TRANSLATING THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA INTO THE OFFICIAL INDIGENOUS LANGUAGES: A REVIEW WITH REFERENCE TO THE TSHIVENḒA VERSION

by

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Submitted in accordance with the requirements for

the degree of

DOCTOR OF PHILOSOPHY, LINGUISTICS AND LITERATURE

in the subject

AFRICAN LANGUAGES

at the

UNIVERSITY OF SOUTH AFRICA

SUPERVISOR: PROF MJ MAFELA

NOVEMBER 2022

DECLARATION

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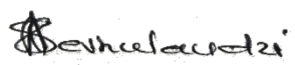
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ii

ACKNOWLEDGEMENTS

DEDICATION

This research work is dedicated to my late mom Thidziambi Masindi Johannah Luvhengo, my late aunt Tshamano Agnes Ravhuanzwo-N̦etshandama, my late brother-in-law Avhashoni William Ramagoma, my late cousin Queen Dr Thidziambi Gladys N̦ethengwe and my dearest sister Thivhulawi Germina Ramagoma.

ABSTRACT

The Constitution of the Republic of South Africa is the supreme law of South Africa. It provides the legal foundation for the existence of the Republic and outlines the rights and duties of all citizens. The study identified and reviewed the translation strategies used by translators in the translation of the English version of the constitution into the Tshivenḓa version. The study used a mixed methods approach, that is, qualitative and quantitative. Taking into consideration that the study is exploratory in nature, the chosen method for data collection was a self-administered questionnaire. Data obtained from the questionnaires served as inputs to MS Excel Office 2016 and validated Statistical Package for Social Sciences (SPSS) Version 26**.** The study was based on two theoretical approaches, i.e. the Descriptive Translation Studies (DTS) and Corpus-based Translation Studies (CTS). The software tool used to analyse the English-Tshivenḓa Parallel Corpus is **ParaConcU** Version 269. Dictionaries and terminology lists were used to cross-reference the meaning of the terms that were extracted from the English-Tshivenḓa Parallel Corpus. The study revealed that the translators relied much on translating by paraphrasing and using loan words. Although they tried to use other strategies, they did not use them successfully. The target text is full of inconsistent usages of terminology, which affects the rendering of the source text messages. Readers of the Tshivenḓa version of the Constitution encounter difficulties due to a lack of similarity, language errors, a lack of terminology, poor editing, and inconsistency. In addition, the Tshivenḓa version of the Constitution is not easily accessible. The study further revealed that many African language translators lacked training to the extent that they struggled with scientific or specialised terminology. Resources were also minimal or non-existent in some African languages leading to some translations being incomprehensible. The study contributes to the legal, translation and interpretation fields in many ways. It helps language practitioners, including translators, interpreters, terminologists, etc., in executing their duties. It is valuable to the Vhavenḓa citizens towards enhancing their understanding of their constitutional rights.

Key terms

Constitution, corpus, English, indigenous African languages, parallel corpus, South Africa, source language, Tshivenḓa, target language, translation, translation strategies and translator

MANWELEDZO

Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ndi mulayo muhulwanesa wa Afrika Tshipembe. I ṋetshedza mutheo wa mulayo kha u vha hone ha Riphabuḽiki ya dovha ya bvisela khagala pfanelo na mishumo ya vhadzulapo vhoṱhe. Ngudo yo ta na u sedzulusa zwiṱirathedzhi zwo shumiswaho nga vhapinduleli u bva kha vesheni ya Ndayotewa ya Tshiisimane u ya kha vesheni ya Tshivenḓa. Ngudo yo shumisa ngona dzo ṱanganelanaho, dzine dza vha khwaḽithethivi na khwanthethivi. Musi ri tshi dzhiela nṱha uri ngudo ndi ya lushaka lwa tsedzuluso na uri a hu na zwinzhi zwo no ṱoḓisiswaho kha sia iḽi ḽa ngudo, ngona yo shumiswaho kha u kuvhanganya data ndi ya khweshenere dzine mufhinduli a fhindula e eṱhe. Data yo waniwaho yo dzheniswa kha *MS Excel Office* 2016 na u khwaṱhisedzwa hu tshi khou shumiswa vesheni 26 ya *Statistical Package for Social Sciences* (SPSS). Ngudo yo ḓisendeka nga thyiori mbili khulwane dzine dza vha *Descriptive Translation Studies* (DTS) na *Corpus-based Translation Studies* (CTS). Tshishumiswa tsha sofuthiwee tsho shumiswaho u saukanya khophasi ya mbambedzo ya Tshiisimane-Tshivenḓa ndi *ParaConcU* ya vesheni 269. Ṱhalusamaipfi na mitevhe ya theminoḽodzhi zwo shumiswa u wana ṱhalutshedzo nga vhuḓalo dza mathemo o bviswaho kha Khophasi ya Mbambedzo ya nyambo mbili dza Tshiisimane na Tshivenḓa. Ngudo yo wana uri vhapinduleli vho ḓitika nga u pindulela nga u shumisesa u u pharafureisa na u pamba maipfi. Naho vho lingedza u shumisa zwiṅwe zwiṱirathedzhi, a vho ngo zwi shumisa lu fushaho. Vesheni yo pindulelwaho yo ḓala u shumiswa ha theminoḽodzhi yo fhambanaho, zwine zwa thithisa mulaedza wa vesheni yo pindulelwaho. Vhavhali vha vesheni ya Tshivenḓa ya Ndayotewa vho ṱangana na vhukonḓi zwo bveledzwa nga u sa fana, vhukhakhi ha luambo, ṱhahelelo ya theminoḽodzhi na u sa edithiwa zwavhuḓi. U ḓadzisa kha zwenezwo, a zwo ngo leluwa u swikela vesheni ya Ndayotewa ya Tshivenḓa. Ngudo yo wana uri vhunzhi ha vhapinduleli vha nyambo dza Vharema a vho ngo gudela u pindulela, vha dovha vha konḓelwa nga theminoḽodzhi ya sainthifiki kana yo khetheaho. Zwiko zwe zwa vha zwi hone zwo vha zwo pimea kana zwo vha zwi siho kha dziṅwe nyambo dza Vharema; izwi zwa livhisa kha uri dziṅwe phindulelo dzi sa pfeseswe. Ngudo i shela mulenzhe kha sia ḽa mulayo nga nḓila nnzhi. Ngudo i ḓo dovha ya thusa vhathu vhane vha shuma nga luambo, hu tshi katelwa vhapinduleli, vhaḓologi, vhasiki vha maipfi na vhaṅwe, musi vha tshi khou shuma mishumo yavho. Ṱhoḓisiso iyi ndi ya ndeme kha vhadzulapo vha Vhavenḓa malugana na uri vha pfesese pfanelo dzavho dza Ndayotewa.

Maipfi a ndeme

Afrika Tshipembe, khophasi, khophasi ya u vhambedza zwivhili, luambo lwa tshiko, luambo lwo livhiswaho, ndayotewa, nyambo dzapo dza Vharema, phindulelo, Tshiisimane, Tshivenḓa, zwiṱirathedzi zwa vhupinduleli

ACRONYMS AND ABBREVIATIONS

ST   : Source Text

TT   : Target Text

BT   : Back Translation

DTS   : Descriptive Translation Studies

CTS   : Corpus-based Translation Studies

ETPC   : English-Tshivenḓa Parallel Corpus

SPSS   : Statistical Package for Social Sciences

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

CHAPTER ONE

INTRODUCTION

1.1   Introduction and background information to the study

Britain withdrew from the government of South Africa in 1910 and handed the country over to the British settlers and the Afrikaners. In 1910, the first Constitution of the Union of South Africa was adopted. The voting rights of Africans were taken away and given to the white minority. The National Party came to power in 1948 when the policy of apartheid was introduced. The government passed notorious laws such as the Suppression of Communism Act, the Group Areas Act, the Separate Registration of Voters Act, the Bantu Authorities Act, the pass laws, and stock limitation laws. During the apartheid period, Afrikaans and English were regarded as official languages, while African languages were promoted in Bantustans. The aim of this was to divide black people in South Africa by stressing the differences between language groups. In lower primary school grades mother tongue education was compulsory; thereafter a change was made in schools where learners were taught in English or Afrikaans as media of instruction. South Africa was declared a Republic on 31 May 1961 and the second Constitution was adopted by the government. As in the 1910 Constitution, Black people's right to vote were taken away. The third Constitution was passed by the then government in 1983 and it created a tri-cameral parliament, which means there was a separate parliament for the White, Coloured, and Indian groups. Africans were once again excluded in this third Constitution, instead, homelands (Bantustans) were created for them. They had no rights outside these homelands.

South Africa is a multilingual country. Multilingualism is a legacy of pre-apartheid South Africa, which comprised of small nationalities that were ruled by kings and chiefs who spoke different languages. When South Africa was divided, the different groups of people where united under one banner - as South African nationals. The Africans continued to speak their languages and still do so post-apartheid; however, it is important to state that these languages were under attack during the apartheid era. To understand the status of languages in South Africa, it is necessary to compare the language clauses of 1909, 1961, 1983, and 1993, that is,

1

section 137 of Act 53 of 1909, section 119 of Act 32 of 1961, section 89 of Act 110 of 1983 and section 3 of Act 200 of 1993.

When the South African state was founded in 1909, English and Dutch became their two official languages. Afrikaans was added as an official language in 1925. Dutch was removed in 1983. The eleven - languages dispensation was first introduced in 1961 when the provision was made for the proclamation of an additional official language in the Bantustans. Transkei and Venḓa were the only homelands that did not proclaim English as an official language, yet both Transkei and Venḓa allowed English to be used for official purposes. Equality of language rights may be considered to have been one of the basic principles in South Africa until 1996. This principle was introduced by the 1909 Constitution and continued in the 1993 Constitution, but is no longer honoured by the 1996 Constitution. The principle of equal rights was replaced by the principle of equity and parity of esteem (Du Plessis, 2000:105).

The Constitution of the Republic of South Africa is the supreme law of South Africa. It provides the legal foundation for the existence of the Republic and is one of the most progressive Constitution in the world regarding language rights. The constitution outlines the rights and duties of all citizens of South Africa and defines the structure of the government. The current constitution, the country's fifth, was drawn up by the Parliament elected in 1994 in the first non-racial elections. It was promulgated by President Nelson Mandela on 18th December 1996 and came into effect on the 4th of February 1997, replacing the Interim Constitution of 1993.

The first session of the Convention for a Democratic South Africa (CODESA) was held on the 20th and 21st of December 1991. In total, 19 political groups were represented at this event, and they agreed to support the Declaration of Intent, which said that they should commence with writing a new Constitution for South Africa. The full negotiations began in March 1993 at the World Trade Centre. The parties decided to use the Multi-Party Negotiation Process (MPNP) instead of CODESA. Twenty-six parties took part in the Multi-Party Negotiation Process. They wrote and adopted an interim Constitution which was meant to guide the government after the elections on 27 April 1994. The Interim Constitution lasted for two years. The MPNP also drew up and adopted 34 Constitutional Principles which were meant to guide the Constitutional

Assembly which had to draw up the final Constitution. They agreed that these principles were to be followed when writing the final Constitution, and if the final Constitution did not include all these constitutional principles, the Constitutional Court would not ratify it.

One of the Constitutional Principles was that the final Constitution had to include a Bill of Rights. If it did no't have the Bill of Rights, then the Constitutional Court would not ratify it. In July 1996, the Constitutional Court had its first hearing about the Constitution. In September the judges of the court said the Constitution did not follow all the 34 Constitutional Principles and refused to ratify it.

The current Constitution of South Africa accorded nine indigenous languages of South Africa official languages status together with Afrikaans and English. Section 6(1) of the 1996 Constitution provides for 11 official languages which are: Sepedi, Sesotho, Setswana, Siswati, Tshivenḓa, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu. Wallmach (2006) explains that since 1996, the South African Government moved from using two official languages to 11 official languages. The previous language policy favoured the white minority, but the new Constitution is inclusive of the main languages in South Africa.

Section 6(2) of the Constitution, recognising the historically diminished use and status of the indigenous languages of South Africa, went on to mandate government to take practical and positive measures to elevate the status and advance the use of historically marginalised languages. By according 11 languages official language status, the South African Government promoted multilingualism, which means that one can access the Constitution of the Republic of South Africa in any of the 11 official languages. Section 4 of the Constitution states that all official languages must enjoy parity of esteem and must be treated equitably.

The 1996 Constitution radically changed the disparity in status, since all 11 languages were granted official status at the national level. The translation of the constitution into nine indigenous languages was a positive move that ensured that the majority of South Africans were informed of their rights in languages. But problems emerged when documents were translated from English into indigenous languages as shown in the next section.

1.2 Research problem statement

The field of translation and interpreting got an injection of life when the new government accorded 11 languages official status. This meant that all official documents by government, organisations and banks had to be translated from English into the other ten languages. Mtintsilana and Morris (1988), discussing translation into African languages in the post-independence era, explain that translation in African languages did occur, though in limited areas such as SABC broadcasting, production of textbooks, administration of homelands and in the various courts of justice, to bolster the government's concern to promote nine pure and separate African cultures. The main aim of the translations was to make information accessible to the majority. Walker et al. (1995:102), translating for the new South Africa, stated that "accessibility is a priority, the process of political transformation in South Africa and the prospect of eleven official languages instead of two, has sparked off a rapid and remarkable change in attitudes towards translation". The focus post-1994 was on communicating with the widest possible audience, including those with limited literacy. African language translators were required to produce texts that are accessible to every level of society, even if this involved extensive rewriting of texts to ensure that they are understood by everyone. The problem with this mandate was that most African language translators were not trained, and African languages struggled with terminology in scientific or specialised areas. Resources were also minimal or non-existent in some African languages leading to some translations being incomprehensible.

The Tshivenḓa version of the Constitution is not used by Vhavenḓa speakers; they prefer to use the English version because they cannot easily access it (Tshivenḓa version). In many instances, the Tshivenḓa version of the Constitution is not similar to the English version. As in the case of other indigenous languages, the translation of the Constitution from English into Tshivenḓa is marred with problems, with lack of terminology being the main one. Trew (1994:76) explains the problem of terminology scarcity: "African languages were largely without developed terminologies, adequate dictionaries or extensive literature". Lack of terminology and resources to support the translation process impacted negatively on the Tshivenḓa version which is characterised by inconsistencies. The materials produced were of limited intelligibility, not of the quality required for improved public access to understanding and participation (Trew, 1994). This means that the government requirement of having

documents translated into African languages was met, but the quality of the documents was questionable, which in a way defeated the purpose as they were not comprehensible. Madiba (1997) states that the problem of lack of adequate terminology for translation calls for serious attention. African languages do not yet have developed terminologies and therefore translation into these languages is difficult. Unfortunately, the problem persists today, more than two decades after the introduction of the new dispensation.

The Constitution is a legal document and South African law emanates from the Roman-Dutch law. That being the case, it is a given that the Constitution is replete with legal terminology that is different from the customary laws that are the foundation of African communities. From the beginning, a problem existed between English and Tshivenḓa. That is, the concepts that are replete in legal law were and continue to be foreign to Tshivenḓa, which means there was and is no terminology to express them. Lack of terminology therefore was a main issue during the translation of the Constitution into Tshivenḓa.

The version of the translation was translated by Tshivenḓa speakers who are bilingual. These bilingual speakers lacked training and competence in language and translation. Being a bilingual speaker does not qualify one to be a translator. It is important to state that Translation Studies is a specialised discipline and profession that needs someone who has qualifications, competency in the target language's particular writing style, familiarity with the relevant terminology, and general knowledge of the legal systems of source and target languages. The bilingual speakers could not even handle the cultural aspects in the Constitution because their knowledge base was Law and not languages and culture. To make matters worse, they translated without the support of resources. The resources which were available by that time were the following: *Tshivenḓa - English Dictionary* (Van Warmelo, 1937), *Teo dza Tshivenḓa - Venḓa Terminologie* (Van Warmelo, 1958), *Venḓa Terminology and Orthography No. 3* (DET, 1972), *Improved Trilingual Dictionary: Venda-Afrikaans-English* (Wentzel & Muloiwa, 1982), and *Venḓa Dictionary: Tshivenḓa - English* (Van Warmelo, 1989). These resources lacked the specialisation required in the legal sector. This created many problems in the translation of the Tshivenḓa version. In light of the challenges, this study investigates the strategies that were used by Tshivenḓa translators in the translation of the Tshivenḓa version of the Constitution.

1.3 Research questions

In this study, the research questions are formulated as follows:

- Which strategies were used by English-Tshivenḓa translators in the translation of the English version of the South African constitution into Tshivenḓa?
- Did the translators consider the issue of consistency when translating the Constitution?
- Why do most of the target readers prefer to read the English version instead of reading the Tshivenḓa version?
- What is the market and the distribution channel of the Constitution?

1.4 Aim and objectives of the study

1.4.1 The aim of the study

The aim of the study is to identify and review the translation strategies used by English-Tshivenḓa translators in the translation of the English version of the Constitution into the Tshivenḓa version.

1.4.2 Objectives of the study

- To identify and discuss the strategies used in the translation of the Tshivenḓa version of the Constitution.
- To look at the issue of consistency when translating the Constitution.
- To investigate challenges faced by readers of the Tshivenḓa version of the Constitution.
- To identify and recommend solutions to the challenges faced by readers.

1.5 Justification of the research

According to the researcher's knowledge, there are no scholars who have undertaken to study the translation of the Constitution of the Republic of South Africa into the official indigenous languages. Among those who highlighted the problem in the translations of the Constitutions are: McGinnis (1999), Du Plessis (2000), Madiba (2004), Mulligan et al. (2016) and Solan (2016). They highlighted that there is a gap in research as no scholars have investigated the

translation of the Constitutions into African languages, Tshivenḓa included. The aim of this study is to fill this gap by showing the importance of translating the constitution in a professional manner so that it is understood by the target readers. The study also emphasises the importance of making the constitution accessible to the target users.

1.6   Significance of the research

The study will contribute to the field of translation and the development of legal terminology because only a few researchers have investigated this field. It will help the Vhavenḓa language practitioners, translators, interpreters, and terminologists among others in executing their duties by utilising this information. It will also help the Vhavenḓa citizens to understand their constitutional rights as prescribed by the Constitution. The study will equip translators with translation strategies that will make the text easily accessible to the target readers. It will also promote the teaching of the Constitution in schools. The study will open a dialogue for law formulators to have the indigenous African language versions of the Constitution revised.

1.7   Definition of terms

In this section various key terms that are important to this study will be defined. Terms will be defined in relation to how they are used in this study. The terms are as follows: Constitution, corpus, parallel corpus, corpus-based translation studies, indigenous languages, official languages, translation and translation strategies.

1.7.1   Constitution

A Constitution is the supreme law of a country which governs all the systems of the state, and all the Acts of the country emanate from it. Wild (2006:92) defines a constitution as the fundamental and organic laws and principles of a country or state that create a system of a government and provide a basis against which the validity of all other laws is determined. Garner (1999:306) sees a constitution as the fundamental and organic law of a nation that establishes the institutions and the apparatus of the government. Woodley (2005:107), on the other hand, defines the concept 'constitution' as those laws, institutions and customs which combine to create a system to which the community regulated by those laws accedes. From the

definitions above, one can say a constitution is the law which forms the foundation of the government and must be adhered to and respected by all citizens of the country.

1.7.2 Corpus

The term 'corpus' has been defined by different scholars over time when developments took place in the field of corpus linguistics. Before the development of the computer, corpus was viewed as a systematic or principled collection of texts representing a language, compiled for a specific purpose (Kennedy, 1998:15). After the introduction of computers, Sinclair (2004:12) viewed corpus in a different way. He defines corpus as "… collection of pieces of language texts in electronic form, selected according to external criteria to respect as far as possible a language or a language variety as a source of data for linguistic research". Sinclair emphasises the significance of specific criteria in collecting text which must be included in a corpus. This is also supported by Olohan (2004:1), who defines a corpus as a collection of texts, selected and compiled according to specific criteria. The texts are held in electronic format, that is, as computer files, so that various kinds of corpus tools, such as software can be used to carry out analyses on them. According to Bowker and Pearson (2002:9) a corpus is "a large collection of authentic texts that have been gathered in electronic form according to a specific set of criteria". The term corpus is usually used to mean any collection of running texts held in electronic form and analysable automatically or semi-automatically rather than manually (Baker, 1995:226). Brown and Miller (2013:113) further define corpus as a collection of texts, originally stored in writing on paper or card but currently stored in digital form. A corpus is a text that is collected and selected following specific criteria and held in electronic format so that it can be analysed; it can be manual or automatic. This will be the working definition in this study. Corpus studies have been facilitated in the field of linguistics with the advent of the computer.

1.7.3 Parallel corpus

The use of corpora (singular: corpus) as a research methodology in translation studies is explained by Olohan (2004:1) as follows:

> The use of corpora in translation studies has a short history, spanning no more than ten years, but electronic corpora have been used in linguistics for over three decades. While translation studies accept and adopt the tried and tested corpus methods from its older

sister, it also undergoes early teenage angst, seeking to develop its own corpus-related image while coming to terms with other self-centred, existential preoccupations.

According to Sinclair (1995:32), a parallel corpus is a collection of texts, which is translated into one or more languages from the original. He perceives that parallel corpora offer the opportunity to align original texts and their translations and gain insight into the nature of translation. According to McEnery and Xiao (2008:2), a parallel corpus contains source texts and their translations. Kenny (2000) states that a parallel corpus may be defined as a body of texts that is available in two or more languages, either as an original text with its translations or as texts that deal with the same subject and were created with similar contexts. Parallel corpora consist of "original, source language – text in language A and their translated version in language B" (Baker, 1995:230). In Translation Studies a parallel corpus is "a corpus consisting of a set of texts in one language and their translations in another" (Olohan, 2004:24). Olohan continues to say parallel corpora support a shift of emphasis from prescription to a description.

Moropa (2005) states that the main advantage of the parallel corpus is that it enables researchers to access a particular word in context in both source language and target language and gain insight into the nature of translations. In this study the working definition will be a parallel corpus that consists of sets of texts, that is the source texts and their translation. It comprises of an English version of the Constitution and a Tshivenḓa translated version of the Constitution.

1.7.4 Corpus-based translation studies

According to Baker (1993) corpora have a profound effect on translation studies as they enable researchers to identify features of translated text that will help us to understand what translation is and how it works. Laviosa (2003:45) defines Corpus-based Translation Studies (CTS) as a branch of the discipline that uses corpora of original and/or translated texts for the empirical study of the product and process of translation, the elaboration of theoretical constructs, and the training of translators. It uses both inductive and deductive approaches to the investigation of translation and translating. Moropa (2005) states that corpus-based translation studies seek to understand the processes and products of translation and in the process enhance research in translation studies (Alves et al., 2010).

Corpus-based translation is a discipline that uses a corpus in the translation study, and it is also helpful in analysing translated text. Nokele (2015) states that the corpus-based approach has been a useful methodology in investigating linguistic and translational phenomena.

1.7.5 Indigenous languages

Magwa (2008) states that an indigenous language is a language that carries the history and culture of a given society or country. According to Nwadike (2004) it is the key to the heart of the people. If we lose the key, we lose the people. If we treasure the key and keep it safe, it will unlock the door to wealth or affluence. Mufwene (2002) and Mayozo (2009) cited in Mabika (2014:2391) state that using indigenous languages to communicate with the masses through media, especially radio, enhances the effectiveness of mass communication because it reaches more peripheral areas than other media and is easily understood by audiences. An indigenous language is a language that carries the history and culture of a society, and it is also a language of the original inhabitants of an area. It also refers to the language of the place the person grows up in or language native to a country.

1.7.6 Official languages

Brown and Miller (2013:320) define an official language as a language that has legal status in a nation's courts, parliament, and administration and so on. Phaswana (1994:3) explains further that an official language "is a language used in business, government, legislation, courts, etc."

Magwa (2008:40) is of a similar view that an official language "is the language of government, business, and administration in a country". An official language is a language used as a medium of communication in government, administration, media, the court of law, education, and business in a county. In South Africa, we have 11 official languages which are Sepedi, Sesotho, Setswana, Siswati, Tshivenḓa, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa, and isiZulu.

1.7.7   Translation

Translation can be defined as the conveyance of a message from a source text into a target text. In this study, the source text is the English version of the Constitution, and the target text is the Tshivenḓa version. Newmark (1982, 2001) argues that translation is "a craft consisting in the attempt to replace a written message and/or statement in one language with the same message and/or statement in another language". House (1981:29-30) mentions that translation is "the replacement of a text in the source language by a semantically and pragmatically equivalent text in the target language". Malmkjaer (2005) defines translation as an activity that aims at conveying the meaning or meanings of a given linguistic discourse from one language to another. Translation can be defined in terms of the sameness of meaning across languages. Heylen (1987:1) stresses that translation is a crucial human activity of a profoundly transformative nature in a time of rapid and radical social change, no understanding or communication is possible without translations. Nida (1964:3, 12) regards translation as "the transference of a message from one language to another in a valid subject for the scientific description". In the latter (scientific description), he proposes the concept of dynamic equivalence and defines translation as "the closest natural equivalent of the source-language message, first in terms of meaning and secondly in terms of style". The scholars mentioned above provide the same views on the definition of the term translation; it entails a replacement of one language by another language or replacement of a source text by a target with the purpose of conveying the same message.

1.7.8   Translation strategies

According to Nokele (2015), translation strategies are techniques that translators use when trying to solve problems of equivalence caused by the different natures of the languages involved. 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 instances of non-equivalence at word level and non-equivalence above word level to solve the problems encountered in their translations.

Leppihalme (1997), cited by Kruger (2000:156), states that a translation strategy is a useful tool to apply descriptively both in a narrow sense (for what an individual translator does or decides to do) and in a broader sense (for what procedures or choices are in principle available to translators). Chesterman (1997:89) describes translation strategies as 'behavioural' because they describe linguistic behaviour.

Krings (1986:268) defines translation strategies as 'potentially conscious plans for solving a translation problem'. Strategies involve adopting procedures to solve problems, and the chosen procedure will influence the results. According to Lörscher (1991:76) a translation strategy is "a potentially conscious procedure for the solution of a problem which an individual is faced with when translating a text segment from one language to another". Hejwowski (2004:76) offers a broader definition of a translation strategy as "a translator's (consciously or unconsciously) preferred procedure within an entire text or its significant passages" and distinguishes this concept from technique, which he defines as "the choice of a solution to a specific problem encountered during the translation process". The working definition in this study will be: translation strategies are principles which the translator uses as solutions to the translation problems experienced while translating a text.

1.8   Research design

A research design is a plan and the procedures for research that span the decisions from broad assumptions to detailed methods of data collection and analysis (Kumar, 2011). According to Creswell (2008:3), the main function of a research design is to explain *how* you will find answers to your research questions. In other words, research design is a guide of research, which indicates how the study will be accomplished and what methods and tools will be used to achieve the aim that has been set. A research design provides for the sampling techniques, data collection methods and data analysis methods. It is the procedure which the research process should follow. It shows steps of data

management from planning, collection of data, interpretation, and analysis of data. Leedy (1993:154) proposes four basic questions that should be used in data collection.

- What are the data needed?
- Where are the data located?
- How will the data be secured?
- How will the data be analysed?

The answers to these questions will partly give the aspects which are important to the research design. They are as follows:

- The data needed is the English and Tshivenḓa versions of the Constitution of South Africa and responses from research participants.
- Data will be collected from the Constitution of the Republic of South Africa, various forms of publications, and the participants.
- Data will be collected through questionnaires.
- Data will be analysed using relevant theoretical approaches.

The discussion of research design will hereunder focus on research methods, sampling and population, instruments for data collection, and approaches that will be used to analyse data.

1.8.1   Research methods

Method or methodology is a way of achieving an end result (Leedy, 1993:137). It is a step-by-step process of clearly understanding the set plan by using different tools and instruments. Methodology is the way how the work gets done. According to Creswell (2008:3), there are three types of research methods which can be used to conduct research, and these are qualitative, quantitative, and mixed methods. The author states that qualitative research refers to the means of exploring and understanding the meaning individuals or groups ascribe to a social or human problem. He further states that quantitative research is a means for testing objective theories by examining the relationship among variables. The quantitative approach relies on measuring devices and instruments to analyse and quantify the problem. Leedy (1993:24) defines the quantitative method as the mystery and expressiveness of numbers

13

through which we can express what is inexpressible, describe what is indescribable, and predict what is reasonable to expect or infer a logical conclusion to a series of events. Statistics is a language that can speak where other tongues are mute. Words cannot express the concepts that have been reserved for the eloquence and expressiveness of statistics alone. Mixed methods research refers to an approach of inquiry that combines or associates both qualitative and quantitative forms. The mixed method can be defined as a research design that uses more than one method for collecting and analysing data. In this study, the researcher will use two research methodologies that are quantitative and qualitative to answer research questions. Creswell (2003:18) states that the method of using both methodologies is called the mixed method approach and is used in both numerical and non-numerical data. The first step in conducting research is to identify the population and sample data.

1.8.2   Research population and sampling

The concepts 'population' and 'sampling' are discussed below.

1.8.2.1   Research population

Nardi (2003:97) defines a population as the total collection of units or elements you want to analyse. Whether the units you are talking about are American citizens, schools, editorials in newspapers, or local businesses, when the population is small enough, you can easily survey every element of the population. Nunan (1992:231) defines population as "all cases, situations, or individuals who share one or more characteristics". Nkuna (2010:112) adds that "the population encompasses the total collection of all units of analysis about which the researcher wishes to draw conclusions". The population can be human subjects or objects.

The population in this research is, teachers, language practitioners, civil servants, ordinary citizens of the Republic of South Africa, and the English and Tshivenḓa versions of the constitution.

1.8.2.2   Research sampling

According to O'Leary (2004:103), sampling is a process that is always strategic and sometimes mathematical, which includes using the most practical procedures possible for gathering a sample that best represents a larger population. Kumar (2014:2287) also defines sampling as the process of selecting a few from a bigger group as the basis for estimating the prevalence of an unknown piece of information, and the situation of outcome regarding the bigger group. Methods of sampling that will be applied to this study are simple random sampling and snowballing sampling.

According to Creswell (2014:204) a simple random sample refers to a sample in which everyone in the population has an equal probability of being selected for inclusion and the selection of one participant depends on the selection of any other from that population. The information will be obtained from Vhavenḓa speakers coming from various spheres of life, namely:

- 20 lawyers who are practising around Vhembe District whose mother tongue is Tshivenḓa.
- 20 Vhavenḓa language practitioners from various government departments around South Africa.
- 20 young adults whose mother tongue is Tshivenḓa from both urban and rural areas. (The young adults were to be 18 years old and above)
- 20 teachers who teach Tshivenḓa from both rural and urban areas.
- 20 civil servants from both rural and urban areas.
- 20 citizens of South Africa whose mother-tongue is Tshivenḓa.

For qualitative data sampling, purposive sampling will be applied. The researcher will use the snowballing sampling, respondents will be obtained by referrals from interviewees who share the same characteristics. The aspect under review is the translation strategies used by translators in the translation of the English version of the Constitution into Tshivenḓa. In this study, the size of the sample will be determined by the research questions, since the aim is to make an in-depth study. The

15

size will be small for easier management. There will be two types of sources where information will be obtained, that is primary and secondary sources.

1.8.3   Methods of data collection

There are various methods of data collection for quantitative and qualitative research, taking into consideration that data will be extracted from secondary sources, i.e. the English and Tshivenḓa versions of the Constitution. These methods of data collection include observations, questionnaires, and interviews (Creswell, 2008:178).

1.8.3.1   Observation

Observation is when the researcher uses visual observation of the documents or the inspection of the situation. Maree (2007:83) explains observation as the systematic process of recording the behavioural patterns of participants, objects and occurrences without necessarily questioning or communicating with them. Teddlie and Tashakkori (2009:218) say "the observational data collection strategy is the recording of units of interaction occurring in a defined social situation based on visual examination or inspection of that situation". Kumar (2011:134) defines observation as one way to collect primary data. Observation is a purposeful, systematic, and selective way of watching and listening to an interaction or phenomenon as it takes place. Kumar (2011) further states that the two types of observation methods are participation observation and non-participation observation. Through participant observations a researcher participates in group activities being observed in the same way as the group members, regardless of whether members are aware or not that they are being observed. Non-participation observation is when the researcher is not involved in group activities, but remains a passive observer, drawing a conclusion at the end. In this research non-participation observation was used.

1.8.3.2   Interviews

According to Kvale (1996:94) interviews are "an interchange of views between two or more people on a topic of mutual interest, sees the centrality of human interaction for knowledge production, and emphasises the social situatedness of research data". Kumar (2011) classifies interviews into various categories which are unstructured interviews through which the

researcher provides the content of his/her choice, and structured interviews, in which the researcher prepares questions which he/she is going to ask; and this may be through electronic media, face-to-face or telephone.

For this research, interviews were conducted face-to-face or by telephone, depending on the availability of the person being interviewed. The researcher used a structured interview method of data collection. The researcher used the same questions as those that are stated in the questionnaire. Interviews are a verbal interchange, often face-to-face and through the telephone, in which an interviewer tries to elicit information, beliefs, or opinions from another person.

The researcher phoned selected people such as colleagues, legal advisers, academics, linguists, and legislators. The questions focused on the constitution. For face-to-face interviews the researcher visited the Department of Justice and Constitutional Development. It was a one-on-one interview from different officials.

1.8.3.3   Questionnaire

According to Kumar (2011) a questionnaire is a written list of questions, the answers to which are recorded by respondents. De Vos et al. (2011) mention the following types of questionnaires: electronic questionnaires, self-administered questionnaires, mailed, telephonic and hand-delivered questionnaires which can be utilised in the collection of data. Pickard (2007:199) describes a self-administered questionnaire as a questionnaire that generates the highest response rate because the researcher is the one that approaches that information subject and gathers information. The researcher gathers responses as they are produced by respondents.

Taking into consideration that the study is exploratory in nature and little is known about this study, questionnaires were distributed to various research participants in both rural and urban areas. Questionnaires were also sent to the respondents via e-mail. People who were requested to fill out the questionnaires are language practitioners, lawyers, teachers, citizens of South Africa whose mother tongue is Tshivenḓa, and civil servants.

1.8.3.4   Designing a corpus

Moropa (2005:7) states that "designing a corpus is very important in corpus-based research because the kind of results one obtains are directly linked to the manner in which the corpus was designed". Since this study involves two languages, designing a corpus is necessary. Sinclair (1991) and McEnery and Wilson (1996) identified the following general principles for creating a corpus: size, text selection, publication status, text origin, constitution, author, factuality, technicality, audience, intended outcome, setting and topic. For the purpose of this study the researcher focused on three principles which are listed below:

- **size** – the corpus size of this research is small.
- **text selection** – the text selection of this research consists of the English and Tshivenḓa versions of the constitution. The full text of the constitution was used. The text genre is legal.
- **copyright** – the researcher must get permission from copyright owners so that she can store electronic text. The constitution is a public domain document, everyone can use it.

1.8.3.5   Corpus analysing tools

According to Moropa (2005:8), "the use of computers has made corpus–based approach to the study of languages extremely advantageous, as computers make identification and analysis of complex patterns of language use possible". Since my corpus of this study is a parallel one, a bilingual concordancer was used. Data was extracted using a corpus tool called ParaConc. Barlow (2003) defines ParaConc as a tool designed for linguists and other researchers who wish to work with translated texts to carry out contrastive language studies or to investigate the translation process itself. The tool helped to identify source terms and their equivalent translations in the corpus. It also helped with the alignment of the text. The reason for using an electronic corpus is that the research used Descriptive Translation Studies (DTS) and it was easier to analyse structural texts. The DTS was started by Toury (1995) and is relevant to the researcher's studies because it focuses on the constitution and translation.

1.8.4   Theoretical approaches

The theoretical approach which is used in this research is Descriptive Translation Studies (DTS). The English and Tshivenḓa versions of the Constitution are analysed, underpinned by the theoretical framework of Descriptive Translation Studies combined with Corpus-based Translation Studies. These two approaches complement each other in this study.

Toury's theory of Descriptive Translation Studies played an important role in translation studies since 1980's, focusing on establishing a general theory of translation, which aimed to be different from traditional theories by having the following properties: pure objectiveness and descriptiveness. DTS countered prescriptive theories which were used in the past to prescribe how translation should be done. Translations were judged as good or bad depending on the level of faithfulness to the source text. Kruger (2000:10) states that DTS also supports the description of all types of translation and supplies a wide support on which to conduct research. It creates room for micro-level textual studies, but also stresses the significance of macro-level textual studies.

DTS as a branch of discipline has three distinct empirical phenomena which are product-oriented, function-oriented, and process-oriented Holmes (2000). The product DTS is that area of research that describes existing translations and is an important area of research in translation studies. DTS starts with a description of individual translations, or text focus translation description and comparative translation description. Functional-oriented DTS does not describe the real translation. It is concerned with functions in the recipient's socio-cultural situation. DTS considers different translations made under different socio-conditions. This study analyses translated documents in the legal fraternity between English and Tshivenḓa to determine challenges experienced by Vhavenḓa translators in this field of translation and strategies used by Vhavenḓa translators to overcome those challenges at word level and beyond.

Kruger and Wallmach (1997:121) state that all types of translation can be studied with the purpose of how they have been translated within a specific culture and historical period. Process-oriented DTS concerns the process or act of translation itself. The process-oriented

approach views translations more psychologically, with the aim of understanding the mind of the translator during the translation process as s/he creates new or matching text in another language. In this study, a product-oriented approach will be used since the researcher will investigate the English and Tshivenḓa versions of the constitutions.

Brownlie (2011) states that in the 1970's Holmes came up with the idea of DTS with the mind of establishing translation studies as an empirical discipline. DTS outlines the translation phenomenon instead of prescribing how translation should be done and is target oriented as it regards translation as an element of the target culture (Toury, 1995). According to Toury (2000:200) the DTS approach is based on the concept of norms, which means, "translation is a norm governed by activity". He differentiates between three types of norms which are **initial**, **preliminary,** and **operationa**l norms. Toury (2000:202) states that initial norms are the choices made by the translator, preliminary norms are translation policies that govern the choice of texts to be translated and the directness of translation, while operational norms are norms that relate to the "decision made during the act of translation".

In this study a *tertium comparationis* served as the basis of comparison between the English version of the Constitution and the Tshivenḓa version at the macro and micro levels. *Tertium comparationis* is the process of comparing two texts which are similar. In this study *tertium comparationis* was used in the same way as suggested by Kruger and Wallmach (1997). In this procedure one must account for a complex network of relations between the source text and the political, social, cultural, literary and textual norms and conventions of the source system on the one hand, and on the other, the target text(s) and the social, political, cultural and textual norms and conventions of the target system. In this study the *tertium comparationis* is used to compare strategies used by Vhavenḓa translators while translating the Tshivenḓa version of the Constitution.

Kruger (2000) states that corpus-based translation research builds upon the studies of scholars working within DTS and scholars who worked with corpora. Tymoczko (1998:653, 657) states that corpus-based translation research focuses on processes and products of translation taking into account the little details of the translated text and the biggest cultural patterns inside and outside of the text. The corpus-based approach explores corpora of translated text to identify their characteristics. Laviosa-Braithwaite (1996:47) elaborates that the corpus-based approach

emerges as a composite, rich and coherent paradigm, covering many aspects of the translation phenomenon and concerned with unveiling both the universal and specific features of translation. It is a mixture of optimism and caution, and it is so helpful to researchers who need to analyse linguistic features (Baker, 1993:243-247). Corpus-based Translation Studies (CTS) assisted the researcher in analysing the English source texts and their Tshivenḓa target texts.

1.9   Ethical issues

Ethics are norms and standards of conduct that distinguish the difference between acceptable and unacceptable behaviour in research. Researchers in different professions are indulged by various regulations which need to be followed during the research. Ethical standards prohibit the fabrication and forging of data and therefore promote the pursuit of knowledge and truth, which is the main objective of research. Bresler (1995:29) defines ethical issues as the principles of right and wrong that a particular group accepts, and a code of ethics addresses individuals' rights to dignity, privacy and confidentiality and the avoidance of harm.

Since the study involves human participants, the researcher applied for ethical clearance from the University. The researcher assured participants of their safety and privacy, protection from harm, confidentiality and anonymity. The consent form distributed to the participants outlined the purpose of the research, what the participants would be doing and how their privacy would be protected. The aim of the consent form was to ensure that the participants know their rights and that they are aware that their participation in the research is voluntary and that they can withdraw at any time if they are no longer willing to participate. Participants were reassured that their responses would only be used for academic purposes and would be kept safe.

1.10   Scope of research and chapter layout

This study will focus on the English and Tshivenḓa versions of the Constitution of the Republic of South Africa, with particular attention placed on the translation strategies used by translators in the Tshivenḓa version. The limitation of this study is that the translations from other official languages will not be reviewed.

Chapter One

The first chapter of the study focuses on the introduction of the research project, by way of providing background information, the problem statement, research questions, aim, justification, and significance of the study. The chapter also presents the definitions of key terms, and research design.

Chapter Two

This chapter reviews literature on related topics to the researcher's topic. Both international and national sources receive attention.

Chapter Three

This chapter focuses on the methods of the collection of data and the documentation thereof. To collect data through questionnaires, the researcher relied on mixed methods, i.e. qualitative and quantitative methods. The English version of the constitution and the Tshivenḓa version were used to create the English-Tshivenḓa Parallel Corpus. The presentation of data is followed by its interpretation.

Chapter Four

The chapter is dedicated to the analysis of the translation strategies used in the Tshivenḓa version of the Constitution. ParaConc was used to identify terms in the English corpus and their corresponding translations in the Tshivenḓa corpus. Dictionaries and terminology lists were used to cross-reference the meaning of the terms that were extracted from the English-Tshivenḓa Parallel Corpus. Moreover, the researcher searched for meanings of source terms from English dictionaries and websites to relate them with those of the target language.

Chapter Five

The chapter will present the findings of the research, based on the presentation of data and its interpretation, and the analysis thereof.

Chapter Six

This chapter concludes the study by presenting the summary of the study and recommendations.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter focuses on the review of literatures related to the title of this study and is based on both the international and national sources which are significant to this study. The review will focus on the translation of the constitution and translation strategies used by translators in general. The researcher will include the review of some parts of the previous constitutions of the Republic of South Africa, with the focus on the official languages of South Africa. The Act which governs the use of official languages in South Africa will be discussed as well.

2.2 Reviewed literatures

The constitution is an important document that protects the rights and freedom of all citizens in a particular country. Although that is the case, it is surprising that to date, there are no scholars who have undertaken the study on the translation of the Constitution of the Republic of South Africa into the official indigenous languages, specifically the Tshivenḓa version. Additionally, no scholar has ever investigated how the Tshivenḓa version was translated from English into Tshivenḓa. Those who highlighted the problems that exist in the translations of the Constitutions are McGinnis (1999), Du Plessis (2000), Madiba (2004), Sineke (2005), Mulligan et al. (2016) and Solan (2016). This is despite the overwhelming evidence that shows that most translations in African languages are replete with errors and mistranslations, especially the translation of cultural and specialised terms. The Constitution, being a national treasure, should be clear and comprehensive so that the target readers understand their rights and limitations. Thus, it is important to establish how the Constitution was translated and if the message is clear and easily accessible to the readers. This section will therefore review literature on translation strategies to elucidate what strategies are and how they are applied.

2.2.1 Review on translation strategies

Owji (2013) argues that different researchers investigated translation strategies from their own point of view. The purpose of this study was to show the different theories in the field of translation strategies and to offer a general literature review to facilitate the study of translation strategies in future studies. The author reveals that most scholars concur that strategies are utilised by translators when they experience problems and when literal translation does not work.

Baker (1992) offeres the clearest taxonomy of translation strategies that she believed professional translators use when they encounter a translation problem while performing a translation task.

According to Chesterman (1997), all strategies can be specific cases of "changing something", which is the primary strategy of translation. The author establishes that strategies are principles which a translator uses to reach the goals determined by the translating situation in the most effective way (Chesterman, 1997:90). The author reveals that translation strategies are either global or local and are goal-oriented and problem-centred. Local strategies are specific approaches related to the translator's problem-solving and decision-making actions. Global strategies are standards and preferred methods of activity.

Baker (1992:26-42) lists eight translation strategies used by professional translators to overcome challenges while doing their translation work, i.e. translation by a more general word, translation by a more neutral/less expressive word, translation by more cultural substitution, translation using a loan word or a loan word plus explanation, translation by paraphrase using related words, translation by paraphrase using unrelated words, translation by omission and translation by illustration. Baker's strategies are categorised into non-equivalence at word level and above word level. Baker states that non-equivalence at word level means that the target language has no direct equivalent for a word which occurs in the source text. Non-equivalence above word level refers to the absence of equivalence when words are joined to form meaning. In this study the researcher also applied term creation strategies such as using loan words, compounding and derivation, semantic transfer and paraphrasing. This study is of significance to the current study because it deals with legal documents which emanate from the

Constitution of the Republic of South Africa and the researcher also investigates translation strategies used in the translation of the Maintenance Act of South Africa.

In this regard Branco (2007:132) states that the syntactic strategies deal with the structure and organisation of the phrases. Semantic strategies concentrate on the meaning of sentences associated with lexical choice best on syntactic terms that best fit in certain contexts. Lastly, pragmatic strategies go beyond syntactic and semantic aspects and deal with meaning in terms of what content is to be presented in the target text. Chesterman (1997) discusses the attributes of translation strategies, namely:

1. They involve text manipulation.
2. They must be applied to the process.
3. They are goal-oriented.
4. They are problem-centered.
5. They are applied consciously.
6. They are inter-subjective.

As mentioned earlier, Chesterman (1997) is of the view that all strategies can be specific cases of "changing something", which is the key strategy of translation. Chesterman's (1997) categorisation is comprehensive and clearer. The scholar states that the strategies which have been referred to previously are theories which are named contrastingly by various scholars. There is no clear borderline between these strategies and there is no sequence in the order of using these strategies.

Lörscher (1996) distinguishes nine fundamental elements of translation strategies which are also called building blocks. They are as follows:

1. Realizing a translational Problem RP.
2. Verbalizing a translational Problem VP.
3. Searching for a possible solution to a translational Problem SP.
4. Solution to a translational Problem SP.
5. Preliminary Solution to a translational Problem PSP.
6. Parts of a Solution to a translational Problem SPa, SPb.
7. Solution to a translational Problem is still to be found SPø.

8. Negative Solution to a translational Problem SP=ø.

9. Problem in the reception of the Source Language text PSL.

According to Lörscher (1996), once realising (RP) and perhaps verbalizing (VP) a translational problem, and after a possible search for a solution (–>SP), a focus may attain a solution (SP, SPa, b.) or an initial solution (PSP) in which cases the problem-solving procedure may come to an end (#). This may also be the case when the subject considers a problem insoluble (1). Having found a (preliminary) solution (2), (3), (4), the subject may go on (>>>) and proceed to either decision node A or B (•A; • B). When the subject cannot find a solution (SPØ), s/he can only proceed to decision node A.

Lörscher (1996) continues to state that having arrived at decision node A, the subject may attempt to bring about a solution by monitoring SL or TL text segments (MSL, MTL), as well as by rephrasing SL text segments (REPHR.SL), or potentially by (further) looking for a solution (– >SP), or potentially by rationally sorting out SL or TL text segments (OSL, OTL), as well as by remarking text segments ([TS]), as well as by imagining a negative solution (SP=Ø). Because of these problem-solving activities, the subject may either locate a (preliminary) solution to the problem (PSP, SP, SPa, b.) or not (SPØ). Here once more, the problem-solving procedure may come to a successful (6), (7), (8) or to an ineffective (5) end. After the testing of a TL text segment, the (preliminary) solution may either be confirmed (P)SP+) or dismissed (P)SP-). In both these cases, the subject may end the problem-solving process (9). Lörscher concluded by saying that the elements of translation strategies combine in explicit manners just to develop structures. As a result, translation strategies comprise one or more of these structures. The first complex notation means that there is a translation problem of some sort, and the translator immediately finds a preliminary solution to the problem [(P) SP], and stops working on this problem [#], or [/] decides to leave this problem unsolved and return to it later [SP ø]. Lörscher's findings are that translators solve the problems later instead of solving the problem when they encounter it.

Galdia (2013), in 'Strategies and Tools for Legal Translation', examines translation techniques as translation tools. Translation strategies mirror the hypothetical necessities for professional legal translations in the light of the legal linguistic equivalence and the skopos-theory. The

scholar focuses on creating translation strategies as well as designing and utilising translation tools and views strategies as theory-dependent activities. Galdia states that in the institutional setting the applicable relevant translation strategies are affected by rules that manage numerous issues that are liable to decisions made by individual translators. The author states that translation tools which are available, both digital and traditional, are solving translation procedures. The scholar suggests that strategies and tools in the theory of legal translation are important methods for day-by-day translation work. There are many requirements set up for the hypothesis of legal translation that must be taken into consideration to produce better translation work. According to Galdia, each translation strategy needs specific translation tools. There are thesauruses of legal language and legal discourses, general and special dictionaries, Multilingual Terminology Databases, on-line databases providing legal information. Galdia claims that the huge number of accessible translation tools forces a translator to choose some instruments that are ideal for his/her work. The researcher goes further to explore the translator's expert skill incorporating the capacity to build up a strategy for the proficient pursuit of equivalent challenging terms. He uncovers that problem awareness is the controlling strategy and it is conceivable to demonstrate this kind of issue in law dictionaries. In the interim, the danger of destructive affiliations is seldom considered by creators of law dictionaries. Galdia (2013) contends that utilising a legal dictionary will never lead the translator to automatic and right translation, and can't release the translator from the challenge. Many deciphering challenges can be comprehended by parallel perusing of textbooks without delaying research in dictionaries, general and specialised, that because of their unavoidable separation from the settings of utilisation normally prove to be more disappointing than supportive. The investigator states that, accessible translation tools are developed for unknown users; they can't be customised to reflect explicit challenges which an individual translator may experience. For terminological and other linguistic issues, the translator ought to consequently build up an individual database where (s)he would incorporate helpful content examples and every problematical term, articulation, or legal definition that reason issues.

The theories of translation strategies are important to the researcher and to the present study. The researcher will be able to utilise strategies with a better understanding of translation strategies utilised in the translation of the Tshivenḓa version of the Constitution.

Arjomandi and Kafipour (2016), investigated the Malone (1988) translation strategies that were used frequently in the translation of "Little Prince" from English into Persian. The researchers aimed to find out if the two translators varied in their utilisation of the translation strategies. Najafi and Shamlou's translations were selected by the researcher and sentences and phrases were extracted from the English text. The investigators found that the English texts were compared against two translations and the strategies proposed by Malone (1988) were recognised. It was established that Malone (1988) presented nine translation strategies, namely equation and substitution, divergence and convergence, amplification and reduction, diffusion and condensation, and reordering. Eight of these strategies were combined on the grounds that they are mirror images of one another. The scholars found that the most frequently utilised strategies were amplification and reduction. Diffusion in contrast was found as the least frequently utilised strategy. In addition, the outcomes demonstrated that Najafi utilised written language for conveying the meaning whereas Shamlou utilised spoken language. The researchers uncovered that Shamlou, who worried about reaching the readers through relating the story, utilised the strategies which, most of the time, may lead to increasingly flowing and reasonable translated text. Arjomandi and Kafipour (2016) are of the view that this exploration can be helpful for translators and furthermore educators of translation. This could assist translators with knowledge of which type of strategies are progressively helpful in translation and how these techniques work in translation. In addition, the strategies which are regularly and normally utilised by the translators will require less time to use in the classroom.

Barrow (2016) investigated translation strategies that were used in the translation of crime novels from Afrikaans to German. In his study, he used the following translation strategies: transference, loan word with collocation, cultural substitution, modification, generalisation, mutation with deletion and mutation with addition, transposition, and translation couplet. The investigator found that the general strategies utilised to translate culture-specific items in the two texts were transference with a foreignising impact. This was impacted by Meyer's focal situation in the translated crime fiction subsystem of the German literary polysystem. Meyer's books in general have a foreign flavour, thus, translators had to stay faithful to the foreignising impact, by transferring proper names and forms of address, as well as some jargon, openly to the target text. The background of the translators and the system that they utilised through the translation procedure played a huge role in helping them to perceive translation challenges and manners by which they could manage them. This investigation is of value to the current study

which deals with culture-specific items which are foreign in nature. The researcher learnt that transference with a foreignising impact is the best strategy when dealing with foreign terms.

Madiba (1997) explored the problem of terminology in African languages and argued that, in South Africa most of the problems in terminology are caused by political-historical factors. According to Madiba (1997), the assignment of developing African languages was given to nine Language Boards which were built up for each Bantustan. The tasks of these Boards were undermined by the absence of authenticity since they were seen as the agents of the apartheid government. Furthermore, the researcher states that apartheid policies influenced the terminological development of African languages by urging them to be utilised in the Bantustans and as media of instruction in education. Another issue mentioned by Madiba was that African languages were developed in isolation from one another. Terminology development in African languages occurred in the absence of linguistic nationalism among the speakers of these languages. Although Bantustans were built up based on ethnicity and language, this factor did not advance the utilisation of African languages in government correspondence and in education. Other problems entail the inconsistent distribution of resources (human and financial) to African languages as compared to Afrikaans. The researcher also holds the view that the absence of ability and funding exacerbated the situation. In Tshivenḓa, for instance, adherents of the Board were not skilled language practitioners and operated on a part-time basis. The investigator states that in African languages there is an absence of adequate terminology to translate the notions and concepts expressible in the developed languages, for example English; in addition there is a lack of resources such as specialist dictionaries, glossaries, post-literacy reading materials, popular magazines, journals, and well-trained technical experts, for example, terminographers and terminologists. The problem of terminology in African languages includes the development of new terminologies, codification or the standardisation of existing terms and their distribution or dissemination to target speakers. Madiba's paper is of value to the current research because it addresses the lack of sufficient terminology in African languages, while translating the new Constitution of South Africa. The researcher agrees with the notion that indeed there is a lack of terminology in African languages. Madiba proposes that to solve the problem of lack of terminology in African languages, terminologies must be recorded and standardised. Terminologies must be disseminated to the target speakers. Language bodies must also be established so that they will help in distributing terminology lists promoting the use of terms in newspapers or journals, etc.

Wallmach and Kruger (1999) analysed how problem-solving strategies are utilised by diploma students at the University of South Africa in the translation of terms among European and African languages. The researchers contend against the view that translating into African languages is difficult because of lack of terminologies. Wallmach and Kruger demonstrate that it is possible to translate from foreign concepts, by utilising various strategies, for example, paraphrasing, utilising indigenised words, using general terms, cultural substitution, and summarising. To overcome the lack of suitable terminology while translating text in an examination paper they applied Baker's (1992) strategies at word level: (1) translation by a more general word (superordinate); (2) translation by a neutral or less expressive word, (3) translation by cultural substitution; (4) translation using a loan word; (5) translation by paraphrase, (6) translation by omission; (7) translation by illustration. Translation strategies above word level are (8) using an idiom of similar meaning and form; (9) using an idiom of similar meaning, but dissimilar in form; (10) translation by paraphrase; (11) translation by omission; (12) translation by compensation. Wallmach and Kruger further state that it was important to adapt Baker's (1992) fourth strategy, translation using a loan word or a loan word plus explanation, for the South African setting. It is essential to be able to distinguish between a pure loan word and an indigenised loan word. This article is of great value to the current study which focuses on strategies used to translate the English version of the Constitution into Tshivenḓa. It indicates how translators in South Africa manage issues they experience during a translation process.

Van Huyssteen (1999) investigated the challenges that African languages face in terms of term creation. The researcher, in line with Mtintsilana and Morris (1988:110), argued that languages need to draw from internal and external sources to create terms. She further states that strategies of term creation that draw on the internal sources of isiZulu are, for example, fundamentally the processes of derivation, semantic shift, compounding, loan-translation and deideophonisation. The strategy that draws from foreign sources ends up apparent as evident in the form of loans from other languages. The author indicates that African languages are developing languages and they experience more challenges with term formation than developed languages. Van Huyssteen states that the problems in term creation for African languages are: time, eurocentrism, standardisation, foreign sounds, trendy words, multilingualism, purity, the abundance of synonyms and the lack of coordination. She argues

that one of the most well-known challenges is that the African (umZulu) mentality is colonial and eurocentric to the extent that the African languages cannot effectively be advanced. Moreover, the standardisation process in isiZulu and the other local African languages is excessively slow and insufficient as far as newly approved terms is concerned. In addition it appears that the isiZulu orthography has not yet received foreign sounds. The researcher nonetheless cautioned, that the utilisation of semantic shift in coinage can bring many equivalent words with less transparency in meaning. She is of the view that even though the status of African languages is low and they lack terminology, this situation can change if some steps are taken to regulate or standardise terminology and if activities related to term-creation are coordinated. Her research contributes to the current study because it clarifies the problems faced by terminologists when they are creating terms.

Madiba (2000) once again investigated strategies in the modernisation of Tshivenḓa. In his thesis he addressed the challenges of the lack of a systematic approach to the modernisation of the indigenous languages of South Africa, with specific reference to Tshivenḓa. Madiba said that the pragmatic approach is divided into two stages, that is, the borrowing stage and the indigenisation stage. In the borrowing stage, the borrowed terms are incorporated into the language with quick impact and these terms might be substituted by indigenous terms in the indigenisation stage where less particular communication is utilised. He further discovered that the utilisation of these strategies for term formation in Tshivenḓa was not based on well-investigated principles. Along these lines, during the missionary and colonial periods, terminologists depended mostly on their natural information of the language to develop new terms. The utilisation of term formation strategies ought to be founded on well-researched ideologies.

Madiba also identified diverse language internal term formation strategies which are semantic shift, derivation, compounding, paraphrasing, initialisms, acronyms, clipping and new word manufacture. Madiba clarifies that the utilisation of these term formation strategies in Tshivenḓa requires expertise in language, culture, and technology. His thesis is valuable to the present study because the current study will also explore term creation strategies that were used by the Vhavenḓa translators to overcome challenges experienced in the translation of the Constitution.

Madiba (2004) explored how parallel corpora can be used to develop indigenous languages in South Africa, with Tshivenḓa as a point of reference. In the article he highlighted translation equivalents from the Constitution of the Republic of South Africa of 1996. Madiba mentions that the investigation of translation equivalents based on the English-Venda Parallel Corpus, was a trial project of Special Language Corpora for African Languages (SpeLCAL) meant for developing nine official African languages of South Africa. In the article, it was noted that parallel corpora provide a strategic way to quickly follow the development of current terminologies, bilingual dictionaries and glossaries in indigenous African languages. The scholar argues that translators and terminologists working in multilingual settings consistently face a problem of finding suitable equivalents in the target language. Thus, published translations can be good sources of information that translators can use. The researcher states that it is also a challenge for target language users, who are working in the source language to use bilingual dictionaries while translating a text. It is difficult to find suitable translation equivalents because there are a lot of meanings assigned to that lemma in the dictionary. Most of the time equivalents provided in a bilingual dictionary are inappropriate for the applicable context. The other challenge is that the information offered in bilingual dictionaries is not enough for the user to make the best choice. Madiba found that the following terms were selected and analysed using multiconcord: Act – *mulayo wa vhusimamulayo,* Legislation – *mulayo wo itwaho nga vhusimamilayo, rule – ndayo,* order – *mulayo* and law – *nzudzanyo.* He indicated that there are a lot of inconsistencies, for example the term 'rule' was translated as *ndayo* and *mulayo*, legislation was translated as *mulayo* (law) and *mulayo wa vhusimamulayo.* The terms 'law', 'legislation' and 'rules' were translated as *mulayo* and this term was used in some contexts as 'act'. The examples mentioned above illustrate the problem of multiple equivalents in minority languages and this poses a challenge to translators because it requires them to choose the most appropriate translation equivalents without contextual evidence. This article is relevant to the current study because this study is about translation and the Constitution of the Republic of South Africa. Mabiba also highlighted inconstency as a challenge because it results in multiple equivalents in marginalised languages. This article will contribute greatly in reviewing the Tshivenḓa version of the Constitution.

Moropa (2005) explored how strategies utilised in official documents showed up as universal features in translation. She utilised a corpus-based approach to identify and investigate

translations between English and isiXhosa. In her thesis, Moropa found that isiXhosa translators utilised both simplification and explication strategies. As indicated by Baker (1992), simplification includes making things simpler for the reader. Moropa stated that it raises the degree of explicitness by resolving ambiguity. There are three types of simplification strategies which were used by the researcher which are syntactic, stylistic, and lexical. The ones which were more discernible in the analysis of her study are stylistic and lexical simplification. Strategies used by Moropa in the analysis of her English-Xhosa Parallel Corpus are:

Simplification strategies

- using a more general word,
- using a general word with extended meaning,
- using a common or familiar synonym,
- translating by paraphrase,
- breaking up sentences, and
- using fewer words.

Explicitation strategies:

- overuse of lexical repetition,
- explaining terms,
- using an ideophone to translate prepositions, and
- using a demonstrative to translate the English article 'the'.

Moropa reveals that isiXhosa-English translators depended on internal and external resources to create words. Concerning internal resources inside assets, they chose compounding, paraphrasing and derivation and for external resources they utilised pure loan words and pure loan words preceded by explanations, indigenised words and indigenised words preceded by explanations. This study is valuable to the current study because it demonstrates the various strategies that are accessible to translators. The study also gives detailed information about creating a parallel corpus. The current study uses the English and Tshivenḓa versions of the Constitution whereas Moropa used official documents.

Sineke (2005) demonstrates that term creation is a suitable problem-solving strategy of translation in languages of limited diffusion. Paraphrasing which was regularly used by isiXhosa and isiZulu translators was proclaimed a multi-directional strategy as it can produce phrasal units. In addition, with respect to the borrowing strategy, loan words or calque specifically, Moropa found that loan words into African languages were adjusted into the standards of the language as per the grammatical rules of the recipient languages. The researcher also indicated that of the five processes of term creation, paraphrasing is the most used strategy in African languages. Concerning borrowing, the author indicated that not all types of borrowing are applicable in African languages; each borrowed term needs to be adapted according to orthographical, phonological, and morphological rules of that language. Sineke's study is of value to this study because it investigates the Constitution of the Republic of South Africa.

Mabasa (2005) compared translation equivalents from the *Department of Sport Arts and Culture Multilingual Glossary of Medical/Health Terminology* which was compiled by Xitsonga language specialists and Xitsonga health specialists. The aim was to build up the most often utilised translation (term-development) strategies in both the Department of Sport Arts and Culture (DSAC) list and that of the health specialists; and to recognise potential explanations behind the inappropriateness of the DSAC translation equivalents. Mabasa found that source language terms were not provided with translation equivalents in the glossary, based on the comparison between the term-formation strategies utilised in the DSAC glossary and the equivalents recommended by the specialists. Mabasa was guided by the strategies proposed by Mtintsilana and Morris (1988:110-112): semantic extension, paraphrase, compounding, deideophonisation, borrowing, direct loan, hybridisation, transliteration. Mabasa found that paraphrasing was the most favoured strategy by health/medical specialists, and the second most favoured strategy by the DSAC terminologists was the use of a general word. Mabasa argues that paraphrasing is used to enhance comprehension by target language speakers. He also explained that terminologists resort to paraphrasing because there is a lack of standardised equivalent terms in Xitsonga. Additionally, a few terms were not translated because of a lexical gap between English and Xitsonga. This resulted in omission of crucial information. Mabasa found that the following term formation strategies were less utilised in this study: compounding, transliteration, semantic extension, direct loan. Mabasa's study will add value to the current study since it is about term formation strategies in Xitsonga. The researcher will

look at the processes of term formation strategies in the translation of the Tshivenḓa version of the Constitution.

Ndlovu (2009) investigated the accessibility of isiZulu health texts in South Africa. The researcher argues that translations into isiZulu should keep the purpose and readership in mind. Ndlovu found that for texts to be easily accessible, isiZulu translators used simple language for the readers to understand when translating from the source (English) to the target language (isiZulu). Translators were expected to use strategies to overcome non-lexical item problems. Ndlovu selected some of the challenging words from the list and studied the procedures utilised by the translators in their attempt to make the texts easier to read. The strategies for translating challenging words that were used in this study are: *simplification* ─ including using a superordinate or more general word, using a general word with extended meaning, using more familiar or common synonyms, translation by paraphrase, breaking up of sentences and using fewer words; *explicitation* ─ including overuse of lexical repetition, adding explanatory information and using a demonstrative; and using strategies of avoiding the use of certain culturally unacceptable terms, particularly those that refer to sexual issues. Ndlovu's study is important because it investigates the strategies used in translating health texts.

Mukundamago (2010) explored different challenges that are related to the translation of the Maintenance Act of South Africa (1998) from English into Tshivenḓa. The researcher showed that there is a shortage of legal terminology in Tshivenḓa, thus, translators opted to loan English words even though their target readers are not fully conversant in English. The researcher thus puts emphasis on translation strategies that can be used in order to overcome lack of terminology in indigenous languages, especially Tshivenḓa.

Ndhlovu (2012) examined the strategies used by untrained Ndebele translators in the translation of specialised terms and cultural taboos in selected HIV/AIDS texts, as well as factors that can be used to improve the translation situation of Zimbabwe. Ndhlovu states that since translation strategies are discernible, the investigator classifies, defines and examines the strategies used by English-Ndebele translators in translating scientific/technical terms and cultural taboos in HIV/AIDS texts. Baker's (1992) translation strategies were used as a guideline. The researcher discovered that the Ndebele translators used the following strategies

when translating specialised terms: a general or neutral word, cultural substitution, paraphrasing and omission. The study also uncovered that the strategy of omission was distorted in most cases because Ndebele translators excluded important information which did not reach the target readers. Regarding translation strategies that contributed to term creation, it was found that the Ndebele translators relied on external as well as internal resources. The translators used strategies such as pure loan words; pure loan words preceded by an explanation and indigenised loan words. From isiNdebele itself, the translators resorted to semantic shift, compounding, coinage, and paraphrasing, among others. The researcher investigated the translation strategies used by untrained Ndebele translators in the translation of specialised terms and cultural taboos in selected HIV texts. The current study focuses on the strategies used by Vhavenḓa translators while translating the English version of the Constitution of the Republic of South Africa into Tshivenḓa. Both studies however are methodological and utilise DTS and CTS to analyse the translations.

Ndhlovu (2014) further investigated term creation strategies used by Ndebele translators. Ndhlovu found that Ndebele translators utilise various procedures to translate specialised terms in the health sector. These include pure loaning of words, acronyms, and abbreviations; paraphrasing abbreviations and acronyms; pure loaning preceded by an explanation; abbreviation preceded by an explanation; indigenisation; paraphrasing; using borrowed synonyms; semantic shift; compounding and coinage. Ndhlovu found that the most common strategies used in the English-Ndebele parallel Corpus are borrowing, acronyms and abbreviations; and regarding borrowing, some terms were retained in their 'pure form' and others were indigenised. The researcher states that the reason for resorting to pure loan forms by most of the translators is that it is the easiest way as most of them do not have translation skills. Ndhlovu argued that there is a need in Zimbabwe to train the translators and to develop language policy that will take into consideration the languages spoken in the country. This thesis will add value to the current study by enabling the researcher to compare the strategies applied.

Malindi (2015) examined term formation strategies utilised in giving the translation of isiZulu equivalents of 50 English chemistry equivalents and their definitions. The researcher used the

strategies related to term formation strategies which are listed by Baker (1992:26-42) and Mtintsilana and Morris (1998:110-112).

