aspects of context – a crucial aspect of conversation and the negotiation of meaning (Goffman, 1981). This active involvement enables court interpreters to reach their primary objective of successful communication.

In Examples 10 to 12 below, the new information found in the target language texts elaborates on and emphasises certain pieces of information not found in the source language texts. Some of this new information comes in the form of a clarification question like "*Manzwaka?"* (*Do you understand*?) as shown in Example 10 below. The resultant target language texts are, therefore, much longer than the source language texts as interpreters try to convey the magistrates and prosecutors' "mental mode of meaning" (Jacobsen, 2002) to the lay witnesses and defendants, even though the interpreter breaches Grice's (1975) maxim of quantity by providing more information than is required.

Example 10: New information additions

Speaker	**SL utterances/Interpretations**	**English gloss**
P	We therefore submit that she is likely to suffer emotional stress	
I	*Saka tinotiizvo iye mufakazi akapa HUCHAPUPU mune chita chevanhu kudai, munhu angashungururudzike mupfungwa make pakupupura kwaanenge achiita mudare Ndokusaka tichiti anofanirwa kunge asiri pamberi pevanhu vakawanda (.) Manzwaka↑ Kuitira kuti asununguke pakupa huchapupu*	So we are of the view that if the witness were to give evidence here in court with everyone listening, she is likely to suffer emotional stress when giving evidence in court that is why we are of the view that she should not do it in front of all people. Do you understand? This is to ensure that she is free to testify in court

Example 11: New information additions

Speaker	**SL utterances/Interpretations**	**English gloss**
PP	And did he completely remove your	

	pant	
I	*Saka bhurukwa wakaribvisa zvachose here Kana kuti wakangoridzikisira kana kuti pane zvimwe zvawakaita naro*↑	So were the pants removed completely or he just lowered them or there is something else he did with the pants

Example 12: New information additions

Speaker	**SL utterances/Interpretations**	**English gloss**
PP	In what state was it	
I	*Yainge yakaita sei Yakange iri sezvayange yakaita here kana kuti pane zvayakange yakanganisika kubva pane zveyange yakaita*	In what condition were your pants? Were they in the same state they were before the rape or there were some changes on the state of your pants from what they were originally

The additions in Examples 11 and 12 could be seen as part of the interpreters' conscious engagement with the source language messages and their attempt to infer and convey the magistrate or public prosecutors' intentions (Grice, 1975) to the end receiver (witnesses or accused persons). These additions thus demonstrate court interpreters' pre-occupation with achieving successful communication and their preparedness to violate Hoffman's (1994) guidelines for interpreters which require verbatim translations.

7.2.4 Emphasising additions featuring deixis (pronouns)

Another category of additions I identified are those featuring deixis (Halliday and Hassan, 1994). In linguistics, deixis refers to the phenomenon wherein 'understanding the meaning of certain words and phrases in an utterance requires contextual information' (Halliday and Hassan, 1994: 211). Such contextual information referred to by deixis is that of person, place, and time. Apart from these, discourse deixis, also referred to as text deixis, is also common and refers to the use of expressions within an utterance to refer to parts of the discourse that contains the utterance – including the utterance itself. All the elements of deixis shown below were identified in the target language texts but not in the source language texts and were, therefore, seen to emphasise information relating to person, place, time and parts of the courtroom

discourse as shown in Examples 13 to 16 below. The use of deixis in the examples, coupled with elements of non-verbal communication such as pointing (shown by speech in double parenthesis), could be explained in terms of Grice's (1975) maxim of manner which refers to when the interpreter tries to be clear and orderly in what he/she says and avoids obscurity and ambiguity.

Example 13: Pronouns and non-verbal activity

Speaker	**SL utterances/Interpretations**	**English gloss**
PP	How old was the complainant by then↑	
I	***((****Iye wenyu uyu****))****anga aine makore mangani panguva iyoyo*↑	How old was this child of yours at that particular time?

The emphasis in the phrase *"Iye wenyu uyu"* (This child of yours) in the interpreter's rendition is not explicitly stated in the public prosecutor's question. The use of the personal pronoun *"Iye"* and the demonstrative pronoun *"uyu"*, coupled with pointing as a non-verbal activity, could be argued to be the interpreter's strategy to avoid ambiguity or even obscuring the referent in the public prosecutor's question. The same explanation holds true for Examples 14 and 15 below.

Example 14: Pronouns and non-verbal activity

Speaker	**SL utterances/Interpretations**	**English gloss**
M	I notice you have a document which you are holding Is it the defense outline or what↑	
I	*Mune chipepa chamuinacho ((ichocho)) Chineyi*↑	You have that document in your possession, what is contained in it?

Example 15: Pronouns and non-verbal activity

Speaker	**SL utterances/Interpretations**	**English gloss**
PP	In formulating that opinion, the State has considered the relationship	

	between the witness and the accused… natural father and daughter.	
I	*Pakusvikawo pakutaura kwakadaro, vanamuchichisi vaonawo hukama huri pakati **((**penyu imi musungwa nemwana iyeye**))**mumhan'ari uyu kuti mwanasikana wenyu chaiye*	In formulating that opinion, the state has taken into consideration the relationship between you the accused and this particular child, the complainant, who is your biological daughter
PP	We have also taken cognisance of the cultural background of both the accused and the complainant that this is almost taboo in our society for children to discuss sexual matters before their parents.	
I	*Chimwewo zvakare chaiswa mupfungwa navamuchichisi ndechokuti tsika yedu yechivanhu inotirambidza ((isusu)), inoti zvinoyera kuti mwana ange achitaura zvinhu zvakaita ((sezvizvi)), zvakawanzika ((sezvizvi)) pameso pevabereki kunyanyisisa mwanasikana pana baba*	Another factor considered by the state is the fact that our traditional culture forbids us because it is taboo for a daughter to discuss such sexual matters like these we are faced with in front of her parents, especially so when it is a daughter and her biological father

Examples 14 and 15 above demonstrate a uniform and consistent use of elements of deixis by the interpreters aimed at achieving successful communication. These elements of deixis, together with the non-verbal elements of communication, are testimony to the fact that the court interpreters are participants who actively respond to the reality of the interpreting situation.

7.2.5 Emphasising additions enhancing witness testimony

Like Morris's study of the Demjanjuk trial in Israel (1989), cited in Morris (1995: 19), the additions in Examples 16 and 17 demonstrate that there is "a tendency for court interpreters to smooth out witnesses' testimony, and hence enhance their testimonies". Thus, Morris (1995) observes that speakers' hesitations, unfinished sentences, grammatical mistakes, slips of the

tongue and other speech defects were treated by the court interpreters "both on a personal level and according to the status of the speaker" (Morris 1995: 39). This is in contravention of Hoffman's (1994) rules for court interpreters which states that utterances must be reproduced by the court interpreter "even at the risk of the interpreters themselves sounding incompetent".

Example 16: Enhancing the witness' testimony

Speaker	**SL utterances/Interpretations**	**English gloss**
PP	Then what happened	
I	*Chiyi chakazoitika*	Then what happened
W	*Kushure kwaizvozvo ndakazoti <kuma…, tingangoti kuma three> ndatopedza hangu washeni, ndikati <aah, mwana aita sei> ndikatogeza Kumashure kwokugeza paye, mwana ndopaakabva auya*	After that, I decided around about… <let's say around 3 p.m., >when I was done with my laundry, and said <aah, what could be holding back this child> but I went on and took a bath after which the child arrived
I	Around three o'clock, after I had finished my laundry, I decided to take a bath and that is when the child came	

The witness' testimony in Example 16 above is characterised with hesitations and disfluences. Surprisingly enough, these disfluences do not appear in the interpreters' rendition. The above is evidence that interpreters sometimes smooth out the speech styles of courtroom participants. But while the obvious covering up of the non-verbal features of communication in the interpreters' rendition serves to enhance the witness' testimony, it may potentially leave out certain aspects important in witness evaluation and the trial process as a whole. The same could also be said of Example 17 below.

Example 17: Enhancing the accused's defence

Speaker	**SL utterances/Interpretations**	**English gloss**
A	*Aah, <ndinozviramba>◦*	Aah, <I deny the charge>◦
I	I deny the charge	

In Example 17, the interpreter's rendition also seems to enhance the accused's speech style. What appears to be an uncertain denial is converted into a firm denial by the interpreter, thus potentially affecting the trial process. Although the interpreters' behaviour in Examples 16 and 17 could be seen as a violation of Grice's (1975) maxim of quality, where one is expected to be truthful, the kind of impact these additions might have is what Pym (2008) refers to as 'low-risk' additions as they do not significantly impact on the intended message; i.e. denying the charge communicated in Example 17.

7.2.6 How interpreters deal with discourse markers

Discourse markers, such as *well, now* and *see*, are common in everyday oral communication, yet very few speakers are ever aware of the presence of these in their own speech, as studies by Hale (1999, 2002) and Grabau and Gibbons (1991) reveal. And even when these markers carry no propositional content, they are important in portraying a speaker's intentions and adding tone and force to their utterances. Hale (2004) examines the speech of lawyers and its rendition by interpreters by investigating the treatment of three discourse markers, namely *well*, *now*, and (*you*) *see*. Hale's (2004) findings show that lawyers use *well* and *see* to preface questions during cross-examination, while *now* is used primarily during the examination-in-chief. However, interpreters are found to omit these discourse markers "almost systematically" when they translate the lawyers' questions into Spanish (Hale, 2004:62), as shown in the example below.

Example 18: Treatment of discourse markers in English and Spanish courtrooms

1. **Question: Well**, you were yelling and screaming at this stage, weren't you?
2. **Interpreter:** *Usted estaba gritando y y y ah hablando en voz alta en ese momento, no es cierto?* (You were screaming and and and uh speaking in a loud voice atthatmoment, isn't that right?)
3. **Answer:** *Absolutamente. nothing, no nada.*
4. **Interpreter:** Absolutely nothing, no.

Example 18 above from Hale's (1999: 61) study demonstrates that discourse markers (like **well** in the question above), as well as other hedges and fillers in the source language texts, are often minimised or completely omitted in interpreters' Spanish renditions. Hale (1999) attributes these omissions to a presumed neglect of the importance of discourse markers, as well as a lack

of pragmatic correspondening discourse markers in Spanish. Hale (2004) further suggests that the omission of the discourse markers used by counsel to preface their questions will inevitably change "the illocutionary force or strength with which the question is asked" and that "a change of force can have a possible change of reaction" (Hale, 2004: 86). In the end, Hale (2004: 114) argues that "these subtle linguistic changes in the interpreters' renditions can have pragmatic significance on the message".

Findings from this study seem to confirm Hale's (2004) findings regarding how court interpreters deal with discourse markers. Of the total 88 discourse markers, such as "well", "very well" and "now", attributed to the magistrate and the public prosecutor, only 27 appeared in the interpreters' renditions. Although English discourse markers have Shona equivalents, these discourse markers disappeared almost entirely in the interpreters' target texts. Below are short extracts which demonstrate this.

Example 19: The disappearance of discourse markers in interpretations

Speaker	**SL utterances/interpretations**	**English gloss**
PP	Well, we may proceed if that's the case Any objections accused↑	
I	*Une chekupokana nacho here pane zvakumbirwa nava muchuchisi*↑	Is there anything raised by the prosecution you would want to object to?
A	*Kwete*	No

Example 20: The disappearance of discourse markers in interpretations

Speaker	**SL utterances/interpretations**	**English gloss**
M	Very well, thank you **(.)** You may take your seat accused	
I	*Chigarai henyu pasi*	Sit down

The disappearance of the discourse markers occurring here could not be attributed to the fact that discourse markers, like "very well", lack equivalences in Shona, but probably occurs because the interpreters think of them as superfluous. This is because, when not interpreted, the omission of the discourse markers in the Shona interpretations does not significantly change

the meaning, and hence, the force of the source language message. It was only in rare cases, where certain interpreters were found to be very particular about every little and subtle detail in source language texts, that these discourse markers were interpreted. The extract below is a case in point.

Example 21: The maintenance of discourse makers "well" and "now"

Speaker	**SL utterances/interpretations**	**English gloss**
PP	The accused used to reside at the residence where you also rented accommodation↑	
I	*Musungwa aimbogarawo pamairoja*↑	The accused once lived at the same place you also rented accommodation?
W	*Hongu*	Yes
I	Yes	
PP	Are you still staying there YOURSELF↑	
I	*Imi ndipo muchiri kugara*↑	Are you still living there?
W	*Kwete*	No
I	No	
PP	You moved out	
I	*Makabva*↑	You left?
W	*Hongu*	Yes
I	Yes	
PP	Well, we are talking of the incident of twenty-nine November twenty-twelve…	
I	*Zvino, pano tiri kutaura nezvechiitiko chemusi wa* twenty-nine November twenty-twelve…	Well, here we are talking about the incident of twenty-nine November twenty-twelve…
W	Hongu	Yes
I	Yes	

PP	Now, tell us everything (.) including how you got to know about it	
I	*Iko zvino,chinyatsotitaurirai zvese zvakaitika kuti muzoziwe nezvechiitiko ichi*	Now, tell us everything that happened up to time you got to know about this incident

So, contrary to Examples 19 and 20, as well as Hale's (1999, 2004) observation that court interpreters systematically omit discourse markers in English and Spanish courtrooms, the interpreter in the above extract captures all the discourse markers used by the public prosecutor. When I further investigated this interpreter, I found out that he is passionate about interpreting and captures even the most of subtle detail in his interpretations. In the interpreters' own words, "Everything said in court is important. *What* is said is as important as *how* it is said".

7.2.7 How interpreters dealt with changes in footing

Goffman (1981: 227) defines *footing* as the "alignment of an individual to a particular utterance, whether involving a *production format*, as in the case of the speaker, or solely a participation status, as in the case of a hearer". Thus, a person's footing concerns the relation between him/herself and an utterance to which he has some kind of access, whether as speaker or hearer, and a switch in footing is therefore a change of his relation to that utterance, expressed in the way he/she manages the production or the reception of it. Goffman (1981: 128) observes that "participants over the course of their speaking constantly change their footing, these changes being a persistent feature of natural talk". In other words, participants in interaction adopt different roles and attitudes towards each other, or towards the interaction, which are subject to constant renegotiation, and therefore constantly shifting. It is thus not unusual to find participants' footing shifting during talk. In the case of the current study, interpreters constantly changed their footing through eye contact, posture and pronouns of address. In the example below, the interpreter shifts from the indirect (third person) form of interpreting to a more direct (second person) form.

Example 22: Changes in the interpreter's footing

Speaker	**SL utterances/interpretations**	**English gloss**
PP	You are charged with one count of rape The circumstances are that on the	

	twenty-ninth of November twenty-twelve at house number xx Chikanga phase two, Mutare, you E.M intentionally and without any right had sexual intercourse with I.M. without her consent	
I	*Mhosva yauri kupomerwa ndeyekubata chibharo (.) Zviri kunzi izvo musi wa*twenty-nine November twenty-twelve *pa xx Chikanga phase two muno maMutare, iwe E.M. wakaita I.M. mukadzi asi I.M. wacho akanga asina kubvumirana nazvo*	The crime you are being accused of is rape. It is alleged that on twenty-nine November twenty-twelve at xx Chikanga phase two here in Mutare, you E.M had sexual intercourse with I.M but I.M had not consented to it
I (to court)	Charge put to the accused person Your Worship	
M	How do you plead↑	
I (to accused)	***Wa****inzwisisa here mhosva yawakatarisana nayo zvakare unoibvuma here kana kuti unoiramba*↑	Do you understand the charge you are facing and do you accept or deny the charge?

The interpreter in the above extract shifts from the indirect form of address *"zviri kunzi"* (it is alleged) in which she distances herself from the charge being put to the accused, to a more direct form when she uses the second form indicated by such pronouns as *"wa-"* and *"u-"* (you). Since primary speakers opted for the direct style as a rule, the interpreter's choice of the indirect, third person style in her renditions of these responses was certainly the result of a free, and conscious, choice. The ethical guidelines mentioned previously do not specify rules on this particular kind of interpreter behaviour, but the question is whether, by almost persistently rendering utterances in the indirect, third person style, an interpreter truly complies with the principle of *accuracy and completeness*, or with the principle of *impartiality*, for that matter, which requires, among other things, that an interpreter functions as a neutral and objective language intermediary, remaining professionally detached from the principals in the case. Of course, by using the indirect, third person style, the interpreter is able to create a certain distance

between him/herself and the alleged crime (Mason, 1999; Harris, 1981). Consequently, considering that the alleged crimes in the trials in this study are related to rape and the witnesses thus allegedly victims of rape, the interpreters in may have changed footing deliberately in order to create a distance between themselves and what was likely to be both stressful and sensitive testimonies. Apart from this conscious effort, 18% of the interpreters in my investigation claimed that they were taught to use this style and that they felt uncomfortable rendering utterances made by the more powerful court players (magistrates and public prosecutors) in the first person. They also indicated that they do not feel comfortable using the first person for utterances spoken by defendants and witnesses in rape trials, and that whenever possible they deliberately opt for the indirect style. Nevertheless, the above demonstrates that changes in footing, as reflected in shifts in the use of pronouns of address, are common in interpreter-mediated communication in face-to-face interaction.

Goffman (1981: 226) suggests that speakers may assume or be ascribed one of the following three production roles: *animator*, the sounding box from which utterances come; *author*, responsible for putting together or composing the expressed utterances; and *principal*, carrying full responsibility and authority for the expressed utterances. In her study of dialogue interpreting encounters, Wadensjö (e.g. 1992; 1997; 1998) expanded Goffman's terms and furthered his analysis to include listeners. Thus, in developing the notion of *reception format* so that production format is linked to the speaking side, Wadensjö (1998: 92) suggests the following three reception roles that listeners may assume or which may be ascribed to them: *reporter*, listening in order to repeat a speaker's words without assuming responsibility for them; *responder*, listening in anticipation of speaking as a primary participant; and *recapitulator*, listening in order to give an account of what was said as animator or author. An interpreter may adopt all three roles at various stages in an exchange, not only as the result of a free choice, but also as a reaction to primary speakers' beliefs about what constitutes the appropriate interpreter role, which is evidenced by the way they choose, consciously or unconsciously, to address each other. Wadensjö (1997: 48) observes that there are four possibilities: 1) third person indirect style (he, she, they, one); 2) first person inclusive, direct or indirect style (we); 3) second person, direct style (you); or 4) no address form (no pronouns). Not surprisingly, the data collected for this investigation also presented various examples of this kind of behaviour as shown in the extracts below.

Example 23: Changes in footing

Speaker	SL utterances/interpretations	English gloss
M	At this point in time we are only making reference to the doctor's medical report and NOTHING ELSE, unless you seriously need the doctor to explain something in the report in question	
I	*Iko zvino tiri kungotaura nezvetsamba yachiremba chete kuti pane pamusina kunzwisisa here pamungati chiremba auye kuzotsanangura kuti ari kureva kuti chii Asi tsamba iyi haina zita renyu kuti mwana akararwa nanhingi, chiremba ari kungotaura zvaakaona pamwana iyeye*	For now we are only talking about the doctor's report so that if there are issues you don't understand the doctor can be called to come forward and explain. But this report does not name who raped the child, the doctor simply reported what he observed on the child

7.2.8 How interpreters dealt with lexical sophistication

One common parameter of speaker style is lexical sophistication. Lexical sophistication allows us to determine the range of vocabulary used in the corpora. A higher proportion of the most frequently occurring English words in the analysed corpus indicate a narrower range of vocabulary; i.e. greater lexical simplification. The list of the 200 most frequent words in English identified by Stubbs (1996: 36-37) and used by Laviosa (1996: 119) in her examination of translational English include:

> a, about, after, again, against, all, also, always, an, and, another, any, are, around, as, at, away, back, be, because, been, before, being, between, both, but, by, came, can, children, come, could, course, day, did, didn't, do, does, don't, down, each, end, er, even, every, fact, far, few, find, first, for, from, get, go, going, good, got, great, had, has, have, he, her, here, him, his, home, house, how, i, i'm, if, in, into, is, it, its, it's, just, kind, know, last, left, life, like, little, long, look, looked, made, make, man, many, may, me,

mean, men, might, more, most, mr, much, must, my, never, new, no, not, nothing, now, of, off, oh, old, on, once, one, only, or, other, our, out, over, own, part, people, perhaps, place, put, quite, rather, really, right, said, same, say, says, see, she, should, so, some, something, sort, still, such, take, than, that, that's, the, their, them, then, there, these, they, thing, things, think, this, those, though, thought, three, through, time, to, too, two, under, up, us, used, very, want, was, way, we, well, went, were, what, when, where, which, while, who, why, will, with, without, work, world, would, year, years, yes, you, your.

According to Gibbons (2004), a careful choice of words has always been recognised by lawyers to be a powerful strategy. One of the classical examples that is cited in sources on language and the law comes from an experimental study done by Loftus and Palmer, cited in Loftus (1981), in which subjects viewed a video on a car accident. Subsequent to watching the film, half of the audience members were asked the following question: "About how fast were the cars going when they smashed into each other?" The other half of the subjects had to answer a slightly different question: "About how fast were the cars going when they hit into each other?" The verb "smash" is thus substituted with "hit". On average, the first group of subjects estimated that the speed of the cars were about 5.2 miles per hour higher. This also proves that vocabulary can be effectively exploited during witness examination.

Cotterill (2004) introduces the term *lexical landscaping* to refer to the cross-examination tactic when counsels intentionally incorporate into their questions words that semantically fit their interpretation of events. This can be done throughout the entire cross-examination or parts of it. In the study, Cotterill (2004) reports on a domestic violence case in which the counsel persistently questioned the victim about why she did not leave the flat immediately after violent incidents caused by her husband.

Although I did not compare my data with the list of the most frequently occurring words in English to determine the actual range of vocabulary as in the study described above, I used insights from the above mentioned studies to examine the style of three public prosecutors. Of these public prosecutors, two were male and one female, but they all prosecuted in rape trials. When I examined the conduct of the State's case and the examination-in-chief, for instance, the female public prosecutor was found to emphasise the seriousness of the charge faced by the accused and the way the accused raped the victim by using phrases such as "whatsoever",

"again", "desperate/desperately" and "very serious" more than her male counterparts. The female public prosecutor's style was also characterised by a more frequent occurrence of words such as "so", "then", "just" and "right". These words were mainly used to preface questions.

I also examined the interpreting styles of two interpreters (one male and one female) and again discovered that the female interpreter's style was characterised by a higher occurrence of reporting verbs, such as *"muri kuti"* (you are saying/alleging), *"kwanzi/hanzi"* (he/she says/alleges), *"zviri kunzi"* (it is being said/alleged), and *"zvinonzi"* (it is said). Although I could not make a connection between the differences in style to gender, I was able to reach the conclusion that these features were "idiosyncratic" (Kajzer-Wietrzny, 2013) and that individual interpreters are relatively consistent in their use of language with respect to repetitiveness, informativeness and lexical sophistication.

7.2.9 How interpreters dealt with factuality

Factuality frequently stands out as a feature of courtroom interaction. According to Gibbons (2004), and closely observed by Rigney (1999: 91), factuality maximises the level of coerciveness in questions because the information embedded in the question is presented as a truthful fact. Factual questions such as "Is it true that you lied to the police?" or "As a matter of fact, did you lie to the police?" are very common instead of the simple yes/no question "Did you lie to the police?" In the example below, the question put to the witness is, "But you went on to approach him. Did you?" instead of the simple form "Did you still approach him?" which could have been used as the example below shows.

Example 24: Factual questions

Speaker	**SL utterances/interpretations**	**English gloss**
PP	Did you confront the accused	
I	*Makaenda kundoona musungwa nenyaya iyi here*↑	Did you approach the accused about this issue?
W	*Kwete*	No
I	No	
PP	Why	
I	*Nemhaka yei*	Why?

W	*Nokuti aida kushandisa chisimba chekuti ndokurowa*	Because he was hostile and threatened to use force, to assault us.
I	Because he had initially threatened to use force and beat us up	
PP	But you went on to approach him. Did you↑	
I	*Makangoenda zvakadaro kunomubvunza nezvazvo*↑	You went on to confront him about it?

Here we see how the form of the public prosecutor's question is changed from a factual question into a simple question, thereby compromising the prosecution's strategic use of questions.

7.3 Down-toning additions

The additions in this category have the opposite function of emphasising additions, because they serve to down-tone, or decrease, the force of the utterance, or part of the utterance, in the source language. The interpreter may down-tone by including one or more items in her target language texts which were not present in the source language text. Down-toning additions identified in this category are explained in the section below.

7.3.1 Down-toning additions with an impact on the modality of SL messages

Additions identified in this category appeared to function as modal verbs or hedges. In Examples 25 and 26 below, the interpreters' preferred word forms were ones which expressed uncertainty, thereby down-playing the force of the source language utterance. For Gibbons (1993: 100), modality can be understood either in terms of directness/indirectness (for example "Take a seat" is more direct than "You may take a seat"), or in terms of embedding information in a modal verb frame ("Could you tell us what the colour of the car was?" is more polite than "What was the colour of the car?") (See also Gibbons, 2004). In courtroom questioning, modality is used to establish pre-conditions for more specific questions as modality decreases coerciveness (Rigney, 1999: 87)

In Example 25, the verb "*mungachigara"* (You may take your seat), is not availaible in the source language text, but appears in the interpreter's renditions, down-toning the force of the magistrate's utterances. The same holds true for the verb "*mungachibuda"* (You may go out) in Example 26, and as indicated below.

Example 25: Changes the modality of the magistrate's speech

Speaker	SL utterances/Interpretations	English gloss
M	Very well, thank you Take your seat accused	
I	*Mungachigara zvenyupasi*	You may take your seat

Example 26: Changing the modality of the magistrate's speech

Speaker	SL utterances/Interpretations	English gloss
M	Very well, thank you **(.)** Please step down.	
I	*Mungachibuda henyu panze muchazodaidzwazve kana tichikudai*	You may go out and you will be called back if there is need

In the exchanges in Examples 25 and 26, the interpreters prefer word forms which express uncertainty, thereby down-playing the force of the source language utterance. Saying "Take your seat accused" is obviously different in force to saying "You may take your seat" (Example 25). In courtroom questioning, modality is used to establish pre-conditions for more specific questions as modality decreases or increases coerciveness (Rigney, 1999: 87). In the above renditions, the interpreters' preferred modality reduced the coerciveness of the magistrates' directives. Although the magistrates' source language utterances are different to the interpreters' renditions in terms of coerciveness, they nevertheless have the same communicative intention; i.e. to direct the accused to perform a particular speech act.

7.3.2 Down-toning additions with an impact on non-verbal aspects of SL messages

Related to the above down-toning additions are additions which affect the way in which witnesses present their answers. These additions highlight the fact that it is not only the content of the answer that is important when forming an impression of a witness, but also the way in

which such information is presented. This is what is commonly referred to as speech style, register or form (O'Barr, 1982; Berk-Seligson, 1990 and Hale, 2004). Non-verbal elements of communication are important in this regard. As Hale (2004: 112) points out, while the "illocutionary point of an utterance remains intact, the illocutionary force is likely to be reduced" if aspects of speaker style, including non-verbal elements, are not accurately interpreted. In the context of the courtroom, the consequences of even relatively subtle pragmatic changes introduced by non-verbal aspects in the interpreting process can destroy a speaker's pragmatic intention.

