

**The Role of Translation with Special Reference to Tshivenda  
and English: A Case of the Maintenance Act Number 99 of  
1998 in South Africa**

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AFRICAN LANGUAGES**

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**The Role of Translation with Special Reference to Tshivenda  
and English: A Case of the Maintenance Act Number 99 of  
1998 in South Africa**

**by**

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**RESEARCH DISSERTATION**

*Submitted in fulfilment of the requirements for the degree of*

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## DECLARATION

I declare that **The Role of Translation with Special Reference to Tshivenda and English: A Case of the Maintenance of Act No.99 of 1998 in South Africa**, hereby submitted to the University of Limpopo, for the degree of **MASTERS OF ARTS IN AFRICAN LANGUAGES** has not previously been submitted by me for a degree at this or any other university, that is my work in design and in execution, and that all material contained herein has been duly acknowledged.

.....

**N.T. MUKUNDAMAGO (Ms)**

**[REDACTED]**

.....

**DATE**

## **DEDICATION**

This dissertation is dedicated to :

My son

Thanzi Matsheketsheke

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## **ABSTRACT**

The study examines a variety of problems that are associated with the translation of the Maintenance Act of South Africa (1998) from English into Tshivenda. The study also analyses various translation methods and procedures, and attempts to apply them in the translation of the aforementioned Act. Currently, there seems to be a great lack of legal terminology in Tshivenda. As a result, officials end up using English when they interact with their clients who are largely illiterate. Therefore, the study focuses on translation strategies that can be invoked in order to solve the problem of lack of terminology in indigenous languages in general and Tshivenda in particular.

Chapter two gives a review of the literature and theories pertaining to various translation topics such as, definition of translation, types of translation, methods of translation and procedure of translation.

Chapter three addresses issues pertaining to the strategies of translation, methods of translation and terminology development or term formation processes in African languages. These aspects are used by the researcher to expand on the aims and objectives of this research study.

Chapter four analyses the respondents' responses with regard to the translation of legal terminology used in the Maintenance Act (no: 99 of 1998) from English into Tshivenda language. A questionnaire was used to examine whether respondents would correctly translate legal terminology from English into Tshivenda language. Their responses are also discussed here.

Chapter five gives a conclusion to this study.

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## CHAPTER 1

### 1.1 INTRODUCTION

South Africa is a multilingual country with eleven official languages. In spite of all this, English still remains the dominant language of communication. It is for this reason that translation would still be required in order to convey meaning from English to the other official languages. Much progress has already been made in the daily use of other languages in areas such as education and health. However, this is not applicable to the legal field where English is seen as a requirement for one to deal with legal issues. It is, therefore, necessary to conduct a study on the role of translation from English into Tshivenda as regards activities associated with the Maintenance Act Number 99 of South Africa (1998).

### 1.2 BACKGROUND TO THE PROBLEM

It has come to the attention of many people that most women in Venda (Limpopo Province, South Africa) especially in and around Thohoyandou, lack knowledge as far as issues pertaining to the maintenance of their children are concerned. The researcher discovered that one of the reasons why most of the divorced women cannot claim maintenance for their children is because they can neither read nor write. This illiteracy implies that they cannot gain access to documents that contain relevant information on some of the maintenance issues since the Maintenance Act of South Africa is still available in English only.

In view of all this, the researcher decided to conduct research that investigates the role of translation with special reference to Tshivenda and English where the Maintenance Act (1998) is involved. If most of these women were able to read and write, they would be able to translate and understand the details of the

Maintenance Act. The lack of knowledge on the Maintenance Act prohibits illiterate women from understanding and knowing their rights as citizens.

Currently, the Maintenance Act No. 99 of 1998 in the Republic of South Africa is available in English only and this sometimes causes communication difficulties where the majority of the citizens are Tshivenda speaking people. The word *maintenance* is a source of misunderstanding and unhappiness as it implies that one is supposed to provide the needs of the other. According to Hornby (2006:891), maintenance is money that somebody must pay regularly to the former wife, husband or partner especially when they have had children together. The word *maintenance* is translated and interpreted as *u unḁa* in Tshivenda, and it is not an exact equivalent to maintenance because it is mainly positive in meaning. It encourages both men and women to take care of their offspring or children. In contrast, the term *maintenance* is deemed to be negative as the responsibility of upkeep is shouldered by one person.

In addition, words such as *subpoena* that appear in the said Act do not have equivalents in Tshivenda. Even if an adoptive is used, the respondents end up not understanding what it really means. For instance, *ro vha ḁisela subpoena* (we have brought you a subpoena). In many instances, the respondents do not pitch up in court as directed in the subpoena as a result of a lack of understanding. According to Hornby (2006:1475), subpoena is a written order to attend court as a witness to give evidence. Yet a subpoena is a very important issue that one cannot afford to ignore. One can also have a look at a word such as *custody* which is defined by Hornby (2006:361) as the legal right or duty to take care of somebody. In Tshivenda this term does not have an equivalent, instead it is often paraphrased to be *thendelo ya u dzula na nḁwana* (the permission to stay with the child).

According to the maintenance information brochures and charts that have been translated, another term which causes great difficulty in terms of legal communication is the word *lodge*. For example, the complainant, that is, a person who makes a formal complaint against somebody in court, can lodge a maintenance claim for their children against the respondent, who is the person who is accused of something, and in this case, in many instances, is the father who is not maintaining the children. In daily usage, instead of saying *to lodge a case* one can simply say *to report a case*. Hornby (2006:869) implies that the term *lodge* is used to make a formal statement about something to a public authority.

In legal language, when a respondent or defendant can no longer afford the amount determined by the court, that person must come and apply for the amendment (decrease) of order at the magistrate's office. The term *amendment* is also problematic as it may mean either *to increase or to decrease* the amount being claimed for maintenance. This study aims at coming up with recommendations on how to translate and even coin new terms to express what is originally intended in the source language.

Studies such as those indicated by Carstens (2005:2) indicate that the South African adult population in general, possesses low literacy skills. This is an issue that not only those who design or write public information documents are confronted with, but one that is also the reality that South African translators are faced with when communicating public information, often of a technical nature, to lay persons by means of translation.

The assumption is that a large part of the intended target audience of this translated public information material, for example, are women accessing the Thohoyandou Community Forum for advice regarding maintenance for their children. These women possess very low literacy skills. Furthermore, on reading

through the English public information documentation that has been chosen as source texts for the Tshivenda translation, it is immediately obvious that:

(a) the language used is highly technical, containing a number of legal terms that will not necessarily be known to the ordinary person in the street. For instance, terms such as warrant, sheriff, maintenance, appeal, custody, pledge, summonses, amendment, gazette, court, pensions and so on which appear in the act as quoted below do not have ready-made equivalents in Tshivenda, and

(b) the documentation is written in a very formal English register, which will probably not make this documentation easy to understand for ordinary members of the public, including those who are mother tongue speakers of English.

As indicated above, legal terms are in many instances complex and therefore difficult to comprehend. They need to be simplified to an extent that they can even be understood by the lay man in the street. The issue at stake here is to enable those who are affected by the problem of translation to get access to these documents in a language that is easy to understand. According to Tyolwana (1997:76), community translation needs to introduce new, clearer accessible, non-racial and non-sexist documents. Therefore translators of community translation documents should be aware of power imbalances in society and mediate in order to make translation texts accessible.

It must be noted that results of the census conducted in 2001 in the former Venda homeland indicated that more than 21% of rural Vhavana women were illiterate, hence this case study. Statistics from the Thohoyandou magistrate's offices indicate that most women who come for claims for their maintenance money are illiterate. The low percentage of illiterate women does not only affect women around Thohoyandou. This is a country wide problem.

According to Carstens (2005:1), the literacy rate in the South African community compared to the developed world is very low. According to the 2001 census, it was discovered that 17, 9 % of the South African population could not read and write and also that 16 % dropped out while still at primary school level. This serves as proof that many citizens in South Africa are functionally illiterate.

Carstens's graph compiled in 2004 indicates that by the year 2001, the percentage of children who completed primary education was 6, 4 %, a low percent indeed. Taking this figure into account, it means that a third of the South African population is illiterate. This figure, as indicated, may therefore lead one to conclude that printed materials such as documents, posters, flip charts, newsletters and booklets cannot serve as an appropriate medium to use for instructional purposes in South Africa. Print materials are characterised by having one-way flow of knowledge from the information producers, that is, publishers to the clients or recipients. In this regard, part of the community that can neither read nor write cannot have access to important information like the translation of the Maintenance Act.

Although this research focuses on community translation of important documents, Carstens and Snyman (2003:5) established that the basic information materials on HIV/AIDS published by the National Department of Health have a readability level of just below 60%. Which means, print materials such as posters, charts, and training manuals are not an appropriate medium to use for instructional purposes in South Africa if they cannot be understood by all.

Many families in the Thohoyandou community are headed by women as a result of divorce, separation or by being unmarried but having children whilst still staying at their parents' homes. Responsibility for families by the woman also occurs when the father leaves, often to go and live with another woman. In this matter the democratic government of South Africa empowers the children with

the rights for maintenance in order to get food, clothes, shelter, education and medication.

This research coincides with the Thohoyandou Community Forum where women come for advice regarding the maintenance of their children. This, amongst others, entails that a Tshivenda translation which can be described as a community translation should be utilised effectively. According to Baker (1998:33), community translation refers to the type of translation which takes place in the public service sphere. This serves to facilitate communication between officials and lay people especially within police departments, social welfare centres, maintenance grant offices, and similar institutions. Community translation is sometimes referred to as public service translation.

### **1.3 AIM**

The aim of the study is to examine the effectiveness of translated material in Tshivenda as opposed to the original public information documentation written in English, in communicating information about the Maintenance Act.

### **1.4 OBJECTIVES**

The objectives of the study are as follows:

- (a) To indicate effective translation methods and procedures;
- (b) To highlight problems pertaining to legal translation;
- (c) To make recommendations about acceptable translation that can be used in legal texts.



## **1.5 SIGNIFICANCE OF THE STUDY**

Firstly, this research will make a significant contribution towards understanding what the characteristics of legal translations are. Secondly, as a result of this research, officials dealing with maintenance issues will be in a better position to judge which terminology is appropriate for use when translating documents from English into Tshivenda.

## **1.6 THE RESEARCH METHODOLOGY**

Research methodology is a strategy of collecting and analysing data that are employed to attain the objectives of the study. In this study, the qualitative research method has been utilised. It is relevant for this study because it is concerned with understanding a social phenomenon from the participant's perspective.

The qualitative research method is descriptive in the sense that words are used when the research is conducted, thus the researcher is concerned with the understanding of individual's perceptions of the world, thereby seeking insight as opposed to statistical analysis. In qualitative research, analysis and interpretation of statistics are made by describing and analysing people's individual and collective social actions, beliefs, thoughts and perceptions. The researcher interprets phenomena in terms of the meanings that people assign to them.

The main reason for conducting this research, using the qualitative method is that this particular study is descriptive and explanatory, and the fact that very little has been written on this subject.

Within the qualitative research method, the study will utilise the Descriptive Translation Study (DTS) approach. According to Kruger and Wallmach

(1997:121), within the DTS approach, the researcher describes and explains the specific characteristics of a translated text in terms of constraints or norms reigning in the target system at a particular time, which may have influenced the method of translation and the ensuing product.

In terms of the DTS, Gauton (2000:37), quoting Kruger and Wallmach (1997:121), indicates that equivalence is seen not as an abstract ideal that translation can only aspire to, but equivalence is also seen as the term used to examine the actual relationship between a translation and its original. The central question regarding equivalence within the DTS approach, pertaining to the kind of equivalence that can be observed between the source and target texts and their respective cultures.

Kruger and Wallmach (1997:121) indicate that the DTS approach does not only apply to literary translation, but within the scope of DTS, all types of translated texts can be studied with the purpose of finding out how they have been translated within a specific culture and historical period.

### **Primary research method**

In order to do a comparison of the effectiveness of the source and the target texts in communicating public information on the Maintenance Act to the selected target audience, a series of semi-structured interviews have been held with a number of randomly selected volunteers (10 groups of 10 people on each one of them who belongs to different structures) that make use of the Ṭhohoyanḍou Community Forum and its officials.

This is an important and effective method, because it is believed that verbal interaction with other people would confirm the existence of the problem that illiterate women have in knowing the contents of the Maintenance Act. According to Babbie (1986:559) a random sample is a type of probability sample in which

the units composing a population are assigned numbers, a set of random numbers is then generated, and the units having those numbers are included in the sample. In addition, the sample population has also included the following respondents:

10 Social workers, 10 lecturers, 10 teachers, 10 university students, 10 lawyers, 10 prosecutors, 10 domestic workers, 10 nurses, 10 men and 10 women. All these people were given a questionnaire with 30 legal terms from the Maintenance Act in order to translate them from English into Tshivenda language.

### **Secondary research method**

The use of this method in this case entails the reading of books, articles, dissertations and a variety of relevant texts from the Internet.

## **1.7 CONCLUSION**

In conclusion, one can indicate, with confidence, that this research study will prove indispensable to women or mothers who lack translation skills. This is because thousands of children from divorced parents are disadvantaged and are not maintained due to the illiteracy of their mothers who do not have access to relevant and important information about the Maintenance Act. Since the Maintenance Act documents are written in English, therefore they can only be understood by illiterate mothers if they are translated into Tshivenda.

This illiteracy situation is further aggravated by the part played by assistants to maintenance officers and maintenance prosecutors who also lack skills in translation. Information needed by these claimants cannot be given to them. In some instances self employed respondents would hide their assets and income in order to pay less or nothing at all. They do this because they are aware that the claimants lack knowledge of or they cannot translate as well as understand

what is in the Maintenance Act. Translation is therefore a precondition to convey messages and information from English to Tshivenda as far as this matter is concerned. This would go a long way towards helping mothers of children who wish to claim maintenance for their children. Translation, therefore, has undeniably a definite role to play in this unfortunate situation.

## **CHAPTER 2**

### **LITERATURE REVIEW**

#### **2.1 INTRODUCTION**

In the previous chapter the researcher has indicated that this research study will make a significant contribution towards understanding what the characteristics of legal translations are, and that it will assist mothers and other people who are not familiar with problems pertaining to the Maintenance Act and legal translations. This chapter, however, presents an overview of literature pertaining to various translation topics such as, definition of translation, types of translation, methods of translation and procedure of translation.

#### **2.2 DEFINITIONS OF TRANSLATION**

According to Hornby (1995:1270) translation is the process of changing something spoken or written into another language. In other words, translation is a text, or work that has been changed from one language to another.

Hornby's assertion is supported by Procter (1995:1551) who defines translation as "the changing of written words into a different language". A person who translates texts is a translator. Therefore a translator is a person whose job is to translate written texts or speeches into a different language.