Baker (1992:26-42)

1. Translation by a more general word (superordinate).
2. Translation by a more neutral or less expressive word.
3. Translation by cultural substitution.
4. Translation using a loan word or a loan word plus explanation.
5. Translation by paraphrase.
6. Translation by omission.
7. Translation by illustration.
8. Using an idiom of similar meaning and form.
9. Using an idiom of similar meaning, but dissimilar form.
10. Translation by paraphrase.
11. Translation by compensation.

Mtintsilana and Morris (1998:110-112)

1. Semantic transfer
2. Paraphrasing
3. Compounding
4. Deideophonisation
5. Synonym richness of vocabulary
6. Borrowing
7. Adoption from other African languages

The researcher discovered numerous term formation strategies which are loan words, paraphrasing, transliteration, semantic transfer/shift, compounding, borrowing, direct borrowing, translation by paraphrasing using unrelated words, translation by paraphrasing using related words, synonym richness of vocabulary where African languages enrich their languages through borrowing. According to Mtintsilana and Morris (1988:110-112) synonym richness of vocabulary is not a word-forming strategy. Borrowing of international terms is mixed with coinage of local terms to preserve the identity of African languages. The study is important to the current study because it uses term formation strategies and corpus-based translation studies. The current study will also apply corpus-based procedures.

Tekin and Isisag (2017) analysed translation strategies used in the translation process of songs in Walt Disney's Animated Musical Movies, namely "Hercules" (1997) and "Frozen" (2013) into Turkish and they used the framework of Skopos theory. The investigators focused on Low's strategies (2005): translation, adaptation and replacement and found that there were 80 refrains in "Hercules" and 86 stanzas in "Frozen". In this investigation, the findings demonstrate that the most often utilised translation strategy in "Hercules" is "Replacement"; whereas, it is "Translation" for the movie "Frozen". Additionally, for the two movies, the second most often utilised translation strategy is "Adaptation".

Yan (2018), in 'A Study on the Application of Paraphrase Strategy in the Translation from Chinese to English', finds that paraphrase as a type of translation strategy is regularly utilised in translation between two languages; it is likewise one of the approaches to solve translation challenges, particularly the challenge when two languages are not equal at word level.

The researcher analyses 'Farewell: Departing for "Downunder"' from *Six chapters from my life "downunder"*, whose author is Yang Jiang. The scholar applies Mona Baker's translation strategy of paraphrase looking into words and expressions and explores the motive to cause unequal problems at word level between English and Chinese. The causes of unequal problems at word level between English and Chinese are:

1. The differences of religious faith.
2. The changes of history.
3. The different customs.
4. The differences of life environment and experience.
5. The unique ways of thinking.
6. The differences of values.

This study will be valuable to the current study taking into consideration that there is a problem of unequalness at word level between English and Tshivenḓa. The paraphrasing strategy will be a solution.

2.2.2   Review of constitution related documents

This study focuses on the translation of the constitution; thus, it is necessary to understand what other scholars are saying about the constitution. In this section the researcher will review literature of some scholars who have touched on the translation of a constitution, namely Lessig (1993), Madiba (1997), McGinnis (1999), Hugo (2009), Balkin (2011), Solum (2015), Zou (2015), Mulligan et al. (2016)) and Solan (2016).

Mulligan et al. (2016) examined two Founding-era translations of the United States Constitution and considered their helpfulness as methods for translating the Constitution. As indicated by the writers, the United States Constitution was converted into German and Dutch for the German and Dutch-speaking populaces in Pennsylvania and New York. The researchers state that since interpretation presumes understanding, the decision of the translators can be comprehended as Founding-era discourses on the Constitution, and the translators' selection of words and sentence structure itself naturally reflects investigation. The translator has a choice or need to look over different terms or expressions with various meaning, and this poses challenges as the public might have different views about the first meaning of the information written in the Constitution.

The investigators found that there are some challenges when utilising Founding-era translation as interpretive device. The difficulties are the following: how definitive can a translator's comprehension of lawful content be, and how can a translator give distinctive meaning of his/her decisions. To add to that, translators also differ on the meaning of entries. For example, De Ronde's (1788) translation of "regulate" preserves the notion regulation as "making regular" as indicated in Mulligan et al. (2016). German translation permits the legislature more noteworthy freedom to build up business where it probably never existed. De Ronde's idea of "proper" laws concerns whether they accomplish their closures, whiles the German translator's "proper" law is only a required one.

De Ronde's interpretation of "horrific acts" brings out seriousness as opposed to a wrongdoing against the state; correspondingly, his interpretation of "lawful offense" — "wrongdoing

deserving of death"— is both exceptionally explicit and inconsistent with existing English and American law. De Ronde's (1788) interpretations differ from those understandings. His elucidation of "high crimes" brings out reality as opposed to crime against the government, the term "felony" is "wrongdoings worthy of death" and is exceedingly unequivocal and odd with English and American law. The scholars state that there were few irregularities in the meaning of specific terms, and the agreement of the translators does not show elucidation.

Mulligan et al.'s article is valuable to the current study because this study will also try to establish if there are some limitations to interpreting the original source if there are some disagreements. The researcher will also check if certain terms are applied consistently.

McGinnis (1999) examined infidelities in constitutional translation and he argues that "the most commended thought in constitutional interpretation is the hypothesis of fidelity in translation". The constant progressing social reality transformations change the settings of legal texts. McGinnis contends that for a content to be bona fide and keep the first meaning, it must be translated considering the new setting. The hypothesis of constitutional translation has the essentialness of affecting courts and academics. As such, the constitution must be constantly corrected so as to stay aware of current changes. This article offers a few challenges to translation both as descriptive and normative hypothesis by concentrating on the claims of translation. The investigator states that to be faithful to their original connotation, we should decode the content considering this new setting. The hypothesis attracts control by seeming to offer a combination of interpretative and non-interpretative approaches. McGinnis adds that it implies to save the first comprehension of the constitution, but that it consults materials inaccessible to the framers to accomplish that objective in a world they could no't have completely envisioned.

This article is valuable to the current study because fidelity in translation is very crucial to the translators, legislatures, and the target readers. Constitutional translation also affects courts and academics. The content of the Constitution therefore must be translated in light of the new context. Constitution must change with time. The other challenge is that the translation of the Constitution is both normative and descriptive. The Constitution compels government to raise important issues for translation.

Lessig (1993) mentions that there is a change of reading the constitution but he does not mention anything about fidelity. The researcher states that translation is different from one-step originalism. He declares that translation obliges changes in setting to protect meaning crosswise. The scholar says that the contentions are recognisable to the law and have been made by law specialists disseminating over the political range. The investigator distinguishes two types of restrictions, that is, the structural humility and humility of capacity. He further states that one-step fidelity is different from two-step fidelity. Two-step fidelity adds to our conventional comprehension of originalism as an approach to see how originalism can be dynamic without it being unfaithful. Lessig declares that to place these aspects of skepticism into setting, we should recognise two altogether different uses of contentions from translation, the negative one and the positive one. The negative is this: We find ourselves encompassed by a bunch of clarifications of a Constitution ages old. The researcher states that some of them were clarifications of fidelity, some positively not. The question for a fidelitist investigating any past translation is whether it is an interpretation of fidelity. Be that as it may, as ought to be clear, fidelity is not doubled. The scholar further says that there will be more and less faithful, not faithful and unfaithful, readings. So, in assessing and perusing, assessment should consistently continue by comparison.

Lessig suggests that translation is a difficult activity which needs competent translators to do the job. The judges also confirm that the practice of translation is complex. Lessig furthers says that the Constitution needs to be redrafted and written in a language which citizens will understand. Translation should be the whole not the piece by piece, and framers and translators must work together so that they can reach the aim of fidelity.

In translating the constitution fidelity is very crucial and the meaning of the text must be protected. The language of the constitution must be communicated and updated. The translation task is very difficult and the framers, translators and judges concur with this; they affirmed that translation of a constitution needs competent translators to do the job. The constitution must be written in a language which all citizens will understand. The current study will also look at fidelity of translation and competence of the translators.

Solan (2016), in 'We are all translators now: Constitutional analysis as translation' states that European courts and lawful researchers are acclimated with translating codes that were utilised

41

for quite a while. Even though some laws in the USA have not changed for a while, this does not have any significant bearing on the constitution. The constitution challenge was how truthful recent translators of the constitution were to the original meaning of the language of the constitution. They were uncertain about whether they should think what original authors had in their minds, or how the public that voted for the Constitution understood the language. To get help, judges and scholastics consulted old dictionaries. Solan states that judges and scholars who are keen on the significance of the word should position themselves as lexicographers compiling dictionaries that translate the terms from foreign language into modern English.

Solan (2016) mentions that a multilingual legal system depends much on laws being passed on various languages having one meaning. The Canadian courts merge challenges of non-equivalents which utilise the "common significance rule" as a default standard. The researcher states that this led to the narrow interpretation of law and the legislature did not expect the narrow interpretation. The investigator declares that the courts are willing to impose a teleological approach, because they are aware of this possibility over the shared meaning rule. Courts also impose compromise translation. The Court of Justice of the European Union (CJEU) never refers to the translation history of a law when it renders a choice that concerns contrasts among the language adaptations. The scholar mentions that translators are urged to utilise terms that don't suggest the acknowledgment of one lawful culture over others, making a vocabulary of European legal terminology.

Solan (2016) mentions that the U.S. Constitution was published in the eighteenth century. English syntax has not changed much from that point forward, yet vocabulary has, including the implications of words current at that point, and still current today. The researcher indicates that translators decided calling constitutional interpretation "translation" which proposes that the types of choices that lawful experts must make are equivalent to the types of choices that interpreters must make. These incorporate the lawfully noteworthy worry as to whether conceptual fidelity necessitates that the normal utilisations of the term in the target language be well-maintained. The scholar mentions that the translator must balance textual fidelity against functional fidelity, and they must select words and grammar structure in the target language and have the same results as the source language. Solan further says legal translation is target oriented, the Constitution must have the same meaning as the original public meaning.

Solan (2016) states that legislatures utilise common words in their conventional sense. The researcher states that in this manner such apparatuses as semantic corpora of normal language are made particularly valuable in statutory understanding. The investigator further states that judges in the United States depend on dictionaries and their own intuitions about dissemination of facts. The legislatures use words in their common sense not just to improve fidelity to the framers to the degree that the assumption precisely mirrors the legislative procedure, but they further improve the standard of law value that gives the public reasonable notice of their responsibilities. The scholar declares that in these cases, translators can organise adequate information about how the terms are utilised in regular day to day existence.

Translators must take into consideration that those who are working with the translation of the Constitution should focus on fidelity and linguistic equivalence. The different cultures must also be considered. Translation should not be compromised; the interpretation of the law must be done in full. The syntax of the Constitution must also be amended when time passes, to be up to date with the current situation. Legal translation must have the same meaning as the founding public meaning and it must be target-oriented. This information will be valuable to the current study.

Hugo (2009) investigates the translation of Canada's Constitution Act, 1867. Hugo explores the translation of Canada's Constitution, 1867 from a legal historical perspective. The Constitution was adopted in 1982, the researcher states that the Constitution of Canada is as yet not authoritatively bilingual completely. The investigator states that although Canada is a bilingual country, English and French, the Constitution is not fully bilingual. Since the adoption of the *Constitution Act, 1982*, the Constitution of the country is still the same after 27 years. Hugo mentions that this is an indication that the country does not care about linguistic rights. He further states that it has been more than three decades but the country does not have the French version of the whole Constitution. Hugo says that bilingualism is about recognising equality of the speakers of both languages, and their entitlement to have the two languages utilised in the Constitution, laws, and administration of the nation.

Hugo states that in a bilingual country the Constitution must be available in both languages. The translators must not move away from the original text because the original meaning of the source text will be lost. The translation of the Constitution must mirror the original text and the translator must not be faithful to the past version of the translated document. The Constitution must have historical accuracy in the new version of the translation. This article adds value to the current study although the researcher investigates two languages since Canada is a bilingual country.

Noomé (2015) investigated difficulties arising from the guarantee in South Africa's Constitution (1996) of continued utilisation of indigenous law. Indigenous laws are generally oral in nature; however, progressively written sources are required when cases identifying with indigenous law are heard in South Africa's higher courts. The researcher states that although access to this type of information is important to strengthen justice in Africa, more extensive access is hampered by various education levels and language contrasts. The article focused on the Anglo-American translation custom's inclination for idiomatic translation (paraphrases) as opposed to word-for-word faithfulness (*metaphrasis*). The researcher argues that the content for the case study, proposes two translations, for two addressees: one into a scholastic register (for scholars, legal specialists, and learned individuals from the Nkuna people group), and one into Plain English essentially for individuals from the Nkuna people group for whom English is not their mother tongue. Noomé suggests that to overcome translation problems with regard to this case study, double translation strategies must be used, the first one being the metaphrastic strategy where a translator uses translator's notes and the second one being to increase translators' visibility and accountability of the translation indicating the main strategies used in the translation.

This article is crucial to this study because it addresses the challenges of translating the Constitution of the Republic of South Africa (1996) and the use of indigenous law. The study also mentions the translation strategies used and takes into consideration the readership of the text. Although the present study is about the Constitution of South Africa (1996), the researcher is not going to investigate indigenous law; the focus will be on the translation strategies used by Vhavenḓa translators while translating the English version of the Constitution into Tshivenḓa.

Zou (2015) investigated translator competence in relation to translator training to enhance student translation competence. The researcher reviewed the development of translation competence models in the past four decades, and highlighted the language-oriented, transfer-oriented, and communication-oriented Translation Competence models. This investigation tries to explain Translation Competence in the consistently changing world and uncovers the strategic competence, the central competence that harmonises, dominates, and optimises other sub-competences. The study investigates the ramifications of the central sub-competence in translator education to enhance Translation Competence viably, to improve translation quality and proficiency, to develop cognisant, self-governing, self-directed, capable translators and deep-rooted students.

This article is of great importance to the current study. The translators of the Tshivenḓa version of the Constitution must also be competent in their work of translating the Tshivenḓa version. By being competent the translator will be able to improve translation quality and proficiency. Zou's work additionally aims to discover methods for improving the translation circumstance since it demonstrates the value of translator training among the translators.

2.3   Conclusion

This chapter reviewed relevant literature on translation strategies and the translation of the constitution in general. Although not much research work has been done in the translation of the constitution, a lot of research has been carried out on translation strategies internationally and nationally but none of them review the strategies used by Vhavenḓa translators in the translation of the English version of the constitution into the Tshivenḓa version.

Most of the strategies show resemblances and there is no sequence of order on how to use these strategies. Many African language scholars in South Africa state that there is a lack of terminology in African languages, and the other challenge is lack of equivalents and lack of translation resources. To address the terminology gap, translators use word formation strategies

and translation strategies. Terminology needs to be standardised and disseminated to overcome the terminology gap. The same applies to the translation of the constitution. South African scholars agree that there is a lack of terminology. Baker's (1992) strategies were mostly used by both national and international scholars and were the most appropriate strategies.

CHAPTER THREE

DATA COLLECTION AND INTERPRETATION

3.1 Introduction

The previous chapter focused on reviewing literature related to this study. This chapter is a blueprint of the methods of data collection as a foundation for this study. To collect data, the mixed methods, i.e., qualitative and quantitative methods, were used. The choice of data collection methods is informed by the aim and objectives of the study. As indicated in Chapter One (Section 1.4.1) the main aim of the study is to identify and review the translation strategies used by English-Tshivenḓa translators in the translation of the Tshivenḓa version of the Constitution. To achieve the leading aim of the study the objectives of the study as indicated below were acknowledged in order to direct this chapter.

- To identify and discuss the strategies used in the translation of the Tshivenḓa version of the Constitution.
- To look at the issue of consistency when translating the Constitution.
- To investigate challenges faced by readers of the Tshivenḓa version of the Constitution.
- To identify and recommend solutions to the challenges faced by readers.

To achieve the above objectives, questionnaires and parallel corpora of the English version of the Constitution and the Tshivenḓa version of the Constitution texts were designed. The observation method also played an important role in the collection of data.

3.2 Collection and capturing of data by questionnaires

Kumar (2011:138) defines a questionnaire as a written list of questions, the answers to which are recorded by participants. In a questionnaire participants read the questions, interpret what is anticipated and then write down the answers. Two questionnaires were formulated to determine how the Vhavenḓa translators used translation strategies in the translation of the Tshivenḓa version of the constitution. The questionnaires were addressed to Vhavenḓa

language practitioners and the users of the Constitution which include lawyers, teachers, students, civil servants and Vhavenḓa citizens from various institutions and were found in Gauteng, Limpopo and the Western Cape. The reason for choosing these particular participants was based on their knowledge of providing the best information to achieve the objectives of the study and their willingness to share information with the researcher. The investigation also aimed to compare whether citizens are accessing the Constitution of the Republic of South Africa in both rural and urban areas.

Questionnaire one directs sixteen questions to language practitioners (**See Appendix C**). The sample numbers of participants in this category were 22. Questions are in English and determine the challenges faced by language practitioners while comparing the English version of the Constitution to the translated version in Tshivenḓa. A few other language practitioners who are not Tshivenḓa speakers also participated in the survey. The reason for choosing other non-Tshivenḓa language practitioners was to find out if they experience the same problem which was experienced by Vhavenḓa language practitioners.

Questionnaire two addresses eighteen questions to lawyers, teachers, students, civil servants and Vhavenḓa citizens to determine if they find it easier to access the translated versions of the Constitution in official languages of South Africa, instead of English. (**See Appendix D** – Questionnaire).

By collecting data using questionnaires, the investigator gained understanding of the Constitution and translation strategies used in the translation of the Tshivenḓa version. The data also helped to illuminate what target readers think about the translations of the Constitution in general. Questionnaires were distributed and collected from participants using electronic devices (Emails and WhatsApp). Although data was collected under Covid-19 level 3 all protocol measures for Covid-19 were adhered to at all the times. There was no human contact since the researcher sent documents electronically. 150 questionnaires were distributed, and 125 questionnaires were received back.

3.2.1   Capturing and processing data quantitatively

Quantitative data was captured and cleaned using the *Statistical Package for Social Sciences (SPSS)* and *MS Excel*. Statistical data processing was conducted using *Statistical Package for*

Social Sciences (SPSS) version 26 for demographic variables. Descriptive and inferential statistics were computed. The statistics are presented in the form of tables and bar graphs to show responses per each measure. To ensure standard methodological practice in survey statistical data analysis, the statistical validity and scale reliability of collected data were examined prior to calculation of frequency statistics. The Cronbach's alpha criterion was applied to determine the scale reliability of questionnaire items. The research process targeted six unique categories of respondents. These were language practitioners, lawyers, students, teachers, civil servants and Vhavenḓa citizens. From each of the groups, 20 respondents were randomly selected to form part of the research process.

3.2.1.1 Section A: Biographical information of the respondents

Gender

Of the 22 respondents that participated in the study, 8 (36%) were males and the remaining 14 (64%) were females. In other words, the majority of language practitioners were females (64%).

Table 3.1: Gender of respondents

Gender	Percentage of responses	Number of respondents
Female	64%	14
Male	36%	8
Total	100%	22

Age group

50% of the respondents were between the ages of 40 and 50 years. This represented the model age group. The next highest frequency was of those between 30 and 40 years with a percentage of 23%.

Table 3.2: Age group of respondents

Age group	Percentage of responses	Number of respondents
18-30 years	9%	2
30-40 years	23%	5
40-50 years	50%	11
50-60 years	18%	4
Total	100%	22

Ecudational level

The most common qualification among language practitioners was the Master's degree that had a frequency equalling 46%. 32% of the respondents had an honours' degree, the remainder of the respondents was scattered between three years of qualifications, doctoral degree and other.

Table 3.3: Educational level of respondents

Qualification	Percentage of responses	Number of responses
Three year Qual	9%	2
Honour's degree	32%	7
Master's Degree	46%	10
Doctoral Degree	9%	2
Other	4%	1
Total	100%	22

Occupation

66% of the respondents in this category were language practitioners. In other words, this was the model occupation. The occupation with the second highest frequency was the legislative language planners that had a percentage of 9%. The remaining 5 individuals were equally spread among the remaining 5 occupation classes.

Table 3.4: Occupation of respondents

Occupation	Percentage of responses	Number of responses
Language Practitioner	66%	15
Language Planner	5%	1
Manager	5%	1
Intern	5%	1
Lexicographer	5%	1
Project Manager	5%	1
Legislative Language Planner	9%	2
Total 100%		22

Home language

The statistics in this category revealed that the highest percentage of the participants' home language is Tshivenḓa which is 59,03 %, which is followed by isiZulu with 13,64%. Afrikaans scored 9,09%, followed by Setswana, Xitsonga, English and isiXhosa which each scored the same percentage of 4,55%. The most common home language in this category is Tshivenḓa.

Table 3.5: Home language of respondents

Language	Percentage of respondents	Number of responses
Setswana	4,55%	1
Tshivenḓa	59,03 %	13
Xitsonga	4,55%	1
Afrikaans	9,09%	2
English	4,55%	1
isiXhosa	4,55%	1
isiZulu	13,64%	3
Total	100%	22

Number of years in profession

The numbers of years in profession of participants varies and the category which scored the highest percentage was category 15-20 years with a percentage of 22,73%, followed by 10-15 years and 0-5 years categories which both scored 18,18%. Category 5-10 years scored 13,64% followed by participants of category 20-25 years by 9,09%. Categories 20-25 years, 25-30 years, 35-40 years and 40+ scored the same percentage 4,46%.

Table 3.6: Respondents' number of years in profession

Number of years	Percentage of responses	Number of responses
0-5 years	18,18%	4
5-10 years	13,64%	3
10-15 years	18,18%	4
15-20 years	22,73%	5
20-25 years	9,09%	2
25-30 years	4,46%	1
30-35 years	4,46%	1
35-40 years	4,46%	1
40+	4,46%	1
Total	100%	22

3.2.1.2 Section B: Responses provided by language practitioners (group A)

1.   How often do you translate?

Table 3.7: Frequency of translation by language practitioners

Frequency	Percentage of responses	Number of responses
Daily	50%	11
Weekly	14%	3
Monthly	22%	5
Annually	14%	3
Total	100%	22
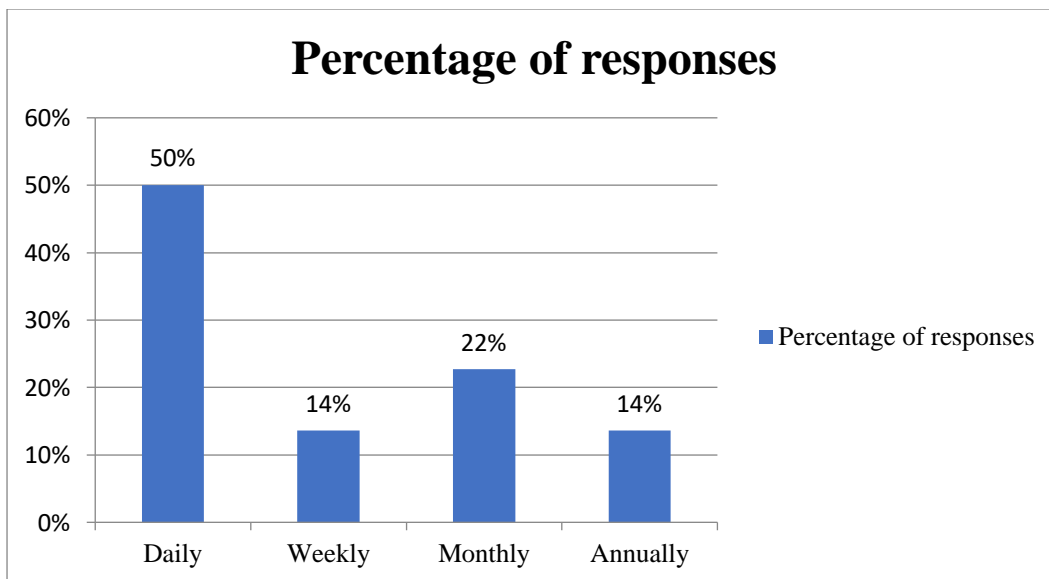
Figure 3.1: Frequency of translation by language practitioners

2.   What translation qualification(s) do you hold?

Table 3.8: Highest qualifications of language practitioners

Qualification	Percentage of responses	Number of respondents
Master's Degree	41%	9
Baccalaureus Technologie	9%	2
Doctoral Degree	5%	1

Masters of Arts	5%	1
BA Hons translation	5%	1
Bachelor of Arts Honours in Isizulu	5%	1
Legal and Financial Translation	5%	1
Post Grad Diploma	5%	1
Translating and editing methodology	5%	1
Language and Literature	5%	1
Certificate in Translating and Editing	5%	1
Tshivenda Linguistics	5%	1
Total	100%	22
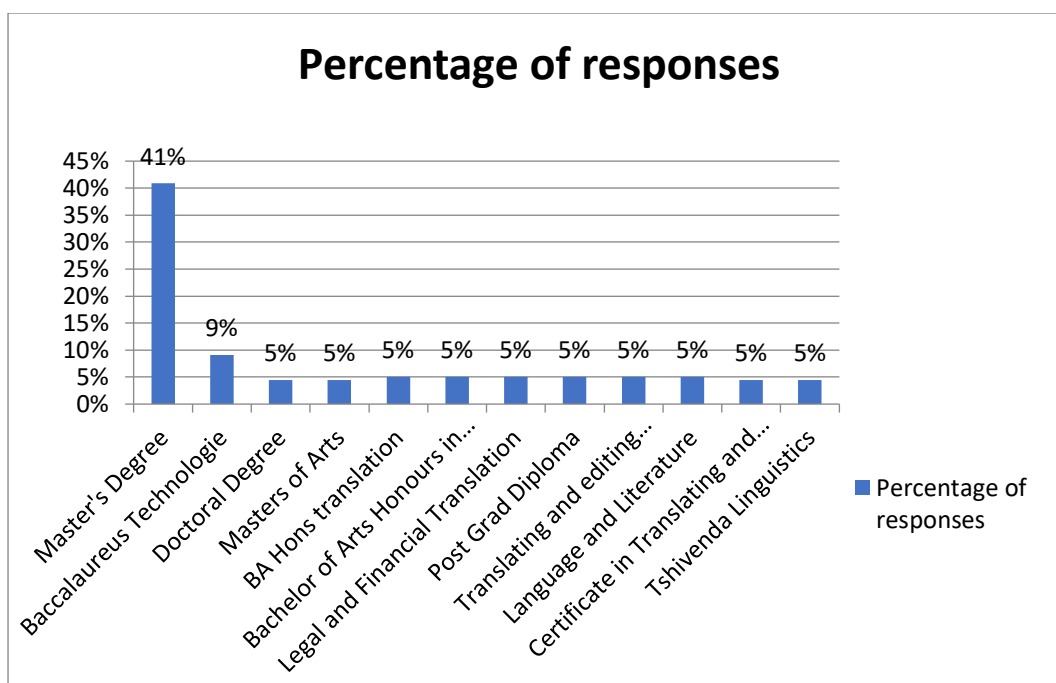
Figure 3.2: Highest qualifications of language practitioners

3.   Which version of the translations of the Constitution do you prefer to read?

Table 3.9: Preferred version of the translated Constitution for language practitioners

Language	Percentage of responses	Number of respondents
English	80%	18
IsiNdebele	5%	1
IsiZulu	5%	1
Tshivenḓa	5%	1
Afrikaans	5%	1
Total	100%	22
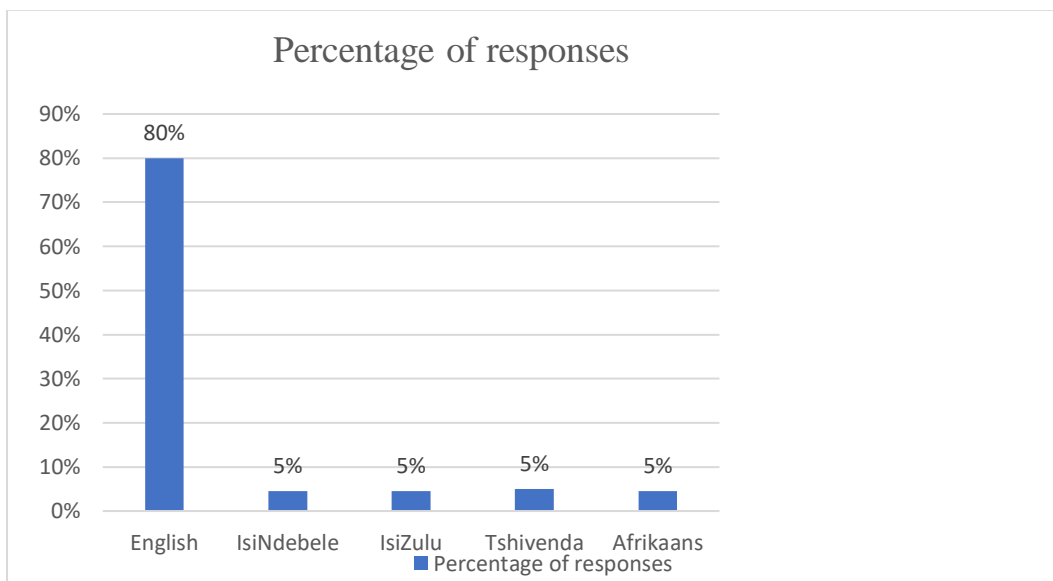
Figure 3.3: Preferred version of the translated Constitution for language practitioners

3.   Do you have a translated version of the Constitution?

Table 3.10: Language practitioners in possession of the translated Constitution

Response	Percentage of responses	Number of responses
Yes	91%	20
No	9%	2
Total	100%	22

20 respondents (91%) indicated that they had the translated version of the Constitution while only 2 did not have the translated version.
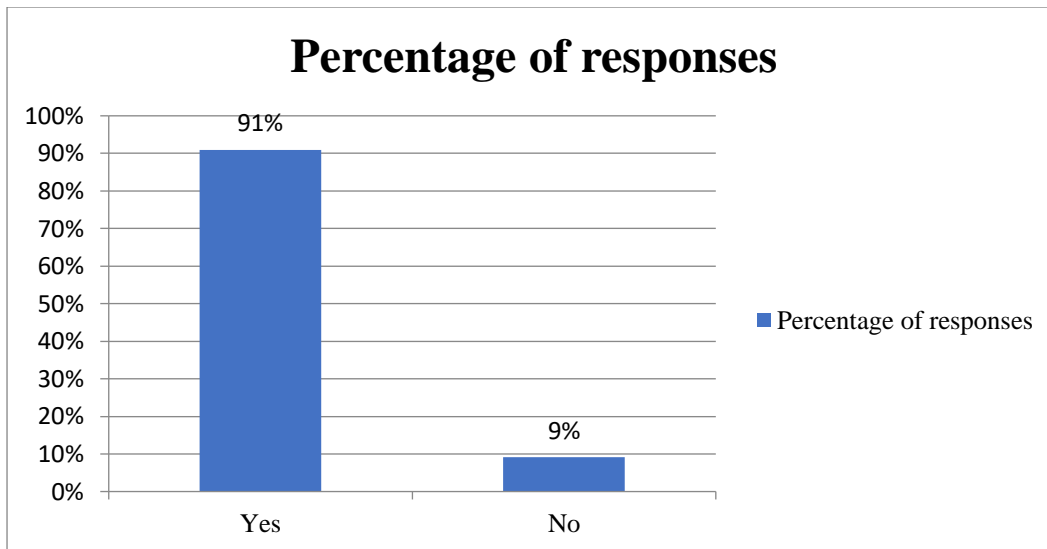
Figure 3.4: Language practitioners in possession of the translated Constitution

5.   How often do you refer to the Constitution?

Table 3.11: Number of times language practitioners refer to the Constitution

Frequency	Percentage of responses	Number of responses
Rarely	14%	3
Sometimes	41%	9
Regularly	14%	3
Freuently	18%	4
All the time	14%	3
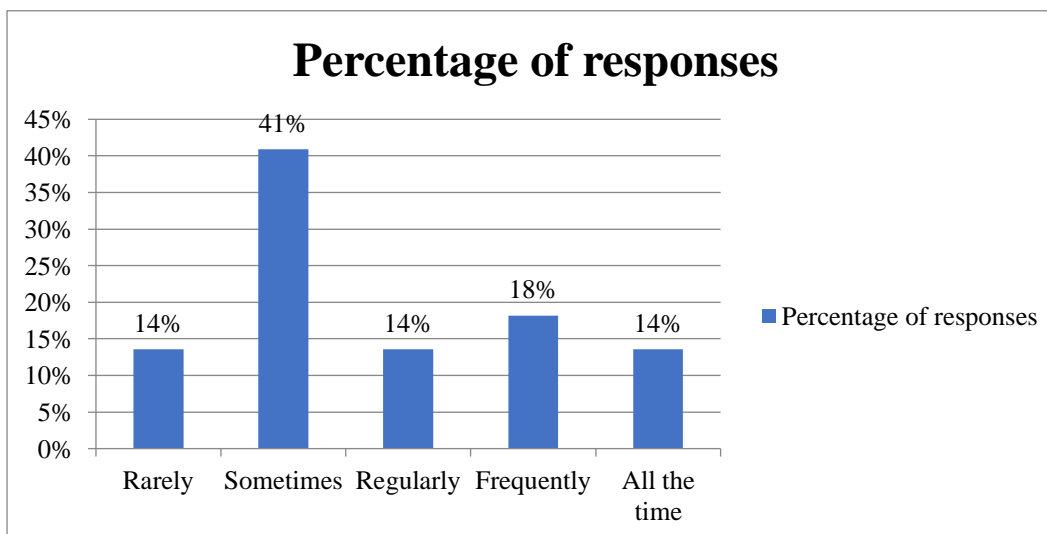
Figure 3.5: Number of times language practitioners refer to the Constitution

6. At your place of work, is it possible to access the Constitution in different languages?

Table 3.12: Language practitioners' access to the Constitution in different languages

Response	Percentage of responses	Number of responses
Yes	82%	18
No	18%	4
		22
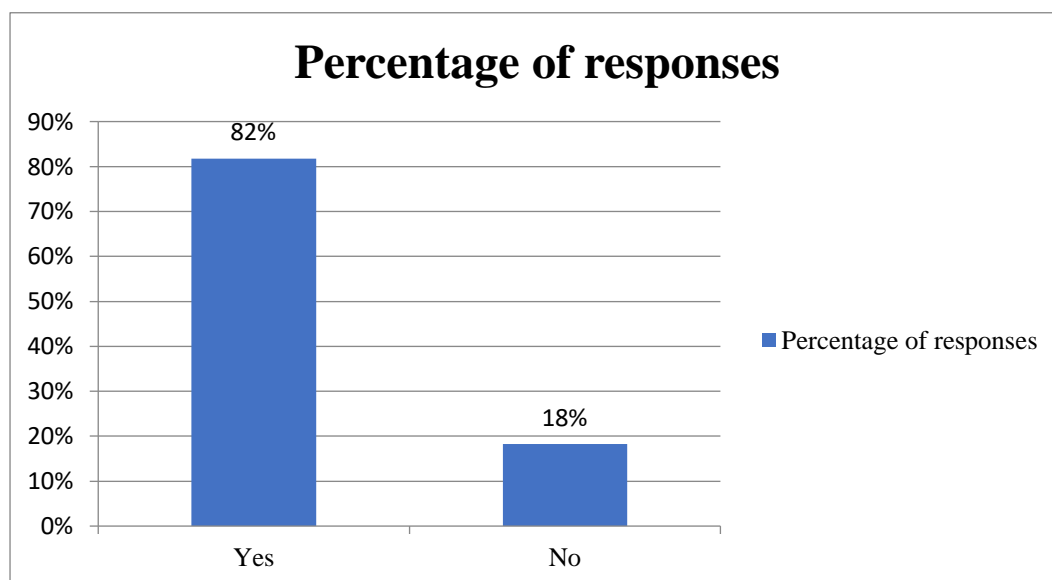
Figure 3.6: Language practitioners' access to the Constitution in different languages

6. Did the translators consider the issue of consistency while translating the Constitution?

Table 3.13: Opinions of language practitioners on the consistency in Constitution translation

Response	Percentage of responses	Number of respondents
Yes	28%	6
No	36%	8
Not Sure	36%	8
Total	100%	22
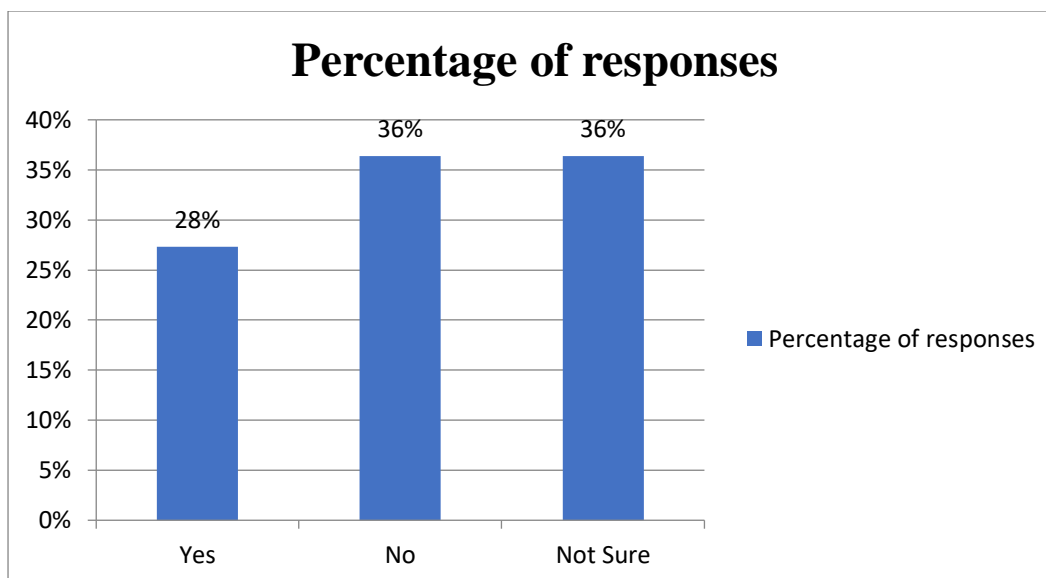
Figure 3.7: Opinions of language practitioners on the consistency in Constitution translation

8.   At your place of work, is it possible to access the Constitution in different languages?

Table 3.14: Language practitioners' access to the Constitution in different languages at work

Response	Percentage of responses	Number of responses
Yes	82%	18
No	14%	3
Not Sure	4%	1
Total	100%	22
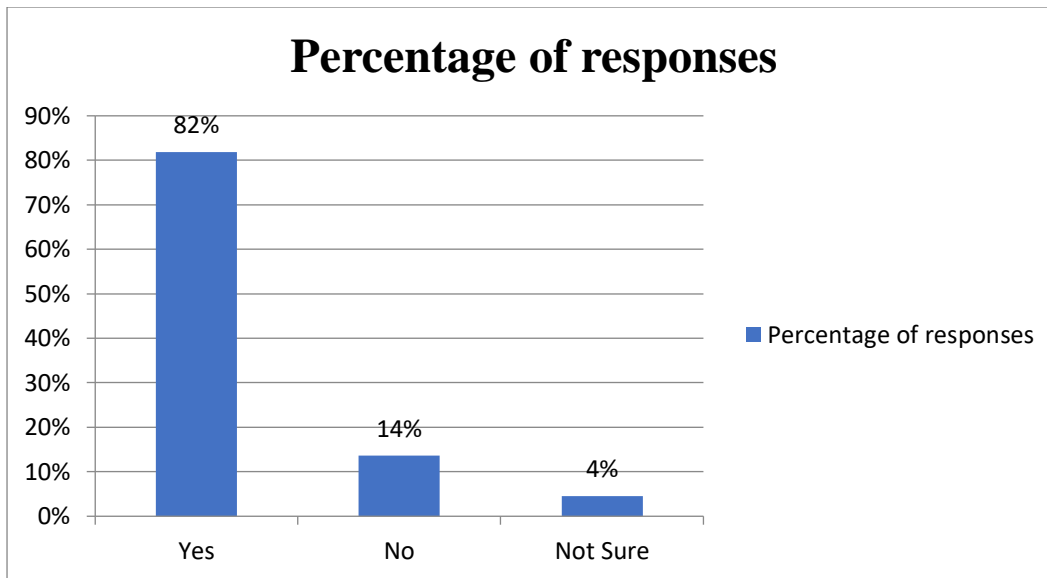
Figure 3.8: Language practitioners' access to the Constitution in different languages at work

9. Is there a need for the Constitution to be taught in schools?

Table 3.15: Opinions of language practitioners on teaching the Constitution in schools

Response	Percentage of responses	Number of responses
Yes	100%	22
No	0%	0
Not Sure	0%	0
Total	100%	22
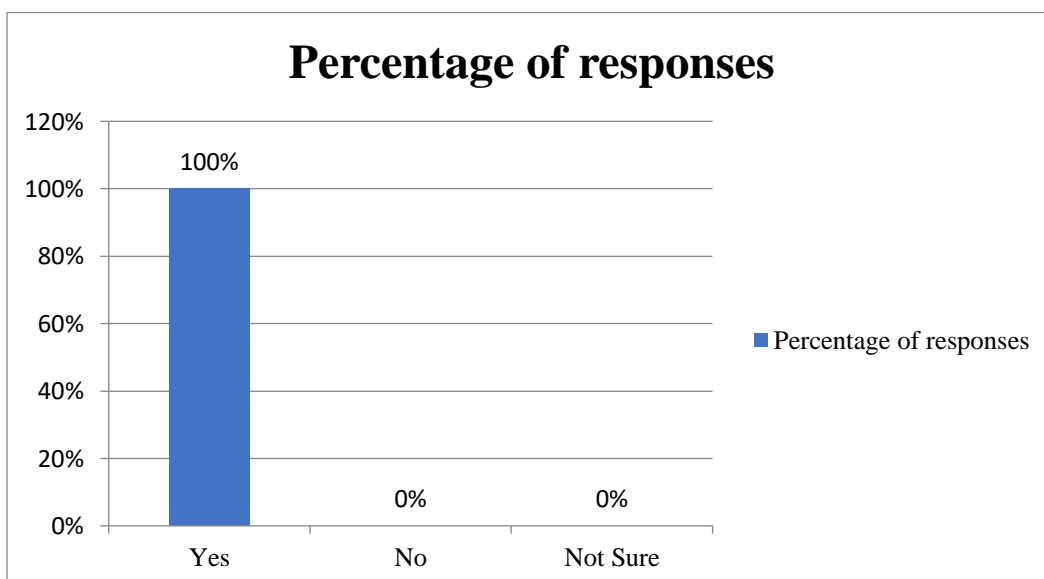
Figure 3.9: Opinions of language practitioners on teaching the Constitution in schools

10. Do the citizens of South Africa enjoy multilingualism as one of their rights in their country?

Table 3.16: Opinions of language practitioners on multilingualism in South Africa

Response	Percentage Of Responses	Number of respondents
Yes	62%	13
No	38%	8
Total	100%	21
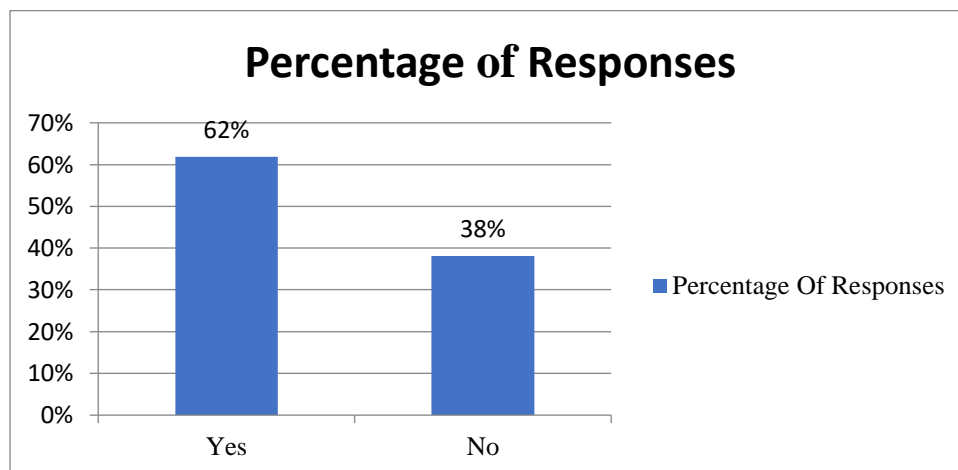
Figure 3.10: Opinions of language practitioners on multilingualism in South Africa

3.2.1.3 Section B: Responses provided by Lawyers (group B)

1. Have you ever read the Constitution of the Republic of South Africa?

Table 3.17: Number of lawyers who read the Constitution of South Africa

Response	Percentage of responses	Number of responses
Yes	100%	20
No	0%	0
Total	100%	20

All the respondents 100% indicated that they had read the Constitution of South Africa.
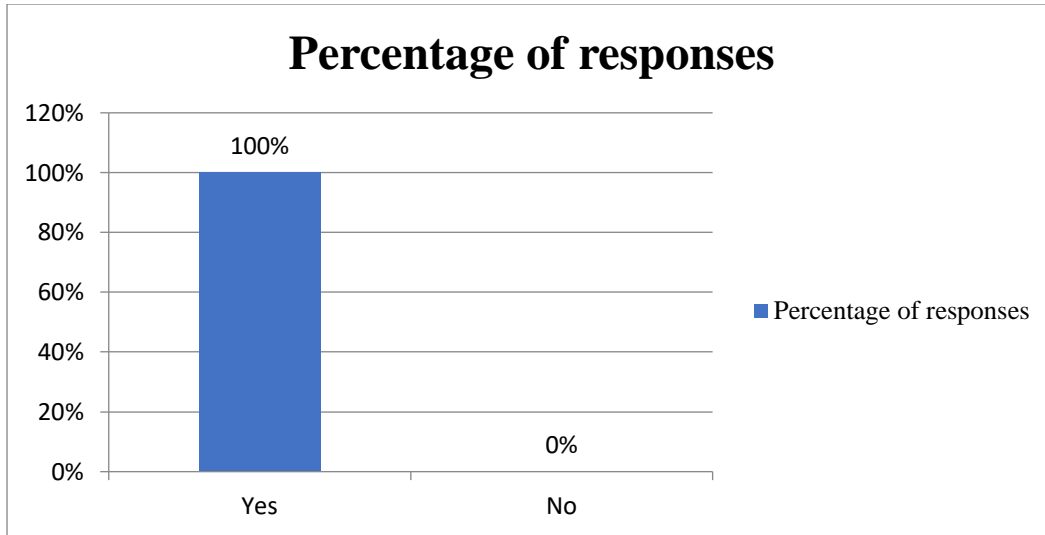
Figure 3.11: Percentage of lawyers who read the Constitution of South Africa

2.   Which version of the translations of the Constitution do you prefer to read?

Table 3.18: The version of the translated Constitution that lawyers prefer to read

Version	Percentage of responses	Number of responses
English	100%	20
Total	!00%	20

There was complete consensus on the respondents' preferred version of the Constitution. 100% of the respondents preferred the English version.
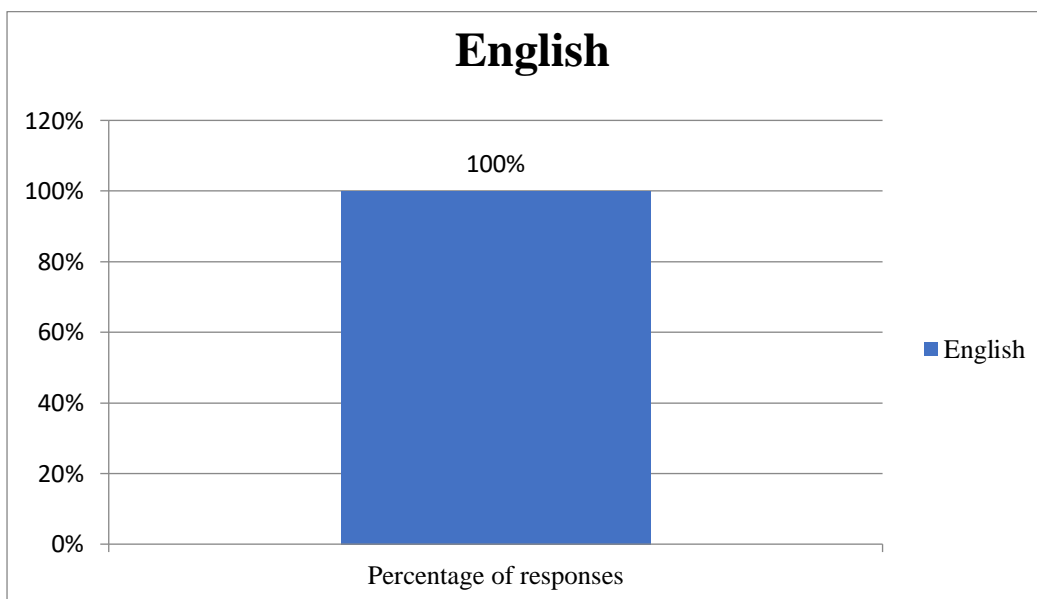
Figure 3.12: The version of the translated Constitution that lawyers prefer to read

3.   How often do you refer to the Constitution?

Table 3.19: Lawyers' frequency of reading the Constitution

Frequency	Percentage of responses	Number of respondents
All the time	62%	13
Rarely	10%	2
Sometimes	4%	1
Regularly	14%	3
Frequently	10%	2
Total	100%	21

There was consensus again when it came to the frequency of reading the Constitution. 62% of the respondents, which equals 13 respondents, had indicated that they read the Constitution all the time. Three other respondents, which equals 14%, indicated that they read the Constitution regularly while the remaining few would read it frequently, rarely and sometimes.
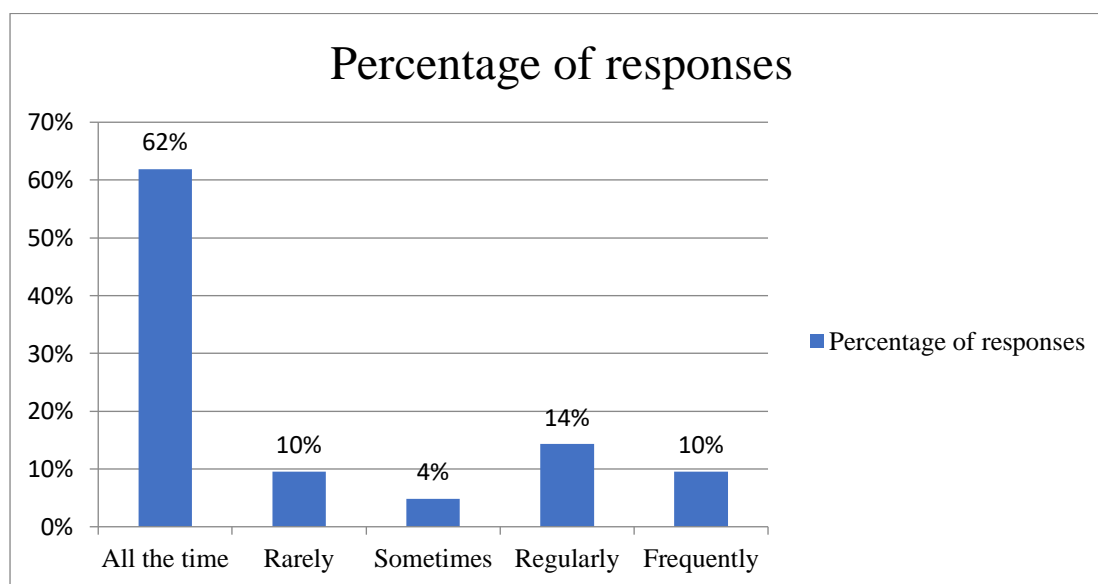
Figure 3.13: Lawyers' frequency of reading the Constitution

4.   At your place of work, is it possible to access the Constitution in different languages?

Table 3.20: Access to the Constitution in different languages at the lawyers' workplace

Response	Percentage of responses	Number of responses
Yes	30%	6
No	70%	14
Total	100%	20

70% of the respondents indicated that they did not have access to the translated Constitution at their workplaces. The remaining 30% indicated that they did have access.
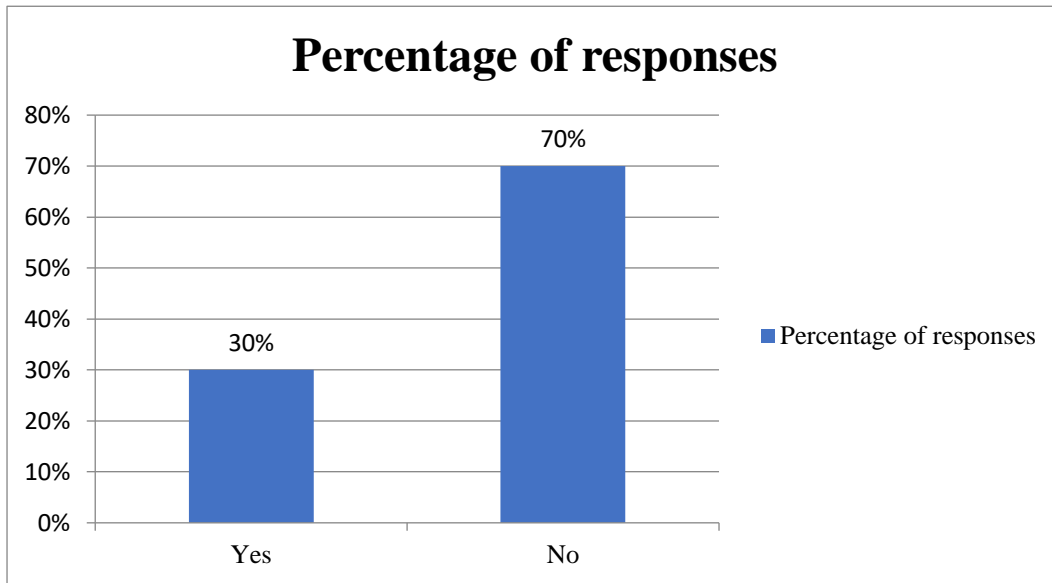
Figure 3.14: Access to the Constitution in different languages at the lawyers' workplace

5.   Do you have a translated version of the Constitution in your language?

Table 3.21: Percentage of lawyers in possession of the translated version of the Constitution in their home language

Response	Percentage of responses	Number of respondents
Yes	24%	5
No	76%	16
Total	100%	21

76% of respondents did not have the Constitution in their own language, the remaining 24% had access to the translated version.
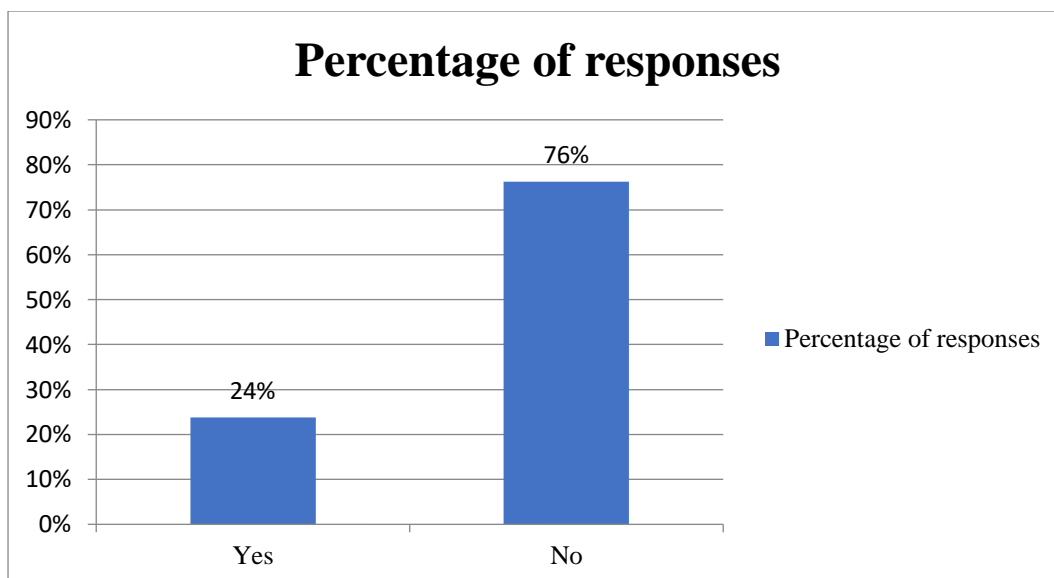
Figure 3.15: Percentage of lawyers in possession of the translated version of the Constitution in their home language

6.   In your opinion, did the translators of the Constitution consider that the South African laws emanated from Roman-Dutch law, while translating the Constitution?

Table 3.22: Lawyers' opinion on the consideration of South African laws having emanated from Roman-Dutch law by translators while translating the Constitution

Response	Percentage of responses	Number of responses
Yes	71%	15
No	10%	2
Not Sure	19%	4
Total	100%	21

Respondents were in agreement to a great extent with 71% indicating that they believed that translators had considered the fact that the South African law had been developed from the Roman-Dutch law. 19% were not sure while the remaining 10% did not think that translators considered the issue of the Roman-Dutch law.
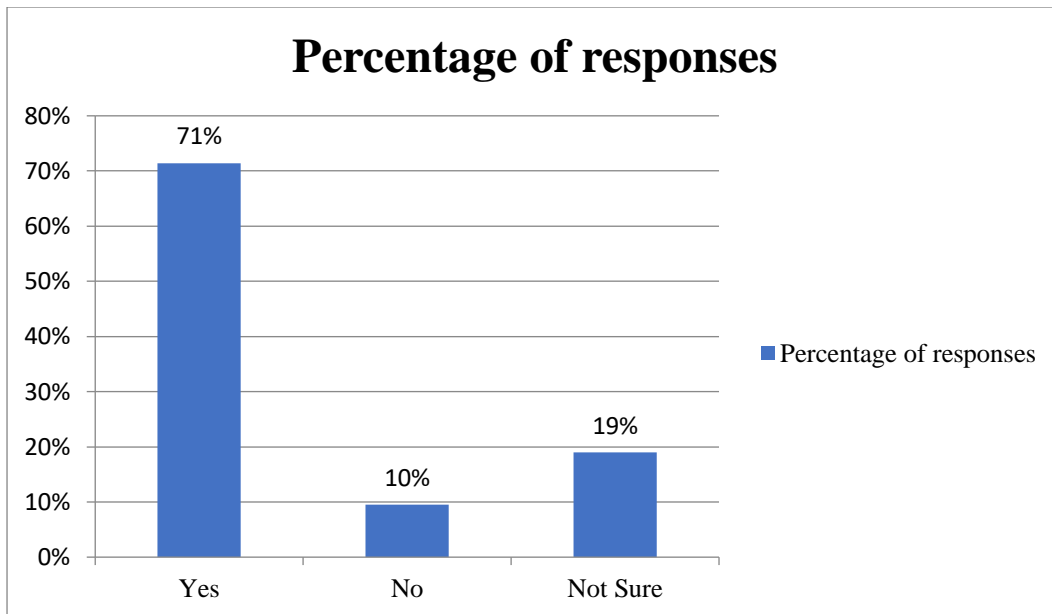
Figure 3.16: Lawyers' opinion on the consideration of South African laws having emanated from Roman-Dutch law by translators while translating the Constitution

7.   Is there any need to review the translated version of the Constitution?

Table 3.23: Opinion of lawyers on the need to review the translated Constitution

Opinion	Percentage of responses	Number of respondents
Yes	34%	7
No	33%	7
Not Sure	33%	7
Total	100%	21

There was no consensus among respondents on whether there was need to review the translated version of the Constitution. 34% were for the idea of reviewing it, the other 33% were not sure and another 33% believed there was no need.
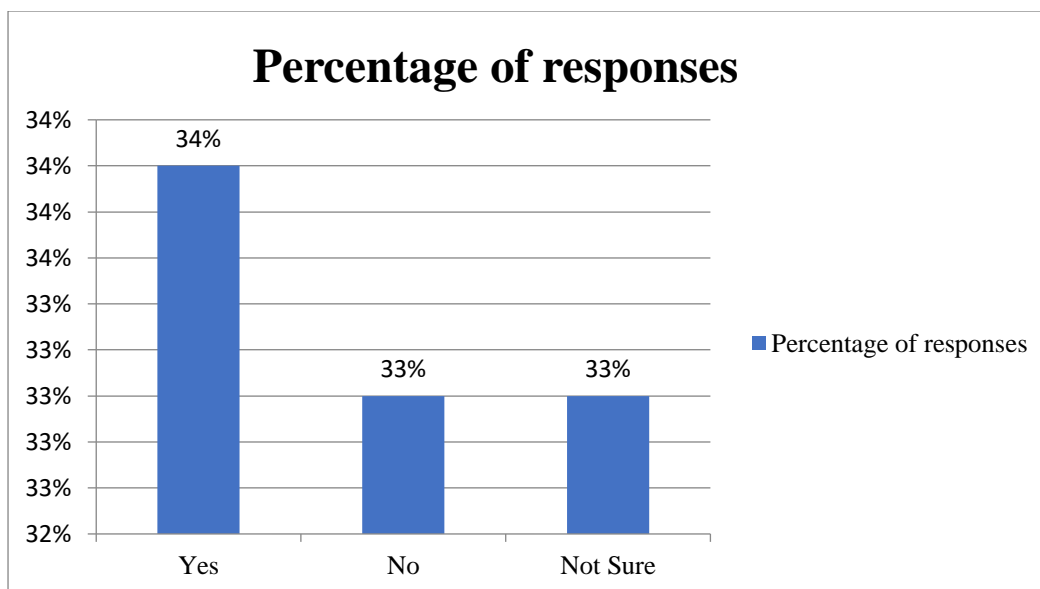
Figure 3.17: Opinions of lawyers on the need to review the translated Constitution

8.　　Do the citizens of South Africa enjoy multilingualism as one of their rights in the country?

Table 3.24: Opinions of lawyers on multilingualism in South African

Opinion	Percentage of responses	Number of responses
Yes	71%	15
No	19%	4
Not Sure	10%	2
Total	100%	21

The greatest proportion of respondents (71%) believed that South Africans enjoyed multilingualism as one of their rights. 19% did not think so while a small percentage (10%) were not sure.
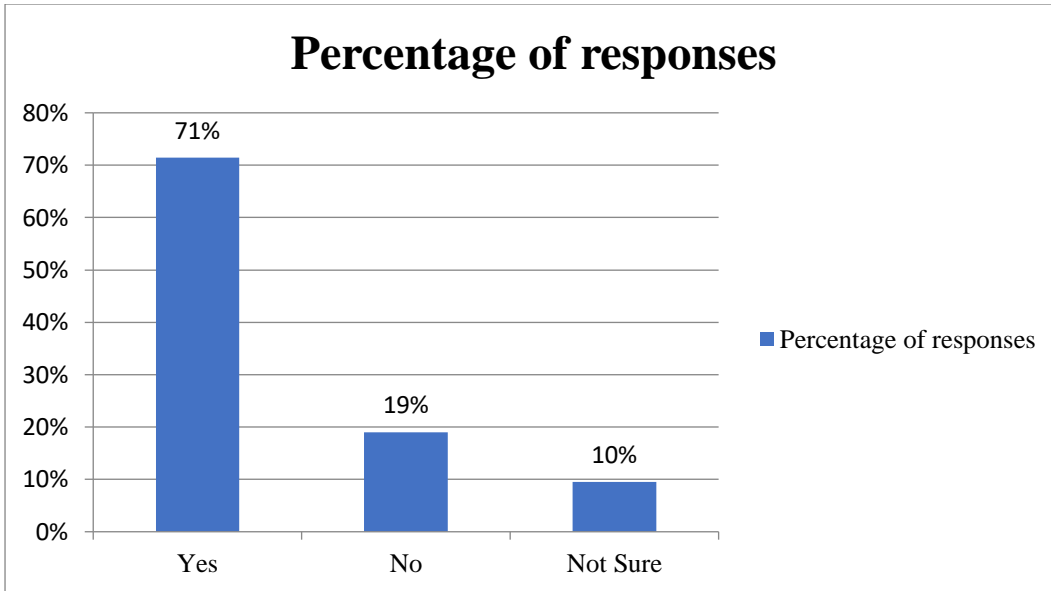
Figure 3.18: Opinions of lawyers on multilingualism in South African

3.2.1.4 Section B: Responses provided by civil servants (group C)

1.   Have you ever read the Constitution of the Republic of South Africa?

Table 3.25: Number of civil servants who read the Constitution

Response	Percentage of responses
Yes	100%
No	0%

100% of the respondents indicated that they had read the Constitution of South Africa.
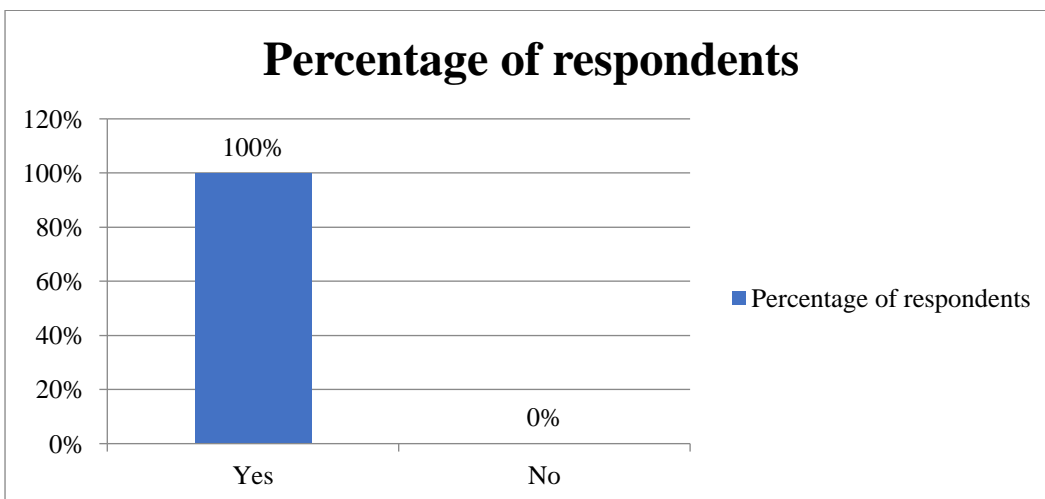
Figure 3.19: Number of civil servants who read the Constitution

2.   Which version of the Constitution do you prefer to read?

Table 3.26: The version of the Constitution preferred by civil servants

Version	Number of respondents
English	18
Sepedi	1
Xitsonga	1
Total	20

The majority of respondents 82% indicated that they preferred to read the English Constitution. Sepedi and Xitsonga each had one respondent who would show preference for it. The English version was the most preferred version.
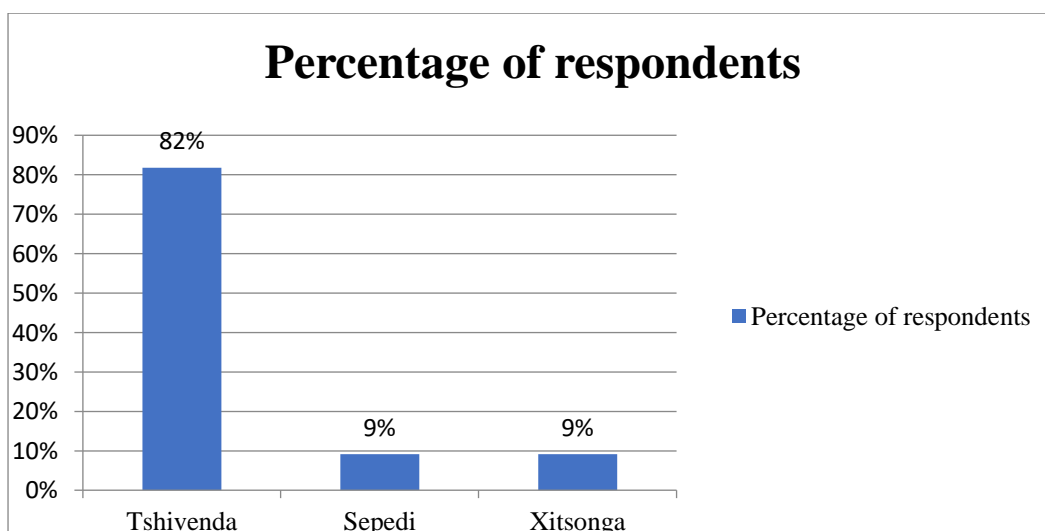
Figure 3.20: The version of the Constitution preferred by civil servants

3.   How often do you read the Constitution?

Table 3.27: Civil servants' frequency of reading the Constitution

Frequency of reading	Number of respondents
Sometimes	4
Regularly	6
Frequently	6
All the time	3
Rarely	3
Total	22

28% of the respondents spread equally indicated that they refer to the Constitution frequently and regularly. 18% indicated they would refer to it sometimes while the remaining 13% respondents were spread equally between "rarely" and "all the time".
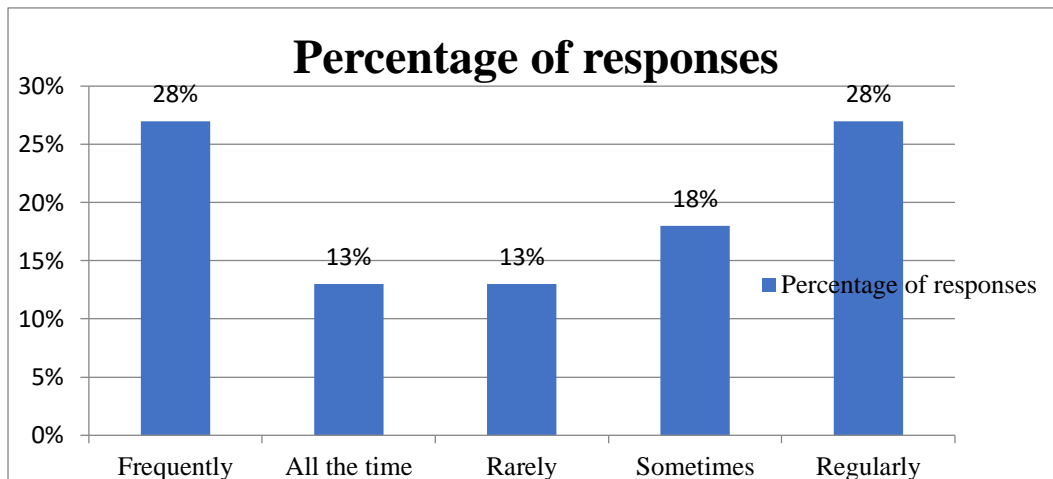
Figure 3.21: Civil servants' frequency of reading the Constitution

4. At your workplace, do you have access to the translated version of the Constitution?

Table 3.28: Civil servants' access to the translated Constitution in the workplace

Response	Number of responses
Yes	9
No	8
Total	17

53% of the respondents indicated that they did have access to the translated Constitution at their workplaces. The remaining 47% indicated that they did not have access to the translated Constitution at their workplaces.
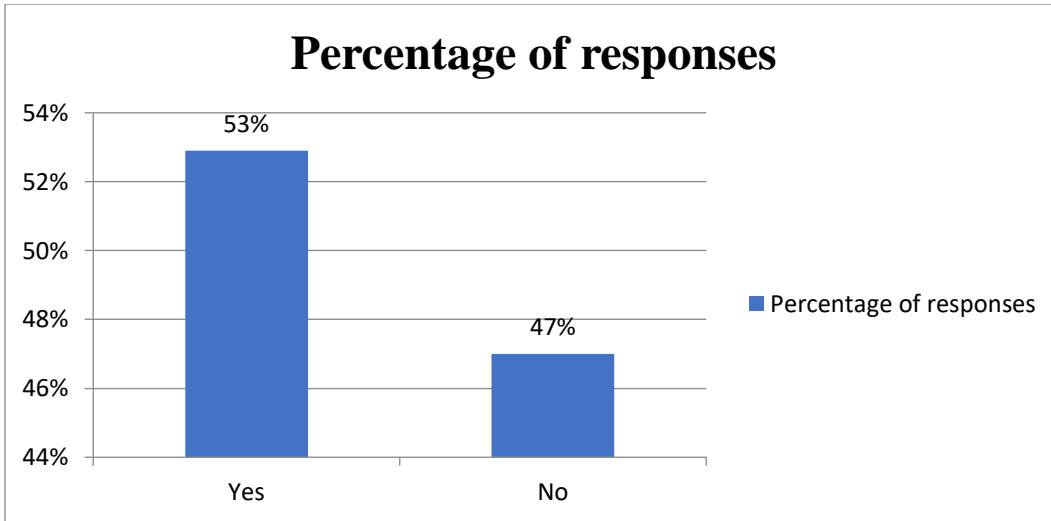
Figure 3.22: Civil servants' access to the translated Constitution in the workplace

5.   Do you have a translated version of the Constitution in your own language?

Table 3.29: Number of civil servants who owned a translated Constitution

Response	Number of responses
Yes	9
No	7
Total	16

56% of respondents had the Constitution in their own language, the remaining 44% did not have access to the translated version in their own language.
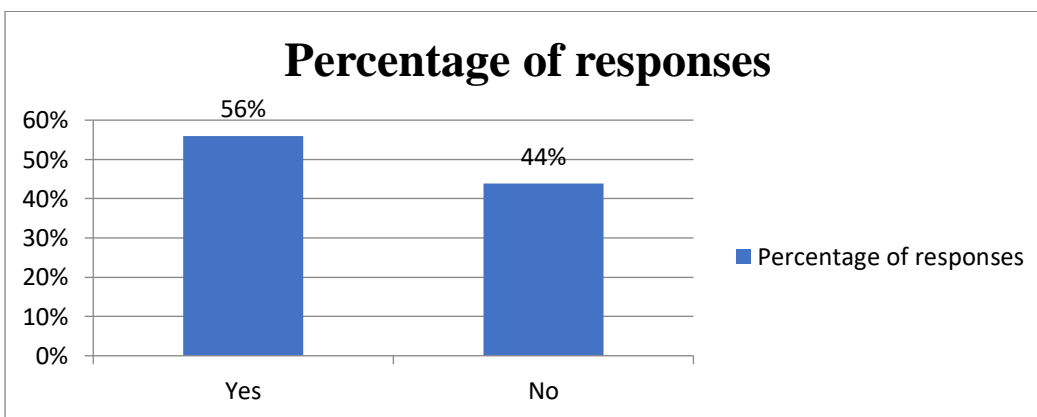
Figure 3.23: Number of civil servants who owned a translated Constitution

6.   In your opinion, did the translators of the Constitution consider that the South African laws emanated from Roman-Dutch law, while translating the Constitution?

Table 3.30: Opinions of civil servants on the consideration of South African laws having emanated from Roman-Dutch law by translators while translating the Constitution

Response	Number of responses
Yes	12
No	0
Not sure	6
Total	18

67% of the civil servant respondents believed that translators of the Constitution had considered that the South African law had emanated from the Roman-Dutch law during the translation process. 33% of the respondents were not sure if the translators had considered that the South African law had emanated from Roman-Dutch law during translation of the Constitution.
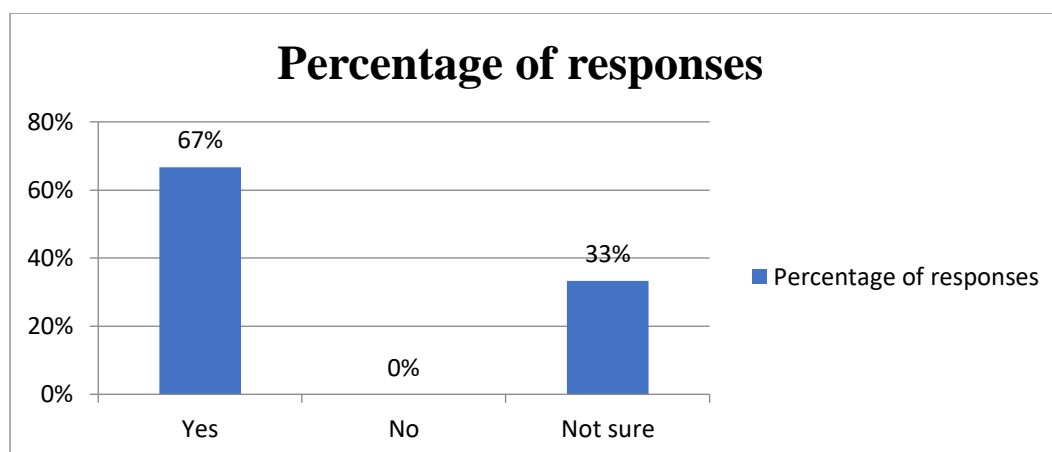
Figure 3.24: Opinions of civil servants on the consideration of South African laws having emanated from Roman-Dutch law by translators while translating the Constitution

7.   Is there any need to review the translated version of the Constitution? If so, state the reason for your opinion.

Table 3.31: Opinions of civil servants on the need to review the translated Constitution

Response	Number of responses
Yes	9
No	5
Not sure	4
Total	18

50% of respondents believed that there was need for the translated version of the Constitution to be reviewed (Reason not provided). 28% felt that there was no need for the translated version to be reviewed (Reason not provided) while 22% were not sure if the translated version of the Constitution needed to be reviewed (Reason not provided).

Figure 3.25: Opinions of civil servants on the need to review the translated version of the Constitution

8.   Do the citizens of South Africa enjoy multilingualism as one of their rights in the country?

Table 3.32: Opinions of civil servants on multilingualism in South Africa

Response	Number of responses
Yes	17
No	1
Total	18

94% of the respondents believed that South Africans enjoy multilingualism as one of their rights. 6% of the civil servant respondents did not believe that South Africans enjoy multilingualism as one of their rights.
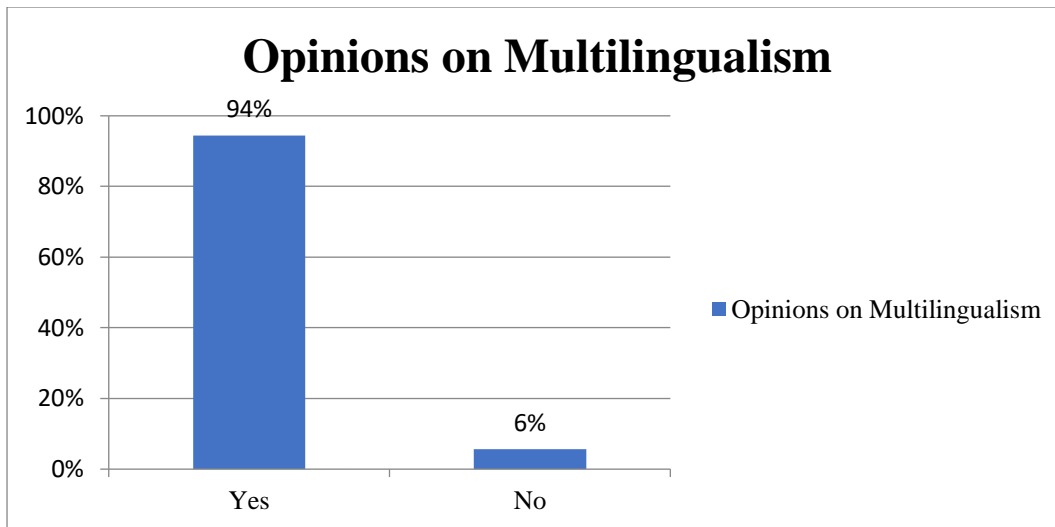
Figure 3.26: Opinions of civil servants on multilingualism as a right in South Africa

9.   Is there a need for the Constitution to be taught in schools?

Table 3.33: Opinions of civil servants on teaching of the Constitution in schools

Response	Number of responses
Yes	18
No	0
Total	18

100% of the civil servant respondents were of the opinion that the Constitution should be taught in schools.
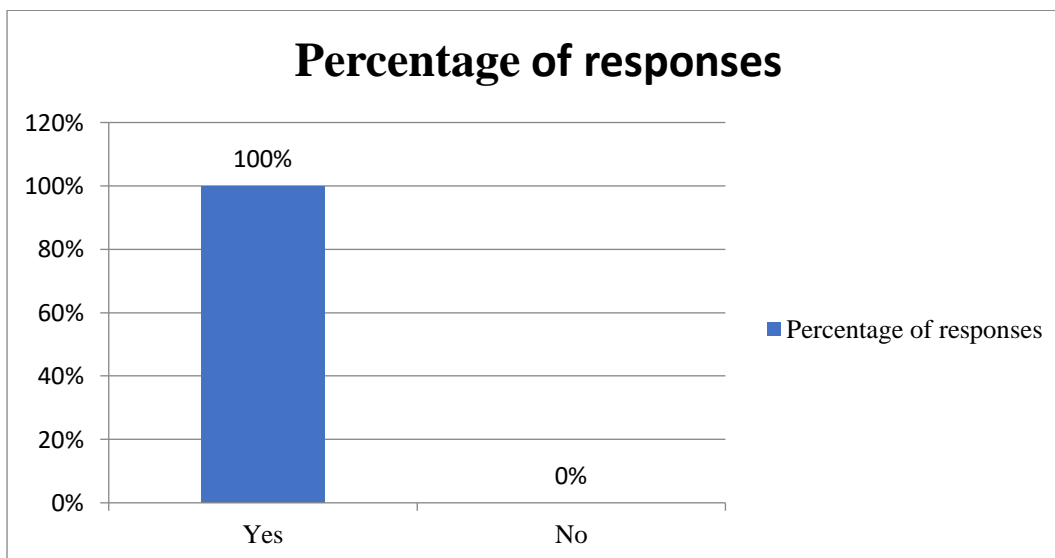
Figure 3.27: Opinions of civil servants on teaching of the Constitution in schools

3.2.1.5 Section B: Responses provided by Teachers (group D)

1.	Have you ever read the Constitution of the Republic of South Africa?

Table 3.34: Number of teachers who read the Constitution of South Africa

Response	Percentage of responses	Number of responses
Yes	95%	19
No	5%	1
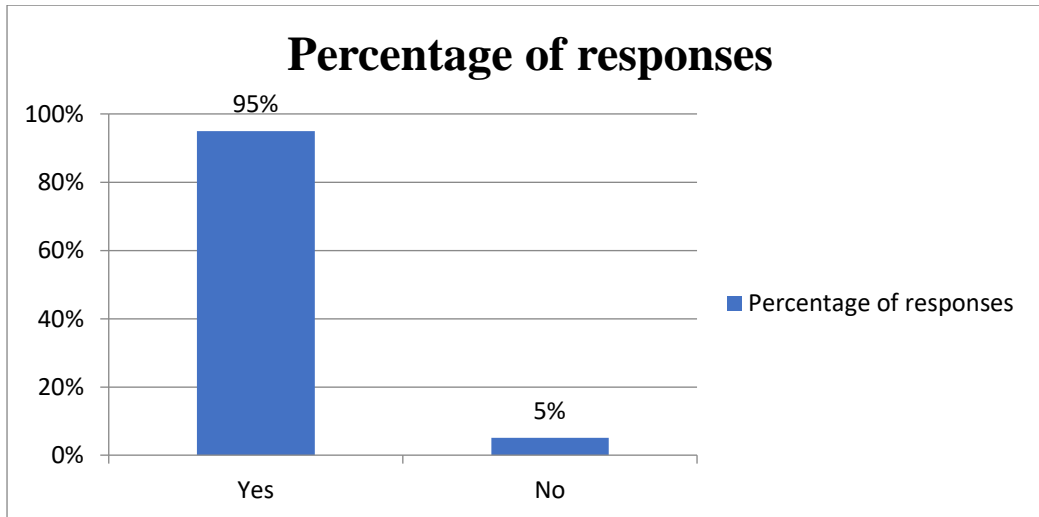
Figure 3.28: Number of teachers who read the Constitution of South Africa

2.	Which version of the translations of the Constitution do you prefer to read?

Table 3.35: Version of the translated Constitution that teachers prefer to read

Version	Percentage of responses	Number of responses
English	82%	14
Tshivenda	12%	2
Sepedi	6%	1
		17
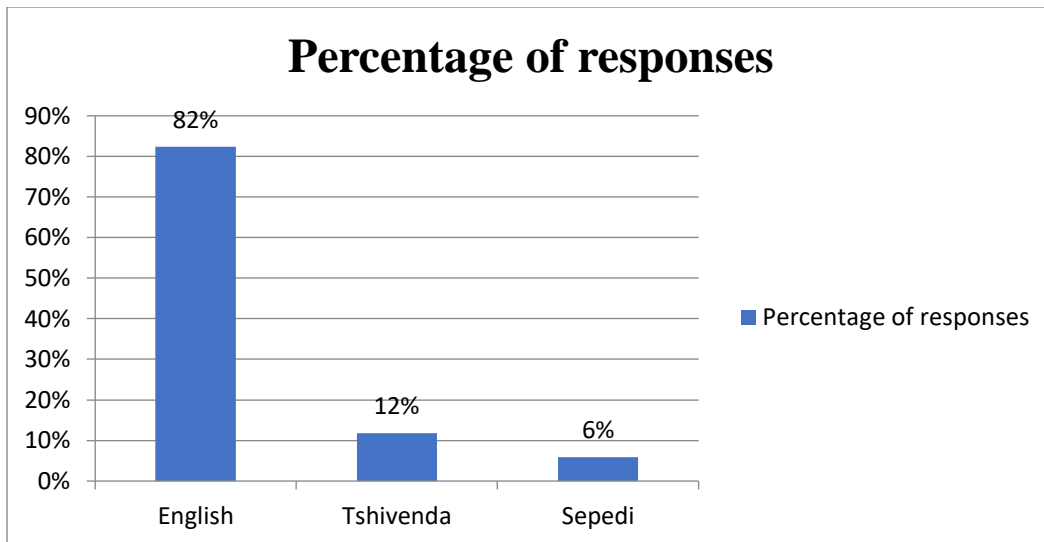
Figure 3.29: Version of the translated Constitution that teachers prefer to read

3.	How often do you refer to the Constitution?

Table 3.36: Number of times teachers refer to the Constitution

Response	Percentage of responses	Number of respondents
Not at all	5%	1
Sometimes	25%	5
Regularly	20%	4
Frequently	10%	2
All the time	15%	3
Rarely	25%	5
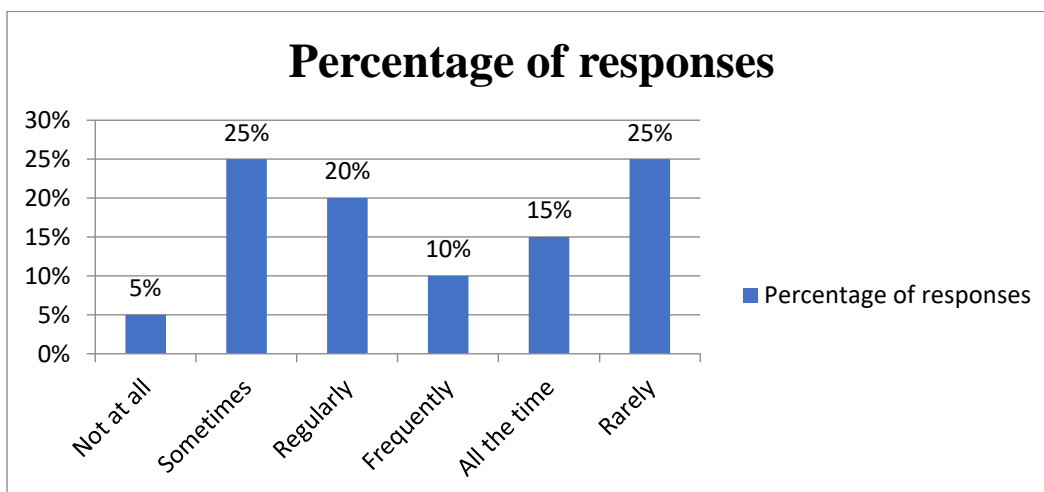
**Figure 3.30: Number of times teachers refer to the Constitution**

4.   At your place of work, is it possible to access the Constitution in different languages?

Table 3.37: Teachers' access to the Constitution in different languages at work

Response	Percentage of responses	Number of respondents
Yes	48%	9
No	52%	10
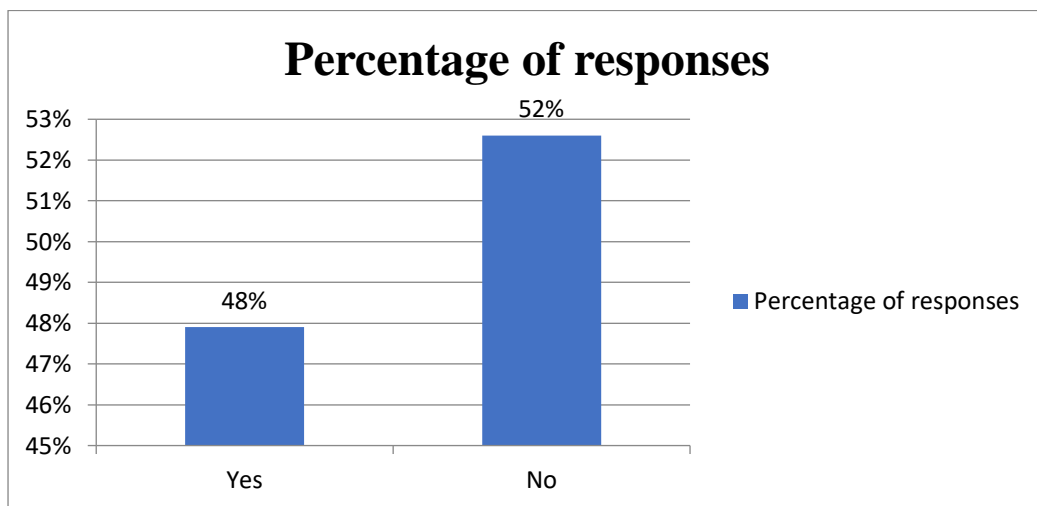
Figure 3.31: Teachers' access to the Constitution in different languages at work

5.   Do you have a translated version of the Constitution in your language?

Table 3.38: Number of teachers in possession of a translated Constitution

Response	Percentage of responses	Number of respondents
Yes	45%	9
No	55%	11
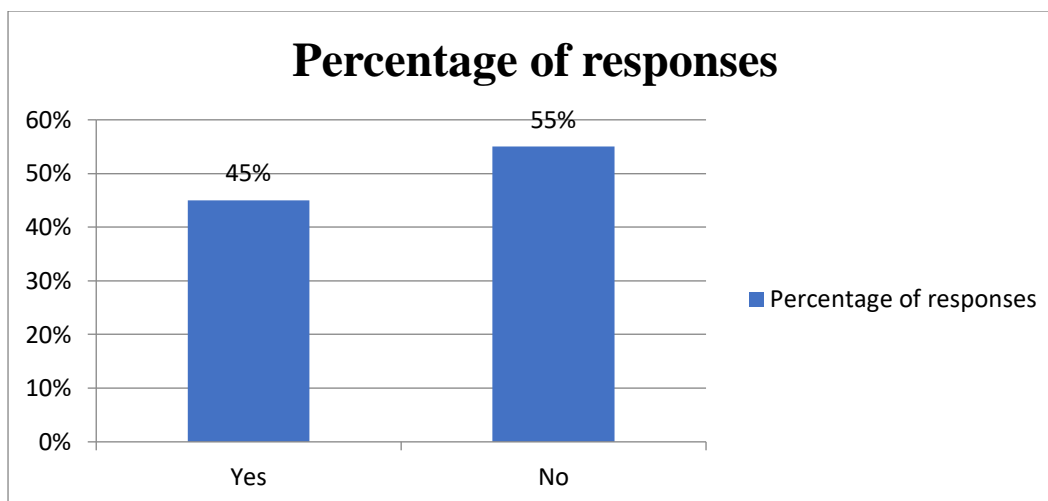
Figure 3.32: Number of teachers in possession of a translated Constitution

6. In your opinion, did the translators of the Constitution consider that the South African laws emanated from Roman-Dutch law, while translating the Constitution?

Table 3.39: Opinions of teachers on the consideration of South African laws having emanated from Roman-Dutch law by translators while translating the Constitution

Opinion	Percentage of responses	Number of respondents
Yes	42%	8
No	11%	2
Not Sure	47%	9
Total	100%	19
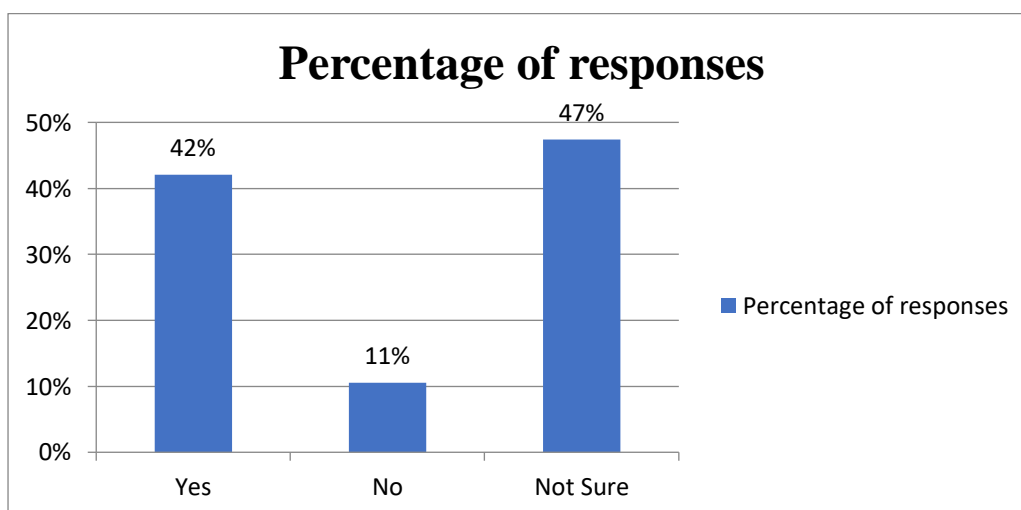
Figure 3.33: Opinions of teachers on the consideration of South African laws having emanated from Roman-Dutch law by translators while translating the Constitution

7. Is there any need to review the translated version of the Constitution?

Table 3.40: Opinions of teachers on the need to review the translated Constitution

Opinion	Percentage of responses	Number of respondents
Yes	50%	10
No	25%	5
Not Sure	25%	5
Total	100%	20
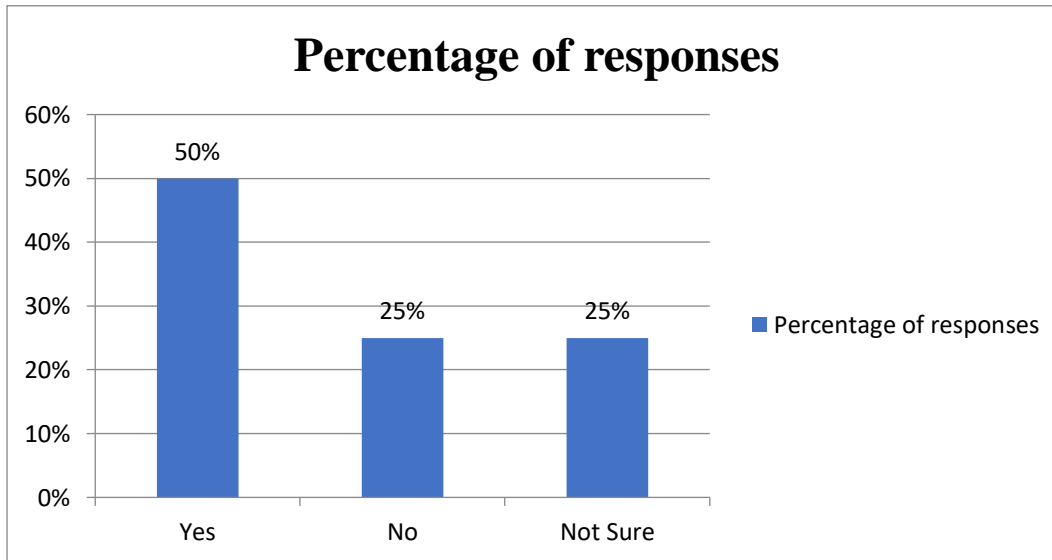
Figure 3.34: Opinions of teachers on the need to review the translated Constitution

8. Do the citizens of South Africa enjoy multilingualism as one of their rights in the country?

Table 3.41: Opinions of teachers on multilingualism in South Africa

Response	Percentage of responses	Number of respondents
Yes	85%	17
No	10%	2
Not Sure	5%	1
Total	100%	20
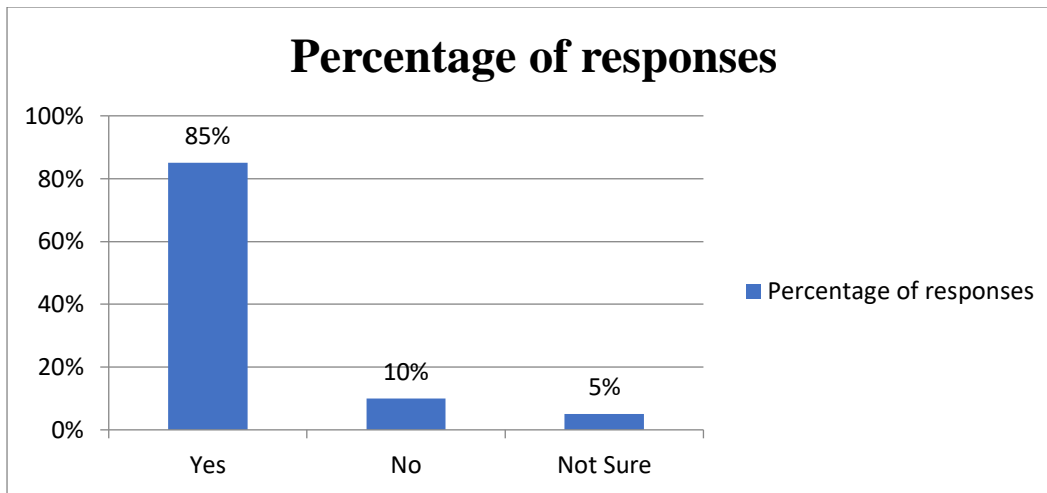
Figure 3.35: Opinions of teachers on multilingualism in South Africa

9. Is there a need for the Constitution to be taught in schools?

Table 3.42: Opinions of teachers on teaching the Constitution in schools

Opinion	Percentage of responses	Number of respondents
Yes	95%	19
No	5%	1
Not Sure	0%	0
Total	100%	20
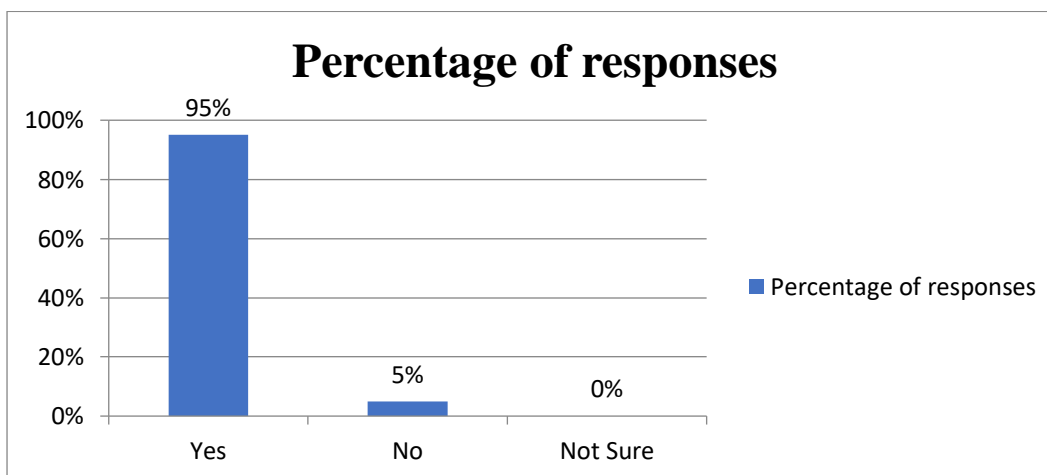
Figure 3.36: Opinions of teachers on teaching the Constitution in schools

3.2.1.6 Section B: Responses provided by Vhavenḓa Citizens (group E)
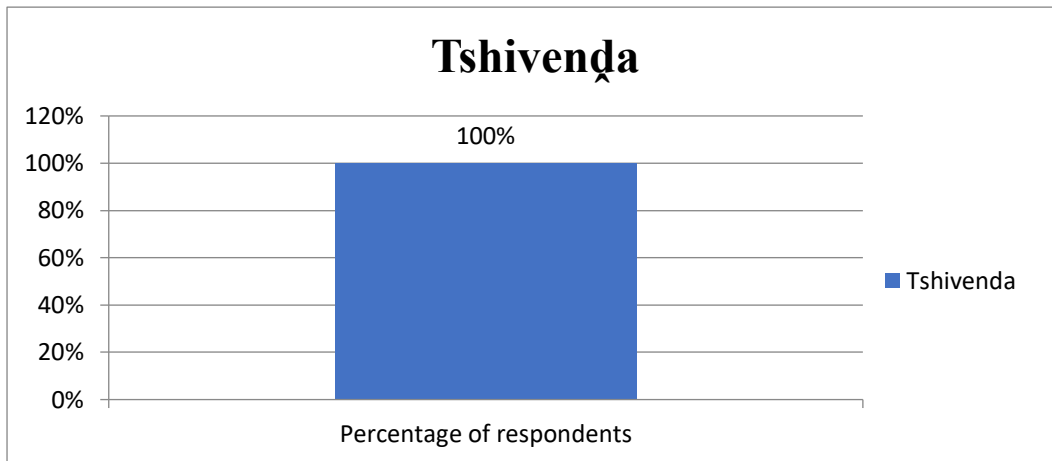
Figure 3.37: Percentage of Vhavenḓa citizen respondents

1.   Have you read the Constitution?

Table 3.43: Number of Vhavenḓa citizens who read the Constitution

Response	Percentage of responses	Number of responses
Yes	95%	20
No	5%	1
Total	100%	21

The majority of the respondents (95%) indicated that they had read the South African Constitution. Only 5% had not read the South African Constitution.
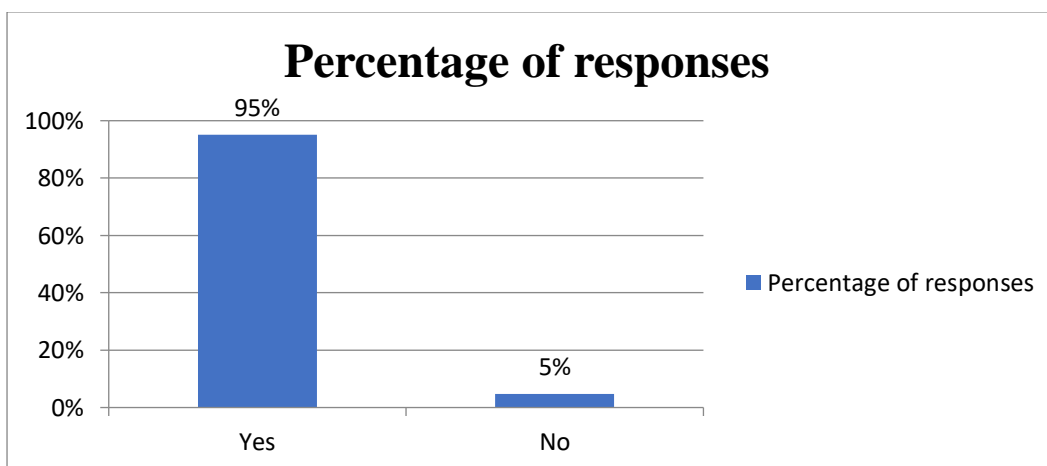
Figure 3.38: Number of Vhavenḓa citizens who read the Constitution

4.   Which version of the Constitution do you prefer to read?

Table 3.44: The version of the Constitution Vhavenḓa citizens prefer to read

Language	Percentage of responses	Number of responses
Tshivenḓa	73%	16
English	27%	6
Total	100%	22

73% of the respondents preferred the Tshivenḓa Constitution, compared to the remaining 27% who showed their preference of the English Constitution.
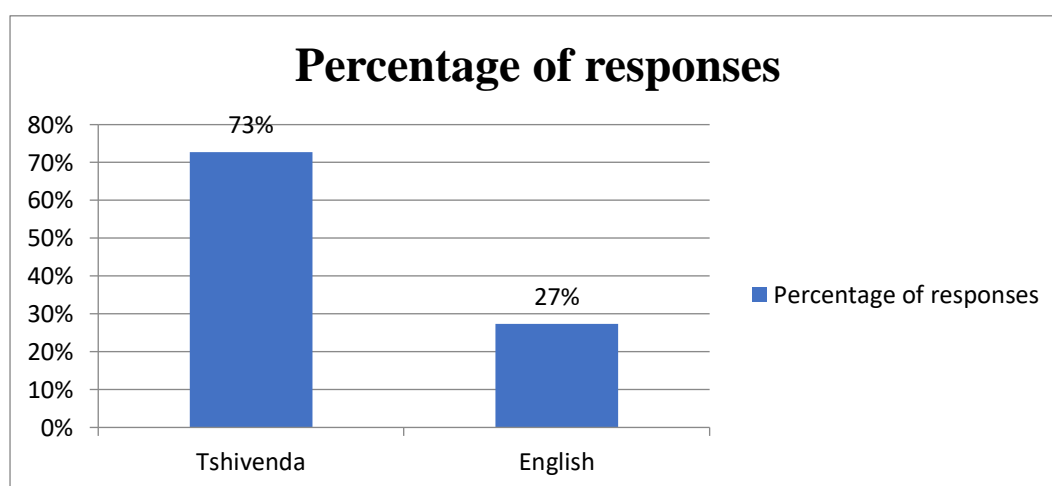

Figure 3.39: The version of the Constitution Vhavenḓa citizens prefer to read

5.   How often do you refer to the Constitution?

Table 3.45: Number of times Vhavenḓa citizens refer to the Constitution

Opinion	Percentage of responses	Number of responses
Not at all	9%	2
Sometimes	46%	10
Regularly	27%	6
Frequently	9%	2
Rarely	9%	2
Total	100%	22

46% of the respondents indicated that they would read the Constitution sometimes. Another 27% read the Constitution regularly. The readership of the Constitution in this group was high. Results show that 82% of the respondents would either read the Constitution sometimes, regularly or frequently.
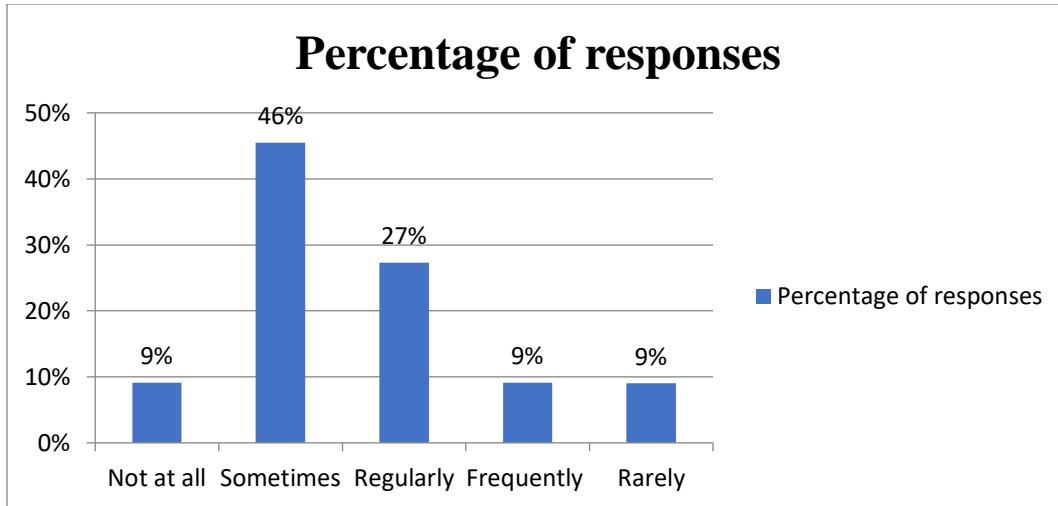
Figure 3.40: Number of times Vhavenḓa citizens refer to the Constitution

4. At your workplace do you have the translated version of the Constitution?

Table 3.46: Vhavenḓa citizens' access to the translated Constitution in the workplace

Opinion	Percentage of responses	Number of responses
Yes	36%	8
No	64%	14
Total	100%	22

64% of the respondents indicated they did not have the translated version of the Constitution at their workplaces while the remaining 36% indicated that they had access at their workplaces.
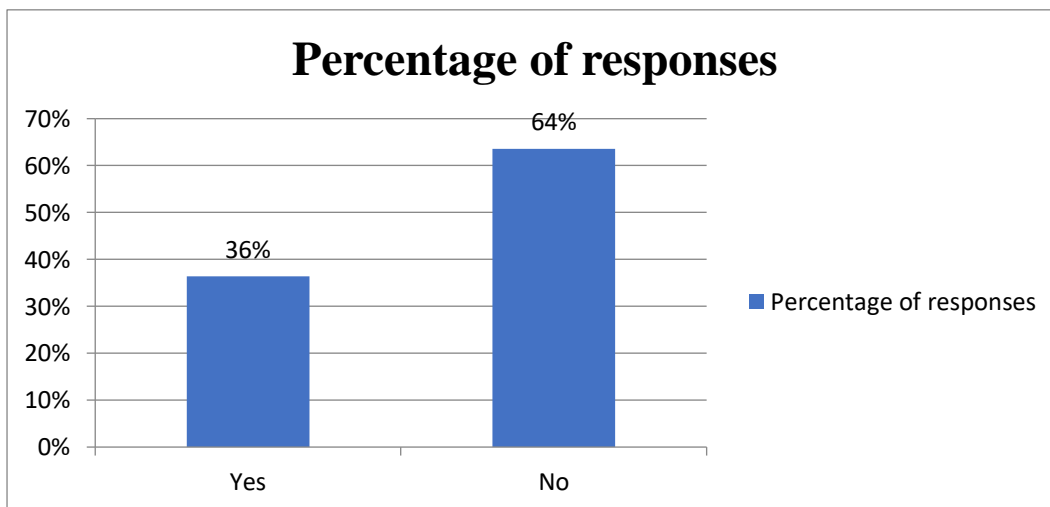
Figure 3.41: Vhavenḓa citizens' access to the translated Constitution in the workplace

5.   Do you have the translated version of the Constitution?

Table 3.47: Vhavenḓa citizens who are in possession of the translated Constitution

Opinion	Percentage of responses	Total responses
Yes	68%	15
No	32%	7
Total	100%	22

68% of the respondents in this group indicated that they had the translated version of the Constitution, the remaining 32% did not.
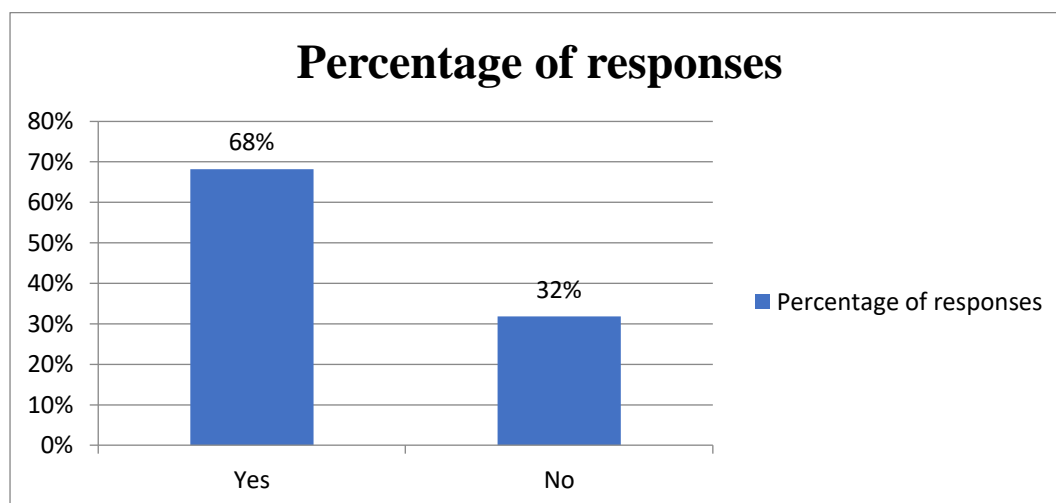
Figure 3.42: Vhavenḓa citizens who are in possession of the translated Constitution

6.   In your opinion, did the translators of the Constitution consider that the South African law emanated from the Roman-Dutch law?

Table 3.48: Opinions of Vhavenḓa citizens on the consideration of South African laws having emanated from the Roman-Dutch law by the translators of the Constitution

Opinion	Percentage of responses	Number of responses
Yes	59%	13
No	9%	2
Not Sure	32%	7
Total	100%	22

59% of the Vhavenḓa citizen respondents believed that translators of the Constitution had considered that the South African law had emanated from the Roman-Dutch law during the translation process. 32% of the respondents were not sure while the other 9% did not think that

the translators had considered that the South African law had emanated from Roman-Dutch law during translation.
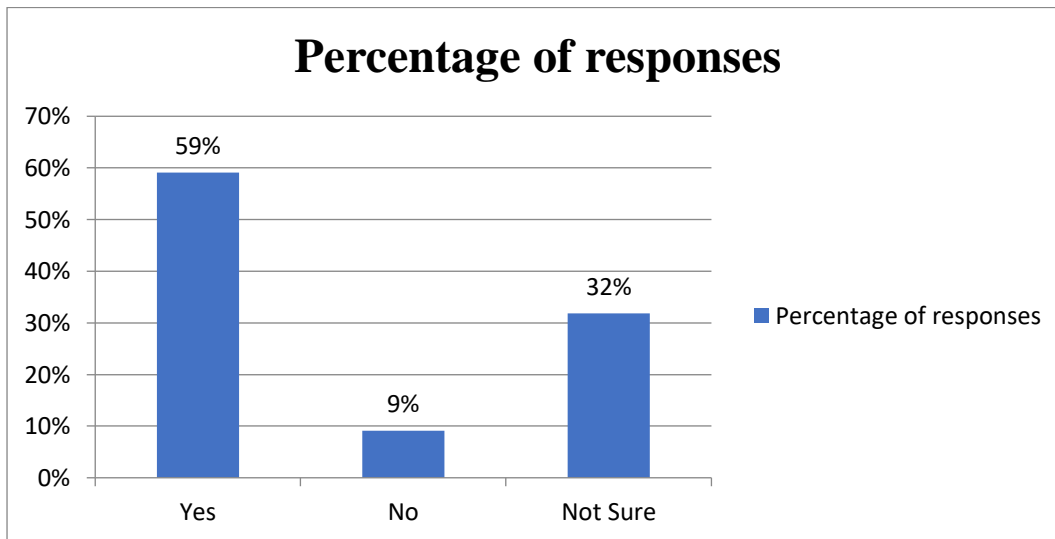
Figure 3.43: Opinions of Vhaveṋḓa citizens on the consideration of South African laws having emanated from the Roman-Dutch law by the translators of the Constitution

7.   Is there any need to review the Constitution?

Table 3.49: Opinions of Vhaveṋḓa citizens on the need to review the Constitution

Opinion	Percentage of responses	Number of responses
Yes	73%	16
No	9%	2
Not Sure	18%	4
Total	100%	22

The majority of respondents 73% believed that there was need for the translated version to be reviewed. 18% were not sure while only 9% felt that there was no need for the translated version to be reviewed.
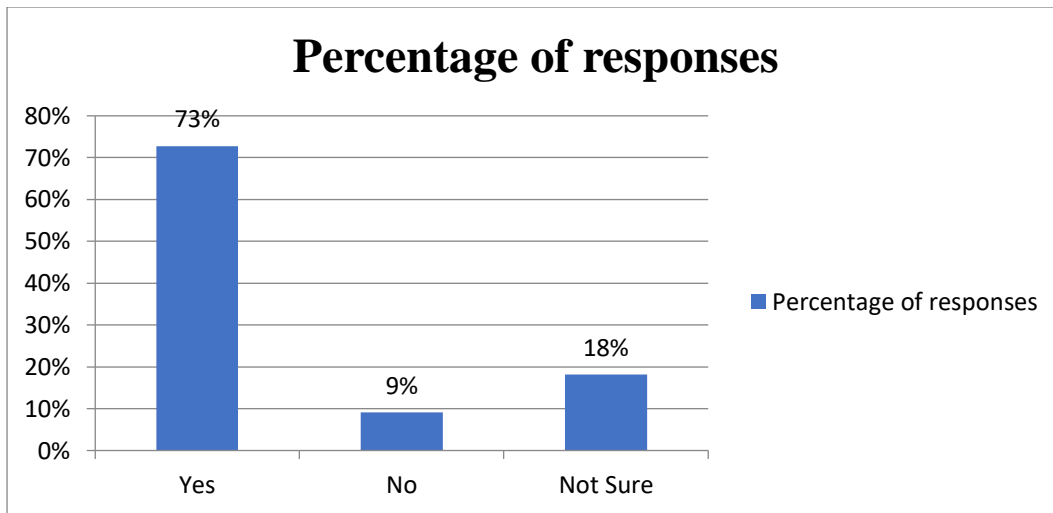
Figure 3.44: Opinions of Vhavenḓa citizens on the need to review the Constitution

8.   Do the citizens enjoy multilingualism as one of their rights?

Table 3.50: Opinions of Vhavenḓa citizens on multilingualism in South Africa

Opinion	Percentage of responses	Number of responses
Yes	64%	14
No	32%	7
Not Sure	4%	1
Total	100%	22

64% of the respondents believed that South Africans enjoy multilingualism as one of their rights. 32% felt that they did not enjoy multilingualism while only 4% were not sure.
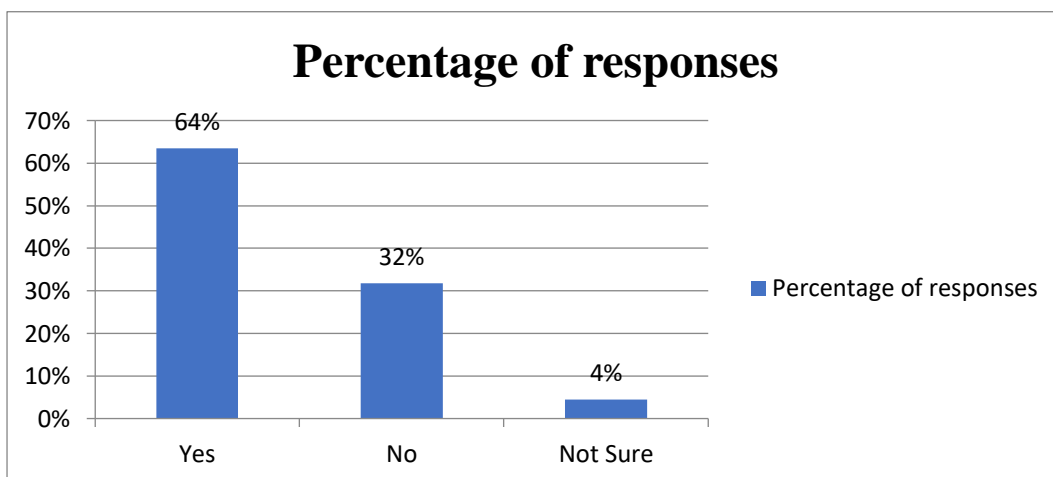
Figure 3.45: Opinions of Vhavenḓa citizens on multilingualism in South Africa

9.   Is there a need for the Constitution to be taught in schools?

Table 3.51: Opinions of Vhavenḓa citizens on teaching the Constitution in schools

Response	Percentage of responses	Number of responses
Yes	96%	21
No	4%	1
Total	100%	22

21 of the 22 respondents were of the opinion that the Constitution should be taught in schools. This was equivalent to 96% of the respondents. Only one respondent 4% did not think so.
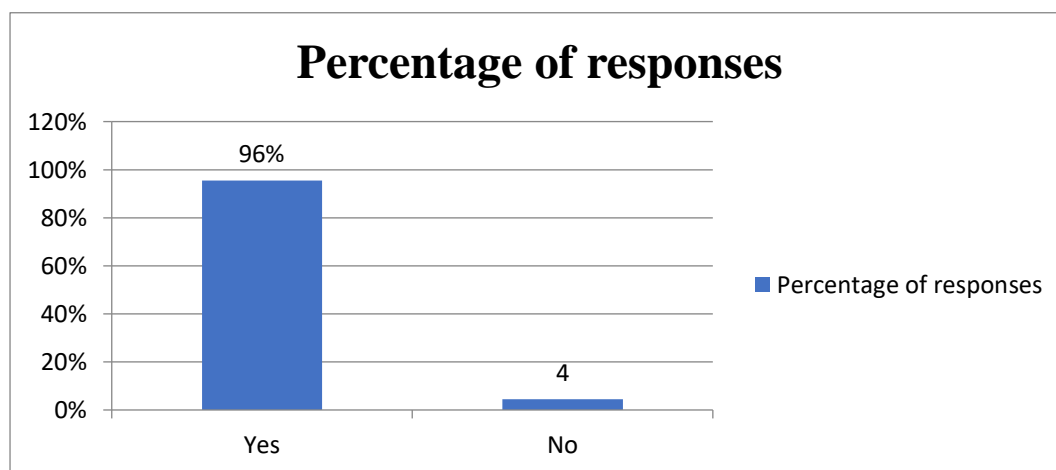
**Figure 3.46: Opinions of Vhavenḓa citizens on teaching the Constitution in schools**

3.2.1.7 Section B: Responses provided by Students (group F)

1. Have you ever read the Constitution of the Republic of South Africa?

Table 3.52: Number of students who read the Constitution of South Africa

Response	Percentage of respondents	Number of respondents
Yes	75%	15
No	25%	5
Total	100%	20

75% of the respondents indicated that they had read the South African Constitution while only 25% had not.
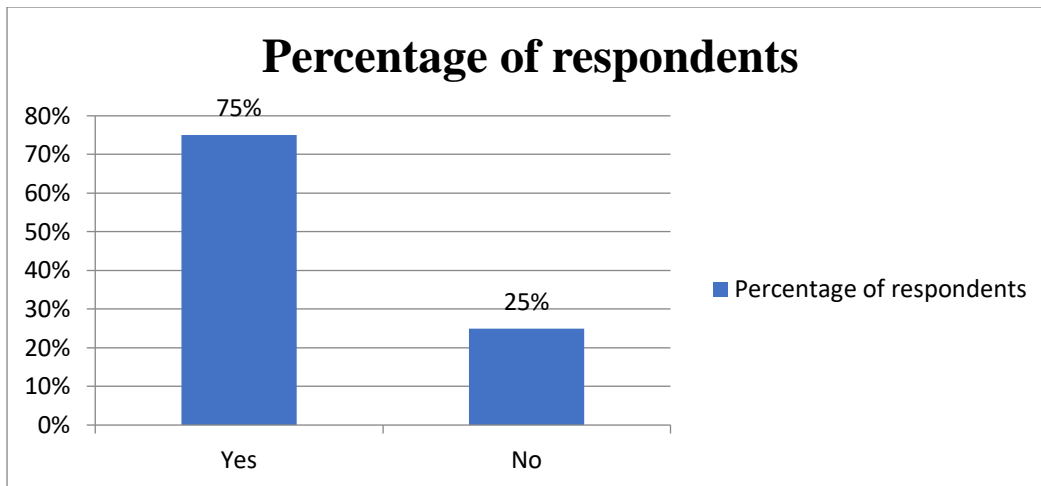
Figure 3.47: Number of students who read the Constitution of South Africa

2. Which version of the translations of the Constitution do you prefer to read?

Table 3.53: Version of the translated Constitution that students prefer to read

Language	Percentage of respondents	Number of respondents
Tshivenḓa	10%	2
English	90%	18
Total	100%	20

Students overwhelmingly preferred the English version of the Constitution. 90% of the respondents preferred the English version while only 10% preferred the Tshivenḓa version of the Constitution.
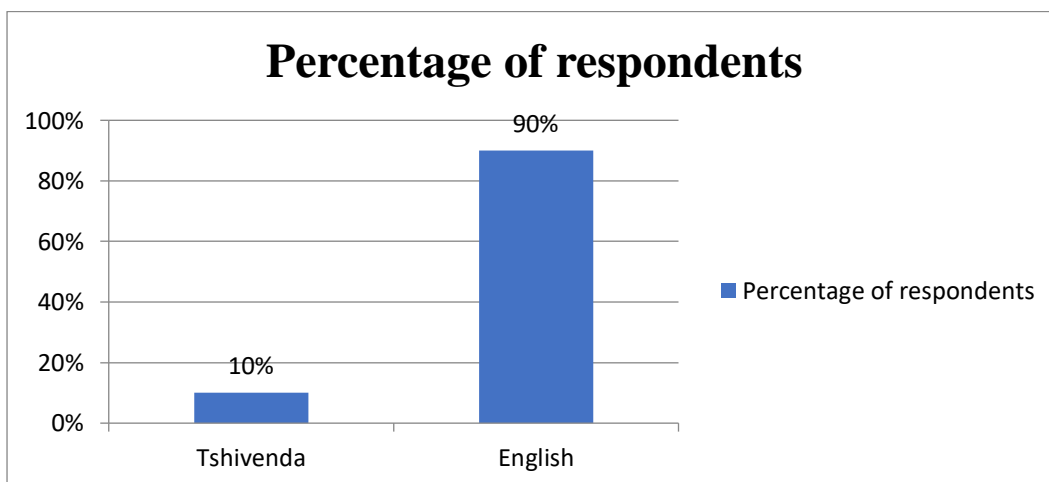
Figure 3.48: Version of the translated Constitution that students prefer to read

3.   How often do you refer to the Constitution?

Table 3.54: Frequency of times students refer to the Constitution

Frequency	Percentage of respondents	Number of respondents
Sometimes	45%	9
Not at all	30%	6
Rarely	10%	2
All the time	10%	2
Frequently	5%	1
Total	100%	20

Students showed through their responses that the propensity to read the Constitution among them was low, 45% would read it sometimes, and 30% would not read it at all. 10% rarely read it. 10% read it all the time and 5% of the respondents read it frequently.
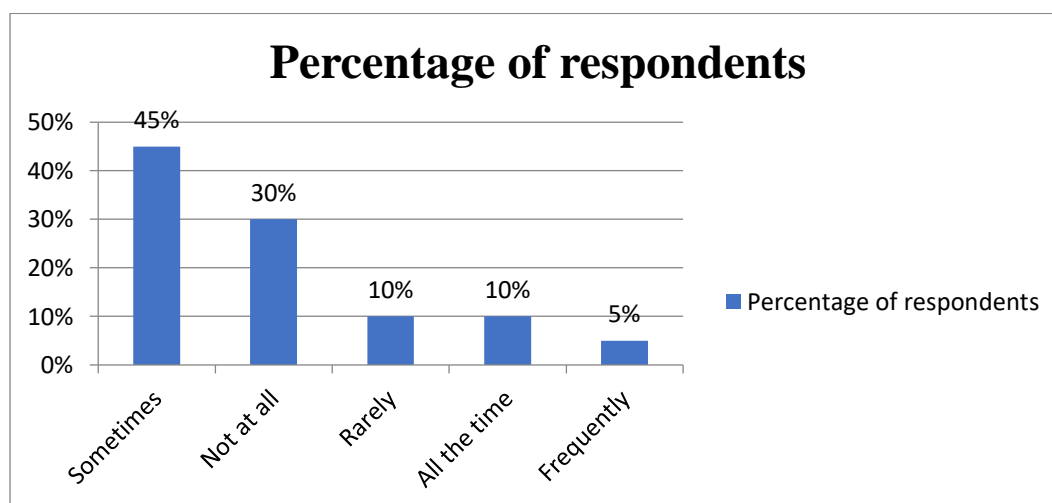
Figure 3.49: Frequency of Constitution reference by students

4.   At your place institution, is it possible to access the Constitution in different languages?

Table 3.55: Students' access to the Constitution in different languages

Response	Percentage of responses	Number of responses
Yes	45%	9
No	55%	11
Total	100%	20

Students were asked if they had access to the Constitution but in different languages at their workplace. Nine respondents indicated they had access to the Constitution in different

languages and 11 respondents indicated they had no access to the Constitution in different languages. This translates into 45% and 55% proportions respectively.
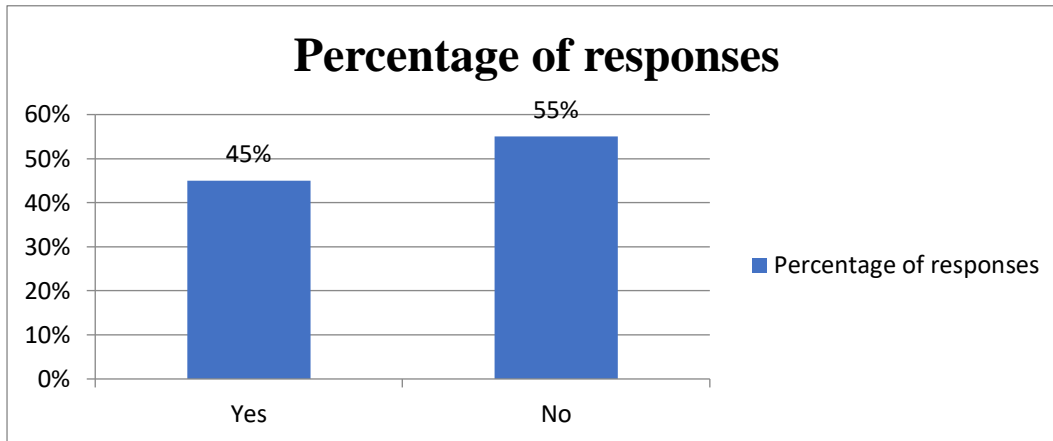
Figure 3.50: Students' access to the Constitution in different languages

5.   Do you have a translated version of the Constitution in your language?

Table 3.56: Students in possession of the translated Constitution in their home language

Response	Percentage of responses	Number of responses
Yes	25%	5
No	75%	15
tOTAL	100%	20

The majority of student respondents (75%) did not have the translated version of the Constitution. The remainder (25%) did have the translated version.
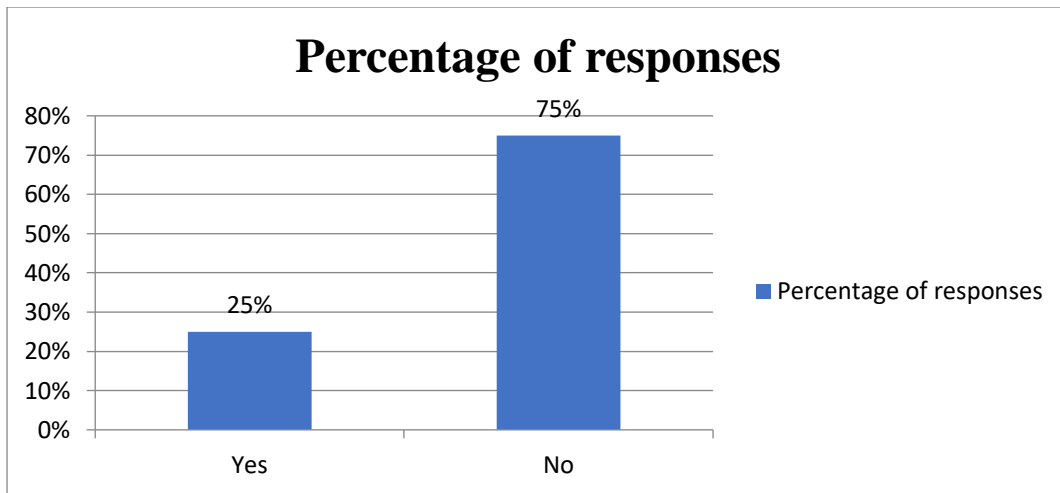
Figure 3.51: Students in possession of the translated Constitution in their home language

6.   In your opinion, did the translators of the Constitution consider that the South African laws emanated from Roman-Dutch law, while translating the Constitution?

Table 3.57: Opinions of students on the consideration of South African laws having emanated from Roman-Dutch law by the translators of the Constitution

Response	Percentage of responses	Number of respondents
Yes	35%	7
No	20%	4
Not Sure	45%	9
Total	100%	20

There was no consensus among respondents when it came to their opinions on this question. 45% were not sure if translators of the Constitution had considered that the South African law had been developed from the Roman-Dutch law. Another 35% believed that translators had considered the fact that South African law came from the Roman-Dutch law. 20% thought the translators had not considered that fact. The views were quite spread.
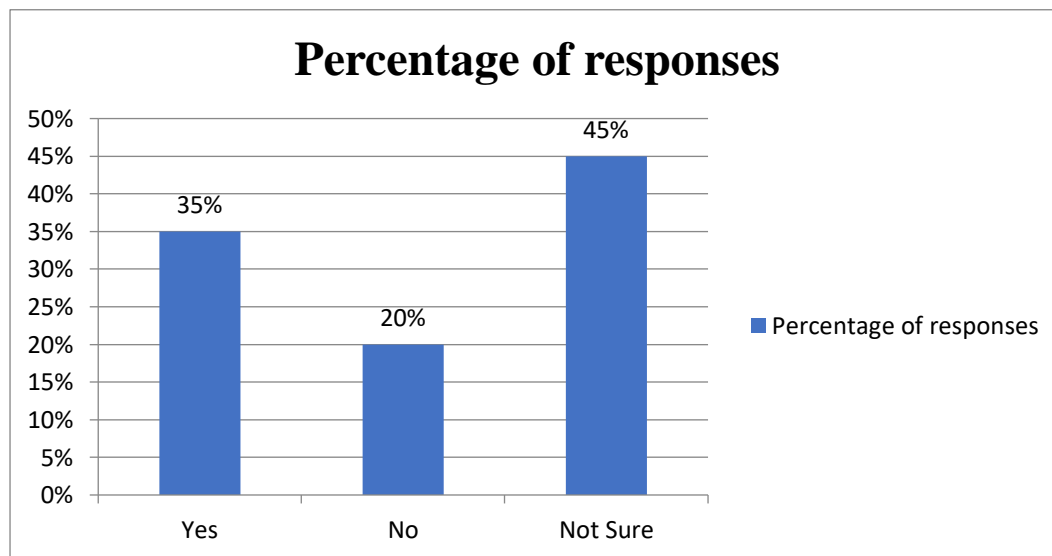
Figure 3.52: Opinions of students on the consideration of South African laws having emanated from Roman-Dutch law by the translators of the Constitution

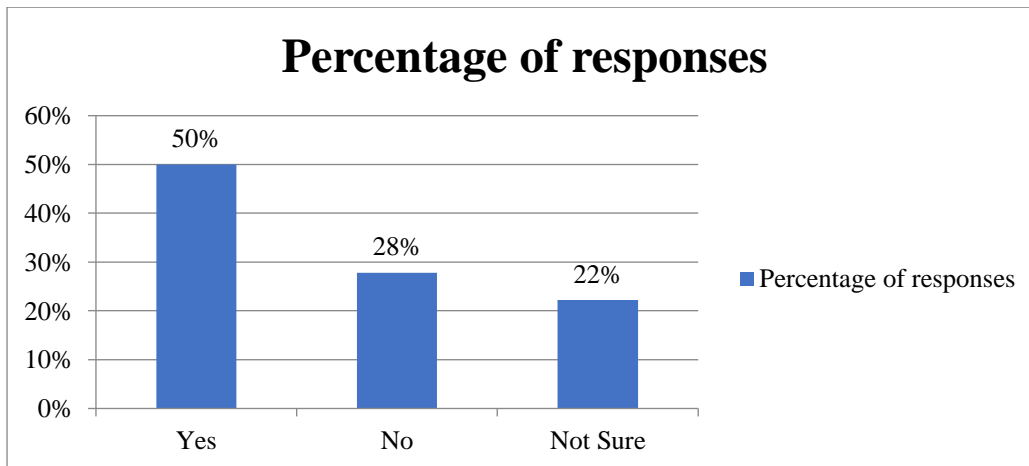7.   Is there any need to review the translated version of the Constitution?