In Examples 27 and 28 below, the focus is on probing interpreters' target language texts in terms of whether they rendered pragmatically correct interpretations in terms of both the propositional content and style of the message (Moeketsi and Wallmach, 2005). Aspects of non-verbal communication found in source language texts, such as hesitations, reduced speaking speed and volume, are often regarded micro level aspects and thus peripheral, but are important aspects courtroom reality (Hale and Gibbons, 1999).

According to Hale and Gibbons (1999), two layers of reality are manifested in the courtroom: 1) that of the court itself, the courtroom reality; and 2) that of the events under examination in the case, the external reality. Pym (2008), points out that although interpreters sometimes interpret language referring to the events outside the courtroom faithfully, they may persistently introduce subtle changes in their renditions of the courtroom events. Such changes in verbal and non-verbal features of source language texts may, for instance, have significant influences on evidence and the outcome of the case, as illustrated below.

Example 27: Changing non-verbal aspects of the accused's speech

Speaker	**SL utterances/Interpretations**	**English gloss**
M	How do you plead↑ to the charge	
I	*Munoti chii↑ nenyaya yamakatarisana nayo Munoibvuma kana kuti munoiramba mhosva iyi*	How do you plead to the charge you are facing Do you plead guilty to the charge or you deny the charge↑
A	*(...hhh) Handiizivi◦*	(…hhh) I do not know◦
I	I deny the charge	

Example 28: Changing non-verbal aspects of the accused's speech

Speaker	SL utterances/Interpretations	English gloss
PP	The second is that on the third of September twenty twelve and at house number xyDangamvura Township Mutare, M.L.M unlawfully↑ and intentionally↑ had sexual intercourse with B.V without her consent	
I	*Zvinonzi mune yechipiri, uri musiwa* three September twenty twelve *panhamba xy Dangamvura Township imo maMutare zvakare iwe M.L.M wakaita zviri kunze kwemutemo↑ ndokukwira B.V musina kubvumirana naye (.) Unoti chii nemhosva iyi*	It is alleged that in the second episode, being the 3rd of September twenty twelve at house number xy Dangamvura Township in Mutare again, you M.L.M acted against the law and sexual intercourse with B.V without her consent. How do you plead to this charge?
A	*(...hhh) Aah handiizivi*	(…hhh) Aah I deny the charge
I	l deny the charge	

What Examples 27 and 28 above illustrate is the fact that interpreters may significantly change non-verbal features of source language discourse in their interpreted portrayal of the courtroom reality. Whereas the "machine notion" of the interpreter would expect the interpreter to faithfully convey the message in terms of "what is said" and "how it is said" (Hoffman, 1994), the interpreters in the above examples consistently ignored the non-verbal aspects of the source language utterances. The reason could be that the interpreters in the exchanges shown in the above examples regarded the non-verbal aspects as superfluous and without an effect on the target language message. However, altering non-verbal aspects of utterances has been seen to have an impact on the message and the delivery of justice (Hale, 2002).

7.3.3 Down-toning additions with an impact on a defendant's credibility and rights

In this category are down-toning additions which arise from the addition of certain linguistic elements on source language texts. These may be verbal and non-verbal elements which have

the effect of threatening the defendant's face and, as a result, their credibility and rights in the trial process. Approaching the pragmatics of interpreting from the perspectives of politeness and negotiation of face, Mason and Stewart (2001) make worthwhile contributions to the understanding of the pragmatics of courtroom interpreting. By comparing two very different events, namely the cross examination of a Spanish-speaking witness in the O.J. Simpson trial in the U.S. and interviews by immigration officials of illegal Polish immigrants, Mason and Stewart (2001: 64) are able to show that the "inherently face-threatening nature of the events themselves (the witness whose credibility is being undermined, the immigrant who is about to be deported) leads to a great deal of face-work in the speech of the questioner and the interviewee alike". The conclusion they draw from these triadic speech events is that face-threatening acts are frequently modified in the act of translating, irrespective of the style of interpreting adopted. In the example below, the point of contestation is the verb "*kuverenga"* which is "to read" in English. The interpreter alters the accused's response "I cannot read in English to I cannot read Your Worship" which protects the magistrate's face, but threatens the accused's face by making the accused seem less sophisticated and illiterate, and thus also hence less credible.

Example 29: The accused's credibility

Speaker	**SL utterances/Interpretations**	**English gloss**
I	*Hamugoni kuverenga*↑	You cannot read↑
A	*Nechirungu handigoni*	I cannot read in English
I	I cannot read Your Worship	

The interpreter's rendition in Example 29 above has the effect of down-toning the accused's defence. The accused person in the above example said *"Nechirungu handigoni"* (I cannot read in English) but the interpreter renders it as "I cannot read your Worship". If someone is illiterate in English it does not, in any way, make them illiterate in every other language. In a similar way, the interpreter in Example 30 below misinterprets the source language text by adding non-verbal features which cast doubt and uncertainty to the magistrate's question and thus threaten the rights of the defendant to a fair trial. Although the interpreter seems to view such aspects as part of the speaker's objective, the inclusion of these verbal and non-verbal features certainly makes the magistrate's question powerless (Berk-Seligson, 1990; Hale, 2004) as shown in the interactions. The example shows that interpreters generally add

powerless features by using language that expresses uncertainty and reduces the speaking speed in their interpretations, thereby weakening the accused's defence.

Example 30: The accused's rights

Speaker	**SL utterances/Interpretations**	**English gloss**
M	Now, what do you intend to do Do you want to be allowed your three days' notice or do you waive your right to notice	
I	*Saka iwewe uri kuda kuti upuhwe mazuva matatu iwayo okuriwona here kana kuti uri kungoti hako<haa-a kodzero yokuriona mazuva matatu handineyi hangu nayo, ingoriisayi henyu pamberi pedare>*	So do you want to be allowed your three days' notice to study the exhibit or you are just saying < well, ah I can ignore that right, just go ahead and admit it before the court>

The example above shows that interpreters generally add features of powerless speech. In this case, the effect it had was that of weakening the accused's defence. This is illustrated when the interpreter renders the message as "*<haa-a kodzero yokuriona mazuva matatu hangu handineyi nayo, ingoriisayi henyu pamberi pedare>"* (< well, ah I can ignore that right, just go ahead and admit it before the court>). This rendition, apart from expressing uncertainty, has an effect on the rights of the accused as it strips the accused person of his right to notice.

The additions identified and discussed in Examples 2 to 30, classified broadly as emphasising and down-toning additions, could be related to the special nature of the court interpreting process. The additions could have been motivated by reasons which can be broadly viewed as falling under two, namely courtroom conventions and interpreters' preoccupation with achieving successful communication. In my view, although some of the emphasising and down-toning additions could be attributed to the interactional dynamics in the courtroom characterised by complex face-works (Goffman, 1981) and the unequal power-play between participants, the majority of the categories of emphasising and down-toning additions identified above could be attributed to the interpreters' preoccupation with conveying speaker meaning, and doing so to a point when they either emphasise or down-play the source language's

propositional content and style. In other words, it is possible to argue that the interpreters included these additions based on their impulsive perception that end receivers would not be able to identify implicit information in the SL, but would be able to infer it through a mediated interpretation.

7.4 Omissions

Omissions were analysed to determine whether or not court interpreters left out information which was present in the source language during interpretation (Hale, 2004; Pym, 2008). On a small scale, that is, at clause or sentence level, an omission is the leaving out of a word, phrase or clause in a target language text that is present in the source language text. On a larger scale, omissions are also the non-interpreting of evidence given in English by a witness when the accused has chosen to use Shona. Hoffmann's (1994: 34-35) Rule 3 on omissions specifies that:

> The interpreter shall not omit or fail to interpret any part of any utterance because it is not understood by him [*sic*], or because he thinks it should not be interpreted, unless he informs the bench of his omission.

According to Hale (2004), omissions can have a negative impact on the accused/witness because they may miss crucial information and this could have disastrous repercussions for them. Hoffmann (1994: 36) goes on to state that the interpreter must interpret everything transmitted to him/her, and that it is not up to the interpreter to decide what is relevant or not. However, it is important to note that omissions may not be the result of a conscious choice on the part of the interpreter. Hoffman was not a sociolinguist and may thus not have thought about situational constraints affecting the interpreting process, such as those typical of interpreting in a court of law. According to Svongoro and Kadenge (2015), interpreting is about hearing as much as about speaking, rendering obvious the fact that interpreting is a representation of the language spoken by another speaker. This is not to say that omissions are forgivable, because it is important that everything is transmitted, both from the accused or the witness to the court, and from the court to the accused (and witness). Thus, an analysis of omissions is important because they may have very serious consequences as shall become clear below.

7.4.1 Ellipsis of the courtroom and external realities

As mentioned already in Chapter 2, Hale and Gibbons (1999) examined how different realities are represented through the use of language in Australian courtrooms. According to Hale and Gibbons (1999), two layers of reality are manifested in the courtroom: 1) that of the court itself, the courtroom reality; and 2) that of the events under examination in the case, the external reality. Hale and Gibbons (1999) observed that while interpreters tend to faithfully interpret language referring to the external reality, there are consistent and significant changes in their interpreted representation of the courtroom reality. Such changes may have immense influences on evidence, as well as the outcome of the trial.

Drawing on court transcripts used in this study, I observed that the courtroom reality is frequently either ellipted or diminished in the target language texts. In Example 31 below drawn from the English-Shona transcripts, the word "court" is frequently omitted in interpreters' renditions. In other words, the word "court" is systematically ellipted, such that while there is reference to "the court" in the English source, there is no reference whatsoever to "the court" in the translation. Example 31 below is illustrative of this:

Example 31: Deletion of 'the court'

Speaker	**SL utterances/interpretations**	**English gloss**
A	But you have already testified here in court that you went to bed first↑	
I	*Asi wamboti ndimi makatanga kunorara*	But you have already said you were the first to go to bed

In the extract above, the omission in the interpreters' translation of the phrase "testified here in court" was found to constitute an omission of the courtroom reality. However, although court interpreters frequently reduce the representation of the courtroom reality, it is not uncommon to find interpreters omitting to interpret the secondary reality; i.e. the 'the version of events' being examined. In Example 32 below, the omission is not only limited to the court reference (the courtroom reality), but a change is also produced by the omission in the interpreters' rendition of the part, "can you tell" which removes the notion of the version of events being examined. According to Hale and Gibbons (1999), the witness in the courtroom is not only asked to tell his/her story, he/she is specifically being asked to tell his/her version of the story

to the court which is bound by the rules of evidence. This layer goes completely missing in the interpretation as shown below.

Example 32: Deletion of the external reality

Speaker	SL utterance/Interpretations	English gloss
PP	Now, can you tell the court about the events of the second encounter	
I	*Chii chakaitika paaakakubata chibharo kechipiri*↑	What happened when he raped you for the second time?

In the above example the part which says "can you tell the court" disappears in the interpretation above. This phrase carries both the version of events (can you tell) and the court reality (the court). This example and many others identified from the corpus demonstrate that not only is the courtroom reality omitted by interpreters, but the external reality is also also omitted in interpreters' utterances.

7.4.2 Ellipsis of the public prosecutor/magistrate's utterances

In the example below the interpreter omitted the magistrate's utterance.

Example 33: Ellipsis of the magistrate's utterances

Speaker	SL utterances/interpretations	English gloss
M	Let me explain to you what the law says (.) In terms of the Criminal Procedure and Evidence Act, this medical report can only be produced if you consent to it, in other words, when you don't dispute the doctor's findings and when you don't have questions to put to the doctor, when you agree to its production without the doctor being called	
I	*Gwaro iri rinogona kuiswa pamberi pedare kana usingapokane*	The report can only be produced in court if you

	nezvakanyorwa mariri uyezve kana wabvuma kuti riiswe pamberi pedare nekuti hauna mibvunzo kuna chiremba akaonawo mwana wacho asina kushewedzwa kuti azopa umbowo kune rino dare	don't dispute to its contents and when you agree to have it produced as evidence and when you don't have any questions to put to the doctor about it and when it is unnecessary to call the doctor to give evidence in this court

In the interpreter's rendition above, the court interpreter omitted to interpret the first sentence by magistrate namely "Let me explain to you what the law says […] In terms of the Criminal Procedure and Evidence Act […]" During trials it is not unusual to find magistrates and public prosecutors making reference to relevant sections of the constitution, statutes and instruments as they inform the decisions they make. By omitting such sections in their interpretations, interpreters may leave out important clauses informing important decisions made by the court as shown above.

Example 34: Omission of utterances by the public prosecutor

Speaker	**SL utterances/interpretations**	**English gloss**
PP (to magistrate)	Your Worship, this is a first appearanceWe therefore do not have any previous record with regard to accused number two	
I (to accused number two)	*Dare raona mumapepa aro kuti hauna kumboparazve mhosva mumashure*	The court confirmed with its record that you have not committed a crime before

In Example 34 the interpreter also omitted the first sentence by the public prosecutor which says "Your Worship, this is a first appearance." This is in breach of an Oath of Office which requires interpreters to interpret truly and correctly (Baker et al., 1980). However, this is not a serious omission because it does not change the meaning of the source language utterance and will thus not prejudice the accused. Although omissions of this kind were not frequent in this

study, this kind of omission is known as a "low-risk" omission (Pym, 2008), as opposed to "high-risk" omission.

7.4.3 Ellipsis of the witness/accused's utterances

For omissions in this category, the interpreters failed to interpret the words of the witness/accused. In Example 35 (Case 2) below (also cited in Svongoro & Kadenge, 2015), the magistrate wanted to know whether or not the mother of the complainant saw the child getting into the bath tub she prepared for her outside the bathroom. The mother was, at the time, having a bath herself. The question concerned the timewhen the mother came out of the bath to open the door for her daughter; i.e. did she come out when she heard her daughter knock on the bathroom door, or did she finish her bath?

Example 35: Omission of the accused/witness' words by the interpreter

Speaker	**SL utterances/Interpretations**	**English gloss**
M	So the child came and knocked the door and then you opened for her or did you finish bathing and then you opened for her or you opened for her there and then↑	
I	*Makatanga mapedza kugeza mukazovhura here kana kuti paakangogugudza makabva matomuvhurira*↑	'Did you finish bathing and then you opened [the door] for her or did you open [it] when she knocked?'
W	*Handina kumuvhurira*. *Ndakati*…"…."	'I did not open [it] for her. I said, "…."'
I	I said to her, "…"	
M	So your evidence is that after you told her that, you completed bathing whilst your child had gone and sat in the dish↑	
W	*Ehe*…	'Yes…'

The omission in the above encounter is crucial (see also Svongoro & Kadenge, 2015). The magistrate asked a question about when, if at all, the witness opened the door. The witness gave an answer to this question (she did not open the door) and went on to tell the magistrate what she did. In other words, she offered more information than was required. It was this additional information highlighted in Example 35 that was not interpreted. The change to the meaning of the utterance is such that the witness was seemingly avoiding answering the question. In terms of Grice's (1975) maxims, the witness breached the maxim of relevance. Unless she was not cooperating, the avoidance must have had some sort of implicature. The magistrate then asked his question again, although slightly differently, presumably to find out exactly what the witness meant. While the majority of the witnesses breached one or more of the maxims (particularly those of quantity and relevance), this particular witness had a higher tendency than others to commit this kind of breach, and it led to confusion on several times. However, this was not expected to result in omitting to interpret the witness' answer to the question.

The second kind of omissions is that of not interpreting part of the court proceedings. Hoffmann (1994: 23) states that the accused has the right to follow the proceedings at all times. The interpreter "should keep the accused informed of everything that takes place. Should any point arise and be discussed, he should be told of the situation". Judgments too should be interpreted. However, during my 92 hours of observation of open court proceedings, it was not uncommon to find that certain points that were raised during the proceedings were not interpreted, or only partially interpreted. In Case 13, for instance (one of the few non-rape cases observed), an elderly man who had previously been found guilty of theft and been sentenced to community service was returned to the courtroom because it had emerged that he had been threatened into becoming an accessory. The magistrate now asked the accused directly if he had been threatened and by whom. When he had received satisfactory answers, he, the prosecutor and the defence counsel discussed the extent of the accused's guilt, as well as mitigating factors. The whole of this discussion was not interpreted. Only when the magistrate gave his revisited judgement and sentence (acquittal) did the interpreter start to interpret again.

In another case observed, Case 17, which was a plea matter, the accused was charged with stealing copper cables (one of the three cases I observed which did not involve alleged rape) and admitted to the charge. The trial proceeded smoothly until after the mitigatory factors had been raised. The accused was a man in his late 60s, but his age had been understated. The accused did, however, have a previous record. The prosecutor embarked on a lengthy debate

about whether imprisonment or community service was appropriate based on the accused's age and on previous convictions. Here too the debate was not interpreted. Only the magistrate's judgement and sentence, which followed after the prosecutor's arguments, were interpreted.

In Case 19, it was the judgement which was not interpreted. What I observed was the closure of a rape case, and what was left when I observed the trial was the judgement and sentencing. The magistrate read out the whole judgement and the interpreter did not interpret any of it. This led me to believe that the accused had chosen to use English in court. However, when the magistrate had finished the judgement, she asked if there was anything the accused would like to say in mitigation, and this was interpreted into Shona. Not only that, the interpreter had to explain to the accused what mitigation means and, a little later on, what a community service sentence entails. The accused's knowledge of English could therefore not be the reason for omitting to interpret the judgement.

With all the evidence presented above, I reiterate my earlier findings (Svongoro & Kadenge, 2015) that omissions seem to have consequences in interpreted courtroom discourse, in the sense that a message may not be communicated as intended. Normally the omission adds unintentional implicature to the message and, in the cases that I observed, the omissions led to the non-communication of information. Interpreting thus failed to facilitate communication between parties.

7.4.4 Ellipsis of first person reference in the Shona interpretation

As noted above, findings of the court data revealed that in order to shun 'the court's' first person references in the Shona interpretation, the interpreters, in addition to interpreting 'the court's' utterances in the third person by using reported speech, are at other times found to omit magistrates' first person references in the Shona interpretation. This is done by omitting either the source language speaker's first person reference (such as "I" in the Shona interpretation); leaving the subject "I" uninterpreted (as in Examles 36 and 37 below); or omitting the entire clause containing such a reference (as in Example 37). It must be noted that although ellipsis is a common linguistic device in Shona where contextually understood information in a construction can be ellipted, the ellipsis of the first person reference in court may have an impact on the intended meaning of an utterance.

Example 36: Ellipsis of the first person in the Shona interpretation

Speaker	SL utterances/interpretations	English gloss
M	I will admit complainant's medical report as exhibit number three because accused person was already served	
I	*Gwaro rachiremba iroro ratambirwa seumboo hwechitatu sezvo iwe wakatoritambira*	The doctor's medical report has been admitted as exhibit number three since you are already in receipt of the same

Example 37: Replacement of the first person with his/her official capacity in the Shona interpretation

Speaker	SL utterances/interpretations	English gloss
PP	I will ask you the same question again (.) How did you tell it was indeed I.M who raped you and not his son maybe↑	
I	*VaMuchuchisi wari kuda kuziwa kuti iwe chakanyatsoita kuti uti musungwa ndiye chete anga arara newe kwete umwe munhu semwana wake chii*↑	The public prosecutor really wants to know what makes you so certain that it is the accused who raped you and not anyone else like his son for instance.

The use of reported speech in Examples 36 and 37 above replaces the magistrate/public prosecutor's first person reference "I" with his/her official capacity as "the magistrate/public prosecutor/the court" (as in Example 37) or the ellipsis/omission of the first person in the Shona interpretation (as in Example 36) demonstrates an effort on the part of the interpreter to negotiate the voices of the powerful participants. As the use of reported speech is generally regarded as unprofessional and as a deviation from the norm of first person interpreting, the ellipsis/omission strategy can be seen as an effort on the part of the interpreter to compromise the need to comply with the norm and to avoid assuming the voice of the SL speaker. In the

case of an ellipsis, where the omitted first person reference can be recovered from the context and there is no possibility of ambiguity, this strategy may be regarded as the interpreter's happy medium, which will render her/him beyond criticism. However, where an omission of the first person reference is likely to result in ambiguity or a loss of information, as in Example 37, caution must be exercised in adopting this strategy.

7.4.5 Ellipsis of non-verbal elements of communication

Below is an exciting exchange in which the public prosecutor was examining the witness. The cross-examination centres on what actually happened when the accused raped the complainant who is the state's witness in this case. As the cross-examination proceeded, the magistrate had to interject to seek clarification on what exactly the accused person was wearing when he entered the complainant's bedroom. The magistrates' question is accompanied by laughter when he says "Just the **@dustcoat** with nothing underneath↑ perhaps" as shown below.

Example 38: Ellipsis of laughter in the Shona interpretation

Speaker	**SL utterances/interpretations**	**English gloss**
PP	Was the accused wearing anything	
I	*Pane zvevakange wakapfeka here iwo baba*	Is there anything the father was wearing?
W	*Wakange wakapfeka dustcoat*	He was wearing a dustcoat.
I	He was wearing a dustcoat	
M	Just the **@dustcoat** with nothing underneath↑ perhaps	
I	*Wakange wane dustcoat chete*↑	He was wearing the dustcoat only?
W	*Hapana chimwe*	Nothing else.
I	It was just the dustcoat only	

The laughter, although not expected of a magistrate, is understandable as many other people in the gallery also laughed. Most people, including the magistrate, found it ridiculous to imagine that the accused person, who was the father of the complainant, either slept in a dustcoat or probably used the dustcoat as part of his regalia for raping his own daughter. However, the interpreter did not capture this laughter which is as an integral part of communication.

7.5 Conclusion

In this chapter, I set out to examine the various pragmatic strategies used by different court players and how these were interpreted by the court interpreters. The chapter also discussed the different motives for the court interpreters' choice of strategies for dealing with source language messages when faced with implicature. Following my identification of the various types of additions and omissions, and my discussion of interpreter considerations, it is possible to conclude that the existence of the various types of emphasising and down-toning additions and omissions in the interpreters' target language texts could be attributed to the their objective of matching speakers' utterances to relevant aspects of context to ensure the retrievability of speaker meaning. Thus, the actual behaviour of the court interpreters in this investigation provided evidence of their awareness of the importance of pragmatics in court interpreting. In this way, the interpreters' renditions as confirmed by my findings support the hypotheses that court interpreters are always conscious of the need to convey the speakers' meaning in full and, because of this consciousness, their renditions will show a variety of additions and omissions.

The various kinds of additions and omissions identified above indicated not only that the interpreters were fascinated with pragmatics; they also suggested that the interpreters were prepared to trespass ethical guidelines as set out in Hoffman (1994) in order to achieve their primary objective of successful interaction. Furthermore, the court interpreters in my investigation did not function as sheer mechanical gadgets (Mason, 2000), simply transferring language products from one language to another. On the contrary, they engaged actively in the communication process in the courtroom in order to reach their primary objective of successful interaction. This chapter makes a significant contribution to the debate on the perception of interpreter roles by advocating a move towards a more holistic account of dialogue interpreting encounters in which all features – linguistic, psychological and contextual – are taken into account so that the interpreters' role and how it impacts on the participation status of other court players and potentially on the administration of justice is better appreciated.

In summary, this chapter is seen as presenting evidence which answers the questions presented in Chapter 1. In the concluding chapter that follows, I will revisit the research questions set out in Chapter 1, summarise the findings, and discuss their pedagogical implications. I will also

make recommendations for best practice for working with interpreters in the courtroom, as well as for further research in the domain of court interpreting.

CHAPTER 8: CONCLUSIONS

8.1 Introduction

In this study I have shown that when two or more interlocutors interact in the interpreter-mediated courtroom encounter, they bring to the interaction their own subjectivity. When this interaction occurs within an institution – the courtroom in the case of this study – it is bound to constrain it and, often times, the institution is a reflection of the society in which it is embedded. In other words, the exchange does not take place in a social void; several forces affect it. These forces, as Angelelli (2004: 30) observes, can be found at the level of the interaction itself, the institution in which it takes place, the society at large, and the interplay of all three levels at the same time.

Given the multiple constraints on interpreter-mediated communication in the Zimbabwean courtroom, I reached the conclusion that the various ways in which interpreters deal with participants' lexical choices, discourse markers, turn-taking and questions forms, as well as the resultant additions and omissions identified in the data, showed that the interpreters in this investigation took a keen interest in pragmatics and also demonstrated that the interpreters were prepared to breach the ethical guidelines set out in Hoffman (1994) in order to achieve their primary objective, namely successful interaction.

This concluding chapter aims to revisit the research questions of the study and present a summary of the findings; discuss the contribution of the study to existing literature on court interpreting; and comment on the strengths and limitations of the study. The chapter also discusses the implications of the findings on issues relating to interpreter training and makesrecommendations for improving the practice of court interpreting. Finally, the chapter identifies areas for future research in court interpreting. In Section 8.2 below, I begin by revisiting the aims of the study.

8.2 Aims of the research revisited

Broadly stated, the aim of the current study was to investigate the conflict between the perception that the court interpreter is a "translating machine" (Hale, 2001) who simply

conveys a message rendered in one language into another; i.e. interpreting the observable reality of the interpreting situation in court. To investigate this conflict I established the following expectations:

(1) That the actual conduct of court interpreters would reveal a preoccupation with achieving successful communication; i.e. with conveying a speaker's meaning to end receipients.
(2) That, as a result of this obsession, their target language discourse would contain a range of additions and omissions.

My research questions were as follows:

(1) To what extent do court interpreters follow the rules prescribed by Hoffmann's (1994) guidelines for interpreters?
(2) To what extent and with what effect do court interpreters sometimes act outside the rules prescribed by Hoffman (1994)?

Guided by these research questions, I then carried out a detailed empirical investigation into the interpreter-mediated communication process during rape trails in the Zimbabwean courtroom.

8.3 Summary of the findings

This study described the bilingual Zimbabwean courtroom as being unusual and showed it to be a unique context in which the court officials in an English-medium trial also speak the language(s) of the accused/witness, although they conduct the trial in the language of the court, i.e. English. This is different from other bilingual settings where court officials do not speak the language of the accused/witness. In such a courtroom, the different court players strategically use various aspects of language which court interpreters have to deal with in their interpretations on a daily basis.

The analysed data comprised transcripts of consecutively-interpreted English and Shona rape trials, questionnaires administered to court interpreters and other court actors, and notes from

hours of observations of court proceedings. The analyses yielded a number of findings which I discuss below.

8.3.1 Changes in pronominal forms

The study showed that interpreters tended to shift from one pronominal form to the other, thus signalling different levels of involvement which might be influenced by the witness or accused's personal story, the attitude of the public prosecutor, or the magistrate and the sensitivity of the rape cases involved in the trials. The interpreter would decide – often unconsciously – whether to speak *on behalf of* (first person) or *about* (third person) the interlocutors. Resorting to the first person, for instance, was seen as indicative of an autonomous intervention by the interpreter, who becomes a full participant, contrary to the unchallenged belief system by court officials that interpreters are merely channels for conveying the message uttered by one speaker into another language for the another speaker (Wadensjö, 1998).

8.3.2 The collocation of key word clouds and key semantic domains with the word 'trial'

The study revealed that most of the content words which appeared as key word clouds in Chapter 6 (see Table 9) all collocated with the word 'trial'. Such content words, in order of significance, included *"musungwa"* (accused), *"mhosva"* (offence/crime/charge), *"mumhan'ari"* (complainant) and *"chibharo"* (rape). Words expressing denial and admission (and which are, therefore, consistent with 'a trial') were also found to be significant among the identified content words. Examples of these words shown in Table 9 in their order of significance include *"hongu"* (for admission), *"handina"* (for denial), *"kwete"* (for denial), and *"aiwa"* (also for denial). These words, which appeared as key words, were later analysed as semantic domains in terms of themes and topics which were also consistent semantically with the domain of a trial. The study therefore illustrated that while most corpus-based tools succeed in describing the linguistic "surface level", Wmatrix can even reach the "below-surface level" through the assignment of semantic tags, which can be regarded as a kind of automatic text interpretation. The concept of keyness is, therefore, useful in automatic text analysis and text understanding.