Translation is the interpretation of the meaning of a text and the subsequent production of an equivalent text. This text is called a translation, because it communicates the message in another language. Furthermore, the text to be translated is called the source text and the language that it is to be translated into is called the target language. In the end, the final product is sometimes called the target text.

According to Gauton (2004:5), translation is seen as the process of converting a source text into a target text, that is, source language into target language. This means that translators usually translate documents from their second language into their mother tongue.

It should be noted that when translating, one usually deals with a source text in a source language that is translated into a target text in the target language. Translators also need to read widely and to have a good general knowledge of grammar, semantics and syntax, because the first rule of translation is that, one cannot translate a text if one does not understand it.

In South Africa, translators, unfortunately, do not have the same status as in other countries, as such many translators, especially freelance translators, end up translating whichever text type they are called upon to translate. It is often assumed that anyone who is a mother tongue speaker of a particular language, can translate into or out of that language, which of course is not so because translation is a profession just like any other profession which also requires formal academic training.

Newmark (1982:7) defines translation as a craft consisting of an attempt to replace a written message or statement in one language by the same message or statement in another language. This means that, the main aim of the translator is to produce, as nearly as possible, the same effect on his readers as was produced on the readers of the original document.

Another common misconception that should be taken into account is that anyone who can speak a second language will make a good translator. In the translation community, it is generally accepted that the best translations are produced by persons who are translating into their own native languages, as it is rare for someone who has learnt a second language to have total fluency in that language. Furthermore, it can be argued that, a good translator understands the

source language well, has specific experience in the subject matter of the text and is a good writer in the target language (Gauton, 2004:11).

Goussard-Kunz (2003:50), on the other hand, defines translation as “the placement of a text in the source language by a semantically and pragmatically equivalent text in the target language”. Meintjies (1992:14) in Goussard-Kunz (2003:51) indicates that “translation is a process that makes information available to people who would normally not have access to that information”. This means that the translator is a person who transfers a written communication from a source language to a target language.

Nida and Taber (1982:12), in Goussard-Kunz (2003:49), define “translation as a phenomenon used in reproducing, in the receptor language, the closest natural equivalent of the source language message, first in terms of meaning and secondly in terms of style, in order to help to explain the terms of meaning, style and equivalent effect”.

On the other hand, Inggs & Meintjies (1998:87) in Goussard-Kunz (2003:3) propound that “translation in South Africa has been traditionally treated like the poor cousin and had had a rather poor image when compared, for example, with language teaching”. This becomes evident in translation in and out of the African languages where it has been often carried out on an ad hoc basis, with even the tea-girl or cleaner being asked to help out with translation tasks. This however tarnishes the image of translation (Gauton, 2004:87).

According to Sturge (1997:21), translation is defined as a practice of intercultural communication which asserts the necessity and feasibility of transfer. Sturge talks about ethnography aspects, which according to her, involves translation in the narrowest sense of making words in one language accessible to speakers of another language.

It must be noted that in the mid-nineties, when it became evident that South Africa would have 11 official languages which are Sepedi, Sesotho, Setswana, SiSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, Isixhosa and isiZulu, translation was not only a nice-to-have phenomenon but would become a legal obligation, especially for government departments in order to promote multilingualism policy of South Africa.

Translation theory attempts to give some insight into the relation between thought, meaning and language, cultural and individual aspects of language behaviour, the interpretation of texts that may be clarified and even supplemented by way of those translations (Gauton, 2004: 89)

Translation however, has different types. These are explained below:

## **2.3 TYPES OF TRANSLATION**

### **2.3.1. Legal Translation**

According to Gauton (2004:17) legal translation deals with texts within the field of law. Legal translations are not simple because law is a culture-dependent subject field. Documents and other official documentation are usually required in the official languages of a jurisdiction for legal and official purposes. Translating for legal equivalence is the production of translations that are acceptable by a legal jurisdiction. As a result, in some countries, it is a requirement that a translator swear an oath to attest that the translated document is the legal equivalent of the source text. In some cases, the translation is only accepted as a legal equivalent if it is accompanied by the original or a sworn or certified copy. Even if a translator specialises in legal translation or is a lawyer in his country, this does not necessarily make him a sworn translator.



The procedure for translating to legal equivalence differs from country to country. In South Africa, for example, the legal translator must be authorized by the High Court, and must use a sworn copy of an original in his physical presence as his source text. The translator may only swear by his own translation.

Only professional translators specialising in legal translation can translate legal documents. This is because, the mistranslation of a passage in a contract, for example, could lead to lawsuits and loss of money. Furthermore, when translating a text within the field of law, the translator ensure that the legal system of the source text is structured in a way that suits that culture and that this is reflected in the legal language. The target text, too, is to be read by someone who is familiar with another legal system and its language.

Most forms of legal writing, and contracts in particular, seek to establish clearly defined rights and duties for certain individuals. It is essential to ensure precise correspondence of these rights and duties in the source text and in the translation. Legal translations may also involve, Certificates of Accuracy, Trusts, Wills, Litigation Documents, Immigration Documents, etc, and in some cases attendance in court by the translator.

The translator therefore, has to find target language structures with the same functions as those in the source language. Translators of legal texts often consult law dictionaries, especially bilingual law dictionaries. In this case, good care should be taken, as some bilingual law dictionaries are of poor quality and their use may lead to mistranslation.

### **2.3.2 Literal translation**

Literal translation, also known as direct translation, is the rendering of text from one language to another in a word-for-word translation strategy. Literal translation commonly mistranslates idioms. This type of translation can also denote a translation that represents the precise meaning of the original text but does not attempt to convey its style, beauty or poetry.

There is, however, a great difference between a literal translation of a prose and a poetic work. Literal translation implies that it is probably full of errors, since the translator has made no effort to convey correct idioms. Literal translations are sometimes prepared for a writer who is translating a work written in a language he does not know.

### **2.3.3 Technical translation**

Technical translation is the translation of technical writing or more specially, texts that contain a high amount of terminology. These are words or phrases that are used only within a specific profession, or describe that profession in great detail.

**Appliedlanguage.com** indicates the importance of consistent terminology in technical translation. The site also outlines the significance of the formulaic and notes that the repetitive nature of technical writing makes computer-assisted translation based on translation memories and terminology databases is appropriate. Therefore, technical translation covers the translation of many kinds of specialized texts that require a high level of subject knowledge and mastery of the relevant terminology.

## **2.4 TYPES OF TRANSLATORS**

It must be noted that translations cannot be isolated from translators. There are of course different types of translators. These are explained below.

### **2.4.1 Accredited translators**

Accreditation is the certification of competence of translators that is made by private translation organisations in various countries. It is based on a variety of requirements that often include a written examination to attest to the translator's skill. In South Africa, one can become an accredited translator after successfully

completing the translation examination set by the South African Translator's Institute (SATI).

Gauton (2004:17) notes that in this examination, there is no formal qualification in translation which is required in order to sit for this examination. Members who have passed SATI examinations have their names added to the register of accredited and freelance translators and the register is circulated to potential employers of translators so that they can choose whoever they want. Such accreditations often have no legal effect and their value lies in the esteem that the translation organization enjoys as an independent authority on good translation. Most translators' organizations, thus, refer to this as a stamp of approval.

#### **2.4.2 Sworn translators**

The second type of translators is sworn translators. They only translate legal documents. Here, there is also no formal training available. One becomes a sworn translator after passing an examination set by another sworn translator of at least seven years standing, who uses the same language combination as the aspirant translator when translating.

With regard to writing examination in this regard; it can be stated that a person will be expected to prepare for this examination on his or her own. One should also be knowledgeable of the legal system of both the source and the target language. After passing this examination, one would get a certificate and then they would be sworn in, in the supreme court of South Africa, thereby becoming an officially sworn translator.

## **2.5 PROCEDURES FOR TRANSLATION**

In order to explain the detailed procedure which must be followed when translating a text, we must first have a look at the general skopos theory of translation. This will assist us to understand better some of the procedures for translation.

### **2.5.1 Skopos theory**

The skopos theory, according to Gauthier (2004:18) perceives translation as a special and complex type of communicative action. This is because in translation, the given situation which forms the basis for further action is the source text. In this case, all translational decision, as to whether what and how, will be guided by the skopos or purpose or aim of the translation. This theory also stipulates that the initiator will inform the translator about the purpose of the translation through a translation brief that is referred to as a set of instructions for the translator. It must be noted, however, that in this research, we will follow what is referred to as the functional approach to translation procedure.

### **2.5.2 Functional approach to translation with reference to the general skopos theory.**

The functional approach is whereby translation is determined by the aims and demands of the initiator of the translation. This approach provides the translator with the necessary tools to carry out the translation in practice. The way in which translation is done is determined by the aims and demands of the initiator. The initiator, here, is the person who asked for the translation to be done.

The requirements and aims of that initiator are called skopos. Skopos is a Greek word which means intent, goal or function. What the translation will eventually

look like is determined by the intended function that the initiator wants the translation to fulfil. The target text may differ completely from the source text if the translation brief in which the initiator sets should require it.

In every translation there should be an initiator who asks the translator to translate a particular original document into another language for a specific purpose in order to serve a particular function. They then adapt this functional approach to what she refers to as the concept of loyalty. Loyalty is the responsibility towards the author, the initiator and the target recipients.

Goussard-Kunz (2003:9) notes that the functional approach to translation implies that, "a translator is normally approached by a client to translate a text for a specific purpose or skopos". The purpose of the translation will be stipulated in the translation brief. This is supplied by a client and contains guidelines on the intended text function, the target text addressee, the time and place of text reception, the medium and the motive for the target text production. The translation process is, therefore, no longer guided by the source text and its function in the source culture but by the function that the target text is to fulfil in the target culture.

### **2.5.3 Nord's adaptation of the functionalist approach towards translation and the concept of loyalty.**

Nord (1992:47) adapted the general functionalist approach because it is not concerned with the culture-specific theory and it allows the formulation of any translation skopos for a particular original. Nord (1991:93) further indicates that the translation brief is too rigid as it only serves the interests of the initiator.

The general functionalist approach also undermines the importance of the source text. In the general skopos theory, the translator is just a figurehead as the

translation is guided by the brief only. This rule can be viewed as an end that justifies the means, in that a translator is also free to choose any translation skopos for a particular text.

Nord's ideas are significant here. She suggested that future translators who would prefer exercising their profession within a specific community must be taught, although the general functionalist has some loopholes. Nord, however, adapted it to suit the requirements of the culture she lives in. She thus introduced the concept of loyalty which is the responsibility towards the author, the initiator and the target recipients. This means that the translator must be loyal to the author and to the initiator. The translator is, therefore, given the entire mandate and they should explain what they disregard and what they would have taken into account.

According to Goussard-Kunz (2003:23), "the translator cannot always derive the purpose that the translation has to fulfil in the target language and target culture from the source text or his own experience, but he needs a translation brief". The translation brief is either given to the translator by the initiator of the translation or established in a discussion between the translator and the initiator.

Nord (1997:60) outlines that the translation brief should contain the following:

- The intended function of the translation
- The target text addressee
- The time and place of text reception
- The medium over which the text will be transmitted and
- The motive behind the text reception

If the translation brief indicates that the purpose of the translation must be changed, then the translator will have to comply since the purpose overrides all other translational considerations. A translator, here, will therefore no

longer be judged in terms of equivalence principles, but in terms of its adequacy with regard to the translation brief.

#### **2.5.4 Step-by-step exposition of the translation process in accordance to Nord's translation model**

Every translation should be presentable to its readers and the target recipients. In order for a target text to be logical, there should be a step-by-step guide to translation that ought to be followed by a translator of text. The translator in particular, who has been familiarised with the model of translation oriented text analysis, can use it in the following step-by-step guide to translating a source text.

##### **Step 1**

This is a step where the initiator gives the translator a source text and a translation brief on why, for whom, for what purpose, he/she wants the source text to be translated. The translator should try to get answers to the following questions:

Who is the text being translated for?

What is the motive behind the translation?

What is the intended function of the translation?

##### **Step 2**

The translator should read through the translation brief and the source text to be translated.

##### **Step 3**

The translator should check if the translation brief is compatible with the source text. In other words, the translator should check whether it is possible

to translate the given source text according to the brief provided. Then if the translation brief and source text are incompatible, the translator should discuss it with the initiator and re-start the steps of the translation process.

#### **Step 4**

In this step, the source text is analysed by answering each of the following questions:

- Who is the author of the source text?
- Who are the intended readerships of the text?
- What is the author's intention with the communication?
- By which medium is the communication being transmitted?
- What is the origin of the communication?
- When was the communication transmitted?
- What is the motive behind the communication?
- With what functions? For example, either to inform or to instruct.
- On what subject matter?
- What is the content of the communication?
- How is the communication constructed?
- Which words or register is to be used?
- In what kind of sentences?
- In which tone, for example, persuasive, sarcastic, etc.

#### **Step 5**

This is the step where the translation brief is analysed using the same set of questions as in step 4. The translator must be certain that the translation brief and the source text are compatible. If they are not compatible, then the translator must go back to step 1 and discuss it again with the client.

#### **Step 6**

This step focuses on the actual translation. Depending on the translation brief, the translator will preserve certain elements of the source text while



adapting other elements. The degree to which one preserves and adapts elements of the source text will be determined solely by the translation brief. For instance, if the translation brief stated that:

- The translator has to translate the text for a target readership with basically the same profile as the source reader, in terms of age, social class and educational level, and then the translator in this case has to preserve most of the elements of the source text.

But if the translator is translating the text for a target readership with a different profile from the source reader, on age for example, the translator has to adapt the target text for the targeted age, and elements of the source text have to be adapted too to suit the target text readership.

### **Step 7**

On this stage, the translator can deliver back the finished product to the client or initiator.

### **Step 8**

If the target text meets the requirements set out in the translation brief, then the translator will have a satisfied client.

Therefore, to translate a text does not necessarily mean fitting it into a naturally existing field in the target culture. Instead, the efforts of the translator consist of translating for a specific series that would have been developed by the publishers interested in the genre. One of the most important factors that influence the process of translation is the classification of the source text.

## **2.6 SUMMARY OF TECHNICAL TRANSLATION**

The following are the levels of technical translation:

### **2.6.1 Simple examples**

Finch (1969:11) notes that “technical translation happens when a potential user is presented with an expensive and complex piece of foreign electrical equipment which may be damaged by faulty operation, and in this situation the translator will have a very real problem, unless he has a special knowledge of that field so that he can act as an advisor to the operator”.

The problem can be worse if the translator is requested to translate information contained in an operating manual on an imported apparatus in an effort to assist the user get information to use that apparatus correctly. In this situation, the specialist knowledge on that apparatus equipment will be required, other than that the translator will have to contact the manufacturing company of that equipment. This will finally, enable the user of the equipment to operate it safely and satisfactorily.