Table 3.58: Opinions of students on the need to review the translated Constitution

Response	Percentage of responses	Number of respondents
Yes	25%	5
No	50%	10
Not Sure	25%	5
Total	100%	20

50% of the respondents believed that there was no need for reviewing the translated version of the Constitution. The remaining 50% respondents were spread equally between "Yes" and "Not Sure".
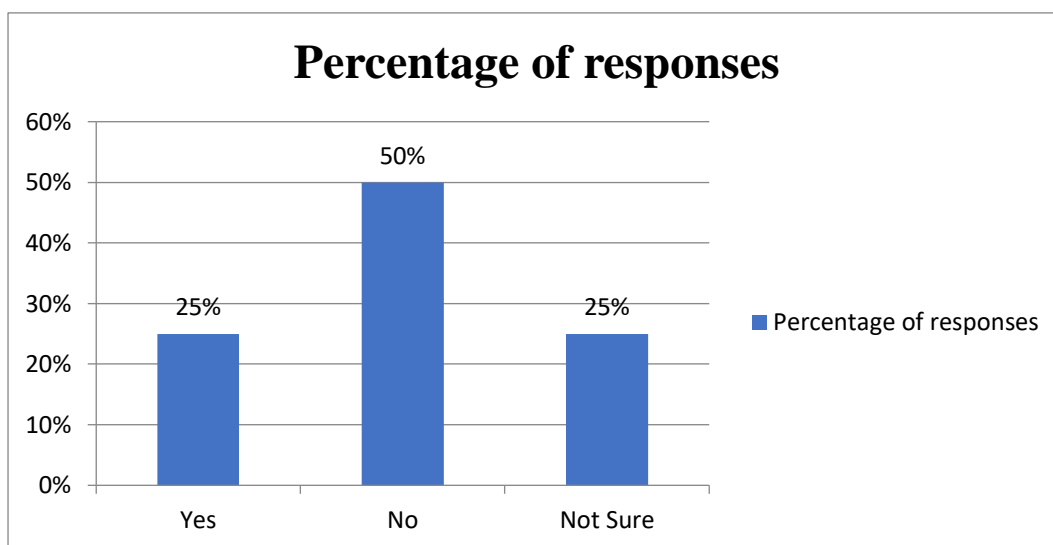

Figure 3.53: Opinions of students on the need to review the translated Constitution

8.   Do the citizens of South Africa enjoy multilingualism as one of their rights in the country?

Table 3.59: Opinions of students on multilingualism in South Africa

Response	Percentage of responses	Number of responses
Yes	80%	16
No	20%	4
Total	100%	20

16 of the student respondents (80%) believed that South Africans enjoyed multilingualism as one of their rights in the country. The remaining 20% did not think so.
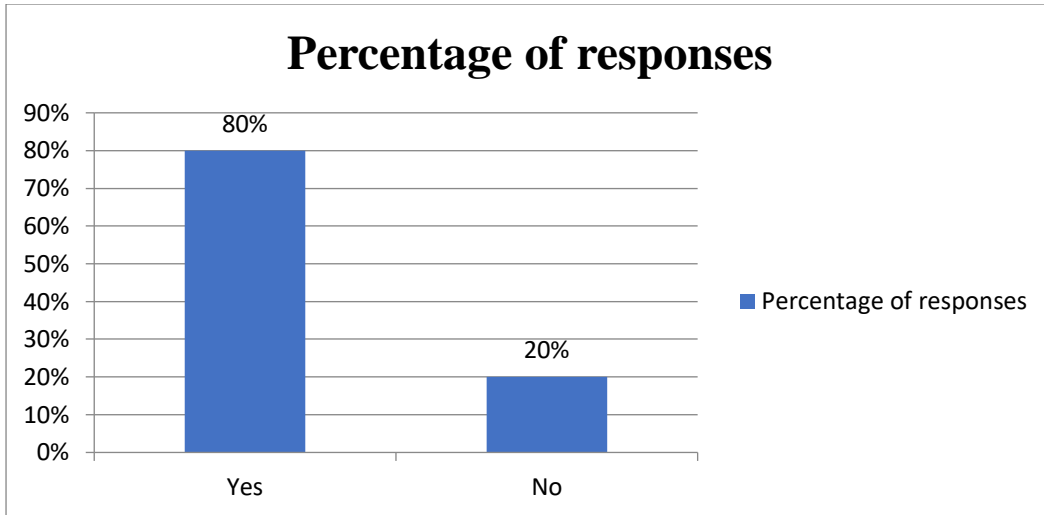
Figure 3.54: Opinions of students on multilingualism in South Africa

9.   Is there a need for the Constitution to be taught in schools?

Table 3.60: Opinions of students on teaching the Constitution in schools

Response	Percentage of responses	Number of respondents
Yes	100%	20
No	0%	0
Total	100%	20

100% of the students believed that there was need for the Constitution to be taught in schools.
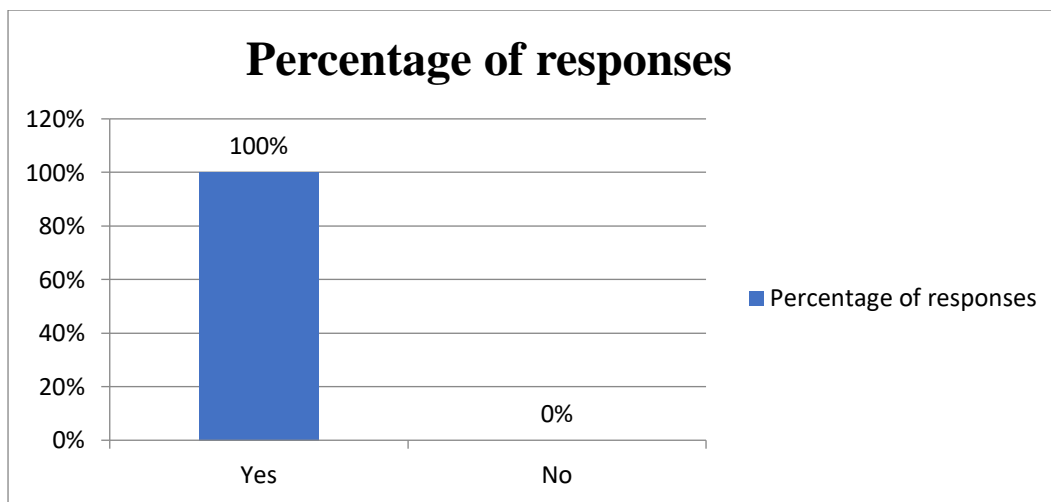
Figure 3.55: Opinions of students on teaching the Constitution in schools

3.2.1.8 General interpretation

(i)   Gender of participants
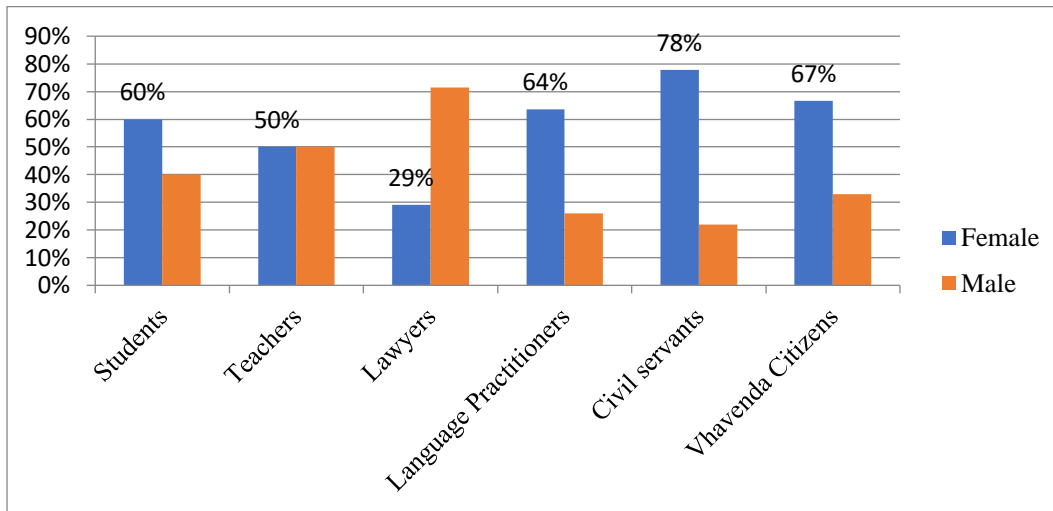
Figure 3.56: Gender of participants

Figure 3.56 above indicates the gender of the participants. All the groups had more female than male participants except for lawyers where 71% of respondents were males. The percentage of the civil servants was 78%, followed by lawyers at 71%, Vhavenda citizens were 67%, language practitioners 64%, students 60% and the least were teachers at 50%.

(ii)   Age groups of participants
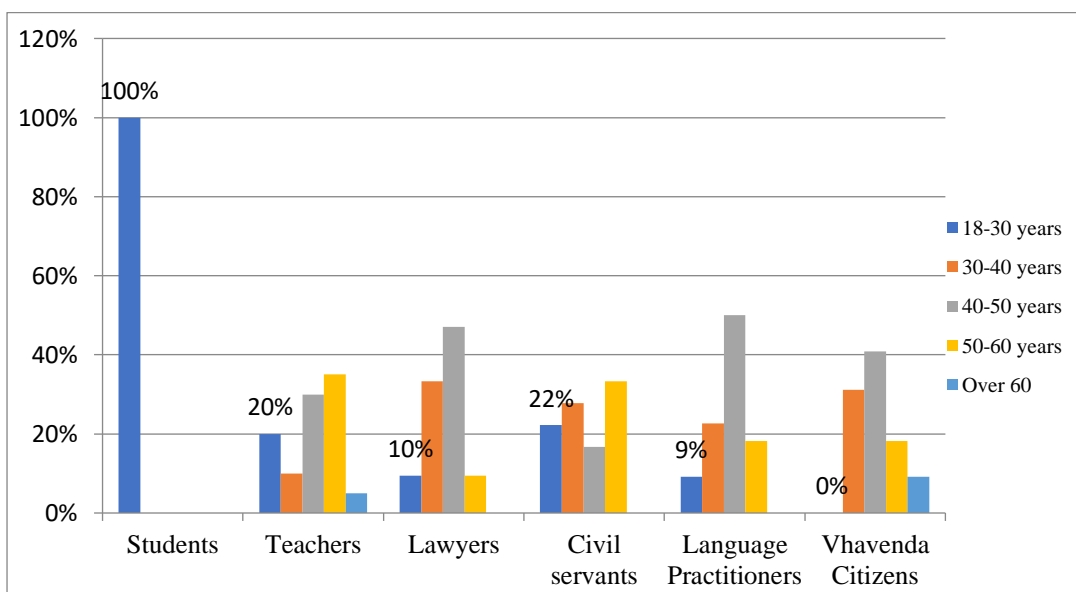
Figure 3.57: Age group of participants

The most dominant age group was the 40-50 years' group with 50%. The following age groups 50-60 years were 35%, 30-40 years 33% and over 60 years 9%. The major outlier group was that of students who all fell under the 18-30 years' group (100%).

(iii)   Qualifications of participants
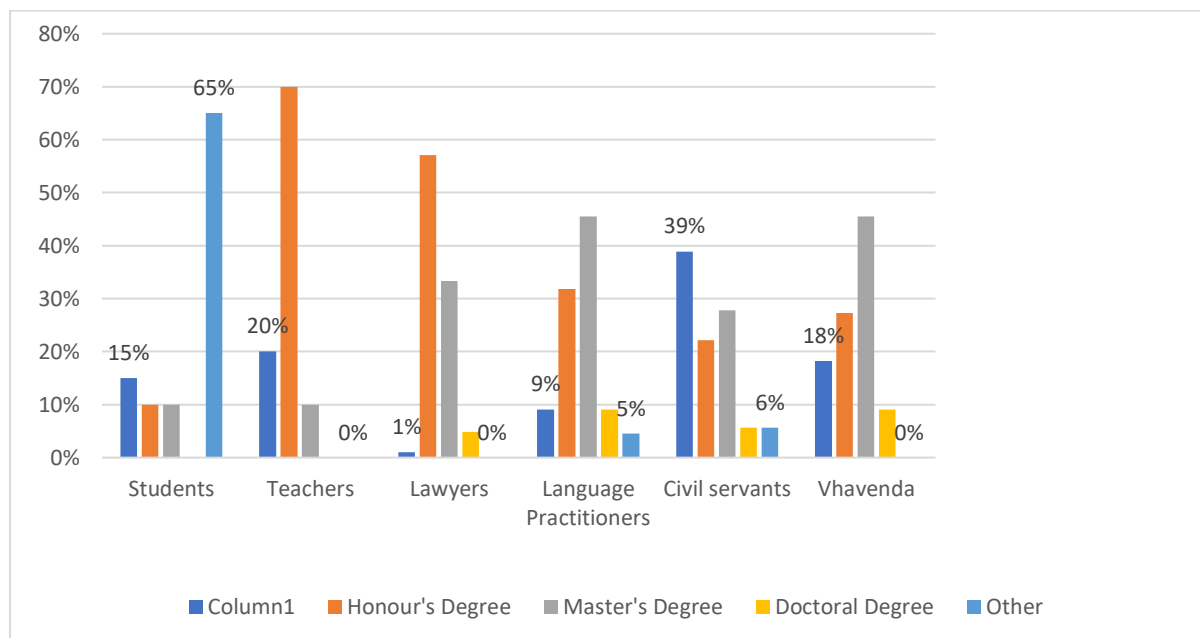
Figure 3.58: Qualifications of participants

The figure above indicates the qualifications of respondents across all the groups as follows: under students 'other' scored the highest frequency of 65% followed by three-year qualifications at 15%, honours and master's degrees scored 10 % respectively. Teachers scored the following frequencies: Honours scored the highest at 70%, three-year qualification degrees scored 20% and master's degrees scored the lowest at 10%. Lawyers scored the highest frequency of 57% of honours degrees, followed by 33% of master's degrees, and lowest frequency of 5% of doctoral degrees and 1% of three year degrees. Language practitioners Master's degree scored the highest frequency of 46% and other scored the lowest at 5%. Civil servants scored the following frequencies: master's degree at 28%, three years qualification at 39%, honour's degree at 22%, doctoral and other degrees scored the lowest frequency of 6%. The Vhavenḓa citizens scored the following frequency: master's degree scored the highest frequency of 46%, followed by honours degree 27%, three years qualifications 18% and 9% which was the lowest frequency scored by those who hold a doctoral degree.

Figure 3.59: Participants' home languages

The majority of the participants in each of the groups were Tshivenḓa speakers. A considerable number were isiZulu speakers at 17%, Setswana 14%, Xitsonga 11%, Afrikaans 10%, English 10%, Sesotho 10%, Sepedi 6%, SiSwati and isiNdebele 5%.

(v)   Reading of the Constitution

A simple question was directed to the participants to determine the proportion of the participants who had read the Constitution and those that had not. Responses are summarised in Figure 3.60 below:
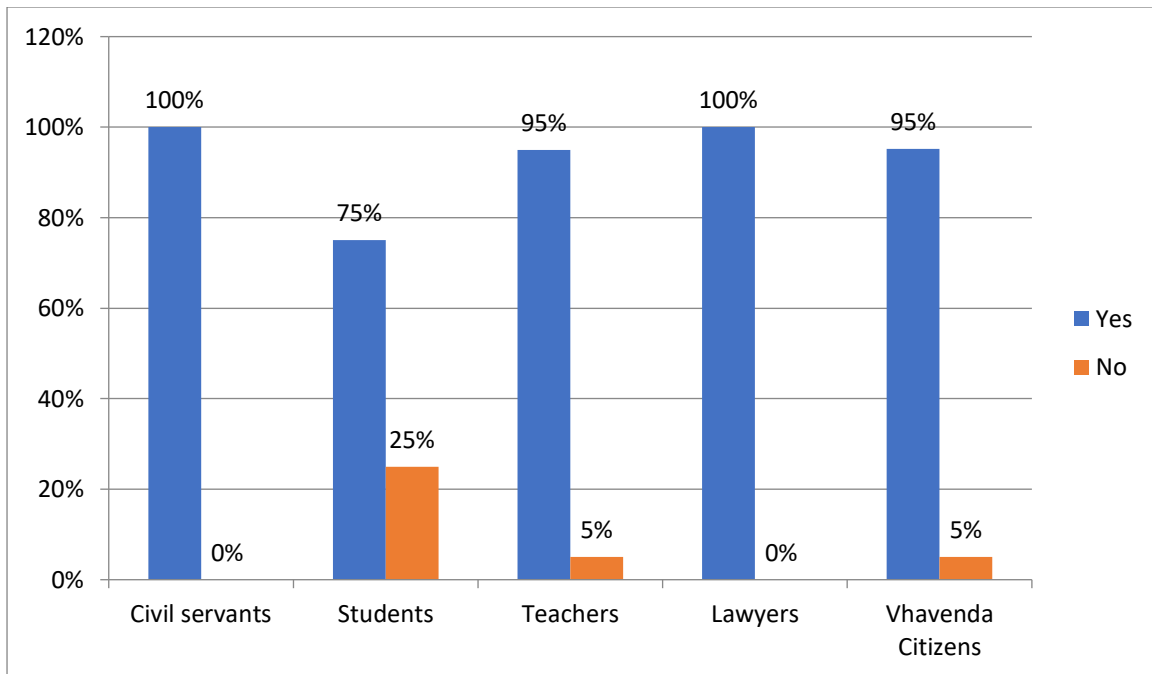
Figure 3.60: Reading of the Constitution

Figure 3.60 above shows that almost all the respondents across the five groups had read the Constitution. Civil servants and lawyers had a score of 100% respectively, followed by teachers and Vhaveṋḓa citizens by 95% respectively. Students had the next highest score of 75%. Those who had not read the Constitution were 25% of the students, followed by teachers and Vhaveṋḓa citizens of whom 5% had not read the Consitution respectively.

(vi)   Versions of the Constitution
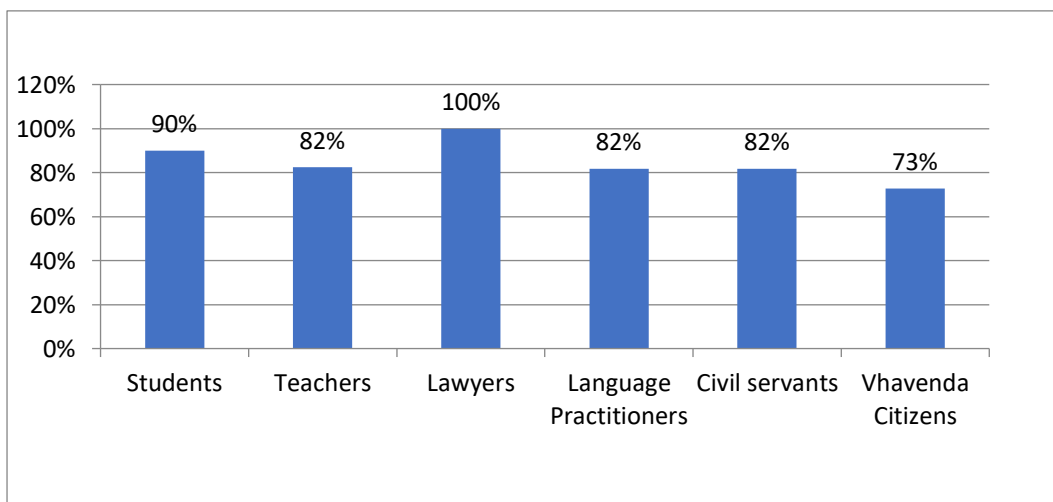
Figure 3.61: Preference of the English version of the Constitution

Data summarised in Figure 3.61 above indicates overwhelmingly the preference of the English version of the Constitution by the respondents. Lawyers scored the highest (100%) while students had 90%. Language practitioners, teachers and civil servants scored 82% and Vhavenḓa citizens scored the lowest at 73%. The English version of the Constitution is the preferred version. Respondents were further probed on how often they would refer to the Constitution. The results are summarised in Figure 3.62 below:
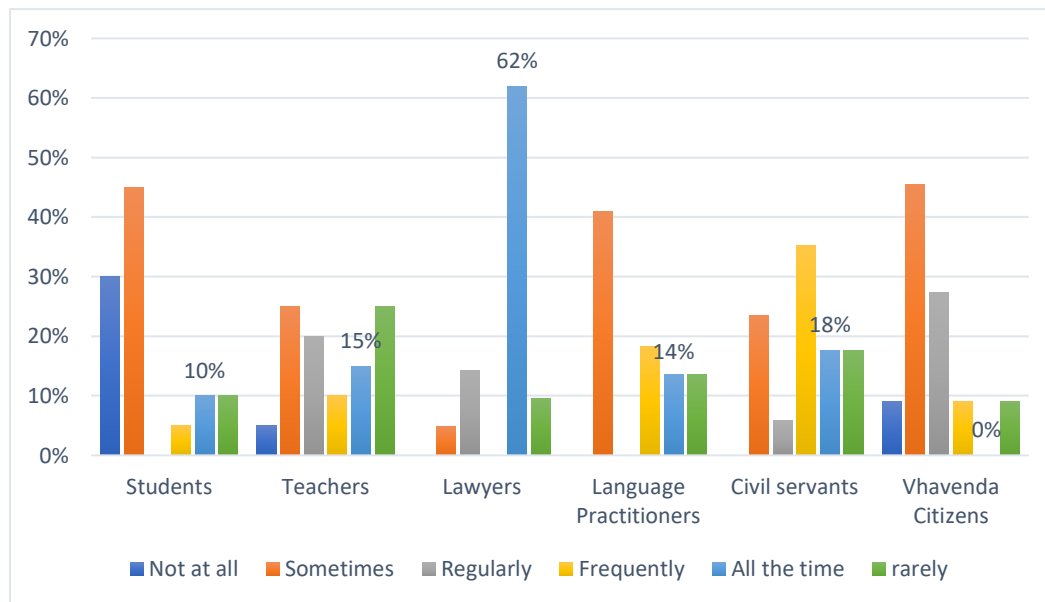
Figure 3.62: Frequency of reference to the Constitution

Of all the respondents, lawyers scored 62% and indicated a high degree of frequency of reference to the Constitution (all the time), followed by civil servants 18%, teachers 15%, language practitioners 14% while students scored the lowest frequency of 10%.

Respondents who referred to the Constitution frequently were as follows: civil servants 35%, language practitioners 18%, teachers 10%, Vhavenḓa citizens 9% and students scored the lowest frequency of 5%. Of the respondents who indicated that they referred to the Constitution regularly were Vhavenḓa citizens who scored 27%, followed by teachers 20%, lawyers 14% and civil servants 6%. Respondents who sometimes referred to the Constitution were as follows: Vhavenḓa citizens 46%, students 45%, language practitioners 41%, teachers 25%, civil servants 24% and lawyers 5%. Of the participants who rarely referred to the Constitution teachers scored 25%, civil servants 18%, language practitioners 14%, students and lawyers

97

each scored 10% and Vhavenḓa citizens scored the lowest at 9%. Respondents who did not refer to the Constitution at all were students who scored 30%, Vhavenḓa citizens 9% and teachers 5%.

(vii)   Access to the Constitution in different languages
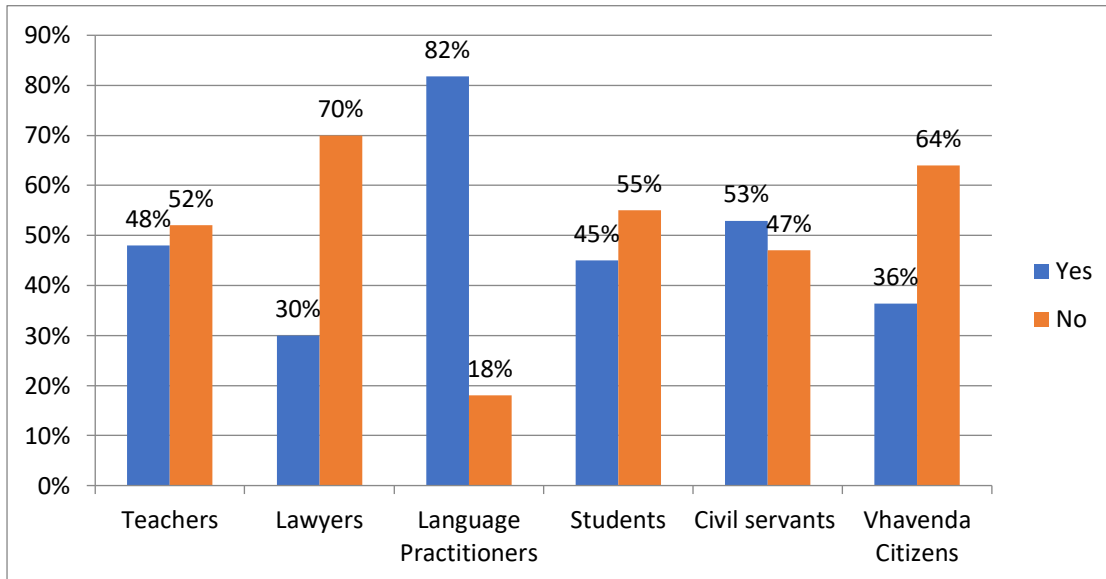
Figure 3.63: Access to the Constitution in different languages

82% of language practitioners, 48% of teachers, 30% of lawyers, 45% students and 36% of the Vhavenḓa citizens indicated that they had access to the Constitution in other languages at their workplaces. There is almost no agreement between and within each of the groups of respondents on the access to the translated version of the Constitution.

Respondents were further asked if they had a translated version of the Constitution. Below is the summary of the responses:
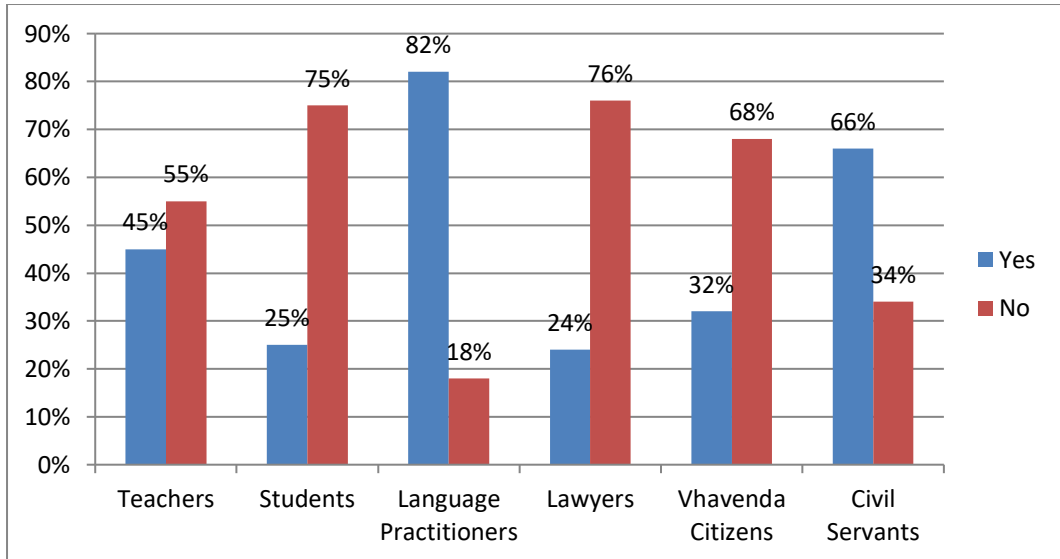
Figure 3.64: Ownership of the translated version

There were more language practitioners and civil servants that had the translated version than teachers, students, lawyers and Vhavenḓa citizens that did not have the translated version of the Constitution. Language practitioners scored 82% and the civil servants scored 66%. The groups that did not have the translated version of the Constitution scored the following percentages: teachers 55%, students 75%, lawyers 76% and Vhavenḓa citizens 68%.

(viii)   Opinions on the translation of the Constitution
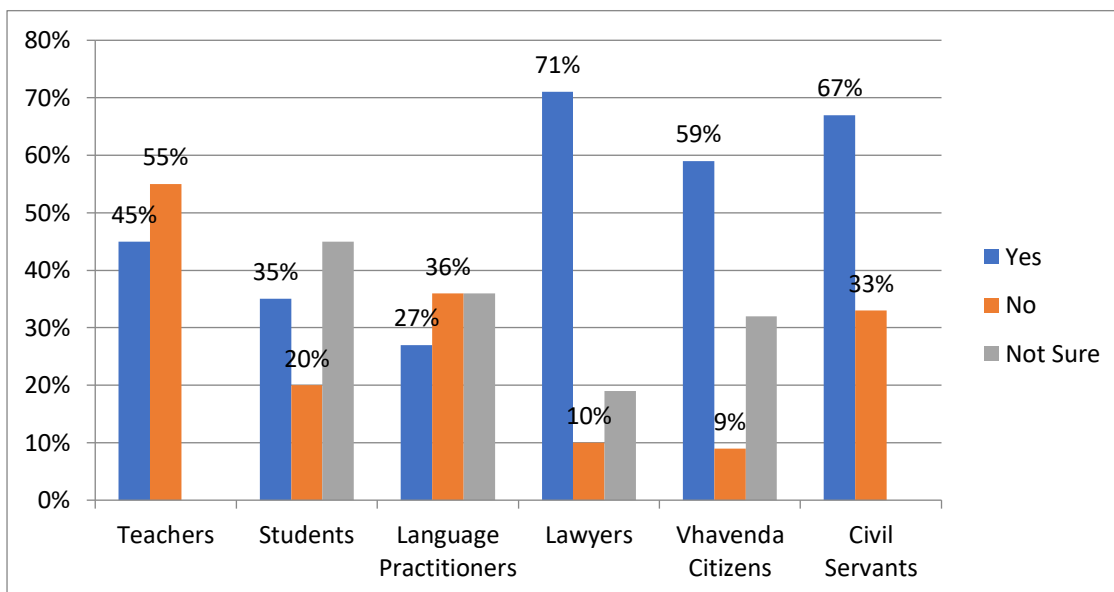
Figure 3.65: Opinions on the translation of the Tshivenḓa Constitution

Most of the respondents believed that there had been consistency in the translation of the Constitution. Lawyers scored the highest frequency 71%, followed by civil servants 67%, Vhavenḓa citizens 59%, teachers 45%, students 35% while the language practitioners scored the lowest 27%. In all categories of those who believe that there is inconsistency in the translation of the Constitution teachers scored the highest frequency 55%, followed by language practitioners 36%, civil servants 33%, students 20%, lawyers 10% and Vhavenḓa citizens scored the lowest 9%. Of the respondents who were not sure about the consistency of the Constitution the students scored the highest frequency of 45% followed by language practitioners 36%, Vhavenḓa citizens 32% and lawyers scored the lowest frequency of 19%.

(ix)   Review of the translated version of the Constitution
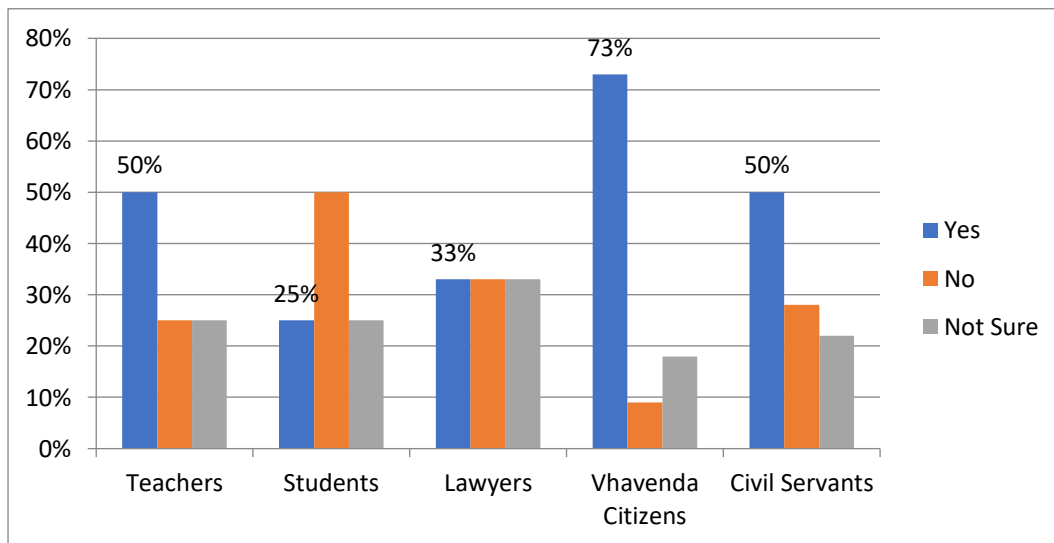
Figure 3.66: Opinions on the review of the translated version of the Constitution

Most of the respondents believed that there was a need for a review of the translated version of the Constitution. The views were even more pronounced among Vhavenḓa citizens where 73% of the respondents believed there was a need for the review of the translated version of the Constitution. 50% of teachers and 50% of the civil servants believed there was a need for the review. Lawyers were 33% in favour of a review and students 25%. Those respondents who did not believe that there was a need for review of the translated version of the Constitution were as follows: students 50%, lawyers 33%, civil servants 28%, teachers 25%, Vhavenḓa citizens 9% and civil servants 28%. Those who were not sure about the review of the translated

version of the Constitution were as follows: lawyers were 33%, teachers and students were 25%, civil servants 22% and Vhaveṅḓa citizens were the lowest at 18%.

(x)   Opinions on multilingualism
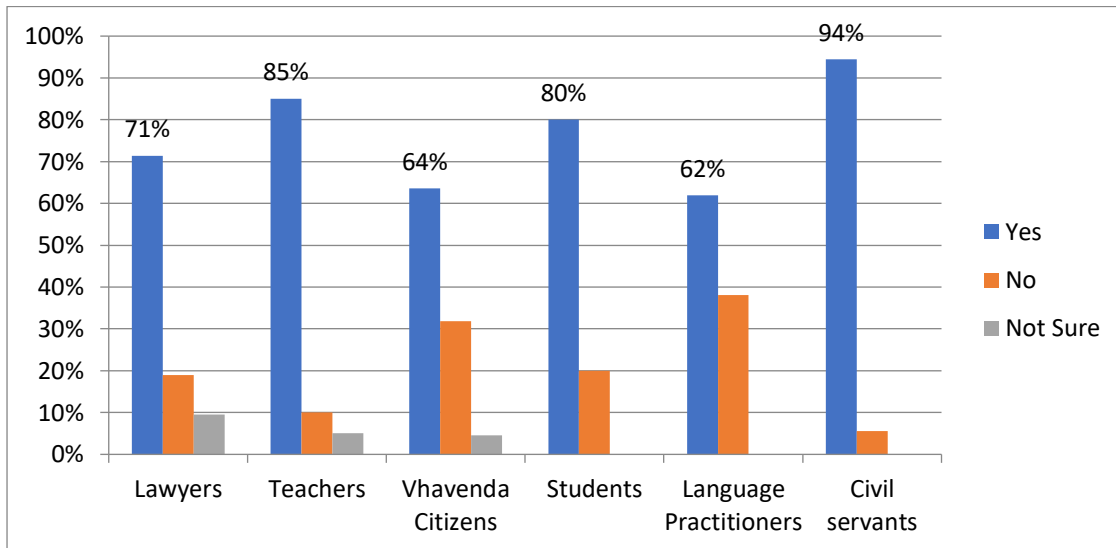
Figure 3.67: Opinions on multilingualism

The majority of respondents believed that South Africans enjoyed multilingualism as one of their rights. Civil servants scored the highest 94%, teachers 85%, students 80%, lawyers 71%, Vhaveṅḓa citizens scored 64% and language practitioners scored the lowest percentage of 62%. Those who said the country did not enjoy multilingualism across the groups are as follows: language practitioners 38%, Vhaveṅḓa citizen 32%, students 20%, lawyers 19%, teachers 10% and civil servants 6%. Those who were not sure if South Africans enjoyed multilingualism across the groups are as follows: lawyers 10%, teachers and Vhaveṅḓa citizens were 5% respectively.

(xi)   Teaching of the Constitution in schools

There was almost a 100% response in all the respective groups about the teaching of the Constitution in schools. The Vhaveṅḓa citizens scored 96% and teachers scored 95%. Almost all the respondents were in favour of teaching of the Constitution in schools.
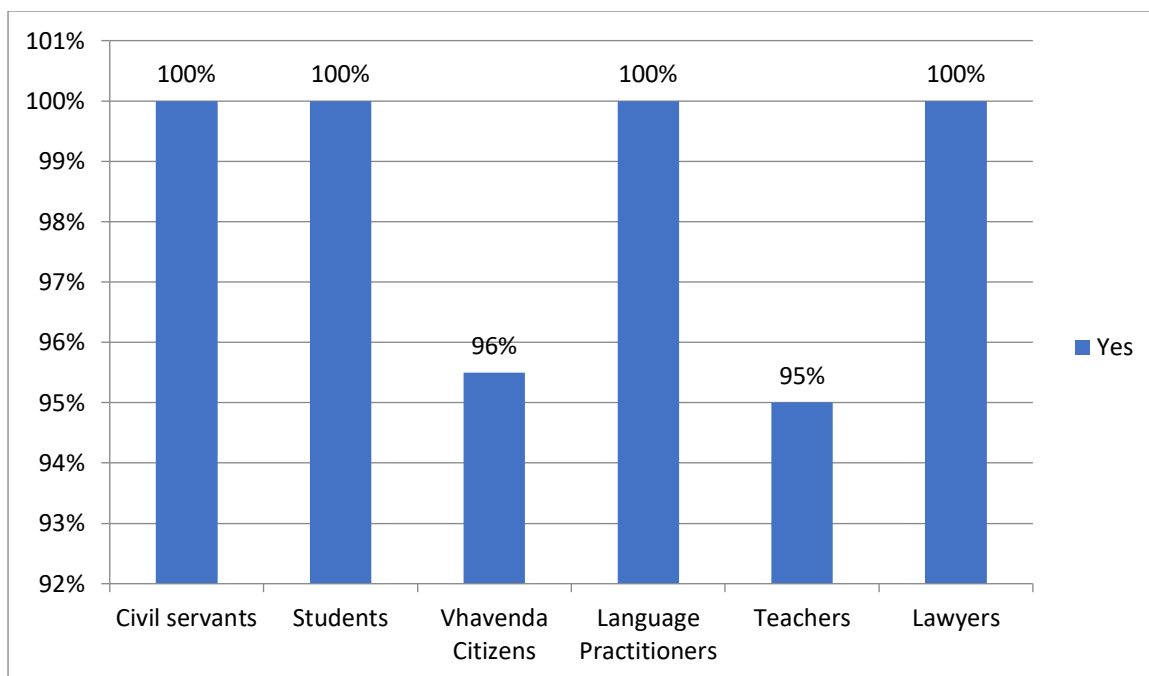
Figure 3.68: Teaching of the Constitution in schools

3.2.2 Qualitative response to the questionnaire

The scholar used the data collected from responses to questionnaires by 120 participants. Below are responses from lawyers, civil servants, language practitioners, teachers, Vhavenḓa citizens and students.

3.2.2.1 What is a Constitution?

(a)   Lawyers

Respondents demonstrated a clear understanding of the "Constitution". In giving the definition of the Constitution, there was almost a consensus from the 21 law practitioners that were interviewed. The respondents were in agreement that the Constitution is the supreme law of the country. The second most common answer among the responses pointed to the fact that the Constitution was a body of rules that governs how the state is run and regulated. A reasonable number of respondents believed that the Constitution is an embodiment of the rights, duties and responsibilities of citizens. It was also emphasised by a number of respondents that all other pieces of legislation are subordinate to the Constitution. The most uncommon but relevant theme from the respondents about the Constitution was that it is the cornerstone of democracy. Respondents were generally in agreement and they demonstrated an acute understanding of

what the Constitution is about. This was largely expected since this is a group of law practitioners who studied law and make use of and refer to the Constitution almost all the time in their dispensation of duty.

(b)   Civil servants

In their response to question four, respondents demonstrated that they had an understanding of the Constitution. The Constitution was defined along two major themes. The first group of respondents believed that the Constitution was the supreme law of the country. Another group of respondents defined the Constitution as a set of rules, laws and principles, which were crucial in the governance of the country. Civil servants seemed to be more interested in the enforcement of the law and how the country is run.

(c)   Teachers

In defining the Constitution, teachers tended to bring about two themes in terms of their understanding of the Constitution. A greater number of respondents defined the Constitution as a set of written down principles that were crucial in the governance of the country. Another but larger number of respondents believed that the Constitution was the supreme law of the country.

(d)   Vhavenḓa citizens

In responding to question four, the respondents (Vhavenḓa citizens) were very diverse in terms of their views. This group defined the Constitution along four major dimensions. A number of respondents believed that the Constitution was a fundamental document that highlighted the rights and responsibilities of citizens of a given country. Another section of respondents believed that the Constitution was a document with the basic principles and laws that governed a country and its citizens. Some respondents believed that the Constitution was the supreme law of the country. A few others defined the Constitution as a set of principles upon which the government of the country operates. Views of respondents were diverse but the respondents still demonstrated reasonable knowledge of the Constitution in their responses.

(e)   Students

The respondents tended to define the Constitution along two major themes. The biggest number of respondents defined the Constitution as the embodiment of principles from which the country is governed. A smaller group of respondents referred to the Constitution as the supreme law of the country. Students demonstrated a reasonable understanding of what the Constitution was all about.

(f)   Language practitioners

The respondents defined the Constitution along three major dimensions. The majority of respondents defined the Constitution as a set of rules, principles and guidelines that help the governing of the country. A few others defined the Constitution as the supreme law of the country. The smallest number of respondents believed that the Constitution was a document that contained the fundamental rights and responsibilities of citizens of a country.

3.2.2.2   Why do you prefer the version you have indicated?

(a)   Lawyers

Responses to question seven indicated that the majority of respondents preferred the English version of the Constitution. In answering the question, there was again an overwhelming consensus on why respondents preferred the English version of the Constitution to other languages. Almost all the respondents indicated that the English version of the Constitution was easier for them to understand. Many also indicated that they had been taught in the education system in English, so English would be easier for them to understand. English is also the official court language, so as legal practitioners it would only make sense that they prefer to read their Constitution in English. A minority also indicated that English was their first language. Respondents also indicated that English was the common language, hence their preference of the English Constitution to other versions.

An analysis of the responses indicates to some degree that preferences are largely driven by the education system in which classes are conducted in English. The legal practice profession

in South Africa has English as the official court language and therefore practitioners are bound to be inclined towards the preference of English.

(b)   Civil servants

There was almost a consensus on why respondents preferred the English version of the Constitution. The respondents indicated that they preferred the version because it was easier for them to understand compared to the translated version. Other respondents further alluded to the fact that they had been taught in English at school, which made English easier for them to read and understand. One respondent indicated that the English version of the Constitution was the only one that they had access to.

(c)   Teachers

There was an overwhelming consensus by the respondents on why they preferred the English version of the Constitution. They preferred it to the translated versions because it was easier for them to understand. Teachers understood written English better than the written local languages.

(d)   Vhavenḓa citizens

Respondents gave three major reasons why they preferred the English version of the Constitution. The most popular response was that of "ease of understanding". Respondents chose the English version of the Constitution because it was easier for them to understand compared with the translated version of the Constitution. Another smaller group of respondents preferred the English version of the Constitution because it was easy for them to access. It was the version that was readily available on the internet, libraries and offices. The fewest of the respondents indicated that they preferred the English version because it was the only one that was available to them. Respondents did not have much choice but to use the English version.

(e)   Students

Respondents in response to the question overwhelmingly indicated their preference for the English language. Question seven sought to find out the reasons why they preferred the given

version of the Constitution. Once again, there was consensus among the students, they preferred the English language because it was easier for them to understand compared with the translated versions.

(f)   Language practitioners

The response rate for the question was low. However, of the few responses that were given, two major reasons emerged as to why they preferred the chosen version of the Constitution. A greater percentage emphasised the ease of understanding of the given version of the Constitution. The other group indicated that their preferences were mainly driven by accessibility and availability of the English version of the Constitution. The English version was more accessible and readily available.

3.2.2.3   Why do you read the constitution?

(a)   Lawyers

The largest number of respondents indicated that they read the Constitution mainly for them to execute their duties properly at work. This seemed to imply that in the legal practice industry, reading of the Constitution, especially the English version, was imperative. It might not necessarily be a matter of preference but that of requirement. A smaller but reasonable number of respondents indicated that the reason for their preference of the English version of the Constitution was for them to understand their rights. They read the Constitution to understand their rights. One could conclude that the understanding of rights for the respondents was easier through the English version than in local languages. One or two respondents indicated that they read the Constitution for research purposes.

(b)   Civil servants

There are three major reasons that respondents gave for the reading of the Constitution. A number indicated that they read the Constitution with the aim of understanding their rights and responsibilities. Others read the Constitution for the purpose of understanding the rules and regulations that affect the governance of the country. There was also a sizeable number of respondents that read the Constitution strictly for educational purposes.

(c)   Teachers

In answering question eight, respondents gave two main reasons why they would read the Constitution. The greater number of respondents indicated that they read the Constitution for them to understand their rights and responsibilities as citizens of the Republic. A smaller group read the Constitution with the aim of understanding how the government in South Africa worked. These were the two major reasons for reading of the Constitution by teachers.

(d)   Vhavenḓa citizens

Respondents were almost in consensus on the reasons why they read the Constitution. The greatest number of respondents read the Constitution with the aim of understanding their rights and responsibilities. A smaller group read the Constitution with the aim of understanding the framework from which the government operates.

(e)   Students

Respondents indicated that knowing their rights was one of the reasons why they read the Constitution. Students also read the Constitution as part of their educational curriculum. This applied mainly to law students who have the Constitution as part of their studies. There was no variability in the students' responses.

(f)   Language practitioners

Less than 50% of respondents answered the question. They gave two major reasons why they read the Constitution. Understanding of their rights was one of the major reasons for reading the Constitution. A few other respondents would read the Constitution as reference during their studies.

3.2.2.4 At your place of work, is it possible to access the Constitution in different languages?

(a)   Lawyers

Only 50% (10) of the respondents responded to this question. Half of them indicated that copies in different languages (to English) were not provided at their workplaces. Another smaller group indicated that they had not attempted to access the other versions of the Constitution. The failure of the respondents to answer the question and the two forms of responses above could indicate a lack of interest in the translated version of the Constitution. Two other respondents indicated a lack of political will in enforcing the availability of the Constitution in other languages. This would have to be enforced via legislative Acts and by company directors making sure that the Constitution was made available and used in various languages.

(b)   Vhavenḓa citizens

In answering the question about the availability of the Constitution in different languages, a large number of respondents showed a lack of interest in the translated version of the Constitution. To cement the fact that they lacked interest, respondents indicated they had never looked for the translated versions, some indicated they did not know translated versions actually existed while others felt it was not necessary to have the translated version. Another group argued that having the translated Constitution was not important because English was the common and official language at their workplaces.

(c)   Students

The greatest number of students indicated they did not have access to the translated version of the Constitution at work. A number of reasons (arguments) were given by the respondents. A number of students argued that they did not have access to the translated version of the Constitution, except the English one. A number of respondents indicated that they did not even know if the translated version was available in their work environment. Others also indicated that English was the official language at their workplaces so they would always prefer the English version of the Constitution.

(d)   Teachers

Quantitatively a good number of teachers showed that they had access to the constitution in different languages at their workplaces. Those that indicated "no access" (a number of them) explained that they had either not enquired about the other versions or had not seen any copy of the translated version. Others highlighted an overall preference of English by them and their workplaces.

(e)   Language practitioners

Only a few language practitioners highlighted the unavailability of the constitution in different languages at their workplaces. A number indicated that they had not enquired about the constitution in other languages besides the English version. These few respondents indicated a lack of interest in the translated version of the constitution.

(f)   Civil servants

Civil servants emphasised their preference of the English version to the translated one in their responses. Others highlighted that their organisations were not making the translated version available to them. A few respondents felt that their organisations did not have the resources to be able to provide the Constitution in other languages.

3.2.2.5   Do you have a translated version of the Constitution in your language? If your answer is no, please state the reason why.

(a)   Lawyers

Only nine respondents gave their responses. They were evenly distributed among three major views (themes). To some degree, responses to the question mirror those in the preceding question. Respondents indicated that the translated version of the Constitution was unavailable. With English being the official court language, respondents indicated they did not see the need of having the translated version of the Constitution. The third theme from the responses is the lack of interest, respondents to some degree did not see the need for reading the Constitution in other languages, and they were not interested in the translated version either. A number of possible/probable reasons have already been given in the analysis to respondents to questions

seven and eight. Workplace language and education system have a very strong effect on the willingness of respondents to use the translated version of the Constitution.

(b)   Teachers

Very few respondents answered question 11. Of the few that responded, two indicated that they were not motivated to having the translated Constitution because they would struggle to understand the translated version. Two other respondents indicated that the translated version had never been made available to them. Another indicated a lack of interest in the translated version of the Constitution. Respondents showed a general lack of interest in reading the translated version of the Constitution.

(c)   Vhavenḓa citizens

A large number of respondents in this category did not have a translated version of the Constitution. The analysis of responses showed that a number of the respondents lacked interest in owning the translated version of the Constitution. They would indicate they did not have time to read it or had never looked for it. They never "bothered" to look for the translated version. Other respondents indicated that the translated version of the Constitution was not easy to access, therefore they would end up getting used to the English version of the Constitution. Some further respondents indicated that they preferred the English version of the Constitution.

(d)   Students

In response to the question, a number of students indicated that their lack of formal training in the local languages made reading the translated version difficult. A number of respondents highlighted their lack of awareness of the existence of the translated version of the Constitution. Others did not know where and how they would access the translated version of the Constitution. A few others just preferred the English version of the Constitution.

(e)   Language practitioners

The majority of language practitioners save one indicated that they had the translated version of the Constitution. The one who did not have it indicated that he/she had never seen the Constitution in any language besides the English version.

(f)   Civil servants

The civil servants that did not have a translated version of the Constitution highlighted that the Constitution that they had access to was the English version. A few other respondents did not know that the Constitution had been translated into other official languages.

3.2.2.6   What challenges did you face while comparing the English version of the Constitution to the translated version in your language?

(a)   Lawyers

Only nine respondents attempted this question. Of the nine, the majority (six) indicated that they had never compared the translated version to the English version of the Constitution. Based on this, one could conclude that the respondents seemed to lack the motivation and incentive to do the comparison. One of the respondents indicated that facts in the translated version had been misrepresented. The other indicated that there had been poor translation and urged the translation to be done by experts. With a very low number of respondents, and a majority of the few indicating to having never done the comparison, it is difficult to draw conclusions on the challenges that respondents faced.

(b)   Civil servants

In response to the question, the respondents indicated that they faced difficulties in understanding the translated version of the Constitution. Others raised the issue that there seemed to be a lack of enough vocabulary in the local languages, which resulted in some loss of meaning and therefore difficulties by respondents in understanding the translated version.

(c)   Teachers

Just below 50% of the respondents answered the question. All the answers given by respondents were around the idea that it was not easy to translate English into local languages because the local languages did not have enough vocabulary. Meaning would be lost in translation resulting in respondents facing difficulties in understanding when reading the Constitution in local languages. The English version of the Constitution would therefore be easier to understand and is the preferred version.

(d)   Vhavenḓa citizens

Almost all of the respondents who answered the question indicated that they faced difficulties in understanding the translated version of the Constitution. Some believed that the reason why they faced difficulties was the lack of enough vocabulary in the local languages. Some of the respondents indicated that the Tshivenḓa Constitution tended to make use of language that respondents were not familiar with. The lack of dictionaries for local languages was highlighted as one of the reasons why the translated version was difficult to understand.

(e)   Students

This question received a very low response rate during the data collection process. A total of five respondents gave their responses while the rest did not attempt to answer. This was because not many had ever compared the two versions of the Constitution. The five respondents were in consensus in answering the question. They had all faced difficulties in understanding the local version of the Constitution.

(f)   Language practitioners

A number of respondents had not compared the two versions of the Constitution. This therefore resulted in far less responses to the question. Some of the views that were raised pointed to the fact that there were a lot of mistranslated terms, inconsistency and the distortion of the truth. Another respondent argued that translation was vague and irrelevant.

3.2.2.7 Did the translators consider the issue of consistency while translating the Constitution? If not, please give some examples of the inconsistencies identified.

Language practitioners

This question had the fewest responses with only two respondents answering the question. Both of the respondents highlighted that there had been inconsistencies in the use of certain terms in the translated version of the Constitution. One of the respondents indicated that the "Constitution at some stage is written *Ndayotewa* and *Mulayotewa* in other instances". The other raised an almost similar issue; "the Constitution itself has been translated as *Mulayotewa* instead of *Ndayotewa*".

3.2.2.8 What are the advantages of reading a document in your mother tongue?

Language practitioners

The views of respondents were diverse in answering this question. One group believed that the use of the translated version would make the understanding of the Constitution better since the language used was the language that respondents understand. However, another group was of the opposite view, they believed the use of the translated version of the Constitution would make understanding difficult because of the lack of terminology and other reasons. One respondent raised the point that the use of the translated version of the Constitution would help avoid the death of local languages.

3.2.2.9 What is the Roman-Dutch law?

(a) Lawyers

In defining Roman-Dutch law, the respondents demonstrated a huge degree of consensus. The greater proportion of respondents believed that the Roman-Dutch law was "common law". A reasonable number of respondents gave a detailed definition of the Roman-Dutch law. They defined it as an uncodified scholarship-driven and judge-made legal system based on Roman law as applied in the Netherlands in the 17th and 18th Century and was still being practised in the Netherlands.

Generally, the respondents showed an understanding of the Roman-Dutch law and in their responses, there was consensus. Two respondents had a negative view of the Roman-Dutch law. They believed the Roman-Dutch law came through colonisation and was therefore a sign of colonialism.

(b)   Civil servants

Respondents in this group also indicated an acute understanding of the Roman-Dutch law. The greatest number defined it is an "uncodified, scholarship-driven, and judge-made legal system based on Roman law as applied in the Netherlands in the 17th and 18th centuries". A number were at least capable of noting that the law had originated from the Dutch. Another considerable number of respondents defined it as "common law". Respondents seemed to have a clear understanding of the Roman-Dutch law.

(c)   Teachers

Over 50% of respondents indicated that they did not understand "Roman-Dutch law". Of the respondents that managed to answer, a greater number defined Roman-Dutch law as the common law from which the South African law was derived. One of the respondents defined common law as "an uncodified, scholarship-driven, and judge-made legal system based on Roman law as applied in the Netherlands in the 17th and 18th centuries".

(d)   Vhavenḓa citizens

Respondents were in consensus in defining the Roman-Dutch Law. The largest number of respondents believed that it was a system of law produced by the fusion of early modern Dutch law, chiefly of Germanic origin, and Roman civil law. The most accurate definition defined Roman-Dutch law as an uncodified, scholarship-driven, and judge-made legal system based on Roman law as applied in the Netherlands in the 17th and 18th centuries.

(e)   Students

Students demonstrated that they had a clear understanding of the Roman-Dutch law. A considerable number of respondents defined Roman-Dutch law as "common law'. The larger percentage of respondents defined Roman-Dutch law as an "uncodified scholarship-driven, and judge-made legal system based on Roman law as applied in the Netherlands in the 17th and 18th centuries". To a very great extent, students demonstrated a good understanding of the Roman-Dutch law.

(f)   Language practitioners

Of all six groups of respondents, language practitioners were the least knowledgeable of the Roman-Dutch law. Far less than 50% of the respondents answered the question. Four of the respondents believed that Roman-Dutch law is a "legal system based on Roman law as practised in Holland in the 17th and 18th centuries".

3.2.2.10   In your opinion, did the translators of the Constitution consider that the South African laws emanated from Roman-Dutch law, while translating the Constitution?

(a)   Lawyers

This question received the least of the responses. Only six out of the 21 responded to the question. One or two lawyers felt it was not necessary for the translators to consider that the South African laws emanated from the Roman-Dutch law. There is a theme that a few of the respondents tried to put across. It was the importance of using legally qualified translators in the translation process. In essence, it was not alone the ability to translate languages that was crucial in the process, but qualifications in legal issues combined with qualification in translating would bring the best results according to the respondents.

(b)   Civil servants

In response to the question, most of the respondents did not clarify or explain their answers, which automatically made their responses quantitative in nature. A few that went further to explain believed that it would be obvious that translators had considered the fact that the South

African law had emanated from the Roman-Dutch law because South Africa had been colonised by the Dutch. The colonisers were likely to impose their laws on the South African law.

(c)   Language practitioners

A few of the respondents explained why they felt the translators had either considered the fact that the South African law had its origin in the Roman-Dutch law or not. One respondent believed that it was the system not the translation that had been influenced by the Roman-Dutch law. A few others felt it was an obvious thing for translators to consider that the South African law had emanated from the Roman-Dutch law. Another had an extreme view; the respondent felt the translation had been out of context.

(d)   Students

The majority of students did not give reasons why they felt the translators had or had not considered the fact that the South African law had its origins in the Roman-Dutch law. It was only one respondent who argued that since the South African law had been premised on the Roman-Dutch law, it would have been a requirement for the translators to consider that fact.

(e)   Vhavenḓa citizens

There was a huge sense of consensus among the Vhavenḓa citizens that the translators had considered that the South African law had emanated from the Roman-Dutch law solely because the Roman-Dutch law had been the foundation upon which the South African law had been built. It would therefore always have been a requirement to take that into consideration during translation.

(f)   Teachers

The majority of teachers indicated in their responses that they did not know if translators had considered that the South African law had its origins in the Roman-Dutch law. It was only a few that believed that it was obvious for translators to have taken that into consideration since the Roman-Dutch law was the foundation of the South African law.

3.2.2.11 Is there any need to review the translated version of the Constitution? If so, state the reason for your opinion.

(a) Lawyers

The major theme from the few responses to the question is the evolving language and culture. The respondents seemed to imply that all versions of the Constitution required a constant review because language and culture are constantly changing. The Constitution would therefore require an update to remain relevant to the language and culture of the day. The translated and the English versions required a review. A few other respondents were of the opinion that the review of the translated Constitution would aid the understanding of citizens as they read the Constitution.

(b) Teachers

The greatest number of respondents believed that the Constitution needed review. Their major argument was that there was constant change happening in the society, so the Constitution needed to be reviewed and updated to make sure it suits the changes occurring in the society. Respondents believed both versions of the Constitution needed review.

(c) Vhavenḓa citizens

The response rate to this question was relatively low compared to other questions. However, the few that answered the question were in consensus. Respondents believed that the Constitution needed to be reviewed and updated to make sure that it was up to date with the language and culture changes that were happening in the society in general. The Constitution according to the respondents needed to be relevant to the current times.

(d) Civil servants

Civil servants answered this question in different dimensions. Most shared the same opinion that the translated Constitution required review. A number of respondents believed that the translated version required review so that mistakes could be corrected and gaps would be filled. Other respondents emphasised that review would be necessary to make sure that the

Constitution remained relevant to current circumstances. Some respondents also believed that reviewing the translated version would make it easier for users to understand.

(e)   Students

Students gave two major reasons why the translated version of the Constitution should be updated. One major argument by the students was that the Constitution needed to be up to date with the changes that were happening in the society. Another argument was that the translated version of the Constitution did not clearly correspond with the original version. Updating the Constitution would make the translated version more reflective of the original version.

3.2.2.12   How can law formulators and translators work together to improve the status of the translated version of the Constitution of the country?

(a)   Lawyers

Respondents offered various responses that pointed to the formulation of a translation committee that would consist of legal experts and legally qualified translators that would work together setting aside time to meet and deliberate on their work. A few other respondents pointed to the need for the participation of the public during the translation process. This committee as some respondents pointed out would require funds to be availed.

A theme that kept coming up even though it was not relevant to the question, was that of political will in the enforcement of multilingualism in work environments, which would then enable the acceptance of the use of the translated version of the Constitution even in court situations. Respondents advocated for the passing of legislative acts to enforce the use of various languages in work environments.

(b)   Civil servants

The majority of respondents lobbied for teamwork between law formulators and translators. The teamwork would exist in the form of consultations between the groups, sharing office space during the process and operating with the same goal and vision. Others lobbied for the involvement of government in the process of reviewing the translated version of the Constitution. A few other respondents believed that it was important for respondents to have

legal qualifications for them to participate in the review of the translated version of the Constitution.

(c)   Teachers

Teachers urged for teamwork and collaboration between law formulators and translators in their quest to improve the translated version of the Constitution. According to a few other respondents, workshops, conferences and surveys would be useful in gathering more information and views that would be critical in the improvement of the translated version of the Constitution.

(d)   Vhavenḓa citizens

Some of the respondents advocated for the establishment of committees that would include experts from both sides that would operate from one place. Other respondents believed that it was important that everyone involved in the process be an expert in their field. This would give rise to the best results.

(e)   Students

A great number of respondents believed that public participation in the translation process was very important. Another section believed that translators needed to have legal background for them to be of use in the translation of the Constitution.

(f)   Language practitioners

In response to this question, the respondents raised three major themes. A group of respondents advocated for the use of qualified experts that also belong to professional bodies from both professions. A few others proposed that the two groups meet at regular intervals to review the translated version of the Constitution. Respondents also advocated that the two groups work together in the form of committees and round table discussions where discussions would be held in person.

3.2.2.13 Is there a need for the Constitution to be taught in schools? If yes, state the reasons why.

(a) Lawyers

This question had a very high response rate. The level of consensus was almost overwhelming with almost all the respondents indicating that teaching the Constitution in schools would help the learners understand their rights and responsibilities. Some of the respondents indicated that it was imperative to have the Constitution taught in schools because it was the supreme law of the country. A few other respondents went further to opine that teaching of the Constitution in schools would create a better and more just society as the learners would grow to become responsible citizens. In other words, respondents believed teaching of the Constitution was a good idea; it would benefit the learners and ultimately benefit the South African society at large.

(b) Civil servants

The majority of respondents believed that teaching of the Constitution in schools would help learners understand their rights and responsibilities. Further to this, respondents believed that teaching of the Constitution would give rise to responsible and patriotic citizens.

(c) Teachers

Respondents were in consensus on the reason why they thought teaching of the Constitution in schools was important. They all believed teaching of the Constitution would help learners know about their rights and responsibilities. Some respondents believed that teaching the Constitution would foster a fair and just society. One respondent felt that the teaching of the Constitution would help learners appreciate the fact they had a responsibility of respecting their teachers.

(d) Vhavenḓa citizens

The majority of respondents believed that teaching of the Constitution in schools would help learners understand their rights and responsibilities. One or two respondents believed that teaching of the Constitution would help learners understand how the government functioned.

(e)   Students

Respondents were in consensus on the reason why it was important to teach the Constitution in schools. Respondents believed that teaching of the Constitution in schools would help the learners understand their rights and responsibilities. A smaller percentage of respondents believed that teaching of the Constitution would help learners understand the law, which would equip them to know what was right and wrong before the law. There was an overwhelming acceptance of the fact that the Constitution needed to be taught in schools.

(f)   Language practitioners

The majority of respondents believed that the teaching of the Constitution would help learners understand their rights and responsibilities. Another significant number of respondents believed that it was imperative to teach the Constitution in schools since the Constitution was the supreme law of the country. Teaching of the Constitution would also help create a sense of belonging and patriotism by the learners. A few respondents also believed that teaching of the Constitution would help learners to better understand the rules that governed the country.

3.3   Collection of data by designing the English-Tshivenḓa Parallel Corpus (ETPC)

Sinclair (2004:12) defines corpus as a "collection of pieces of language texts in electronic form, selected according to external criteria to respect as far as possible a language or a language variety as a source of data for linguistic research". To design the English-Tshivenḓa Parallel Corpus (ETPC) the researcher selected the English and Tshivenḓa versions of the Constitution taking into consideration the following issues: size, number of texts, medium, subject and text type, authorship, and language and publication date of texts as stated by Bowker and Pearson (2002:46-57).

3.3.1   Size of the corpus

The designed size of the corpus is sufficient for the purpose of this study. The corpus that was used in this study consists of two texts, the source text being English and the target text Tshivenḓa. For the purpose of this study, extracts of the English and Tshivenḓa versions of the

Constitution were used for research, namely Chapters 1-14 of the Constitution, not the full texts. The size of the parallel corpus is described in terms of individual texts and total number of words in each text. The English-Tshivenḓa parallel corpus consists of 75 447 words, i.e. English, 34 303 words and Tshivenḓa, 41 144 words. The difference between the two languages is that the translation is longer than the source text because in some cases there is no equivalent of the lexical item and the translator paraphrased instead of giving an equivalent.

Table 3.61: English-Tshivenda Parallel Corpus

Text and author	Section	Size
The Constitution of the Republic of South Africa, 1996 Department of Justice and Constitutional Development	Chapter 1-14	34 303 words
Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996 Department of Justice and Constitutional Development	Ndima ya 1-14	41 144 words
Total		75 447 words

The figure below represents the structure of the text and its translation:

English original The Constitution of the Republic of South Africa, 1996			Tshivenḓa Translation Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe, 1996		
Chapter 1 Founding Provisions	Chapter 2 Bill of Rights	Chapter 3 Co-operative Government	Ndima ya 1 Mbetshelwa dza u thoma	Ndima ya 2 Mulayotibe wa Pfanelo	Ndima ya 3 Muvhuso wa Tshumisano
Chapter 4 Parliament	Chapter 5 The President and National Executive	Chapter 6 Provinces	Ndima ya 4 Phalamennde	Ndima ya 5 Phresidennde na Khorotshitumbe ya Lushaka	Ndima ya 6 Mavundu
Chapter 7 Local Government	Chapter 8 Courts and Administration of Justice	Chapter 9 State Institutions Supporting Constitutional Democracy	Ndima ya 7 Muvhuso	Ndima ya 8 Dzikhothe na Ndaulo ya Vhulamukanyi	Ndima ya 9 Zwiimiswa zwa Muvhuso zwine zwa Tikedza Demokirasi
Chapter 10 Public Administration	Chapter 11 Security Services	Chapter 12 Traditional Leaders	Ndima ya 10 Ndaulo ya Muvhuso	Ndima ya 11 Tshumelo dza Tsireledzo	Ndima ya 12 Vharangaphanḓa vha Sialala
Chapter 13 Finance	Chapter 14 General Provisions		Ndima ya 13 Gwama	Ndima ya 14 Mbetshelo dza u Angaredza	

Figure 3.69: English-Tshivenḓa Corpus

3.3.2 Publication date and authorship

Table 3.61 presents the dates of publication of the English version of the Constitution and the Tshivenḓa version of the Constitution. The source text and the target text share the date of publication because the texts were produced concurrently in 1996. With regard to translation authorship, the Department of Justice and Constitutional Development is the custodian of the Constitution. The translators of the Constitution were Vhavenḓa speakers and lawyers who were commissioned to the translation of the Constitution but their names were not published.

3.3.3 ParaConc and the English-Tshivenḓa Corpus

ParaConc is a user-friendly computer software program that is used to interpret translated texts. It was created by Michael Barlow as a tool for research in translation studies and allows the investigator to do a variety of cross-linguistic studies. In this research ParaConc was installed into Desktop Windows 10. The program can take more than two languages, but for the purpose of this study the researcher will use two languages. The two texts were in electronic format pdf and were not ready to be utilised. The second step was to convert the pdf documents into Microsoft word format. In the process of conversion some information shifted and needed thorough editing and proofreading. Editing and proofreading were needed to correct spelling mistakes or funny characters that developed during conversion. Figures 3.70 and 3.71 show how Tshivenḓa and English texts were converted from pdf format to MS Word format. For

ParaCon to be able to recognise the letters all Tshivenḓa diacritics had to be removed from the whole documents. The researcher removed all Tshivenḓa diacritics before converting the documents into plain text format. After the cleaning of the texts they were saved as plain text (txt) format (see Figure 3.72). Before the texts were uploaded they needed to be checked thoroughly. In Tshivenḓa some letters were in capital letters *i* was converted into capital letter *I* and small letter *l*. The texts which are properly cleaned will yield good results when aligned to the corpus.
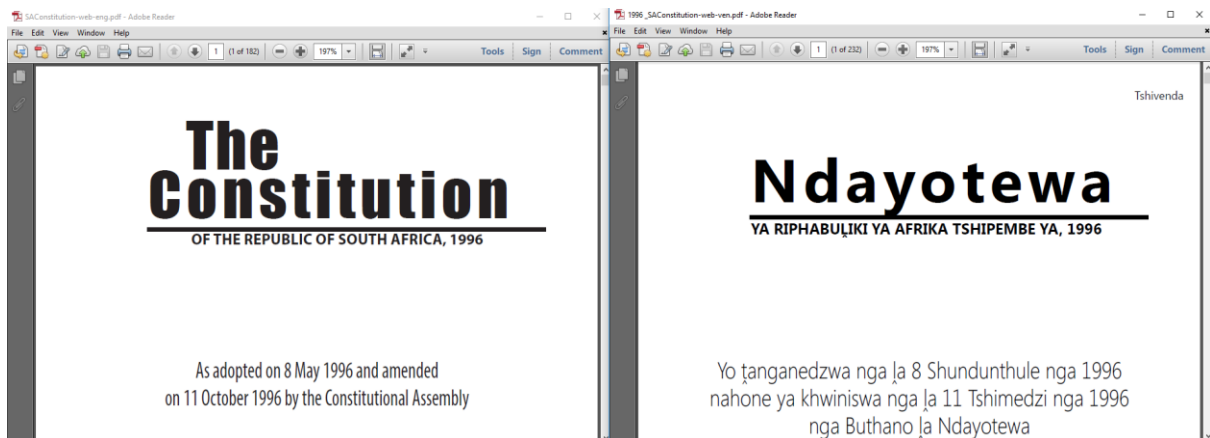
Figure 3.70: English and Tshivenḓa texts in pdf
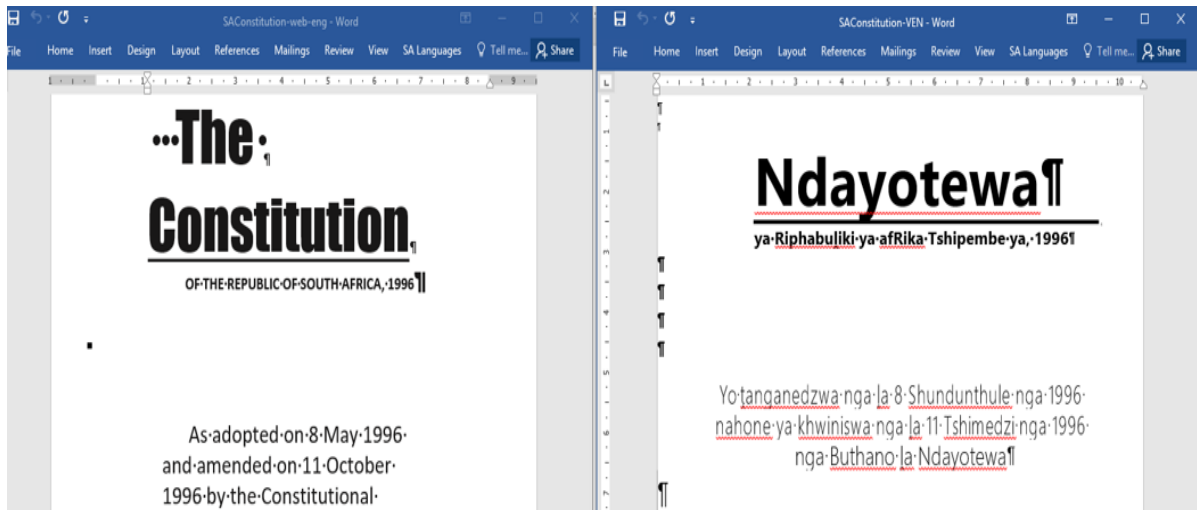
Figure 3.71: English and Tshivenḓa in Microsoft Word
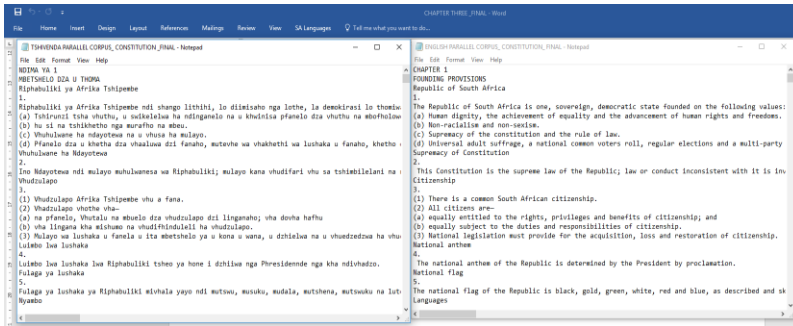
Figure 3.72: English and Tshivenḓa plain texts

3.3.3.1 Initial screen

The first step of loading texts is to open the ParaConc icon by double clicking on it. A blank box will appear with two menu items in the left corner of the box: *File* and *info*. The screen shows that there is no item loaded in the left corner (see Figure 3.73).
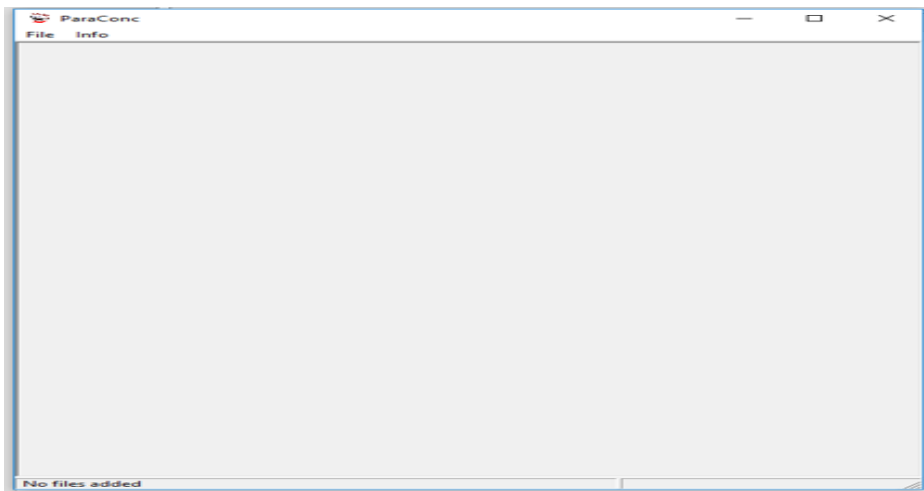
Figure 3.73: ParaConc window with no files

3.3.3.2 Loading the corpus files

To load a corpus, click *File menu* on the top left of the window screen. A number of options appear on the dialogue box such as *load corpus file*, *open workspace*, *save workspace*, *recent workspace, tags setting, print setup* and *exit*. The researcher clicked on *load corpus file* (see Figure 3.74).
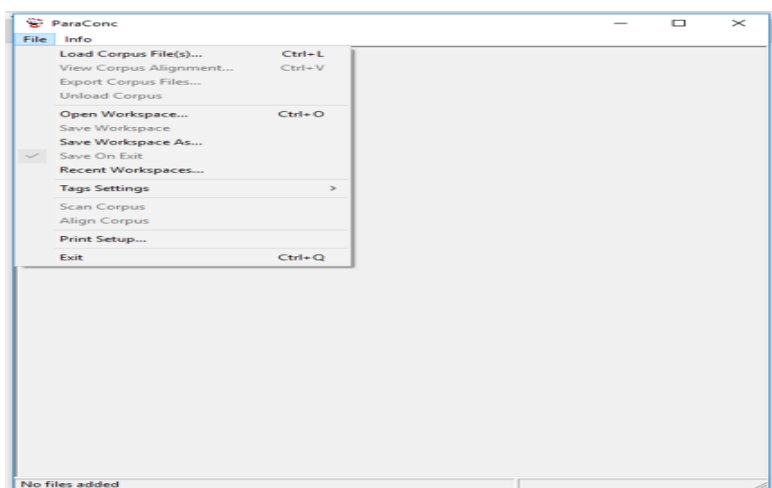
Figure 3.74: Showing loading corpus files

Another box appears after clicking on *load corpus file* that permits the researcher to load corpus files (see Figure 3.75).
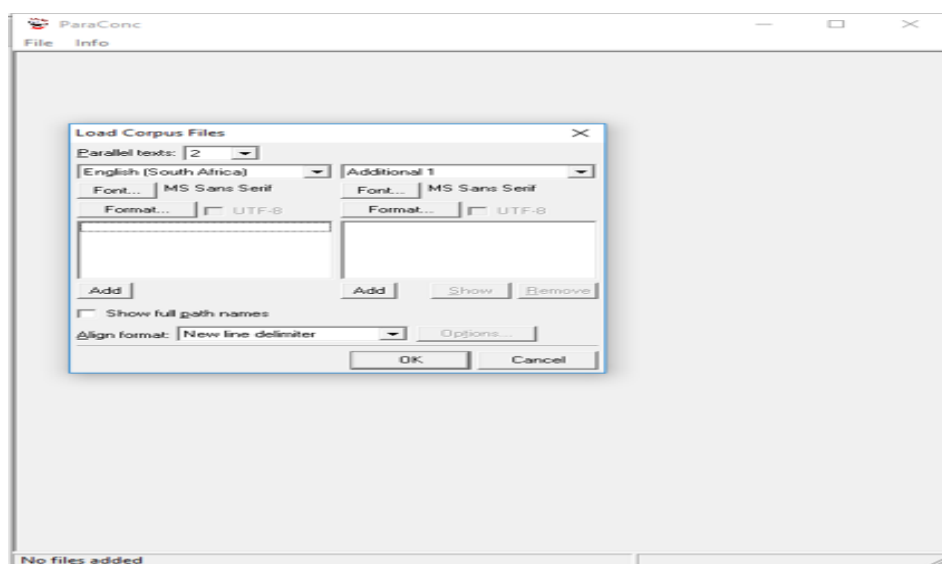
Figure 3.75: Window showing workspace of two texts to be loaded

On the left side of the box there is a menu written *parallel text*. There are options of numbers of languages presented which the researcher wishes to work with. In this study two languages were selected but ParaConc has options to accommodate more than two languages. The researcher selected *English* and *Additional 1* languages, since Tshivenḓa does not appear in the list of languages displayed in the dialogue box. The analyst clicks on the *add* button and adds a text. The selected texts were English Parallel Corpus and Tshivenḓa Parallel Corpus. Both texts were automatically loaded and were saved in different boxes (see Figure 3.76).

126
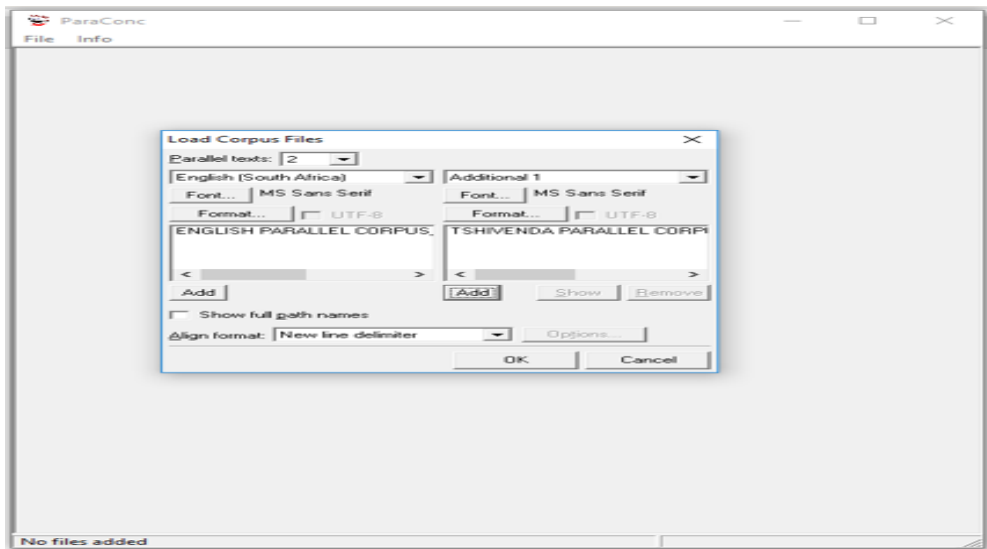
Figure 3.76: Showing loading texts

After loading two texts the investigator clicks *ok* at the bottom of the dialogue box. After clicking *ok*, a blank box appears with the following information: *file, search, frequency, info* (see Figure 3.77). The files are made available by clicking *ok* where the researcher can search for words in alphabetical order and word frequencies using the links mentioned above.
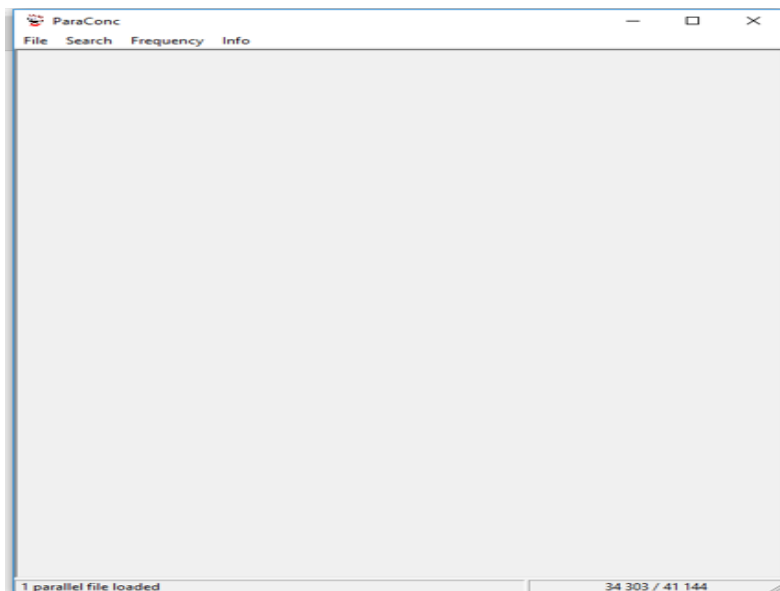
Figure 3.77: Window showing ParaConc after files have been loaded

3.3.3.3   Creating frequency list

Once the texts have been uploaded into the workspace a word list can be created. The analyst clicks *frequency* on the menu and a number of options appear which are: *frequency order*, *alphabetical order* and *frequency option*. The investigator selected *frequency order* where the scholar further selected *frequency list* for all the corpus files.

Figure 3.78: Word list in order of frequency from English-Tshivenḓa Parallel Corpus

3.3.3.4   Creating word lists

A word list may be prepared according to order of frequency (cf. Figure 3.78 Word list in order of frequency from English-Tshivenḓa Parallel Corpus) or it can be arranged alphabetically (cf. Figure 3.79 Word list arranged alphabetically from English-Tshivenḓa Parallel Corpus). The researcher noticed that in English the word with the highest frequency is *'the'* with 2813 occurrences. In Tshivenḓa the word with the highest frequency is the concord *'u'* with 2771 occurrences. The list also reveals that the term *national* has a frequency of 499 in English and in Tshivenḓa the term *lushaka* has a frequency of 523, while *Constitution* has 221 frequencies in English and *Ndayotewa* has 328 frequencies in Tshivenḓa.
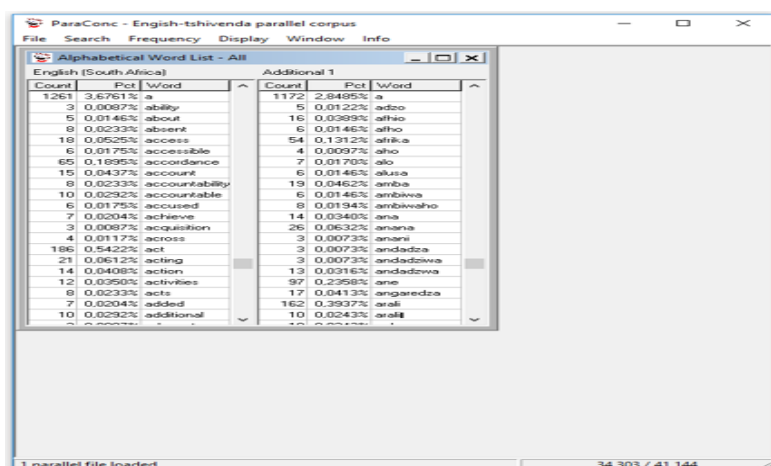
128

Figure 3.79: Word list arranged alphabetically from English-Tshivenḓa Parallel Corpus

3.3.3.5   Concordance search

To perform concordance, the researcher has to click on the *search menu*. After clicking on the *search menu,* the investigator enters the term she wants to search for, followed by clicking *ok*.
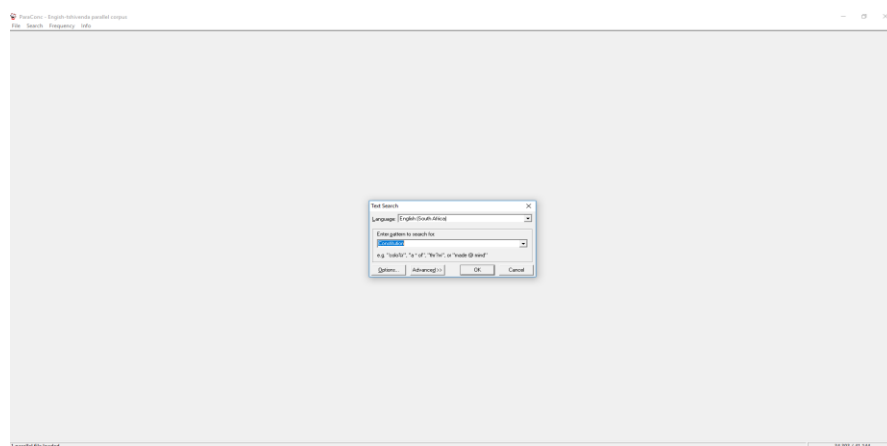
Figure 3.80: Showing a search word

The search term is typed and it appears in the centre of the upper window. Between the upper window and the lower there is a dividing line separated by an adjustable bar. The English corpus file and the Tshivenḓa corpus file are shown in Figure 3.81 below.

Figure 3.81: Parallel concordance of list of the term Constitution

In this occurrence the Tshivenḓa file comprises text segments that are aligned with the hits shown in the English file. The search word is highlighted and the results of the concordance process commonly known as *Key Word in Context (KWIC)* are displayed. Barlow (2008:30) mentions that words surrounding the key words may also be highlighted and the highlighting stipulates potential collocates of the search word.

3.3.3.6   Parameters of the search

Barlow (2008:28) states that the parameters of the search are determined by different settings in *General Search Control* and the *Advanced Search* dialogue box as shown in Figure 3.82. The settings determine if apostrophes, brackets and hyphens are treated as word boundaries.
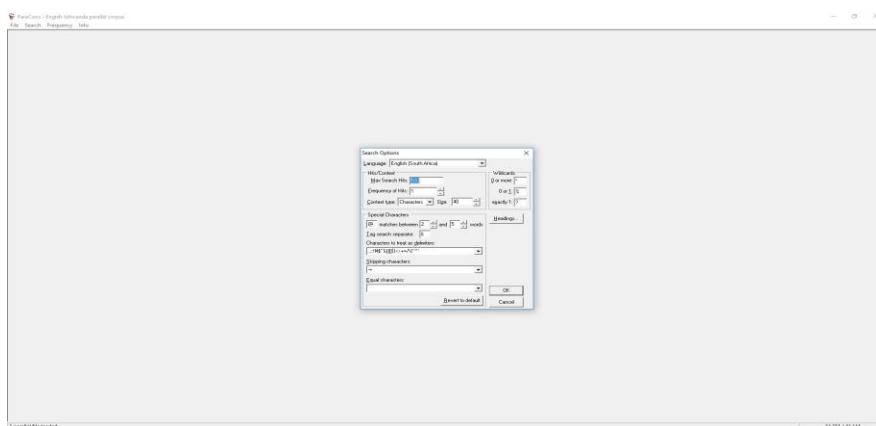
Figure 3.82: Settings in Search Options

3.3.3.7 Sorting and categorising the results of the search

Clicking on a sentence in the upper window of the English parallel corpus highlights the translation in the lower window of the Tshivenḓa parallel corpus. To categorise the results so that similar instances occur together the *Left sort* should be performed by clicking *Sort* in the menu. To achieve this ordering, one needs to select *1ˢᵗ left* and then *1ˢᵗ right*. Responding to this the program instantly rearranges the concordance lines in a way that groups the results in revealing ways. The results beneath illustrate the words that collocate with the term *Constitution.* Figure 3.83 below indicates the words which collocate with the term Constitution.
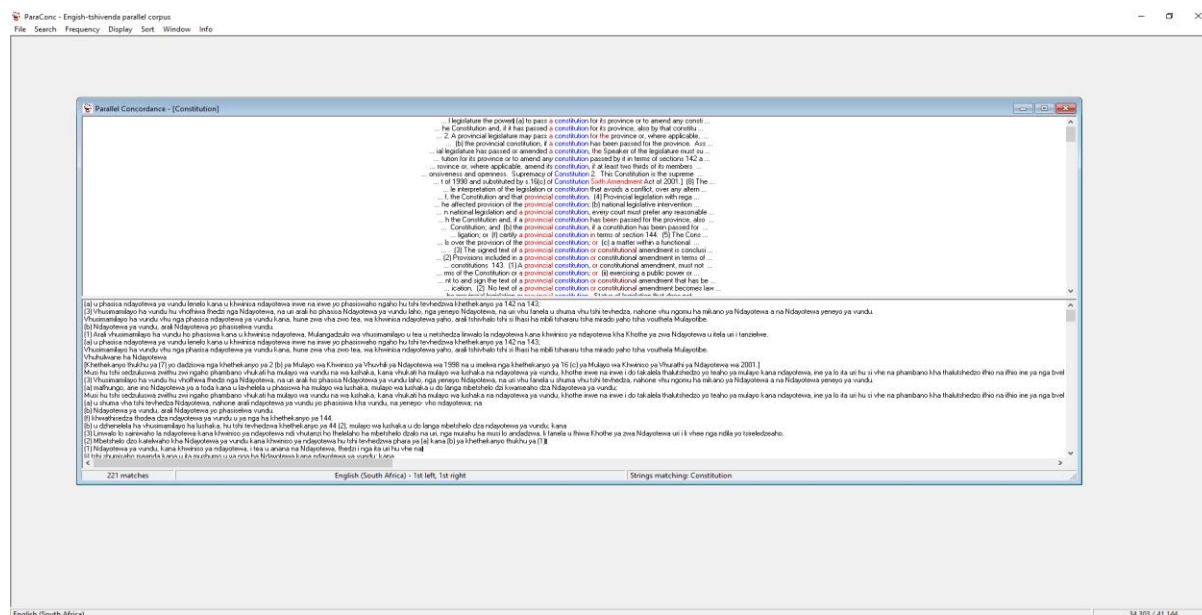
Figure 3.83: Sorted Concordance results

3.3.3.8 Hot words

Hot word is a very important tool because it enables the researcher to search for possible translations and other associated words. Words or key words that usually co-occur together are called *hot words* (Barlow, 2008:36). To get *hot words* one needs to right click on the window of the target text, and a dialogue box will pop up with a list of options with a ranked list of *hot words*.
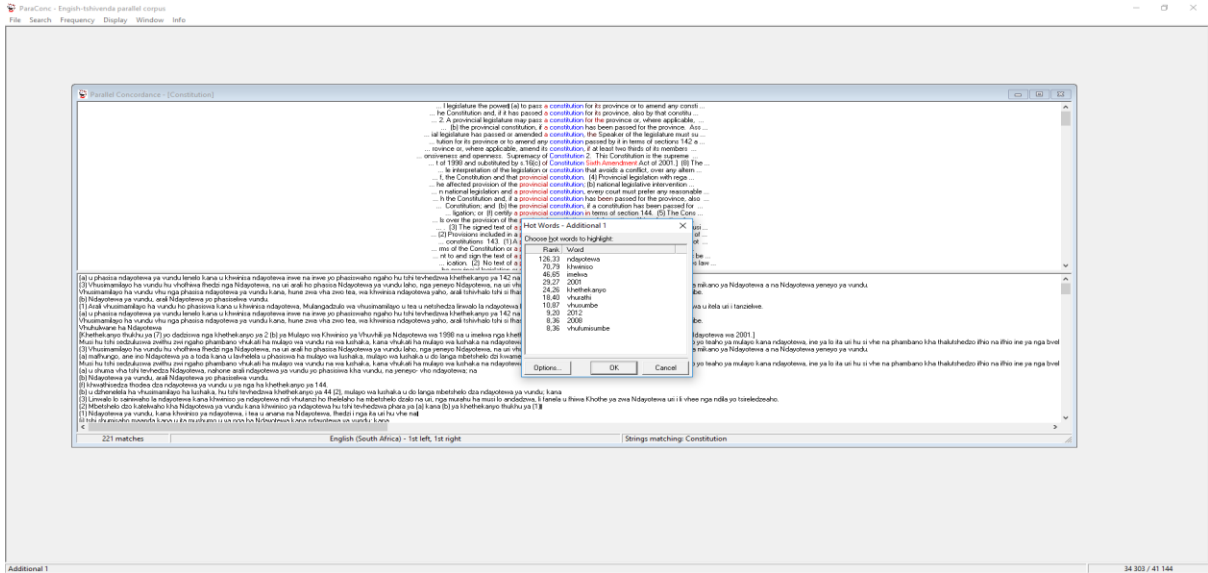
Figure 3.84: Hot words list

In the Tshivenḓa parallel corpus in Figure 3.84 *Ndayotewa* is the hottest word and is usually associated with concords *ha, dza, ya, nga, kha* etc.

3.3.3.9   File distribution

The distribution of words in a corpus can be illustrated by means of a graph as illustrated in Figure 3:85. The distribution of words also assists to sense where words are located in the corpus file. In order to open the file one must click on the *Display* menu to access a drop-down menu showing a number of options at the bottom. Figure 3.85 illustrates how the term *Constitution* was distributed in the English parallel corpus.
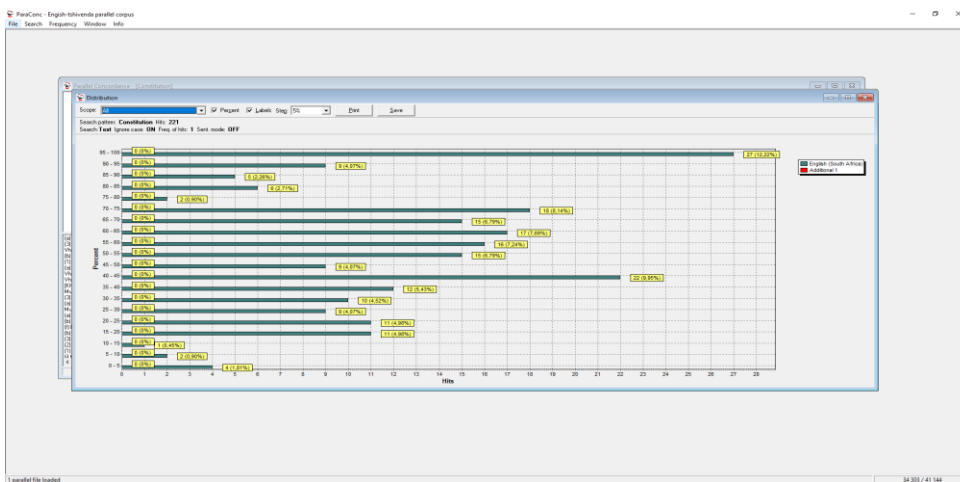
Figure 3.85: Showing the distribution of the head word Constitution

The *x axis* demonstrates the number of hits and the *y axis* shows position in the corpus. The percentage segment denotes the percentage of the complete corpus. To track the hits and clarify the dissimilarities in the number of hits between the two corpus files, one can click on a sentence with the hit 'Constitution' in the English window at which its translation will be seen in the bottom window.

3.3.3.10   Alignment of parallel text at sentence level

In the alignment process the texts are matched at sentence level so that a sentence in the source text finds an equivalent sentence in the target text. The reason for parallel concordance to be carefully chosen in this study as a tool to interpret the English-Tshivenḓa parallel corpus, is the capability to align texts at sentence level. The drop-down menu on the window in Figure 3.86 shows that the texts are aligned at the text level. The alignment process is essential for the successful function of software. The alignment utility makes it possible to recognise terms and their possible translations and frequency list.
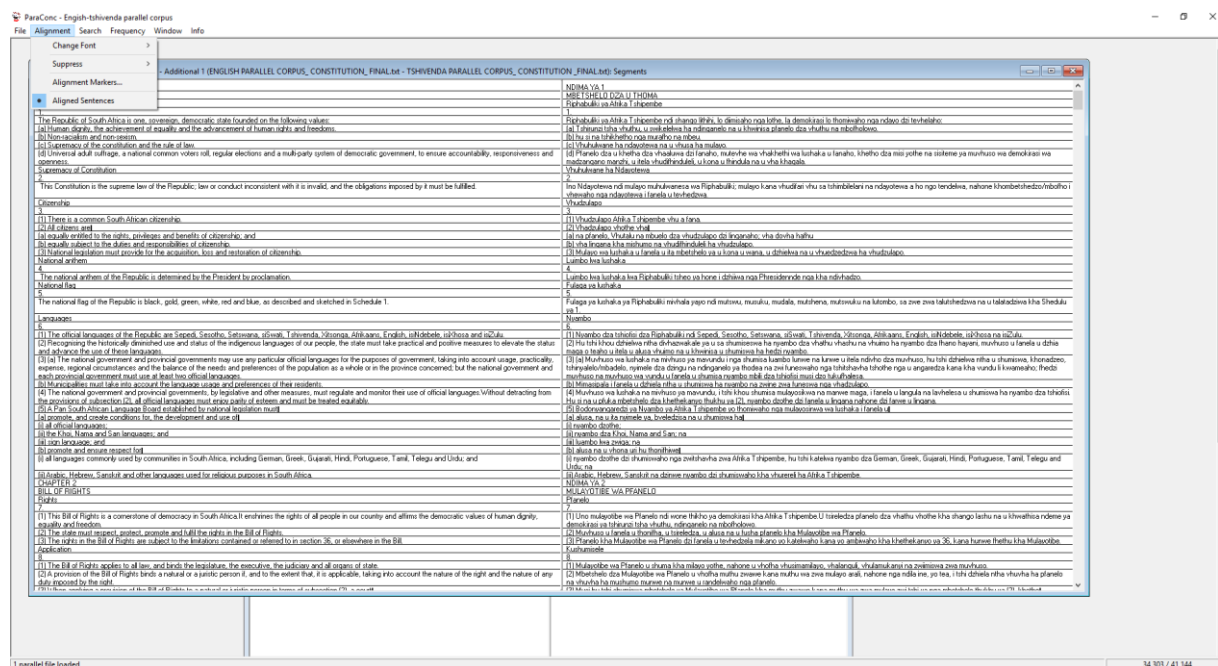
Figure 3.86: Alignment of parallel text at sentence level

It often happens that sentences are not aligned properly, in which case a menu of options permits the splitting and merging of sentences or segments (see Figure 3.87 below). In order to

rectify this mistake, the software has a merge and split alignment function that permit the segment to move from one space to another. New segments can be made by clicking insert empty segment.

3.3.3.11   Merging and splitting of segment /sentence

In aligning the text, a sentence is used as a basic alignment segment. This does not mean that each sentence in the English Parallel corpus is aligned with a similar single sentence in the Tshivenḓa parallel corpus because occasionally a sentence in the source text is equal to two sentences in the target text. This results from a difference in structure and omission in some instances. After the files alignment, files are saved under *workspace* so that the researcher can always return to the *workspace* because it keeps track of the work done rather than creating each *workspace* all the time.
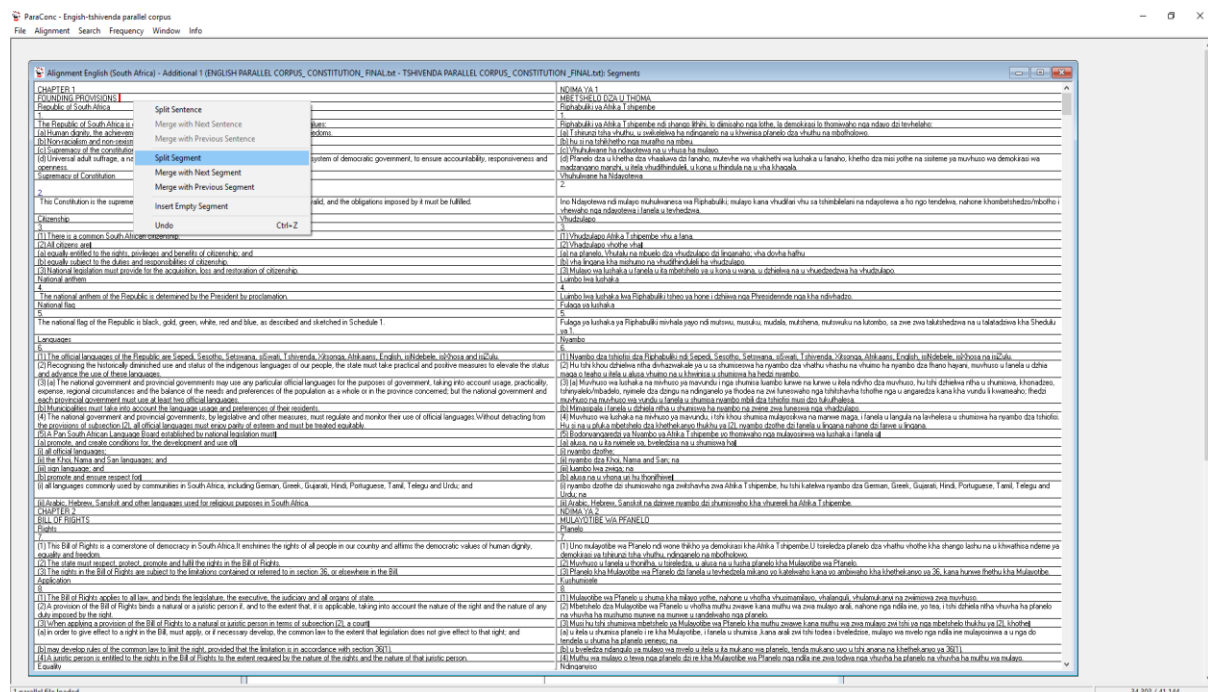
Figure 3.87: Alignment of parallel text at sentence level

3.4   Conclusion

This section delineated the methods of collecting data that were used in the study, i.e. qualitative and quantitative methods. Two sets of questionnaires were formulated, one for

language practitioners, and the other for Vhavenḓa citizens, lawyers, teachers, students and civil servants. The chapter also explained how the English-Tshivenḓa parallel corpus was designed and procedures were also outlined. The steps which were used when working with an electronic corpus were described in detail. Through ParaConc terms and their possible translations can be accessed through the *search menu*. In this study the terms will be analysed to determine which strategies were used by Vhavenḓa translators in translating the Tshivenḓa version of the Constitution.

CHAPTER FOUR

TRANSLATION STRATEGIES AND THE TSHIVEN̖DA VERSION OF THE CONSTITUTION

4.1 Introduction

This chapter presents the analysis of the results of the data acquired in Chapter Three. Sanders and Pinhey (1983:356) state that data analysis is the deep evaluation of the essential constituents of the complete data collected to understand it. It can be regarded as a technique of organising data by bringing some order or structure to it. This is the procedure of creating meaning out of raw data collected. Analysis of data needs some innovativeness on how to consign and scrutinise raw data in a significant way and to communicate the results and commendations in a way that is persuasive to the audience.

The translation strategies used by Vhaven̖da translators in the translation of the Tshiven̖da version of the Constitution are discussed in detail in this chapter. Dictionaries and terminology lists were used to cross-reference the meaning of the terms that were extracted from the English-Tshiven̖da Parallel Corpus. The researcher furthermore searches for meanings of source terms from English dictionaries and websites to compare them with those of the target text.

4.2 Translation strategies

As mentioned in Chapter One, strategies are ways that translators use to overcome problems while translating, or as Nokele (2015) puts it, they are techniques that translators use when trying to overcome challenges while translating work to solve problems of equivalence caused by the different natures of the languages involved. Ndhlovu (2012:125) mentions that, through the process of translating, translators are confronted with a challenging task of selecting suitable ways of giving information to produce the best translations. The technique, process, or principle followed to present this information is known as a strategy. A specific strategy can be chosen either spontaneously or unconsciously, with varying degrees of success (Kruger,

2000:156). Ndlovu (2009) further states, however, that selected strategies influence the effect of the translation, particularly how target readers, who already have expectations of how certain things need to be said in their language and culture, accept it. Choosing 'wrong' strategies can lead to a translation not being accepted by target readers as they fail to relate to it.

Baker's (1992) strategies, i.e. translation by a more general word (superordinate), translation by a neutral or less expressive word, translation by cultural substitution, translation using a loan word or loan word plus explanation, translation by paraphrase, and translation by omission, will be applied as a requirement to categorise strategies in this study. These strategies are separated into two comprehensive areas, non-equivalence at word level and non-equivalence above word level. Non-equivalence at word level means that the target language has no direct equivalent for a word, which occurs in the source text (Baker, 1992:20). Non-equivalence above word level, on the other hand, is a lack of equivalence when words are combined to form meaning. This investigation will focus on non-equivalence at word level. Examples to illustrate the arguments will be extracted from the English-Tshivenḓa Parallel Corpus.

4.2.1   Translation by a more general word (superordinate)

Baker (1992:26) mentions that the use of a superordinate is one of the commonest strategies for dealing with many types of non-equivalence at word level. It is used to overcome a relative lack of specificity in the target language compared to the source language. She mentions that it works well in most languages since the hierarchical structure of semantic fields is not language specific. Baker identifies this strategy as a universal feature because things are simplified to be understandable by the readers. Richards and Richards (2002:243) state that superordinate is a relationship between two words, in which the meaning of one word includes the meaning of the other. Due to lack of terminology, Tshivenḓa lacks specific terms for some English terms. Below are examples of how Vhavenḓa translators use the general word to translate specific terms in the Tshivenḓa version of the Constitution.

The term 'authorities' appears twice in the English-Tshivenḓa Parallel Corpus and it was translated as *maanḓalanga* on both occasions. The Vhavenḓa translators preferred to use this term while translating the Constitution. Normally 'authorities' is defined as 'people or

137

organisation that are/is in charge of a particular country or area' (Summers, 2004:99). In other words, 'authorities' are people or organisations who have power to control. (Note: TT stands for Target Text, BT stands for Back Translation, and ST stands for Source Text). On one occasion it is used as follows:

TT: *Zwenezwo zwa vhurereli zwa tevhedza ndaulo dzo itwaho nga **maanḓalanga** a muvhuso* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:9).

BT: Those religious characters adhered to regulations made by government authorities.

ST: Those observances follow rules made by the appropriate public **authorities** (The Constitution of the Republic of South Africa, 1996:7).

Whereas the source language makes use of *public authorities* to bring out its message, the target language provides the equivalent thereof as *maanḓalanga a muvhuso* (government authorities). The general term *maanḓalanga* is also applied in instances such as municipalities, traditional leaders, universities etc. and the target speakers understand this term. Considering the given definition, the Vhavenḓa translators captured the correct translation equivalent of 'authorities' as *maanḓalanga*. In Tshivenḓa the meaning of *maanḓalanga* is 'community authorities' (Mathivha et al., 2015:84). It is a compound noun *maanḓa + langa*, indeed 'authorities' oversee a particular area. The Tshivenḓa version of the constitution captured the meaning correctly. The term is considered as an umbrella term for 'people', 'organisations who are in charge like managers and government institutions assigned powers by the President and the Constitution'.

The term 'framework' occurs eight times in the English-Tshivenḓa Parallel Corpus and is translated as *mutheo*. The term 'framework' is defined as a particular set of rules, ideas, or a belief which we use to deal with problems or to decide what to do (Sinclair, 1990:576). In other words, 'framework' is a plan that guides the people how to deal with problems. Framework is applied usually in policies of an organisation.

TT: *Mafhungo maṅwe na maṅwe a yelanaho na zwa muvhuso wapo a songo ambiwaho nga hao kha Ndayotewa a nga randelwa nga mulayo wa lushaka kana nga mulayo wa vundu kha **mutheo** wa mulayo wa Lushaka* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:104).

BT: Any matters that are related to local government that were not dealt with in the Constitution may be prescribed by national legislation or provincial legislation in the foundation of national legislation.

ST: Any matter concerning local government not dealt with in the Constitution may be prescribed by national legislation or by provincial legislation within the **framework** of national legislation (The Constitution of the Republic of South Africa, 1996:84).

The Tshivenḓa term *mutheo* means a line drawn where a hut wall is to be built; foundation (Van Warmelo, 1989:245). The Vhavenḓa translators translate framework as a foundation on which something is based. Van Warmelo's definition is misleading; *mutheo* does not refer to foundation only; this was also substantiated by Mathivha et al. (2015:273) who write that 'framework' means *muteo, muhanga*. The Vhavenḓa translators captured the correct term for 'framework' which is a general term applied in the various fields; it can be used in legal and construction fraternities. The readers of the Constitution will understand that the equivalent of the term 'framework' means *mutheo* in the context in which it is presented. Both the source text and the target text terms 'framework' and *mutheo* refer to one and the same concept.

The term 'intelligence' appears nine times and is translated as *vhusevhi*. The term 'intelligence' is defined as information about the secret activities of foreign governments, the military plans of an enemy, or the group of people or organisation that gathers this information for their government (Summers, 2004:991). Intelligence plays a major role in a country, failure to having effective intelligence can result in the government being taken over. Intelligence services are the watchdogs of the government.

> TT: *Tshumelo ya tsireledzo ya Riphabuliki yo vhumbiwa nga mmbi nthihi ya vhupileli, tshumelo ya mapholisa nthihi na tshumelo iṅwe na iṅwe ya zwa **vhusevhi** yo thomiwaho u ya nga Ndayotewa* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:134).

> BT: The security service of the Republic comprises of one defence force, one police service and any intelligence service established in terms of the Constitution.

> ST: The security services of the Republic consist of a single defence force, a single police service and any intelligence services established in terms of the Constitution (The Constitution of the Republic of South Africa, 1996:108).

The Tshivenḓa term *vhusevhi* is derived from the noun *tsevhi* and the verb stem *-sevha* and defined in Tshivenḓa as one who warns another of impending danger, who gives a hint or tip on something referring to a spy (Mathivha et al., 2015:196). The term *sevha* means to tell a person something in secret, especially as a warning of danger; tip off; give sly warning, as with wink or slight touch (Van Warmelo, 1989:331). *Tsevhi* was also used by the Vhavenḓa people

while they were fighting with their enemies. The chief used to send spies to check if it would be safe for them to continue fighting. The translators used the correct strategy of translation by engaging a more general word.

The term 'recruitment' translated as *kunga* in the English-Tshivenḓa Parallel Corpus is defined as an act or activity of finding a new member for an organisation or new workers for a company or institution (Sinclair, 1990:1206). 'Recruitment is the way of getting new members in an organisation; they can be graduates from university. It can also be done in an army, air force or navy for people who are untrained'.

> *TT: U eletshedza miraḓo ya muvhuso wa lushaka na ya vundu malugana na kushumele kwa vhashumeli vha tshumelo ya muvhuso, hu tshi katelwa na a u **kunga** vhashumi, kutholelwe, u sudzulusa, u bvisa mushumoni, na zwiṅwe-vho zwi yelanaho na mabuḓo a mishumo ya vhashumi kha tshumelo ya muvhuso; na u shumisa maṅwe maanḓa na u shuma mishumo yo randelwaho nga Mulayo wa Phalamennde* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:130).

> BT: To advise members of national and provincial institutions concerning operation of servants of the public service, including to entice workers, appointment, transfer, discharge, and other things related to job careers of employees in the public service, and use of other powers and to do prescribed functions by the Act of the Parliament.

> ST: To advise national and provincial organs of state regarding personnel practices in the public service, including those relating to the **recruitment**, appointment, transfer, discharge and other aspects of the careers of employees in the public service; and to exercise or perform the additional powers or functions prescribed by an Act of Parliament (The Constitution of the Republic of South Africa, 1996:105).

The target text term *kunga* means entice, lure, decoy and coax (Mathivha et al., 2015:65). In Tshivenḓa *kunga* may also mean attract (Wentzel & Muloiwa, 1982:26). The term 'recruitment' has nothing to do with entice, lure, decoy and coax by looking at the source text definition, this is a process of employing or hiring new staff. The translators of the Constitution were supposed to have used *thola* rather than *kunga*. This will confuse the target readers and they will not understand the message that was conveyed in the source text. In Tshivenḓa the term *kunga* can be applied in matters pertaining to initiation schools such as *hogo, vhusha, domba* and *musevhetho* where youth entice one another to be part of those initiation schools. One cannot say *kunga* is a general term that covers a specific word 'recruitment'. Therefore, the translators failed to provide a correct equivalent for the term 'recruitment'.

The term 'invasion' occurs only once and was translated as *u govhelwa* in the English-Tshivenḓa Parallel Corpus. 'Invasion' is when the army of one enters another country by force to take control of it (Summers, 2004:1002). Invasion is the taking over of one government by the government of another county using force. The country which is taking over uses power and control over the other country. This is illustrated in the extract below:

> TT: *Vhutshilo ha lushaka vhu kha u shushedzwa nga nndwa, **u govhelwa**, u dzhiiwa ha muvhuso nga ḽiṅwe shango, mufhirifhiri, zwiwo zwa mupo kana zwiṅwe zwiimo zwa shishi kha tshitshavha; na u ḓivhadzwa hohu hu na ndeme u itela u vhuedzedza mulalo na Vhudziki* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:20-21).

> BT: The life of the nation is threatened by war, surrounded, taken over of government by another country, riot, natural disaster, or another state of emergency in the communities; and this announcement is important to restore peace and stability.

> ST: The life of the nation is threatened by war, **invasion**, general insurrection, disorder, natural disaster, or another public emergency; and the declaration is necessary to restore peace and order (The Constitution of the Republic of South Africa, 1996:16-17).

The Tshivenḓa term *govhela* means plait or lace wire around something, as a club or spear handle by way of ornamentation, surround, enclose, beleaguer, as a stronghold (Van Warmelo, 1989:72). Van Warmelo's definition of the terms reveals a number of meanings. Mathivha et al. (2015:38) concur with Van Warmelo when they define *govhela* as plait wire all around something; surround, enclose, beleaguer, as a stronghold; hastily pop something into one's mouth. In this regard, *govhela* is a general term meaning an army of one country entering another country by force. In both the source and the target text, the terms refer to entering another country by force. The Vhavenḓa translators used the correct general term to capture the meaning of 'invasion'. As indicated above, the target language term *govhela* can be used in different contexts not related to an army, for example, a wire can be laced around something.

The source language term 'Act' emerges 186 times and is translated as *Mulayo*. 'Act' is defined as a law that has been officially accepted by the Parliament or Congress (Summers, 2004:16). In other words, Act is a law passed by the government and accepted by parliament.

All nations make use of laws to control people. Laws are practised differently from one nation to the next. Vhavenḓa, like other African nations, have laws which they practise differently from other nations. Whereas people of the West call their laws by different names, for example, law, act, regulation, etc. to Vhavenḓa, all laws are known as *mulayo*. A general term *mulayo*

embraces all the terms. Vhavenḓa's *milayo* were not written, but passed on from one generation to the next by word of mouth. That is why they did not have terms such as *act* and *regulation*. When translating terms such as act and regulation they used the superordinate *mulayo* because they do not have specific terms for the terms. The extracts below illustrate the translation of the term into the target language.

> TT: *Tshiimo tsha shishi tshi ḓivhadzwa fhedzi zwi tshi ya nga **Mulayo** wa Phalamennde* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:20).

> BT: A state of emergency may only be announced in terms of the Law of the parliament.

> ST: A state of emergency may be declared only in terms of an **Act** of Parliament (The Constitution of the Republic of South Africa, 1996:16).

Vhavenḓa do not have a specific term for 'act'; they overcome this lack of specificity by using the general term *mulayo*. The Vhavenḓa translators conveyed the correct message to the citizens who read the Tshivenḓa Constitution. Indeed, the equivalent source term of 'Act' is *Mulayo* because the term is a more general covering both *act*, *law, regulation* and *rule*.

'Attorneys' appears once in the parallel corpus and is translated as *maadivokhethi kana maaxennḓe*. 'Attorney' means a person legally appointed or empowered to act for another or a lawyer qualified to represent clients in legal proceedings (McKeown, 2008:827).

> TT: *Arali tshivhalo tsho nangiwaho u bva kha phrofesheni ya **maadivokhethi** kana **maaxennḓe** hu tshi tevhedzwa khethekanyo ya (1)(e) kana (f), tshi tshi eḓana na tshivhalo tsha zwikhala zwi teaho u ḓadziwa, Phresidennde u tea u vha thola , arali tshivhalo tsha vhathu vho nangiwaho tshi tshi fhira tshivhalo tsha zwikhala zwi teaho u ḓadziwa, Phresidennde nga murahu ha musi o kwamana na phrofesheni yo livhanaho nazwo, u tea u thola vhanangiwa vho eḓanaho u ḓadza zwikhala, hu tshi dzhielwa nṱha uri, avho vhane vha ḓo tholiwa vha vhe vho imelela phrofesheni nga vhuḓalo* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:31).

> BT: If the chosen number from professional **advocates** or **attorneys** in terms of section (1) (e) or (f), equals to the numbers of vacancies that must be filled, the President must appoint them, if the number of people chosen surpasses the number of vacancies that need to be filled, the President after consulting with the relevant profession, must appoint adequate appointees to fill the vacancies, taking into consideration that, those who will be appointed will represent the entire profession.

> ST: If the number of persons nominated from within the **advocates**' or **attorneys**' profession in terms of subsection (1) (e) or (f) equals the number of vacancies to be filled, the President must appoint them. If the number of persons nominated exceeds the number of vacancies to be filled, the President, after consulting the relevant profession, must appoint sufficient of the nominees to fill the vacancies, taking into

account the need to ensure that those appointed represent the profession as a whole (The Constitution of the Republic of South Africa, 1996:26).

The translators used the specific terms *maadivokhethi* and *maaxennde* instead of the general term *ramilayo*. *Ramilayo* means 'attorney' (Wentzel & Muloiwa, 1982:156). Vhavenḓa citizens understand advocate or attorney as *ramilayo*. Advocate or attorney are specific words for which the target language does not have equivalents, but it uses a superordinate *ramulayo*. The translators of the Tshivenḓa version of the Constitution used the strategy of translation by a more general word accurately. *Ramilayo* is a superordinate for both *attorney* and *advocate*, the two words are included in *ramilayo*. Both attorney and advocate are legal practitioners but differ in the level of their positions. It is true that *ramilayo* is a general term, but the word was not used by the translators of the Tshivenḓa version of the Constitution.

The source term 'remuneration' occurs six times in the parallel corpus and is translated as *u hola*. 'Remuneration' is the pay you give someone for something they have done for you (Summers, 2004:1622). The extracts below show that the term 'remuneration' is translated as *u hola* in the target language.

> TT: *Muthu muṅwe na muṅwe o tholiwaho kana ane a khou shumela muvhuso na **u hola** malugana na u tholiwa honoho kana tshumelo kha muvhuso* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:31).
>
> BT: Any person appointed by, or is working for the government and paid for that appointment or service.
>
> ST: Anyone who is appointed by, or is in the service of, the state and receives **remuneration** for that appointment or service (The Constitution of the Republic of South Africa, 1996:26).

Checking the definition of the source text, 'remuneration' is *muholo* not *u hola*. *U hola* is a verb meaning the process of being remunerated. *Muholo* means salary, remuneration, wages, earnings, emolument, and stipend (Mathivha et al., 2015:301). The term *muholo* is a general term that the translators were supposed to have used, possibly to avoid conveying a wrong meaning. The use of a more general term will help the target language readers to understand. The translators of the Constitution did not consider this while translating the source text. The term *muholo* serves as a more general term referring to salary, remuneration, wages, etc. Tshivenḓa does not have a specific term for 'remuneration', hence a general term *u hola* which

is related to *muholo* is provided as the equivalent. Vhavenḓa did not remunerate people as it is done now after doing some job for them. They believed in sharing and helping one another. For a job done, food and drinks will be provided to appreciate the job done.

The term 'revenue' appears 38 times and is translated as *mbuelo*. 'Revenue' is defined as money that the government receives from tax (Summers, 2004:1645). Vhavenḓa did not have revenue as defined above in their life. Before the introduction of Western practices, after Vhavenḓa had harvested from the fields they would take a portion of their harvest to their chief as a form of revenue. Revenue was not in monetary form, but the product produced. As a result, Vhavenḓa do not have a specific term for *revenue,* but use a general term *mbuelo.* Revenue is translated as *mbuelo* as shown in the extract below.

> TT: *Mukovhe wa vundu u linganaho wa **mbuelo** yo kuvhanganywaho nga lushaka u ḓo bviswa kha Tshikwama tsha Mbuelo ya Lushaka* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:143).

> BT: An equal share of the province's revenue collected by the nation is to be withdrawn from the National Revenue Fund.

> ST: A province's equitable share of **revenue** raised nationally is a direct charge against the National Revenue Fund (The Constitution of the Republic of South Africa, 1996:115).

Mbuelo means income, revenue and benefits (Mathivha et al., 2015:101). The translators gave the correct equivalent of the term 'revenue', and its equivalent is a more general term *mbuelo* that can be used for income, revenue, and benefits. The message was well transferred to the target readers of the Constitution.

The term 'liability' appears once in the parallel corpus and is translated as *milandu*. 'Liability' is defined as legal responsibility for something, especially for paying money that is owed, or for damage or injury (Summers, 2004:1085).

> TT: *Tsumbedzo ya ndivho malugana na u koloda na zwiṅwe zwivhumbeo zwa **milandu** ya muvhuso zwine zwa ḓo gonyisa zwikolodo zwa muvhuso kha ṅwaha u tevhelaho* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:145).

> BT: Indication of knowledge regarding borrowing and other forms of government liability that will increase public debts in the following year.

ST: An indication of intentions regarding borrowing and other forms of public **liability** that will increase public debt during the ensuing year (The Constitution of the Republic of South Africa, 1996:116).

The Tshivenḓa term *milandu* means 'liability' (Mathivha et al., 2015:285). The noun *milandu* falls under noun class prefix 4 (*mu-* prefix in class 3 for *mulandu* singular and *mi-* prefix in class 4 for *milandu* plural). The term 'liability' is a singular noun and the translators gave the equivalent of a plural noun. 'Liability' is a superordinate term of current and non-current liabilities. Although the translators did not consider the term 'liability' as a singular noun, they applied the correct equivalent. Tshivenḓa lacks the equivalent of 'liability'. In this regard, the translator provided the Tshivenḓa term *mulandu* which is a general term referring to both 'debt' and 'liability' which means *mulandu* and *khwalo*. By providing *milandu* as an equivalent of 'liability', the translator has overcome the lack of specificity in this regard.

The term 'society' surfaces eight times and is translated as *tshitshavha* in the parallel corpus. 'Society' is defined as the aggregate of people living together in a more or less ordered community (Kavanagh, 2002:1114). The following extracts illustrate that society is translated as *tshitshavha* in the target language.

> TT: *Pfanelo kha Mulayotibe wa Pfanelo dzi kanukanywa zwi tshi ya nga mulayo u shumiswaho lwa u angaredza nga nḓila ine u kanulwa honoho ha vha hu pfadzaho nahone hu tshi ṱanganedzea zwi khagala na kha* **tshitshavha** *tsha demokirasi yo ḓisendekaho kha tshirunzi tsha muthu, ndinganelo na mbofholowo, hu tshi dzhielwa nṱha zwithu zwinzhi zwo teaho, hu tshi katelwa* — (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:20).

> BT: The rights in the Bill of rights are demarcated in terms of law of using in general to the extent that that demarcation is understandable and clearly acceptable to the democratic **society** based on human dignity, equality, and freedom, taking into consideration all relevant factors, including —

> ST: The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic **society** based on human dignity, equality and freedom, taking into account all relevant factors, including — (The Constitution of the Republic of South Africa, 1996:16).

The Tshivenḓa noun *tshitshavha* means group, number of people, community (Mathivha et al., 2015:216). Vhavenḓa do not differentiate between the terms 'community' and 'society', they are both referred to as *tshitshavha*. Therefore, *tshitshavha* is a more general word for 'society'

and 'community'. The translators used the correct strategy of translating by providing a general term to convey the message to the target readers.

Like other African languages, Tshivenḓa translators are bound to use general terms in cases where there are no specific terms for the English equivalents. When western civilisation was introduced to Africans it came with its specific terminologies which do not exist in the African languages.

4.2.2 Translation by more neutral or less expressive word

Translation by a more neutral or less expressive word is frequently used to translate a word in the source language which does not have a direct equivalent in the target language, but which has a similar propositional meaning. Baker (1992:23-24) clarifies that "if the target language equivalent is neutrally paralleled to the source language item, the translator can occasionally add an evaluative element using a modifier if necessary, or by building it in somewhere else in the text". The examples below demonstrate how this strategy is used in English-Tshivenḓa Parallel Text.

The term 'review' appears 12 times in the English-Tshivenḓa Parallel Corpus and is translated as *sedzulusa*. Summers (2004:1646) defines this term as a careful examination of a situation or process. To 'review' is to revisit a matter or to have another look at a situation.

> TT: *Khothe i fanela u **sedzulusa** u farwa ha muthu nga u ṱavhanya nga hune zwa konadzea ngaho arali zwi tshi konadzea, fhedzi hu si nga murahu ha maḓuvha a 10 nga murahu ha datumu ye muthu a farwa ngayo, nahone khothe i fanela u vula mufariwa nga nnḓani ha musi zwi tshi ṱoḓea uri u farwa uho hu ḓi ya phanḓa u itela uri hu vhe na mulalo na vhudziki* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:24).

> BT: A court must review the arrest of a person as soon as possible if possible, but not after 10 days after the date the person was arrested, and the court must release the inmate unless it is necessary for the arrest to continue for the sake of peace and stability.

> ST: A court must **review** the detention as soon as reasonably possible, but no later than 10 days after the date the person was detained, and the court must release the detainee unless it is necessary to continue the detention to restore peace and order (The Constitution of the Republic of South Africa, 1996:19).

A person cannot be detained without a thorough examination of the circumstances. It is the responsibility of the courts to carry out such a review. Vhavenḓa did not have jails where detainees were kept in their judiciary practices. As a result, they did not need to detain a person until his/her case is heard. The term 'review' in this regard was not part of their vocabulary. The Tshivenḓa term *sedzulusa* was used as an equivalent of 'review', but it is a neutral term because it does not provide a direct equivalent. However, the meaning relates to 'review' because according to Wentzel and Muloiwa (1982) it means 'revise'. The translators of the Tshivenḓa Constitution applied the correct strategy of translation by more neutral or less expressive words.

However, the translation of other concepts in the source language text does not send a correct message in the target text. For example, 'reasonably possible' is translated as *hune zwa konadzea ngaho arali zwi tshi konadzea* in the target text. Readers can be confused by the structuring of the phrase. The translators could have used *nga hune zwa konadzea ngaho* without repeating *zwi tshi konadzea*. Secondly, the phrase 'the court must release the detainee' in the source text should be translated as *khothe i fanela u vhofholola mufariwa* in the target language. The translators provided *vula* instead of *vhofholola*. *Vula* is not the equivalent of 'release' in the context of the sentence, because it is neither translation by a more neutral nor less expressive word.

The source term 'broadcasting' appears four times in the parallel corpus and is translated as *khasho.* Kavanagh (2002:143) defines 'broadcasting' as transmitting by radio or television. This is an act of sending out radio and television programmes. The following is one instance in which the term 'broadcasting' is translated as *khasho* in the target language.

> TT: *Mulayo wa Lushaka u tea u thoma maanḓalanga a ḓivhusaho a u langula zwa* **khasho** *hu tshi itelwa tshitshavha* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:125).

> BT: National Law must establish an independent authority to control **broadcasting** for a public interest.

> ST: National legislation must establish an independent authority to regulate **broadcasting** in the public interest (The Constitution of the Republic of South Africa, 1996:100).

The term *khasho* means broadcast. Wentzel and Muloiwa (1982:159) define 'broadcast' as *khasho*, derived from the verb stems *-hasha,* and *-zwala*. Whereas *-hasha* means to scatter and

sow, *-zwala* means to sow. Both show the act of dispersing. According to the translators, the radio and television disperse information to the public. The meanings of 'disperse' and 'transmit' are related. In Tshivenḓa the equivalent of 'transmit' is *-fhirisa.* The speakers of Tshivenḓa use the term *khasho* to refer to broadcasting. Although *khasho* is not a direct equivalent of broadcasting, it is a more neutral term which conveys the same meaning as that of broadcast.

'Specialised knowledge' appears once in ETPC and is translated as *nḓivho yo khetheaho.* 'Specialised knowledge' includes a range of factual, theoretical, and practical knowledge, as well as competencies and skills in a particular discipline or profession (www.esc.edu/global-learning-qualifications-framework/learning-domains/specialized-knowledge/).

> TT: *Hu tea u dzhielwa nṱha nga maanḓa **nḓivho yo khetheaho,** kana tshenzhemo kha zwa u oditha, tshelede dza muvhuso nahone zwa ndaulo ya muvhuso na zwone zwi tea u dzhielwa nṱha musi hu tshi tholwa Muoditha-Dzhenerala* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:125).
>
> BT: Specialised knowledge must be considered, or experience in auditing, government finances and public administration must be considered when appointing Auditor General.
>
> ST: **Specialised knowledge** of, or experience in, auditing, state finances, and public administration must be given due regard in appointing the Auditor-General (The Constitution of the Republic of South Africa, 1996:101).

Nḓivho yo khetheaho in this context refers to competence and skills a person possesses in a particular field. In Tshivenḓa we do not have an equivalent term of 'specialised knowledge'. The translators coined a term from 'specialised' and 'knowledge 'and came up with the term *nḓivho yo khetheaho.* The term *khetheaho* is an adjective. The translators of the Tshivenḓa version of the Constitution used *nḓivho yo khetheaho* generally, not as a specialised skill in a particular field. The source language definition explained that it also includes theory and practical knowledge. In this context, the equivalent of 'specialised knowledge' is too general and it needs clarity. Translators of the Tshivenḓa version of the Constitution provided a less expressive terminology, but which captures the same message as that in the source text. The readers of the Tshivenḓa Constitution will understand it as if it is any specialised knowledge.

'The complainant' occurs once in the English-Tshivenḓa Parallel Corpus and is translated as *muhweleli*. 'The complainant' is someone who makes a formal complaint in a court of law (Summers, 2004:366).

> TT: *Muhweleli* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:119).
>
> BT: Plaintiff
>
> ST: 'The complainant' (The Constitution of the Republic of South Africa, 1996:94).

The term *muhweleli* means a person who goes to lay a complaint or institutes an action against someone (Wentzel & Muloiwa, 1982:88). Vhavenḓa used to and still lay a charge against another person to his or her leaders, especially the traditional leaders. Laying a charge means complaining about the actions of another person. Therefore, *muhweleli*'s meaning is closely related to that of complainant. By checking the definition, the translators applied the correct strategy of translation by a more neutral word *muhweleli*. The term *muhweleli* is a modifier which adds an evaluative element in the target language. The term *muhweleli* is derived from the verb stem *-hwelela* which means to go and lay a complaint against, sue, lodge a complaint, institute an action against (Mathivha et al., 2015:113).

The term 'sex' surfaces once in the English-Tshivenḓa Parallel Corpus and is translated as *vhuṱalulambeu*. There are several meanings attached to the term 'sex'. Related to the Tshivenḓa equivalent sex is defined as either of two main categories (male and female) into which humans and most other living things are divided based on their reproductive functions (Kavanagh, 2002:1073).

> TT: *Muvhuso a u nga iti tshiṱalula tsho livhaho na tshi songo livhaho u tshi ṱalula muthu muṅwe na muṅwe nga tshiitisi tshithihi kana zwiitisi zwinzhi, hu tshi katelwa murafho, mbeu, **vhuṱalulambeu**, vhuimana, tshiimo tsha mbingano, vhubvo ha lushaka kana matshilisano, muvhala, lushaka lwa vhudzekani, vhukale, vhuhole, vhurereli, luvalo, lutendo, mvelele, luambo na mabebo* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:6).
>
> BT: The government will not discriminate directly or indirectly, discriminating anyone on one or more grounds including race, gender, **sex**, pregnancy, marital status, ethnic or social religion, colour, sexual preference, age, disability, religion, conscience, belief, culture, language and birth.
>
> ST: The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, **sex**, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth (The Constitution of the Republic of South Africa, 1996:6).

The Tshivenḓa term *vhuṱalulambeu* is a descriptive noun derived from the prefix *vhu-* + a verb stem *-ṱalula* + noun *mbeu = vhuṱalulambeu* and is a less expressive word because it does not have a direct equivalent and was used because the target language does not have a word which has the same connotation or impact. The Vhavenḓa translators coined the term *vhuṱalulambeu*. In Tshivenḓa the term v*huṱalulambeu* may mean describing sex or gender. In Tshivenḓa dictionaries the equivalent of 'sex' is *mbeu* and this will confuse the readers because the translators use the term *vhuṱalulambeu.*

Terminology and Orthography No. 3 (2011) provides the equivalent of 'gender' as *ḽibulambeu* and *mbeu,* and that of 'sex' as *mbeu.* To avoid the coinage of *vhuṱalulambeu* and the repetition of *mbeu* for 'gender' and 'sex', the translators should have translated 'gender' as *ḽibulambeu,* and 'sex' *as mbeu.* The coinage of the term *vhuṱalulambeu* was not necessary because the equivalent terms 'gender' and 'sex' do exist in the Tshivenḓa lexicon.

The source language term 'code of ethics' appears twice in ETPC and is translated as *maitele a vhuḓifari.* 'Code of ethics' is defined as a set of rules that people in a particular business or profession agree to obey (Summers, 2004:338). All nations, including Vhavenḓa, are guided by a set of rules in their daily life. It is expected that the concept 'code of ethics' exists in Tshivenḓa as shown below.

> TT: *Miraḓo ya Khabinethe na Vhathusa-Dziminisṱa vha tea u shuma u ya nga ha* **maitele a vhuḓifari** *o tiwaho nga mulayo wa Lushaka* (The translation is incomplete. The source text is made up of two sentences, whereas there is one sentence in the target text.) (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:63).
>
> BT: Members of Cabinet and Deputy Ministers must work according to the **code of conduct** determined by national law.
>
> ST: Members of the Cabinet and Deputy Ministers must act in accordance with a code of ethics prescribed by national legislation. (The Constitution of the Republic of South Africa, 1996:51).

Maitele a vhuḓifari is a neutral term and is legal jargon in every working place. Members are expected to behave in an acceptable manner. *Maitele a vhuḓifari* is less expressive because the target language does not have an equivalent of the source language phrase. Since 'code of ethics' is *milayo ya vhuḓifari* not *maitele a vhuḓifari,* it would be better for the Vhavenḓa

translators of the Constitution to use a loaning strategy. *Milayo ya vhuḓifari* in Tshivenḓa means 'code of ethics'. An alternative will be *khoudu ya vhuḓifari* not *maitele a vhuḓifari*; *maitele* are processes, manners of doing, style or method. Although the translators apply the correct strategy of translation by a neutral term, they were supposed to do more research about 'code of ethics' to get clarity because they failed to differentiate between processes and rules.

The source language term 'The Public Protector' occurs 15 times in the English-Tshivenḓa Parallel Corpus and is translated as *Mutsireledzi wa Tshitshavha.* 'The Public Protector' is defined as an official appointed to investigate individuals' complaints against maladministration especially that of public authority (in South Africa), a national or provincial ombudsman (Kavanagh, 2002:944). In other words, a Public Protector is an official who deals with all complaints of the Republic.

> TT: *Muvhigo muṅwe na muṅwe wo bviswaho nga **Mutsireledzi wa Tshitshavha** u tea u sumbedzwa vhathu, nga nnḓa ha musi nyimele dzi songo ḓoweleaho dzine dza ḓo tiwa u ya nga mulayo wa lushaka, dzi tshi ṱoḓa uri muvhigo u vhe tshiphiri* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:120).
>
> BT: Any report issued by the Public Protector must be open to the public, unless there are exceptional circumstances which will be determined in terms of national legislation, which require the report to be confidential.
>
> ST: Any report issued by **the Public Protector** must be open to the public unless exceptional circumstances, to be determined in terms of national legislation, require that a report be kept confidential. (The Constitution of the Republic of South Africa, 1996:97).

Mutsireledzi wa Tshitshavha means 'Public Protector' (Parliamentary/Political Terminology List, 2005). In all instances, the translators show consistency by translating 'The Public Protector' as *Mutsireledzi wa Tshitshavha.* The translators coined the target phrase from the term 'public' which means *tshitshavha* and 'protector' which means *mutsireledzi.* The translators conveyed the correct message to the readers, and they will understand it well.

4.2.3 Translation by cultural substitution

Baker (2011:29) states that translation by cultural substitution involves replacing a culture-specific item or expression with a target language item that does not have the same propositional meaning but is likely to have a similar impact on the target reader. The translator substitutes a notion that is alien to the target reader with a familiar notion, in an attempt to

make the message available. The advantage of this strategy is that the translator substitutes a concept that is unknown to the target readers with a concept with which they can identify, something familiar and appealing (Baker, 2011:29).

The source language term 'traditional monarch' appears once in the English-Tshivenḓa Parallel Corpus and is translated as *vhuhosi ha sialala.* 'Traditional monarch' is defined as a form of government that gives varying degrees of power to the Head of State, who retains the title for life(https://www.reference.com/world-view/definition-traditional-monarchy-a89b18755dd14407).

> *TT: Ndayotewa ya vundu, kana khwiniso ya Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, i tea u anana na Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, fhedzi i nga ita uri hu vhe na zwivhumbeo zwa vhusimamilayo ha vundu kana khorotshitumbe na matshimbidzele ane a fhambana na o ṋetshedzwaho kha Ndima ino; kana tshiimiswa, mushumo, maanḓalanga na tshiimo tsha zwa **vhuhosi ha sialala**, hune zwa vha zwo tea.* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:90).

> BT: A provincial constitution or amendment of the constitution, must be consistent with the Constitution of the Republic of South Africa, but may provide for provincial legislative or executive structures and procedures that differ from those provided for in this Chapter; or institution, role, authority, and status of **traditional chieftainship**, where necessary.

> ST: A provincial Constitution of the Republic of South Africa, or constitutional amendment, must not be inconsistent with this Constitution of the Republic of South Africa, but may provide for provincial legislative or executive structures and procedures that differ from those provided for in this Chapter; or the institution, role, authority and status of a **traditional monarch**, where applicable. (The Constitution of the Republic of South Africa, 1996:73).

In African culture, the concept of a "traditional monarch" does not have the same connotations as it has in western culture. Hereditary monarchy is characteristic of western culture, and traditionally, the king and queen have shared the role of head of state. In South Africa, the position of "traditional monarch" is likewise hereditary and is ruled by the chieftainship through three realms, which are the headman, the chiefs, and the king. In Tshivenḓa culture, the king, chief, and headman are supported by the *ndumi*, who is the vice chief, and the *khadzi*, who is the half-sister of the new chief. The headman, chief, and king collaborate with the royal family and royal council. The Vhavenḓa translators were successful in capturing the core of what it means to refer to someone as a "traditional monarch" because the phrase alludes to its roots in the concept of tribal chieftainship. Chiefs and kings have always held power over the

Vhavenḓa people. The word *vhuhosi*, which derives from the traditional leader *khosi*, is synonymous with the word monarch (headman, king, queen, chief). The translators were able to establish a connection between the two civilizations, namely the culture of the west and the culture of Tshivenḓa. The Constitution's scholars comprehend the meaning of *vhuhosi ha sialala*.

The analysis has found that the strategy of translation by substitution was used minimally by the translators.

4.2.4   Translation by paraphrase

Baker (1992: 38-40) states that if a concept expressed in the source language is not lexicalised in the target language, the paraphrase strategy can be utilised. Paraphrase is an expression of the meaning of a word or phrase using other words or phrases, often in an attempt to make the meaning easier to understand (Richards & Richards, 2002:384). Translating by paraphrasing makes the sense clear by adding words or sentences or reiterating these words. The benefit of this strategy is that it attains a high level of accuracy in stipulating propositional meaning. Its limitation is that it does not have the status of a lexical item and cannot convey expressively, evoked, or any other kind of associative meaning. Baker (1992:40) further states that the other limitation is that it is cumbersome and awkward to use because it involves filling a one-item slot with items of several items.

The term 'passport' appears once in the English-Tshivenḓa Parallel Corpus and is translated as **ḽiṅwalo ḽa u tshimbila**. 'Passport' is defined as an official document issued by the government, certifying the holder's identity and citizenship and entitling him/her to travel abroad under its protection (Kavanagh, 2002:851).

> TT: *Mudzulapo muṅwe na muṅwe u na pfanelo dza u vha na* **ḽiṅwalo ḽa u tshimbila** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:8).
>
> BT: Every citizen has the right to have a traveling document.
>
> ST: Every citizen has the right to a **passport** (The Constitution of the Republic of South Africa, 1996:8).

The noun 'passport' is translated as *phasipoto* (Mathivha et al., 2015:294) which is translation by borrowing. The Vhavenḓa translators translated 'passport' as a traveling document. In other words, 'passport' is an official document which is not used locally, but when a citizen is visiting foreign countries, which must be produced for identification. The source language definition states that 'passport' entitles the holder to travel abroad and indeed it is *ḽiṅwalo ḽa u tshimbila*. *Ḽiṅwalo ḽa u tshimbila* is a paraphrased Tshivenḓa expression which tries to show the meaning of the term 'passport'. The translators conveyed the correct message by using the strategy of paraphrasing because it helps readers to understand the meaning captured in the sentence.

The source language term 'conservation' surfaces once in the parallel corpus and is translated as *zwa vhutsireledzamupo*. 'Conservation' is defined as the protection of natural things such as animals, plants, forests, etc, to prevent them from being spoiled or destroyed (Summers, 2004:387).

> TT: *Muthu munwe na munwe u na pfanelo ya u vha kha vhupo vhune ha sa vhaise mutakalo wawe; na ya u vha kha vhupo ho tsireledzeaho, u itela mirafho ya zwino na i daho, nga kha milayosinwa na maga a pfadzaho ane a thivhela tshikafhadzo na u tshinya mupo wa madakani; a alusa* **zwa vhutsireledzamupo**; *na u tsireledza mvelaphanḓa ya zwa maṱaka na zwiko zwa mupo hu tshi khou aluswa mvelaphanḓa ya zwa ikonomi na matshilisano zwi pfalaho.* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:12).

> BT: Everyone has the right to be in an environment which is not harmful to her or his health, and to be in a protected environment, for the sake of present and future generations, through legislation and other reasonable measures that prevent pollution and to destroy ecology, promote nature conservation; and to secure ecological sustainability development and natural resources while promoting reasonable economic and social development.

> ST: Everyone has the right to an environment that is not harmful to their health or wellbeing; and to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation, promote **conservation**; and secure ecological sustainable development and use of natural resources while promoting justifiable economic and social development. (The Constitution of the Republic of South Africa, 1996:9).

The source term 'conservation' means *ndondolo* in Tshivenḓa (Mathivha et al., 2015:258). The term *ndondolo* is derived from the verb stem *-londola* which means preserve, have in keeping, care, store (Mathivha et al., 2015:74). The translators of the constitution into Tshivenḓa used a paraphrased expression *zwa vhutsireledzamupo* instead of translating the term 'conservation'. Translating by paraphrasing renders the source language term more understandable than using

the term *londola*. *Zwa vhutsireledzamupo* is made up of the possessive *zwa* (of) plus the prefix *vhu-*, plus the extended verb stem *-tsireledza* (protect) plus the noun *mupo* (natural environment). The possessive concord *zwa* and the compound noun make a good equivalent of the term 'conservation'. The Vhavenḓa translators use the strategy of paraphrasing so that the readers of the Constitution will be able to clearly understand the message in the sentence.

The term 'resign' appears twice in the English-Tshivenḓa Parallel Corpus and is translated as *u ḓirula mushumo*. 'Resign' is defined as a state of formally leaving a job permanently (Rundell, 2005:1205).

> TT: *Arali Buthano ḽa Lushaka, nga vouthu ya vhunzhi ha miraḓo yaḽo, i tshi ṋea ḽidzinginywa ḽa u sa vha na fhulufhelo kha Phresidennde, Phresidennde na miṅwe miraḓo ya Khabinethe na Vhathusa Dziminista vhaṅwe na vhaṅwe vha tea **u ḓirula mushumo*** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:66).
>
> BT: If the National Assembly, by a vote of a majority of its members, passes a motion of no confidence in the President, the President and other members of the Cabinet and Deputy Ministers must resign.
>
> ST: If the National Assembly, by a vote supported by a majority of its members, passes a motion of no confidence in the President, the President and the other members of the Cabinet and any Deputy Ministers must **resign** (The Constitution of the Republic of South Africa, 1996:54).

The term 'resign' is translated as *tsiruwa* and *litsha mushumo* (Wentzel & Muloiwa, 1982:191). This is also supported by (Mathivha et al., 2015:302) who provide the equivalents of the term 'resign' as *tsiruwa, u bva tshiduloni*. The term *tsiruwa* means resign or move out of one's light or view and *litsha mushumo* means to leave a job. Therefore, two terms *tsiruwa* and *litsha mushumo* do have the same meaning as *u ḓirula mushumo* which means 'resign'.

The source language definition means *u ḓirula mushumo kana u litsha mushumo lwa tshoṱhe* 'leaving a job permanently'. In this instance, the translators chose to use *u ḓirula mushumo* which is translation by paraphrasing although there are other equivalents as shown above. Paraphrasing helps readers to understand the meaning of the sentence.

The term 'restitution' surfaces once in the English-Tshivenḓa Parallel Corpus and is paraphrased as *nga u ṋetshedzwa murahu*. The term 'restitution' is defined as the act of returning something that was lost or stolen to the person it belongs to (Rundell, 2005:1209).

*TT: Muthu kana tshitshavha tsho dzhielwaho ndaka nga murahu ha ḽa 19 Ḽulwi 1913 zwo itiswa nga milayo ya tshifhinga tsho fhelaho ya tshiṱalula nga muvhala kana zwiito o fanelwa, nga nḓila yo vhetshelwaho nga Mulayo wa Phalamennde, **nga u ṋetshedzwa murahu** ndaka yawe kana thandululo i linganaho* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:13).

BT: A person or a community whose property was taken after 19 June 1913 as a result of past racially discriminatory laws or actions is suitable, by the way, provided by an Act of Parliament, by **handing back** his/her property or equal solution.

ST: A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to **restitution** of that property or to equitable redress (The Constitution of the Republic of South Africa, 1996:10).

The term 'restitution' in Tshivenḓa means *u vhuisedza, u lifha* (Marole, 1954:51). The term *u vhuisedza* means to pay back and *u lifha* means to pay a debt or fine (Marole, 1954:70).

In South Africa the apartheid government promulgated the dispossession of the land through the 1913 Native Land Act. The government promoted segregation by introducing homelands such as Venḓa, Bophuthatswana, Transkei, Ciskei, Lebowa, Gazankulu, etc. In Venḓa there were places which were called White Areas, in which Vhavenḓa citizens were not allowed to stay due to apartheid laws. They were deprived of the privileges on their own indigenous soil. Although Tshivenḓa does not have a direct equivalent to the term 'restitution' the translators applied the translation strategy of paraphrasing *nga u ṋetshedzwa murahu* to render the sentence understandable to the readers. However, other people can argue that the equivalent of 'restitution' is *pfumedzano.* Although the translators managed to solve the problem of lack of equivalent by using translation by paraphrase, the meaning of the text was marred by the incorrect translation of other phrases, for example, 'or practices entitled', which was translated as *kana zwiito o fanelwa* (or actions are suitable). This equivalent does not make sense in the sentence concerned.

The 'customs duties' appears twice in the English-Tshivenḓa Parallel Corpus and is translated as *mithelo ya ndaka na ya zwibveledzwa zwo ṱunḓiwaho zwi tshi bva nnḓa na zwo rengiselwaho nnḓa.* 'Customs duties' are defined as the duties levied by the government on imported goods (Kavanagh, 2002:286). 'Customs duties' are duties on imported goods.

*TT: Mithelo, dziḽevi na miṅwe mithelo nga nnḓa ha mithelo ya mbuelo, mithelo (VAT), mithelo ya thengiso, khathihi na **mithelo ya ndaka na ya zwibveledzwa zwo ṱunḓiwaho***

156

zwi tshi bva nnḓa na zwo rengiselwaho nnḓa (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:152).

BT: Taxes, levies, and other taxes except for income tax, taxes (VAT), sales tax, together with property and export rates;

ST: Taxes, levies and duties other than income tax, value-added tax, general sales tax, rates on property or **customs duties** (The Constitution of the Republic of South Africa, 1996:122).

'Customs duty' is foreign to Vhavenḓa, hence the translators opted to translate it by paraphrasing. The use of the strategy of paraphrasing conveys a message that is easily understood by the target reader. Indeed 'Customs duties' are *mithelo ya ndaka na ya zwibveledzwa zwo ṱunḓiwaho zwi tshi bva nnḓa na zwo rengiselwaho nnḓa*. 'Customs duties' means *muthelo wa zwiṱunḓwa* (Department of Arts and Culture (DAC), 2017b)

The term 'past' occurs five times in the parallel corpus and is translated as *kha tshifhinga tsho fhelaho.* The term 'past' is defined as the time that existed before the present time, together with the things that happened during that time (Sinclair, 1990:1050). This means that 'past' is time that has elapsed and no longer exists.

TT: *Ṱhoḓea ya u tandulula mvelelo dza milayo na maitele a tshiṱalula tsha muvhala **kha tshifhinga tsho fhelaho*** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:16).

BT: The need to resolve the results and practices of past racial segregation laws.

ST: The need to redress the results of **past** racially discriminatory laws and practices (The Constitution of the Republic of South Africa, 1996:12).

The above three sentences send the same message to the target readers. This was also substantiated by Marole (1954:41) according to whom 'past' means *tshikhathi tsho fhiraho*. *Tshikhathi* is a synonym of *tshifhinga*. Tshivenḓa time is characterised by three elements, past, present and future. In these instances, the translators used the correct strategy of paraphrasing and indeed 'past' means *kha tshifhinga tsho fhelaho.*

The source term 'reconsideration' surfaces eight times in the English-Tshivenḓa Parallel Corpus and is translated as *u sedzulusiwe hafhu*. The term 'reconsideration' is defined as to consider (something) again, such as a bill or other matter that has already been voted on. In

other words, 'reconsideration' is to think again about a view or matter to decide if there will be a change of mind or action.

> *TT: Mulangavundu u tea u ṋea thendelo na u saina Mulayotibe wo phasiswaho nga vhusimamilayo ha vundu u ya nga ino Ndima kana, arali Mulangavundu a sa khou tou zwi pfesesa zwavhuḓi uri uyo Mulayotibe wo tea na u ita ngauralo malugana na Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, u ḓo u rumela murahu kha vhusimamilayo uri **u sedzulusiwe hafhu** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:78).*

> BT: The Premier must grant permission and sign the Bill approved by the provincial legislature in line with this Chapter or, if the Premier does not understand properly that the Bill is suitable and to do like that in the The Constitution of the Republic of South Africa, it will be referred back to the legislature for **review**.

> ST: The Premier of a province must either assent to and sign a Bill passed by the provincial legislature in terms of this Chapter or, if the Premier has reservations about the constitutionality of the Bill, refer it back to the legislature for **reconsideration** (The Constitution of the Republic of South Africa, 1996:63).

'Reconsideration' is a noun formed by prefix re- + verb consider + suffix -ation. This means that something must be reviewed or looked at again. The phrase *u sedzuluswe hafhu* (reconsidered) fits very well with the context of the sentence. Readers in the target text understand that when the Bill is referred back it should be reconsidered. Although there is no direct equivalent of the source term, the use of paraphrasing has been used to capture the meaning in the source text.

The term 'forfeitures' occurs once in the ETCP and is translated as *u dzhielwa zwo itiswa nga vhukhakhi*. The term 'forfeitures' is defined as when someone has their property or money officially taken away because they have broken the law or rule (Summers, 2004:739). 'Forfeiture' is to lose property as a liability for the punishment of wrongdoing. The translators provided an equivalent of the source term by paraphrasing as indicated below.

> *TT: Phresidennde u na vhuḓifhinduleli ha u hangwela vho tshinyaho na u fhungudza ndaṱiso dziṅwe na dziṅwe, zwigwevho kana **u dzhielwa zwo itiswa nga vhukhakhi**. (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:59).*

> BT: The President is responsible for forgiving offenders and reducing any penalties, fines or things taken due to misconduct.

> ST: The President is responsible for pardoning or reprieving offenders and remitting any fines, penalties or **forfeitures**. (The Constitution of the Republic of South Africa, 1996:47).

The Tshivenḓa equivalent *u dzhielwa zwo itiswa nga vhukhakhi* which has been paraphrased captures the meaning 'forfeitures', but does not reflect the message in the sentence. 'Forfeitures' is a noun, which implies that the equivalent should be *zwo dzhiiwaho zwo itiswa nga vhukhakhi.* This reveals that the translators could not differentiate between the verb 'forfeit' and the noun 'forfeitures'. If they were language practitioners, they would have seen the difference between the two.

On the other hand, Mathivha et al. (2015) provided direct equivalents of the term 'forfeit', which are *xelelwa, xedza, ṱutshelwa*; but not suitable for use in the context above. The strategy of paraphrasing was a good choice in this regard.

The term 'unconstitutional' surfaces twice in the English-Tshivenḓa Parallel Corpus and is translated as *a tshi anani na Ndayotewa.* 'Unconstitutional' is defined as not allowed by the constitution (Summers, 2004:2101), in other words, 'unconstitutional' means something that is against the Constitution.

> TT: *Miraḓo ya vhusimamilayo ha vundu i nga ita khumbelo kha khothe ya zwa Ndayotewa uri hu itwe ndaela ya u ḓivhadza uri mulayo kana tshipiḓa tsha Mulayo wa vundu **a tshi anani na Ndayotewa*** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:78).
>
> BT: Members of provincial legislature may apply at the Constitutional Court for an order to announce that the law or part of a provincial Act is **not in line** with the Constitution.
>
> ST: Members of a provincial legislature may apply to the Constitutional Court for an order declaring that all or part of a provincial Act is **unconstitutional** (The Constitution of the Republic of South Africa, 1996:64).

'Unconstitutional' is an adjective and is derived from the negation prefix un- + verb constitute, to which nominal derivational suffix -ion has been added, followed by the adjectival suffix -al. The members of the national assembly may not agree with a provincial act in which case it may be declared 'unconstitutional'. The translators provided the correct equivalent of the source term by paraphrasing 'unconstitutional' as *a tshi anani na Ndayotewa*. In this regard the phrase indicates that all or part of a provincial Act is not in line with the stipulations in the constitution.

The term 'extraordinary' occurs seven times in the parallel corpus and is translated by paraphrasing as *u si wa nga misi.* The term 'extraordinary' is defined as very unsual or remarkable (Kavanagh, 2002:409). Generally, 'extraordinary' means something that is unusual and remarkable.

> TT: *Phresidennde u vhidza Phalamennde kha muṱangano **u si wa nga misi** nga tshifhinga tshinwe na tshinwe u itela u shuma mushumo wa tshipentshela* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:28).
>
> BT: President calls the Parliament in an extraordinary meeting at any time in order to execute the special duty.
>
> ST: The President may summon Parliament to an **extraordinary** sitting at any time to conduct special business (The Constitution of the Republic of South Africa, 1996:23).

The source text definition states that 'extraordinary' means something that is unusual or remarkable. In the context of the text above it is a meeting that takes place in addition to the usual ones. Translation by paraphrasing has been used well to solve the problem of lack of a direct equivalent. The readers of the Tshivenḓa Constitution will understand clearly the message captured in the sentence.

The source language term 'maltreatment' appears once in the parallel corpus and is translated as *u sa farwa zwavhuḓi.* Translators translate the term 'maltreatment' by paraphrasing. 'Maltreatment' is defined as treating cruelly or with violence (Kavanagh, 2002:704). 'Maltreatment' is treating someone in a cruel manner or in a way that will hurt or damage someone. 'Maltreatment' is a noun derived from the prefix mal- + verb treat + nominal suffix -ment = maltreatment.

> TT: *Ṅwana muṅwe na muṅwe u na pfanelo ya u tsireledzwa kha **u sa farwa zwavhuḓi,** u litshedzelwa, u tambudzwa kana u nyadziswa* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:14).
>
> BT: Every child has the right to be protected from mistreatment, neglect, abuse, disrespect.
>
> ST: Every child has the right to be protected from **maltreatment**, neglect, abuse or degradation (The Constitution of the Republic of South Africa, 1996:11).

U sa farwa zwavhuḓi means 'maltreatment' or to be badly treated. There is an indication of cruelty or violence in this equivalent. The translators of the Tshivenḓa Constitution applied the correct strategy of paraphrasing. However, translation by paraphrasing was not supposed to

have been used because the Tshivenḓa equivalent for 'maltreatment' exists, and that is *tshengedzo* as defined by Mathivha et al. (2015). It is true that *u shengedzwa* has the same meaning as *u sa farwa zwavhuḓi*; translators should have used the existing equivalent because there is no lack of equivalents in this regard. The strategy of paraphrasing helps where there is lack of equivalents.

The source language term 'sovereign' occurs once in the ETPC and is translated as *ḽo ḓiimisaho nga ḽoṱhe*. Tshivenḓa lacks an equivalent of the term 'sovereign'. The translators resorted to translating this term by paraphrasing. The term 'sovereign' is defined as a country or state that governs itself (Summers, 2004:1849). In other words, a 'sovereign' state is an independent state.

> TT: *Riphabuḽiki ya Afrika Tshipembe ndi shango ḽithihi, **ḽo ḓiimisaho nga ḽoṱhe**, ḽa demokirasi ḽo thomiwaho nga ndayo dzi tevhelaho* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:3).

> BT: The Republic of South Africa is one country, an **independent** democracy founded by the following rules:

> ST: The Republic of South Africa is one, **sovereign**, democratic state founded on the following values: (The Constitution of the Republic of South Africa, 1996:3).

The Tshivenḓa phrase means to be independent. 'Sovereignty' means *vhuḓivhusi tshoṱhe* (Venda Terminology and Orthography No.3, 2011:216). The translators applied the relevant strategy because *ḽo ḓiimisaho nga ḽoṱhe* and *vhuḓivhusi tshoṱhe* mean the same thing. The target readers will be able to understand what 'sovereign' is all about because the phrase captures the message of the sentence.

The term 'conferring' occurs once in the English-Tshivenḓa Parallel Corpus and is translated as *u ṋea vhathu zwiimo*. 'Conferring' is defined as to grant or bestow (an honour, gift etc.) (McKeown, 2008:350). In other words, 'conferring' means giving someone status, honour or a gift. The source term 'conferring' is derived from the verb confer + suffix -ing = 'conferring'.

> TT: *U hangwela vho tshinyaho na u fhungudza ndaṱiso dziṅwe na dziṅwe, zwigwevho kana u dzhielwa zwo itiswa nga vhukhakhi, na **u ṋea vhathu zwiimo** zwa khuliso* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:59).

> BT: To forgive the offenders and reduce any fines, penalties, or forfeitures due to misconduct, and to give people positions of honour.

ST: Pardoning or reprieving offenders and remitting any fines, penalties or forfeitures; and **conferring** honours (The Constitution of the Republic of South Africa, 1996:47-48).

The equivalents of the verb 'confer' mean *hwedza, ṋea, vhea, rera* in Tshivenḓa (Mathivha et al., 2015:257).

> *Hwedza* means to hand a drink to a chief (Mathivha et al., 2015:48).
>
> *Ṋea* means to offer, give, bestow, furnish, supply, and provide (Mathivha et al., 2015:140).
>
> *Vhea* means to appoint, institute, place and put (Mathivha et al., 2015:227).
>
> *Rera* means confer, preach, decide a case; discuss (Mathivha et al., 2015:168).

Based on the given Tshivenḓa equivalents the translators applied the correct strategy of translation by paraphrasing. The term conferring means *u ṋea vhathu zwiimo.* However, the translators mar the message in the sentence by translating 'honours' as *zwiimo.* The English equivalent of *zwiimo* is defined by Wentzel and Muloiwa (1982:67) as statures, sizes and builds (see *tshiimo*). These terms cannot be used in the context of the text given. One cannot be conferred with a size or build, but with a status of dignity. Hence the translation of 'conferring honours' could have been *u ṋea vhathu khuliso* or *u ṋea vhathu ṱhompho.* This reveals that the translators are not acquainted with the Tshivenḓa grammar.

The source language term 'expropriation' surfaces once in ETPC and is translated as *u dzhia ndaka yeneyo.* 'Expropriation' is defined as (of the state) taking (property) from its owner for public use or benefit (Kavanagh, 2002:408). The term 'expropriation' may mean taking property from its owner for public use. There is no direct Tshivenḓa equivalent of the term 'expropriation'. Translators made use of translation by paraphrasing as indicated below:

> TT: *Tshelede ya ndiliso na tshifhinga na ndila ya u badela zwi fanela u vha zwi tshi pfala nahone hu si vhe na tshitalula, hu vhonale ndingano vhukati ha dzangalelo la tshitshavha na dzangalelo la vha kwameaho, ho dzhielwa ntha nyimele dzothe dzo teaho, hu tshi katelwa tshikalo tsha vhubindudzi ha muvhuso na thikhedzelo kha u wana na khwiniso ya mbuelo kha yeneyo ndaka; na ndivho dza **u dzhia ndaka yeneyo*** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:13).
>
> BT: The money for compensation and the time and the way of payment must be reasonable and without discrimination, reflecting equity between the public interest and interests of those affected, taking into consideration all the relevant circumstances

including the scale of business investment and support to get improved benefit in that property; and the purpose of getting that property.

ST: The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and the purpose of the **expropriation** (The Constitution of the Republic of South Africa, 1996:10).

'Expropriation' is a noun derived from the verb expropriate + suffix -ion = 'expropriation'. The Tshivenḓa verb stem -*dzhia* means take and noun *ndaka* means property, possession *ya zwa mavu* landed property, *ya mikovhe* stocks and shares, *ya mavu* estate "landed" (Mathivha et al., 2015:137). The use of *u dzhia ndaka* captures the meaning of the term 'expropriation'. However, the Tshivenḓa word *yeneyo* may change the meaning in the sentence because it does not have an equivalent in the source text. The translators applied the correct strategy of paraphrasing by translating 'expropriation' as *u dzhia ndaka yeneyo.*

The term 'prospectively' surfaces once in the parallel corpus and is paraphrased *as tshifhinga tshi ḓaho.* Prospectively does not refer specifically to time (*tshifhinga*), but any happening in the future. 'Prospectively' is defined as expected or likely to happen or be in the future (Kavanagh, 2002:937). 'Prospectively' is something that will happen in the future.

> *TT: U ḓivhadzwa ha tshiimo tsha shishi, na mulayo muṅwe na muṅwe une wa nga itwa kana nyito ine ya nga dzhiiwa zwi tshi itiswa nga honoho u ḓivhadzwa, hu thoma u shuma fhedzi,***tshifhinga tshi ḓaho***; na lwa maḓuvha a sa fhiri 21 u bva ḓuvha ḽa u ḓivhadzwa, nga nnḓani ha muśi Buthano ḽa Lushaka ḽo ri hu bvelwe phanda. Buthano ḽa lushaka ḽi nga engedza tshiimo tsha shishi lwa miṅwedzi i sa fhiriho miraru. U engedzwa ha u thoma ha tshiimo tsha shishi hu fanela u vha nga tsheo yo dzhiiwaho nga vouthu nnzhi dza u tikedza dza miraḓo ya Buthano. U engedza tshiimo tsha shishi huṅwe na huṅwe hu fanela u itwa nga tsheo yo dzhiiwaho ine ya vha na vouthu dza 60 dza miraḓo ya Buthano. Tsheo zwi tshi ya nga ino phara i dzhiiwa fhedzi hu tshi tevhelwa nyambedzano ya Buthano* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:21).

BT: An announcement of state of emergency, and any law which may be proposed or action that may be taken as a result of that announcement, may be effective only, **in the future**; and for days which do not exceed 21 from the day of announcement, unless the National Assembly states that it must continue. The National Assembly may extend the state of emergency for not more than three months. The first extension of the state of emergency must be by a resolution taken which has a 60 percent vote of the majority members of the National Assembly. A resolution in terms of this paragraph may only follow debate in the Assembly.

163

ST: A declaration of a state of emergency, and any legislation enacted or other action taken in consequence of that declaration, may be effective only **prospectively**; and for no more than 21 days from the date of the declaration, unless the National Assembly resolves to extend the declaration. The Assembly may extend a declaration of a state of emergency for no more than three months at a time. The first extension of the state of emergency must be by a resolution adopted with a supporting vote of a majority of the members of the Assembly. Any subsequent extension must be by a resolution adopted with a supporting vote of at least 60 percent of the members of the Assembly. A resolution in terms of this paragraph may be adopted only following a public debate in the Assembly (The Constitution of the Republic of South Africa, 1996:17).

Tshivenḓa lacks a direct equivalent of the term 'prospectively'. According to Mathivha et al. (2015:298), the Tshivenḓa equivalent of 'prospect' is *phuluphedziso* (that which will happen in future). In Tshivenḓa the noun *phuluphedziso* was derived from the verb stem *-fulufhedzisa* meaning 'promise' (Marole, 1954:46). One can only promise that which will happen in the future. The source language definition states that 'prospectively' means *zwine zwa kha ḓi ḓa, u lavhelelwa* kana *khonadzeo ya u vha hone* kana *tshifhinga tshiḓaho*. In all the equivalents given, there is an element of paraphrasing. *Tshifhinga tshi ḓaho,* does not necessarily mean prospectively, but is the correct equivalent because of the context of the text.

The term 'detrimental' surfaces once in the English-Tshivenḓa Parallel Corpus and is translated as *vhu sa tshimbile zwavhuḓi*. 'Detrimental' is defined as causing harm or damage (Summers, 2004:501).

> TT: *Vhuṱanzi ho wanwaho nga nḓila ine ya pfukekanya pfanelo iṅwe na iṅwe ya Mulayotibe wa Pfanelo vhu tea u sa shumiswa arali vhu tshi ḓo ita uri hu si vhe na tsengo kwayo kana arali vhu tshi ḓo ita uri vhulamukanyi **vhu sa tshimbile zwavhuḓi*** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:20).
>
> BT: Evidence obtained in a way that violates any right in the Bill of Rights must not be used if it will make the trial unfair or it will **harm** the administration of justice.
>
> ST: Evidence obtained in a manner that violates any right in the Bill of Rights must be excluded if the admission of that evidence would render the trial unfair or otherwise be **detrimental** to the administration of justice (The Constitution of the Republic of South Africa, 1996:16).

In Tshivenḓa we do not have an equivalent term for 'detrimental'. The translators resorted to using the strategy of paraphrasing. The definition of 'detrimental' in Tshivenḓa means *u vhanga tshinyalelo.* The paraphrase *vhu sa tshimbile zwavhuḓi* means 'does not work well'. Although the translators used the correct strategy of paraphrasing they did not convey the

correct message because *u vhanga tshinyalelo* and *vhu sa tshimbile zwavhuḓi* have different meanings. The correct paraphrasing is *u vhanga tshinyalelo.*

The study reveals that the source language concept 'presiding officers' is translated differently as *vhaofisiri vha u tshimbidza, vharangaphanḓa vha u tshimbidza,* and *murangaphanḓa.*

> TT: *U ya nga milayo yayo na ndaela, Khoro ya Lushaka ya mavundu i nga nanga* **vhaofisiri vha u tshimbidza** *kana u ranga phanḓa vha tshi bva kha vharumiwa uri vha thuse Mudzulatshidulo na Vhathusa-Vhadzulatshidulo* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:42).
>
> BT: In terms of its laws and orders, the National Council of Provinces may elect presiding officers or leaders from delegates to assist the Chairperson and Deputy-Chairpersons.
>
> ST: In terms of its rules and orders, the National Council of Provinces may elect from among the delegates other **presiding officers** to assist the Chairperson and Deputy Chairpersons (The Constitution of the Republic of South Africa, 1996:35).

Vhaofisiri vha u tshimbidza means officers who will be chairing. In one instance presiding officers were translated as *vharangaphanḓa vha u tshimbidza*, which means leaders who will be presiding.

> TT: *Buthano ḽa Lushaka, u ya nga milayo na ndaela dzaḽo, ḽi nga nanga kha minwe miraḓo vhaṅwe* **vharangaphanḓa vha u tshimbidza** *vhane vha ḓo thusa Mulangadzulo na Muthusa-Mulangadzulo* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:35).
>
> BT: The National Assembly, in terms of its rules and orders, may choose from other members other presiding officers who will assist the Speaker and the Deputy Speaker.
>
> ST: In terms of its rules and orders, the National Assembly may elect from among its members other **presiding officers** to assist the Speaker and the Deputy Speaker (The Constitution of the Republic of South Africa, 1996:29).

In another instance the equivalent of 'presiding officer' is given as *murangaphanḓa,* meaning a leader. In this regard, 'presiding officer' is not translated by paraphrasing.

> TT: *U ya nga milayo na ndaela, vhusimamilayo ha vundu vhu nga nanga muṅwe* **murangaphanḓa** *ane a ḓo thusa Mulangadzulo na Muthusa-Mulangadzulo* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:73).
>
> BT: In terms of rules and orders, the provincial legislature may elect another leader who will assist the Speaker and the Deputy Speaker.

ST: In terms of its rules and orders, a provincial legislature may elect from among its members other **presiding officers** to assist the Speaker and the Deputy Speaker (The Constitution of the Republic of South Africa, 1996:60).

The source language refers to 'presiding officers' whereas the target language refers to *murangaphanḓa* (singular). Translators omit some information which can mar the message in the text. The translators did not make use of the direct equivalents *mutshimbidzi* and *murangaphanḓa* because they felt paraphrases will be more understandable to the readers in the target language. *Murangaphanḓa* and *mutshimbidzi* have other basic meanings which differ from that of *vhaofisiri vha u tshimbidza*. However, the lack of consistency can lead to confusion to the readers.

The source term 'inappropriate' appears once in ETPC and is translated as *dzi songo teaho* as shown in the extract below. The term 'inappropriate' is defined as not suitable in a particular situation (Rundell, 2005:724). 'Inappropriate' is something that is improper or out of order.

> TT: *Ya uri vha sa ṱoḓee kana vha sa tendelwe u shuma mushumo kana u ṋetshedza tshumelo **dzi songo teaho** muthu wa vhukale ha ṅwana onoyo; kana dzine dza vhea vhutshilo, pfunzo, muvhili kana muhumbulo wa mutakalo kana muyani, fulufhelo kana mvelaphanḓa ya vhutshilo mulingoni;* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:15).

> BT: For not to be required or not allowed to perform a work or provide services **not suitable** for a child of that age; or that place life, education, physical or mental health or spiritual, trust or social development in danger.

> ST: Not to be required or permitted to perform work or provide services that are **inappropriate** for a person of that child's age; or place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development; (The Constitution of the Republic of South Africa, 1996:12).

Tshivenḓa does not have an equivalent of 'inappropriate'. The source text definition explained that 'inappropriate' means *songo teaho*. The translators used *dzi songo teaho* which is a phrase referring to services. Translation by paraphrasing helps the readers to have a clear message in the sentence concerned.

The term 'subsection' occurs 103 times and is translated as *khethekanyo ṱhukhu* and *mbetshelo ṱhukhu* in other instances. The term 'subsection' is defined as a part of a section especially in a

166

legal document (Summers, 2004:1934). Although the translators translated by paraphrasing in both cases, there is no consistency. Readers are confused in this regard. This is shown in the extracts provided below.

> TT: *Pfanelo dzi re kha* **khethekanyo ṱhukhu** *ya (1) a dzi faneli u tevhedzwa nga nḓila i sa ananiho na mbetshelo ya Mulayotibe wa Pfanelo* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:17).
>
> BT: The rights in subsection (1) may not be followed in a way that is not in line with the provision of the Bill of Rights.
>
> ST: The rights in **subsection** (1) may not be exercised in a manner inconsistent with any provision of the Bill of Rights (The Constitution of the Republic of South Africa, 1996:13).

In another instance 'subsection' is translated as follows:

> TT: *Musi hu tshi shumiswa mbetshelo ya Mulayotibe wa Pfanelo kha muthu zwawe kana muthu wa zwa mulayo zwi tshi ya nga* **mbetshelo ṱhukhu** *ya (2), khothe* — (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:6).
>
> BT: When using the provision of the Bill of Rights to an ordinary person or legal person in terms of sub provision —.
>
> ST: When applying a provision of the Bill of Rights to a natural or juristic person in terms of **subsection** (2), a court — (The Constitution of the Republic of South Africa, 1996:5).

The Tshivenḓa term *khethekanyo ṱhukhu* means 'subsection' (Venda Terminology and Orthography No.3, 2011:223). In Tshivenḓa *mbetshelo ṱhukhu* means small provision. Despite lack of consistency the Vhavenḓa translators use the correct strategy of paraphrasing while translating the term 'subsection'. However, target readers of the constitution understand 'subsection' as *khethekanyo ṱhukhu; mbetshelo ṱhukhu* has a different meaning altogether (small provision), it should not have been included.

The term 'countersigned' appears twice in the parallel corpus and is translated as *u sainiwa hafhu,* which is translation by parapharsing. Tshivenḓa lacks a direct equivalent in this regard. The term 'countersigned' is defined as to sign a document that someone else has already signed (Rundell, 2005:318). 'Countersign' is when a person adds a signature to the document which was already signed by another person.

*TT: Tsheo yo ṅwaliwaho ya Mulangavundu i tea **u sainiwa hafhu** nga muṅwe muraḓo wa Khorotshitumbe arali tsheo iyo i tshi kwama mushumo wo ṋetshedzwaho uyo muṅwe muraḓo* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:89).

BT: A written decision by the Premier must be signed again by another member of the Executive Council if that decision concerns the work given to other member.

ST: A written decision by the Premier must be **countersigned** by another Executive Council member if that decision concerns a function assigned to that other member (The Constitution of the Republic of South Africa, 1996:72).

The literal meaning of the source language definition means *u saina ḽiṅwalo ḽo no sainiwaho nga muṅwe*. The translators paraphrased the term 'countersigned' as *u sainiwa hafhu*. However, *hafhu* can lead the target readers to understand it as 'the same person should sign the document again', thereby delivering an incorrect message. The correct paraphrasing would be *u saina ho no sainiwaho nga muṅwe*.

The term 'suffrage' occurs once in the English-Tshivenḓa Parallel text and is translated as *pfanelo dza u khetha* because Tshivenḓa lacks a direct equivalent.

*TT: **Pfanelo dza u khetha** dza vhaaluwa dzi fanaho**,** mutevhe wa vhakhethi wa lushaka u fanaho, khetho dza misi yoṱhe na sisiṱeme ya muvhuso wa demokirasi wa madzangano manzhi, u itela vhuḓifhinduleli, u kona u fhindula na u vha khagala* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:3).

BT: Same rights to vote to all adults; same national voters roll, regular elections and system of the democratic government of multi-party, to ensure responsibility, and openness.

ST: Universal adult **suffrage**, a national common voter's roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness (The Constitution of the Republic of South Africa, 1996:3).

'Suffrage' is defined as the right to vote in a political election (Kavanagh, 2002:1172). Suffrage means *vhufanelavoto* (Venda Terminology and Orthography No.3, 2011:224). The term *pfanelo dza u khetha* means right to vote and is more understandable than *vhufanelavoto*. Readers are able to understand the meaning of the sentence better when the phrase *pfanelo dza u khetha* is used than the word *vhufanelavoto*. The translators applied the strategy of paraphrasing correctly when giving the equivalent of suffrage because in a democratic country every member is afforded the opportunity to vote during an election.

The source term 'insecure' appears once in a parallel corpus and is translated as *a ho ngo tsireledzwa*. 'Insecure' is defined as being able to be entered by force, or not well protected or firmly locked (Rundell, 2005:741). 'Insecure' describes something that is not well protected. The extracts below focus on one meaning as provided in the definition, i.e. not well protected.

> TT: *Muthu kana tshitshavha tshine vhune hatsho ha mavu **a ho ngo tsireledzwa** lwa mulayo zwo itiswa nga milayo ya tshifhinga tsho fhelaho ya tshiṱalula kana zwiito o fanelwa, nga nḓila yo vhetshelwaho nga Mulayo wa Phalamennde, nga u wana vhune vhu re mulayoni kana thandululo i linganaho* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:13).

> BT: A person or community whose term of land is not legally protected as a result of past racial laws or actions is suitable, in the manner provided by an Act of Parliament, by getting legal ownership or equal solution.

> ST: A person or community whose tenure of land is legally **insecure** as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress (The Constitution of the Republic of South Africa, 1996:10).

The Vhavenḓa translators translate the term 'insecure' by paraphrasing it to *a ho ngo tsireledzwa*. The phrase captures the correct meaning of the source term 'insecure', but the term 'practices' is incorrectly translated as *zwiito* instead of *nyito*. The phrase should have read … *lwa mulayo zwo itiswa nga milayo kana nyito ya tshifhinga tsho fhiraho tsha tshiṱalula, o fanelwa, nga nḓila yo vhetshelwaho nga Mulayo wa Phalamennde, nga u wana vhuṋe vhu re mulayoni kana thandululo i linganaho.*

'Prejudice' appears eight times in the parallel corpus and is translated as *luvhengelambiluni kha vhaṅwe vhathu*. 'Prejudice' is defined as an unreasonable dislike and distrust of people who are different from you in some way, especially because of their race, sex, religion, etc. (Summers, 2004: 152). 'Prejudice' is a hatred towards somebody based on the group which he belongs to. This is revealed in the extracts below.

> TT: *Khothe dzo ḓiimisa, nahone dzi ḓo shuma fhedzi u ya nga Ndayotewa na mulayo, une dza tea u u shumisa dzi sa dzhii masia na u sa ofha tshithu, u sa shumela vhathu vhane dza vha takalela fhedzi kana u vha na **luvhengelambiluni kha vhaṅwe vhathu*** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:105).

> BT: Courts are independent, and will only work according to the Constitution and the law, which they must use without favour and without fear, not working for the people whom they only prefer or have prejudice to other people.

ST: The courts are independent and subject only to the Constitution and the law, which they must apply impartially and without fear, favour or **prejudice** (The Constitution of the Republic of South Africa, 1996:85).

Luvhengela means undying and not reasonably motivated hatred (Mathivha et al., 2015:83). *Luvhengelambiluni* is a compound noun derived from the noun *luvhengela + mbiluni. Mbilu* means heart. Some people, especially in South Africa dislike other people who are different from them because of different reasons. In South Africa, the policy of separate development encouraged the citizens to hate each other, especially racially. The constitution is trying to discourage this way of seeing things as reflected in the extracts above. The phrase *luvhengelambiluni kha vhaṅwe vhathu* captures the correct meaning of the term 'prejudice' which emanates from the dislike of people who are different from you. The Vhavenḓa translators used the strategy of paraphrasing correctly in the absence of an equivalent of the term at the word level to capture the same message as that of the source language sentence.

The source language term 'unarmed' surfaces once in ETPC and is translated as *a songo ḓitama zwiṱhavhane.* 'Unarmed' is defined as not carrying a weapon (Rundell, 2005:1556). The term 'unarmed' means someone who is not equipped with or not carrying a weapon.

> TT: *Muṅwe na muṅwe u na pfanelo, ya uri nga mulalo nahone **a songo ḓitama zwiṱhavhane**, a ite khuvhangano, a ite misumbedzo, a gwalabe na u ṋetshedza phethishini* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:10).
>
> BT: Everyone has the right, to be peaceful and unarmed, to gather, to demonstrate, protest, and present petitions.
>
> ST: Everyone has the right, peacefully and **unarmed,** to assemble, to demonstrate, to picket, and to present petitions (The Constitution of the Republic of South Africa, 1996:8).

The source text definition of the term 'unarmed' means *u sa hwala kana u sa ḓiṱama nga zwiṱhavhane.* Due to the lack of equivalence in Tshivenḓa the translators applied the strategy of paraphrasing and translated 'unarmed' as *a songo ḓitama zwiṱhavhane.* However, the translators omitted *nga* for *nga zwiṱhavhane*, without which the sense of the phrase is not clear because it is not complete. Therefore readers will struggle to comprehend the message of the sentence.

The term 'jurisdiction' appears twice in the parallel corpus and is translated as *kha zwine ya vha na maanḓa khazwo.* 'Jurisdiction' is defined as the official power to make legal decisions and judgments or the territory or sphere over which the legal authority of a court or other institution extends (Kavanagh, 2002:626). In other words, 'jurisdiction' means an official power given to a person so that s/he can make legal judgments and decisions.

> TT: *Mafhungo maṅwe na maṅwe, arali ndayotewa ya tenda u ṋea aphiḽi ya u ita ḽivi zwo itiswa nga mbuno dza mafhungo a itisaho uri hu nangwe kha mulayo wa ndeme wa tshitshavha nga u angaredza une wa tea u lavheleswa nga Khothe, nahone fhedzi tsheo kha mafhungo a zwa ndayotewa na kha mafhungo ane a tshimbilelana na tsheo dzine dza itwa kha khothe ya ndayotewa; na u ita tsheo ya u fhedza kha **zwine ya vha na maanḓa khazwo*** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:106).

> BT: Any matter, if the Constitution agrees to grant an appeal to make leave on the grounds of the fact of the matter that leads to the selection of an important law of the public in general which must be considered by Court, and only decision to the matters of the Constitution and matter in line with a resolution taken by the Constitutional Court; and make the final decision to the matters which are **within its powers**.

> ST: Any other matter, if the Constitutional Court grants leave to appeal on the grounds that the matter raises an arguable point of law of general public importance which ought to be considered by that Court, and makes the final decision whether a matter is within its **jurisdiction** (The Constitution of the Republic of South Africa, 1996:86).

The term 'jurisdiction' is a noun derived from Latin *jurisdictio(n-)*, from *jus, jur-* 'law' + *dictio* 'saying' (from *dicere* 'say') (Kavanagh, 2002:626). In South Africa, each case must be reported within its jurisdiction. An accident must be reported to the nearest place where it happened. The translators capture the message of the sentence using the strategy of paraphrasing, which is well understood by the readers of the target text. *Zwine ya vha na maanḓa khazwo* explains the meaning of 'jurisdiction' for every reader to understand.

The term 'reasonable' surfaces 29 times in the English-Tshivenḓa Parallel Corpus and is translated as *nga nḓila i pfalaho*. A 'reasonable' person is defined as someone who behaves in a sensible and fair way (Rundell, 2005:1177). 'Reasonable' means sensible, and having sound judgement, moderate, ready to listen to reason, etc.

> TT: *Muṅwe na muṅwe u na pfanelo ya u dzhia ḽiga ḽi re mulayoni kha zwa ndaulo, **nga nḓila i pfalaho*** nahone o tevhedza kuitele ku pfalaho (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:17).

> BT: Everyone has the right to take administrative action that is lawful, in a reasonable manner, and followed a fair procedure.

ST: Everyone has the right to administrative action that is lawful, **reasonable,** and procedurally fair (The Constitution of the Republic of South Africa, 1996:14).

The Tshivenḓa equivalent of the source language term 'reasonable' is *tshi pfalaho* and is an adjective (Mathivha et al., 2015:300). This equivalent is in the form of a phrase, but explains the meaning of the term well. The message in the target sentence captures the same meaning as that which is in the source text.

The term 'insurrection' surfaces once in the English-Tshivenḓa Parallel Corpus and is translated as *u dzhiiwa ha muvhuso nga ḽiṅwe shango.* The term 'insurrection' is defined as violent action that is taken by a large group of people against the rulers of their country, usually in order to change the system of the government (Sinclair, 1990:758).

> TT: *Vhutshilo ha lushaka vhu kha u shushedzwa nga nndwa, u govhelwa,* ***u dzhiiwa ha muvhuso nga ḽiṅwe shango***, *mufhirifhiri, zwiwo zwa mupo kana zwiṅwe zwiimo zwa shishi kha tshitshavha; na u ḓivhadzwa hohu hu na ndeme u itela u vhuedzedza mulalo na vhudziki* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:2059).
>
> BT: The life of the nation is threatened by war, beleaguered, **taken of government by another country**, riot, natural disasters or other states of emergency in the community; and this announcement is necessary to restore peace and stability.
>
> ST: The life of the nation is threatened by war, invasion, general **insurrection**, disorder, natural disaster or other public emergency; and the declaration is necessary to restore peace and order (The Constitution of the Republic of South Africa, 1996:16).

The term 'insurrection' means *thembulutshelo, ṱhanutshelo* (Mathivha et al., 2015:282). Both *thembulutshelo* and *ṱhanutshelo* are nouns. The Tshivenḓa term *thembulutshelo* means revolt, rebellion, insurrection (Mathivha et al., 2015:187). *Ṱhanutshelo* means changing, conversion, not fulfilling a promise; breach of contract (Mathivha et al., 2015:187). The source language definition does not mention the taking over of a government by another country, it mentions revolt or rebellion by the citizens against its government systems. Although the translators use the correct strategy of paraphrasing, they did not convey the correct message because 'insurrection' does not mean *u dzhiiwa ha muvhuso nga ḽiṅwe shango* (taking of government by another country). Tshivenḓa has an equivalent term for 'insurrection', for example *thembulutshelo* and *ṱhanutshelo.* There was no need to paraphrase the term since the two terms are already standardised in the target language. Further, the translation of 'insurrection' is not complete without the word 'general'. Translators omitted the translation of 'general' when they paraphrased the equivalent.

The term 'plenipotentiaries' occurs once in ETPC and was translated as *vhaambasada vhahulwane*. The term 'plenipotentiaries' is defined as people, especially diplomats, invested with the full power of independent action (Kavanagh, 2002:897). The target language equivalent is a phrase consisting of two words as shown below.

> TT: *U vhea vhaambasada,* **vhaambasada vhahulwane**, *vhaimeleli vha zwa vhudipulomati na khontsula* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:59).
>
> BT: Placing ambassadors, **senior ambassadors**, diplomatic representatives, and consular representatives;
>
> ST: Appointing ambassadors, **plenipotentiaries,** and diplomatic and consular representatives (The Constitution of the Republic of South Africa, 1996:47).

The term *vhaambasada vhahulwane* means senior ambassadors. Not all ambassadors have full powers of independent action. 'Plenipotentiaries' are ambassadors who can take decisions on behalf of the government they are representing. The term *vhaambasada* is a borrowed noun and *vhahulwane* is a noun. The translated version does not capture the full message of the source language sentence because it omits the message carried by 'invested with the full power'. Therefore, the translators fail to capture the full message of the source language sentence. Readers of the target language do not get the full message in this regard.

The term 'inconsistent' surfaces ten times in ETPC and is translated as *zwi sa yelani.* 'Inconsistent' is defined as containing parts that do not match each other (Rundell, 2005:727). In other words, 'inconsistent' is something that lacks consistency or that contains elements that are contradictory.

> TT: *Thendelano iṅwe na iṅwe ya dzitshaka i vha mulayo wa Riphabuliki musi i tshi phasiswa u vha mulayo nga mulayo wa lushaka, fhedzi mbetshelo ine ya shuma nga yone ine ya thendelano ye ya tendelwa nga Phalamennde ndi mulayo kha Riphabuliki nga nnda ha musi* **zwi sa yelani** *na Ndayotewa kana Mulayo wa Phalamennde* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:256).
>
> BT: Any international agreement becomes a law of the Republic when it is enacted to be law by national legislation, but the provision that works on its agreement that has been approved by the Parliament is a law in the Republic unless it is **not in line** with the Constitution or an Act of the Parliament.
>
> ST: Any international agreement becomes law in the Republic when it is enacted into law by national legislation, but a self-executing provision of an agreement that has been approved by Parliament is law in the Republic unless it is **inconsistent** with the

Constitution or an Act of Parliament (The Constitution of the Republic of South Africa, 1996:125).

The source text sentence states that 'inconsistent' is something that is irregular, there is no uniformity to it. Since Tshivenḓa lacks the equivalent of the source term 'inconsistent', the translators resorted to using the strategy of paraphrasing in order to overcome this problem. The term 'inconsistent' is paraphrased as *zwi sa yelani*. This phrase captures the message of the source text because *zwi sa yelani* means there is no element of relativity.

From the examples analysed above, it can be deduced that the translators relied to a great extent on translation by paraphrasing. However, in some instances it was apparent that translators are not masters of the target language because of language errors which mar the messages in the target text.

4.2.5   Translation by using a loan word or loan word plus explanation

Baker (1992:34) states that translation by using a loan word or loan word plus explanation is mainly common in dealing with culture-specific items, modern concepts, and buzz words. This strategy is very suitable when the word in question is recurring numerous times in the text. The reader can comprehend it and is not diverted by further lengthy explanations. Van Huyssteen (1999:180) refers to loaning as borrowing, and it encompasses taking words from the source language and using them in a target language. Ndhlovu (2012:132) states that loaning usually takes place as a result of the following factors: linguistic, technological, political, cultural, economic, and social distance between the source language and the target language.

Wallmach and Kruger (1999:281) distinguish two forms of loan words, which are pure loan words and indigenous loan words to suit the South African context. Pure loan words are defined as source language words that remain the same in the target text. Acronyms and abbreviations are retained in their original form in the target text and in some African languages they add prefixes, but in Tshivenḓa there is no prefix added to acronyms and abbreviations. Indigenising a word means modifying the word slightly to remove some of the 'foreignness' of the word and spelling it according to the pronunciation and orthography of the language which is borrowing the word. Moropa (2005) states that regarding African languages, the orthography

of loan words must be guided by the principle of accessibility and translators' knowledge of anticipated readership. The word is replaced in terms of structure, spelling, and pronunciation according to the target language. Hereunder are examples of loanwords that were extracted from the English-Tshivenḓa Parallel Corpus.

The source language term 'Auditor-General' appears 17 times in the English-Tshivenḓa Parallel Corpus and was translated as *Muoditha-Dzheneraḽa* in the target language. The term 'auditor-general' is foreign among the Vhavenḓa because it was not included in the Tshivenḓa lexicon. The term is associated with the western type of government. Vhavenḓa were bound to adopt it although they were able to use other terms. 'Auditor-General' is defined as a senior official of the national government, state, or province, appointed to audit government finances and public expenditure (Kavanagh, 2002:70). 'Auditor-General' is an official who is accountable for auditing all government departments and making recommendations for their audits. In their translation, the translators used a loan word to capture the same message as that of the source text as shown below.

> TT: *Muoditha-Dzheneraḽa u na maṅwe maanḓa na miṅwe mishumo yo randelwaho nga mulayo wa lushaka* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:124).
>
> BT: The Auditor-General has other powers and functions prescribed by national law.
>
> ST: The Auditor-General has the additional powers and functions prescribed by national legislation (The Constitution of the Republic of South Africa, 1996:99).

The Tshivenḓa equivalent of 'Auditor-General' is *Muoditha-Dzheneraḽa*. The term is already standardised in Tshivenḓa and is synonymous with *Muṱolambalelano* and *Muṱolamuvhalelano* (Department of Sport, Arts and Culture, 2004). The target readers understand these three terms. Although the translators were able to provide an equivalent of 'Auditor-General', they failed to capture the correct message of the source sentence because of the mistranslation of 'additional powers' which they rendered as the Tshivenḓa equivalent *maṅwe maanḓa.* 'Additional powers' should be *maanḓanyengedzedzwa* in Tshivenḓa. Although the translators applied the strategy of loan words correctly the readers will not understand what the source text is all about because *maṅwe maanḓa* means 'other powers'. 'Auditor-General' is a buzzword and is part of financial jargon that is mostly used in financial matters.

The following names in the source text 'Sepedi, Sesotho, Setswana, Siswati, Tshivenḓa, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu' were translated as 'Sepedi, Sesotho, Setswana, siSwati, Tshivenḓa, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu' in the target language. The translators adopted the names as they are called in the languages concerned as shown below.

> TT: *Nyambo dza tshiofisi dza Riphabuḽiki ndi **Sepedi, Sesotho, Setswana, siSwati, Tshivenḓa, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa na isiZulu*** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:4).

> BT: Official languages of the Republic are **Sepedi, Sesotho, Setswana, Siswati, Tshivenḓa, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.**

> ST: The official languages of the Republic are **Sepedi, Sesotho, Setswana, siSwati, Tshivenḓa, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu** (The Constitution of the Republic of South Africa, 1996:4).

The translators retained the names of the languages as referred to in the languages concerned because those names are standardised in African languages. The Vhavenḓa translators used the strategy of pure loan words in the target text. There is no modification in the form and meaning of the source language. In some other instances, names remain the same in the target language and this principle applies universally.

The following languages from the English version of the Constitution were translated as they are in the Tshivenḓa version: '**Arabic, Hebrew, Sanskrit**'.

> TT: ***Arabic, Hebrew, Sanskrit** na dziṅwe nyambo dzi shumiswaho kha vhurereli ha Afrika Tshipembe* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:4).

> BT: **Arabic, Hebrew, Sanskrit** and other languages used for religious purposes in South Africa.

> ST: **Arabic, Hebrew, Sanskrit** and other languages used for religious purposes in South Africa (The Constitution of the Republic of South Africa, 1996:4).

Further, the followings languages were not translated into the target language, but taken as they are: 'German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu and Urdu'.

> TT: *Nyambo dzoṱhe dzi shumiswaho nga zwitshavha zwa Afrika Tshipembe, hu tshi katelwa nyambo dza **German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu na Urdu*** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:4).

BT: All languages used by communities of South Africa, including **German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu and Urdu** languages.

ST: All languages commonly used by communities in South Africa, including **German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu and Urdu** (The Constitution of the Republic of South Africa, 1996:4).

The translators did not indigenise these languages because they are proper nouns, and they must remain as they are. However, the message of the target text phrase does not wholly reflect that of the source text phrase. The source text mentions the communities in South Africa, whereas the target text mentions communities of South Africa. Instead of translating 'communities in South Africa' as *zwitshavha zwa Afrika Tshipembe*, translators should have translated the phrase as *zwitshavha kha ḽa Afrika Tshipembe*.

The term 'audit' occurs four times in the ETPC and was translated as *oditha* in the translated version of the Constitution. The term 'audit' is defined as an official examination of a company's financial records to check that they are correct (Summers, 2004: 98). 'Audit' is the process of examining or inspecting accounts of an organisation to check if they are correct. As shown in the discussion of auditor-general, translators provided the equivalent of audit as *oditha* as shown below.

> TT: *Muoditha-Dzhenerala u tea u **oditha** na u ṋea muvhigo malugana na mbalelano, zwitatamennde zwa gwama na ndangulo ya zwa gwama zwa mihasho yoṱhe ya muvhuso wa lushaka na muvhuso wa vundu khathihi na ndaulo dza hone; mimasipala yoṱhe; na tshiimiswa tshinwe na tshinwe kana tshivhumbeo tsha zwa mbalelano zwine zwa ṱoḓiwa uri zwi odithiwe nga Muoditha-Dzhenerala nga mulayo wa lushaka na wa vundu* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:123).

> BT: The Auditor-General must audit and give reports related to accounts, financial statement and financial management of all national departments and provincial departments and administrations; all municipalities; and any institution or accounting structure which needs to be audited by the Auditor-General by national legislation.

> ST: The Auditor-General must **audit** and report on the accounts, financial statements and financial management of all national and provincial state departments and administrations; all municipalities; and any other institution or accounting entity required by national or provincial legislation to be audited by the Auditor-General (The Constitution of the Republic of South Africa, 1996:99).

In Tshivenḓa 'audit' is *oditha* (Department of Arts and Culture (DAC), 2017b). The term *oditha* is also used by the speakers of the target language as *oditha*. The translation version of the sentence does not reflect the same message as that of the source sentence, as the translators

translated 'financial management and financial statements' as *zwitatamennde zwa gwama na ndangulo ya zwa gwama*. 'Financial management' means *ndangulo ya zwa masheleni* and 'financial statements' means *zwitatamennde zwa masheleni*. In this case the Vhavenḓa translators borrowed the correct term of the term 'audit' which is already standardised in the language and is a buzzword. Although the translators have borrowed the correct term, the sentence will confuse the readers because treasury is *gwama* and the sentence mentions finance which is *masheleni*. The factor that leads to this type of borrowing is that 'audit' is associated with finance.

The term 'scientific' occurs twice and is translated as *sainthifiki*. The term 'scientific' is defined as being about or related to science or using its methods (Summers, 2004:1712).

> TT: *Muṅwe na muṅwe u na pfanelo ya ṱhompho ya muvhili na muhumbulo, hu tshi katelwa pfanelo—ya u dzhia tsheo dzi kwamaho mbebo; ya tsireledzo na u langa muvhili wawe; na ya u sa shumiswa kha ngudo dza zwa mishonga kana zwa **sainthifiki** a songo fha thendelo* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:6).
>
> BT: Everyone has the right to bodily and psychological respect, including the right to take decisions that affect reproduction; security and control over her/his body; and not to be used in scientific or medical studies without consent.
>
> ST: Everyone has the right to bodily and psychological integrity, which includes the right—to make decisions concerning reproduction; to security in and control over their body; and not to be subjected to medical or **scientific** experiments without their informed consent (The Constitution of the Republic of South Africa, 1996:6).

The term 'scientific' is a modern concept that comes from the West. African languages, specifically Tshivenḓa, did not have such a concept in its lexicon. The term has been standardised in the language and is popularly used by speakers. The term *sainthifiki* is borrowed from the source text, and it conveys the correct message to the target readers. However, the equivalent could also be *tshisaintsi*. The term *sainthifiki* is an indigenised loanword. Another concept which needs attention in the texts above is 'make decisions' and *dzhia tsheo*. 'Make decisions concerning reproduction' which has been translated as *dzhia tsheo dzi kwamaho mbebo* should have been translated as *tshea malugana na zwi kwamaho mbebo*. *Dzhia tsheo* is a literal translation of 'take decision'. We cannot make use of the literal translation because Tshivenḓa has a proper way of saying things.

The term 'democratic' appears ten times in the parallel corpus and was translated as *demokirasi* in the Tshivenḓa version of the Constitution. This loaning takes place because of political factors between the source language and the target language. Political factors may include decisions, rules and laws taken by the government. These factors may include political stability, tax policy, freedom of press etc. 'Democratic' is defined as being controlled by representatives who are elected by the people of the country (Summers, 2004:488), in other words, 'democratic' is doing things according to representativity.

> *TT: Buthano ḽa Lushaka ḽi nga si sie vhathu nnda, zwi tshi katela vhoramafhungo, kha u vha hone kha dzulo nga nnḓani ha musi zwi tshi pfesesea na u kona u tikedza u ita zwenezwo kha tshitshavha kha* **demokirasi i re khagala** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:39).

> BT: National Assembly may not exclude people, including journalist, to be available in a sitting unless it is understandable and able to justify to do that in an open democratic society.

> ST: The National Assembly may not exclude the public, including the media, from a sitting of a committee unless it is reasonable and justifiable to do so in an open and **democratic** society (The Constitution of the Republic of South Africa, 1996:32).

Democracy is a classless society. The term 'democracy' is foreign to Africans and Vhavenḓa in particular; it originated in the West. Therefore translators were bound to borrow it as it is because it is now entrenched in the country. Traditionally, leaders among the Vhavenḓa were not elected but were born for the positions. Hence, there was no democracy as understood according to the Western perspectives. The majority of Vhavenḓa citizens started to familiarise themselves with democracy when Western civilisation was introduced, for example, the experience during the reign of Bantustan forms of government. Therefore translators were bound to borrow it as it is, and this term is an indigenised loan word. However, *demokirasi* is not equivalent to 'democratic' because it is the equivalent of 'democracy'. The equivalent for 'democratic' would be *tshidemokirasi*.

The term 'commission' occurs 93 times in the English-Tshivenḓa Parallel Corpus and is translated as *khomishini*. 'Commission' is defined as a group of people who have been given the official job of finding out about something or controlling something (Summers, 2004:358). A 'Commission' is a group of people commanded by the government or other authority to investigate a matter.

*TT: Mira̗do ya **Khomishini** yo nangiwaho nga Khoro ya Lushaka ya mavundu, vha ḓo shuma u swikela hu tshi vhewa vhaṅwe kana hu tshi vha na tshikhala khavho. Minwe mira̗do yo nangiwaho nga **Khomishini**, i shuma u swikela vho i nangaho vha tshi dzhia zwikhala izwo.* (Ndayotewa ya Riphabu̗l̗iki ya Afrika Tshipembe ya, 1996:116).

BT: Members of the Commission chosen by the National Council of Provinces, will serve until others are put or until there is a vacancy. Other members chosen by Commission, serve until they occupy the vacancy.

ST: Members of the **Commission** designated by the National Council of Provinces serve until they are replaced together, or until any vacancy occurs in their number. Other members who were designated or nominated to the **Commission** serve until they are replaced by those who designated or nominated them (The Constitution of the Republic of South Africa, 1996:92).

In many instances, when things are not going according to the normal procedures, especially in the modern government, a commission of inquiry is instituted to find out the wrongs with the purpose of correcting the situation. The term 'commission' is associated with the West. Although Vhavenḓa used to have people who were given the job of finding out about something, they did it differently. As a result, the term 'commission' did not exist in their lexicon, hence translation by loan word. It is jargon used in the legal fraternity. The term 'commission' is rendered as *khomishini* in Tshivenḓa (Parliamentary/Political Terminology List, 2005). The message is conveyed correctly to the readers of the Tshivenḓa version of the Constitution because Vhavenḓa citizens understand the term *khomishini* and its role. The translators indegenised the term 'commission' for a better understanding by the readers.

The source language term 'court' appears 134 times in ETPC and is translated as *khothe*. The target readers enjoy the benefits of multilingualism while reading the Tshivenḓa version of the Constitution because the translators simplify the language by indigenising the term. The term 'court' is defined as a body of people before whom judicial cases are heard (Kavanagh, 2002:265). Court is a place where cases committed by different people are heard.

*TT: Musi hu tshi ṱalutshedzwa mulayo wa vhusimamilayo, **khothe** inwe na inwe i tea u takalela ṱhalutshedzo iṅwe na iṅwe i pfalaho ya mulayo ine ya yelana na mulayo wa dzitshaka dzoṱhe kha ṱhalutshedzo iṅwe na iṅwe ine ya si anane na mulayo wa dzitshaka dzoṱhe* (Ndayotewa ya Riphabu̗l̗iki ya Afrika Tshipembe ya, 1996:157).

BT: When interpreting legislative law, every **court** must prefer any interpretation of the law that is reasonable which is related to international law to any interpretation which is not related to international law.

ST: When interpreting any legislation, every **court** must prefer any reasonable interpretation of the legislation that is consistent with international law over any

alternative interpretation that is inconsistent with international law (The Constitution of the Republic of South Africa, 1996:125).

The meaning captured in the source sentence is not captured by the target sentence. 'International law' is not *mulayo wa dzitshaka dzothe.* The correct translation of 'International law' is *Mulayo wa dzitshaka.* The translators sent another message by adding *dzothe* which means 'all'. The Vhavenḓa translators will confuse the readers of the Constitution. *Mulayo wa dzitshaka dzothe* means all international law. The Tshivenḓa equivalent of the term 'court' is *khoro.* However, *khoro* has a number of meanings, including that of Van Warmelo (1989:106) who defines 'court' as a courtyard, the public enclosure of a homestead, with the main gateway to outside and access to the rest of the village, where men foregather and strangers wait, where public discussion is held and cases heard, hence "court of law"; by extension the people of a nduna's area, tribal sub-unit. The message of the source sentence is that of a public enclosure where public discussion and cases are heard. Judicial cases were handled long before the introduction of the Western way of doing things. Vhavenḓa used to have *khoro* at the royal village. The Vhavenḓa translators opted to use *khothe* instead of *khoro* because South African legal systems use *khothe.* The term *khothe* is modern and *khoro* is traditional and accommodates only people who are staying in rural areas. This poses a challenge because *khoro* will not accommodate people who stay in urban areas. The term *khothe* is an indigenised loan word.

The term 'schedule' appears 41 times and is translated as *shedulu.* 'Schedule' is defined as a plan of activities or events that happen at a particular time (Rundell, 2005:1266). 'Schedule' is a programme or timetable of the activities that will take place at a given time.

> TT: *Maitele o bulwaho kha Tshipiḓa tsha A tsha **Shedulu** 3 a shuma kha khetho dza Mulangadzulo na Muthusa-Mulangadzulo* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:43).
>
> BT: Procedures mentioned in Part A of **Schedule** 3 work for the election of the Speaker and the Deputy Speaker.
>
> ST: The procedure set out in Part A of **Schedule** 3 applies to the election of the Chairperson and the Deputy Chairpersons (The Constitution of the Republic of South Africa, 1996:34).

The message brought forward by the source sentence was captured in the target language sentence by the translators. The Tshivenḓa term *shedulu* means 'schedule' and is a noun

181

(Parliamentary/Political Terminology List, 2005). Tshivenḓa lacks the equivalent of 'schedule' and the translators used the buzzword *shedulu*. Wentzel and Muloiwa (1982:193) also add an equivalent of 'schedule' as *muengedzo* to their definition. The translators did not choose to use the Tshivenḓa coined term *muengedzo* because *muengedzo* means addition, supplement, increment; amendment; affix, extension; *shedulu* is an indigenised loan word.

The source language term 'appeal' occurs 23 times in ETPC and is translated as *aphiḽi*. 'Appeal' is defined as a formal request for a court of law or similar authority to change its decision (Rundell, 2005:55). Vhavenḓa had their indigenous courts in which the community members would lodge a case to the headman. If the plaintiff was not happy about the decision taken by the headman, the matter would be referred to the Chief (*Vhothovhele)* and his or her word is final.

> TT: *Ya u wana tshigwevho tshi sa vhaisesiho arali tshigwevho tsho randelwaho tsha mulandu wawe tsho shandukiswa vhukati ha tshifhinga tsha musi a tshi khakha na tshifhinga tsha musi a tshi gwevhiwa; na u wana* **aphiḽi***, kana u sedzuluswa nga, khothe khulwane* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:20).
>
> BT: To get the least punishment if the prescribed punishment of his/her offense has changed between the time he committed an offense and the time of sentencing, and get an appeal, or review by the high court.
>
> ST: To the benefit of the least severe of the prescribed punishments if the prescribed punishment for the offense has been changed between the time that the offense was committed and the time of sentencing; and of **appeal** to, or review by, a higher court (The Constitution of the Republic of South Africa, 1996:16).

In two instances, 'appeal' is translated as *aphiḽi* and translated 22 times as *khaṱhululo*. In Tshivenḓa *khaṱhululo* means appeal (in court) (Mathivha et al., 2015:246). *Khaṱhululo* is when a plaintiff is found guilty and pleas for an appeal in a higher court than the one which found him/her guilty. Vhavenḓa have their own way of doing *khaṱhululo,* a headman can find his/her subject guilty and impose a high penalty or fine. The subject can seek an appeal to the Chief who can reduce the penalty. The meanings of *aphiḽi* and *khaṱhululo* are different. Readers of the Tshivenḓa version of the Constitution will be confused because the translators were not consistent while translating. In translation, the translators must introduce the term and stick to the term throughout the text so that the target readers will understand fully what the term is all about. The translators used the two terms as equivalents of 'appeal' because target readers

understand both terms and they applied them in their communication. The term *aphiḽi* is an indigenised loan word.

The term 'municipality' appears 51 times and is translated as *masipala* in the parallel corpus. The term municipality means a town, city or other small area, which has its own government to make decisions about local affairs, or the officials in that government (Summers, 2004:1263). 'Municipality' is a town or city which has its local government and provides services of electricity, water, rates and taxes, rubbish collection etc. The translators provided the equivalent of the term 'municipality' as *masipala* as shown in the extracts below.

> TT: *Arali* **masipala** *a sa koni u fusha kana a sa fushi vhuḓifhinduleli vhu re kha Ndayotewa kana mulayo wa u tendela mugaganyagwama kana maṅwe maga a u gonyisa mbuelo ane a vha a ndeme kha u ita uri mugaganyagwama u tevhedzwe, khorotshitumbe ya vundu yo teaho i fanela u dzhenelela nga u dzhia maga o teaho u vhona uri mugaganyagwama kana maga a u gonyisa mbuelo a a tendelwa, hu tshi katelwa na u fhaladzwa ha Khoro ya Masipala u thola mulanguli u swikela Khoro ya Masipala i tshi ambiwa uri yo khethiwa; na u tendela mugaganyagwama wa tshifhinganyana kana maga a u gonyisa mbuelo u ṋekedza u itela u bvela phanḓa ha u shuma ha masipala* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:87).

> BT: If a municipality cannot fulfil or does not fulfil its responsibility in the Constitution or the law that allows the budget or other measures of increasing revenue which are important for the budget to be adhered to, the relevant provincial council must intervene by taking relevant steps to ensure that the budget or steps of increasing revenue are allowed, including the dissolving of the Municipal Council to appoint the manager until they declared that they have elected a Municipal Council, and allow a temporary budget or steps of increasing the revenue to provide for the continued functioning of the municipality.

> ST: If a **municipality** cannot or does not fulfil an obligation in terms of the Constitution or legislation to approve a budget or any revenue-raising measures necessary to give effect to the budget, the relevant provincial executive must intervene by taking any appropriate steps to ensure that the budget or those revenue-raising measures are approved, including dissolving the Municipal Council and appointing an administrator until a newly elected Municipal Council has been declared elected; and approving a temporary budget or revenue-raising measures to provide for the continued functioning of the municipality (The Constitution of the Republic of South Africa, 1996:70-71).

The message of the source paragraph was captured in the target language sentence. This will help the readers to understand what the text is all about. The Tshivenḓa term *masipala* means municipality (Mathivha et al., 2015:94). The word 'municipality' is derived from the Latin *municipium,* meaning "free city" (vocabulary.com/dictionary/municipality). Vhavenḓa did not

have cities and towns before the introduction of the Western civilisation. Their settlements used to be scattered all over the area. They did not have to service the areas in which they stayed like they do today; for example, cleaning the streets, bringing water to the households, collecting rubbish, bringing in electricity; activities which are rendered by municipalities. Cities and towns are modern settlements of living. Therefore, it was important to borrow this foreign term. The term *masipala* is an indigenised loan word that has been standardised in Tshivenḓa. The Vhavenḓa translators used the appropriate loaning strategy to handle the lack of equivalent at word level.

The term 'referendum' appears twice in the parallel corpus and is translated as *referandamu.* 'Referendum' is defined as a general vote by the electorate on a single political question that has been referred to them for a direct decision (Kavanagh, 2002:981). 'Referendum' is a general vote by the citizens where they are asked political questions so that they can give their views about the question.

The term 'referendum' in Tshivenḓa is *referandamu* (Department of Basic Education (DBE), 2011:194).

> TT: *U vhidza **referandamu** dza lushaka hu tshi tevhedzwa Mulayo wa Phalamennde* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:58).
>
> BT: To call a national referendum adhering to the Act of Parliament;
>
> ST: Calling a national **referendum** in terms of an Act of Parliament (The Constitution of the Republic of South Africa, 1996:47).

'Referendum' is a new term in the Tshivenḓa lexicon. Vhavenḓa did not conduct a referendum in their political and social life. This is a concept borrowed from the West; it is culture-specific and is a buzzword used in political jargon in connection with elections. The translators applied the correct strategy of an indigenised loan word *referandamu*. Vhavenḓa citizens understand the term *referandamu* in the Tshivenḓa version of the the Constitution of the Republic of South Africa, the message was well sent. 'Referendamu' is translated by borrowing and it was borrowed from English.

184

The term 'flag' surfaces twice and is translated as *fuḽaga* in ETPC. The term 'flag' means a piece of cloth with a coloured pattern or picture on it that represents a country or organisation (Summers, 2004). 'Flag' means a national symbol that represents an organisation or country.

> TT: *Fuḽaga ya lushaka ya Riphabuḽiki mivhala yayo ndi mutswu, musuku, mudala, mutshena, mutswuku na lutombo, sa zwe zwa ṱalutshedzwa na u talatadziwa kha Shedulu ya 1* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:4).

> BT: The national flag of the Republic's colours are black, gold, green, white, red, and blue, as described and sketched in Schedule 1.

> ST: The national **flag** of the Republic is black, gold, green, white, red and blue, as described and sketched in Schedule 1 (The Constitution of the Republic of South Africa, 1996:3).

The Vhavenḓa did not have a 'flag' for their country in their culture. This is a practice introduced by the West. Nations used to share a country without conflicts. After adopting the Western practice of politics, they were bound to borrow the term 'flag' into their language. The term *fuḽaga* means flag or banner. Mathivha et al. (2015:271) define *fulaga* as flag or banner; it is an indigenous loan word borrowed from English.

The term 'republic' appears 71 times in ETPC and is translated as *riphabuḽiki*. The term 'republic' means a state in which supreme power is held by the people and their elected representatives, and which has an elected or nominated president rather than a monarch (Kavanagh, 2002:992). The term 'republic' is derived from Latin *respublica*. (etymologeek.com/eng/republic). 'Republic' is a country that is governed by an elected president rather than a King.

> TT: *Khethekanyo ṱhukhu dza (6) na (7) a dzi shumiswi kha vhathu vhane vha sa vhe vhadzulapo vha Afrika Tshipembe nahone vho farwaho zwo itiswa nga khuḓano ya mashango a dzitshaka. Vhuimoni ha zwenezwo, muvhuso u fanela u tevhedza zwitandadi zwi vhofhaho* **Riphabuḽiki** *nga fhasi ha mulayo wa dzitshaka wa zwa vhuthu maluɡana na u farwa ha onoyo muthu* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:24).

> BT: Subsections (6) and (7) are not applicable to people who are not citizens of South Africa and who are arrested as a result of international conflict. As an alternative, the government must follow the standards which are binding on the **Republic** under the international law of humanity regarding the arrest of such a person.

> ST: Subsections (6) and (7) do not apply to persons who are not South African citizens and who are detained as a consequence of an international armed conflict. Instead, the state must comply with the standards binding on the **Republic** under international

humanitarian law in respect of the detention of such persons (The Constitution of the Republic of South Africa, 1996:19).

The message of the source sentence is not captured fully by the target language sentence. The phrase 'international armed conflict' was translated as *khuḓano ya mashango a dzitshaka*. The translators did not take into consideration the term 'armed' in the phrase. The correct translation of the phrase is *khuḓano ya zwiṱhavhane ya mashango a Dzitshaka*. This is not an ordinary conflict, but an international conflict involving a fight between the countries. This will confuse the readers of the Constitution because *zwiṱhavhane* was not included and the readers will understand it as a fight of two or more countries. The equivalent term of 'republic' is *riphabuḽiki* in Tshivenḓa and is an indigenised loan word. The selection of representatives was foreign to Vhavenḓa because according to their culture leaders were born for the positions and the traditional leaders had supreme power. As a result, Vhavenḓa lived freely under the reign of a chief in a tribal area, not a republic. The 'republic' is a modern concept introduced by Western countries. Since the colonisation of South Africa by the Europeans, Vhavenḓa now live in a state, and are bound to include the term 'republic' in their lexicon; hence it has been standardised. The readers of the Constitution will understand *riphabuḽiki* without any difficulty because it is commonly known by the citizens.

The term 'profession' appears ten times in the English-Tshivenḓa Parallel Corpus and is translated as *phrofesheni*. 'Profession' means a job that needs a high level of education and training (Summers, 2004:1525).

> TT: *Mudzulapo muṅwe na muṅwe u na pfanelo ya u ḓinangela zwa makwevho, mushumo na phrofesheni o vhofholowa. U ita zwa makwevho, mushumo kana* **phrofesheni** *zwi nga langulwa nga mulayo* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:10).

> BT: Every citizen has the right to choose their trade, and professional work freely. To practice trade, work or profession may be regulated by law.

> ST: Every citizen has the right to choose their trade, occupation, or **profession** freely. The practice of a trade, occupation, or profession may be regulated by law (The Constitution of the Republic of South Africa, 1996:8).

The source term 'profession' is rendered as *phrofesheni* (*phurofesheni*) in Tshivenḓa and is an indigenised loan word. Africans, Vhavenḓa included, had professions before the arrival of Europeans; for example, carpenter, hunter, etc. Translators did not provide *mushumo* as the

186

Tshivenḓa equivalent as would be expected because a 'profession' is a job which needs a high level of education and training. In line with the source language definition, the translators provided the correct Tshivenḓa equivalent. The term 'profession' originates from Latin *professionem* (etymonline.com/word/profession).

The term 'system' occurs 12 times in the parallel corpus and is translated as *sisiṱeme*. 'System' means an organised set of ideas, methods, or ways of working (Summers, 2004:1968), in other words, system refers to ways, ideas or methods that are organised and working together. The extracts below show how the term 'system' is translated.

> TT: **Sisiṱeme** *ya kukhethele hu tshi tevhelwa khethekanyo ṱhukhu ya (2) i fanela u vhona uri tshivhalo tshoṱhe tsha miraḓo i bvaho kha ḽihoro ḽiṅwe na ḽiṅwe tshi sumbedza vhuimeleli ho teaho* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:99).

> BT: An electoral system in terms of subsection (2) must make sure that the overall number of members who are coming from each party demonstrate appropriate representation.

> ST: An electoral **system** in terms of subsection (2) must result, in general, in proportional representation (The Constitution of the Republic of South Africa, 1996:80).

The message of the source sentence was not captured in the target language. The target language captured *Sisiṱeme ya kukhethele hu tshi tevhelwa khethekanyo ṱhukhu ya (2) i fanela u vhona uri tshivhalo tshoṱhe tsha miraḓo i bvaho kha ḽihoro ḽiṅwe na ḽiṅwe tshi sumbedza vhuimeleli ho teaho.* The correct translation should be *Sisiṱeme ya kukhethele u ya nga khethekanyo ṱhukhu ya (2) i fanela u vhona zwauri, nga u angaredza, hu na vhuimeleli vhu linganaho.*

The source text message is a challenge to the target readers because the message was not properly conveyed. Vhavenḓa had their own way of organising sets of ideas, methods, or ways of working, and some of them called this organisation *maitele*. Vhavenḓa organise sets of ideas by singing, sharing proverbs, riddles, idioms etc. They also have their ways of doing things like *tshilembe* which is hoeing of one another's gardens in turn, done in company by a few neighbours (Van Warmelo, 1989:409). *Davha* is when people hoed the land or harvested the field and were rewarded by beer or food etc. However, the translator chose *sisiṱeme* because it is a modern concept introduced by the West. An indigenised loan word for 'system' is *sisiṱeme*

in Tshivenḓa (Parliamentary/Political Terminology List, 2005). The translators applied the correct strategy of loaning.

The term 'consular' appears twice in the English-Tshivenḓa Parallel Corpus and in both instances it was translated as *khontsula*. The term 'consular' is defined as a government official who is sent to live in a foreign city in order to help people from his or her own country who are living or staying there (Summers, 2004:391). 'Consular' is a diplomat or ambassador sent by the government to a foreign country.

> *TT: Phresidennde u na vhuḓifhinduleli ha u ṱanganedza vhaimeleli vha zwa vhudipulomati na vhaimeleli vha **khontsula** vha mashango a nnḓa* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:59).

> BT: The president is responsible for receiving diplomatic representatives and consular representatives from foreign countries.

> ST: The President is responsible for receiving and recognising foreign diplomatic and **'consular'** representatives; (The Constitution of the Republic of South Africa, 1996:47).

The message of the source text was captured in the target sentence. The readers will understand what 'consular' is all about. The practice of having a consular in a foreign country is new to the Vhavenḓa, although they had representatives in other tribes in another form, for example by marriage. But as their political organisation adopted that of the West, they had to adopt this modern concept in their language and indigenised the term 'consular' to *khontsula*. Hence it has been translated in the Tshivenḓa version of the constitution as *khontsula*. It will be difficult for the readers of the Tshivenḓa Constitution to understand the term *khontsula* if it is not explained in full. The diplomats are the only people who will be familiar with it. However, the message in the source text is marred by the translation of 'representatives' as *vhaimeleli*. The English equivalent of *vhaimeleli* is 'advocates'. The correct Tshivenḓa equivalent of 'representatives' is *vhaimeli*.

The term 'committee' appears 45 times and is translated as *komiti* in the translated version of the Constitution. The term 'committee' means a group of people appointed for a specific function by a larger group (Kavanagh, 2002:232). 'Committee' is a group of people appointed to execute a specific task.

> *TT: Miraḓo ya khabinete, miraḓo ya Buthano ḽa Lushaka na vhurumelwa kha Khoro ya Lushaka ya mavundu vha na vhuṱalu na nyiledzo zwi fanaho phanḓa ha **komiti** yo*

ṱanganelaho ya Buthano na Khoro sa zwine dza vha nazwo phanḓa ha Buthano na Khoro (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:30).

BT: Cabinet members, members of the National Assembly, and delegates to the National Council of Provinces have the same privileges and are not permitted before the joint committee of the Assembly and Council as they have before the Assembly and Council.

ST: Cabinet members, members of the National Assembly, and delegates to the National Council of Provinces have the same privileges and immunities before a joint **committee** of the Assembly and the Council as they have before the Assembly or the Council (The Constitution of the Republic of South Africa, 1996:25).

The message in the source sentence is captured in the target language sentence. The Tshivenḓa equivalent for the term 'committee' is *komiti* and it is an indigenised loan word. However, Vhavenḓa have an equivalent for 'committee' which is *khorwana*. The translator chose to make use of *komiti* because the term is presently more popular than the pure Tshivenḓa word. The strategy of loan word was applied correctly by the Vhavenḓa translators of the Constitution because the target readers understand what a 'committee' is.

The source term 'medical practitioner' appears twice in the English-Tshivenḓa Parallel Corpus and is translated as *dokotela*. 'Medical practitioner' is defined as a doctor (Summers, (2004:1196). A medical doctor is a person who treats people who are ill and has a qualification to work as a doctor.

TT: *Mufariwa u fanela u tendelwa u nanga, na u dalelwa nga tshifhinga tshi pfalaho nga, **dokotela** wa dzilafho* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:23).

BT: The prisoner should be allowed to choose, and to be visited at a reasonable time by, a medical doctor.

ST: The detainee must be allowed to choose, and be visited at any reasonable time by, a **medical practitioner** (The Constitution of the Republic of South Africa, 1996:19).

Dokotela means medical doctor, surgeon; doctor (Wentzel & Muloiwa, 1982:12). The term *dokotela* is different from *ṅanga* because *dokotela* is a specific term that refers to a doctor, whereas *ṅanga* is a general term referring to doctor, medicine-man, and diviner (Van Warmelo, 1989:31). The term *dokotela* is a borrowed word. The translators of the Tshivenḓa version of the Constitution captured the correct equivalent of the source term as *dokotela.* Vhavenḓa

189

citizens will understand the message conveyed to them. On encountering the term *dokotela,* they immediately know that it is a medical practitioner associated with the West.

The term 'monitor' appears seven times in the English-Tshivenḓa Parallel Corpus and it was translated as *lavhelesa* four times and *monithara* three times. The Vhavenḓa translators preferred to use both terms while translating the Constitution. In the source language, a 'monitor' is a 'person or device that monitors something' (Kavanagh, 2002:750). To monitor is to regularly check on something.

> TT: *Khomishini i na maanḓa, sa zwi langulwaho nga mulayo wa lushaka, ane a vha a ndeme kha u kona u swikelela ndivho dzayo khulwane, zwi tshi katela, maanḓa a u* **monithara,** *u ṱoḓisisa, u funza, u ṱuṱuwedza, u eletshedza na u fha muvhigo nga ha mafhungo a kwamaho pfanelo dza zwitshavha zwa mvelele, vhurereli na luambo* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:122).

> BT: The commission has the power, as regulated by national regulation, which is important to achieve its primary objective, including the power to monitor, investigate, teach, promote, advise and to give report on issues concerning the rights of cultural, religious and linguistic communities.

> ST: The Commission has the power, as regulated by national legislation, necessary to achieve its primary objects, including the power to **monitor**, investigate, research, educate, lobby, advise and report on issues concerning the rights of cultural, religious and linguistic communities (The Constitution of the Republic of South Africa, 1996:98).

In Tshivenḓa the term *lavhelesa* means 'look, look at, observe, and gaze' (Van Warmelo, 1989:134). The translators of the Tshivenḓa version of the Constitution used the term *monithara* instead of *monitha* as a 'senior person'. The translators used the strategy of translation by borrowing and they used the two different terms as equivalents of 'monitor' because of the context in which they are used. The use of different target terms for 'monitor' confuses the target reader. The translators were supposed to have stuck to using one term throughout which is *u lavhelesa* rather than borrowing unnecessarily. Tshivenḓa states it clearly that *lavhelesa* means 'look, look at, observe, and gaze'.

A large number of loan words used by the translators as equivalents of the English terms originate from the European languages. It is surprising that no borrowing is made from the other indigenous languages of South Africa. Perhaps it is because European languages are considered more civilised than the fellow indigenous languages. In other instances, the

Tshivenḓa translators provided indigenised loan words even if there are direct Tshivenḓa equivalents.

4.2.6   Translation by omission

The strategy of translation by omission is used when the meaning transferred by a specific item or expression is not vital in the development of the text to justify distracting the reader with lengthy explanations. The translator can simply omit or translate the word or expression in question (Baker, 2011:42). Omission can take place at word, phrase, or sentence level, as long as it does not completely change the meaning of the text.

Baker (1992:4) categorises omission as a simplification strategy. Simplification strategies are the problem-solving methods that seek to render the translated text more reader-friendly by simplifying the words, structure, or style of the source text. Omission seeks to make the translated text simpler for the reader. However, there is inevitably some loss of meaning when words and expressions are omitted in the translation. Hereunder are some examples of translation by the omission of words or phrases in the target text.

'All official languages' occurs twice in the English-Tshivenḓa Parallel Corpus, and is translated as *nyambo dzoṱhe.* The term 'official language' is defined as language, which is considered to be the main language of a nation. It is the language used in government courts of law, and for official business (Richards & Richards, 2002:350). Official languages are major languages of the country and are used by the entire nation. In South Africa we have 11 official languages which are Sepedi, Sesotho, Setswana, Siswati, Tshivenḓa, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.

> TT: *Muvhuso wa lushaka na mivhuso ya mavundu, i tshi khou shumisa mulayosikwa na maṅwe maga, i fanela u langula na lavhelesa u shumiswa ha nyambo dza tshiofisi. Hu si na u pfuka mbetshelo dza khethekanyo ṱhukhu ya,* **nyambo dzoṱhe** *dzi fanela u lingana nahone dzi farwe u lingana* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:4).

> BT: The national government and provincial governments, using legislative and other measures, must control and oversee the use of official languages. Without contravening provisions of the subsection, all languages must be equal and must be treated equally.

ST: The national government and provincial governments, by legislative and other measures, must regulate and monitor their use of official languages. Without detracting from the provisions of the subsection, **all official languages** must enjoy parity of esteem and must be treated equitably (The Constitution of the Republic of South Africa, 1996:4).

The term 'official' was omitted in the above extract and in the extract below of the translated target texts. For example, when one refers to the back translation one finds that the term 'official' has been omitted. e.g.

TT: *Bodonyangaredzi ya Nyambo ya Afrika Tshipembe yo thomiwaho nga mulayosiṅwa wa lushaka i fanela u alusa, na u ita nyimele ya, bveledzisa na u shumiswa ha **nyambo dzoṱhe*** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:4).

BT: Pan South African Language Board established by national legislation it must promote, and create condition for, the development and use of all languages.

ST: A Pan South African Language Board established by national legislation must promote, and create conditions for, the development and use of **all official languages** (The Constitution of the Republic of South Africa, 1996:4).

In the first translated text, not only 'official' was omitted; *u* is also omitted in *langula na lavhelesa*. Further, there is an addition of *ya* in *khethekanyo ṱhukhu ya*, which mars the meaning of the sentence and this will confuse the readers of the constitution. The target text is not the true reflection of the source text.

The omission in this regard affects the message in the target language. There will be a negative effect due to the omission of 'official' in the Tshivenḓa version of the Constitution because 'official' means *tshiofisi* and if it is missing it sends a wrong message to the readers. The omission of *tshiofisi* in Tshivenḓa sends another connotation because besides the official languages, there are other languages spoken in South Africa. The correct translation is *nyambo dzoṱhe dza tshiofisi.* The translators did not realise that omitting the important element 'official' poses a challenge to the target readers.

The term 'proceedings' appears 25 times in the parallel corpus and is translated as *matshimbidzele* in the Tshivenḓa version of the Constitution. The term 'proceedings' means official written records of meetings or society (Summers, 2004:1523). 'Proceedings' means

official record communicated or debated during a meeting. *Matshimbidzele* is derived from the verb stem *-tshimbidza* which means to lead, drive, cause to go (Van Warmelo, 1989:412).

> TT: *Muṅwe na muṅwe o farwaho a tshi khou humbulelwa u vha o ita vhukhakhi u na pfanelo ya u sengiswa nga luambo lune ene muhwelelwa a lu pfesesa kana, arali izwo zwi sa konadzei, a tou ḓologelwa kha luambo lwonolwo lune a lu kona* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:19).

> BT: Every accused person being suspected to make an offence has a right to be tried in a language that the defendant understands or if this is not possible, to be interpreted into the language which s/he is competent with.

> ST: Every accused person has a right to a fair trial, which includes the right to be tried in a language that the accused person understands or, if that is not practicable, to have the **proceedings** interpreted in that language (The Constitution of the Republic of South Africa, 1996:16).

The term 'proceedings' was omitted from the translated version of the constitution of the Republic of South Africa, which changes the meaning of the text. This will have a negative impact on the target readers because the message will not be conveyed properly.

The translators must avoid generalising that the target readers will understand the text even if the important terms were omitted. In the sense of the message in the extract, 'proceedings' refers to *zwine zwa ambiwa*. In Tshivenḓa *matshimbidzele* means proceedings (Parliamentary/Political Terminology List, 2005).

'Servitude' appears four times and is translated as *vhushumeli* in ETPC. The term 'servitude' means the state of being a slave or completely subject to someone more powerful (Kavanagh, 2002:1071). 'Servitude' means being controlled by someone powerful and having no freedom.

> TT: *A hu na muthu o teaho u itwa zwa vhupuli, na u kombetshedzwa u shuma* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:8).

> BT: There is no one suitable for slavery and forced to work.

> ST: No one may be subjected to slavery, **servitude** or forced labour (The Constitution of the Republic of South Africa, 1996:7).

The term 'servitude' was omitted in the translated version. On two occasions 'servitude' was translated as *vhushumeli* and on two occasions it was omitted. In Tshivenḓa *vhushumeli* means ministry or service (Mathivha et al., 2015:236). Guided by the source language's definition

193

'servitude' means *vhupuli*, and in Tshivenḓa the term 'servitude' means *vhupuli*. In Tshivenḓa both source terms 'slavery' and 'servitude' mean *vhupuli* (Mathivha et al., 2015:306). The Vhavenḓa translators did not take into consideration that 'servitude' is a synonym of 'slavery' on two occasions, but on two other occasions the term was omitted, perhaps after realising that the two terms have the same meaning. However, this confuses the readers of the Tshivenḓa Constitution. There was no need to use *vhushumeli* if they relied on the source text definition.

The term 'provision' appears 26 times in the English-Tshivenḓa Parallel Corpus, and is translated as *mbetshel*o. The term 'provision' is defined as a condition or requirement in a legal document (Kavanagh, 2002:939). 'Provision' is an arrangement or preparation for something which will happen in the future. The term *mbetshelo* was omitted once in the English-Tshivenḓa Parallel Corpus as shown below:

> TT: *Mulayotibe u fanela u shumaniwa nawo hu tshi tevhedzwa maitele o bulwaho kha khethekanyo ṱhukhu ya (1) arali u tshi ita uri hu vhe na mulayo wo lavhelelwaho kha khethekanyo ya 44(2) kana ya 220(3), kana wo lavhelelwaho huṅwe fhethu kha Ndima ya 13 nahone zwi tshi kwama lutamo lwa tshelede lwa sia ḽa muvhuso wa vundu* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:53).

> BT: A Bill must be dealt with in terms of procedures mentioned in subsection (1) if it makes for an anticipated legislation in subsection 44(2) or 220(3), or anticipated in Chapter 13, and affect the financial interests of provincial government.

> ST: A Bill must be dealt with in accordance with the procedure established by subsection (1) if it provides for legislation envisaged in section 44(2) or 220(3); or envisaged in Chapter 13, and which includes any **provision** affecting the financial interests of the provincial sphere of government (The Constitution of the Republic of South Africa, 1996:43).

Once the term *mbetshelo* is omitted in the target text, the information will never be the same as that of the source text because the target text excludes the condition or requirement on it as stipulated by law. The Vhavenḓa translators translated the document without taking into consideration that the term 'provision' carries a strong meaning in the legal context. The omission of the translation of 'provision' into the target text is taking place at word level. Translators did not capture the concept 'provision' which is *mbetshelo iṅwe na iṅwe ine ya kwama* in the target sentence. In this regard, the essence of the sentence was not well captured in the target text.

'Members of the Assembly' appears 13 times in ETPC and is translated as *miraḓo ya Buthano*. The phrase was omitted once in the Tshivenḓa English-Tshivenḓa Parallel Corpus as shown below.

> TT: *Vhuṅwe vhuṱalu na u tsireledzea ha Buthano ḽa Lushaka, miraḓo ya Khabinethe zwi nga vhewa nga mulayosiṅwa wa lushaka* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:38).

> BT: Other privileges and protections of the National Assembly, members of the Cabinet may be recommended by national legislation.

> ST: Other privileges and immunities of the National Assembly, Cabinet members and **members of the Assembly** may be prescribed by national legislation (The Constitution of the Republic of South Africa, 1996:31).

The target sentence did not capture what the source text is all about. The omission takes place at phrase level. The phrase 'members of the Assembly' was not translated in the target text. The omission of the term *miraḓo ya Buthano* creates a problem with the target text because citizens will not capture the true essence of the source text. *Miraḓo ya Buthano* carries an essential meaning because it includes all members of the parliament. Once the target text fails to convey the true reflection of the source text it can mislead the target readers. This will be a problem because citizens read the Constitution to clarify the challenges they are facing.

The term 'Constitutional Court' occurs 44 times in the English-Tshivenḓa Parallel Corpus and is translated as *Khothe ya Ndayotewa*. The concept 'Constitutional Court' is defined as a court dealing with matters that include the interpretation and enforcement of the constitution (Kavanagh, 2002:247). 'Constitutional Court' is the court which deals with the constitutional matters and is the Highest Court in South Africa.

> TT: *Khothe ya zwa Ndayotewa ndi yone khothe khulwanesa kha Riphabuḽiki; nahone i nga ita tsheo kha mafhungo a ndayotewa; na mafhungo maṅwe na maṅwe, arali ndayotewa ya tenda u ṋea aphiḽi ya u ita ḽivi zwo itiswa nga mbuno dza mafhungo a itisaho uri hu nangwe kha mulayo wa ndeme wa tshitshavha nga u angaredza une wa tea u lavheleswa nga Khothe* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:106).

> BT: Constitutional Court is the highest court of the Republic, and may decide on the Constitutional matters; any matter if the Constitution grants leave to appeal based on matter raised on the basis of established law of general public importance which must be considered by Court.

> ST: The Constitutional Court is the highest court of the Republic; and may decide constitutional matters; and any other matter, if the **Constitutional Court** grants leave

to appeal on the grounds that the matter raises an arguable point of law of general public importance which ought to be considered by that Court (The Constitution of the Republic of South Africa, 1996:86).

The target language sentence did not capture what the source sentence conveyed. The omission takes place at the phrase level because 'Constitutional Court' is a phrase. In the given context above the translators did not translate 'Constitutional Court' as *Khothe ya Ndayotewa* but 'Constitution'. The omission of the translation of 'Court' does not reflect the real meaning of the phrase 'Constitutional Court'. In ETPC the term *Khothe* was omitted and *Khothe* can refer to any 'Court'; this will confuse the readers of the Tshivenḓa Constitution while they are perusing to find out about their fundamental rights. The Vhavenḓa translators lost the essence of the term 'Constitutional Court' because *Ndayotewa* means 'Constitution' and the omission of the term 'court' misleads the readers of the Tshivenḓa Constitution. The equivalent of the phrase 'Constitutional Court' is *Khothe ya Ndayotewa* (Parliamentary/Political Terminology List, 2005). Further, the translation of 'grants leave to appeal' is incorrect. The correct translation would be *ṋea thendelo ya u aphila*, without *ya u ita livi. Ya u ita livi* makes the sentence to not read well, thereby spoiling the message.)

The phrase 'Cultural and language heritage' appears once in the parallel corpus and is translated as *mvelele na luambo*. In the Tshivenḓa version of the Constitution 'heritage' is omitted. 'Cultural' is defined as belonging or relating to a particular society and its way of life (Summers, 2004:448). 'Culture' is a way of life and its manifestations that a person believes in. 'Language heritage' is defined as the language a person regards as their native, home, or ancestral language. This may be an indigenous language (Richards & Richards, 2002:238). 'Heritage language' is an indigenous language or a native language and is spoken by indigenous people or immigrants. Heritage is important qualities, customs, and traditions that have been in a society for a long time (Summers, 2004:448).

> TT: *Pfanelo ya vhathu vha Afrika Tshipembe vhoṱhe ya u kona u ḓiitela muvhuso une vha funa, sa zwe zwa sumbedziswa zwone kha Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, a zwi thivheli kha uyu mutheo wa iyi pfanelo, u ṱanganedza muhumbulo wa pfanelo ya u ḓiitela muvhuso nga tshitshavha tshifhio na tshifhio tshine tsha vha na mvelele na luambo luthihi kha tshipiḓa tsha shango tsha Riphabuḽiki kana nga iṅwe nḓila, yo tiwaho nga mulayo wa lushaka* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:157).

BT: The right of all South Africans to create the government they want, as stipulated in this The Constitution of the Republic of South Africa, does not prevent in this framework of right, accepting the idea of the right to form their own government by any community which has one language and culture in the part of the country of the Republic or in another way, determined by national legislation.

ST: The right of the South African people as a whole to self-determination, as manifested in this The Constitution of the Republic of South Africa, does not preclude, within the framework of this right, recognition of the notion of the right of self-determination of any community sharing a common **cultural and language heritage**, within a territorial entity in the Republic or in any other way, determined by national legislation (The Constitution of the Republic of South Africa, 1996:126).

The target sentence does not capture the whole message of the source text because the translators used the strategy of omission. The translation equivalent of 'cultural and language heritage' is *mvelele na luambo lwapo/vhongwaniwapo*. The correct translation of 'cultural and language heritage' is *vhufa ha mvelele na luambo*. The term 'heritage' means *vhufa*. The omission of the translation of the term 'heritage' will have a negative effect on the Vhavenḓa citizens who read the translated version of the Constitution because the phrase will refer to culture and language. The negative effect is that the readers of the Constitution will understand 'language heritage' as any ordinary language. 'Language heritage' is *luambo lwapo kana luambo lwa vhongwaniwapo*. The Tshivenḓa version of the Constitution does not convey the correct message. In this context, *vhongwaniwapo/ lwapo* carry an essential meaning to the target readers.

'Public hearing' occurs once in the ETPC and it is completely omitted. The term 'Public hearing' is defined as "an open gathering of officials and citizens, in which citizens are permitted to offer comments, but officials are not obliged to act on them or, typically, even to respond publicly". https://participedia.net/method/16. Also known as public inquiries, public hearings are typically organised so as to gather public opinions and concerns on political issues before a legislature, agency, or organisation makes a decision or takes action https://participedia.net/method/16. The extracts below reveal the omission of the concept 'public hearing'.

TT: *Muṅwe na muṅwe u na pfanelo ya uri a hanedze nahone zwi tshi ḓo kona u tou tandululwa hu tshi khou shumiswa mulayo tsheo ya dzhiiwa nga nḓila i sa dzhiiho sia khothe kana, arali zwo tea, zwa itwa nga komiti i sa dzhiiho sia kana iṅwe foramu kana muthu o tou ḓiimisaho nga eṱhe* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:17).

197

BT: Everyone has the right to dispute which can be resolved by using law and the decision will be taken fairly at the court or, if necessary, it must be done by an independent committee or another forum or a neutral person.

ST: Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair **public hearing** before a court or, where appropriate, another independent and impartial tribunal or forum (The Constitution of the Republic of South Africa, 1996:14).

The message of the target sentence does not reflect the message of the source text because a phrase is omitted. The concept 'Public hearing' in Tshivenḓa is *vhupfiwa nga vhathu* (Parliamentary/Political Terminology List, 2005) which the Vhavenḓa translators of the Constitution did not translate. This omission is at phrasal level because both 'public hearing' and *vhupfiwa nga vhathu* are phrases. This has an impact on the target readers of the Tshivenḓa version since the omission of the phrase 'public hearing' does not send the full message of the source sentence. The full message would be as follows: *Muṅwe na muṅwe u na pfanelo ya u hanedza huṅwe na huṅwe hune ha nga tandululwa hu tshi khou shumiswa mulayo ho dzhiwa tsheo kha* **vhupfiwa nga vhathu** *vhu sa dzhii sia phanḓa ha khothe kana, he zwa tea, iṅwe khoro kana foramu yo ḓiimisaho nga yoṱhe na u sa dzhia sia.*

The term 'value-added tax' surfaces three times in the English-Tshivenḓa Parallel Corpus, and is translated as *muthelo (VAT)*. 'Value-added tax' means a tax on the amount by which the value of an article has been increased at each stage of its production or distribution (Kavanagh, 2002:1299). 'Value-added tax' is the tax added to products and services after they have been asked.

> TT: *Vhusimamilayo ha vundu vhu nga ṋea ndaela ya uri hu badelwe mithelo, dziḽevi na miṅwe mithelo nga nnḓa ha mithelo ya mbuelo, mithelo (VAT), mithelo ya thengiso, khathihi na mithelo ya ndaka na ya zwibveledzwa zwo ṱunḓiwaho zwi tshi bva nnḓa na zwo rengiselwaho nnḓa; na mithelo i eḓanaho ya tshelede yo badelwaho nga nṱha ha tshelede yo ḓoweleaho kha tshiimo tsha muthelo muṅwe na muṅwe, ḽevi kana mithelo yo kombetshedzwaho nga mulayo wa lushaka, nga nnḓa ha mithelo ya khamphani, muthelo (VAT), mithelo ya ndaka kana ya zwibveledzwa zwo ṱunḓiwaho zwi tshi bva nnḓa na zwo rengiselwaho nnḓa* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:152).

> BT: A provincial legislature may give instruction for the payment of tax, levies and other taxes except income tax, (VAT) tax, sales tax and property tax and export and import products, equal taxes paid on top of the normal money on any tax, levy or that is enforced by the national legislation, other than the company's tax, (VAT) tax, property tax or export and import products.

ST: A provincial legislature may impose taxes, levies and duties other than income tax, **value-added tax**, general sales tax, rates on property or customs duties; and flat-rate surcharges on any tax, levy or duty that is imposed by national legislation, other than on corporate income tax, value-added tax, rates on property or customs duties (The Constitution of the Republic of South Africa, 1996:122).

The target language message does not convey the full message of the source language text; there is an omission of 'value-added' in the target message and this will confuse the readers. Value-added tax means *muthelonyingwa kha mutengo* (Department of Arts and Culture, 2017a). The translators omitted *nyingwa kha mutengo* and added an abbreviation of 'value-added tax (VAT)'. This is confusing because in the source text there is no abbreviation of the term 'value-added tax'. The effect of the omission of *nyingwa kha muthelo* on readers will be that readers will understand (VAT) as a normal tax whereas in this tax the product and the services should be assessed first. The omission has taken place at the phrasal level because *muthelonyingwa kha mutengo* is a phrase.

The discussion above reveals that translators did not use translation by omission successfully because in many of the cited texts they failed to capture the full meaning of the sentences.

4.3   Lack of consistency

The study found that there were many inconsistencies in the Tshivenḓa version of the Constitution and this confuses the readers. Below are some examples of inconsistency.

The term 'common law' appears five times in the English Tshivenḓa Parallel Corpus and is translated as *mulayo wa mvelo, mulayo wo ḓoweleaho* and *mulayo wa sialala* as indicated below:

ST: When applying a provision of the Bill of Rights to a natural or juristic person in terms of subsection (2), a court in order to give effect to a right in the Bill, must apply, or if necessary develop, the **common law** to the extent that legislation does not give effect to that right. (The Constitution of the Republic of South Africa, 1996:5).

TT: Musi hu tshi shumiswa mbetshelo ya Mulayotibe wa Pfanelo kha muthu zwawe kana muthu wa zwa mulayo zwi tshi ya nga mbetshelo tṱukhu ya (2), khothe u itela u shumisa pfanelo i re kha Mulayotibe, i fanela u shumisa , kana arali zwi tshi ṱoḓea i

*bveledzise, **mulayo wa mvelo** nga nḓila ine mulayosiṅwa a u nga ḓo tendela u shuma ha pfanelo yeneyo.* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:6).

ST: When interpreting any legislation, and when developing the **common law** or customary law, every court, tribunal or forum must promote the spirit, purport and objects of the Bill of Rights. (The Constitution of the Republic of South Africa, 1996:20).

*TT: Musi hu tshi ṱalutshedzwa mulayosiṅwa, na musi hu tshi bveledzwa **mulayo wo ḓoweleaho** kana mulayo wa sialala, khothe iṅwe na iṅwe , komiti kana foramu i fanela u ṱuluwedza muya, u sumbedza ndivho ya Mulayotibe wa Pfanelo* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:25).

ST: The Constitutional Court, the Supreme Court of Appeal and the High Court of South Africa each has the inherent power to protect and regulate their own process, and to develop the **common law**, taking into account the interests of justice (The Constitution of the Republic of South Africa, 1996:89).

*TT: Khothe ya zwa Ndayotewa Khulwane ya Khaṱhululo na Khothe ya nṱha ya Afrika Tshipembe i na maanḓa adzo a u tsireledza na u laula maitele adzo na u bveledzisa **mulayo wa sialala**, i tshi dzhiela nṱha dzangalelo ḽa vhulamukanyi* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:111).

There is inconsistency in the texts above, the concept 'common law' is translated as *mulayo wa mvelo, mulayo wo ḓoweleaho* and *mulayo wa sialala. Mulayo wa mvelo* means natural law*, mulayo wo ḓoweleaho* means common law and *mulayo wa sialala* means traditional law. This confuses the readers because they don't know whether they are multiple synonyms of the term **common law**. Vhavenḓa translators were supposed to stick to one term to avoid this confusion.

The term 'equality' appears 19 times in ETPC and is translated as *ndinganelo, ndinganyiso, linganaho* and *lingana* as indicated below:

ST: Human dignity, the achievement of **equality** and the advancement of human rights and freedoms. (The Constitution of the Republic of South Africa, 1996:3).

*TT: Tshirunzi tsha vhuthu, u swikelelwa ha **ndinganelo** na u khwinisa pfanelo dza vhuthu na mbofholowo.* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:3).

ST**: Equality** includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of **equality**, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken. (The Constitution of the Republic of South Africa, 1996:5).

*TT: U **lingana** zwi katela u ḓiphiṋa nga pfanelo na mbofholowo lwo ḓalaho nahone nga nḓila i **linganaho**. U alusa na u swikelela ndinganyiso, mulayosiṅwa na maṅwe maga o itelwaho u tsireledza na u khwinisa vhathu, kana zwigwada zwa vhathu, zwo khakhelwaho nga tshiṱalula a nga kha ḓi dzhiiwa.* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:7).

ST: To promote and develop peace, friendship, humanity, tolerance and national unity among cultural, religious and linguistic communities, on the basis of **equality**, non-discrimination and free association. (The Constitution of the Republic of South Africa, 1996:98).

*TT: U ṱuluwedza na u bveledza mulalo, vhukonani, vhuthu, u konḓelelana na vhuthihi ha lushaka vhukati ha zwitshavha zwa mvelele, vhurereli na luambo hu tshi tevhedzwa **ndinganyiso,** u sa vha na tshiṱalula na vhuḓibaḓekanyi ho vhofholowaho.* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:122).

The four equivalents of the term 'equality' *ndinganelo, ndinganyiso, linganaho* and *lingana* may affect the readers' understanding of the message because multiple meanings are confusing if the reader wants to get the essence of the information. To add to this, readers will not be able to use these equivalents in a context.

The term 'legislative' appears 46 times and is translated as *vhusimamilayo, mulayosiṅwa* and *mulayo* as indicated below:

ST: Other organs of state, through **legislative** and other measures, must assist and protect the Commission to ensure the independence, impartiality, dignity, and effectiveness of the Commission. No person or organ of state may interfere with the functioning of the Commission. (The Constitution of the Republic of South Africa, 1996:96).

*TT: Miṅwe miraḓo ya muvhuso, nga kha vhukando kana maga a **mulayo** kana maṅwe vho i fanela u thusa na u tsireledza Khomishini u khwaṱhisedza vhuḓilangi kana vhuḓiimisi hayo, u sa dzhia sia, tshirunzi na vhukoni ha Khomishini. A hu na muthu kana muraḓo wa muvhuso ane a nga dzhenelela kha mishumo ya Khomishini.* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:119).

ST: In exercising its **legislative** power, the National Council of Provinces may consider, pass, amend, propose amendments to or reject any legislation before the Council, in accordance with this Chapter; and initiate or prepare legislation falling within a functional area listed in Schedule 4 or other legislation referred to in section 76(3), but may not initiate or prepare money Bills. (The Constitution of the Republic of South Africa, 1996:35).

*TT: Musi i tshi shumisa maanḓa ayo a **vhusimamilayo**, Khoro ya mavundu ya Lushaka i nga lavhelesa, phasisa, khwinisa, dzinginya khwiniso kha, kana u hana mulayo muṅwe na muṅwe u re phanḓa ha Khoro hu tshi tevhedzwa Ndima ino; na u thoma kana u lugisela mulayo u welaho fhasi ha sia ḽa mishumo yo bulwaho kha Shedulu ya 4 kana mulayo muṅwe wo bulwaho kha khethekanyo ya 76 (3), fhedzi u nga si thome kana u lugisela Milayotibe ya tshelede.* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:43).*

ST: Other privileges and immunities of the National Assembly, Cabinet members and members of the Assembly may be prescribed by national **legislation**. (The Constitution of the Republic of South Africa, 1996:31).

*TT: Vhuṅwe vhuṱalu na u tsireledzea ha Buthano ḽa Lushaka, miraḓo ya Khabinethe zwi nga vhewa nga **mulayosiṅwa** wa lushaka.* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:38).

The inconsistency in the texts above will affect the target readers because many synonyms will cause confusion. The document which is translated by several translators confuses the target readers because each and every translator translates differently and this results in inconsistency.

The term 'proclamation' appears 13 times and is translated as *mulevho* and *nḓivhadzo* in the given examples below:

ST: The national anthem of the Republic is determined by the President by **proclamation**. (The Constitution of the Republic of South Africa, 1996:3).

*TT: Luimbo lwa lushaka lwa Riphabuliki tsheo ya hone i dzhiiwa nga Phresidennde nga kha **ndivhadzo.*** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:3).

ST: If the National Assembly is dissolved in terms of section 50, or when its term expires, the President, by **proclamation** must call and set dates for an election, which must be held within 90 days of the date the Assembly was dissolved or its term expired. A **proclamation** calling and setting dates for an election may be issued before or after the expiry of the term of the National Assembly. (The Constitution of the Republic of South Africa, 1996:27).

*TT: Arali Buthano ḽa Lushaka ḽa fhaladzwa u ya nga khethekanyo ya 50 kana musi tshifhinga tshalo tsha fhela, Phresidennde, nga **mulevho**, u tea u dzudzanya khetho na u vhea ḓuvha ḽa u fariwa ha khetho, dzine dza tea u fariwa hu saathu u fhela maḓuvha a 90 u bva musi Buthano ḽo fhaladzwa, kana tshifhinga tshalo tsho fhela. Hu nga itwa **nḓivhadzo** ya u dzudzanya kana u vhea datumu dza khetho phanda kana nga murahu ha musi tshifhinga tsha Buthano ḽa Lushaka tshi tshi fhela.* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:33).

Target readers get different messages because of the inconsistent use of the equivalents. They don't know which equivalent to accept between *mulevho and ṋḓivhadzo*. The terms need to be standardised to eliminate confusion.

The term 'media' appears seven times and is translated as *vhoramafhungo, zwirathisi* and *nyanḓadzamafhungo* as shown below.

> ST: The National Assembly may not exclude the public, including the **media**, from a sitting of a committee unless it is reasonable and justifiable to do so in an open and democratic society. (The Constitution of the Republic of South Africa, 1996:32).
>
> TT: *Buthano ḽa Lushaka ḽi nga si sie vhathu nnda, zwi tshi katela **vhoramafhungo**, kha u vha hone kha dzulo nga nnḓani ha musi zwi tshi pfesesea na u kona u tikedza u ita zwenezwo kha tshitshavha kha demokirasi i re khagala* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:39).

> ST: The National Council of Provinces must regulate public access, including access of the **media**, to the Council and its committees. (The Constitution of the Republic of South Africa, 1996:37).
>
> TT: *Khoro ya Lushaka ya mavundu i tea u laula u dzhena kana tswikelelo ya vhathu, zwi tshi katela vha **nyanḓadzamafhungo**, kha Khoro na kha komiti* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:45).

> ST: Everyone has the right to freedom of expression, which includes freedom of the press and other **media**. (The Constitution of the Republic of South Africa, 1996:7).
>
> TT: *Muṅwe na muṅwe u na pfanelo ya u vhofholowela u amba na u ita zwithu o vhofholowa, hu tshi katelwa mbofholowo ya zwa dziguranṋḓa na zwiṅwe **zwirathisi*** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:9).

The target readers will be affected because of the three terms *vhoramafhungo, zwirathisi, nyanḓadzamafhungo* given the fact that they do not know which one is standardised. The meaning of each term is as follows: *vhoramafhungo* means journalists, *zwirathisi* means transmitters, *nyanḓadzamafhungo* means media. The translators were not aware that this will confuse the readers of the constitution. Inconsistency may cause confusion to the readers because readers would fail to decide which one is the appropriate equivalent.

The term 'Government Gazette' appears six times and is translated as *Guranṋḓa ya Muvhuso* and *Gazethe ya Muvhuso*:

ST: A notice must be published in the national **Government Gazette** within five days of the person being detained, stating the detainee's name and place of detention and referring to the emergency measure in terms of which that person has been detained. (The Constitution of the Republic of South Africa, 1996:19).

TT: *Nḓivhadzo i fanela u anḓadzwa kha **Gazete ya Muvhuso** wa Lushaka hu saathu u fhela maḓuvha maṱanu muthu uyo o farwa, hu bulwe dzina ḽa mufariwa na fhethu he a valelwa hone, hu bulwe ḽiga ḽa shishi zwi tshi ya nga zwe muthu uyo a farelwa* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:23).

ST: At least 30 days before a Bill amending the Constitution is introduced in terms of section 73(2), the person or committee intending to introduce the Bill must publish in the national **Government Gazette**, and in accordance with the rules and orders of the National Assembly, particulars of the proposed amendment for public comment; (The Constitution of the Republic of South Africa, 1996:39).

TT: *Kha maḓuvha a si fhasi ha 30 musi Mulayotibe u khwinisaho Ndayotewa wo ḓivhadzwa u ya nga khethekanyo ya 73(2), muthu kana komiti i ṱoḓaho u ḓivhadza Mulayotibe i tea u anḓadza kha **Gurannḓa ya Muvhuso** ya lushaka, nahone zwi tshi elana na milayo na ndaela dza Buthano ḽa Lushaka, zwidodombedzwa izwo zwa khwiniso ine ya khou ṱoḓou itiwa uri vhathu vha ṋee mahumbulwa avho.* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:47).

The readers of the constitution fail to know which one is correct between *Gurannḓa ya Muvhuso* and *Gazethe ya Muvhuso*. *Gurannḓa ya Muvhuso* and *Gazete ya Muvhuso* is one and the same thing. The translators were supposed to use one term throughout the document. Inconsistency can lead to misunderstanding which will end up confusing the readers of the Constitution.

The term 'risk' appears twice and is translated as *milingoni* and *khomboni* as shown below.

ST: Members of the Cabinet and Deputy Ministers may not act in any way that is inconsistent with their office, or expose themselves to any situation involving the **risk** of a conflict between their official responsibilities and private interests (The Constitution of the Republic of South Africa, 1996:51).

TT: *Miraḓo ya Khabinethe na Vhathusa-Dziminista a vho ngo tendelwa u shuma nga nḓila iṅwe na iṅwe ine ya si yelane na mushumo wa ofisini dzavho, khathihi na u ḓidzhenisa kha nyimele iṅwe na iṅwe ine ya nga vha dzhenisa **khomboni** ya phambano vhukati ha mishumo yavho ya tshiofisi na madzangalelo avho vhone vhaṋe* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:63).

ST: Every child has the right not to be required or permitted to perform work or provide services that place at **risk** the child's well-being, education, physical or mental health

or spiritual, moral or social development. (The Constitution of the Republic of South Africa, 1996:11-12).

TT: Ṅwana muṅwe na muṅwe u na pfanelo ya uri vha sa ṱoḓee kana vha sa tendelwe u shuma mushumo kana u ṋetshedza tshumelo dzine dza vhea vhutshilo, pfunzo, muvhili kana muhumbulo wa mutakalo kana muyani, fulufhelo kana mvelaphanḓa ya vhutshilo **mulingoni**. (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:14).

The readers will fail to understand if the equivalent of risk is *khomboni* or *milingoni* and the two phrases are synonyms. The lack of a glossary and dictionaries by translators resulted in this inconsistency.

The term 'medical practitioner' appears twice and is translated as *dokotela wa u tou nanga* and *dokotela wa dzilafho.*

ST: To communicate with, and be visited by, that person's spouse or partner next of kin chosen religious counsellor; and chosen **medical practitioner** (The Constitution of the Republic of South Africa, 1996:15).

TT: Ya vhudavhidzani, na u dalelwa nga mufarisi wawe shaka mueletshedzi wa zwa vhurereli we a tou nanga; na **dokotela** *we a tou nanga.* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:19).

ST: The detainee must be allowed to choose, and be visited at any reasonable time by, a **medical practitioner** (The Constitution of the Republic of South Africa, 1996:19).

TT: Mufariwa u fanela u tendelwa u nanga, na u dalelwa nga tshifhinga tshi pfalaho nga, **dokotela wa dzilafho** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:23).

The citizens understand the term 'medical practitioner' as *dokotela*. The inconsistency caused by the translators will confuse the target readers more. The phrase *dokotela wa dzilafho* means treatment doctor. Lack of translation experience resulted in this inconsistency.

The term 'transparency' appears seven times and is translated as *u vha khagala, u sa dzumbama.*

ST: The National Assembly may make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, **transparency** and public involvement (The Constitution of the Republic of South Africa, 1996:30).

TT: Buthano ḽa Lushaka ḽi nga ita milayo na ndaela malugana na mafhungo aḽo, hu tshi dzhielwa nṱha demokirasi ya vhuimeleli na u dzhenela, vhuḓifhinduleli, **u vha**

khagala *na u dzhenela ha muṅwe na muṅwe* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:37).

ST: **Transparency** must be fostered by providing the public with timely, accessible and accurate information (The Constitution of the Republic of South Africa, 1996:103).

TT: *Hu tea u kombetshedziwa uri hu vhe na **u sa dzumbama** nga u ṋea vhathu mafhungo ane a vha a vhukuma, a swikeleleaho nahone nga tshifhinga tsho teaho* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:128).

The readers of the Tshivenḓa constitution will fail to understand if transparency really means *u vha khagala* or *u sa dzumbama.* The phrases *u vha khagala* and *u sa dzumbama* are synonymous. The translators were supposed to apply one term throughout the text to avoid this confusion.

The term 'mediation committee' appears 15 times and is translated as *komiti ya vhulamukanyi* and *komiti ya vhukonanyi*.

ST: The **Mediation Committee** has agreed on a version of a Bill, or decided a question, when that version, or one side of the question, is supported by at least five of the representatives of the National Assembly. (The Constitution of the Republic of South Africa, 1996:44).

TT: ***Komiti ya vhukonanyi*** *yo tendelana na iṅwe ṱhaluso ya Mulayotibe kana u ita tsheo kha mafhungo, musi ṱhaluso iyo, kana tshipiḓa tshiṅwe tsha ayo mafhungo, tsho tikedzwa nga vhaimeleli vha re kha Buthano ḽa Lushaka vha tshivhalo tshi siho fhasi ha vhaṱanu* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:55).

ST: To regulate the business of the joint rules committee; the **Mediation Committee**; the constitutional review committee; and any joint committees established in terms of paragraph (b) (The Constitution of the Republic of South Africa, 1996:25).

TT: *U laula mushumo wa komiti yo tanganelaho; **Komiti ya Vhulamukanyi**; komiti ya u lavhelesa ndayotewa; na komiti inwe na inwe yo tanganelanaho yo thomiwaho zwi tshi ya nga pharagirafu ya (b)* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:31).

This inconsistency in the texts above will affect the readers of the constitution because *vhulamukanyi* means 'arbitrator' and *vhukonanyi* means 'mediation'. The translators confused the terms *vhulamukanyi* and *vhukonanyi* as meaning one and the same thing. The target readers will fail to differentiate the two terms due to lack of consistency.

The term 'surcharges' appears 11 times and is translated as *muingathelo, muingathengo, mbadelo dzo ingwaho* and *miṅwe mithelo vho:*

> ST: Subject to subsections (2), (3) and (4), a municipality may impose rates on property and **surcharges** on fees for services provided by or on behalf of the municipality. (The Constitution of the Republic of South Africa, 1996:123).

> TT: *Hu tshi tevhedzwa khethekanyo ṱhukhu ya (2), (3), na (4), masipala a nga ṋea ndaela ya uri hu badelwe mithelo ya ndaka na dziṅwe* **mbadelo dzo ingwaho** *kha mbadelo dzo ṋetshedzwaho nga kana ho imelwa masipala* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:153).

> ST: The power of a municipality to impose rates on property, **surcharges** on fees for services provided by or on behalf of the municipality, or other taxes, levies or duties may not be exercised in a way that materially and unreasonably prejudices national economic policies, economic activities across municipal boundaries, or the national mobility of goods, services, capital or labour; and may be regulated by national legislation (The Constitution of the Republic of South Africa, 1996:123).

> TT: *Maanḓa a masipala a u kombetshedza kana u ṋea ndaela ya u badela mithelo,* **mbadelo** *kha tshelede ya mbadelo dza tshumelo dzo ṋewaho nga (kana) ho imelwa masipala, kana miṅwe mithelo, mbadelo na mithelo ya zwibveledzwa zwi bvaho nnḓa a nga si shumiswe nga nḓila ine ya nga kundisa mbekanyamaitele dza ikonomi dza Lushaka, nyito dza ikonomi kha mikano yoṱhe ya masipala, kana u tshimbidzwa ha thundu ya lushaka, tshumelo, tshelede kana mushumo; na uri zwi fanela u langulwa nga mulayo wa lushaka.* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:153).

> ST: A money Bill may not deal with any other matter except the granting of exemption from national taxes, levies, duties or **surcharges** (The Constitution of the Republic of South Africa, 1996:63).

> TT: *Mulayotibe wa zwa masheleni u nga si ambe nga ha maṅwe mafhungo nga nnda ha u vhofhololwa kha mithelo ya lushaka, miṅwe mithelo-vho,* **muingathelo** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:77).

> ST: A Bill is a money Bill if it appropriates money; imposes provincial taxes, levies, duties or **surcharges**; abolishes or reduces, or grants exemptions from, any provincial taxes, levies, duties or **surcharges**; or authorises direct charges against a Provincial Revenue Fund (The Constitution of the Republic of South Africa, 1996:63).

> TT: *Mulayotibe ndi Mulayotibe wa zwa masheleni arali u tshi kovha masheleni; u vhila mithelo ya vundu, mithelo miṅwe-vho, kana* **muingathengo**; *u fhelisa kana u fhungudza, kana u tendelwa u sa badela mithelo ya vundu, miṅwe mithelo-vho, na* **muingathengo** *muṅwe na muṅwe wa mavundu; kana u ṋea thendelo ya mbadelo dzo livhanaho dza Tshikwama tsha Muthelo wa Mbuelo tsha vundu* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:77).

The term 'surcharges' was translated as *muingathelo, muingathengo, mbadelo dzo ingwaho*, and *miṅwe mithelo vho*. These multiple synonyms will cause confusion, it will be difficult for the readers to understand which equivalent they are supposed to accept among the given four. This should be avoided so that the target readers are not confused.

The term 'delegates' appears 31 times and is translated as *vhurumelwa, vharumiwa* and *vhurumiwa:*

> ST: Parties represented in a provincial legislature are entitled to **delegates** in the province's delegation in accordance with the formula set out in Part B of Schedule 3. (The Constitution of the Republic of South Africa, 1996:32).

> TT: *Mahoro a re na vhaimeleli kha vhusimamilayo ha vundu a tea u vha na **vharumiwa** kha vhurumiwa ha vundu hu tshi tevhelwa nḓila yo bulwaho kha tshipiḓa tsha B tsha Shedulu ya 3* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:39).

> ST: The legislature, with the concurrence of the Premier and the leaders of the parties entitled to special **delegates** in the province's delegation, must designate special **delegates**, as required from time to time, from among the members of the legislature (The Constitution of the Republic of South Africa, 1996:33).

> TT: *Vhusimamilayo hu na thendelano na Mulangavundu na vharangaphanḓa vha mahoro vhane vha vha na pfanelo dza u vha na **vharumelwa** ha tshipentshela kha vhurumelwa ha vundu, vhu fanela u nanga **vharumelwa** ha tshipentshela, sa zwi ṱoḓeaho tshifhinga tshiṅwe na tshiṅwe, u bva kha miraḓo ya vhusimamilayo* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:40).

> ST: A provincial legislature must, within 30 days after the result of an election of that legislature is declared appoint the permanent **delegates** in accordance with the nominations of the parties (The Constitution of the Republic of South Africa, 1996:32).

> TT: *Hu saathu u fhela maḓuvha a 30 ho ḓivhadzwa mvelelo dza khetho dza vhusimamilayo ha vundu, vhusimamilayo vhu tea u nanga **vharumelwa** ha tshoṱhe u ya nga u tiwa ha mahoro* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:39).

The term 'delegates' was assigned three equivalents by the Vhavenḓa translators and was translated as *vhurumelwa, vharumiwa,* and *vhurumiwa*. The meaning of the terms are as follows: *vhurumelwa* means 'delegates', *vharumiwa* means 'missionaries', and *vhurumiwa* 'representative'. This inconsistency causes confusion to the readers of the Tshivenḓa version

of the constitution. The target readers will not know which equivalent should be applied in different contexts. In reality 'delegate' means *vhurumelwa.*

The term 'Chief Justice' appears 21 times and is translated as *Phuresidennde wa khothe ya ndayotewa, Phuresidennde wa khothe ya zwa ndayotewa, Muhaṱuli o nagwaho nga phuresidennde wa khothe ya zwa ndayotewa, Ramilayo Muhulu, Muhaṱuli wa vhulamukanyi*, and *Muhaṱuli muhulwane:*

> ST: The **Chief Justice** must preside over the election of a Speaker, or designate another judge to do so. The Speaker presides over the election of a Deputy Speaker (The Constitution of the Republic of South Africa, 1996:34).
>
> TT: **Phuresidennde wa Khothe ya Ndayotewa** *u tea u ranga phanda khetho dza mulangadzulo, kana a rumela muṅwe Muhaṱuli uri a ite ngauralo. Mulangadzulo u ḓo ranga phanda khetho dza Muthusa-Mulangadzulo* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:42).

> ST: The **Chief Justice** is the head of the judiciary and exercises responsibility over the establishment and monitoring of norms and standards for the exercise of the judicial functions of all courts (The Constitution of the Republic of South Africa, 1996:85).
>
> TT: **Ramulayo Muhulu** *wa Shango ndi ene ṱhoho ya vhuhaṱuli nahone u na vhuḓifhinduleli ha u thoma na u lavhelesa ndayo na zwitandadi zwi tevhedzwaho zwa mishumo ya vhuhaṱuli kha khothe dzoṱhe.* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:105).

> ST: The President may appoint a woman or a man to serve as an acting Deputy **Chief Justice** or judge of the Constitutional Court if there is a vacancy in any of those offices, or if the person holding such an office is absent.The appointment must be made on the recommendation of the Cabinet member responsible for the administration of justice acting with the concurrence of the **Chief Justice,** and an appointment as acting Deputy Chief Justice must be made from the ranks of the judges who had been appointed to the Constitutional Court in terms of section 174(4) (The Constitution of the Republic of South Africa, 1996:90).
>
> TT: *Phuresidennde a nga thola, mufumakadzi kana munna uri a shume sa Muthusa-***Muhaṱuli wa Vhulamukanyi** *kana kha Muhaṱuli kha Khothe ya zwa Ndayotewa arali hu na tshikhala tshi si na muthu kha iṅwe ya ofisi idzo kana arali muthu o faraho iyo ofisi a siho. U nangiwa uho hu tea u itiwa nga themendelo ya muraḓo wa Khabinethe ane a vha na vhuḓifhinduleli ha u langula zwa vhulamukanyi ane a khou shuma u kwamana na Phuresidennde wa Khothe ya Ndayotewa khathihi na ***Muhaṱuli Muhulwane***, na u nangiwa sa Muthusa Muhaṱuli muhulwane wa Vhulamukanyi hu fanela u itwa kha renke dza Vhahaṱuli vhane vho nangelwa u vha kha Khothe ya zwa Ndayotewa hu tshi tevhedzwa khethekanyo ya vhu 174(4)* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:113).

ST: The **Chief Justice** must preside over the election of the President, or designate another judge to do so. The procedure set out in Part A of Schedule 3 applies to the election of the President. (The Constitution of the Republic of South Africa, 1996:58).

TT: ***Phuresidennde wa Khothe ya zwa Ndayotewa*** *u tea u ranga phanda khetho dza Phuresidennde, kana a rumela muṅwe Muhaṱuli uri a ite uyo mushumo. Maitele o bulwaho kha Tshipiḓa tsha A tsha Shedulu ya 3 a ḽo shuma kha u khethiwa ha Phuresidennde* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:59).

The term 'Chief Justice' translated as *Phuresidennde wa khothe ya ndayotewa, Phuresidennde wa khothe ya zwa ndayotewa, Muhaṱuli o nagwaho nga phuresidennde wa khothe ya zwa ndayotewa, Ramilayo Muhulu, Muhaṱuli wa vhulamukanyi*, and *Muhaṱuli muhulwane*: One term was given six equivalents and this affects the target readers because they do not know which word should be accepted. In reality the term 'Chief Justice' means *Muhaṱuli muhulwane*.

The term 'equitable share' appears four times and is translated as *ndingano ya mikovhe, mukovhe u linganaho* and *mikovhe wa ndingano*.

ST: An Act of Parliament must provide for the determination of each province's **equitable share** of the provincial share of that revenue (The Constitution of the Republic of South Africa, 1996:115).

TT: *Mulayo wa Phalamennde u tea u ita uri hu vhe na u tiwa ha mukovhe wa vundu ḽiṅwe na ḽiṅwe nga nḓila ya **ndingano ya mukovhe** wa mbuelo wa vundu* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:142).

ST: Local government and each province is entitled to an **equitable share** of revenue raised nationally to enable it to provide basic services and perform the functions allocated to it (The Constitution of the Republic of South Africa, 1996:122).

TT: *Muvhuso wapo na vundu ḽiṅwe na ḽiṅwe zwi tea u wana **mukovhe u linganaho** wa mbuelo yo kuvhanganywaho nga lushaka u itela u kona u ṋetshedza tshumelo dza ndeme na u ita mishumo ye ya i ṋewa* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:151).

ST: A province's **equitable share** of revenue raised nationally must be transferred to the province promptly and without deduction, except when the transfer has been stopped in terms of section 216. (The Constitution of the Republic of South Africa, 1996:122).

TT: ***Mukovhe wa vundu nga ndingano*** *wo kuvhanganywaho nga lushaka u tea u sudzuluselwa kha vundu nga u ṱavhanya nahone u songo fhungudzwa, nga nnda ha*

musi arali u sudzuluswa ho imiswa hu tshi tevhedzwa khethekanyo ya 216. (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:152).

The term 'equitable share' was translated as *ndingano ya mikovhe, mukovhe u linganaho* and *mikovhe wa ndingano*. The meanings of the following terms are as follows: *ndingano ya mikovhe* 'equitable shares', *mukovhe u linganaho* 'equal share' and *mikovhe wa ndingano* 'equal shares'. This will cause a huge confusion to the target readers. The Vhavenḓa translators applied three equivalents to one term. They lack vocabulary to be able to use the correct equivalent. This could have been avoided if the target text had been edited by a language expert.

The term 'presiding officers' appears three times and is translated as *Vharangaphanḓa vha u tshimbidza, Vhaofisiri vha u tshimbidza* and *Muṅwe murangaphanḓa*:

> ST: In terms of its rules and orders, the National Council of Provinces may elect from among the delegates other **presiding officers** to assist the Chairperson and Deputy Chairpersons (The Constitution of the Republic of South Africa, 1996:35).

> *TT: U ya nga milayo yayo na ndaela, Khoro ya Lushaka ya mavundu i nga nanga* **vhaofisiri vha u tshimbidza** *kana u ranga phanḓa vha tshi bva kha vharumiwa uri vha thuse Mudzulatshidulo na Vhathusa-Vhadzulatshidulo* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:42).

> ST: In terms of its rules and orders, the National Assembly may elect from among its members other **presiding officers** to assist the Speaker and the Deputy Speaker (The Constitution of the Republic of South Africa, 1996:29).

> *TT: Buthano ḽa Lushaka, u ya nga milayo na ndaela dzaḽo, ḽi nga nanga kha miṅwe miraḓo vhaṅwe* **vharangaphanḓa vha u tshimbidza** *vhane vha ḓo thusa Mulangadzulo na Muthusa-Mulangadzulo* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:35).

> ST: In terms of its rules and orders, a provincial legislature may elect from among its members other **presiding officers** to assist the Speaker and the Deputy Speaker (The Constitution of the Republic of South Africa, 1996:60).

> *TT: U ya nga milayo na ndaela, vhusimamilayo ha vundu vhu nga nanga* **muṅwe murangaphanḓa** *ane a ḓo thusa Mulangadzulo na Muthusa-Mulangadzulo* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:73).

The term 'presiding officers' means *vhatshimbidzi* and it has been allocated the following three equivalents: *Vharangaphanḓa vha u tshimbidza, Vhaofisiri vha u tshimbidza* and *Muṅwe murangaphanḓa. Vhatshimbidzi* means 'leaders', *Vharangaphanḓa vha u tshimbidza* means 'leaders who preside', *Vhaofisiri vha u tshimbidza* means 'presiding officers', and *Muṅwe murangaphanḓa* means 'other leaders'. They are multiple equivalents and this will affect the readers of the Tshivenḓa version of the constitution because multiple meanings will confuse them.

The term 'impose' appears five times and is translated *as ṋea, kombetshedza, thoma* and *vhila*.

> ST: A Bill is a money Bill if it appropriates money; **imposes** provincial taxes, levies, duties or surcharges (The Constitution of the Republic of South Africa, 1996:44).
>
> *TT: Mulayotibe ndi Mulayotibe wa zwa masheleni arali u tshi kovha masheleni;* **u vhila** *mithelo ya vundu, mithelo miṅwe-vho, kana muingathengo* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:54).

> ST: If a municipality, as a result of a crisis in its financial affairs, is in serious or persistent material breach of its obligations to provide basic services or to meet its financial commitments, or admits that it is unable to meet its obligations or financial commitments, the relevant provincial executive must **impose** a recovery plan aimed at securing the municipality's ability to meet its obligations to provide basic services or its financial commitments (The Constitution of the Republic of South Africa, 1996:71).
>
> *TT: Arali masipala, nga mulandu wa thaidzo kha zwa masheleni, u tshi khou kundelwa u netshedza tshumelo dza mutheo kana u swikelela mbofho dzawo dza masheleni, khorotshitumbe ya vundu yo teaho i fanela* **u thoma** *maano a u wana vhukoni ha masipala ha u swikelela vhudifhinduleli hawo ha u netshedza tshumelo dza mutheo kana mbofho dza zwa masheleni* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:87).

> ST: Provincial legislature may **impose** taxes, levies and duties other than income tax, value-added tax, general sales tax, rates on property or customs duties (The Constitution of the Republic of South Africa, 1996:122).
>
> *TT: Vhusimamilayo ha vundu vhu nga* **ṋea** *ndaela ya uri hu badelwe (a) Mithelo, dziḽevi na miṅwe mithelo nga nnḓa ha mithelo ya mbuelo, mithelo (VAT), mithelo ya thengiso, khathihi na mithelo ya ndaka na ya zwibveledzwa zwo ṱunḓiwaho zwi tshi bva nnḓa na zwo rengiselwaho nnḓa* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:152).

> ST: The power of a provincial legislature to **impose** taxes, levies, duties and surcharges may not be exercised in a way that materially and unreasonably prejudices national

economic policies, economic activities across provincial boundaries, or the national mobility of goods, services, capital or labour (The Constitution of the Republic of South Africa, 1996:122).

*TT: Maanḓa a vhusimamilayo ha vundu a u **kombetshedza** mithelo, dziḽevi, miṅwe mithelo na dziṅwe mbadelo dzo ingwaho kha tshelede yo ḓoweleaho ha nga ḓo shumiswa nga nḓila ine zwa nga tshinyadza mbekanyamaitele dza ikonomi ya lushaka, nyito dza zwa ikonomi kha mikano yoṱhe ya vundu kana u tshimbidzwa ha thundu shangoni (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:153).*

The Vhavenḓa translators gave the following equivalent terms to the term impose: *ṋea, kombetshedza, thoma* and *vhila*. The meanings of these terms are as follows: *ṋea* means offer, give, bestow, furnish, supply and provide*, kombetshedza* means compel, force and importune, *thoma* means start, begin, commence, originate, attack and *vhila* means claim. This will confuse the readers because they don't know when to apply these multiple equivalents in the text.

The phrase 'Financial and Fiscal Commission' is translated as *Khomishini ya zwa Gwama* and *Khomishini ya zwa Masheleni*:

ST: The Act referred to in subsection (1) may be enacted only after the provincial governments, organised local government and the **Financial and Fiscal Commission** have been consulted, and any recommendations of the Commission have been considered, and must take into account the national interest (The Constitution of the Republic of South Africa, 1996:115).

*TT: Mulayo une wa khou ambiwa kha khethekanyo ṱhukhu ya (1) u nga phasiswa fhedzi arali ho sedzwa mivhuso ya mavundu, muvhuso wapo wo dzudzanywaho nahone **Khomishini ya zwa Gwama** i tea u vha yo kwamiwa, nahone ho dzhielwa nṱha themendelo dziṅwe na dziṅwe dza Khomishini madzangalelo a lushaka (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:144).*

ST: National legislation referred to in subsection (1) may be enacted only after any recommendations of the **Financial and Fiscal Commission** have been considered. (The Constitution of the Republic of South Africa, 1996:124).

*TT: Mulayo wa lushaka wo buliwaho kha khethekanyo ṱhukhu ya (1) u nga phasiswa nga murahu ha musi themendelo dza **Khomishini ya zwa Tshelede** dzo no sedzuluswa (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:155).*

The translators translated 'Financial and Fiscal Commission' as *Khomishini ya zwa Gwama* and *Khomishini ya zwa Tshelede. Khomishini ya zwa Gwama* means 'Treasury Commission'

and *Khomishini ya zwa Tshelede* means 'Financial Commission'. The equivalent of financial or fiscal is *masheleni* and the equivalent of treasury is *gwama*. Due to lack of experience the translators failed to differentiate financial or fiscal and treasury. This resulted in inconsistency which confuses the readers of the constitution. Readers will fail to differentiate *tshelede* and *gwama* because the target texts were not clear.

The term 'sustainable' appears four times and was translated as *tshifhinga tshoṱhe, aluswa*, *khauwiho* and *bvelaho phanḓa*.

> ST: The primary object of the South African Reserve Bank is to protect the value of the currency in the interest of balanced and **sustainable** economic growth in the Republic (The Constitution of the Republic of South Africa, 1996:120).

> TT: *Ndivho khulwane ya Bannga Khulwane ya Afrika Tshipembe ndi ya u tsireledza ndeme ya tshelede ya Riphabuliki u itela nyaluwo ya **tshifhinga tshoṱhe** nahone yo linganelaho ya ikonomi kha Riphabuliki* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:150).

> ST: The objects of local government are to provide democratic and accountable government for local communities; to ensure the provision of services to communities in a **sustainable** manner (The Constitution of the Republic of South Africa, 1996:77).

> TT: *Nḓivho dza muvhuso wapo ndi u bveledza muvhuso wa demokirasi u na vhuḓifhinduleli kha vhadzulapo; u vhona uri hu vhe na tshumelo kha zwitshavha nga nḓila i sa **khauwiho*** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:95).

> ST: Secure ecologically **sustainable** development and use of natural resources while promoting justifiable economic and social development (The Constitution of the Republic of South Africa, 1996:9).

> TT: *U tsireledza mvelaphanḓa ya zwa maḓaka na zwiko zwa mupo hu tshi khou **aluswa** mvelaphanḓa ya zwa ikonomi na matshilisano zwi pfalaho* (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:12).

> ST: The legislation referred to in subsection (3) must take into account the need to provide municipal services in an equitable and **sustainable** manner. (The Constitution of the Republic of South Africa, 1996:78).

> TT: *Mulayo wa lushaka we wa sumbedzwa kha khethekanyo ṱhukhu ya (3) u fanela u dzhiela nzhele ṱhoḓea dza uri tshumelo dza masipala dzo tea u ṋetshedzwa nga nḓila i linganaho nahone i **bvelaho phanḓa*** (Ndayotewa ya Riphabuḽiki ya Afrika Tshipembe ya, 1996:97).

The term 'sustainable' was translated as *tshifhinga tshoṱhe, aluswa*, *khauwiho* and *bvelaho phanḓa*. The meanings of these terms are as follows: *tshifhinga tshoṱhe* means 'always', *aluswa* means 'promoted', *khauwiho* means 'non-stop' and *bvelaho phanḓa* means 'progress'. This will confuse the readers of the Tshivenḓa version of the constitution. They will fail to understand the context message conveyed to them. Translators gave one term four equivalents which will cause misunderstanding to the target readers. This could have been avoided if the document had been edited by a professional editor.

Based on the given examples, the study revealed that translators did not check the consistency after translating the English version of the constitution into Tshivenḓa. One can assume that the cause of inconsistency was that the document was translated by different people who were not trained translators. They did not have the necessary experience to translate a document such as the constitution. The other factor which makes the translation worse is the lack of glossaries, terminology lists, and translation memories. The document was supposed to have been edited and proofread by one person who would have checked consistency from the beginning to the end of the document. Inconsistency can lead to misunderstanding which ends up confusing the readers.

4.4 Conclusion

The chapter analysed the use of various translation strategies in the translation of the English version of the Constitution into Tshivenḓa. The strategies used include translation by a more general word (superordinate), translation by a neutral or less expressive word, translation by cultural substitution, translation by using a loan word or loan word plus explanation, translation by paraphrase and translation by omission. The strategy of translation by illustration was not used in the analysis.

The most used strategy in the analysis was the strategy of paraphrasing and the least used strategy was the strategy of cultural substitution. Examples from the source and the target texts were given to illustrate how Vhavenḓa translators handled the translation of the Tshivenḓa version. The strategies used successfully are translation by paraphrasing and translation by loaning and those which were poorly handled include translation by more a general word

(superordinate), translation by a neutral or less expressive word, translation by cultural substitution and translation by omission. Although some strategies were used successfully to translate source language terms and phrases into the target language, in some instances messages were marred by the incorrect translation of other words and phrases in the same sentence. The Tshivenḓa version of the constitution is full of inconsistencies.

CHAPTER FIVE

RESEARCH FINDINGS

5.1 Introduction

The preceding chapter dealt with the translation strategies used in the Tshivenḓa version of the constitution to address the aim of the study. This was done through the examination of the Tshivenḓa-English Parallel Corpus using ParaConc. This chapter presents the study's research findings, mainly on the collection of data and analysis thereof. Hofstee (2006) states that findings can be anything - the results of an experiment or the answers to questions. Malobola-Ndlovu (2018) states that findings are the main objectives of the study; they are the conclusion that the researcher has after a period of study or what the study suggests, revealed or indicated. Findings will let the researcher examine the thesis statement. Swanson (1992:37) defines findings as the main part of a formal report in which you record the facts you have obtained as a result of the research methods you have described as part of your procedures. In other words, findings are the principal outcomes of the research study or what the research study has shown.

The findings from this chapter will be based on the corpus analysis. By providing the views of various translation strategies, the researcher presented a broader picture of strategies used by Vhavenḓa translators in the translation of the English version of the constitution into the Tshivenḓa version. The study succeeded in achieving the aim and objectives of the research by identifying, and reviewing the strategies that were used by Vhavenḓa translators in the translation of the Tshivenḓa version of the Constitution. Investigating challenges faced by readers of the Tshivenḓa version of the Constitution, this study focused on the issue of consistency in the translation of the Constitution and attempted to identify and recommend solutions to the challenges faced by readers.

During the analysis of the English version of the Constitution and the Tshivenḓa version of the Constitution, the researcher referred to English monolingual dictionaries selected randomly, such as *South African Concise Oxford Dictionary* (Kavanagh, 2002), *Collins Dictionary* (McKeown, 2008), *Longman Dictionary of Language Teaching and Applied Linguistics*

(Richards & Richards, 2002), *Macmillan English Dictionary for Advanced Learners* (Rundell, 2005), *Collins Cobuild English Language Dictionary* (Sinclair, 1990), *Longmans Dictionary of Contemporary English* (Summers, 2004). The researcher also analysed terms and definitions found in Tshivenḓa monolingual dictionary, bilingual dictionaries, trilingual dictionary, and terminology lists such as the following: *English-Tshivenḓa Vocabulary* (Marole, 1954), *Ṱhalusamaipfi ya Nyambo-Mbili ya Tshivenḓa-English: English-Tshivenḓa Bilingual Dictionary* (Mathivha et al., 2015), *Venda Dictionary*: *Tshivenda-English* (Van Warmelo, 1989), *Improved Trilingual Dictionary*: *Venda-Afrikaans-English* (Wentzel & Muloiwa, 1982), *Venda Terminology and Orthography No. 3.* (Department of Basic Education, 2011), *Multilingual Financial Terminology List* (Department of Arts and Culture, 2017a), *Multilingual Human, Social, and Economic and Management Sciences Terminology List* (Department of Arts and Culture, 2017b), and *Parliament of South Africa – Parliamentary/Political Terminology List* (Department of Arts and Culture, 2005).

The selected strategies used in this research were adapted from Baker (1992). Some of Baker's (1992) strategies were not applicable in this research. The strategies applicable in the data analysis are translation by a more general word (superordinate), translation by a neutral or less expressive word, translation by cultural substitution, translation using a loan word or loan word plus explanation, translation by paraphrase, and translation by omission.

5.2   On the collection of data through questionnaires

As stated in Chapter Three, two sets of questionnaires were developed to determine how the Vhavenḓa translators used translation strategies in the translation of the Tshivenḓa version of the Constitution. The questionnaires were sent to Vhavenḓa language practitioners and Constitution users from various institutions, including lawyers, teachers, students, civil servants, and Vhavenḓa citizens. This chapter presents the findings of these questionnaires using an integrated approach. This means that the researcher looks at the results of these questionnaires as a unit rather than looking at them separately. The discussion hereunder is based on the questions provided to the participants.

5.2.1 Reading of the Constitution

In defining the Constitution, the study revealed that respondents demonstrated a clear understanding of the Constitution and there was almost concensus across all groups. All the lawyers demonstrated an acute understanding of what the Constitution is about. This was largely expected since this is a group of legal practitioners who studied law and make use of and refer to the Constitution almost all the time in their dispensation of duty. Although civil servants were diverse in their views, they still demonstrated reasonable knowledge of the constitution in their responses. The majority of the Vhavenḓa revealed that they understand what the Constitution is all about as citizens of South Africa.

5.2.2 Preference of the version of constitution

The study revealed that the majority of Vhavenḓa prefer the English version of the Constitution to other languages because it is easier for them to understand. Most of the target readers prefer to read the English version instead of the Tshivenḓa version because it is not as easily accessible as the English version. Another problem was that most African language translators were not trained and African languages lacked terminology in scientific or specialised areas. Resources were also minimal or non-existent in some African languages leading to some translations being incomprehensible. In many instances, the Tshivenḓa version of the constitution is not similar to the English version. Like other indigenous languages, the translation of the Constitution from English into Tshivenḓa was marred with problems with lack of terminology being the main one. Lack of terminology and resources to support the translation process impacted negatively on the Tshivenḓa version which is characterised by inconsistencies. The lawyers prefer English as an official court language, so as legal practitioners it would only make sense that they prefer to read their constitution in English. Another reason is that the legal practice profession in South Africa has English as the official court language therefore practitioners are bound to be inclined toward the preference of English. Some respondents indicated that their preferences were mainly driven by accessibility and availability of the English version of the Constitution.

5.2.3 The reasons for reading the Constitution

The study revealed that many learned Vhavenḓa had read the Constitution. They read the Constitution to understand their right and responsibilities. The other reason is that they read the Constitution to understand the rules and regulations that impact the government of the country. Others also read for educational purposes, as a framework from which the government operated. The study also found that students read the Constitution as part of their curriculum. Language practitioners read the Constitution as a reference during the execution of their duties. The lawyers read the Constitution mainly for them to execute their duties properly at work. This seemed to imply that in the legal practice industry, reading the constitution, especially the English version was imperative. It might not necessarily be a matter of preference but that of requirement. They also read the Constitution for research purposes.

5.2.4 Access to the Constitution in different languages and ownership of the translated version

The study revealed that generally, citizens do not have access to the Constitution in other languages, especially in the African languages. The only version which is accessed by the majority is in English, mainly at the place of work. The main challenge which some people stated is the distribution of the Constitution. Copies of the Constitution are distributed to the national, regional, and community libraries and most of the citizens cannot access those places.

The study also discovered that there is a lack of political will in administering the availability of the copies of the constitution in other languages. This would have to be enforced via legislative acts and by company directors making sure that the constitution was made available and used in various languages.

The study further revealed that some people do not know that translated versions exist while others felt it is not necessary to have the translated version. Another reason is that having the translated version of the constitution was not deemed important because English was the common and official language at their workplaces. Most of the respondents do not have a copy of the translated version of the English Constitution because it is not easy to access those copies.

5.2.5 Comparing the English and African language versions

The study discovered that the majority of readers had never compared the translated versions to the English version of the Constitution. They indicated that they lack the motivation and incentive to do the comparison. Those who compared the versions indicated that the translated versions had been misrepresented, especially that of Tshivenḓa. They indicated that the Tshivenḓa version of the translation was poorly translated and urged the translation to be done by experts. They further pointed out that they faced difficulties in understanding the Tshivenḓa translated version of the Constitution. The difficulties they faced were spelling errors, mistranslation, inconsistency etc. The other reason pointed out is that there seemed to be a lack of enough vocabulary in the local languages which resulted in some loss of meaning and therefore difficulties for readers to understand the translated version. The study further revealed that the lack of dictionaries for local languages was one of the reasons why the translated versions are difficult to understand. The study also found that there were a lot of mistranslated terms, inconsistency, and distortion of the truth, and in many instances, translation was vague and irrelevant.

5.2.6 The advantages of reading a document in your mother tongue

The study revealed that the use of the translated version would make the understanding of the Constitution better since the language used would be the language the reader understands. The study found that the use of the translated version of the constitution would help to avoid the death of local languages.

5.2.7 Definition of Roman-Dutch law

In defining Roman-Dutch law, the respondents demonstrated a huge degree of consensus. The study found that Roman-Dutch law is a "common law" from which the South African law had been derived. Lawyers were the group who could best define Roman-Dutch law as this was expected of them as workers in the legal fraternity. The study further established that language practitioners were the least knowledgeable about Roman-Dutch law.

221

5.2.8 Opinion about South African laws emanating from Roman-Dutch law

The study discovered that South African laws emanated from the Roman-Dutch law. Some people believed that it would be obvious that translators had considered the fact that the South African law had emanated from the Roman-Dutch law because South Africa had been colonised by the Dutch. The colonisers were likely to impose their laws on South African law. The study also revealed that Roman-Dutch law had been the foundation upon which the South African law had been built, therefore it would always have been a requirement to consider during translation.

5.2.9 Review of the translated Tshivenḓa version of the Constitution

The study revealed that there is a need for a revision of the translated version of the Constitution because language and culture are constantly changing. The Constitution would therefore require an update to remain relevant to the language and culture of the day. The views were even more pronounced among Vhavenḓa citizens who believed that there is a need for the revision of the translated version of the Constitution to be up to date with the language and culture changes that happened in society in general and to be relevant to the current times. Many people argue that if the Constitution has been translated, it should be reviewed to give it a feel of the specific language with special reference to the specific culture, to which the specific language relates, and the cultural norms should be considered. Another reason which was indicated was that the translated version required a review so that language and technical errors and inconsistencies in the use of terms could be corrected, and gaps filled.

5.2.10 Cooperation between law formulators and translators to improve the status of the translated version

The study pointed to the establishment of a translation committee that would consist of legal experts and legally qualified translators that would work together setting aside time to meet and deliberate on their work. The study indicated that the public must also participate during the translation process and funds should be made available to run that process. There must be legislative acts to enforce the use of various languages in the working environment.

5.2.11 Opinions on multilingualism

The study found that South Africans enjoy multilingualism as one of their rights. However, a few people say they do not enjoy multilingualism. To them, only lip service is being paid to multilingualism. In this way, many people are excluded or left out. In addition, people are denied their right to be addressed in their home language or use it across the groups. Some people are not sure if South Africans enjoy multilingualism because the agenda of full multilingualism is not pushed to the fullest in government institutions in general; there are still gaps. Multilingualism impacts the strategies used in the translation of the English version of the Constitution into the Tshivenḓa version. When citizens read and understand the translated version in their mother tongue, they develop personal and cultural identity by enriching their language.

5.2.12 Teaching of the Constitution in schools

The study revealed that people are in favour of the teaching of the Constitution in schools. This emanates from the fact that many people are not aware of the existence of the constitution. Teaching the constitution in schools will help the learners to know their rights and responsibilities while they are still young. They will grow up being law abiding citizens. Hence the current Tshivenḓa version of the constitution should be revised so that learners can learn from an updated version.

5.3 On translation strategies and the Tshivenḓa version of the constitution

The study discovered that the translation strategies used in the translation of the English version of the Constitution into Tshivenḓa is understudied. Most researchers who had conducted research on translation strategies never touched the strategies used in the Tshivenḓa version of the Constitution.

The study identified 101 English concepts from the English version of the Constitution and their corresponding equivalents from the Tshivenḓa version. This was achieved through the use of the Tshivenḓa-English Parallel Corpus, which helped in determining the strategies used by Vhavenḓa translators. The reason for doing that was to determine whether the translators

conveyed the same message as the source text. The study revealed that the most used strategies in the Tshivenḓa version of the constitution are translation by paraphrasing, translation by a more general word (superordinate) and translation by using a loan word or loan word plus explanation. The strategies which were less used are translation by a more neutral or less expressive word, translation by cultural substitution and translation by omission. The study further revealed that there is a strategy which was not used at all in the translation of the Tshivenḓa version of the constitution, which is translation by illustration. The paragraphs that follow discuss the findings on the strategies used in the translation of the English version of the constitution into the Tshivenḓa version.

5.3.1   Translation by a more general word (superordinate)

In section 4.2.1 it was clarified that translation by a more general word or superordinate is used to overcome a relative lack of specificity in the target language compared to the source language. General words were used to simplify a concept that is foreign to the target language. This strategy is used to simplify concepts to be easily understood by the reader. The study revealed that Vhavenḓa translators used several superordinates while translating into the Tshivenḓa version of the Constitution. It was also indicated that some of the more general words were used successfully and others were not used successfully. The study found that the following more general terms were used successfully: 'authorities' – *maanḓalanga*, 'framework' – *mutheo*, 'act' – *mulayo*, 'liability' – *mulandu*, 'society' – *tshitshavha*, 'attorneys' – *adivokhethi kana maaxennḓe*, 'remuneration' – *u hola*. There are more general terms that were used successfully because Tshivenḓa vocabulary lacks equivalents, and because of the fact that the translators were not knowledgeable about the Tshivenḓa equivalents.

The study further pointed out that translators lack knowledge of the structure of Tshivenḓa phrases and words, revealing that they are not well acquainted with Tshivenḓa grammar. The Tshivenḓa is structured as follows verb *tika + stem –dza = -tikedza*. The term 'partisan' is an adjective. This reveals that the translators are not acquainted with the Tshivenḓa grammar. -*Tikedza* is a verb stem in this regard.

The study discovered that the translators further provided an incorrect superordinate when translating the term 'diversity'. The incorrect superordinate is *minzhi* and the correct superordinate is *vhufhambanyi*. The translators failed to capture the full meaning of the term because they were not trained or qualified for the job. Translators were not empowered with relevant translation skills they need in translation, as they were merely bilingual speakers who were commissioned as translators.

The provision of incorrect superordinates leads to readers encountering incorrect messages in the target version. As a result, readers will always opt for the English version of the constitution rather than the Tshivenḓa version when there is a need to consult one. Hence many Vhavenḓa prefer the English version of the constitution to the Tshivenḓa version.

5.3.2 Translation by more neutral or less expressive words

As explained in section 4.2.2 the strategy of using a neutral word is applied when the target language does not contain a word that has the same impact and connotation, hence translators resort to using a less expressive word. The study found that only ten concepts were extracted from ETPC and two of them did not send the intended message to the target readers.

The following more neutral or less expressive terms were used successfully in the translation of the Tshivenḓa version of the Constitution: 'review' – *sedzulusa*, 'broadcasting' – *khasho*, 'specialised knowledge' – *nḓivho yo khetheaho*, 'complainant' – *muhweleli*, 'The Public Protector' – *Mutsireledzi wa Tshitshavha.*

Some terms which the translators failed to translate are:

'reasonably possible' – *hune zwa konadzea ngaho arali zwi tshi konadzea*, 'sex' – *vhuṱalulambeu*, 'code of ethics' – *maitele a vhuḓifari.* These are not neutral or less expressive words, but incorrect equivalents. Perhaps this is so because translators lack the Tshivenḓa vocabulary and lack knowledge of structuring Tshivenḓa phrases and sentences. The study reveals that translators failed to correctly structure the phrase *hune zwa konadzea ngaho arali zwi tshi konadzea* for the source text term phrase 'reasonably possible'. The study found that translators failed because they were not trained for the job. They failed to employ the correct

strategies and this has a negative impact on the target readers. Translators failed to convey the correct messages to the target readers.

The study found that the translators resorted to literal translation instead of using *nga hune zwa konadzea ngaho*, without repeating *zwi tshi konadzea*. The study further pointed out that indeed the translators lacked the appropriate Tshivenḓa vocabulary. The term '*vula*' is translated as 'release'. The meanings of the Tshivenḓa term *vula* and the English term 'release' are different. The same holds for the term 'sex' which has been translated as *vhuṭalulambeu.* The English equivalent of *vhuṭalulambeu* is gender description. The Tshivenḓa equivalent of the term 'sex' is *mbeu*. The research can conclude that the Vhavenḓa translators are not acquainted with terminologies in both the source and the target languages.

The study revealed that failure to identify a neutral or less expressive word where the target language does not contain a word that has the same impact as that in the source language, resorting to literal translation and lacking the Tshivenḓa vocabulary, will always lead to the provision of incorrect messages in phrases and sentences in the target text. As indicated above, readers will not have interest in a text that is characterised by incorrect messages; hence they will opt for the English version of the constitution rather than the Tshivenḓa version.

5.3.3   Translation by cultural substitution

As stated in section 4.2.3, translation by cultural substitution involves the substitution of a source term with a target language term that is familiar to the readers, to make the message more accessible.

The study revealed that translation by cultural substitution was not used successfully in the Tshivenḓa version of the constitution. It was not easy to identify cultural terms in the Tshivenḓa version of the Constitution. Translation by cultural substitution was applied but only one term was identified. The nearest phrase used for cultural substitution is *vhuhosi ha sialala* which is the equivalent of the English word 'traditional monarch'. It can be assumed that the translators failed to use cultural substitution because the South African constitution is based on the

terminology of the West, which is totally different from that of Africans, or that the researcher could not identify English terms that involve cultural substitution in Tshivenḓa.

The study can conclude that the general impression of the translation of the English version into the Tshivenḓa version of the Constitution is that translators were not aware of the translation strategies and their implications. They failed to apply the strategies of cultural substitution; they robbed the readers of their privileges of understanding what cultural substitution implies.

5.3.4   Translation by paraphrasing

In section 4.2.4 it was discovered that concepts were clarified wherever the target language lacks an equivalent. The study discovered that the paraphrasing strategy was the most used in the translation of the Constitution because many terms are foreign to Africans. The main advantage of translation by paraphrasing is that it is possible to achieve a high level of accuracy in stipulating the meaning of a word or concepts that pose difficulties in translation. The study found that in many instances the strategy of paraphrasing was applied correctly in the translation of the Tshivenḓa version of the constitution, and it is one of the most used by translators.

However, a few terms were not paraphrased satisfactorily as indicated below. The translators tended to translate some terms correctly in a text but spoilt the rendering of the message by providing incorrect translations in other terms or phrases. The translators assumed that the term 'restitution' lacks Tshivenḓa vocabulary; they applied the translation strategy of paraphrasing *nga u ṋetshedzwa murahu* to render the sentence understandable to the readers. Readers may argue that 'restitution' is *pfumedzano.* In this instance, the meaning of the whole text is marred by the incorrect translation of other phrases. In another instance the study revealed that translators failed to capture the full meaning of the phrase, 'or practices entitled' which is translated as *kana zwiito o fanelwa* (or actions are suitable). The translation does not make sense in the text concerned.

Translators are not familiar with the Tshivenḓa grammar. The translators paraphrased the Tshivenḓa equivalent of the phrase 'conferring honours' as u ṋea vhathu zwiimo. 'Honour' can be translated as hulisa or ṱhonifha in Tshivenḓa. Zwiimo is an incorrect equivalent. The lack of correct vocabulary reveals that the translators are not specialists in Tshivenḓa. The correct equivalent of 'conferring honours' is u ṋea vhathu khuliso or u ṋea vhathu ṱhompho.

The study found that the translators failed to capture the full meaning of the word or term in the translation of the term 'countersigned' translated as u sainiwa hafhu. The problem was caused by the lack of Tshivenḓa vocabulary by the translators and they rendered the incorrect message to the target readers.

The example that follows reveals that the translators may translate one term correctly but provide the wrong translation of other terms in the same text. The study reveals that the source term 'insecure' which is paraphrased in Tshivenḓa as a ho ngo tsireledzwa captures the correct meaning of the source term, but the term 'practices' in the same text is incorrectly translated as zwiito instead of nyito. According to Van Warmelo (1989:486), zwiito is defined as 'trickiness; ability to do tricky'. The use of zwiito in the context of the sentence is incorrect. Nyito is the correct equivalent because it refers to 'action'. Wrong choices of equivalents such as these deny target readers access to the correct message.

The study further found that in some instances translators have a tendency of omitting words when they paraphrase. For example, the equivalent of the term 'unarmed' is u sa hwala kana u sa ḓiṱama nga zwiṱhavhane. Due to the lack of vocabulary in Tshivenḓa the translators applied the strategy of paraphrasing and translated 'unarmed' as a songo ḓitama zwiṱhavhane. The translators failed to capture the full meaning of the word or term by omitting nga for nga zwiṱhavhane, without which the sense of the phrase is not clear because it is not complete. Therefore, readers will struggle to comprehend the message of the sentence.

At times translators failed to capture the full meaning of the sentence when they paraphrase. For example, the term 'plenipotentiaries' is translated as vhaambasada vhahulwane. The target language equivalent is a phrase consisting of two words. The term vhaambasada vhahulwane means senior ambassadors. The term vhaambasada is a borrowed noun and vhahulwane is an adjective. The translated version does not capture the full message of the source language

228

sentence because it omits the message carried by 'invested with the full power', which in turn indicates that they are senior. After all, they have full power. Therefore, the translators failed to capture the full message of the source language sentence. Readers of the target language do not get the full message in this regard.

The study found that although there are incorrectly translated terms by paraphrasing, this strategy has been used successfully to capture the messages in sentences so that they can be easily understood by readers. The incorrectly translated terms are the results of providing incorrect paraphrasing, providing paraphrases which do not make sense, being not familiar with Tshivenḓa grammar, choosing wrong equivalents, omitting words, and failing to capture the full message. Generally, one can state that readers can understand parts of the Tshivenḓa version of the constitution because of translation by paraphrasing, notwithstanding the above obstacles.

5.3.5 Translation by using a loan word or loan word plus explanation

Translation by loan word is used in abundance in the Tshivenḓa version of the constitution. This is so because most terms in the constitution are foreign to Africans and Vhavenḓa in particular.

The study found that the Vhavenḓa translators used loan words even in the case where Tshivenḓa terms could be coined. For example, the term 'Auditor-General' is translated as *Muoditha-Dzheneraḽa* in the target language. They used this term instead of accepted terms such as *Muṱolamuvhalelano* and *Muṱolambalelano*. In their translation, the translators used a loan word to capture the same message as that of the source text. As indicated above, the term is already standardised in Tshivenḓa and is synonymous with *Muṱolambalelano* and *Muṱolamuvhalelano*. The target readers understand these three terms.

This can also be illustrated by the translation of 'audit' as *oditha*, and 'court' as *khothe* in other texts. The terms 'audit' and 'court' are also used by the speakers of the target language as *oditha* and *khothe*.

The study also found that some names of languages were not translated into the target language, but taken as they are: 'German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu, and Urdu'. The researcher discovered that translators did not indigenise these languages because they are proper nouns and they must remain as they are. However, sometimes the message of the sentence is marred by the incorrect translation of other words in the same text.

In some instances, the message of the target text phrase does not wholly reflect that of the source text phrase. For example, the source text mentions the 'communities in South Africa', whereas the target text mentions 'communities of South Africa'. Instead of translating 'communities in South Africa' as *zwitshavha zwa Afrika Tshipembe*, translators should have translated the phrase as *zwitshavha kha ḽa Afrika Tshipembe*.

The investigation found that in two instances, 'appeal' is translated as *aphiḽi* and also as *khaṱhululo*. Although the meaning of *aphiḽi* and *khaṱhululo* are the same, readers of the Tshivenḓa version of the Constitution will be confused because the translators were not consistent while translating. In translation, the translators must introduce the term and stick to the term throughout the text so that the target readers will understand fully what the term is all about.

The study further found that translators of the Tshivenḓa version of the Constitution do not borrow only from English, they also borrow terms from Afrikaans. For example, the use of the term *monithara* instead of using *monitha* (*monitor*), as would be expected. In Afrikaans 'monitor' is 'monitor' in English. The two terms differ in their pronunciation. The translators used the strategy of translation by borrowing from both Afrikaans and English, which may confuse the target readers. The translators were supposed to stick to using one term throughout which is *u lavhelesa* rather than borrowing unnecessarily.

The study found that translation by loan word enriches the language, especially African languages that lack direct equivalents of foreign words. Tshivenḓa has been enriched in this regard and the target readers have been assisted to easily understand the South African constitution in their own language. Had the translators coined words, it would have been difficult for target readers to understand their meanings at first.

5.3.6 Translation by omission

As elucidated in section 4.2.6, the strategy of omission includes the exclusion of some information from the source text to make the translation understandable. Although in other instances translation by omission has been used successfully, in many instances words in the target text were omitted by Vhavenḓa translators, to the extent that target readers are deprived of crucial information. This problem can be found in most of the texts chosen for analysis. The study discovered that Vhavenḓa translators omitted critical information in some cases, resulting in incomplete translations.

The study revealed that translation by omission was not handled successfully because critical words were omitted leading to translators not capturing the full message as revealed in the source language text. One can state that translation by omission can be applied only if the terms concerned are not critical for the message. It would seem the translators omitted the translation of some words because they lacked the Tshivenḓa vocabulary, or else they did not understand the meaning of the source language term.

5.4 Challenges faced by readers of the Tshivenḓa version of the Constitution

From the analysis carried out in Chapter Four, the study can conclude that there are many challenges faced by readers of the Tshivenḓa version of the constitution.

The study revealed that the target readers face a challenge of lack of similarity between the English and Tshivenḓa version of the Constitution. This lack of similarity, among others, is due to the commitment of many language errors, lack of Tshivenḓa terminology, poor editing, and lack of consistency in the use of Tshivenḓa terminology.

The study found that there are many language errors that render the messages of the Tshivenḓa version of the constitution difficult to understand. Many sentences in the Tshivenḓa version of the constitution were incomprehensible. It would seem translators were not trained to do the

job or that relevant project. The poor handling of the translation strategies can make one assume that the translators of the Tshivenḓa version of the constitution were not trained translators. They failed to observe that they omitted crucial information while translating the Tshivenḓa version of the constitution. The resources used during translation were limited. The study further revealed that translators translated without the support of resources and to worsen the matter, the available resources lacked the field of specialisation required in the legal sector.

The existence of many language errors in the Tshivenḓa version of the constitution reveals that it was not edited or proofread. Documents need to be proofread and edited by language experts to ensure that translations produced are of good quality. Chromik (2002) states that proofreading refers to the process of reading written work for 'surface errors'. These are errors involving spelling, punctuation, and grammar and word choice. Editing is correcting and improving a text to make it suitable for a readership and the use to which they will put it. The constitution is a legal and official document that needs to be checked by quality control assessors such as editors and proof-readers.

In addition to some of the sentences which are not clear in the Tshivenḓa version of the constitution, the study revealed that there is a lack of consistency in the use of terminology by the translators. One can assume that the cause of inconsistency was that the document was translated by different people who were not trained translators. They did not have the necessary experience to translate a document such as the constitution. There were few Tshivenḓa terminology lists and few bilingual dictionaries available during the translation of the Tshivenḓa version of the constitution. In addition, there was no comprehensive Tshivenḓa monolingual dictionary available during the translation of the Tshivenḓa version of the Constitution. Another factor which worsened the translations is the lack of glossaries and translation memories. This contributes to the confusion exprienced by the readers as the information presented to them does not convey the intended meaning. Readers are thus deprived of their rights as citizens of the Republic to enjoy their benefit of receiving correct information.

The study further revealed that one of the challenges faced by the target readers was that the Tshivenḓa version of the Constitution was not easily accessible. Only a few copies were

distributed to the community libraries and state libraries, and this deprived citizens of access to the constitution in their language which is a supreme law of the country.

The challenges mentioned above show that the readers of the Tshivenḓa version of the constitution are deprived of an understanding of their rights and privileges in their mother tongue because they only had access to the English version of the Constitution.

5.5 Conclusion

Chapter Five looked at the findings of the results from the questionnaires, and usage of translation strategies in the Tshivenḓa version of the Constitution. The study revealed that people who read the constitution, preferred the English version because it is easier for them to understand. People read the Constitution to understand their rights and responsibilities as the citizens of South Africa. The study indicated that citizens do not have access to the constitution in different languages. The limited number of copies distributed in the African languages denies Vhavenḓa access to the constitution. There is lack of political will to ensure that copies are available in other languages. The study also stated that readers who compared the constitution in Tshivenḓa and English found that the translated version was a misrepresentation because the translators lacked vocabulary and resources as essential tools. The advantage of using a mother tongue is to help avoid the decay of local languages. It also helps the citizens to understand the Constitution better. The study also indicated that the respondents understand what Roman-Dutch law is and the fact that the South African law emanated from it. The study also found that the translated Tshivenḓa version of the Constitution needs to be reviewed because language and culture are always changing. To improve the status of the Tshivenḓa version of the Constitution there must be collaboration between law formulators and translators. The study states that multilingualism should be promoted in all government institutions to enrich our languages. Teaching of the Constitution should be promoted in school so that learners will grow up being responsible citizens.

Regarding the translation strategies used by the Vhavenḓa translators, the strategies which were used successfully are, the strategy of paraphrasing, translation by loan word and translation by a more general word (superordinate). Translation by omission and translation by more neutral

or less expressive words were also used, but unsuccessfully. The strategy which was least used is translation by cultural substitution. The challenges faced by the readers of the Tshivenḓa version of the Constitution were lack of similarities, language errors, and lack of terminology, poor editing and inconsistency.

CHAPTER SIX

CONCLUSION

6.1 Introduction

The preceding chapter dealt with the findings of the research. This chapter presents the general concluding remarks in the form of a summary and recommendations. The study investigated the strategies used by Tshivenḓa translators in the translation of the English version of the constitution into the Tshivenḓa version. The study used a corpus-based approach. The researcher addressed the following questions: (1) Why do most of the target readers prefer to read the English version of the constitution instead of the Tshivenḓa version? (2) What is the market and distribution channel of the Constitution? (3) Which strategies were used by English-Tshivenḓa translators in the translation of the English version of the South African constitution into Tshivenḓa? and (4) Did the translators consider the issue of consistency when translating the Constitution? In answering these questions, the researcher identified and analysed strategies that were used by the Vhavenḓa translators while translating the Tshivenḓa version of the constitution. The questions given above were addressed as discussed hereunder.

Most of the target readers prefer to read the English version of the constitution because it is easier for them to understand and has no language errors as in the case of African language versions. They preferred English because it is an official court language. They also prefer the English version because it is easily accessible and available. Copies of the constitution are distributed to the public and community libraries and the majority of citizens cannot access those libraries. The following strategies were used by English-Tshivenḓa translators in the translation of the English-Tshivenḓa version of the constitution: translation by a more general word (superordinate), translation by a neutral or less expressive word, translation by cultural substitution, translation using a loan word or loan word plus explanation, translation by paraphrase, and translation by omission (Baker, 1992:26-42). Translators did not consider the issue of consistency when translating the constitution because there was a lack of consistency in the use of Tshivenḓa terminology. Vhavenḓa translators were required to produce the Tshivenḓa version that is accessible to every citizen, and to ensure that they understand the document fluently. The findings of the research revealed that the translators of the Tshivenḓa

235

Constitution were not trained and that they struggled with terminology in legal or specialised areas. Resources were also minimal leading to some translations being incomprehensible. The objectives of the study have been realised since the strategies used in the translation of the Tshivenḓa version of the Constitution were identified and assessed. The challenges faced by readers of the Tshivenḓa version of the constitution were identified.

6.2   Summary

This section offers a short overview of the study, in the form of a summary where the chapters of the study respectively dealt with the introduction, literature review, presentation of data, analysis of data, and research findings.

Chapter One presented the background information of the study by introducing the importance of the problem and providing reasons for undertaking the research project. The chapter presented the research problem statement that delimits the focus of the study, research questions, aim, and objectives of the study. The researcher justified her research, and commented on its significance in the society. Key terms were defined to familiarise readers with the discussion in the different chapters of the research. The research design, focusing on the methods of research and theoretical approaches to the research were presented. The research outlined the methodological decisions and adopted methods of data collection and data analysis. The population and sampling methods were also discussed in this section. The chapter further presented ethical issues that should be adhered to during the study, the scope and limitations of the study, and the chapter delimitation.

Chapter Two reviewed literatures related to the title of the research project, i.e. the use of translation strategies in translating documents from one language into another. Some of the scholars who were reviewed in this study are McGinnis (1999), Du Plessis (2000), Madiba (2004), Sineke (2005), Mulligan et al. (2016) and Solan (2016). Both local and international sources were used to explore and highlight what other scholars have done, to situate this study within the larger framework, and highlight gaps that exist in the field of research. The literature review assisted in the provision of the history of translation theory. Some parts of the previous Constitutions of the Republic of South Africa were referred to, with the focus on the official

languages of South Africa, and the Act that governs the use of the South African official languages was also discussed. Of all the translation strategies used by professional translators, Baker's (1992) strategies were mostly commented on by both national and international scholars and were the most appropriate strategies.

Chapter Three focused on the presentation of data and the interpretation thereof. To collect data through questionnaires, the researcher relied on mixed methods, i.e. qualitative and quantitative methods. Two sets of questionnaires were completed by language practitioners, lawyers, teachers, students, civil servants, and Vhavenḓa citizens. Quantitative data was captured, cleaned, and processed using the *Statistical Package for Social Sciences (SPSS)* and *MS Excel.* The English version of the constitution and the Tshivenḓa version were used to create the English-Tshivenḓa Parallel Corpus. Both documents are meant for public consumption, and the researcher analysed the text of the same type. The English-Tshivenḓa parallel corpus was designed by the researcher and procedures were also outlined in detail to clarify the steps. By using ParaConc, terms and their possible translation equivalents can be accessed through the *search menu*. In this study, the terms were analysed to determine which strategies were used by Vhavenḓa translators in translating the Tshivenḓa version of the Constitution.

Chapter Four analysed the strategies used in translating the English version of the constitution into the Tshivenḓa version. ParaConc was used to identify terms in the English corpus and their corresponding translations in the Tshivenḓa corpus. Dictionaries and terminology lists were used to cross-reference the meaning of the terms that were extracted from the English-Tshivenḓa Parallel Corpus. The researcher moreover searched for meanings of source terms from English dictionaries and websites to relate them with those of the target language.

In this chapter, the researcher noted that Vhavenḓa translators resorted to different strategies to overcome the problem of non-equivalence at the word level. The strategies used include translation by a more general word (superordinate), translation by a neutral or less expressive word, translation by cultural substitution, translation by using a loan word or loan word plus explanation, translation by paraphrase, and translation by omission. The least used strategies are translation by cultural substitution, and translation by omission, while translation by more

neutral or less expressive words was used, but unsuccessfully. The most and successfully used strategies were the strategy of paraphrasing, and translation by loan word. The strategy of paraphrasing dominated because it achieves a high level of accuracy (Baker, 1992:38-40). The strategy which follows is the strategy of using loan words mainly common in dealing with culture-specific items, modern concepts, and buzz words (Baker, 1992:34). It is easy to paraphrase because the translator can paraphrase using his/her own words and the target reader will understand the message conveyed to him/her. It is also easy to translate by loan words because it will be easier to understand a borrowed word. The strategies which were not used at all are the strategies of paraphrasing using unrelated words and translation by illustration.

There were many challenges in capturing the source language message in the target language because the majority of the strategies were not used successfully and the message was not well conveyed to the target readers.

Chapter Five presented the research findings of the study. The findings were based on the collection of data and the analysis thereof. The challenge discovered in the findings was that people did not read the Tshivenḓa version of the Constitution, they preferred to read the English version because it is easier to understand. It is easier to understand the English version than the Tshivenḓa version of the constitution because English vocabulary is well advanced compared to the Tshivenḓa vocabulary. The Tshivenḓa version was not translated properly. If it had been translated properly the Vhavenḓa would find Tshivenḓa easier to understand than English.

The data collected revealed that citizens do not have access to the constitution in the different indigenous languages because only a few copies are distributed. The biggest challenge which the Department of Justice and Constitutional Development is facing is budget constraints. Another challenge is lack of capacity when it comes to producing copies in indigenous languages. The 3000 copies which were distributed per year are no longer distributed because of budget constraints. Constitutions are distributed on demand by the Chief Directorate Public Education and Communication Unit of the Department of Justice and Constitutional Development. This unit is responsible for promotional material regarding justice services.

The study also revealed that readers who compared the constitution found that the translation version has been misrepresented because the translators lack vocabulary and resources as these are the tools of the translators. There are only a few terminology lists which are available and few resources in Tshivenḓa and this makes the work of translators difficult.

The data collected also found that the translated Tshivenḓa version of the Constitution needs to be reviewed because language and culture are always changing and the fact that the version is full of language errors and mistranslations.

The challenges faced by the readers of the Tshivenḓa version of the Constitution were lack of similarities, language errors, and lack of terminology, poor editing, and inconsistency. There is lack of similarities between the translations of the English version and Tshivenḓa version of the constitution. Lack of terminology to support the translation process impacted negatively on the Tshivenḓa version which is characterised by inconsistencies. The inconsistencies in the Tshivenḓa version of the constitution is characterised by multiple synonyms. The Tshivenḓa version was poorly edited and the quality of the document was compromised.

Chapter Six This chapter concludes the study by presenting the summary of the study and recommendations. The conclusion rounds off the preceding chapters. It connects back clearly and openly to the problem statement. It deals with the implications and recommendations of this study.

6.3   Recommendations

The concept 'recommendation' is defined by Allen (1990) as a suggestion or advice on a course of action. Recommendations can therefore be characterised by several functions because they can serve as advice or a suggestion. In some instances, recommendations are based on research findings and indicate the specific measures or directions that can be taken (https: www.editage.com). On the other hand, recommendations are the added suggestions that one wants people to follow when performing future studies (https://latevernetta.info). Other scholars state that recommendations are used to encourage action or provide a solution to the problems one has investigated in his or her research paper (https://questionanswer.io).

In other words, the recommendations are proposed ideas that will be applied in the future by the researchers and the community at large. The discussion of recommendations hereunder will focus on recommendations to the general society and recommendations to future researchers.

6.3.1 Recommendations to the general society

Recommendations to the general society will entail aspects such as collaboration, distribution and marketing of the constitution, availability of copies of the constitution, teaching the constitution at schools, terminology development, standardisation of terms, training of translators, editing and proofreading, and resources development.

- **Collaboration**

The study found that there is a lack of cooperation between law formulators and translators to improve the status of the translated version of the Constitution of the country. The cause of the lack of cooperation is that the legal experts and language experts are working in silos. The study recommends that there be teamwork between law formulators and translators in their quest to improve the translated version of the Constitution. The teamwork would exist in the form of consultations between the groups, sharing office space during the process, and operating with the same goal and vision. It is recommended that there must be involvement of the government in the process of reviewing the translated version of the Constitution.

The study further discovered the need for qualified experts such as translators, lawyers, terminologists, lexicographers, and linguists that use translation services and recommends that they belong to professional bodies so that they come together and develop a way forward for translation in South Africa. The collaboration can be done through conferences, workshops, surveys, meetings, etc. This would be useful in gathering more information and views that would be critical in the improvement of the status of translation in South Africa. The collaborators will be able to improve the status of translation services by drafting guidelines for translators which will help in the translation services. PanSALB, Department of Arts and Culture, South African Translators Institute, other government departments, tertiary

institutions, etc. should organise workshops, conferences and surveys for the collaboration. The collaboration method will confirm that all stakeholders have an opinion on the way documents should be translated in the future.

- **Distribution and marketing of the Constitution**

The researcher recommends that the constitution be distributed to all government entities, private sectors, and various communities. At present copies of the constitution are distributed if there is a demand by the Chief Directorate Public Education and Communication Unit of the Department of Justice and Constitutional Development. Since the constitution is a supreme law of the country, citizens should be able to access it without any challenge. The Department of Justice and Constitutional Development should make citizens aware of the importance of using the constitution. The number of copies distributed per year should increase, 3000 copies per language are not enough for the whole nation.

- **Availability of copies of the constitution**

There is a challenge of lack of political will in administering the availability of copies of the constitution in other languages. The study also recommends political will in administering the availability of the constitution in other languages. The enforcement should be done via legislative acts and by company directors making sure that the constitution is made available and used in various languages.

- **Review of the translated Tshivenḓa version of the Constitution**

Due to many language and technical errors in the Tshivenḓa version of the constitution, the study recommends that this translated version be revised. This exercise will assist readers to have an interest in reading the constitution in their language, rather than resorting to the English version. At the same time, the exercise will be promoting Tshivenḓa as one of the official languages in the country.

- **Teaching the Constitution in schools**

There is a challenge that emanates from the fact that many people are not aware of the existence of the constitution. The study recommends that teaching the constitution in schools will help the learners to know their rights and responsibilities while they are still young. They will grow up being law abiding citizens.

- **Terminology development**

Although few terminology lists exist in Tshivenḓa, the study proved that there is a lack of terminology in Tshivenḓa, which is why translators resorted to translation strategies by paraphrasing and translating by a loan word. There are few multilingual and bilingual terminology lists and among all the terminology lists there is no legal terminology. There is a need for terminologists to identify terms and give their equivalents so that translators will be able to use them as their references.

The terminology list should not be distributed to the speakers of the language before proper measures are followed. It must go through collaborators for the verification process and to the Pan South African Language Board for standardisation.

The study proved that the English-Tshivenḓa Parallel Corpus can be used as a resource for term development in the legal field. The use of word context makes ETPC an effective source of terminology development. With bilingual parallel corpora, terminologists can compile different terminology lists in many fields. Teubert (2002:193) sees parallel corpora as repositories of translation units and their equivalents in the target language, and these translation units and equivalents can be processed and re-used in subsequent translations. Moropa (2005:194) states that Computer tools like Paraconc, WordSmith Tools, and Multiconcord are already available to search such corpora and have been used by scholars such as Madiba, Gauton and De Schryver, and others in South Africa.

- **Standardisation of terms**

The study has shown that Vhavenḓa translators of the Tshivenḓa version of the Constitution struggled to translate legal terms and they resorted to the loaning strategy and used non-standardised terms. Readers find it difficult to understand some of the terms because they are not standardised. In some instances, translators came up with an innovative way of presenting foreign concepts, and this includes using general words. During the analysis of the strategy of using general words to translate foreign concepts, it was noted that Vhavenḓa translators came up with many synonyms of one source term which is not workable. Several synonyms call for the standardisation of terms because too many synonyms can bring confusion to the target readers. The researcher recommends that terms should be standardised to prevent confusion.

- **Training of translators**

The study recommends the training of translators because translators who were commissioned to do the job, in many ways did not do the proper translation. This reveals that they were not qualified translators. They lacked the training and skills for the task. The translators of the Tshivenḓa version of the constitution were bilingual speakers of Tshivenḓa and English including lawyers and not translators. The training of translators is very important because it can empower them with the skills they need in the profession. The researcher suggests translation should be done by language experts who went for training. Training translators will also reduce the over-reliance on bilingual speakers who work as translators, improving the quality of translations produced by translators.

- **Editing and proof-reading**

The Tshivenḓa version of the Constitution was poorly edited and lacked consistency. The types of errors that need editing in the Tshivenḓa version of the constitution are grammatical, lexical, morphological, and semantic errors. There is a requirement of responsibility on the part of the

translators. The study recommends that translators ensure that the document is edited and proofread by other translators and language experts authenticate the quality of the document.

- **Resources Development**

In Tshivenḓa one monolingual dictionary is a possible source for translators: *Ṱhalusamaipfi ya Luamboluthihi ya Tshivenḓa* by Tshikota et al. (2012). The few English-Tshivenḓa bilingual dictionaries that are available do not meet the needs of translators since they are too general. Those bilingual dictionaries are *Ṱhalusamaipfi ya Nyambo-Mbili ya Tshivenḓa-English: English-Tshivenḓa Bilingual Dictionary* by Mathivha et al. (2015), *Venda Dictionary: Tshivenda-English* by Van Warmelo (1989), *English-Tshivenḓa Vocabulary* by Marole (1954). Unfortunately, *English-Tshivenḓa Vocabulary* by Marole (1954) is out of print but this dictionary is more informative than others. Other Tshivenḓa dictionaries are Tshikota, et al. (2006) *Tshivenḓa-English/English-Tshivenḓa Bilingual and Explanatory Dictionary*, Tshikota, et al. (2010) *Ṱhalusamaipfi ya Mirero (Tshivenḓa/English)*, *Improved Trilingual Dictionary: Venda-Afrikaans-English* by Wentzel and Muloiwa (1982). These dictionaries have limitations when it comes to translating specialised fields such as law, science, technology, economics, and so on.

There is a need to develop more specialised monolingual dictionaries since we only have two specialised monolingual dictionaries which are *Ṱhalusamirero ya Tshivenḓa – Tshivenḓa Monolingual Dictionary of Proverbs* by Takalani and Mantsha (2022), and *Ṱhalusamaidioma ya Luamboluthihi ya Tshivenḓa* (Tshikota et al., 2012).

The study also recommends parallel corpus as a resource for Vhavenḓa translators to use in a different field. It is an essential resource for Vhavenḓa translators working on the translation of the Tshivenḓa version of the constitution, as it provides both English terms and their Tshivenḓa equivalents. The translator will be able to find a specific word in both the source and target languages.

The ETPC is easily accessible and can offer other possible translations for the search term. Parallel text can be searched manually for translation strategies and terminological information.

To add to that, the English-Tshivenḓa Parallel Corpus can be used as a source for developing a specialised monolingual, bilingual and multilingual glossary. As mentioned above ETPC can only be accessed through ParaConc.

6.3.2 Recommendations to future researchers

The strategies of translation by illustration and translation by paraphrasing using unrelated words were not used at all in the analysis of the Tshivenḓa version of the constitution due to the scope of the study. The study envisages that future translators may use these strategies in the face of lack of equivalents. If a concept expressed by the source item is not lexicalised at all in the target language, paraphrasing may be used to modify a superordinate or to simply unpack the meaning of the source item if the item is semantically complex. Illustration is used in the target language if there are restrictions on space and if the text needs to be shortened (Baker, 2011:43). The researcher recommends that this study should be done in other African languages to check if their versions of the constitution are experiencing the same problems experienced in the Tshivenḓa version.

The researcher offers some recommendations on how future translators can improve the quality of translation in South Africa. Future researchers should cover all aspects of translation strategies to overcome all the challenges translators face. The English-Tshivenḓa Parallel Corpus can also be enlarged to include different fields such as medicine, law, education, economics, science, technology, etc. There is a need for future research to be conducted in the translation of the constitution because limited parallel corpus research is conducted in Tshivenḓa and other indigenous languages in general. The large corpus can contribute positively to the growth of the African languages.

The study states that multilingualism should be promoted and enforced in all government institutions and private sectors to enrich our languages. Section 6 (1) of the Constitution states that the official languages of the Republic are Sepedi, Sesotho, Setswana, Siswati, Tshivenḓa, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu. Section 6(4) states that all official languages should enjoy parity of esteem and be treated equitably (The Constitution of the Republic of South Africa, 1996:4). Multilingualism is the global norm that promotes

communication and reinforces national cohesion (Alexander, 2001). All government institutions and private sectors must have a language policy in place to fulfil the mandate of the Use of Official Languages Act, 2012 (Act No. 12 of 2012).

The teaching of the Constitution should be promoted in school so that learners will grow up being responsible citizens. The learners must have copies of the constitution so that they will be able to refer to it and understand what is required of them.

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APPENDICES

APPENDIX A: RESEARCH ETHICAL CERTIFICATE

Luvhengo
Nevhulaudzi_729748

APPENDIX B: LETTER OF CONSENT

FROM: SHUMANI MERCY ṊEVHULAUDZI
POSTGRADUATE STUDENT
UNIVERSITY OF SOUTH AFRICA

Dear Mr/Mrs/Ms/Dr/Prof

TITLE OF THE RESEARCH: TRANSLATING THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA INTO THE OFFICIAL INDIGENOUS LANGUAGES: A REVIEW WITH REFERENCE TO THE TSHIVENḒA VERSION
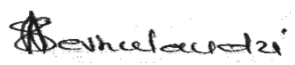
I am a doctoral student at the University of South Africa, conducting research on the investigation of translation strategies used by translators of the English version of the South African constitution into the Tshivenḓa version. Each citizen of South Africa is expected to have a copy of the Constitution because it is a fundamental document where they can learn their rights and privileges.

You are one of the few participants chosen to take part in the study. I will request a few minutes of your time to respond to the questions in this questionnaire. Your responses will assist the researcher with making significant findings, which will assist in improving the translated version of the Constitution.

Please note that participation is voluntary, and it is not mandatory that you give your name. Be assured that the information obtained will be treated with confidentiality and will be used for the purpose of research only.

Your assistance will be greatly appreciated.

Yours sincerely

Nevhulaudzi Shumani Mercy

PhD Candidate (UNISA)

_____

Signature of participant

Date:_____

APPENDIX C: QUESTIONNAIRES FOR LANGUAGE PRACTITIONERS

Participant's name: _____

Please tick the appropriate block below:

Gender

Male	Female

Age

18 to 30 years	
30 to 40 years	
40 to 50 years	
50 to 60 years	
Over 60 years	

Educational level

Three-year qualification		
Honour's degree		
Master's degree		
Doctoral degree		
Other		

1.   What is your occupation?

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2.   How often do you translate?

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3.   What translation qualification(s) do you hold?

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4.   What is a Constitution?

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5.   Which version of the translations of the Constitution do you prefer to read?

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6.   Why do you prefer the version you have indicated?

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7.   Do you have a translated version of the Constitution? If your answer is no, please state the reason(s) why not.

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8   How often do you refer to the Constitution?

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9.   At your place of work, is it possible to access the Constitution in different languages?
        If not, please state the reasons why.

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10.   What challenges did you face while comparing the English version of the Constitution
        to the translated version in your language?

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11.   Did the translators consider the issue of consistency while translating the Constitution?
        If not, please give some examples of the inconsistencies identified.

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12.   What are the advantages of reading a document in your mother tongue?

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13.   At your place of work, is it possible to access the Constitution in different languages? If not, state the reasons why not.

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14.   Is there a need for the Constitution to be taught in schools? If yes, state the reasons why.

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15.   Do the citizens of South Africa enjoy multilingualism as one of their rights in their country?

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16.   How can law formulators and translators work together to improve the status of the translated version of the Constitution of our country?

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APPENDIX D: QUESTIONNAIRES FOR USERS OF THE CONSTITUTION

Participant's name: _____

Please tick the appropriate block below:

Gender

Male	Female

Age

18 to 30 years	
30 to 40 years	
40 to 50 years	
50 to 60 years	
Over 60 years	

Educational level

Three-year qualification		
Honours degree		
Master's degree		
Doctoral degree		
Other		

1.   What is your occupation/profession?

        ………………………………………………………………………………….

2.	How long have you been in the profession?

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3.	What is your home language?

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4.	What is a Constitution?

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5.	Have you ever read the Constitution of the Republic of South Africa?

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6.	Which version of the translations of the Constitution do you prefer to read?

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7.	Why do you prefer the version you have selected?

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8.	Why do you read the Constitution?

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9.	How often do you refer to the Constitution?

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10.   At your place of work, is it possible to access the Constitution in different languages? If not, state the reasons why.

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11.   Do you have a translated version of the Constitution in your language? If your answer is no, please state the reason why.

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12.   What challenges did you face while comparing the English version of the Constitution to the translated version in your language?

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13.   What is the Roman-Dutch law?

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14.   In your opinion, did the translators of the Constitution consider that the South African laws emanated from Roman-Dutch law, while translating the Constitution?

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15. Is there any need to review the translated version of the Constitution? If so, state the reason for your opinion.

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16. Do the citizens of South Africa enjoy multilingualism as one of their rights in the country?

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17. How can law formulators and translators work together to improve the status of the translated version of the Constitution of the country?

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18. Is there a need for the Constitution to be taught in schools? If yes, state the reasons why.

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