

Chapter Five: Language and Communication

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CHAPTER FIVE

Language and Communication

5.1

FEATURES OF ABORIGINAL LANGUAGES

A brief overview of some of the characteristics of *Ngaanyatjarra*, a Western Australian Aboriginal language, is given below. The *Ngaanyatjarra* language group is located in the Western Desert region of Western Australia. The overview is derived from *Into Another World: A Glimpse of the Culture of the Ngaanyatjarra People*¹. The purpose of the overview is to highlight the differences between Aboriginal and Anglo-Australian languages and concepts.

5.1.1 *Ngaanyatjarra*

The *Ngaanyatjarra* language is “healthy” or “strong” in that its speakers are able to communicate entirely in that language. The *Ngaanyatjarra* language contains:

- No ‘f’, ‘h’, ‘s’, ‘v’, ‘x’, or ‘z’ sounds;
- Three ‘t’ sounds (symbolised ‘t’, ‘tj’ and ‘rt’);
- Two ‘r’ sounds (symbolised ‘r’ and ‘rr’);
- Four ‘n’ sounds (symbolised ‘n’, ‘rn’, ‘ny’ and ‘ng’).

Ngaanyatjarra has a different word order from English. For example, a translation of the sentence “We went to that big water-hole over there” appears as follows:

Majpitjangu-latju kapi nyarra purlkanya-ku
Went-we water that big-to

Often, one *Ngaanyatjarra* word has a number of different meanings in English. A non-Aboriginal person may not know that those different meanings exist. Examples of *Ngaanyatjarra* words with multiple meanings in English include the following:

| | | |
|----------------|-------|---|
| <i>wanka</i> | means | “alive”, “awake” and also “uncooked” |
| <i>pungku</i> | means | “will hit” and “will kill” |
| <i>nyinaku</i> | means | “will sit”, “will stay” and “will live” |
| <i>pina</i> | means | “ear” and “mind” |
| <i>mirri</i> | means | “unconscious” and “dead” |

On the other hand, sometimes one English term has a number of different meanings in *Ngaanyatjarra*. For example:

“will hit” (1) *pungku* (will hit from nearby, using stick or hand)
(2) *yatulku* (will hit with a missile)

¹ A Glass *Into Another World: A Glimpse of the Culture of the Ngaanyatjarra People* Institute for Aboriginal Development, Alice Springs, Northern Territory, 1990.

“to choke” (1) *lirrimtanka* (to choke another person)
(2) *ngakalku* (to choke on something stuck in the throat)

The following examples show that linguistic and conceptual differences between *Ngaanyatjarra* and English can be very significant:

“[I]f one was cross-questioning a child...*nyuntulu-muntan pungu* ? ‘Did you hit him? (from nearby)’ the child might honestly answer ‘no’ because he had *yaturnu* ‘hit him with a stone’....

[T]he statement ‘a man has just died in the camp’ may cause some consternation if what was meant was ‘a man has just fainted in the camp.’”²

Ngaanyatjarra, like many traditional Aboriginal languages, has no formal system of quantification (numbers, time, distance, quantity etc). For example:

(a) