

Developing Legal Terminology in African Languages as Aid to the Court Interpreter: A South African Perspective*

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Abstract: The need for unambiguous communication in the theoretical and applied fields of human activity, such as the legal profession, is constantly increasing. Terminologists and subject specialists are focused on the provision of unambiguous source- and target-language terms for well-defined concepts. In order to achieve this aim, it is necessary to determine the precise meanings of terms which enable users to comprehend and use them in a universally accepted manner. Legal language is one of the most difficult languages for special purposes since only legal experts versed in the special vocabulary can communicate successfully – laypeople tend to struggle comprehending the language of law, sometimes called legalese. This study deals with legal language, the bridging of communication problems in a legal setting by especially court interpreters, and difficulties these legal linguists may experience in this endeavour. Some word-forming principles are discussed and examples are given of typical multilingual coinages in the legal profession. Various matters relating to terminology usage in a multilingual society receive attention. Some of the principles of the standardisation, harmonisation and the internationalisation of the terminology of the legal profession are discussed. The research also addresses the work of the Centre for Legal Terminology in African Languages (CLTAL) and of other relevant terminology projects, e.g. that of the Centre for Political and Related Terminology in Southern Africa (CEPTSA).

Keywords: CRIMINAL LAW, CRIMINAL PROCEDURAL LAW, CONCEPTUALISATION, COURT INTERPRETER, COURT INTERPRETING, HARMONISATION, INTERNATIONALISATION, HARVESTING PROCESSES, LAW OF EVIDENCE, STANDARDISATION, TERMINOGRAPHY, TERMINOLOGY

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Opsomming: Die ontwikkeling van regsterminologie in die Afrikatale as hulp aan die hoftolk: 'n Suid-Afrikaanse perspektief. Die behoefte aan ondubbel-sinnige kommunikasie in die teoretiese en toegepaste velde van menslike aktiwiteit, soos die regsspesialistiese professie, neem steeds toe. Terminoloë en vakspesialiste probeer om ondubbel-sinnige bron- en doelstaalterminologie vir goed gedefinieerde begrippe te verskaf. Om dié doel te bereik, is dit noodsaklik om die presiese betekenis van terme te bepaal ten einde gebruikers in staat te stel om dit te verstaan en op 'n universeel aanvaarbare wyse te gebruik. Regstaal is een van die moeilikste vaktale aangesien slegs kundige regslui wat die spesiale woordeskatafotieke onder die knie het suksesvol kan kommunikeer – leke is geneig om te sukkel om die regstaal te verstaan, soms regjargon genoem. Hierdie studie handel oor regstaal, die oorbrugging van kommunikasieprobleme in 'n regsmilieu deurveral hof tolke, en probleme wat die regslinguistiese in hierdie strewe mag ondervind. 'n Paar woordvormingsbeginsels word bespreek en voorbeeld van tiperende meertalige skeppings in die regspraktyk word ter illustrasie aangebied. Verskeie sake oor terminologiegebruik in 'n meertalige samelewings kry aandag. Sommige van die beginsels van die standaardisering, harmonisering en die internasionalisering van regsterminologie word bespreek. Die navorsing verwys ook na die werk van die Sentrum vir Registerterminologie in Afrikatale (SRTAT) en ook na ander tersaaklike terminologieprojekte, bv. dié van die Sentrum vir Politieke en Verwante Terminologie in Suidelike Afrika (CEPTSA).

Sleutelwoorde: BEWYSREG, HOFTOLK, HARMONISERING, HOFTOLKING, INTERNASIONALISERING, KONSEPTUALISERING, STRAFREG, STRAFPROSESREG, EKSERPEERPROSESSE, STANDAARDISERING, TERMINOGRAFIE, TERMINOLOGIE

1. Introduction

Language plays a central role in allowing a person access to justice. The Constitution of South Africa 1996 endorses this supposition by allowing the accused an opportunity to be tried in a language they understand. Section 35(3)(k) of the Constitution states: "Every accused person has a right to a fair trial, which includes the right to be tried in a language that the accused person understands or, if that is not practicable, to have the proceedings interpreted in that language." In this regard, the court interpreter plays a pivotal role in ensuring the accused or witness full participation in the trial by interpreting information accurately. This includes the interpretation of legal language, which is – for the majority of the country's inhabitants – difficult to comprehend. Any linguistic deficiency will effectively deny the accused or witness the right of access to justice.

Even though there is no comprehensive official professional code governing the service of court interpreting, there are norms that court interpreters have to adhere to. In terms of Rule 68 of the Rules of the Magistrates Courts, every court interpreter has to take an oath swearing or affirming to interpret truly and correctly to the best of their knowledge and ability from the language they are called upon to interpret into an official language of the Republic of South Africa and *vice versa*. This process entails upholding the four main tenets of professional ethics, namely, accuracy, competence, impartiality and confiden-

tiality (cf. NAJIT *Code of Ethics* <http://www.najit.org/certification/profession.php>, accessed July 2013). Interpreting skills are especially grounded in the elements of accuracy and competence. It is generally acknowledged that court interpreting is a complex activity depending on the interpreter's skills in various factors such as the following:

- A large personal vocabulary: A court interpreter with a large vocabulary bank in all levels of the interpreter's working languages recognises incoming words, and understands their meaning and usage better;
- Knowledge of the linguistic context (grammar, spelling and orthography, and terminology related to the subject);
- The situational context (the extra-linguistic features, i.e. cultural differences); and
- Knowledge of the subject under discussion (law, crimes, expert evidence, etc.).

Court interpreters are continually encouraged to improve their vocabulary so that they are able to select from their rich vocabulary only those words and terms which best and concisely explain the source message. However, sometimes these interpreters are at a loss for the appropriate legal or linguistic equivalent, mainly because no such term may exist in the target language (TL) at a given moment. This inadequacy and ways to eliminate it is exactly what this article focuses on. In exploring this relationship between the court interpreter, legal linguistics, vocabulary acquisition and terminology development, aspects such as accessing legal language in a multilingual society and the compilation of specialised dictionaries will also be considered.

2. What is legal language?

Language of law, legal language or legalese – these are all various names for a very complex variety of a language for special purposes (LSP). Legal language is first of all language. However, as language is a vehicle for the transmission of scientific and technical information as well as culture (Alberts 2001: 91), legal language – as a specialist language – presents problems to non-legal persons who regard this variety of language as obscure legal jargon (cf. Alberts 1997). This may hinder a successful communication process, which is of the utmost importance in a court setting.

Legal language falls within the ambit of what Eksteen (1969: 35) calls peripheral language. The users of a given language share a common vocabulary – the core vocabulary. This core is extended when a language user's vocabulary is enhanced. The extended vocabulary further expands when the specialised languages of various working environments, such as the legal pro-

fession, are added. Not everyone in a given speech community's vocabulary develops in the same fashion and therefore the terminology associated with a given working environment, subject area or domain is not known to all the users of the speech community, cf. Diagram 1:

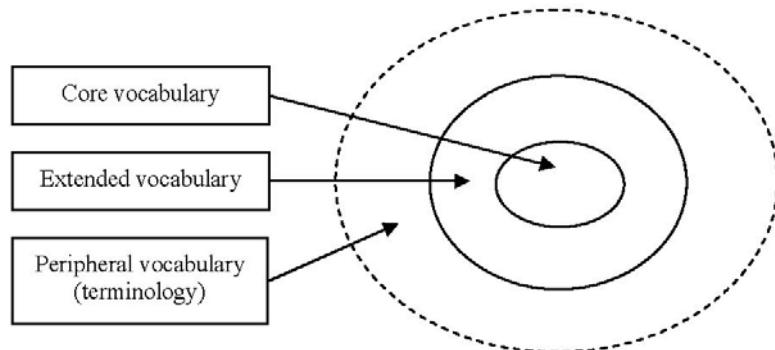


Diagram 1: Core, extended and peripheral vocabulary

According to the diagram on terminology registers (cf. Alberts 1983: 25), legal language falls within the specialised sphere of the humanities since legal language is oriented towards legal professionals who are active in legal institutions such as courts, legal government departments, legislature, universities, the police force, etc. rather than the public at large. Communication is, however, not only between lawyers and legal experts, but also between legal experts and laypeople (non-legal users). And it is here where the problem lies – as the general public does sometimes need to communicate with legal experts, e.g. when they have to appear in court, they do not always understand the legal language since they are not versed in the legal jargon.

Legal language developed from specific legal concepts and as such corresponds with the objects, people and processes it denotes because the terms were formulated through logical thinking and abstraction (cf. Alberts 2001: 90-91). Historical, sociological, political and jurisprudential factors have all contributed to the unique characteristics of legal language (Charrow, Crandall and Charrow 1982: 178-188). Mellinkoff (1963: 3-4) defines legal language as the customary language used by legal professionals. This language is said to include distinctive words, meanings, phrases and modes of expressions. It also includes certain mannerisms of composition not exclusive within the legal profession but prevalent enough to have formed a fixed association. Legal language also contains many Latin terms and phrases which is indicative of elitist and esoteric usage which makes the text sounds prestigious, abstract, formal, authoritative and impersonal. Laypeople without knowledge of the meaning of these Latinisms are excluded from any meaningful participation in courtroom communication.

Many lawyers and legal experts are aware of the fact that the terminology of legal language differs substantially from ordinary usage. However, they tend to attribute the difficulty of understanding legal language to a combination of esoteric vocabulary and the conceptual complexity of the law (cf. Charrow, Crandall and Charrow 1982: 176). Their views of what makes legal language unique differ substantially from what linguistic analysis reveals (cf. Charrow, Crandall and Charrow 1982: 175). Legal experts however recognise that legal language has syntactic constructions that differ from ordinary usage and create ambiguity. They also mention aspects such as Latinisms as well as archaic words and phrases as being problematic. This is evident in the various studies of legal language by lawyers and linguists which have focused almost exclusively on the lexical level (largely on vocabulary) (cf. Charrow, Crandall and Charrow 1982: 175, 176; Alberts 1999, 2001; Cornelius 2012).

Mellinkoff (1963) identifies the following characteristics of legal language:

- **Frequent use of common words with uncommon meanings** (using action *for* lawsuit; party *for* person contracting or litigating; of course *for* as a matter of right; motion *for* formal request for action by court, etc.)
- **Frequent use of Old and Middle English words** once in use but now rare or obsolete (aforesaid, whereas, said, etc.)
- **Frequent use of Latin words and phrases** (in propria persona, amicus curiae, mens rea, prima facie, plaintiff, defendant, status quo, affidavit, alibi, bona fide, quorum, etc.)
- **Use of French words not in the general vocabulary** (lien, easement, tort, etc.)
- **Use of art terms or art jargon** (contributory negligence, fictitious defendant, false pretences, negotiable instrument, eminent domain, etc.)
- **Use of argot** – "in-group communication" or "professional language" (pierce the corporate veil, damages, due care)
- **Frequent use of formal words** (approach the bench; just and equitable; as the Honourable Court pleases)
- **Deliberate use of words and expressions with flexible meanings** (adequate cause, gross malpractice, extreme provocation, informed decision, extraordinary compensation, reasonable man, undue influence)
- **Attempts at extreme precision** ("Know ye that I, ____ , of ____ , for and in consideration of ____ dollars, to me in hand paid by ____ , do by these presents for myself, my heirs, executors, and administrators, remise, release and forever discharge ____ , of ____ , his heirs, executors, and administrators, of and from any and all manner of action or actions, cause and causes of action, suits, debts, dues, sums of money, accounts, reckon-

ings, bonds, bills, specialities, covenants, contracts, controversies, agreements, promises, trespasses, damages, judgements, executions, claims, and demands whatsoever")

- **Inexactness or indistinctness** ("including but not limited to ..."; "nothing contained herein shall ...")

There are, however, also linguistic reasons for misunderstandings between juristic persons and laypeople. By means of a linguistic analysis of legal language, it is apparent that the following aspects of legal language usage create misunderstandings:

- The usage of **passives** in (past) participial phrases ("to decide all questions of fact *submitted* to you"; "you must not consider ... any statement of counsel *made* during the trial"; "any insinuation *suggested* by a question ... *asked* a witness"; "the reasons *given* for his opinion")
- **Truncated passives** cause problems when they obscure the identity of the agent ("If ... any rule ... *is repeated or stated* in varying ways ...")
- **Misplaced phrases**, injected into the middle of clauses ("If, *in these instructions*, any rule, direction or idea is repeated ..."; "a cause which, *in natural and continuous sequence*, produces the injury")
- Phrases beginning with "**as to**" create confusion: ("As *to* any question to which an objection was sustained, you must not speculate *as to* what the answer might have been or *as to* the reason for the objection")
- **Nominalisations** (nouns created from verbs) ("*assumption* of risk"; "... will bar *recovery* of damages"; "failure of *recollection*"; "after a *consideration* of ...")
- **Repetition of entire paragraphs** with slightly different wording and organisation
- Usage of unusual **subordinate clause embedding** ("Whether a discrepancy pertains to a fact of importance or only a trivial detail should be considered in weighing its significance"; "The requirement that affidavits in opposition to summary judgement motions must recite that the material facts relied upon are true is no mere formality.")
- Usage of **unclear anaphora** ("That on or about ____ , plaintiff discovered that the representations made by defendant were false and *he* thereupon elected to rescind the contract, hereinabove referred to, notifying defendant in writing on ____ that he was rescinding the contract.")
- **Wordlists** ("A witness who has special *knowledge, skill, experience, training* or *education* in a particular *science, profession or occupation*")

- **Multiple negatives** ("... and innocent *misrecollection* is *not uncommon*") (cf. Charrow, Crandall and Charrow 1982: 175-178; cf. also Cornelius 2012).

From the above linguistic analysis it is clear that legal language is quite distinct from Standard English. One can safely say that legal language developed into a unique variety of English – even more so than other professional languages, i.e. economics, which is more comprehensible to non-experts. As legal language has an important role in regulating society, society has the right to demand more comprehensible legal language in their mother-tongue (cf. Alberts 2001: 90, 91; Cornelius 2012) and especially when involved in a court case.

In this regard the court interpreter plays an important role by not only interpreting court proceedings for witnesses or accused persons into a language they understand, but also making legal language more accessible to them. However, even court interpreters may sometimes not know the appropriate linguistic equivalent for a legal term in the specific TL, mainly because no such term may exist. The absence of an equivalent legal term in the TL is admittedly one of the chief challenges facing interpreters (Matthias and Zaal 2002: 355-356). It is submitted that the development of clear legal terminology, especially in African languages, is an appropriate solution for the formalisation of legal knowledge. As such, legal language can be empowered to be potent media of development. The TLs (i.e. African languages) could also develop into functional languages in the legal domain.

3. Accessibility of legal language in a multilingual society

For legal terminology to become accessible to laypeople, legal experts and court interpreters should simplify legalese when communicating with members of the general public in order to empower them. Laypeople and interpreters should not be afraid to demand further clarification as regards difficult legal concepts from legal experts when necessary, and *vice versa* the experts should cooperate in the process of giving laypeople and interpreters access to these terms (cf. Charrow, Crandall and Charrow 1982: 175-190). Legal language can basically be made more accessible by properly defining legal concepts in understandable words. This is mainly done by terminologists who affix meanings to concepts and their related terms by defining the concepts in a low register or by means of simplified words. Through frequent usage, the concepts are standardised which ensure exact communication. In a typical terminographical environment exact communication is achieved when there is a one-to-one relation between term and concept, and this relationship can be achieved by means of a proper and understandable definition of the concept. This can be illustrated with the terms **arsonist** and **pyromaniac**. Both these terms denote a person who sets fire to an object, but there is a conceptual difference between them:

- An **arsonist** is a *criminal* who *deliberately* sets fire to something, especially a building.
- A **pyromaniac** is a person who *cannot control the desire* to set fire to things, often because of a *mental illness*.

Laypersons will understand the legal concepts if they are properly defined – especially if the concepts are defined in a low register or by using simplified words to enhance intelligibility (cf. Alberts 1999, 2010a: 23-24). Similarly, if court interpreters understand the underlying concept, they will be able to interpret it into any target language. It might not be with an appropriate TL equivalent but at least by paraphrasing.

The communication problem that legal language poses is further increased within a multilingual society as the adoption of a multilingual approach to public affairs obviously implies the use of major international and heritage languages such as English and French, but it includes the use of indigenous languages such as Afrikaans and the African languages in the legal sphere as well.

Political and societal changes in the new democratic South Africa have largely transformed the functional role of the indigenous languages. Section 6 of the Constitution further provides for multilingualism and the development of the linguistic heritage. This system of official multilingualism has produced a substantial demand for terminology creation as various business matters (civil service departments, local administrative bodies, courts of law, amongst others) need to be conducted in the different official languages (cf. Government Gazette 2012, 2013).

Multilingualism in South Africa is a sociolinguistic fact to be taken seriously (Alberts 1998: 230). A large proportion of South Africa's inhabitants can only be reached by means of indigenous languages. In a stressful courtroom situation, it is furthermore accepted that legal information is conveyed and assimilated best through the mother-tongue or first language. However, information flow is prevented from being established by factors such as low literacy rates, low levels of proficiency in English and terminologically poorly developed African languages (cf. Fourie 1994: 11-15).

4. Terminological principles regarding conceptualisation and term creation

As previously mentioned, exact communication can only be achieved if the sender of the message and its receiver attach the same meaning to the given message. In the normal communication process, **specialised information** is **encoded** to be conveyed/transmitted from a **sender** (S1) as communication source to a **receiver** (R1) as recipient of information who will **decode the message** and then react on the stimulus received, i.e.:

$$\text{S1} \rightarrow \text{specialised information} \rightarrow \text{R1}$$

Ambiguity in the specialised information may give rise to confusion and distortion of the communication process. One way to ascertain the exact meaning of a message conveyed through the medium of language is to document and standardise the terminology of languages for special purposes (LSP). When everyone in a specific language group working in a similar working environment understands the same message conveyed by a specific concept denoted by a specific linguistic label, that is the term, one can consider the term to be standardised. This is precisely what terminology is all about. It is the task of the terminologist to make sure that basic terminological principles, cultural differences and language attitudes of the professional group (i.e. legal experts) are taken into account when denoting concepts and coining terms.

As background to vocabulary development and the acquisition of related terminology, a brief explanation of terminological theory is required. According to Sager (1990: 4), terminology is concerned with "the study and use of the systems of symbols and linguistic signs employed for human communication in specialised areas of knowledge and activities". Terminology is "a representation of an equally coherent, but possibly differently structured system of concepts" (Sager 1990: 114). A term is created when various linguistic labels are used to describe or name a specific object or concept. It therefore refers to a definite concept which is clearly defined within specific parameters. A term is as such the linguistic representation of a mental construct. There is a special interrelationship between the symbol, the concept (that is its mental representation in one's brain) and the various linguistic labels used in different languages to describe the object and concept (cf. Diagram 2). If this does not exist, a misunderstanding or miscommunication will result (Sager 1990: 57).

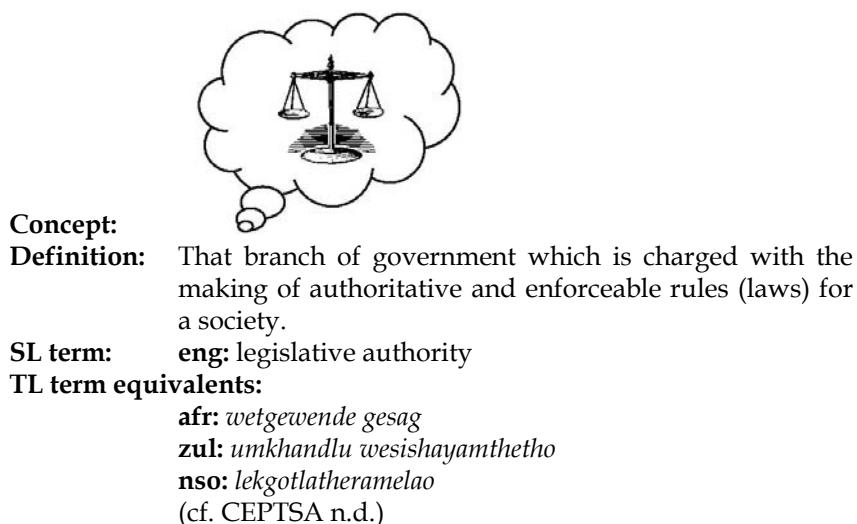


Diagram 2: Conceptualisation and term creation

According to Alberts (1990: 101), "one of the aims of practical terminological work (terminography) is to order the conceptual systems of subject fields". In terminography, attention is given to the dictionary user's (i.e. interpreter's) needs for specific terms for specialised communication in languages for special purposes, e.g. in certain subject areas, subdivisions or domains (cf. Alberts 1990: 109). This basically entails developing the required terminology.

There are three basic dimensions governing terminology development (cf. Sager 1990: 14-128), namely:

- a cognitive dimension, which relates the linguistic forms to their conceptual content, i.e. the referents in the real world (cf. Diagram 2);
- a linguistic dimension, which examines the existing and potential forms of the representation of terminologies (specialised domains as well as orthographies of SLs and TLs); and
- a communicative dimension that looks at the use of terminologies, and especially at standardisation processes (cf. also Alberts 2010b: 19).

The communicative dimension involves (cf. Alberts 2010b: 46-56):

- **language development** – i.e. terminology development in a variety of subject areas and domains);
- **information retrieval** – reference sources such as terminology lists, dictionaries for special purposes, databases, Internet;
- **coining of terms** – various term creation processes;
- **standardisation** – the frequent usage of terms within specialised environments leads to standardisation of the terms denoting the underlying concepts;
- **cultural differences** – misunderstanding owing to different conceptual environments;
- **consultation** – terminography should be handled through consultation with subject specialists, linguists, language practitioners;
- **dissemination** – terminology should be disseminated to be used in the communication process and to ensure the standardisation of the terms within a subject area or domain.

It is argued that terminography is therefore primarily prescriptive since terms and their underlying concepts need to be standardised to ensure exact communication (cf. Alberts 1990: 109; Alberts 2001: 78). Standardisation involves that terminology must be used correctly and consistently by the author/sender of the information and be known and understood by the reader/recipient of the information. Only if both participants in a speech act know the special ref-

erence of a term, can exact communication and knowledge transfer succeed, e.g. between subject specialists (e.g. lawyers), and between subject specialists and laypeople (cf. Alberts 2010b: 46–56). In the courtroom milieu, court interpreters facilitate this process while making use of terminology in both SLs and TLs.

The participation of a court interpreter as a facilitator in a legal communication process means that the communication activity consists of three, rather than two participants. The court interpreter's role is thus two-fold, first as a receptor of information and secondly as a source of information. As a receptor (R1) he receives the original input from the original speaker, in the source language (SL); and as S2 he relays the SL input to the listener who is now the second receptor (R2) in the listener's TL, i.e.:

S1 (SL) → specialised information → R1 (SL)/S2 (TL) → specialised information → R2 (TL)

This input is usually an utterance made up of words, phrases, sentences and specialised terms (sometimes accompanied by extra-linguistic features, i.e. tone or visible gestures such as facial expressions and other body movements, which will not be discussed here). The interpreter therefore needs background information on the topic under discussion so as to identify any possible lack of knowledge of, or unfamiliarity with legal terms before court proceedings. Accordingly, the court interpreter may either consult a legal dictionary, or if such a term does not exist, attempt to define the term himself. Whatever the case may be, it is clear that there is an urgent need for the development of legal terminology in the African languages as an aid to the court interpreter.

4.1 Terminology development

With the development of new terminology, aspects to be taken into account are that terms are created according to the word-forming principles and spelling and orthography rules of the standard language. A standard language is a codified and uniform language that has grammar, spelling and orthography rules, dictionaries and adequate terminology for the demands made. The primary aim of term creation is, as already seen, to promote communication in all the domains of the working environment, especially in developing environments such as science and technology. In these fields, terms are documented and systematised in order to create LSP, to compile technical dictionaries/language for special purposes dictionaries, terminology lists or electronic term banks. These reference works allow for terms to be standardised through their frequent usage by subject specialists, language practitioners and laypeople.

4.1.1 Conceptual interrelationship of terms

The various concepts belonging to a specific subject or specialised domain

(such as criminal law) have to be collected in a systematic way because terms stand in a specific conceptual relationship to other terms. It is only by dealing with the various related terms and concepts as a whole that terminologists can ensure the correct naming of concepts. This can be illustrated with the term **common law**:

| eng | afr | nso |
|--------------------------------------|-------------------------|------------------------------------|
| common law 1 n. | gemene reg | molao wo o sego wa ngwalwa |
| common law 2 n. (general law) | gemene reg | molao wa bohole nageng |
| Common law 3 n. | Common Law | Molao wa setlwaedi/ Molaotwaedi |
| common-law marriage | gemeenregtelike huwelik | lenyalo la molaotwaedi |
| common-law wife | gemeenregtelike vrou | mosadi |
| | | (cf. CLTAL database 2013) |

In South Africa, the common law (meaning 1) is based on Roman-Dutch law. The Common-law system (meaning 3) originated from the English legal tradition in contradistinction to Civil law (Roman law). Common law (meaning 2) refers to the law that commonly applies to all inhabitants of the country. Northern Sotho translators of this term originally suggested that the phrase *molao wa mmuso* be used as an equivalent for *common law* (general law) (meaning 2), but it was felt that this phrase refers more to *public law* which governs the relationship between the state and its subjects or between government institutions *inter se*, and not to the relationship between people. As such, the phrase *molao wa bohole nageng* was opted for. Cultural differences also have to be accounted for in translations. In African customary law, the common-law wife is regarded as a marriage partner with full marital status because 'lobola' has been paid for her. She is regarded in a totally different light from a concubine whose relationship may be of a temporary nature.

4.1.2 Methods of term creation

Terms are not created in a haphazard way. There are specific ways of supplying term equivalents in the various languages, such as borrowing, transliteration, total embedding, neologisms, etc. (cf. Alberts 1999). Terminologists, subject specialists, linguists and language practitioners (such as court interpreters) who have to supply TL term equivalents for SL terms have a variety of ways to apply, namely:

- *loan words* (from English, Afrikaans, Dutch, Flemish, German, French, Spanish, Italian, etc. (mainly major modern languages), e.g.:

| | | | | | |
|-----|-----------|-----|---------------------|-----|------------------|
| eng | affidavit | afr | beëdigde verklaring | nso | afidavite |
| eng | Hansard | afr | Hansard | nso | Hansard, Hansate |
| eng | abortus | afr | abortus | nso | abortuse |

The term equivalent (e.g. Afrikaans or Northern Sotho equivalents) must be congruent with the word-forming principles and spelling conventions of the language. The *ff* combination is not normally used in African languages. According to the rule, a consonant must be followed by a vowel and one should adhere to the rules of the specific language, the term equivalent in Northern Sotho is therefore: *afidavite*.

Also, the term **Hansard** (cf. English/Afrikaans) [the official published report of proceedings in the British parliament; named after Luke Hansard (1752–1828) and his descendants, who compiled and printed the journals of the House of Commons until 1889] was borrowed in Northern Sotho: **Hansard** but the synonym **Hansate** was coined according to Northern Sotho orthography.

Certain terms (i.e. **abortus/abortus/abortuse**) are regarded as being sensitive and in African culture form part of mainly taboo or women's language (called *hlonipa* in the Nguni language group and *tlotla* in the Sotho group of languages). It is not part of the natural language of all the people. Although the idiomatic term *lefolotsana* describes abortus in terms of animals, the word is regarded as obscene when applied to humans and therefore the borrowed term **abortuse** is preferred.

- *transliteration* (the use of the Greek or Latin stem to coin a TL equivalent):

addendum (Latin) neutral of *addendus*:

eng addendum afr toevoeging nso adentamo, flalletso

bail ME *bail, baille*, from MF *bail*, from *bailler* to give, deliver, from Latin *bajulare* to bear a burden, keep in custody, from *bajulus* porter, load carrier:

eng bail afr borg nso peile

In the last example, the SL (English) was used to coin the Northern Sotho term equivalent **peile**. A "p" was used in the TL instead of a "b" to obtain the correct Northern Sotho pronunciation. Terms that are internationally recognisable, i.e. transliterated or borrowed from major international languages such as English, French, German, Spanish, etc., have the added advantage that experts in the field would be able to recognise and comprehend them.

- *total embedding or adoption of a term in its original form without transliteration*

With this method, the original term – which usually stems from classical languages such as Latin or Greek – is embedded in the TL without changing or adapting any part of the original SL term. The terms are usually explained in the TL to enable users to use it appropriately:

| Latin | eng | afr |
|----------------------------|------------------------------------------------|-----------------------------------|
| ad litem | for the case/suit | vir die hofsaak/regsgeding |
| bona fide | in good faith | te goeder trou |
| cadit quaestio | the question falls away | die vraag verval |
| contumelia | insult | smaad, belediging |
| curia advisari vult | the court wishes to | die hof wil sy beslissing oorweeg |
| (cur. adv. vult) | consider its decision | |
| non compos mentis | not in full possession of his faculties/insane | nie by sy volle verstand nie |
| prima facie | at first sight | met die eerste oogopslag |
| quasi | as if | asof |
| sine | without | sonder |
| sub iudice | pending | nog hangende |
| summa ratio | decisive reason | deurslaggewende rede |
| uxor | wife | eggenote, vrou |
| verbis | with words only | slegs met woorde |
| vice versa | the other way round | omgekeerd |
| viva voce | orally | mondeling |

(cf. Tweetalige Polisiewoordeboek / Bilingual Police Dictionary 1994: 436-441)

- *extension of meaning* (using existing words but broadening the meaning to encompass the new concept), e.g.:

| | | | | | |
|------------|----------|------------|------------|------------|----------------------------------|
| eng | abet | afr | aanmoedig | nso | go thusana le go thusa bosenying |
| eng | abductor | afr | ontvoerder | nso | motshabisamongwe |

Note 1: Cf. international alpha codes: three-letter abbreviations for names of languages: <http://www.loc.gov/standards/ISO639-2/php/code>.

The Northern Sotho equivalent of abductor, namely 'motshabisamongwe' literally means a person who steals another person, from the word *-thopa* (captives in a war). This meaning is foreign to the Sotho group of languages. This concept is known in the Nguni tradition as *ukuthwala*. This traditional term has a positive meaning and is used when a man captures the girl he loves and intends to marry, while the term *ukuthumba* has a negative meaning. Terminologists have to know the exact meaning of each word to avoid ambiguity. In most cases, the subject or the context determines the meaning and therefore determines the choice of a term.

- *neologisms* (the coining of a new term), e.g.:

| | | | | | |
|------------|-----------|------------|-----------|------------|--------------|
| eng | Polygraph | afr | poligraaf | nso | seutoliamaka |
| eng | adopt | afr | aanneem | nso | adopta |

This word 'adopt' is common in Western culture but according to African culture a child can never be attained by nursing and feeding it; as such, a new word had to be coined.

Again, when designating new concepts by means of terms, the underlying meaning of the concept should be understood before coining a term, cf.

eng **hit** *n. <slang>* [a murder carried out as the result of an underworld vendetta or rivalry]

afr huurmoord 1

afr huurmoord 2, sluipmoord

nso polaotlhoyo 1 [a killing committed out of hatred]

polaorongwa 2 [a killing when someone has been sent, or contractually employed to kill another; a killing when a killer is hired to assassinate someone] (polaopakišano, **polaenkwa**, replaced by: polaokwanelwa)

Note 1: The term **hit** could have more than one meaning – the context would dictate the term to use.

Note 2: Although the English and Afrikaans terms are general words, the Northern Sotho terms had to be created.

One should also take the orthographical rules of a language into consideration when coining terms. When working in a language with a disjunctive orthography one cannot provide a single equivalent for a given term in the same way as in the case of a language with a conjunctive orthography. The Afrikaans orthography allows for a conjunctive manner of writing and therefore Afrikaans terms tend to be one word. English and some of the orthographies of the African languages prescribe a disjunctive manner of writing and therefore the terms tend to consist of more than one word. Although terms may seem to consist out of more than one word in the African languages, these can still be regarded as terms since the orthographies prescribe disjunctive writing.

eng hit list (**disjunctive**)

afr huurmoordlys (**conjunctive**)

nso lenaneo la polaorongwa (**disjunctive**) [this term could also refer to the plans or tactics that are going to be used]

lenaneoina la polaorongwa (**disjunctive**) [a list of people to be murdered]

When coining terms (neologisms) for new concepts in any of the South African official languages, it is of the utmost importance to consult with the other languages to see whether the concept is already named. By consulting other languages, it is much easier for the terminologist to coin a new term in the relevant language according to the existing terms in the other language(s).

4.1.3 Specific term-creation considerations

– Culture-specific nature of terms

As seen in some of the examples already provided, culture plays an important role in the translation of terms. Owing to the culture-specific nature of some terms they cannot always be translated successfully by the different culture groups. Although to the layperson it may seem that all concepts are represented in all languages, it is definitely not the case and the speakers/interpreters/translators/terminologists experience great difficulty if the national and cultural backgrounds of the SLs and TLs differ from one another. For example, in a certain case the Northern Sotho exclamation: "Sebatakgomō" (English: a cry for help) by a plaintiff (a woman who was raped) was misinterpreted by a Sesotho court interpreter as "Ke batla kgomo" (English: "I want an ox") and as a result the perpetrator (rapist) was set free. In another case, an accused was wrongfully acquitted based on the erroneous interpretation of an African term literally meaning "arrow", but "gun" in the context of the trial (cf. Mikkelsen 2008: 87).

As such, a person working on a multilingual legal terminology project must not only have a sound background of legal approach and court procedure coupled with a good command of Afrikaans and/or English and the vernacular of the relevant language groups, but also knowledge of indigenous culture. It is important to realise that the terminology list or dictionary will be the channel through which legal and linguistic information will flow. This terminology list or dictionary should also contain extra information on usage, especially for the court interpreter. It should not only be a glossary of legal terms, it should guide the user on language and style usage, on the difference in interpreting and translation of certain concepts, and on misinterpreting, misstatements and misrepresentations. The translated equivalent must also be acceptable to the community:

| | |
|------------|----------------------------------------------------------------------------------------------|
| eng | half-blood <i>n.</i> [the relationship between individuals having only one parent in common] |
| afr | halwe bloed [met een gemeenskaplike ouer] |
| nso | morwarre; <i>hlaba</i> |

In this example, an equivalent with exactly the same meaning as in English does not exist in Northern Sotho owing to cultural differences. All the children in a Pedi family (Afrikaans: gesin) are brothers and sisters, irrespective of the fact that some of the members of this family may have only one parent in common. The term *hlaba* already exists for this concept, but has a negative connotation as it could be used for an illegitimate child. However, the term *hlaba* is used in fighting language, for example when one contends for a higher position, for instance for chieftainship. In this regard, the context will determine

which term (*morwarre* or *hlaba*) to use.

– Connotation

When supplying or coining term equivalents to SL terms subject specialists, linguists and language communities should be consulted. It is of great importance that consensus should be obtained since subject specialists know the subject or domain and linguists could give authority to the term equivalents. By getting consent from subject specialists as well as linguists the terms will be used by both experts and laypeople in the user's environment. Only terms that are both technically and linguistically sound will penetrate into a language and will be disseminated in the subject field through the language.

Although terminology is by nature abstract and exact, and is therefore to a great extent secure against emotive connotations that can be attached to words, one should be aware not to incorporate potentially offensive and/or sensitive items in a term list or dictionary. This can be illustrated with examples from the social and political subject fields with which the legal domain overlaps to a certain extent, e.g.:

eng **homosexual** *n. (general)* [*a person sexually attracted to somebody of the same sex*]

afr homoseksueel

nso morobalalewabongbjagwe (**coinage**)

lehomo (**synonym, loan word**)

lehomosektshuale (**synonym, loan word**)

eng **gay** [*a man who is sexually attracted to other men*]

afr homoseksueel

nso morobalalewabongbjagwebonna (**coinage**)

lekei (**synonym, loan word**)

eng **lesbian** [*a woman who is sexually attracted to other women*]

afr lesbiér

nso morobalalewabongbjagwebosadi (**coinage**)

lelesbiene (**synonym, loan word**)

Note: The *le* class is being used in Northern Sotho for matters unacceptable to the culture; *mo* is being used for things out of the ordinary.

– Harmonisation of terms

Where terms are comparatively similar in the different African languages, the harmonisation of terms should be considered. In terminology harmonisation, the terminologist maintains the basic existing term and also develops it by extending its meaning to match the meaning of a new concept, and adjusting it to the orthography rules of the particular language (cf. Alberts 1998: 235).

Nahir (1984: 308) defines this process as "establishing unified terminologies, mostly technical, by clarifying and defining them, in order to reduce communicative ambiguity". The localised term will be nationally recognisable within the relevant language groups since it would consist of the basic stem with language-specific adjustments, i.e. orthographic conventions (cf. Alberts 1998: 235).

An area where the principles of harmonisation can be applied is in the development of the terminologies of the Nguni and Sotho languages. Since the Nguni and Sotho cultural languages have a sizeable core of common vocabularies, it would be ideal if they also had a common pool of terminologies (Msimang 1996: 20). In this case, terms of modern concepts can generally be shared by the Nguni and Sotho groups. In these cases, it will then be unnecessary to coin a separate term for Ndebele (*isiNdebele*), Swati (*Siswati*), Xhosa (*isiXhosa*) and Zulu (*isiZulu*) (Nguni group) or for Northern Sotho (*Sesotho sa Leboa/Sepedi*), Southern Sotho (*Sesotho*), Tswana (*Setswana*) (Sotho group). A team of terminologists for all the Nguni languages and another team for all the Sotho languages (consisting of members of the separate languages within the specific language group) can work together when denoting concepts in the related languages, e.g.

bribe *v* (eng): *omkoop* (afr); -*reka* (nso); -*reka* (tsn)

trade *n* (eng): *handel* (afr); *kgwebo* (nso, sos, tsn); *ukuhweba* (zul)

law *n* (eng): *wet* (afr); *molao* (nso, sot, tsn); *umthetho* (xho, zul)

– Internationalisation/globalisation and the South African legal system

When creating new legal concepts, one could also consider adopting existing standardised terms from international and global sources of law, provided that they are precise denotative equivalents of national concepts (cf. Kierzkowska 1995: 129-140, 1999). This practice entails the internationalisation and globalisation of a legal terminological system's concepts. The easiest way to achieve this is to build a primary system of legal terminology and a secondary system of legal terminology concurrently. This takes place in countries such as Canada and Finland, where legal regulations are passed simultaneously in English and French or in Finnish and Swedish. It is also the case with the European Union which does not need to be internationalised because it is international by definition. However, according to Kierzkowska (1995: 129-140, 1999), the internationalisation of legal terminology within the traditional definition is difficult as international legal systems do not seem to be compatible.

Similarly, the language practitioner working with legal terminology in a multilingual society such as South Africa encounters interesting problems. Although Roman-Dutch law forms the basis of the South African legal system, the legal system is also greatly influenced by inherited legal systems such as English Common law and indigenous law in an African context. Conflicts often occur. For example, according to English Common law, two terms are used to describe the South African criminal offence of defamation, namely libel (for written forms of defamation) and slander (for verbal forms of defamation). No

such distinction is made in South African criminal law.

The various legal systems pose a serious problem when determining the exact meaning of a concept. It is therefore necessary to excerpt legal terms from existing documentation and first of all to define these concepts accurately in the South African context before it is possible to denote them with equivalents in Afrikaans or any of the African languages in South Africa. The idea of internationalisation/globalisation can therefore be implemented within a limited scope only, namely:

- to use terms with Greek and Latin cores such as:

eng democracy **afr** demokrasie **zul** intando yeningi **nso** mmušo ka batho,
temokrasi

In this example the English and Afrikaans terms were transliterated and the Northern Sotho term 'temokrasi' was borrowed.

Localised terms are still spelt according to the orthography of the specific languages (i.e. **afr** 'demokrasie' and **nso** 'temokrasi') but by sharing the same stem legal experts and language practitioners can recognise the terms and with a knowledge of the subject field they can therefore easily derive the meanings attached to them. This approach is often referred to as 'borrowing with

In so far as legal systems are in principle compatible, it is possible to standardise the terminology associated within the legal systems. If a concept does not, however, exist in the legal system of a specific language group, it is very difficult to denote it in the language. Problems are for instance encountered when non-existing concepts are imported into the African languages from foreign legal systems – e.g. the concept denoted by the terms **eng** 'high treason' and **afr** 'hoogverraad' for which no Northern Sotho term could be found, because the concept is foreign to the speech community (cf. Alberts 1998: 238). The Northern Sotho term '*sa go uša mmušo*' was coined.

Full internationalisation/globalisation of localised or national legal terminologies will, according to Kierzkowska (1995: 129-140, 1999), never be possible. It will, though, certainly be possible in the future to gradually internationalise/globalise systems of legal concepts to be followed by the gradual internationalisation/globalisation of local or national terminologies. Before it becomes universal, terminologists should apply existing internationalisms/globalisms, exchange their local or national terminologies on a worldwide scale and support every effort made towards internationalisation/globalisation and standardisation of legal concepts.

4.2 Terminology harvesting methods

The court interpreter needs to know where to find terms. The terminology needed for communication within a specialised environment such as court interpreting (i.e. criminal law, criminal procedural law and law of evidence) is

not necessarily available in specialised dictionaries or term lists. The court interpreter might need to harvest terms from various sources. It is therefore important to discuss the basic methods of terminology harvesting methods, namely subject-oriented terminography (SOT), translation-oriented terminography (TOT), and linguistic community-oriented terminography (LCOT).

4.2.1 Subject-oriented terminography (SOT)

Subject-oriented terminography (SOT) is the traditional method used for term extraction or term harvesting. In the case of SOT, terms are harvested within a given subject area in terms of the conceptual framework (cf. Alberts 2010a: 72). The point of departure is therefore the conceptual framework of the subject or domain.

SOT underpins primary term creation processes and terms are created first in the SL. During the SOT process, terminologists are highly dependent on the input and collaboration of subject-field specialists and experts of various occupational domains, i.e. the legal profession. They have to liaise with various subject committees and linguists who assist with the supplying of terms and their definitions in the SL (i.e. primary term creation) since they, being knowledgeable experts, are the best equipped. Subject specialists also assist with the supplying of term equivalents in TLs, i.e. secondary term creation (cf. Alberts 2001: 79). Trained terminologists assist with the data capturing and dictionary compilation process.

Example of SOT term extraction:

Subject: Law, more specifically criminal law; primary term: *arrest*, which can be both a noun and a verb. Additional terms can be extracted from the SL term:

| SL Terms | | Additional Terms |
|---------------|---|------------------|
| arrest (n) | > | arrest (v) |
| lawful arrest | > | unlawful arrest |
| arrester | > | arrestee |

4.2.2 Translation-oriented terminography (TOT)

In the translation-oriented terminography (TOT) process, terms are extracted from available SL and TL texts (cf. ISO 2002; Alberts 2010a: 72-80). These texts are aligned and SL terms (primary term creation) and TL equivalents (secondary term creation) are matched (cf. Diagram 3). TOT term extraction methods are used when SL and TL terms are both available in texts, i.e. when a source document in the SL is translated into a TL. Translators and interpreters could use this extraction method to align SL and TL terms in order to compile term lists, e.g.:

Example of TOT term extraction:

| SL Terms | > | TL Terms |
|-------------------|---|-------------------|
| binding authority | > | bindende gesag |
| the authorities | > | die gesag |
| local authority | > | plaaslike bestuur |

The TOT term harvesting process could be illustrated as follows (cf. Diagram 3):

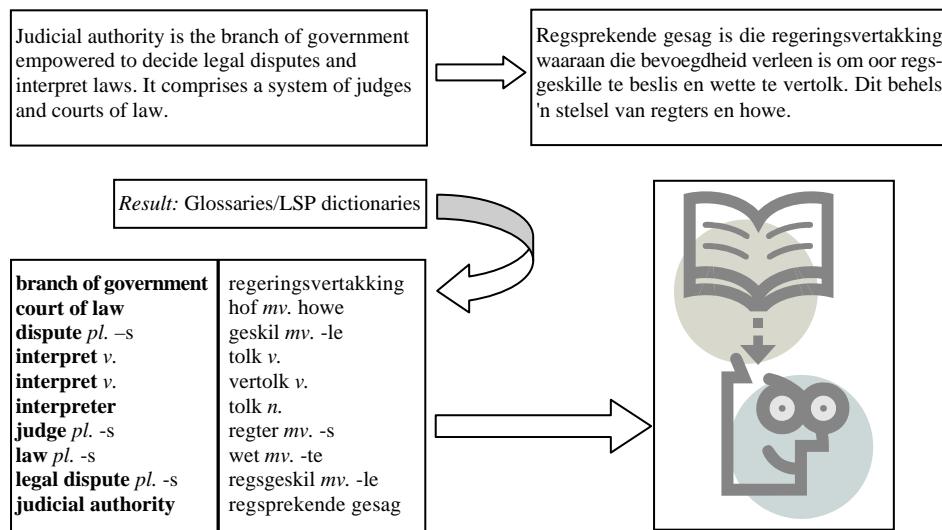


Diagram 3: Translation-oriented terminography (TOT) term harvesting process

4.2.3 Linguistic community-oriented terminography (LCOT)

The linguistic community-oriented terminography (LCOT) process makes use of fieldwork to harvest available terms from linguistic communities (cf. Alberts 2010a: 72). Terminology is gathered through i.e. indigenous knowledge systems (e.g. indigenous law, medicine, herbs, bird and animal names, etc.). Dialects also provide several terms of previously denoted concepts. These terms might be archaic or even obsolete but they could get new life within a conceptual cluster. The value of this method of harvesting is that terms are already available and known in the TL.

The various harvesting processes discussed above support the primary (SL) and secondary term (TL) creation processes. In order to be as comprehensive as possible, translators, interpreters and terminologists should work together to harvest, document, and disseminate these terms. This is done as a first process in order to standardise terminology. However, as emphasised

before, terms will only be standardised when they are frequently used by subject specialists and language practitioners and therefore are able to penetrate into the subject field and languages concerned (i.e. SLs and TLs). One can create the most beautiful terms possible, but if they are not used, they will die a slow death; e.g. the coinage of the isiZulu term *umabonakude* which was disregarded in favour of the English form *ithelevishini*. As such, terms will only penetrate a subject area and language through **continued use**.

4.3 Harvesting methods for the court interpreter

All the terminology harvesting methods described above are of value to the court interpreter. Dictionaries or term lists compiled according to the SOT method would supply terms and would immediately correspond to terminology needs – but this is only relevant in cases where there are special purpose dictionaries available in the given subject field or domain. The terms might even be available in the required SL and TL. In cases where the terminology is not available in the TL, the interpreter still needs to get TL equivalents which might not be standardised or verified by subject specialists, linguists or other language practitioners (i.e. the National Language Bodies (NLBs)).

In the case of terminology acquired through field work (LCOT process), the terms come from the language users themselves and would probably already be in the required TL. These terms would probably also already be standardised through frequent usage, although not documented in dictionaries.

The translation-oriented terminography (TOT) harvesting process will probably work best for court interpreting, where an interpreter would receive documents prior to a hearing. The court interpreter could then study the court documents and with the use of subject-specific dictionaries match SL terms with TL term equivalents. The court interpreter could then be able to compile a term list to prepare for the hearing and to utilise it during the hearing.

In this manner, a court interpreter could compile a more permanent reference resource by also utilising the TOT harvesting method. In this process, the court interpreter has to study SL and TL texts (court documents, legal texts, etc.) to align sentences, and also to identify and match SL terms with TL equivalents. The court interpreter will then extract key SL terms and TL equivalents, record SL and TL terminological information according to a style guide (predetermined, standardised format of a database program), and supply definitions, where possible. It is important though that the court interpreter discuss the SL terms and definitions and TL term equivalents with an established domain-specific terminology committee in order to finalise definitions and term equivalents. The terminology also needs to be authenticated by a language-specific NLB. After updating the terminological database, the information needs to be published and disseminated to fellow language workers, i.e. translators and interpreters and subject specialists, i.e. legal experts.

The TOT harvesting process has certain advantages for court interpreters.

It provides for the continuous recording of terms and neologisms – as the court interpreter creates the terms, he records them. This also leads to the quick and easy retrieval of reliable (verified) terminological information. The new terminology will already be used in court though they may not be standardised according to prescribed terminological processes. However, by frequent usage the terms may become standardised. The continuous recording and usage of terminology further implies continuous support and interaction between translators, interpreters and terminologists. One may also use any language as SL. The TOT process is an easy way to streamline the terminology harvesting process (data collection) and it also facilitates the terminology coordination process. As such, TOT is a reliable method of developing multilingual and polythematic terminology and the South African indigenous languages into functional languages.

On the other hand, the TOT process does require dedication and inputs from various collaborators. There has to be frequent and ongoing harvesting of terminology (and related information) in both SL texts and TL translations. Collaboration can take place via various terminology offices (terminologists, translators and linguists), specific bodies such as the Terminology Coordination Section, National Language Service (NLS), Department of Arts and Culture, the National Lexicography Units (NLUs) and the National Language Bodies (NLBs), amongst others.

5. The process of compiling specialised dictionaries: an illustration

A combination of all three practical harvesting methods is recommended when a proper subject-related dictionary is compiled. In this case, the linguistic communities, subject specialists and language practitioners such as translators and interpreters not only collaborate in the supplying of terminology, but they are also the beneficiaries of the subject-related dictionary. A legal dictionary for example would be to the benefit of legal practitioners but also to court interpreters and the members of the community who have to go to court or deal with law enforcement issues.

To make this process more practical, an illustration will be provided by way of the research done by the Centre for Legal Terminology in the African Languages (CLTAL) in the process of compiling a multilingual subject-related dictionary on criminal law, criminal procedural law and law of evidence.

The members of CLTAL have divided the process into four phases (cf. Alberts 2008). The first phase consisted of establishing a team which comprises of subject specialist(s), terminographer(s)/terminologist(s) and linguist(s). This team compiled a basic SL (English) terminology list. For example, the subject specialists from various legal fields extracted terms and their definitions from legal texts, study material, etc. The terminographer or terminologist advised the subject specialist with regards to the extracting of terms. Simplified but

exact definitions and examples were provided to the team. The information supplied in the definitions was deducted and new definitions were compiled using the information gathered from various sources. The terminographer or terminologist advised the subject specialist with regards to the processes concerning the defining of terms. The definitions were again verified by external legal experts.

The second phase entailed the conformation of a SL terminology list with terminographical procedures and standards. The data was consequently computerised (the WordPerfect database which was originally used was converted into a TshwaneTerm database).

The third phase involved the translation of terms, definitions and examples in the TLs. Northern Sotho was chosen as the first African language into which terms would be translated, because in 1987 the then Government of Lebowa was the first to draw attention to the need. However, CLTAL serves as an umbrella institution to also develop legal terminology in other African languages. The next language for which funds were acquired is Zulu. Delegates of several other African languages regularly attend the quarterly CLTAL meetings with an aim to add other languages such as Venda, Tswana, Sotho, Swati and Xhosa.

During the translation process, various inputs by collaborators such as language specialists or linguists as well as subject specialists were depended on to accurately translate the terms and definitions. The data was then captured in the TL(s) (i.e. Afrikaans and Northern Sotho). Problematic terms were discussed at quarterly meetings with representatives from different disciplines (e.g. lawyers, magistrates, court interpreters, members of the Justice Training College, the Department of Justice, the SAPS, members of the previous Language Boards, current NLBs (i.e. Afrikaans and Northern Sotho NLBs), NLUs (i.e. the Sesotho sa Leboa NLU), Provincial Language Committees (PLCs), the SABC, the Department of Education, the Tshwane Municipality, the SABS, AFRILEX, academics from legal and African language departments, linguists, terminologists, translators, researchers, anthropologists, etc.). All members of CLTAL are voluntary workers (which is an example of the dedication required for the terminology creation process).

The final and fourth phase comprises verification and authentication by NLBs of the relevant TLs. Before this stage, other language specialists and experts in law were appointed for editing and quality assurance purposes. Lastly, the dictionaries are published and disseminated. This dictionary is an example of the SOT process.

6. Terminology from CLTAL and CEPTSA

The terminology/terminography process in South Africa favours English. English is usually regarded as the SL since it is through the medium of English

that most concepts and terms reach the population. Once the English terms are excerpted and supplied with a definition and/or example sentence, they can be supplied with equivalents in the ten indigenous languages.

6.1 Terminological examples from CLTAL

The examples provided are from the SL in English to the TLs in Northern Sotho and Afrikaans. The Afrikaans term equivalents were mostly available since they were already documented in bilingual English/Afrikaans legal dictionaries (cf. Alberts 2012: 15-22).

6.1.1 Neologisms

Some of the Northern Sotho terms were available in general bilingual English/Northern Sotho dictionaries but most Northern Sotho terms did not exist and they had to be created as neologisms.

| eng | nso | afr |
|---------------------|----------------------|---------------------|
| baby snatcher | seutswalesea | babadief |
| bush lawyer | moitiraramoloa | bosprokureur |
| parental kidnapping | tšhabišokamotswadi | ouerontvoering |
| pilferage | bohotšwana | ontfutseling |
| pimp | monyakedithobalanong | koppelaar |
| premeditated crime | bosenyipeakanywa | voorbedagte misdaad |
| premeditated murder | polaopeakanywa | voorbedagte moord |
| preponderance | phetano | oorwig |
| primary evidence | bohlatsehlatsé | beste getuienis |
| polygraph | seutoliamamaaka | poligraaf |
| prime (witness) | sebela (hlatse) | (getuie) afrig |
| principal | mosenyimogolo | dader |
| puberty | botšwamahlalagading | puberteit |

6.1.2 Homonyms

CLTAL deals with homonyms in the following way:

accessory¹ *n* aiding or being concerned in the commission of a crime [e.g. to a crime]

medepligtige *n* help of betrokke wees by die pleging van 'n misdaad [bv. 'n misdaad]

accessory² *n* additional; subordinately contributive [e.g. in respect of crime]

aksessoor *n* addisioneel; wat bykom [bv. by misdaad]

6.1.3 Synonyms

Terminographical information is supplied in the main entry and the synonym is referred to the main entry, e.g.

custom *n* usual or habitual practice; typical mode of behaviour

gebruik *n* gewone of gebruiklike praktyk; 'n tipiese wyse van optrede of gedrag [gewoonte]

custom gewoonte ► gebruik

6.1.4 Cross-referencing

A cross-referencing system assists the user with related terms, e.g.

supreme court

► *see also* high court

hooggereghof

► *kyk ook* hoë hof

In the case of related terms such as *particide*, *matricide*, *fratricide*, and *sororicide* the terms are also referred to similar concepts, e.g.

patricide¹ *n* person who murdered his/her own father

patricide² *n* murder of a father by his child

patricide

► *see also* matricide

vadermoordenaar

► *kyk ook* moedermoordenaar

patricide

► *see also* matricide

vadermoord

► *kyk ook* moedermoord

6.1.5 Abbreviations

Information is supplied at the main entry and the abbreviation is referred to the main entry, e.g.

A.D.

► Appellate Division

A

► Appèlafdeling

KB

► Kgorotsheko ya Boipeletšo

Appellate Division A.D. highest court of appeal in the RSA before ... [historic,
see Supreme Court of Appeal]

6.1.6 The usage of Latin terminology in the CLTAL database

Since Latin terminology forms an integral part of the legal field, these terms were also incorporated into the CLTAL database. In some cases, the Latin terms were translated into Northern Sotho, although they are used as such in English and Afrikaans, e.g.

- Latin terms that are translated into Northern Sotho:
eng prima facie **nso** ponagalomathomong **afr** prima facie

Some Latin terms are, however, embedded as such in the different languages but are defined or explained in the relevant languages:

- Latin terms that are embedded into the various languages:
eng dolus (*intention*) **nso** dolus (*maikemisetso*) **afr** dolus (*opset*)

6.2 Terminological examples from CEPTSA

Subject specialists, i.e. legal experts and language practitioners such as court interpreters should also consult related terminological resources such as political terms. The Centre for Political and Related Terminology in Southern African Languages (CEPTSA) concentrates on political terms. It has compiled a bilingual English/Afrikaans dictionary, i.e. the *Modern Political Dictionary* (MPD) 2002 which was revised as a result of responses to individual enquiries concerning the translation of new terms. Term acquisitions occurring this way up to the end of 2010 have been incorporated into the latest issue of MPD in 2011 (cf. Botha, Le Clus and Venter 2011).

Subsequent to the publication of the bilingual dictionaries, CEPTSA also concentrated on creating the groundwork for the multilingual version. CEPTSA has already defined 1 000 core terms in the field of politics and has translated them into Northern Sotho (nso) and Zulu (zul) with the collaboration of academic colleagues (cf. CEPTSA n.d.). A further 1 500 terms are at present being defined with a view to adding them in the same languages and making the 2 500 terms available as an interim publication in all official African languages (cf. Botha, Le Clus and Venter 2011: 4).

The political and related terminology is also a valuable source for court interpreters since these terms are all defined in the SL and TL. The following SL terms and TL equivalents are examples of the multilingual terminology available in the interim publication (cf. CEPTSA n.d.):

| eng | afr | zul | nso |
|------------|---------------------|--------------------------------|-----------------|
| election | verkiesing, eleksie | ukhetho | kgetho |
| enact | verwetlik | ukumisa umthetho | tihomo ya molao |
| executive | bestuur | isigungu esiphakeme | khuduthamaga |
| exile n. | balling, banneling | senhlangano osekudingisweni | molelekwa |

| | | | |
|------------|-----------|---------------------|--------------------|
| forum | forum | inkundla | kgotla, foramo |
| franchise | stemreg | ilungelo lokuvota | okelo ya go khetha |
| freedom | vryheid | inkululeko | tokologo |
| office | amp | ihhovisi | modiro wa ofising |
| opposition | opposisie | iqembu eliphikisayo | lekoko-kganetsō |

CEPTSA also had to deal with homonyms. The fact that all the terms are defined in the SL and TL enables proper interpretation of the concept and its denoting in the TLs:

- executive n. **afr** bestuur, **zul** isigungu esiphakeme senhlangano, **nso** khuduthamaga
- executive n. **afr** uitvoerende beampte, **zul** isikhulu esiphezulu, **nso** leloko-phethisi
- executive n. **afr** uitvoerende gesag, **zul** isigungu esiphakeme sikahulumeni, **nso** khuduthamaga ya mmuso
- executive n. **afr** uitvoerende instelling, **zul** isigungu esiphethe, **nso** khuduthamagakgolo

7. Concluding remarks

This article focused on the background principles, procedures and practice of terminology and terminography for legal interpreting in the African languages. Various terminological principles and processes were discussed. The cognitive, linguistic and communicative dimensions of terminology, word-forming principles, consultation with experts, and planning and compiling of technical term lists were looked at. It was advised that interpreters should use all appropriate methods of term extraction but that TOT would probably be the most useful method of obtaining terms. It was, however, stressed that only by frequent usage terms could penetrate into the subject field and languages concerned and therefore be standardised. The principles of harmonisation and internationalisation/globalisation were discussed in terms of term creation in the legal field. It was suggested that rather than naming every new concept with a totally diverse term, it is more practical to borrow terms from the language of origin to make them locally/nationally and internationally/globally recognisable. Terms can also be coined according to either international languages (through the process of transliteration) or according to the principles of harmonisation (through the process of borrowing). It was further stressed that terminology work should not be done in isolation and that subject specialists (e.g. legal experts), language practitioners and various institutions should be consulted during the process. Further assistance may be obtained from terminology-related centres such as CLTAL and CEPTSA which have as their objectives to make legal and political terminology more accessible to court interpreters, judicial personnel, academics, students and the local indigenous population and by doing so, make it more available and more comprehensible. The multilingual legal and

political terminology would assist the indigenous population in various situations, i.e. enabling users in their first languages when for instance facing court procedures as either the accused, legal representative or court interpreter.

In furtherance of the aim to equip court-interpreting language practitioners with all the basic skills needed to carry out a project through all the stages of the terminological process, the ideal would be to organise a hands-on workshop or multilingual terminology training session where they are encouraged to discover and regard terminology development as a solution to language development. As a more immediate solution, we would like to encourage court interpreters to continue to develop their written and spoken command of their working languages, including any specialist terminology. This is mainly to be done by engaging in continuing education.

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