8.3.3 The force of courtroom questions, discourse markers, modality and non-verbal elements of communication may be altered during interpreting

This study illustrates that court interpreters sometimes significantly changed the pragmatics of courtroom questions which court officials, particularly lawyers, use as tools of manipulation to control witnesses. Apart from lexical choices used by the various court players and how these are dealt with by interpreters, the findings presented in Sections 6.5.1.1 to 6.5.1.4 demonstrate that in the Common Law system, particularly in a criminal trial, the normal role of the prosecution and the defence is to construct different representations of the same story. One such representation aims at a conviction, while the other is aimed at a not guilty verdict. This objective is achieved, among other things, through a conscious tendency on the part of the court to strategically use various question forms to elicit certain responses from the witnesses and the accused persons. Although the court interpreters investigated tried to preserve the pragmatic force of the questions used by the various court actors, the study illustrates that it was frustrating at times for some court officials who spoke both Shona and English to discover that the interpreters tampered with the force of this strategic resource. Furthermore, the various kinds of changes in the speakers' modality, discourse markers and non-verbal aspects of communication discussed in Chapter 7 as constituting either additions or omissions were also argued to have an impact on the courtroom interaction. However, regardless of how they impact on the courtroom interaction, these additions and omissions could also be seen to confirm the notion that the court interpreters in my investigation did not function merely as mechanical accessories (Mason, 2000). On the contrary, it shows that they actively engage in the communication process in the courtroom in order to fulfil their primary objective of successful communication.

8.3.4 The power of court actors is observed in their participant roles

The study illustrates how the presence of other bilingual court actors in the Zimbabwean courtroom impacts on the interactional dynamics and thus on the participation status of individual court actors, as well as how the participation status of the court actors, including that of the interpreter, affects their power and control in the courtroom. The study reveals that the power of a court actor is realised in his/her participant role, as well as the roles ofthe other co-present court actors in interpreter-mediated court proceedings. By comparing and exemplifying the power and control of the court interpreter working with different court actors, the study indicated that the interpreter working with monolingual witnesses and accused persons tends

to have more control over the discourse than the interpreter working with bilingual court actors, such as magistrates and public prosecutors. It is argued that the interpreters' deviation from their ethical code when working with monolingual court actors on the one hand, and their relatively close adherence to it in the presence of other bilinguals on the other hand, is a response to the audience in court. Furthermore, monolingual participants lose their power to the bilingual interpreter and bilingual participants who have the advantage of listening to the same speech twice in both its source language and target language versions. It is thus concluded that the more participant roles one takes on or is capable of playing, the more power and control one has over the communicative act.

8.3.5 Different interpreting styles adopted for different speakers

This study also demonstrated a uniform and consistent shift from the use of direct speech when interpreting lay-participants' speech, to the use of reported speech and ellipsis for interpreting utterances produced by court officials. This was argued to indicate that the interpreting style depends on *who* the source language speaker is, rather than *what* is said by the source language speaker, contrary to what has been widely suggested in other studies (cf. Hoffman, 1994). Findings from the court transcripts seem to suggest a tendency for interpreters to negotiate the voice of court officials. The results of the questionnaire for court interpreters also indicated a sense of unease on the part of the interpreter in assuming the voice of legal professionals as the powerful participants in the court proceedings; i.e. magistrates and public prosecutors. It is thus argued that the adoption of a third person interpreting style for court officials' utterances may have stemmed from the interpreter's consciousness of the power asymmetry in the courtroom and is a response to it. It could also be argued that interpreters deviate from the normative first person interpreting mode to a third person interpreting mode to accommodate the audience. As has been illustrated throughout this study, the Shona interpretation is accessible also to monolingual Shona-speaking spectators in the public gallery, as well as to bilingual court officials. Results of the survey therefore suggest that interpreters do have these audience roles in mind as they showed a reluctance to assume the voice of the court officials.

8.3.6 A change in the court interpreter's role impacts on the participation status of other court actors

The study showed that when interpreters initiate clarifications with witnesses they cease to be the voice of the source language speaker. This was illustrated in Chapter 6, where the

interpreters asked the Shona-speaking witnesses/accused persons clarification questions. Judicial intervention, which is transparent in a monolingual trial, has proved more problematic in the Zimbabwean courtroom. It was observed that judicial intervention often results in inaccuracy and omission in interpretation and thus denies the accused person or the witness and all the other non-English speaking court actors' access to the trial talk in its entirety, potentially impacting on the administration of justice. For these people, whose participation in the trial is disadvantaged, justice is not done.

8.3.7 The interpreting process in the Zimbabwean courtroom is more transparent with the provision of consecutive interpreting and audio-recording

On the other hand, this study acknowledged that the interpreting process in the Zimbabwean courtroom is now more transparent than before as most witnesses have to testify through an interpreter in a trial conducted in English and the legal-lay talk has to be interpreted consecutively in open courts, thus allowing for public scrutiny. Besides, the use of audio-recordings has further enhanced the entire process, making it easier to track the record for any misinterpretation allegation. This inevitably subjects court interpreters to greater scrutiny and, as such, to an increased awareness on the part of the interpreters for the need to perform as required.

8.3.8 The nature of the Zimbabwean bilingual courtroom further complicates the audience

Borrowing from Goffman's (1981) participation and the audience roles, this study illustrated how the notion of audience is complicated due to the presence of other bilingual court actors in the Zimbabwean courtroom. In a courtroom where the interpreter is the only bilingual, he/she has two distinct audiences, one to do with interpretation *into* the court language, and the other *out of it* (Ng, 2013). In the Zimbabwean courtroom nonetheless, the lay-participants requiring Shona interpretation *into* the court language (i.e. English) are usually *not* the exclusively privileged audience of the interpretation, which is accessible also to the majority of the court actors, including the audience in the public gallery and bilingual magistrates and public prosecutors, who may take on additional audience roles as overhearers. In a similar fashion, interpretation from Shona into English might not be exclusive to English-speaking court

personnel, but also accessible to Shona-speaking lay-participants who are bilingual in varying degrees.

8.3.9 On-the-job training for new interpreters

The questionnaires for magistrates, public prosecutors and the court interpreters administered during the survey and the recruitment requirements for court interpreters available from the Ministry of Justice website show that the practice of on-the-jobtraining for new recruits inherited from the early colonial days is still evident in the present-day Zimbabwean courtroom, and that there is no requirement for these recruits to have pre-service training or experience in interpreting.

8.4 Contributions of the study

Below I explain the contributions of the study to the broader field of interpreting studies in general, and court interpreting in particular, as well as to sociolinguistics studies, corpus-based interpreting studies and to the field of forensic linguistics.

8.4.1 Contribution to existing literature on court interpreting

While research on court interpreting (Berk-Seligson, 2002; Hale and Gibbons, 1999; Hale, 2004 and Jacobsen, 2002) has focused on conventional bilingual settings where those who do not speak the language of the court and thus requiring interpreting services are the linguistic minority and where the interpreter is usually the only bilingual in the encounter, this study examined a legal setting in which the majority of the lay participants – defendants, witnesses and spectators in the public gallery – have to rely on the interpretation out of English for their participation in the proceedings and interpreters often have to work with other court actors who share their bilingual knowledge of the source language and target language.

The study is unique as it investigates the interactional dynamics and participation status of court actors in an interpreter-mediated trial in the Zimbabwean courtroom and how they are different from those in the typical bilingual courtroom. The analysis of the participant roles and power of court actors not only helps explain interpreting phenomena in the Zimbabwean courtroom, but can also be used to account for those observed in other bilinguallegal settings, including common law courts in other former British colonies such as Malaysia (Powell, 2008)

and Hong Kong (Ng, 2013). This authentic data-based study of interpreter-mediated trials in the bilingual Zimbabwean courtroom is a significant contribution to the existing literature on court interpreting in the sense that whereas most professional organisations and educational institutions continue to abide by the belief of interpreter's invisibility (Angelelli, 2004) which obscures important aspects of interpreters' power, and prevents them from exploring and understanding the complex role that they play, this study explores, problematises and aims at understanding and describing the ever-complex role of the interpreter.

8.4.2 Contribution to translation, interpreting and sociolinguistic studies

This study illustrates the dynamic nature of interpreting, which is not only a linguistic but also a social phenomenon. Wadensjö (1998) and Roy (2000), have since called for the study of translation (which in a broader sense includes also interpreting) as an act of communication, suggest that since translating "always involves the communication within the context of interpersonal relations, the model for such activity must be a communication model, and the principles must be primarily sociolinguistic in the broader sense of the term." Nida (1976: 79), further notes that "the fact that translating seems to be a very complex operation should not be surprising. Language itself is complex, but the factors involved in human discourse are even more complex"

Roy (2000: 23) suggests that the reason why Nida (1976) advocated a sociolinguistic theory for translation is that the process of translation needs to account for "a myriad of factors" ranging from interpersonal relations, linguistic and extralinguistic features, cultural and social variants, which would influence the way in which a message is formed and perceived. Interpreting, which involves the inclusion of the interpreter in the middle, is much more complex than the text-based activity of translation, which involves more variants. The process of interpreting thus has to account for even more factors, such as the power relations of the interlocutors and the participant roles taken on by them. This study accentuates the dynamic nature of the process of interpreting in the courtroom and that accuracy in interpreting depends not only on the interpreter's competence in preserving the semantic and pragmatic meaning of an utterance, but is also decided by "who does what and to whom" in the communicative process (Roy, 2003: 23). For this reason, this study contributes not only to the field of translation and interpreting, but to the study of sociolinguistics as it explores the default power asymmetry in the hierarchical courtroom and how it might have a bearing on the interpreter's

interpreting styles. It also demonstrates the correlation between power and participant roles taken on by court actors in the courtroom.

8.4.3 Contributions to corpus-based-interpreting studies

The study makes a contribution in the exploration of the role that computerised corpora play in interpreting studies as a whole, and the problems that may arise from applying a corpus-based methodology to the study of interpreting. It has explored some of the ways in which interpreting could be fruitfully investigated with the aid of corpora. The first contribution relates to what Laviosa (1998) refers to as the creation of corpora which would permit not only the study of interpreted texts as distinct pieces of oral discourse, but also the identification of those patterns that distinguish interpreting from other forms of language mediation. The study also showed some of the obstacles that may slow the development of corpus-based interpreting studies, such as the transcription of raw interpreted speech. This process remains costly, despite recent advances in computational linguistics. Besides, transcription sometimes fails to represent and easily access the paralinguistic features (such as prosody andtiming) that uniquely characterise interpreting *vis-à-vis* other forms of oral discourse (Laviosa, 1998).

8.4.4 Contributions to the study of forensic linguistics

The study of courtroom interactions and their implications for the administration of justice is one of the major areas of study in forensic linguistics. This study makes a contribution in the study of forensic linguistics in that it explores how the interactional dynamics as observed in the atypical bilingual Zimbabwean courtroom may impact on the participation status of individual court actors and potentially on the administration of justice. The findings of this study shed light on better court interpreting practice and, in turn, better administration of justice. It will benefit not only interpreters, but also those working with them, in that they are made more conscious of the impact of their actions. The findings will also facilitate court authorities to make better policies relating to the provision of interpreting services in court.

8.5 Limitations of the present study

As was mentioned in the methodology chapter (Chapter 5), the study was largely based on audio-recordings and transcripts of court proceedings. Although an examination of the audio-recordings and the transcripts was supplemented with on-site observations (and thus visual

cues), due to the time constraints the bulk of the data could not be transcribed in full, but had to be done selectively, though the recordings of all the trials had to be listened to multiple times during transcription.

While ethnographic research would have been relevant for the study and could have enabled a more detailed analysis of the data, the physical presence of the researcher in the courtroom undoubtedly impacted on the behaviour of the court participants particularly the court interpreters and hence the findings. The presence of the researcher might have impacted on the behaviour of the interpreter, who might then have become more conscious of the need to abide by the ethical codes or carefully monitor his/her own performance. The researcher's presence might have put them on the alert, which might have rendered the authentic data less natural.

The third limitation of the study relates to transcription. As alluded to earlier on (Svongoro, et al. 2012), transcription is still a labour-intensive process which poses a major methodological hurdle. The difficulty lies not only in the act of transcription itself, but in the fact that certain elements of spoken communication are both so subtle and so subjective as to defy description (Cook, 1995: 51-52; O'Connell et al.., 1993). To strike a balance between what is desirable and what is feasible, it might be more appropriate, for the time being at least, to work with smaller, carefully constructed sample corpora, as suggested by Johansson (1992) with respect to "texts which are not readily available in machine-readable form".

8.6. Recommendations for improving training and the practice of interpreting

Given the uniqueness of the Zimbabwean courtroom, in addition to sensitising interpreters to linguistic and pragmatic aspects as suggested in other studies (e.g. Berk-Seligson,1990; Hale, 2004), interpreter training in Zimbabwean courts should address the specifics of the bilingual Zimbabwean courtroom and should sensitise trainee interpreters to be prepared to deal with practical aspects of their work explained below.

8.6.1 The possibility of being challenged by bilingual magistrates and public prosecutors and strategies for dealing with the situation

As has been demonstrated throughout this study, interpreting in the Zimbabwean courtroom is made doubly demanding due to the presence of other bilinguals, who have access to both the original utterances and the interpreter's rendition in the target language. These bilinguals can then take on additional audience roles as overhearers to check the accuracy of the interpretation. Mwepu (2005: 230) observes that "Interpreters tend to be more careful when they know that the magistrate, the prosecutor or someone else in the court can understand the source and target language and possibly challenge the quality of the interpreter's interpreting". On the one hand, this implies that justice is better safeguarded but, on the other hand, it will inevitably add to the pressure on court interpreters whose performance is constantly scrutinised by these bilinguals. These bilinguals may at times exploit their accessibility to both the source language and the target language versions of the testimony and challenge the interpreter by proposing an alternative interpretation that works to their advantage. While it is important that interpreters should not try to cover up or defend their mistake to save face or avoid embarrassment, it is equally important that interpreters are taught how to defend an informed decision and not to meekly submit to the authority or else their professionalism maybe called into question.

8.6.2 Audio-recordings as a reference tool for improving interpreters' performance

With the installation of audio-recording equipment in all regional courts in Zimbabwe, interpreters must be sensitised of the system, which serves as a final line of defence against any interpreting mistakes. With this in mind, interpreters should do their utmost to ensure that their renditions communicate the source language message as far as possible. It is also important for them to correct any mistakes as promptly as practicable. Further to this, interpreters should also be encouraged to constantly evaluate their own performance by playing back audio-recordings for cases in which they interpreted or those interpreted by their colleagues. To enhance sustained competence, I recommend that the court authorities should periodically allow interpreters to video-record themselves. This recommendation is in line with De Jongh's (1992: 41) observation that "video-tapes offer the opportunity to self-critique as well as to monitor progress" made by new interpreters. The benefit of a video recording, especially for a beginner court interpreter, is that it allows a replay, as opposed to mere observation of experienced interpreters at work. Some of the training given to court interpreters should be based on the

observation of interpreters at work through video recordings, so that the interpreter trainers would be able to point out any problems they have observed to the new interpreters.

The use of video-recordings is not only important for beginner interpreters. Even experienced court interpreters should from time to time be asked to video-record themselves at work, and then given time to watch the video-tape along with their colleagues in order to make a self-appraisal with a view to possible improvement. Hertog (2003: 171) stresses that video recordings should be used as quality-monitoring mechanisms that provide a platform for both the court interpreter and his superior to pore over the recording, showing the interpreter at work, so that whatever is not done well could be observed and evaluated properly for feedback which is an important aspect of mentorship. This would also minimise the possibility of the court interpreter becoming involved in any conflicts of interest or partiality. If they are used to the fact they are being video-recorded, or that they may be video-recorded, they would strive to give their best to avoid being censured.

8.6.3 The need to be consistent in their interpreting style

As demonstrated in Chapters 6 and 7, interpreters in the Zimbabwean courtroom were found to adopt the third person interpreting style as a sign of respect towards court officials and the first person interpreting style for representing the voice of lay participants. It is important for interpreters to be trained to interpret in the first person regardless of who the speaker is and what is said by the speaker. This is to maintain interpreters' neutrality and professional detachment, or else interpreters might be seen as aligning themselves with lay participants and distancing themselves from court officials.

8.7 Recommendations regarding aiding the work of the interpreter

To ensure that those who do not speak the language are put on a comparable footing in an interpreted trial as those who do, efforts must be made to facilitate the work of the interpreter. As Hale (2010) notes, interpreters cannot always be blamed for interpretation which is not fully accurate, as there are often obstacles that are beyond their control. This is because adequate interpretation is heavily dependent on the real working conditions and the conduct of the co-present participants in the interaction. The recommendations I make are aimed at improving

working conditions in the courtroom and reforming the behaviour of other court actors so as to facilitate the work of the interpreter in the courtroom.

8.7.1 Training for court personnel

The introduction of the interpreter into the courtroom necessarily alters the interactional dynamics. The need to train court personnel on how to work effectively with the interpreter has been accentuated in many studies on court interpreting (e.g. Colin and Morris, 1996; Mikkelson, 1999) and can never be emphasised enough. The following recommendations for the best way to work with interpreters in court apply not only to the Zimbabwean courtroom, but also to other bilingual legal settings in general. It is important that court personnel are sensitised on the following aspects when working with court interpreters.

8.7.1.1 Allow the interpreter to prepare and recognise him/her as a team member

Court personnel must, first of all, recognise the interpreter as a part of their team who, like them, needs to prepare for the trial to get his/her job done properly. As Gamal (2006: 65) points out, it is "unrealistic to expect an interpreter to walk into a courtroom without any knowledge of the topic, terminology or chronology of the case and still be able to perform efficiently". Gamal (2006) suggests that court interpreters, like conference interpreters, should be briefed beforehand about the material and topics that will be dealt with in court. The interpreter's access to background information relating to the case to be tried is, therefore, essential. As aptly noted by González et al. (1991: 175), attorneys do not appear in court without first reviewing their clients' cases and preparing for their cases in court. It is undoubtedly unfair to expect the interpreter to get everything right in "one-take" while counsel have days, if not weeks, to rehearse the presentation of their cases. Lack of prior preparation and hence unfamiliarity with the case at trial would inevitably result ininterpreters' frequent clarifications with the witness as indicated in examples cited in Chapter 7 and in the interpreters' own testimonies. The performance of some interpreters asillustrated in Chapter 7 and as testified by the interpreters in their responses to Question 4 in their questionnaire (See questionnaire in appendix), demonstrates, among other things, their unfamiliarity with the case at trial and the relevant terminology. Gamal (2006) argues that while the judicial view that the interpreter's prior knowledge of the case might affect his/her impartiality is, to a certain extent, understandable. Court interpreters, like other professionals, are bound by their professional ethics, which among other things emphasise the principles of impartiality and confidentiality. There is therefore no need to deny interpreters' access to information on the nature of the case

for reasons of impartiality and confidentiality. In the case of Zimbabwe, since full-time court interpreters are full time court staff and hence bound by the code of conduct for public service employees in Zimbabwe, there would be no technical difficulty in providing them with the relevant information prior to the day of the trial.

8.7.1.2 Pause at regular intervals for consecutive interpretation

Since interpretation for legal-lay interactions in the Zimbabwean courtroom is in the main provided in the consecutive mode to ensure accuracy in interpretation, source language speakers must pause at regular intervals to permit a consecutive interpretation of their utterances. It would be helpful if witnesses/accused persons could receive pre-trial coaching so as to understand the need to pause for the interpreter while testifying or giving their defence. Alternatively, court interpreters could have memory training so that, where necessary, they can perform long consecutive sessions.

8.7.1.3 Avoid interruptions, rapid and overlapping speech

Magistrates and public prosecutors should avoid interrupting the witness examination, except to clarify ambiguity in question or a witness's answer. When the magistrate, for instance, interrupts the proceedings, the natural consequence is that the accused in not able to finish his/her question and the interpreter to render it into English. In cases like this and especially when the magistrate's intervention develops into a heated debate, rapid and overlapping speech typical of an argument creates immense difficulty for the interpreter. The result of this is usually an incomplete rendition or, worse still, non-interpretation of the verbal encounter. This subsequently excludes some court actors from participating in the proceedings. Magistrates and public prosecutors should make the effort to speak clearly and audibly and to avoid overlapping voices (Kristy, 2009). Many of them, however, seem to be unaware of the problems caused by lack of audibility and speaking too quickly and how this might impact on the interpreter since they are never informed of such problems by interpreters themselves (Mikkelson, 1999). Mikkelson (1999) suggests that the reason why interpreters do not inform the court of such problems is that they "are so intimidated by the black robe and high bench that they don't dare interrupt the proceedings to make any special requests" (Mikkelson, 1999: 3). Where a judicial intervention is unavoidable, efforts should be made on the part of the magistrate to allow a speaker to finish his/her turn and for the interpreter to complete the rendition of the speaker's question before interrupting the proceedings. In the case where the

speaker's question is interrupted, the magistrate should ask the speaker to repeat it at a later stage as a repair strategy.

8.7.1.4 Appreciate the role of the court interpreter

Understanding and appreciating the role of the court interpreter by the court personnel is equally important in maintaining the impartiality of the interpreter and in the better administration of justice. As noted in Chapter 2, a review of the literature on court interpreting manifests divergent expectations of the role of the court interpreter and practices of court personnel in dealing with court interpreters. The role of the court interpreter in Malaysia as described in Ibrahim's study (2007) for example is tantamount to advocacy. Similarly, examples cited in Chapters 6 and 7 in which the magistrate asked the interpreter to explain to the unrepresented witness or accused issues relating to bail conditions and legal representation without himself uttering those words best illustrates malpractice on the part of the magistrate or the notion of interpreting as advocacy. This practice inevitably undermines the impartial role of the interpreter in the eyes of the other court actors.

8.7.2 Government and institutional recommendations

An improvement in the working conditions and in the practice and behaviour of the co-present court actors alone as noted by Hale (2010) does not guarantee a quality interpreting service, which can only be provided by competent interpreters with the right specialised training. To ensure quality in interpreting, the following institutional and administrative recommendations could also be implemented.

8.7.2.1 The need to raise the entry-point-qualifications

As was illustrated in Chapter 3, court interpreting in Zimbabwe was necessitated at a time when bilingual competence in English and Shona was a rare skill. Even though the interpreting quality in those days was described by one interpreter in her testimony as "deplorably bad", little could be done to improve the situation due to the shortage of competent bilinguals back then. Court interpreting is a highly complex task which, as Hale (2010) suggests, requires a native or native-like level of competence in the two languages concerned in a variety of genres and registers. With the popularisation of education in Zimbabwe and with translation and interpreting being developed into an academic discipline and offered in two universities, namely Lupane State University and in the African Languages Department of the University

of Zimbabwe, it is time to raise the requirements for the interpreter's level of bilingual competence and to make a first degree and post-graduate qualifications in translation/interpretation pre-requisites for the job.

8.7.2.2 The need to make pre-service training compulsory

Compulsory pre-service training, as Hale (2010) suggests, does not guarantee error-free interpretation, but it will nonetheless guarantee a minimum standard and professional status for interpreters. In many countries where court interpreters mostly work as freelancers, pre-service training usually refers to training undertaken for example in a university course in legal interpreting prior to the provision of interpreting service in court. In the case of full-time staff interpreters like those in the Zimbabwean courtroom, pre-service training may take the form of in-house training which takes place after an interpreter has passed the translation and interpretation tests and is subsequently offered employment but before he/she is deployed to a court to provide interpreting services. The current practice of on-the-job training as described in Chapter 3 should be augmented with *pre*-service training. The need to work with other bilinguals in courts makes interpreting in the Zimbabwean courtroom a much more demanding job than it was in the early colonial days and in many other jurisdictions. Chapter 3 underscored the undesirability of the centuries-old learning-by-doing training method. Putting an interpreter in the courtroom before he/she is ready for the test will not only compromise the administration of justice, but also do much harm to the professional image of the court interpreter. To enhance the image and professional status of the court interpreter, a lengthier and more rigorous training programme, such as the one unveiled at Lupane State University, should be provided for new recruits before they are considered fit to make their first appearance in court as interpreters, well-trained and prepared for the challenge. The audio-recordings of court proceedings should be utilised to provide the best authentic training materials with which mock trials can be conducted.

8.7.2.3 The need to re-consider the conditions of service and career prospects for court interpreters

Higher entry requirements must also come with an improvement in the remuneration and career prospects. Poor remuneration and career prospects have made it difficult to attract talented interpreters to enter or stay in the field, as was pointed out in Chapter 3. A deplorable reality in Australia, as observed by Hale (2010), is that many of the best interpreting graduates do not

practise interpreting for very long, but choose to retrain for other more profitable and less demanding professions. Hale (2010: 443) suggests that it is important to provide competent bilinguals, which are however limited in supply, with "the necessary incentives to pursue a career as highly specialised interpreters". In the case of Zimbabwe, the entry requirements and remuneration for court interpreters should be made comparable with those for the other government workers with similar qualifications and experience. Besides, for court interpreters to maintain a high degree of competence and remain abreast of developments in their field of work, they have to be involved in life-long learning. As indicated in Chapter 3 court interpreters' membership of a professional association will give them an opportunity for life-long learning. Professional associations also see to the career development needs of their members by organising conferences and workshops through which members can update and upgrade their knowledge. Professional associations also promote the public awareness on their members and their practice. However, in Zimbabwe, a visible professional association for court interpreters remains wishful thinking.

8.7.2.4 The need to restructure the Court Interpreter grade in Zimbabwe

The court interpreter grade still remains among the lowest and most misunderstood in Zimbabwe. The daily routine of many of these court interpreters consists of a variety of other duties, such as clerical duties (even bus driving) rather than interpreting in court. In light of the duties of court interpreters as described in Chapter 3, the need to restructure the grade becomes apparent. Given the pressurised nature and complexities of court interpreting, the entry requirements and remuneration of the court interpreter grade should be raised. The restructuring of the existing grade would make it possible to fully utilise the interpreters for the court service.

8.7.3 Recommendations for further research

This study of the interactional dynamics and communication processes in the bilingual Zimbabwean courtroom represents only an initial move from which further research can be conducted to examine this under-explored legal setting. The following are possible areas which warrant further exploration.

When I examined previous studies in dialogue interpreting, including court interpreting, my attention was drawn to studies for instance by Berk-Seligson (1988, 1990), Hale (1999, 2001) and Mikkelson (1998, 2000) whose findings made for the tentative conclusion that the principal

aim of court interpreters is successful communication. My investigation has strengthened this tentative conclusion to the effect that there is now a strong indication that court interpreters (and dialogue interpreters in other settings (cf. e.g. Wadensjö, 1992, 1995, 1997, 1998) are in fact active participants in a talk exchange. The objective of successful communication apparently tends to abrogate attention to official guidelines and/or the perception of primary speakers, even in a controlled and agenda-bound setting such as a court of law. However, to what extent court interpreters contribute to the success of the interaction by conveying speaker meaning will have to be an issue for future investigations. I have attempted some tentative conclusions in this thesis, but I have no firm evidence regarding whether or not the interaction would have proceeded differently, had the court interpreters complied fully with ethical guidelines and delivered verbatim translations throughout, and refrained from complying with participants' requests for repetition or clarification.

Based on previous investigations to date, I conclude that the presence of an interpreter no doubt influences proceedings to some extent (cf. Morris, 1995; Shlesinger, 1991 and Berk-Seligson, 1990). But more issues arise: For example, to what extent, if any, does an interpreter's presence influence the production of source texts? Or to what extent, if any, does his/her presence influence the role-play of primary speakers? Both questions are relevant and attempts to answer them may provide significant insight into the work of court interpreters. Naturally, many other issues in court interpreting deserve further study, for example the issues referred to in this thesis, e.g. the negotiation of face, role conflict, and in-group loyalties. In Zimbabwe, for example, court interpreters often share language and culture with court officials, and this may influence their performance as well as accused's attitudes towards them. In view of these issues, implicate also deserves further investigation. In this thesis, I have suggested some of the strategies that court interpreters may resort to when confronted with implicate in the utterances of primary speakers and suggested that some of these strategies may be more plausible than others.

This study investigated the position of lay people representing themselves in court without any legal representation. I argued that such persons face serious challenges since they have to match court officials. In law courts however, even experienced lawyers should seek proper legal representation instead of representing themselves on their own (O'Barr and Conley, 1990). Apart from the challenges faced by lay people, the study also demonstrates that the courts also find it demanding to manage cases in which lay persons represent themselves. Yet self-

representation is very common in Zimbabwean courtrooms mainly because of the lack of financial resources. Research into interpreter-mediated interactions involving lay persons represented by lawyers is therefore required. Further studies on how court interpreters, and dialogue interpreters in other settings, deal with implicature may provide firm evidence of the plausibility of these strategies. Finally, in order for research projects to provide the kind of insights that researchers, including myself, and other interested parties wish for, the difficulty of getting access to data will have to be overcome. I sincerely hope, therefore, that the contents of this thesis will demonstrate to courts that research projects will not necessarily obstruct proceedings or violate the rights of participants, and that this will in turn facilitate further research on court interpreting in the coming years.

8.8 Concluding remarks

It has been demonstrated throughout this thesis that the basis for the interpreters' role is to facilitate communication. For the court actors to access an interpreter-mediated trial in its totality as their counterparts in a monolingual trial do, efforts must be made by all parties concerned. As Ozolins and Hale (2009) observe, successful communication is a shared responsibility among all parties involved in the interpreted encounter, not the sole responsibility of the interpreter: speakers have to assume responsibility for what they say and how they say it; employers have to assume responsibility for providing suitable working conditions and remuneration for interpreters; educational institutions have the responsibility of providing adequate training programmes, refresher courses and on-going workshops; researchers have the responsibility of making their research relevant, applicable and accessible to practitioners, while interpreters must move away from the conceptualisation of their role as a ghost, or invisible participant and assume the responsibility for their own professional development and professionalism (Kopscinscki, 1994 cited in Pöchhacker and Shlesinger, 2002: 336). When the parties concerned assume their fair share of the responsibility for communication, quality in court interpreting can be guaranteed and those who do not speak the language of the court can be put on an equal footing with those who do.

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LIST OF APPENDICES

APPENDIX 1: University of the Witwatersrand's Ethics Clearance Certificate

Research Office

HUMAN RESEARCH ETHICS COMMITTEE (NON MEDICAL)
H120927 Svongoro

CLEARANCE CERTIFICATE	**PROTOCOL NUMBER H120927**
PROJECT TITLE	Implicature in Court Interpreting: A Corpus-based Study of Consecutively-Interpreted Interactions in Zimbabwean Courtrooms.
INVESTIGATOR(S)	Mr P R Svongoro
SCHOOL/DEPARTMENT	Translation and Interpreting
DATE CONSIDERED	21 September 2012
DECISION OF THE COMMITTEE	Approved Unconditionally
EXPIRY DATE	30 September 2014

DATE 16 October 2012

CHAIRPERSON (Professor T Milani)

cc: Dr. K Wallmach

DECLARATION OF INVESTIGATOR(S)

To be completed in duplicate and **ONE COPY** returned to the Secretary at Room 10005, 10th Floor, Senate House, University.

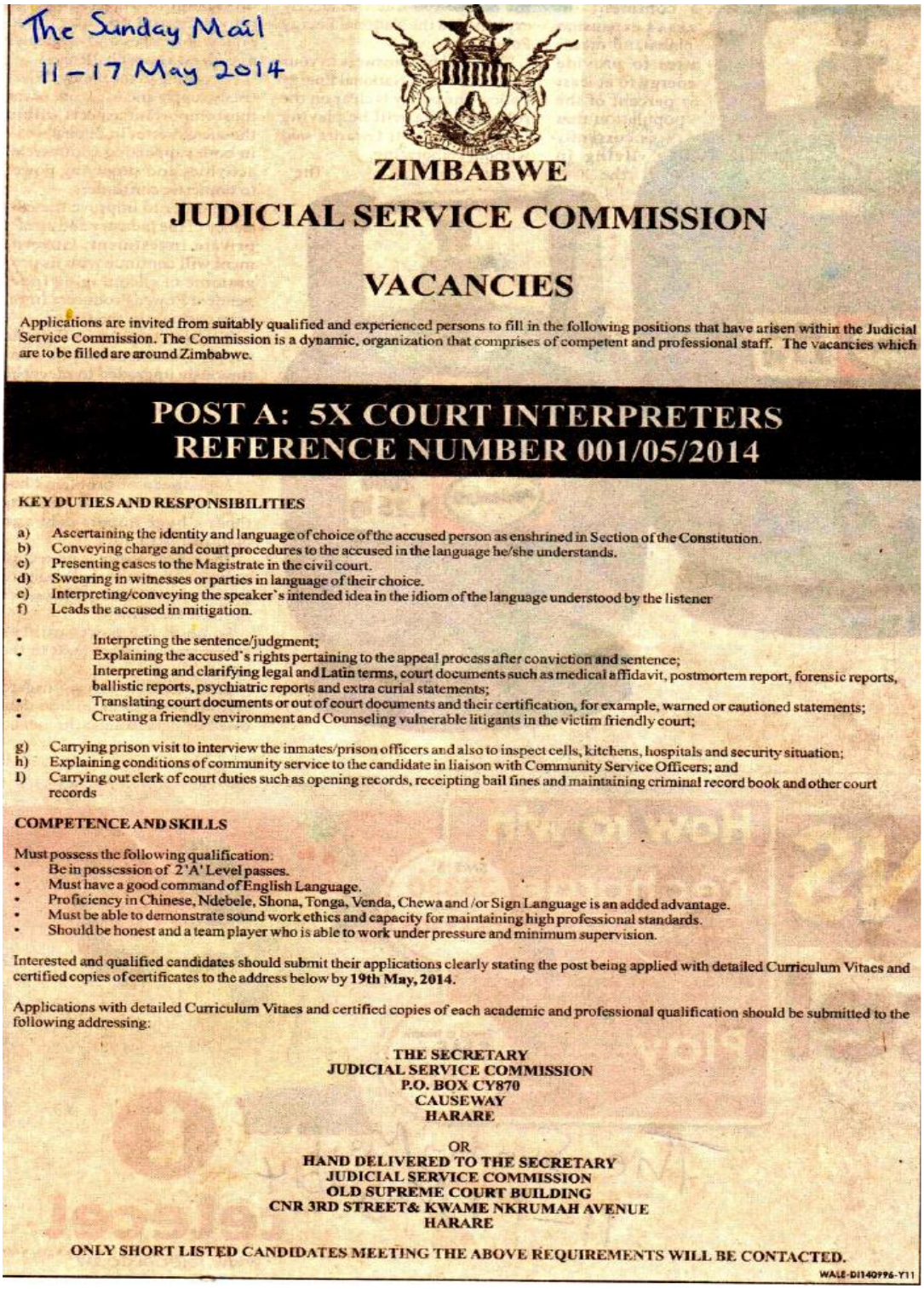
I/We fully understand the conditions under which I am/we are authorized to carry out the abovementioned research and I/we guarantee to ensure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to resubmit the protocol to the Committee. **I agree to completion of a yearly progress report.**

Signature

05 / 02 / 2013
Date

PLEASE QUOTE THE PROTOCOL NUMBER ON ALL ENQUIRIES

APPENDIX 2: Court Interpreters' Job Advertisement in Zimbabwe



The Sunday Mail
11–17 May 2014

ZIMBABWE

JUDICIAL SERVICE COMMISSION

VACANCIES

Applications are invited from suitably qualified and experienced persons to fill in the following positions that have arisen within the Judicial Service Commission. The Commission is a dynamic, organization that comprises of competent and professional staff. The vacancies which are to be filled are around Zimbabwe.

POST A: 5X COURT INTERPRETERS
REFERENCE NUMBER 001/05/2014

KEY DUTIES AND RESPONSIBILITIES

a) Ascertaining the identity and language of choice of the accused person as enshrined in Section of the Constitution.
b) Conveying charge and court procedures to the accused in the language he/she understands.
c) Presenting cases to the Magistrate in the civil court.
d) Swearing in witnesses or parties in language of their choice.
e) Interpreting/conveying the speaker's intended idea in the idiom of the language understood by the listener
f) Leads the accused in mitigation.

- Interpreting the sentence/judgment;
- Explaining the accused's rights pertaining to the appeal process after conviction and sentence;
- Interpreting and clarifying legal and Latin terms, court documents such as medical affidavit, postmortem report, forensic reports, ballistic reports, psychiatric reports and extra curial statements;
- Translating court documents or out of court documents and their certification, for example, warned or cautioned statements;
- Creating a friendly environment and Counseling vulnerable litigants in the victim friendly court;

g) Carrying prison visit to interview the inmates/prison officers and also to inspect cells, kitchens, hospitals and security situation;
h) Explaining conditions of community service to the candidate in liaison with Community Service Officers; and
I) Carrying out clerk of court duties such as opening records, receipting bail fines and maintaining criminal record book and other court records

COMPETENCE AND SKILLS

Must possess the following qualification:
- Be in possession of 2 'A' Level passes.
- Must have a good command of English Language.
- Proficiency in Chinese, Ndebele, Shona, Tonga, Venda, Chewa and /or Sign Language is an added advantage.
- Must be able to demonstrate sound work ethics and capacity for maintaining high professional standards.
- Should be honest and a team player who is able to work under pressure and minimum supervision.

Interested and qualified candidates should submit their applications clearly stating the post being applied with detailed Curriculum Vitaes and certified copies of certificates to the address below by **19th May, 2014.**

Applications with detailed Curriculum Vitaes and certified copies of each academic and professional qualification should be submitted to the following addressing:

THE SECRETARY
JUDICIAL SERVICE COMMISSION
P.O. BOX CY870
CAUSEWAY
HARARE

OR

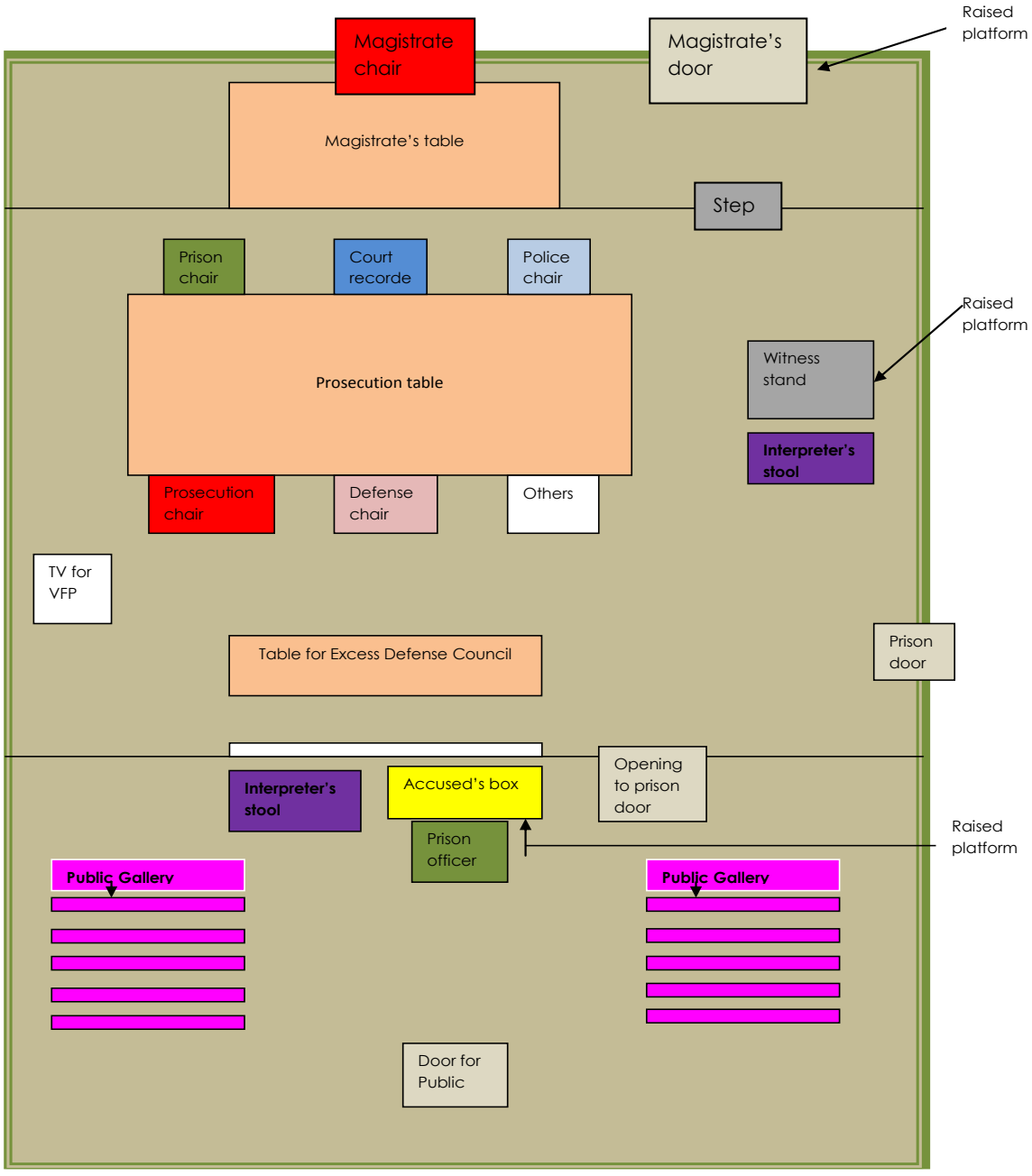
HAND DELIVERED TO THE SECRETARY
JUDICIAL SERVICE COMMISSION
OLD SUPREME COURT BUILDING
CNR 3RD STREET& KWAME NKRUMAH AVENUE
HARARE

ONLY SHORT LISTED CANDIDATES MEETING THE ABOVE REQUIREMENTS WILL BE CONTACTED.

WALE-DI140996-Y11

APPENDIX 3: Magistrates' Courts in Zimbabwe

GENERAL LAYOUT OF MAGISTRATES' COURTS IN ZIMBABWE



APPENDIX 4: Questionnaires for Participants

QUESTIONNAIRE FOR COURT INTERPRETERS (CIQ)

1. Biographical Information

Indicate by ticking the appropriate box/space

1.1 Sex

Male	
Female	

1.2 Age

21-25	26-30	31-35	36-40	41-45	46-50	51-55	56 and above

1.3 Qualifications

Secondary school ordinary level certificate	
Secondary school advanced level certificate	
Post-secondary certificate(please specify academic field you studied)	
Diploma (please specify the academic field studied)	
Degree (please specify area of specialisation)	
Post-graduate degree (please specify area of specialisation)	
Any other (please specify)	

2. Language Background

2.1 Home Language (mother tongue)

English	
Shona	
Ndebele	
Kalanga	

Chewa	
Nambya	
Other	

2.2 If your language is any other language, please indicate the language in the box below

2.3 Apart from your mother tongue, indicate any other language or languages you can speak and write in the box below.

2.4 Did you study any or some of these languages at school?

Yes	
No	

2.5 If you answered yes' which language? (If you studied more than one language indicate all the languages you studied in the box below)

1	
2	
3	

2.6 To what extent did you study the language or languages at school?

Primary School level	
Secondary school level	
College or university level	

2.7 From and to what languages do you interpret?

Language combinations	Indicate with a cross	Specify if applicable
English to Shona		
Shona to English		
English to any other African language		

2.8 How many languages do you interpret to and from?

One language	
Two languages	
Three languages	
Four languages	

2.9 If you did not study any of the languages you interpret at school, how did you acquire the usage of the language(s)?

Once lived in a community where the language is spoken	
The language is my mother tongue	
Through self education	

3. Employment history and training

3.1 How many years have you been working as an interpreter in the court?

Less than two years	
2-5 years	
6-10 years	
11-15 years	
16-20 years	
More than 20 years	

3.2 Are you permanently or temporary employed as an interpreter?

Permanently employed	
Temporary employed	
Any other (specify)	

3.3 How did you get to know of the interpreting position?

Through an advert in the paper or on radio	
From a friend	
From a practising interpreter	
Through personal enquiry	
By other means (please specify)	

3.4 What were the educational requirements stated for the position when you applied for the job? (Please indicate the requirements in the space provided)

_____

_____

3.5 Were you interviewed for the job?

Yes	
No	

3.6 Was the interview oral or written or both?

Oral	
Written	
Both	

3.7 Were you given any form of training when you were employed?

No	
Yes	

3.8 Were you given any professional codes of conduct and ethical principles of interpreting when you were employed?

Yes	No

3.9 Were you given any form of in-service training since you were employed?

Yes	No

3.10Have you attended any self sponsored professional seminar, workshop or conference since you began work as an interpreter?

Yes	
No	

3.11Have you been sponsored by your employer to attend a professional seminar, workshop or conference?

Yes	
No	

4. Preparation for interpreting tasks and the role of the interpreter

4.1 Are you always given as much information as possible in advance regarding the nature of the interpreting task before hand?

Yes	
No	

4.2 If you answered 'yes' how early are you given the task details?

One day	
Two days	
Three days	

More than three days	

4.3 When you are told about the interpreting task to interpret, are you asked whether you feel you are competent to handle the task?

Yes	
No	

4.4 Have you for any reason, rejected any interpreting task.

Yes	
No	

4.5 If you answered 'yes' what were your reasons? Please indicate in the space provided.

_____

_____

4.6 Do you do any preparation at home or at any other time for your interpreting task?

Yes	
No	

4.7 If you answered yes, what sort of preparations do you have?

Compiling a list of possible/probable terms	
Studying information about the nature of the case	
Both of the above	
Others (specify)	

4.8 Do you as the interpreter or any other officer in the court explain the role of the interpreter to the accused and or witnesses before the trial process begins?

Yes	
No	
Others (specify)	

4.9 How many interpreters are assigned to an interpreting task? Provide your answer in the box below.

4.10 Is there any other work you do in the court besides interpreting? (Please state this role in the space provided).

_____

_____

4.11 Have you ever encountered an interpreting assignment you started but did not complete?

Yes	
No	

4.12 If you answered 'yes' why did you not complete the assignment? Please state your answer in the space provided below.

_____

_____

4.13 How early are you expected to inform your supervisor that you would not be available for the interpreting assignment you have been working on? Please state your answer in the space provided below.

_____

_____

4.14 Do you know of the procedure that is used to appoint another interpreter to take over the case?

Yes	

No	

4.15 If you have answered ‘yes’ what procedure is followed to appoint another interpreter? Please state the procedure briefly in the space provided below.

_____

_____

4.16 For what reasons do you take a break during the interpreting process? Please state your answer below.

_____

_____

4.17 Do you sometimes realise there is an error/omission/addition in your interpretation?

Yes	
No	

4.18.1 If you answered ‘yes’ do you correct the error/omission/addition?

Yes	
No	

5. Experiences about first person and third person interpreting

5.1. Were you trained to provide consecutive interpreting in the first person, using direct speech?

Yes	
No	

5.2. When interpreting in the consecutive mode, how often do you render the Shona first person pronoun *“Nd-”* produced by witnesses/accused as “I” in English?

Always	
Sometimes	
Rarely	

Never	

5.3. When interpreting in the consecutive mode, how often do you render the English first person pronoun "I" produced by the magistrate or by the public prosecutor into *"Nd-"* in Shona?

Always	
Sometimes	
Rarely	
Never	

5.4. When interpreting in the consecutive mode, do you try to avoid rendering the English first person pronoun "I" into *"Nd-"* in the Shona interpretation by changing the active into passive (e.g. rendering "I find you guilty as charged" into *"Wawanikwa uine mhosva sekuwerengwa kwazvaitwa?"*

5.5. Does your choice for interpreting in the first person and the third person have anything to do with the content of the utterances?

5.6. On the whole, do you agree that you usually render the Shona first person *"Nd-"* by witnesses and the accused into "I" in English but rarely render "I" by the magistrate or the public prosecutor into *"Nd-"* in Shona?

5.7. If your answer to question 5.6 above is "Yes" please state the reason(s) why (You are free to choose more than one reason)

I avoid giving the impression to all those in court that I am pretending to be the magistrate or PP by assuming their voice	
I just follow what other colleagues do(e.g. senior interpreters or those I understudied)	
I feel uncomfortable assuming the voice of the magistrate or PP because they are on higher professional level	
I avoid making the witness or the accused think that I am speaking for myself if the interpretation is done in first person	
I use reported speech to protect myself or to distance myself from what is said by SL speakers.	

6. Evaluation of your work as interpreters

6.1. Has there been any form of evaluation of your work as an interpreter?

Yes	
No	

6.2. If you answered 'yes' were you told of the result of the evaluation?

Yes	
No	

6.3. Is there a routine test-run of the interpreting tools such as the microphone?

Yes	
No	

6.4. Do you translate documents as an interpreter in the court?

Yes	
No	

6.5. If you answered 'yes' are you provided the document in advance to familiarise yourself with the content?

Yes	
No	

7. General

7.1 Are you a member of an interpreting-related professional association?

Yes	
No	

7.2 Does the association have a code of ethics you must comply with?

Yes	
No	

7.3 Do you do any other work besides interpreting?

Yes	
No	

7.4 Do you have any previous work experience as an interpreter or in any other related job?

Yes	
No	

7.5 Are there any courts/type of cases that are particularly difficult to work on as an interpreter?

Yes	
No	

7.6 If you answered ‘yes’ why are the courts/ type of cases difficult to work on as an interpreter? Please state your answer in the space provided below.

_____

_____

QUESTIONNAIRE FOR PUBLIC PROSECUTORS (PPQ)

1. How often do you handle cases requiring that the accused/witness speaks through an interpreter?

Please mark the appropriate box with an 'X' or explain in the space provided below.

Everyday	
Few times aweek	
Few times amonth	
Not at all	

_____

_____

2. Have you represented/presided over accused/witnesses who did not understand the language of the court, English?

Yes	
No	

3. If 'yes' is your answer, how do you ensure their language barrier is addressed?

_____

_____

4. Are you satisfied with the services of court interpreters you have worked with during court proceedings?

Yes, satisfied	
Not very satisfied	
No, not satisfied	

5. If 'yes', why, if not very satisfied, why and if no, why?

_____

_____

6. Do you believe it is possible for an interpreter to interpret from source language to target language word-for-word, without distortion and reflecting cultural nuances of the source language in the target language?

Yes	
No	

7. Have you as a prosecutor noted any error(s) made by an interpreter during court proceedings?

Yes	
No	

8. If 'yes' is your answer to the question above, how did you bring it to the attention of the magistrate?

_____

_____

9. What is your mother tongue?

Shona	
Ndebele	
Kalanga	
Venda	
English	
Other	

10. If your mother tongue is not English but is one of the official languages, do you sometimes or always conduct cross and direct examination in your mother tongue?

Yes, always	
Yes, but not always	
No	

11. If 'yes' is your answer to the question above, does any of the principals in the court (i.e. a magistrate or a prosecutor) require the service of an interpreter to understand you?

Yes	
No	

12. How long have you been practicing as a prosecutor?

13. What do you think is the role of the court interpreter in the courtroom?

_____

_____

14. What is your overall impression of court interpreters?

_____

_____

15. What is your overall impression of Zimbabwean court interpreters?

_____

_____

QUESTIONNAIRE FOR MAGISTRATES (MQ)

1. How long have you been practicing as a magistrate?

2. What is the role of the magistrate in ensuring the availability of the court interpreter to interpret for an accused or witness who does not understand English as the language of the court?

3. How do you determine if an accused, witness or the plaintiff needs the services of a court interpreter?

4. Who is chiefly responsible in determining the need for a court interpreter for an accused person or witness?

5. If you are not chiefly involved in the process, do you as a magistrate ensure the interpreter appearing in your court is competent? If you do, how?

6. Do you ensure that the role of the interpreter is explained to other participants such as the attorney, witness and accused in the court?

7. Is the interpreter allowed to briefly interview the accused person or witness in order to be familiar with his or her speech patterns, proficiency and other language abilities?

8. How often do you handle cases requiring the services of interpreters?

9. Is there a regulation guiding the number of minutes an interpreter can interpret before he or she is relieved or before he or she takes a break?

10. Do you believe it is possible for an interpreter to interpret from source language to target language word-for-word without distortion and reflecting cultural nuances of the source in the target language?

11. Do you think there are courts or cases that are difficult or demanding to interpret than others?

13. If you answered 'yes' above what could be the reasons?

14. Have you experienced a situation where an attorney or a prosecutor would choose to conduct direct-and cross-examination in any of the indigenous languages?

15. If you do, how often?

16. If you do, does it present a communication challenge to the court such as getting an interpreter to bridge the communication divide? Or please describe the challenge(s) below.

17. How do you handle the challenge?

18. What is your overall impression of court interpreters?

_____

_____

19. What is your overall impression of Zimbabwean court interpreters?

SECTION FOR CHIEF INTERPRETERS

(Oral interview questions)

1. What is the minimum academic qualification required for one to be employed as an interpreter?
2. Is there a formalised process of testing language proficiency of interpreters before they are employed?
3. If there is a proficiency test requirement for employment of interpreters, what mode of interpreting is it done?
4. What employment procedure do you use to ensure competent interpreters with minimum standards are employed?
5. Are the employment criteria for Zimbabwean interpreters and in other parts of the world the same?
6. If the criteria are different, how and why are they different?
7. Is there a standardised code of professional conduct for interpreters?
8. Is this code of conduct explained to your court interpreters?
9. Do you have in-service training for court interpreters?
10. Do you evaluate your interpreters' performance?
11. If you do evaluation, how often is it done?
12. How many interpreters do you assign to a case?
13. Is there a regulation guiding the number of minutes an interpreter can interpret before he or she is relieved or before he or she takes a break?
14. Do you inform your interpreters in advance about the details of the interpreting assignments you want them to handle?
15. How do you ensure that there is no conflict of interest before your interpreters are assigned to interpreting assignments?
16. What are the educational requirements and working experience needed to work as chief interpreter?
17. I am aware of the fact that sometimes interpreter from other provinces do come to your court to work, how do you verify if the interpreter has the ability to do the work?
18. What is the sociolinguistic profile of the accused and plaintiffs requiring interpreters in your court?

19. Is the interpreter allowed to briefly interview the accused or witness to be familiar with his her speech patterns, proficiency and other language abilities?

20. Do you sometimes employ interpreters on a temporary basis?