### **2.6.2 The importance of translation into good English**

It must be noted that translation should seek to convey to the reader of translation that information which the original was intended to convey. If this rule does not directly concern grammar and syntax, it must, nevertheless, govern the choice of words rather than their arrangement. This means that the right words should be employed to convey the right meaning in order to achieve a suitable translation.

Translators who use English as a second language might experience some challenges. English could be difficult to them and can be learnt only by constant practice, but the best solution is to use simple grammatical forms rather than complex ones.

### **2.6.3 Complete translations**

The completion of a translation of a technical work is a skilled and time-taking job (Finch, 1969:17). This is because to provide a complete translation is more expensive in time or money, especially if the copy of being awaited is a foreign text.

With regard to technical documents, a full translation is usually essential, even though they must be very accurate. In this case, the translations of technical sales literature documents into English is relatively simple compared to the technical translations in the legal field which should also be checked by a legal experts, such as lawyers and magistrates.

In this regard it must be noted that a linguist with a limited knowledge of the technology, can have a valuable function since his or her work can be checked by a technologist.

### **2.6.4 The specialised translation into English and the importance of the technical expert**

Finch (1969:20) points out that “the point of translation is that it should convey to the reader the ideas and information set down by the original author”. Therefore, the linguist translator may be able to convert the words into English but in a form that may convey an incorrect impression.

These translations, however, must be treated with care, since an unsuitable choice of equivalent can destroy the meaning of the text. If that happens, a technical expert should edit the text produced by the linguist. This will result in the production of the best possible final product.

### **2.6.5 The specialised translation out of English and the importance of the linguist**

According to Finch (1969:22) “most English texts translated into another language are intended for general consumption”. In this case, the English text must obviously be accurate and idiomatic. Thus, translators engaged in this type of work should only be asked to provide texts in their mother tongue, unless they are truly bilingual.

In instances where skills of the linguist are dominant, it will be necessary for the produced text to be checked by a technical expert fluent in the language concerned. For example, a legal field text which is translated from the English language to Tshivenda language by a Tshivenda linguist should be given to a legal field expert who speaks Tshivenda language to check whether the document would have been translated and proofread well and ready for publication.

### **2.6.6 Possibilities of machine translation**

According to [wikipedia.org](http://wikipedia.org), “machine translation is the application of computational and linguistic methods and techniques to a practical task in order to produce a translation task”. Machine Translation, sometimes referred to by the abbreviation MT, is a sub-field of computational linguistics that investigates the use of computer software to translate text from one language to another.

At its basic level, MT performs simple substitution of words in one natural language for words in another. These techniques have proven MT to be a useful tool in assisting human translators. Furthermore, MT can, in a very limited number of cases, even produce output that can be used as is, in cases such as weather reports.

The problem in machine translation is essentially one of the scales of operation; whether the abilities of a skilled human translator are greater than those of the computer in terms of both quality and quantity of the translations produced. Finch (1969:22) indicates that “translation can be considered as a problem in data processing but the key lies in the development of suitable programmes for computer processing very large data storage capacities”.

#### **2.6.7 Technical translations from specific languages**

According to Finch (1969:25), “taking an example of the translation from French and Romans to English language, could be very difficult because these are two foreign languages which have a common ancestor of Latin but developed differently”. This is evidenced by the fact that there are many French words with a similar appearance to English but have a different meaning, and the chance to translate them is very difficult. In this regard, it could be very difficult for the literary translator to translate words having these characteristics. The translator must, therefore, be certain of the equivalence of the word he/she is using, especially on the non-technical phrases which occur in every technical text.

Professional translators need to have the knowledge of technology because it will make their jobs more competitive, satisfactory, exciting and rewarding. A translator’s use of mechanical means of technology will make him/her to be productive, talented, wise and experienced enough. Technology will assist

translators to change from the old fashioned non-technical translations because they will then know how to use the leading CAT (Computer Assisted Translators) tools. In addition, technology will make the translation activity to be fast. Translators will therefore, have a realistic knowledge of computers and some translation workstation.

## **2.6.8 Translator's tools and translation aids available to translators**

Translation requires a translator to have adequate translation tools and aids so that his/her work will be efficient. Translators always come across with the problems of not having adequate translation tools and aids as the languages they work with are not well developed. Resources, such as dictionaries, machine translation tools and software, are often lacking. The following are the basic translation tools that are available to translators.

### **2.6.8.1 Linguistic knowledge**

According to Gauton (2004:14) "the translator needs detailed and comprehensive knowledge of the structure and usage of at least two languages of which one is the mother tongue". This linguistic knowledge should cover all aspects of language, such as phonetics and phonology, morphology and syntax, semantics pragmatics and sociolinguistics. It is of importance to note that all South African official languages cover all above listed aspects of language, as they are being offered at primary, secondary and tertiary levels. It implies that all professional translators in South Africa are in possession of this tool.

Translation students should ideally be widely read and have a good general knowledge. In this regard translation students should read fiction, newspapers, magazines, periodicals and the internet. These materials are not

available in all South African languages and so; an African language translator will have to read through these materials in English.

#### **2.6.8.2 Translation aids**

It should be noted further that dictionaries and grammar pertaining to the source and target languages are the translator's basic tools. Therefore, the translator should always have the following at his/her disposal:

- (a) Good grammars of both the source and the target language.
- (b) The official spelling rules and orthographies of both the source and target language.
- (c) Bilingual dictionaries pertaining to the SL and TL.
- (d) Good monolingual explanatory dictionaries of both the SL and TL.
- (e) Thesauri dictionaries of idioms and proverbs, specialized language dictionaries and encyclopaedias are useful. Most of the above translation aids are not available in African languages. For example, Tshivenda language does not have good translation aids. But they are available in English language as it is used as a lingua franca.
- (f) A computer or word processor.

It is generally observed that the computer is becoming an increasingly indispensable tool to enable the translator to present a professional product to the client. Most of the translators especially those who translate from English into isiZulu, Setswana, French and so on, are on good advantage because they can even use Machine Translation Tools. However, most South African languages do not use Machine Translation Tools. A computer is a useful tool for translators because it has among others, a spell checker, but the problem is that those programmes cannot be used effectively in African languages such as Tshivenda.

## 2.7 CONCLUSION

In conclusion, one notes that translation is a device that becomes very important when people are translating from a source language into target language. It is also essential for the research to indicate different types of translation in order to give a broader scope of translation.



## **CHAPTER 3**

### **STRATEGIES OF TRANSLATION**

#### **3.1 INTRODUCTION**

This chapter addresses issues pertaining to the strategies of translation, methods of translation and terminology development or term formation processes in African languages. These aspects will be used by the researcher to expand aims and objectives of this research study. Translation as an entity has strategies.

In this research, the thorny problem of non-equivalence is given special attention. The presentation of the reasons for the problem of non-equivalence is no doubt conducive to finding solutions to this tough problem. In this study, the researcher clarifies the concept of translation equivalence and analyzes the reasons for non-equivalence at word level so as to find the strategies needed to handle it.

It is important that this researcher explains in detail, some of the strategies of translation before examining the problems that are faced by illiterate women in the understanding of the translated documents.

#### **3.2 STRATEGIES OF TRANSLATION**

Hornby (2005:1461) regards strategy as a plan that is intended in order to achieve a particular purpose. According to Kings (1986:18), translation strategy is the translator's potential plans for solving concrete translation problems in the framework of a concrete translation task. Loescher (1991:8) defines translation strategy as a potentially conscious procedure for solving a problem faced in translating a text. As stated in this definition, the notion of consciousness is significant in distinguishing strategies which are used by the translators.

Venuti (1998:240) indicates that translation strategies involve the basic tasks of choosing the foreign text to be translated and developing a method to translate it. The translator must apply the strategies of translation when encountering the instances of non-equivalence at word level and non-equivalence above word level in order to solve the problems encountered in their translations. A discussion of the translation strategies that can be used to solve problems of non-equivalence at word level in the translation texts are as follows:

### **A. Instances of non-equivalence at word level**

The concept of translation equivalence has been an essential issue in translation theory in modern studies. In other words, it can be seen that the concept of translation equivalence occupies an important place in the history of translation studies.

According to Baker (1992:18), non-equivalence at word level means that the target language has no direct equivalent for a word which occurs in the source text. Different kinds of non-equivalence require different strategies to solve them. However, some strategies are straightforward, while others are difficult to handle. In most translations, there are always some words which do not readily translate and certainly do not allow for the ideal of translating one word with one word. The following are some common types of non-equivalence at word level with their examples from various languages:

#### **1. When the target language lacks a specific term**

More commonly we find that many languages tend to have general words or superordinates but lack a specific one. This could cause problems for translators when it comes to translating such words correctly.

Example: remuneration (money paid to somebody for the work they have done).

Target Language: Mbadelo.

Back translation: Salary, wage, income, payment.

Strategy used: Translation by using a more general word.

**Remuneration** refers to the money that is paid to somebody for the work they have done. If the translator came across with this word in a translation document, written together with words such as salary, payment, income, wages etc, there will be a big problem as all these words are referring to one and the same thing and therefore a problem will arise in that translation.

Example: Salary (money that an employee receives for doing the job).

Target Language: Muholo.

Back translation: Income, wage, pay, remuneration.

Strategy used: Translation by using a more general or super ordinate word.

Example: Payment (money given to somebody as a reward for something they have done).

Target Language: Mbadelo.

Back translation: Income, salary, wage, remuneration.

Strategy used: Translation by using a related word.

Example: Income (money that a person earns from work).

Target Language: Mbuelo.

Back translation: Payment, salary, wage, remuneration.

Strategy used: Translation by using a related word.

Example: Wage (a regular amount of money that you earn for the work done).

Target Language: Mbadelo.

Back translation: Salary, income, payment, remuneration.

Strategy used: Translation by using a related word.

The paraphrasing strategy explains the Source Language concept if it is unfamiliar to the target reader, when there is no equivalent concept in the Target Language and when a literal translation will make no sense.

Example: Allowance (an amount of money given to somebody regularly for a particular purpose).

Target Language: Mbadelo / mbuelo.

Back translation: Payment, grant, money, income, wage.

Strategy used: Translation by using a related word.

Example: Annuity (a fixed amount of money paid to somebody each year usually for the rest of their life).

Target Language: Mbadelo.

Back translation: Income, allowance, pension, payment.

Strategy used: Translation by using a related word.

Example: Fee (amount of money that you pay for professional services).

Target Language: Mbadelo.

Back translation: Payment, cost, charge.

Strategy used: Translation by using a related word.

An examination of all the terms above shows that they are all referring to money that somebody is paid for different reasons. In the TL, such as Tshivenda, the translator would be running short of specific terms to differentiate all these words, and therefore it becomes a problem for the translators.

## 2. Culture-specific concepts

This is when the source language word expresses a concept which is totally unknown in the target culture. That concept may be related to a religious belief, a legal language discourse, a social custom, a medicine specialized term, or even a type of food. Such concepts are, thus, often referred to as culture-specific.

Example: Subpoena (a legal word meaning a written order to attend court as a witness to give evidence).

Target Language: Ḷinwalo la u vhidzwa khothe.

Back translation: A legal document ordering someone to appear in court (court letter).

Strategy used: Translation by cultural substitution.

**Subpoena** is a culture specific term used specifically in the legal field of study because in the general language, subpoena refers to a written court letter ordering one to come and give evidence as a witness. This is also a loan word to the English language that is adopted from the Latin language for use in the legal field.

Example: Spectacles.

Target Language: Mangilasi.

Back translation: Eye glasses.

Strategy used: Translation by cultural substitution.

## 3. When the source-language concept is not lexicalized in the target language

This occurs when the SL word may express a concept which is known in the target culture but simply not lexicalized or allocated a target-language word to express it.

Example: Adoption.

Target Language: Adopusheni (ñwana o tou rengiwaho).

Back translation: When parents buy a child and regard her/him as theirs.

Strategy used: Translation using loan word.

By **adoption** we are referring to taking somebody's child into your family and become its legal parents. In Tshivenda culture, information about adoption is not practiced; every child can go and stay with a relative until he/she is grown up and without any papers being signed for that. It is like a taboo to buy a child in Tshivenda culture. As a result, there are no standardized terms referring to it in this culture. To translate words such as this, one must simply use a loan word for the readers.

Example: Appeal.

Target Language: Aphiji.

Back translation: Formal request to a court for a judgment to be changed.

Strategy used: Translation using loan word.

The word **appeal** refers to a formal request to a court for a judgment to be changed. In the Vhavana culture, cases are solved in the royal kraal where the king or headman gives the judgment between the complainant and the defendant. In that way a fine is given to one who is guilty, which means things such as appeals are not applicable there. If the offence is very serious, the accused will be forced to go and stay in another village. Therefore, we cannot be surprised when terms such as this are not lexicalized in this target language, and for the translators, the best way is to use a loan word for this term.

Example: Bail.

Target Language: Beil̩i.

Back translation: Money paid to release one from jail until the trial.

Strategy used: Translation using loan word.

The word **bail** refers to money paid in order to release the accused from jail until the trial date. As was discussed above, there are no arrests in the Vhavenda culture because the accused will be given a fine penalty for an offence done. People are only being arrested these days because the power is no longer under chiefs and headmen, but under the police department. Terms such as bail are new and are not yet lexicalized in Tshivenda language and therefore, the translators must simply use a loan word to translate their document.

Example: Paternity test (parent or fatherhood test).

Target Language: Ndingo dza khotsi a n̩wana.

Back translation: Fatherhood test.

Strategy used: Translation by paraphrase using related word.

In the Vhavenda culture, it is unusual for a father to refuse his children. Previously, a husband could leave a bride and go to work far away in the city and come back home twice a year. The mother-in-law could ask another man in the family to sleep with the bride so that she could have children for his husband. When the husband came back, they would explain the situation to him privately and ask him to accept the wife and the baby because there was nothing she could do as he was away for such a long period.

Issues such as the testing of fatherhood were thus alien to the Vhavenda culture. As a result, words such as paternity test are not even lexicalized in this culture and have no direct equivalents. The translators must simply use a loan word or a

paraphrasing strategy for their translation because there is no equivalent word in this TL for paternity test as they are also not lexicalized.

Example: Campaign.

Target Language: fulo.

Back translation: A planned group intended to achieve a particular aim.

Strategy used: Translation by paraphrase using related word.

**Campaign** refers to a series of planned activities that are intended to achieve a particular social, commercial or political aim. For the Maintenance Act, the government is conducting a campaign to educate communities about their rights for maintenance and that they must lodge a case if that is happening in their families because it is another form of abuse. These are new words which came with the democracy of our country, and are not yet lexicalized in the Tshivenda language. Translators must use a strategy of paraphrasing for this word in their documents.

Example: Warrant.

Target Language: L̄inwalo ɿa u fara mutshinyi.

Back translation: Permission letter to arrest an offender.

Strategy used: Translation by paraphrase using related word.

A **warrant** refers to a legal document that is signed by a judge and gives the police authority to act. In our case, no one is arrested but one is only fined. In this way, the term warrant is obviously new in our Target Language, not yet lexicalized and translators must simply paraphrase or loan this term in their translations.



#### 4. Problem arising due to the use of common terms with uncommon meanings

This problem happens when a single word which consists of a single morpheme expresses a more complex set of meanings than a whole sentence.

Example: Morphology.

Target Language: Ngudaipfi.

Back translation: Study of words.

Strategy used: Translation by using a related word.

According to Hornby (2005:954), **morphology** is the form of words that is studied as a branch of linguistics. This word can also be used in the field of biology referring to the study of form and structure of animals and plants. This can be confusing to the translator when translating a term like this because the results will be an unmeaning translation which could confuse the readers and the translation client will not be satisfied.

Example: Amend.

Target Language: Engedza kana fhungudza.

Back translation: Improve, adjust, and revise.

Strategy used: Translation by a more neutral word.

The word **amend** simply refers to the slight change of a law in order to correct or improve it in cases where adjustments or revisions of that law are necessary. With regard to the Maintenance Act, the word amend refers to the increment and decrement of money paid for maintenance when the complainant or the defendant requests the court to do so due to some problems they would be facing. Translators who are not aware of the legal terms would translate this word wrongly and the client will never be satisfied with that translation.

Example: Statement.

Target Language: Tshitatamennde.

Back translation: Testimony or report.

Strategy used: Translate using loan word.

The word **statement** generally means something that one has said or writes to give information. However, in this case, it refers to an official account of facts in court that one must be accountable for with reference to a case that would have happened. Words like this cause problems for translators because they could translate into something that the source text does not mean.

## 5. When target language lacks a specific term

Example: Maintenance.

Target Language: Tshelede ya u unḁa vhana.

Back translation: Money to support the children.

Strategy used: Translation by paraphrase using a related word.

**Maintenance** is the money that somebody must pay regularly to his/her former wife/husband or partner, especially when they have had children together. Words such as maintenance come with our democracy and give one the right to claim for maintenance at the magistrate court if this is not done properly at home by one who has the means for that. South Africa attained democracy in 1994. Many words like this do not have direct equivalents in the Target Language as they are very new, and the best way when translating them is to use the paraphrase translation strategy.

Example: Hearing.

Target Language: Tsengo.

Back translation: Trial.

Strategy used: Translation by a more neutral word.

The word **hearing** means an official meeting at which the facts about a complaint are presented to the people who will have to decide what action to take. But a trial, "**tsengo**", is a formal examination of evidence in court by a judge to decide if somebody accused of an offence is guilty or not. In this case, a hearing can be done at a work place, in the church or at home, but a trial is only done in the court. Therefore, the word hearing does not specifically mean trial, but because of lack of specific terms in the Tshivenda language, translators can just say a hearing is a trial.

Example: Immovable property.

Target Language: **Picture of a house.**

Back translation: Property that cannot be taken away.

Strategy used: Translation by illustration.

This strategy is very useful if the word which lacks an equivalent in the target language refers to a physical entity which can be illustrated, and if the text has to remain short, concise and straight to the point.

Example: Movable property.

Target Language: Ndaka.

Back translation: Property that can be taken away.

Strategy used: Translation by a more neutral word.

In Tshivenda culture, property refers to domestic animals such as cattle, goats, sheep, donkeys, wives and children. But according to the Maintenance Act, property refers to everything that is owned by somebody including houses, cars, money and orchards. In this case, movable property such as cars, cattle and money, that one can take away when going to stay somewhere; whereas,

immovable property will be things like houses and orchards, that one cannot take away and will have to decide as to who will own them when the divorce is finalized. This word does not have a specific term in the Target Language and is simply being paraphrased for the translation readers.

Example: Amendment.

Target Language: Nyengedzedzo kana phungudzelo.

Back translation: Adjustment made to improve the law.

Strategy used: Translation by a more neutral word.

An **amendment** is an adjustment that can be done either to add some information in favour of something or to remove some information as such. This is the reason why this word does not have a specific term in the Target Language as it means both to increase and to decrease at the same time. It can therefore, be a problem for translators when it comes to translate terms like this.

Example: Summonses.

Target Language: Ndaela dza u vhidzwa khothe.

Back translation: Orders to appear in court.

Strategy used: Translation by paraphrase using a related word.

The word **summonses** means an orders that command people to appear in courts. This term does not have a specific term in the Tshivenda language as this was not applicable in the Vhavenda culture before, because one who is guilty must go to the royal house together with the plaintiff and some few members to settle their matters there. The translation strategy for this word “summonses” must be to paraphrase it during the translation process so that even a lay person could understand it.

## 6. Differences in expressive meaning

This is when a target language word has the same prepositional meaning as the Source Language word, but may have a different expressive meaning. Differences in expressive meaning are usually more difficult to handle when the target-language equivalent is more emotionally loaded than the source-language item. This is clearly applicable in words which relate to sensitive issues such as religion, culture, sex and politics.

Example: Divorce.

Target Language: Ṫhalano.

Back translation: Withdrawal from marriage.

Strategy used: Translation by a more neutral or less expressive word.

The term **divorce** has an expressive meaning because everyone coming across this word becomes angry as it refers to something very painful and disgusting.

Example: Step-child.

Target Language: Khangamutupo.

Back translation: Children born by the same mother but different fathers.

Strategy used: Translation by a more neutral or less expressive word.

The word **step-child** refers to a husband's or wife's child by an earlier marriage. This word has an expressive meaning because it indicates that the child is not of the present couple but of the previous one, and is thus inferior to the children of the present marriage. The worse part of it is that in our Target Language, the specific term for this word has a very derogatory meaning which is "**Khangamutupo**" meaning a person who bears a family name other than of his father. There is no one who would like to be called in that way. These words can

be difficult to translate because the translators would not want to hurt people by their translation.

Example: Adopt.

Target Language: U renga nwana.

Back translation: Buying somebody's child and become its parent.

Strategy used: Translation by using paraphrase.

To **adopt** a child means to take somebody else's child into your family and become its legal parents. Every child feels proud to stay with the biological parents. If they discover that they were adopted, that children could feel ashamed of themselves. It could be difficult for the translator to translate a document with words that have expressive meaning.

Example: Interim.

Target Language: Komiti ya tshifhinganyana.

Back translation: Short time temporary committee.

Strategy used: Translation by using paraphrase.

**Interim** refers to something intended to last for only a short time until something more permanent is found. Everyone wants to be in a permanent situation; to be on the interim makes one vulnerable. Although this has an expressive meaning, the translators must specify it clearly in their translation that this is for a short time.

Example: Court.

Target Language: Khothe.

Back translation: Court.

Strategy used: Translate by using loan word or a loan word plus explanation.

A **court** is usually not a good place for one to be. If people receive summonses, they are usually not happy, thinking that maybe they would have broken the law and can be arrested. That is why others have their own family lawyers to help them in case of a trial.

Example: Criminal.

Target Language: Tshigevhenga.

Back translation: Law breaker or prisoner.

Strategy used: Translate by using a more general or superordinate word.

Even though a person knows he has done something against the law, they do not want to be called a criminal. If a translator has been given such a document to translate, it must be worked in a confidential manner, especially if there are also names of people appearing in that document. This is because, if found, the relevant person appearing there can attack a translator.

Example: Maintenance.

Target Language: U unḡa.

Back translation: Child support, looking after.

Strategy used: Translation by paraphrase using a related word.

The word **maintenance** refers to the money that somebody must pay regularly to their former wife, husband or partner especially when they have had children together. The payment of maintenance, when there is peace at home is not necessary, everyone is forced to do so by the law in order to protect those who do not have the means for survival in that family. Generally- speaking, most people who are paying maintenance do not like to hear about this word because they think it robs them of their money. This and words which follow, are problematic for translators because the readers could become angry and tear up the translated document before finishing reading it. The other words are:

Example: Lodge.

Target Language: U hwelela mulandu.

Back translation: Report a case.

Strategy used: Translate by paraphrase using related words.

Example: Subpoena.

Target Language: L̄inwalo ̄a u vhidzwa khothe.

Back translation: Letter to appear in court as a witness.

Strategy used: Translate by paraphrasing using related words.

Example: Summonses.

Target Language: Ndaela ya u ̄divhonadza khothe (u fariwa).

Back translation: Orders commanding people to appear in courts.

Strategy used: Translate by paraphrasing using related words.

Example: Plaintiff.

Target Language: Muhweleli.

Back translation: Complainant.

Strategy used: Translation by using a related word.

Example: Accused.

Target Language: Muhwelelwa.

Back translation: Defendant.

Strategy used: Translation by using a related word.

Example: Witness.

Target Language: ̄hanzi.

Back translation: One who gives evidence in court.

Strategy used: Translation by using a related word.



Example: Case.

Target Language: Mulandu.

Back translation: Matter investigated by police.

Strategy used: Translation by using a more general or superordinate word.

## 7. The use of loan words in the source text

The use of loan words in the source text causes a special problem in translation. There are many loan words in English texts that are from other languages such as Latin language. These are often used for their prestige value. The difficulty is that once a word is borrowed into a language; we cannot control the additional meanings it might take on. The examples below are of words from Latin and other foreign languages that are loaned to English and used in the specialized legal field of study:

Example: Garnishee.

Target Language: Tshelede ya u unḁa ine ya dzhielwa muholoni wa muunḁi.

Back translation: Money which is deducted straight from the defendant's salary.

Strategy used: Translation by paraphrasing using related word.

Example: Prima facie (from Latin language).

Target Language: Muhumbulelwa.

Back translation: Latin word meaning evidence that first seems to be true although it may be provided false later (suspect).

Strategy used: Translation by using a related word.

Example: Mutatis mutandis (from Latin used for comparison).

Target Language: Zwidzheniswa.

Back translation: Small changes done in a document without changing main points, for example, same form to be filled but different names.

Strategy used: Translation by using a related word.

Example: Sheriff (from Scottish language).

Target Language: Muḍinda wa khothe.

Back translation: Court messenger.

Strategy used: Translation by paraphrasing using a related word.

Example: Gazette.

Target Language: Guranda ya tshiofisi.

Back translation: Official newspaper.

Strategy used: Translation by paraphrasing using a related word.

Example: Lieu (Latin language).

Target Language: Pfarela.

Back translation: Something replaced instead of another one.

Strategy used: Translation by omission.

The translation by omission strategy can be applied if the meaning conveyed by a source-language word is not vital enough to the development of the text.

Example: Emoluments.

Target Language: Dzimbadelo.

Back translation: Payments.

Strategy used: Translation by using a related word.

Example: Proviso.

Target Language: Tshiimo or nyimele.

Back translation: Terms and conditions.

Strategy used: Translation by a more neutral word.

**A discussion of translation strategies that can be used to solve problems of non-equivalence above word level in the translation texts**

## **B. Instances for non-equivalence above word level**

Non-equivalence refers to what the translator can do when there is no word in the Target Language that can express the same meaning as the source language word. According to Baker (1992:46), in non-equivalence above word level, we consider what happens when words start combining with other words to form stretches of language. In this research study, we will consider those problems and the strategies used to solve such problems.

### **1. Culture-specific collocations**

This problem of translation occurs when the cultural settings of the source and target languages are significantly different and has instances where the source text contain collocations that convey unfamiliar ideas to the target reader. These words point to concepts that are not easily accessible to the target reader.

Example: Garnishee order.

Target Language: Ndaela ya tshelede ine ya dzhielwa muholoni wa muundi.

Back translation: Stop order.

Strategy used: Translation by paraphrasing.

Paraphrasing is a translation strategy that is used when a match cannot be found in the Target Language. This is because of the existence of differences in stylistic preferences of the source and target languages.

## 2. When a word has no equivalent in the target language

This is because the way a language chooses to express a word cannot match the way another language chooses to express the same word.

Example: Court.

Target Language: Khothe.

Back translation: Court.

Strategy used: Translation by using loan word.

Example: Commission.

Target Language: Khomishini.

Back translation: Commission.

Strategy used: Translation by using loan word.

Example: Committee.

Target Language: Komiti.

Back translation: Committee.

Strategy used: Translation by using loan word.

Example: Minister.

Target Language: Minisiṭa.

Back translation: Minister.

Strategy used: Translation by using loan word.

Example: Parliament.

Target Language: Phaḷamennde.

Back translation: Parliament.

Strategy used: Translation by using loan word.

Example: Appeal.

Target Language: Aphili.

Back translation: Appeal.

Strategy used: Translation by using loan word.

Example: Magistrate.

Target Language: Madzhisitaraṭa.

Back translation: Magistrate.

Strategy used: Translation by using loan word.

### **3. The very convention of using idioms in written discourse**

Example: Hearing.

Target Language: Muṭangano.

Back translation: Meeting.

Strategy used: By using an idiom of similar meaning and form.

### **4. A word may be used in the source text in both its literal and idiomatic senses at the same time**

Example: Execution.

Target Language: Tshigwevho tsha thambo.

Back translation: Death sentence.

Strategy used: Translation by using paraphrase.

### **5. When a word has similar counterpart in the target language**

Example: Wedlock.

Target Language: Mbingano.

Back translation: Marriage.

Strategy used: By using an idiom of similar meaning but dissimilar form.

Example: Act.

Target Language: Mulayo.

Back translation: Law.

Strategy used: Translation by using a related word.

Example: Law.

Target Language: Mulayo.

Back translation: Regulation.

Strategy used: Translation by using a related word.

Example: Rule.

Target Language: Vhusa.

Back translation: Govern.

Strategy used: Translation by using a related word.

Example: Regulation.

Target Language: Mulayo.

Back translation: Law.

Strategy used: Translation by using a related word.

## **6. When there is the tension between accuracy and naturalness**

Example: Order.

Target Language: Ndaela.

Back translation: Instruction.

Strategy used: By using an idiom of similar meaning but dissimilar form.

In conclusion, one can state that in Legal translations, the translator's main task is to create translations that will produce the same Legal effect in practice. To do so, the translators must be able to understand not only what the words mean and what the sentence means, but also what legal effect they are supposed to have in the other language. Translators must be able to use Legal language effectively to express Legal concepts in order to achieve the desired effect.

### **3.3 METHODS OF TRANSLATION**

A translation method refers to the translation of sentences from the native language into the target language and vice versa. However, this method involves a particular analysis of the written target language, especially its grammar and vocabulary that are learned from bilingual word lists.

It must be noted that translation has different methods of translation. This can however be explained as follows:

In order to decide how the various text types have to be translated, Newmark (1995:45-51) distinguishes between translation methods with source language and target language. Newmark lists the following methods as the ones that put emphasis on a source language:

- Word-for-word
- Literal
- Faithful
- Semantic

Translation methods which focus on a target language are the following:

- Communicative
- Idiomatize
- Free translation
- Adaptation

Newmark (1995: 45-51) discusses these translation methods in this way:

### **3.3.1 Communicative translation method**

The communicative translation method attempts to render the exact contextual meaning of the original in such a way that both the content and the language are readily acceptable and comprehensible to the readership. Here, a translator attempts to produce the same effect on the target language readers as was produced by the original on the source language readers. In other words, the communicative translation method displays the exact contextual meaning of the original text in a manner where both content and language are easily acceptable and comprehensible to the readers.

### **3.3.2 Word-for-word translation**

This is a method of translation where the source language word order is preserved and the words translated singly by their most common meanings out of context. Here the source language word is translated into another language by their most common meanings, which can also be out of context at times, especially the idioms and proverbs. In this method, cultural words are translated literally. The importance of word-for-word translation method is that it either enables one to understand the mechanics of the source language or to construe a difficult text as a pre-translation process.

### **3.3.3 Faithful translation**

This is a translation method that attempts to reproduce the precise contextual meaning of the original within the constraints of the target language's grammatical structures. Faithful translation interprets the exact contextual meaning of the original within the constraints of the grammatical structures of



the target language. It transfers cultural words and preserves the degree of grammatical and lexical abnormality in the translation. It is called the faithful translation method because it attempts to be completely faithful to the intentions and the text-realisation of the source language writer.

#### **3.3.4 Adaptation translation method**

Adaptation refers to that type of translation that is used mainly for plays and poems. It is the freest form of translation, as it is mainly used for plays, comedies and poetry, where the themes, the characters and plots are usually preserved. This happens while the source language culture is converted to the target language culture and the text is re-written while considering the source language culture that is converted to the target language culture by an established dramatist or poet plays.

#### **3.3.5 Free translation method**

This is a translation method that reproduces the matter without the manner or the content without the form of the original. According to Hornby (2005:1573), the free translation method is a method of translation which does not exactly follow the original words. This method of translation produces the translated text without the style, form, or content of the original text. Usually it is a paraphrase much longer than the original, a so-called intralingual translation that is often not translatable at all.

#### **3.3.6 Idiomatic translation method**

This is a translation method that reproduces the message of the original text, but tends to slightly distort or twist the original meaning. The distortion is

created by preferring idioms and colloquialisms where these do not exist in the original.

### **3.3.7 Literal translation method**

It is the translation method where the source language's grammatical constructions are converted to their nearest target language equivalents. Here, the lexical words are again translated singly and out of context. In other words, in this method, the source language's grammatical constructions are translated to their nearest target language. However, the lexical words are translated singly and out of context.

### **3.3.8 Semantic translation method**

This is a translation method where the translator tends to translate less important cultural words by culturally neutral or functional terms. This however, not done through cultural equivalents and it may take other small concessions to the readership. The distinction between semantic and faithful translation is that: semantic translation is more flexible, admits the creative exception and allows for the translator's intuitive empathy with the original, whereas faithful translation is uncompromising and dogmatic.

When commenting on these methods, Newmark (1995:47) indicates that, the semantic and communicative translation methods are the only two methods that fulfil the main aims of translation which are accuracy and economy. The semantic translation method is written at the author's linguistic level whereas communicative translation method is written at the readership linguistic level.

### 3.4 WAYS OF CREATING WORDS OR TERMS

#### Term formation processes in the African languages / Terminology development

Taljard (2004:31) quotes Mtinsilana & Morris (1998:110) with reference to the African languages and distinguishes the two types of term formation processes. These are:

- A. Language internal word formation processes
- B. Borrowing from other languages

Their discussions are as follows:

#### A. Language internal word formation processes

There are three types of language internal word formation processes which are:

- Semantic transfer
- Paraphrasing
- Compounding

#### 3.4.1 Semantic transfer

This is the process of attaching new meanings to existing words by modifying their semantic content. In practise, this often results in the original word co-existing with the new term, the word being used in general language and the term being used in its specific subject field. In other words, working a term in semantic transfer can show that the term belongs to both Language for General Purpose (LGP) as a normal word and Language for Specialised Purpose (LSP) as a special term. **For example:**

**Mofolodzhi** (morphology)

This word is used in LGP to refer to the physical features of a word but can be used also in LSP as a dentist term referring to the morphology of a tooth.

**Halwa** (traditional African beer)

This was a specific Tshivenda term for **Mahafhe** (sorghum beer), but today it is used to mean every beer whether it is clear or malt, and also for alcohol in general.

### 3.4.2 Paraphrase

A paraphrase is a passage borrowed from a source and rewritten in an own words. This type should be true to the original author's idea, but it is rewritten in one's own words and sentence structure. In other words, paraphrasing means to put another person's words into your own words, yet still saying the same thing. It is very important to give credit to the source of the idea, since one will be using someone else's ideas and expressing them in their own words.

A paraphrase is actually a short description or explanation and it represents a very productive way in which terms are formed in the African languages. This method is not an economical way of creating words because if a term is too long people will never use it. The advantage of paraphrasing is that it is a very transparent way of creating terms.

Translators usually use paraphrasing in order to explain the meaning of the source item if the item in question is semantically complex. For example, sheriff in Tshivenda language is translated as **muḽindḽa wa khothe**, maintenance as **tshedele ya u unḽa**, subpoena as **liḽwalo la u vhidzwa khothe**, adoption as **u renga ḽwana** and lodge translated as **u hwelela mulandu**. Paraphrasing word formation is used in general by many languages

to overcome the problem of non-equivalence at word level and above word level. Mtintsilana and Morris (1988:69) view this strategy as a productive way of extending indigenous vocabularies.

### 3.4.3 Compounding

According to Poulos (1990:74) compound nouns are made up of a combination of words or stems that represent either the same or different parts of speech. In other words, it is a process whereby a new term is coined by combining two or more existing words or lexical items. Therefore, compounding is a process in which two different words are joined together to denote one thing. Compounds are pronounced as one unit, but sometimes difficulties in writing arise where some are written with hyphens. For example, **flower-pot** is a compound noun made of two words: flower and pot, but it does not denote two things. Other compound nouns such as the word like: bank account, are written separately.

There are examples of compound nouns that have been adopted from the Maintenance Act. They include:

Where a noun combines with another noun, as in, **khangamutupo** (wayward person). In this case, the noun **khang** (guinea fowl) + noun **mutupo** (totem) are combined to form a compound word **khangamutupo**.

A noun can combine with a verb as in **khothekhatuli** (Supreme Court). In this case the noun **khothe** (court) + verb **hatula** (judge) are combined to form a compound noun **khothekhatuli**.

A verbal form can combine with a noun as in **mujaifa** (heir). In this noun, verbal form **-i** (eat) + noun **ifa** (inheritance) are combined to be a compound noun **mujaifa**.

A verbal form can also combine with a noun. For example, on **muitazwivhi** (sinner), a verbal form **-ita** (do) + noun **zwivhi** (sins) are combined to form the compound noun **muitazwivhi**.

## **B. Language Borrowing term formation process**

Borrowing is the process in which linguistic elements are taken over from one language to another. It is an important method of expanding the vocabulary of a developing technical standard language. In other words, it is another way of extending the vocabulary of a certain subject field.

The different types of borrowing are:

- Loan or Foreign words
- Adoptives

### **3.4.4 Loan or foreign words**

Loan words are words that have been borrowed as wholes and their meanings have been retained intact. Hornby (2005:867), defines a loan word as a word taken from another language and is used in its original form. These words are taken from one language as they are together with their meanings and used. These include:

**court** (khothe), **parliament** (phaḷamennde), **appeal** (aphiḷi), **pension** (phentsheni), **minister** (minisita), **commission** (khomishini), **summons** (samanisi) and **bail** (beiḷi).

### **3.4.5 Adoptives**

Adoptives are words which have been completely adapted to the language system of the borrowing language. This adoption considers their syntactic,

morphological and tonological levels. For example, **fonetiki** from English word **phonetics**, **founu** from English word **phone**. Poulos (1990:75) indicates that, adoptives are mainly caused as a result of a combination of different cultures over a period of time, or the geographical proximity that a nation has, such as that the Vhavenda and Tsonga have had over the years.

Adoptives may be brought into a language for different reasons. These include; an introduction for the concepts which the language does not have an equivalent word for. That is, words which represent an object originally unknown to the Venda speaker can be adopted. For example, the noun word “vhurifhi” (brief from Afrikaans) meaning letter in English. Adoption is a highly productive means of terminology acquisition because little effort is required, but the over-use of this strategy of term formation on the language may run the risk of losing its character.

Moropa (2005:56), quoting Trew (1994:77), indicates that even the least technical of texts are likely to present the translator with substantial difficulties in the choice of terminology and language variety.

**Translators usually employ the following term creation processes:**

- Using loan words
- Compounding
- Derivation

### **Using a loan word**

According to Moropa (2005:106) the contact between groups of people who live close to each other can lead to the exchange of concepts and their words. Usually the minor culture takes concepts and terms from the more developed

culture in places where two cultures stayed close together. The conditions necessary for borrowing include the following:

- Contact between two languages
- Linguistic similarities
- Language attitudes with regard to inferiority and superiority complex
- Cultural and technological inequality, the receiving language usually has no technical equivalents and so has no choice but to take the imported technology together with its terminology from the donating culture. For example, radio, colgate, class, cheque, email, democracy, vat, Aids, x-ray etc.

### **Derivation**

Derivation is another method of developing terminology. In this method, prefixes and suffixes are used to derive terms from root morphemes. According to Hornby (2005:394), a derivative refers to a word that has been developed from another word. Poulos (1990:69) indicates that sometimes nouns can be derived from verbal forms in order to form derivative nouns, that is, by adding a noun prefix mu- to a verb root, and in order for the root to change into a stem, other suffix must be added.



The following are examples of derivation from the Maintenance Act:

<b>Prefix</b>		<b>Stem</b>		<b>Noun</b>
Mu	+	unḁa	>	muunḁi (supporter / provider)
Mu	+	beba	>	mubebi (parent)
Mu	+	hwelela	>	muhweleli (complainant)
Mu	+	hwelelwa	>	muhwelelwa (defendant)
Mu	+	hola	>	muholo (salary)
Tshi	+	gevhenga	>	tshigevhenga (criminal)
Mu	+	laya	>	mulayo (act / law)

By using all these methods of term formation processes, translators are able to put unfamiliar concepts into accessible words. Thus, they are able to create appropriate terms which are meaningful to the target readers.

### **3.5 CONCLUSION**

This chapter shows that different translation strategies are used in order to solve different translation problems of non-equivalence at word level and above word level. The translator therefore, should also apply different methods of translation in order to meet the requirements which were set by the initiator of the translation. In cases where new terms should be created, the translator should be able to identify which term formation process should be applied for the translation in question.

## CHAPTER 4

### 4.1. INTRODUCTION

This chapter analyses the respondents' responses with regard to the translation of legal terminology used in the Maintenance Act (no: 99 of 1998) from English into Tshivenda language. In a nutshell, the main objective of the questionnaire was to examine whether respondents would correctly translate legal terminology from the source language (English) into the target language (Tshivenda).

**The questionnaire was distributed among the following groups of ten people each:**

- A. Lecturers (Scholars in Linguistics, African languages and Law)
- B. Teachers (Secondary schools)
- C. University students (Random sampling)
- D. Social workers
- E. Lawyers
- F. Prosecutors
- G. Home workers
- H. Men
- I. Women
- J. Nurses

The questionnaire was distributed among the above targeted groups who are from both rural and urban areas. These groups were targeted because they often deal with matters associated with the Maintenance Act. The analysis that now follows focuses on the respondents' responses. The researcher's task was to collate the responses and draw conclusions from the responses.

The researcher used 30 common legal terms. The respondents were requested to translate these terms into Tshivenda. The terms are as follows:

English language		Tshivenda language
1.	Accused	
2.	Act	
3.	Adoption	
4.	Amendment	
5.	Appeal	
6.	Bail	
7.	Case	
8.	Complainant	
9.	Court	
10.	Criminal	
11.	Custody	
12.	Divorce	
13.	Estate	
14.	Garnishee	
15.	Gazette	
16.	Law	
17.	Lodge	
18.	Magistrate	
19.	Maintenance	
20.	Oath	
21.	Parliament	
22.	Plaintiff	
23.	Respondent	
24.	Salary	
25.	Sheriff	
26.	Step-child	
27.	Subpoena	
28.	Summonses	
29.	Warrant	

30.	Witness	
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The respondents responded differently to the legal terms that they were requested to translate. Their responses can therefore be analysed as follows:

#### 4.2. ANALYSIS OF RESPONSES FROM RESPONDENTS

##### Accused (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	(a) 6 muhwelelwa (b) 4 mupotiwa	(a) 60% (b) 40%	(a) 6% (b) 4%
Teachers	10	(a) 3 muhwelelwa (b) 7 muhumbulelwa	(a) 30% (b) 70%	(a) 3% (b) 7%
Students	10	10 muhwelelwa	100%	10%
Social workers	10	10 muhwelelwa	100%	10%
Lawyers	10	(a) 5 muhwelelwa (b) 5 muhumbulelwa	(a) 50% (b) 50%	(a) 5% (b) 5%
Prosecutors	10	(a) 7 muhwelelwa (b) 3 muhumbulelwa	(a) 70% (b) 30%	(a) 7% (b) 3%
Home workers	10	(a) 3 mupotiwa (b) 7 do not know	(a) 30% (b) 70%	(a) 3% (b) 7%
Men	10	(a) 3 muhwelelwa (b) 7 mupotiwa	(a) 30% (b) 70%	(a) 3% (b) 7%
Women	10	(a) 8 muhwelelwa (b) 2 muhumbulelwa	(a) 80% (b) 20%	(a) 8% (b) 2%
Nurses	10	10 mupotiwa	100%	10%

According to the statistics from the above responses, 52% of the respondents (all groups included) translated the term **accused** as **muhwelelwa**, 17% of the respondents have translated it as **muhumbulelwa**, 24% of all the groups translated it as **mupotiwa**, and 7% of respondents indicated that they did not know the meaning of this term. The respondents argued that there are several words which can be used, but they prefer **muhwelelwa** as their translated equivalence to the term **accused**. They indicated that they would be comfortable if translators could use the word **muhwelelwa** as a translated equivalent of the legal term **accused**. This means that **muhwelelwa** would be the most suitable translated equivalent of the legal term **accused**.

#### Act (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	10 mulayo	100%	10%
Teachers	10	10 mulayo	100%	10%
Univen students	10	10 mulayo	100%	10%
Social workers	10	10 mulayo	100%	10%
Lawyers	10	(a) 8 mulayo (b) 2 nyito	(a) 80% (b) 20%	(a) 8% (b) 2%
Prosecutors	10	10 mulayo	100%	10%
Home workers	10	(a) 4 mulayo (b) 6 do not know	(a) 40% (b) 60%	(a) 4% (b) 6%
Men	10	(a) 6 mulayo (b) 4 nyito	(a) 60% (b) 40%	(a) 6% (b) 4%
Women	10	(a) 3 mulayo (b) 7 nyito	(a) 30% (b) 70%	(a) 3% (b) 7%
Nurses	10	10 mulayo	100%	10%

The term **Act** refers to a law that has been passed by a parliament (Hornby, 2006:13). When a bill is passed in parliament, it becomes an Act. The statistics given above indicate that 81% of the respondents translated the term **Act** as **mulayo**, 13% translated it into **nyito** and 6% did not know its meaning. In this case, the majority of the people are those who have translated the term **Act** as **mulayo**. This means that **mulayo** is the most favourable equivalent of the legal term **Act**.

#### Adoption (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	(a) 5 adopusheni (b) 5 u lela	(a) 50% (b) 50%	(a) 5% (b) 5%
Teachers	10	(a) 6 adopusheni (b) 4 nzhio	(a) 60% (b) 40%	(a) 6% (b) 4%
Students	10	10 adopusheni	100%	10%
Social workers	10	10 adopusheni	100%	10%
Lawyers	10	(a) 6 adopusheni (b) 4 u țanganedza ñwana	(a) 60% (b) 40%	(a) 6% (b) 4%
Prosecutors	10	10 adopusheni	100%	10%
Home workers	10	10 adopusheni	100%	10%
Men	10	10 adopusheni	100%	10%
Women	10	(a) 5 adopusheni (b) 5 u țanganedza ñwana	(a) 50% (b) 50%	(a) 5% (b) 5%
Nurses	10	10 adopusheni	100%	10%

The statistics given above indicate that 82% of all the groups combined translated **adoption** as **adopusheni**. The 82% used the loan word translation strategy, as there is no other suitable translation equivalent for this term in the Tshivenda language. This is because previously, the process of adopting a child

was not practiced among the Vhavenḁa or in the Tshivendḁa culture, as it was their culture to share the little that they have with others. A child who is an orphan or poor was difficult to be identified amongst others because all the children were treated the same way in the family. Therefore, there was no need for adoption like today. As a result, the majority of the respondents did not know the suitable Tshivendḁa term to translate the term **adoption** although they knew what it meant. 5% of the respondents also translated **adoption** as **u lela** (to raise a child), using a paraphrasing translation strategy, 4% translated it as **nzhio** (to take) and lastly, 9% translated it into **u tanganedza nḁwana** (to receive a child). From all the statistics given above, it is evident that a majority of the people would be happy if the term **adoption** is translated as **adopusheni**. This is acceptable viewing that it is of no use to use terms that people will not use at all in their discourse.

#### Amendment (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	(a) 8 khwiniso (b) 2 nyengedzedzo	(a) 80% (b) 20%	(a) 8% (b) 2%
Teachers	10	(a) 4 khakhululo (b) 6 nyengedzedzo	(a) 40% (b) 60%	(a) 4% (b) 6%
Students	10	(a) 7 khwiniso (b) 3 khakhululo	(a) 70% (b) 30%	(a) 7% (b) 3%
Social workers	10	(a) 5 khwiniso (b) 5 nyengedzedzo	(a) 50% (b) 50%	(a) 5% (b) 5%
Lawyers	10	(a) 4 khwiniso (b) 6 khakhululo	(a) 40% (b) 60%	(a) 4% (b) 6%
Prosecutors	10	(a) 4 khakhululo (b) 6 khwiniso	(a) 40% (b) 60%	(a) 4% (b) 6%
Home workers	10	10 do not know	100%	10%
Men	10	(a) 2 khwiniso	(a) 20%	(a) 2%

		(b) 8 do not know	(b) 80%	(b) 8%
Women	10	10 do not know	100%	10%
Nurses	10	(a) 8 khwiniso (b) 2 khakhululo	(a) 80% (b) 20%	(a) 8% (b) 2%

The above statistics show that 40% of the respondents of all groups combined translated the term **amendment** as **khwiniso**, 19% translated it as **khakhululo**, 13% think **nyengedzedzo** will be suitable and 28% said they did not know the meaning of this term. It is possible that for those who do not know its meaning are not familiar with the word. This is with the exception of those who have the knowledge of politics as this term is related to the constitutional laws of the country. As such, the most acceptable translated equivalent of amendment is **khwiniso**.

#### Appeal (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	10 khaṭhululo	100%	10%
Teachers	10	10 khaṭhululo	100%	10%
Students	10	(a) 4 khaṭhululo (b) 6 aphili	(a) 40% (a) 60%	(a) 4% (b) 6%
Social workers	10	10 khaṭhululo	100%	10%
Lawyers	10	10 khaṭhululo	100%	10%
Prosecutors	10	10 khaṭhululo	100%	10%
Home workers	10	10 aphili	100%	10%
Men	10	10 aphili	100%	10%
Women	10	10 aphili	100%	10%
Nurses	10	10 aphili	100%	10%



The statistics from the above table indicate that 54% of the respondents translated this term as **khathululo**, while 46% translated it to **aphili** using its loan word translation strategy. The majority of the respondents, (54%), translated it to **khathululo**. Some of the respondents said they came across this term in the courts when people were not satisfied with the decision that would have been taken and would ask the court to re-look at its judgement. Although the translated equivalent of **aphili** is widely used by people, including the uneducated ones, it should be born in mind that the most acceptable translated equivalent of the legal term **appeal** is **khathululo**.

#### Bail (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	10 beili	100%	10%
Teachers	10	10 beili	100%	10%
Students	10	10 beili	100%	10%
Social workers	10	10 beili	100%	10%
Lawyers	10	10 beili	100%	10%
Prosecutors	10	10 beili	100%	10%
Home workers	10	10 beili	100%	10%
Men	10	10 beili	100%	10%
Women	10	10 beili	100%	10%
Nurses	10	10 beili	100%	10%

All the respondents have translated this term, using a loan word translation strategy, to **beili**. They were all comfortable calling it in this way because they can understand its meaning. Some of the respondents indicated that their engagement with the different local courts made them familiar with this term, especially, when bail money was needed in order to take them out of prison.

**Case (word in SL)**

<b>Groups</b>	<b>Number</b>	<b>Word in TL</b>	<b>Percentage per group</b>	<b>Percentage of Total</b>
Lecturers	10	10 mulandu	100%	10%
Teachers	10	10 mulandu	100%	10%
Students	10	10 mulandu	100%	10%
Social workers	10	10 mulandu	100%	10%
Lawyers	10	10 mulandu	100%	10%
Prosecutors	10	10 mulandu	100%	10%
Home workers	10	(a) 2 mulandu (b) 8 kheisi	(a) 20% (b) 80%	(a) 2% (b) 8%
Men	10	10 mulandu	100%	10%
Women	10	(a) 4 mulandu (b) 6 kheisi	(a) 40% (b) 60%	(a) 4% (b) 6%
Nurses	10	10 mulandu	100%	10%

A case is a matter that is being officially investigated, especially, by the police (Hornby, 2006:218). According to the above statistics, the majority of the respondents, 86%, translated this term as **mulandu**. There are also 14% of the respondents who translated this term as **kheisi**. The translated version, **kheisi**, is actually used by people who are not so familiar with the proper Tshivenda terms. But it should be noted that the most familiar translated equivalent of the legal term **case** is **mulandu**. There seems to be no question about this; even the illiterate are familiar with this term. It has been used by the Vhavenda even before the introduction of the new legal terms.

### Complainant (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	(a) 4 muvhilaheli (b) 6 muhweleli	(a) 40% (b) 60%	(a) 4% (b) 6%
Teachers	10	(a) 6 muvhilaheli (b) 4 muhweleli	(a) 60% (b) 40%	(a) 6% (b) 4%
Students	10	(a) 2 muhweleli (b) 8 muvhilaheli	(a) 20% (b) 80%	(a) 2% (b) 8%
Social workers	10	(a) 8 muhweleli (b) 2 muvhilaheli	(a) 80% (b) 20%	(a) 8% (b) 2%
Lawyers	10	(a) 8 mupoti (b) 2 muhweleli	(a) 80% (b) 20%	(a) 8% (b) 2%
Prosecutors	10	(a) 5 muhweleli (b) 5 mupoti	(a) 50% (b) 50%	(a) 5% (b) 5%
Home workers	10	(a) 2 muhweleli (b) 8 do not know	(a) 20% (b) 80%	(a) 2% (b) 8%
Men	10	(a) 3 muvhilaheli (b) 7 mupoti	(a) 30% (b) 70%	(a) 3% (b) 7%
Women	10	(a) 4 muvhilaheli (b) 6 muhweleli	(a) 40% (b) 60%	(a) 4% (b) 6%
Nurses	10	(a) 5 muhweleli (b) 5 muvhilaheli	(a) 50% (b) 50%	(a) 5% (b) 5%

The term complainant means a person who makes a formal complaint against somebody in court (Hornby, 2006:295). An example is when a mother lodges a maintenance case in the court for a father who is not maintaining children at home. It means that the mother is complaining about the father who is not giving maintenance. The translation equivalent, **muhweleli**, is suggested by 40% of the respondents, 32% of the respondents translated the term **complainant** as

**muvhilaheli**, 20% said it should be **mupoti** and lastly, 8%, indicated that they do not know its meaning. This means that the most reliable translated equivalent of the term **complainant** should be **muhweleli** which is also familiar to illiterate people.

#### Court (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	10 khothe	100%	10%
Teachers	10	10 khothe	100%	10%
Students	10	10 khothe	100%	10%
Social workers	10	(a) 5 khoro (b) 5 khothe	(a) 50% (b) 50%	(a) 5% (b) 5%
Lawyers	10	(a) 7 khothe (b) 3 khoro	(a) 70% (b) 30%	(a) 7% (b) 3%
Prosecutors	10	(a) 4 khoro (b) 6 khothe	(a) 40% (b) 60%	(a) 4% (b) 6%
Home workers	10	10 khothe	100%	10%
Men	10	10 khothe	100%	10%
Women	10	10 khothe	100%	10%
Nurses	10	10 khothe	100%	10%

A court is a building where trials and other legal cases are handled and officials who work there then decide whether someone is guilty or not guilty (Hornby, 2006:337). The majority of the respondents, 88%, have translated this term as **khothe**. Another group of respondents, representing 12%, said it should be **khoro** which is a cultural word for the term **court** in Tshivenda. The Vhavenda people traditionally used the term **khoro**, which is a royal council where trials are carried out, but this does not equally have the same meaning with the term **court**. For instance, with regard to the court, cases are investigated by the police and tried

by trial specialists, and then later on a sentence is given according to the rules and regulations of the country.

### Criminal (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	(a) 4 mutshinyi (b) 6 tshigevhenga	(a) 40% (b) 60%	(a) 4% (b) 6%
Teachers	10	10 tshigevhenga	100%	10%
Students	10	10 tshigevhenga	100%	10%
Social workers	10	10 tshigevhenga	100%	10%
Lawyers	10	10 tshigevhenga	100%	10%
Prosecutors	10	10 tshigevhenga	100%	10%
Home workers	10	(a) 3 tshigevhenga (b) 7 do not know	(a) 30% (b) 70%	(a) 3% (b) 7%
Men	10	(a) 7 mutshinyi (b) 3 tshigevhenga	(a) 70% (b) 30%	(a) 7% (b) 3%
Women	10	(a) 2 tshigevhenga (b) 8 do not know	(a) 20% (b) 80%	(a) 2% (b) 8%
Nurses	10	10 tshigevhenga	100%	10%

Criminal refers to someone who commits a crime (Hornby, 2006:347). The **74%** of the respondents translated it as **tshigevhenga**, whereas the other **11%** said it should be **mutshinyi** and **15%** do not know the meaning for this term. There are some other respondents who complained about the term **tshigevhenga**, saying it has exaggerations. This is because **tshigevhenga** is used to refer to a person who has killed another person in a brutal way or one who hijacks cars with guns and knives used to kill. However, **mutshinyi** is used to refer to minor crimes, such as stealing food when one is hungry and does not have money to buy. Nevertheless, the above statistics indicate that the majority of the respondents

are comfortable with the term **tshigevhenga** rather than **mutshinyi** even though there are some differences about this translated equivalent. This study feels that **mutshinyi** is the most appropriate term for a **criminal**. Moreover, **tshigevhenga** is an adoptive word from Isizulu, **isigebengu**. One should not use an adoptive if there is an original word in the target language.

#### Custody (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	10 vhudzulo ha vhana	100%	10%
Teachers	10	10 vhudzulo ha vhana	100%	10%
Students	10	10 do not know	100%	10%
Social workers	10	10 vhudzulo ha vhana	100%	10%
Lawyers	10	10 vhudzulo ha vhana	100%	10%
Prosecutors	10	(a) 6 vhudzulo ha vhana (b) 4 khasitodi	(a) 60% (b) 40%	(a) 6% (b) 4%
Home workers	10	10 do not know	100%	10%
Men	10	(a) 5 vhudzulo ha vhana (b) 5 do not know	(a) 50% (b) 50%	(a) 5% (b) 5%
Women	10	(a) 8 vhudzulo ha vhana (b) 2 do not know	(a) 80% (b) 20%	(a) 8% (b) 2%
Nurses	10	(a) 4 vhudzulo ha vhana (b) 6 do not know	(a) 40% (b) 60%	(a) 4% (b) 6%

The term **custody** is used when referring to a legal right to take care of somebody (Hornby, 2006:361). This occurs after a divorce case finalised, has been where a person who is given the legal right to stay with the children has custody for those children. Only **4%** of the respondents said this term should be **khasitodi**, using a loan word translation strategy, **63%** of the respondents translated it as **vhudzulo ha vhana**, using a paraphrasing translation strategy, and **33%** do not know its

meaning in English as well as in Tshivenda. According to the Vhavenda culture, parents used to encourage their girls during marriage ceremony to tolerate everything that their husbands would do to them. There is also a Tshivenda proverb which says **vuhadzi ndi nama ya thole ya fhufhuma ri a fhunzhela** which in English means a wife must tolerate all difficulties in marriage and never give up. As there were no divorces in the Vhavenda culture, there were no custodians needed and therefore, there is no direct translation equivalent for this term, which is why the respondents are using a loan word and a paraphrasing translation strategy for this term.

**Divorce (word in SL)**

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	10 thalano	100%	10%
Teachers	10	10 thalano	100%	10%
Students	10	10 thalano	100%	10%
Social workers	10	10 thalano	100%	10%
Lawyers	10	10 thalano	100%	10%
Prosecutors	10	10 thalano	100%	10%
Home workers	10	10 thalano	100%	10%
Men	10	10 thalano	100%	10%
Women	10	10 thalano	100%	10%
Nurses	10	10 thalano	100%	10%

According to Hornby (2006:428) divorce is the legal ending of a marriage. Even though the Vhavenda condemns the practice of divorce in their cultural marriages, all people are aware of this term as it is always being discussed in their initiation schools when they are advising their children not to do it. This is the reason why 100% of the respondents have translated this term as **thalano**

and this is the suitable translation equivalent which will hardly confuse the readers.

#### Estate (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	(a) 5 ndaka (b) 5 thundu	(a) 50% (b) 50%	(a) 5% (b) 5%
Teachers	10	10 ndaka	100%	10%
Students	10	(a) 4 ndaka (b) 6 do not know	(a) 40% (b) 60%	(a) 4% (b) 6%
Social workers	10	10 ndaka	100%	10%
Lawyers	10	10 ndaka	100%	10%
Prosecutors	10	10 ndaka	100%	10%
Home workers	10	(a) 2 ndaka (b) 8 do not know	(a) 20% (b) 80%	(a) 2% (b) 8%
Men	10	10 ndaka	100%	10%
Women	10	(a) 4 ndaka (b) 6 do not know	(a) 40% (b) 60%	(a) 4% (b) 6%
Nurses	10	10 ndaka	100%	10%

An estate is all the money and property that people leave behind after their death (Hornby, 2006:497). The **75%** of the respondents translated this term as **ndaka**, **5%** said it should be **thundu** and **20%** of the respondents do not know its meaning both in English and Tshivenda. Even though the word **ndaka** has its origin from the Xitsonga term **ndzaka**, all the Vhenda people are becoming very familiar with its usage to refer to property or estate.



**Garnishee (word in SL)**

<b>Groups</b>	<b>Number</b>	<b>Word in TL</b>	<b>Percentage per group</b>	<b>Percentage of Total</b>
Lecturers	10	(a) 4 u dzhiela ngomu muholoni (b) 6 ganishi	(a) 40% (b) 60%	(a) 4% (b) 6%
Teachers	10	(a) 5 u dzhiela ngomu muholoni (b) 5 ganishi	(a) 50% (b) 50%	(a) 5% (b) 5%
Students	10	10 do not know	100%	10%
Social workers	10	10 u dzhiela ngomu muholoni	100%	10%
Lawyers	10	(a) 8 u dzhiela ngomu muholoni (b) 2 ganishi	(a) 80% (b) 20%	(a) 8% (b) 2%
Prosecutors	10	10 u dzhiela ngomu muholoni	100%	10%
Home workers	10	10 do not know	100%	10%
Men	10	(a) 6 u dzhiela ngomu muholoni (b) 4 ganishi	(a) 60% (b) 40%	(a) 6% (b) 4%
Women	10	(a) 4 u dzhiela ngomu muholoni (b) 6 do not know	(a) 40% (b) 60%	(a) 4% (b) 6%
Nurses	10	(a) 3 u dzhiela ngomu muholoni (b) 7 do not know	(a) 30% (b) 70%	(a) 3% (b) 7%

Garnishee is money which is taken directly from the respondent's salary in order to pay for the fine that is committed (Hornby, 2006:615). The 50% of the

respondents translated this term by paraphrasing it as **u dzhiela ngomu muholoni**, whereas 17% said it should be **ganishi** and 33% of the respondents did not know the meaning in English and in Tshivenda, is because there is a translation rule which says, you cannot translate things of which you do not know. The term **garnishee** is widely used by people, but **u dzhiela ngomu muholoni** seem to be the most suitable translated equivalent.

#### Gazette (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	(a) 4 gurannḁa ya muvhuso (b) 6 gazete	(a) 40% (b) 60%	(a) 4% (b) 6%
Teachers	10	(a) 4 gazete (b) 6 gurannḁa ya muvhuso	(a) 40% (b) 60%	(a) 4% (b) 6%
Students	10	10 do not know	100%	10%
Social workers	10	(a) 4 gurannḁa ya muvhuso (b) 6 gazete	(a) 40% (b) 60%	(a) 4% (b) 6%
Lawyers	10	(a) 5 gurannḁa ya muvhuso (b) 5 gazete	(a) 50% (b) 50%	(a) 5% (b) 5%
Prosecutors	10	10 gurannḁa ya muvhuso	100%	10%
Home workers	10	10 do not know	100%	10%
Men	10	(a) 2 gazete (b) 8 do not know	(a) 20% (b) 80%	(a) 2% (b) 8%
Women	10	10 do not know	100%	10%
Nurses	10	(a) 5 gazete (b) 5 do not know	(a) 50% (b) 50%	(a) 5% (b) 5%

A gazette is an official newspaper containing important information about decisions made by the government (Hornby, 2006:617). The majority of the

respondents, 43%, did not know the meaning of this term, but 29% said it should be **gurannḁa ya muvhuso** and 28% who have translated it using a loan word which is **gazete**. It is very clear that there is a need for translators to be employed in order to translate legal terminology in the Ṭhohoyanḁou magisterial area.

#### Law (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	10 mulayo	100%	10%
Teachers	10	10 mulayo	100%	10%
Students	10	10 mulayo	100%	10%
Social workers	10	10 mulayo	100%	10%
Lawyers	10	10 mulayo	100%	10%
Prosecutors	10	10 mulayo	100%	10%
Home workers	10	10 mulayo	100%	10%
Men	10	10 mulayo	100%	10%
Women	10	10 mulayo	100%	10%
Nurses	10	10 mulayo	100%	10%

All the respondents, 100%, did not have a problem with this term and translated it as **mulayo**. This is probably, influenced by the Vhavenḁa culture which encourages all the people to respect the laws given by the chief and by their parents at home. This is the reason why this term is very much familiar to them.

Lodge (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	(a) 2 u hwelela mulandu (b) 8 hodela	(a) 20% (b) 80%	(a) 2% (b) 8%
Teachers	10	10 hodela	100%	10%
Students	10	(a) 4 hodela (b) 6 do not know	(a) 40% (b) 60%	(a) 4% (b) 6%
Social workers	10	(a) 6 u hwelela mulandu (b) 4 u pota mulandu	(a) 60% (b) 40%	(a) 6% (b) 4%
Lawyers	10	10 u hwelela mulandu	100%	10%
Prosecutors	10	10 u hwelela mulandu	100%	10%
Home workers	10	10 do not know	100%	10%
Men	10	(a) 2 u hwelela mulandu (b) 8 do not know	(a) 20% (b) 80%	(a) 2% (b) 8%
Women	10	(a) 5 u pota mulandu (b) 5 u hwelela mulandu	(a) 50% (b) 50%	(a) 5% (b) 5%
Nurses	10	(a) 7 hodela (b) 3 u pota mulandu	(a) 70% (b) 30%	(a) 7% (b) 3%

The 35% of the respondents understood this term from a legal point of view; which is to make an official complaint about something, and thus translated this term as **u hwelela mulandu**. The 12% of the respondents translated giving the same meaning as **u pota mulandu**, and the other 29% understood this term generally as a hotel and thus translated it as **hodela**, even though a hotel and a lodge are not exactly the same. Lastly, there are 24% of the respondents who did not know the meaning of this term.

### Magistrate (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	10 madzhisiṭiraṭa	100%	10%
Teachers	10	10 madzhisiṭiraṭa	100%	10%
Students	10	10 madzhisiṭiraṭa	100%	10%
Social workers	10	10 madzhisiṭiraṭa	100%	10%
Lawyers	10	10 madzhisiṭiraṭa	100%	10%
Prosecutors	10	10 madzhisiṭiraṭa	100%	10%
Home workers	10	10 madzhisiṭiraṭa	100%	10%
Men	10	10 madzhisiṭiraṭa	100%	10%
Women	10	10 madzhisiṭiraṭa	100%	10%
Nurses	10	10 madzhisiṭiraṭa	100%	10%

A magistrate is a person who acts as a judge in a court of law that deals with crimes which are not serious (Hornby, 2006:888). All 100% respondents have translated this term as **madzhisiṭiraṭa** while others have pronounced it as **madzhisiṭaraṭa** which is another variant (spelling) due to the area in which they are staying. Variant spellings have a very big problem to the translators because they will lead to confusion of which spelling to use and which one can be left out. The study would urge that speakers and writers use the most acceptable term, namely, **madzhisiṭiraṭa**.

### Maintenance (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	(a) 4 ndondolo (b) 6 u unḁa	(a) 40% (b) 60%	(a) 4% (b) 6%
Teachers	10	(a) 8 u unḁa (b) 2 ndondolo	(a) 80% (b) 20%	(a) 8% (b) 2%
Students	10	10 u sapota	100%	10%
Social workers	10	(a) 7 u sapota (b) 3 u unḁa	(a) 70% (b) 30%	(a) 7% (b) 3%
Lawyers	10	(a) 8 u sapota (b) 2 u unḁa	(a) 80% (b) 20%	(a) 8% (b) 2%
Prosecutors	10	(a) 5 u unḁa (b) 5 u sapota	(a) 50% (b) 50%	(a) 5% (b) 5%
Home workers	10	10 u sapota	100%	10%
Men	10	(a) 5 u unḁa (b) 5 u sapota	(a) 50% (b) 50%	(a) 5% (b) 5%
Women	10	(a) 4 u sapota (b) 6 u unḁa	(a) 40% (b) 60%	(a) 4% (b) 6%
Nurses	10	(a) 7 u sapota (b) 3 u unḁa	(a) 70% (b) 30%	(a) 7% (b) 3%

Maintenance is the provision of food, shelter and clothes to someone (Hornby, 2006:891). The 38% of the respondents translated this term as **u unḁa**, 56% said it should be **u sapota**, and lastly 6% translated it as **ndondolo**. The majority of the respondents, 56%, are those who want this term to be used as **u sapota**. This shows that the people would be happy if this term is translated this way. **U sapota** is derived from English term **support** which might have a different meaning. This means that people have become used to the term **u sapota** as it

has become familiar to women who want fathers to support them and their children.

### Oath (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	10 muano	100%	10%
Teachers	10	10 muano	100%	10%
Students	10	(a) 5 muano (b) 5 do not know	(a) 50% (b) 50%	(a) 5% (b) 5%
Social workers	10	10 muano	100%	10%
Lawyers	10	10 muano	100%	10%
Prosecutors	10	10 muano	100%	10%
Home workers	10	10 do not know	100%	10%
Men	10	(a) 4 muano (b) 6 do not know	(a) 40% (b) 60%	(a) 4% (b) 6%
Women	10	(a) 2 muano (b) 8 do not know	(a) 20% (b) 80%	(a) 2% (b) 8%
Nurses	10	10 muano	100%	10%

Legally, the term oath refers to a formal promise to do something, and in another sense, it is a statement which confirms that something is true (Hornby, 2006:1004). Statistics shows that there are 71% of the respondents who translated this term as **muano**, while the other 29% did not write its translation in Tshivenda due to the fact that they did not understand its meaning in English. The term **muano** seems to be more suitable to mean **oath**.

### Parliament (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	10 phaḷamennde	100%	10%
Teachers	10	10 phaḷamennde	100%	10%
Students	10	10 phaḷamennde	100%	10%
Social workers	10	10 phaḷamennde	100%	10%
Lawyers	10	10 phaḷamennde	100%	10%
Prosecutors	10	10 phaḷamennde	100%	10%
Home workers	10	10 phaḷamennde	100%	10%
Men	10	10 phaḷamennde	100%	10%
Women	10	10 phaḷamennde	100%	10%
Nurses	10	10 phaḷamennde	100%	10%

A parliament is a group of elected politicians who make the laws for their country (Hornby, 2006:1060). There are 100% respondents who translated this term to be **phaḷamennde** using its loaned word translation strategy. Many people, even if they do not understand English, are aware of this term because during election periods, members of any particular political party are interested to know how many seats their organization has obtained in the parliament.



### Plaintiff (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	(a) 4 mupoti (b) 6 muhweleli	(a) 40% (b) 60%	(a) 4% (b) 6%
Teachers	10	(a) 2 muhweleli (b) 8 do not know	(a) 20% (b) 80%	(a) 2% (b) 8%
Students	10	(a) 5 muhweleli (b) 5 do not know	(a) 50% (a) 50%	(a) 5% (b) 5%
Social workers	10	(a) 5 muhweleli (b) 5 mupoti	(a) 50% (b) 50%	(a) 5% (b) 5%
Lawyers	10	(a) 6 muhweleli (b) 4 mupoti	(a) 60% (b) 40%	(a) 6% (b) 4%
Prosecutors	10	(a) 4 mupoti (b) 6 muhweleli	(a) 40% (b) 60%	(a) 4% (b) 6%
Home workers	10	10 do not know	100%	10%
Men	10	(a) 4 mupoti (b) 6 do not know	(a) 40% (b) 60%	(a) 4% (b) 6%
Women	10	10 do not know	100%	10%
Nurses	10	(a) 5 mupoti (b) 5 muhweleli	(a) 50% (b) 50%	(a) 5% (b) 5%

In a legal dictionary, a plaintiff is a person who makes a formal complaint against somebody in a court (Hornby, 2006:1107). It is synonymous to a complainant. In this group, 26% of the respondents translated the term **plaintiff** as **mupoti**, 35% translated it as **muhweleli** and 39% did not give an answer to this term. The low rate for statistics percentage for this term indicates that there is a great need for translators to be employed in the courts of law in our country so that all people will be able to understand the meaning of this term when it is written in their mother-tongue language.

**Respondent (word in SL)**

<b>Groups</b>	<b>Number</b>	<b>Word in TL</b>	<b>Percentage per group</b>	<b>Percentage of Total</b>
Lecturers	10	10 mupotiwa	100%	10%
Teachers	10	10 mupotiwa	100%	10%
Students	10	(a) 4 mupotiwa (b) 6 do not know	(a) 40% (b) 60%	(a) 4% (b) 6%
Social workers	10	10 muhwelelwa	100%	10%
Lawyers	10	10 muhwelelwa	100%	10%
Prosecutors	10	(a) 4 mupotiwa (b) 6 muhwelelwa	(a) 40% (b) 60%	(a) 4% (b) 6%
Home workers	10	(a) 4 mupotiwa (b) 6 do not know	(a) 40% (b) 60%	(a) 4% (b) 6%
Men	10	(a) 7 mupotiwa (b) 3 muhwelelwa	(a) 70% (b) 30%	(a) 7% (b) 3%
Women	10	(a) 2 muhwelelwa (b) 8 do not know	(a) 20% (b) 80%	(a) 2% (b) 8%
Nurses	10	(a) 5 muhwelelwa (b) 5 mupotiwa	(a) 50% (b) 50%	(a) 5% (b) 5%

A respondent is a person who is accused of something in a court (Hornby, 2006:1245). Statistics show that 44% of the respondents translated this term as **mupotiwa** and 36% said it should be **muhwelelwa**. The respondents who did not give their translations for this term form only 20%. Some of the respondents said they came across this term when they were summoned to come to the maintenance court for not maintaining their families properly, that is where they were labelled as respondents while the mothers of their children are the plaintiff.

### Salary (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	10 muholo	100%	10%
Teachers	10	10 muholo	100%	10%
Students	10	10 muholo	100%	10%
Social workers	10	10 muholo	100%	10%
Lawyers	10	10 muholo	100%	10%
Prosecutors	10	10 muholo	100%	10%
Home workers	10	(a) 4 muholo (b) 6 do not know	(a) 40% (b) 60%	(a) 4% (b) 6%
Men	10	10 muholo	100%	10%
Women	10	(a) 5 muholo (b) 5 do not know	(a) 50% (b) 50%	(a) 5% (b) 5%
Nurses	10	10 muholo	100%	10%

A salary is the money that an employee receives for doing his/her job (Hornby, 2006:1291). The word salary is synonymous with the words remuneration, pay and wages. Synonymous words are problematic to translators when translating a text, especially when they are being put together in one sentence. According to the given statistics, 89% of the respondents translated the term **salary** as **muholo** which is a direct translation equivalent for this term in Tshivenda. 11% of those respondents did not know the meaning of this term in English and as a result, they could not give a Tshivenda translation for it.

### Sheriff (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	10 muḍinḍa wa khothe	100%	10%
Teachers	10	10 muḍinḍa wa khothe	100%	10%
Students	10	10 do not know	100%	10%
Social workers	10	10 muḍinḍa wa khothe	100%	10%
Lawyers	10	10 muḍinḍa wa khothe	100%	10%
Prosecutors	10	10 muḍinḍa wa khothe	100%	10%
Home workers	10	(a) 2 muḍinḍa wa khothe (b) 8 do not know	(a) 20% (b) 80%	(a) 2% (b) 8%
Men	10	(a) 7 sherifi (b) 3 do not know	(a) 70% (b) 30%	(a) 7% (b) 3%
Women	10	(a) 8 sherifi (b) 2 do not know	(a) 80% (b) 20%	(a) 8% (b) 2%
Nurses	10	(a) 5 sherifi (b) 5 do not know	(a) 50% (b) 50%	(a) 5% (b) 5%

A sheriff is an official who works in a court preparing court cases (Hornby, 2006:1347). That person is usually responsible for sending official documents to the people summoned to appear in court for their trials. The 52% of the respondents translated this term as **muḍinḍa wa khothe** using a paraphrasing translation strategy, as there is no direct translation equivalent for this term in Tshivenda. Another group of 20% translated it as **sherifi** using a loaned word translation strategy, and 28% did not translate this term, showing that they did not know it. But the term **muḍinḍa wa khothe** is widely used today among the Vhavenda and it seems to be the most acceptable one.

**Step-child (word in SL)**

<b>Groups</b>	<b>Number</b>	<b>Word in TL</b>	<b>Percentage per group</b>	<b>Percentage of Total</b>
Lecturers	10	(a) 5 ñwana a si wa malofhani (b) 5 khangamutupo	(a) 50% (b) 50%	(a) 5% (b) 5%
Teachers	10	(a) 7 khangamutupo (b) 3 ñwana a si wa malofhani	(a) 70% (b) 30%	(a) 7% (b) 3%
Students	10	10 do not know	100%	10%
Social workers	10	10 ñwana a si wa malofhani	100%	10%
Lawyers	10	(a) 6 ñwana a si wa malofhani (b) 4 khangamutupo	(a) 60% (b) 40%	(a) 6% (b) 4%
Prosecutors	10	(a) 5 ñwana a si wa malofhani (b) 5 khangamutupo	(a) 50% (b) 50%	(a) 5% (b) 5%
Home workers	10	(a) 3 khangamutupo (b) 7 do not know	(a) 30% (b) 70%	(a) 3% (b) 7%
Men	10	(a) 7 khangamutupo (b) 3 do not know	(a) 70% (b) 30%	(a) 7% (b) 3%
Women	10	(a) 7 ñwana a si wa malofhani (b) 3 khangamutupo	(a) 70% (b) 30%	(a) 7% (b) 3%
Nurses	10	(a) 8 khangamutupo (b) 2 ñwana a si wa malofhani	(a) 80% (b) 20%	(a) 8% (b) 2%

Step-child refers to the child of your husband or wife from a previous marriage (Hornby, 2006:1449). The research indicates that 42% of the respondents translated this term as **khangamutupo**, 38% said it should be **nwana a si wa malofhani** in a paraphrasing strategy, and 20% represents those who did not know the meaning of this term. Even though the translated equivalent **khangamutupo** has the majority of the respondents favouring its usage, there were other people who said they do not want to use this term because it has a derogatory meaning that excludes a specific child from all other children at the home. It has a meaning which regards those children as if they are strangers in the family, which also makes them feel inferior to all other children even though they are from the same mother or father. **Khangamutupo** can mean a child in a family who is born outside the wed-lock. As indicated, the majority favours using it.

### Subpoena (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	(a) 4 liṅwalo la u vhidzwa khothe (b) 6 do not know	(a) 40% (b) 60%	(a) 4% (b) 6%
Teachers	10	(a) 5 liṅwalo la u vhidzwa khothe (b) 5 do not know	(a) 50% (b) 50%	(a) 5% (b) 5%
Students	10	10 do not know	100%	10%
Social workers	10	10 liṅwalo la u vhidzwa khothe	100%	10%
Lawyers	10	10 liṅwalo la u vhidzwa khothe	100%	10%
Prosecutors	10	10 liṅwalo la u vhidzwa khothe	100%	10%
Home workers	10	10 do not know	100%	10%
Men	10	(a) 5 liṅwalo la u vhidzwa khothe (b) 5 do not know	(a) 50% (b) 50%	(a) 5% (b) 5%
Women	10	(a) 2 liṅwalo la u vhidzwa khothe (b) 8 do not know	(a) 20% (b) 80%	(a) 2% (b) 8%
Nurses	10	(a) 4 liṅwalo la u vhidzwa khothe (b) 6 do not know	(a) 40% (b) 60%	(a) 4% (b) 6%

A subpoena is a written order to attend court as a witness in order to give evidence for the case which is investigated (Hornby, 2006:1475). The above statistics indicate that people are not very much aware of this term, although there are others who have received subpoenas (letters) from the magistrate court for the maintenance cases. Because of that, 50% of respondents have translated this term as **liṅwalo la u vhidzwa khothe**, whereas the other 50% did not know the

meaning of this term. There is a Venda proverb which says **munna ndi ngou ha tshili nga muri muthihi** meaning that **a man can never be satisfied with one wife**. As a result, Venda men do have many wives and justify themselves with this proverb. The problem comes when those women become pregnant, men usually run away from their responsibilities. This forces the woman to go to the maintenance court and report a case for the maintenance of the children. **Liñwalo ja u vhidzwa khothe** becomes the most favoured translated equivalent of the legal term **subpoena**.

#### Summonses (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	(a) 8 mabambiri a mbidzo ya khothe (b) 2 samanisi	(a) 80% (b) 20%	(a) 8% (b) 2%
Teachers	10	(a) 4 samanisi (b) 6 do not know	(a) 40% (b) 60%	(a) 4% (b) 6%
Students	10	(a) 2 samanisi (b) 8 do not know	(a) 20% (b) 80%	(a) 2% (b) 8%
Social workers	10	10 samanisi	100%	10%
Lawyers	10	10 samanisi	100%	10%
Prosecutors	10	10 samanisi	100%	10%
Home workers	10	10 do not know	100%	10%
Men	10	10 do not know	100%	10%
Women	10	10 do not know	100%	10%
Nurses	10	(a) 5 mabambiri a mbidzo ya khothe (b) 5 do not know	(a) 50% (b) 50%	(a) 5% (b) 5%



The term summonses is used to refer to an order which commands somebody to appear in court (Hornby, 2006:1482). This term is a bit confusing as it is slightly related to the term subpoena, although they differ in that, a subpoena is a letter which is summoned to invite somebody to come to the court without failure. The statistics given from the respondents, shows that the majority of the people, that is 49%, did not know the meaning for this term. The 38% represent those who have translated it using its loan word translation strategy to **samanisi**, and 13% translated it using a paraphrasing translation strategy, to **mabambiri a mbidzo ya khothe** which is a cumbersome translation strategy because if a term is too long, people will not like to use it.

#### Warrant (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	(a) 8 luñwalo lwa u fara (b) 2 waranthi	(a) 80% (b) 20%	(a) 8% (b) 2%
Teachers	10	(a) 5 waranthi (b) 5 do not know	(a) 50% (b) 50%	(a) 5% (b) 5%
Students	10	(a) 5 luñwalo lwa u fara (b) 5 do not know	(a) 50% (b) 50%	(a) 5% (b) 5%
Social workers	10	10 luñwalo lwa u fara	100%	10%
Lawyers	10	10 luñwalo lwa u fara	100%	10%
Prosecutors	10	10 luñwalo lwa u fara	100%	10%
Home workers	10	10 do not know	100%	10%
Men	10	(a) 7 luñwalo lwa u fara (b) 3 waranthi	(a) 70% (b) 30%	(a) 7% (b) 3%
Women	10	(a) 5 luñwalo lwa u fara (b) 5 do not know	(a) 50% (b) 50%	(a) 5% (b) 5%
Nurses	10	(a) 7 luñwalo lwa u fara (b) 3 waranthi	(a) 70% (b) 30%	(a) 7% (b) 3%

A warrant is an official document signed by a judge who gives the police a permission to arrest a person or to search someone's home (Hornby, 2006:1657). The 62% of the respondents translated this term as **luñwalo lwa u fara**, whereas only 13% have translated this term using its loaned word as **waranthi**, and 25% did not know the meaning of this term. Terms such as these should be made known to the public because if the people do not know them, they could receive those letters and ignore them, thinking it is just like any other letter, and eventually they will get arrested because of ignorance.

#### Witness (word in SL)

Groups	Number	Word in TL	Percentage per group	Percentage of Total
Lecturers	10	10 <b>ṭhanzi</b>	100%	10%
Teachers	10	10 <b>ṭhanzi</b>	100%	10%
Students	10	(a) 7 <b>ṭhanzi</b> (b) 3 do not know		(a) 7% (b) 3%
Social workers	10	10 <b>ṭhanzi</b>	100%	10%
Lawyers	10	10 <b>ṭhanzi</b>	100%	10%
Prosecutors	10	10 <b>ṭhanzi</b>	100%	10%
Home workers	10	(a) 3 <b>ṭhanzi</b> (b) 7 do not know	(a) 30% (b) 70%	(a) 3% (b) 7%
Men	10	(a) 7 <b>ṭhanzi</b> (b) 3 do not know	(a) 70% (b) 30%	(a) 7% (b) 3%
Women	10	(a) 5 <b>ṭhanzi</b> (b) 5 do not know	(a) 50% (b) 50%	(a) 5% (b) 5%
Nurses	10	10 <b>ṭhanzi</b>	100%	10%

A witness is a person who gives evidence in court (Hornby, 2006:1691). People do not have a problem with this term because 82% of the respondents translated this term **ṭhanzi**, and only 18% did not know its meaning. The term **ṭhanzi** has a

direct translation equivalent in Tshivenda as it is usually used everywhere, not only in the courts. For example, people can be invited to be the witnesses at a wedding ceremony, or they can be asked to put their signature when people are signing some important documents such as bursary forms.

### 4.3 Concluding remarks

In conclusion, the researcher noted that translating legal terms into Tshivenda has some challenges, especially legal terms that do not have equivalents in Tshivenda. The researcher discovered that in most instances people have developed a tendency of taking legal terms as they are. For example, the legal term **garnishee** had its translated equivalent as **ganishi** because people are used to its usage as it is. This is because translators or people who were requested to give the Tshivenda equivalent of **garnishee** realised that literally it means **udzhiela tshedele ngomu muholoni** which seems to be a phrase rather than a Tshivenda equivalent. The issue of taking or translating the term as it is has become the order of the day in most translated equivalents.

## CHAPTER 5

### CONCLUSION

#### 5.1 INTRODUCTION

The aim of this chapter is to give a conclusion to this study. This will be achieved by giving the summary of each chapter of the study, the findings and recommendation of this research.

#### 5.2 SUMMARY

**Chapter one** serves as an introduction of the study. The chapter provides the introduction, background to the problem, the aim of the study, objectives of the study, significance of the study, methodology, scope and a definition of concepts.

**Chapter two** dealt with literature review. The chapter introduces the discussions on the definitions of translation, types of translations and translators, procedures for translations and a summary of technical translation.

**Chapter three** outlined the strategies of translation, methods of translation and the ways of creating words or terms in the African languages.

**Chapter four** dealt with the analysis of the respondents' responses with regard to the translation of the legal terminology used in the Maintenance Act (no: 99 of 1998) from English into Tshivenda. The objective was to examine whether the respondents would correctly translate those legal terminology.

**Chapter five** serves as a summary and conclusion of the research work as a whole. It highlighted the discussion given in the first four chapters, the findings and made recommendations to this study.

### 5.3 FINDINGS

It should be borne in mind that here we are speaking of legal English terms which are not familiar to women who want the maintenance court to garnish men who do not want to support the children they fathered with such women. These women should, however, become familiar with these legal terms. These legal terms must be translated into legal equivalents that will become familiar to people who are going to use them.

The other findings that the researcher made are that:

- There are many legal terms that become difficult to be translated by academics in the language field. Even some lecturers from the school of law encountered difficulties in translating some of the terms as they only know them in English and not in Tshivenda.
- There is a high rate of illiteracy in our communities, which creates problems in that many people cannot understand the English language and legal terminology.
- There is a problem of culture-specific legal terms, for example, garnishee, which are loaned by English from Latin and other foreign languages whose meanings are difficult to get from English dictionaries.
- Some people would prefer to use adopted translated words, like “madzhisitiraṭa” than to create a new term.
- There is a shortage of sworn translators who would be able to translate legal documents.

- Translation is relatively a new discipline in South Africa and is relevant because there is a policy of multilingualism in South Africa and all the 11 official languages should receive equal treatment and respect.

#### **5.4 RECOMMENDATIONS**

**The study's recommendations are that:**

The documents of the Maintenance Act must be translated into all the 11 South African languages. As a result, those who do not understand English would be able to read them using their mother tongues.

People must be encouraged to listen to the radio and TV programmes when legal matters are broadcast.

The Maintenance Act and any other legal information must be taught in Adult Basic Education and Training (ABET) and secondary school education during subjects like Life-Orientation, so that all the people would be aware of these issues. This is because issues like divorce are happening every day, and therefore, people must know what happens after divorce, especially with regard to children and all the property which would have been accumulated during the marriage.

An adequate number of sworn translators must be employed in the legal Justice Department in order to translate all the legal documents into the 11 South African official languages.

The community must be encouraged to enrol for courses in translation at universities and technikons so that they will be equipped with skills necessary for one to become a Legal translator.

Finally, there is a need to make English legal terms familiar to people who need them most. That is, the terms must be accessible to oppressed women who are striving to make ends meet as providers to their children. Structures such as Tshivenda Lexicographic Unit of Pan South African Language Board should be encouraged to compile user-friendly legal dictionaries in Tshivenda.

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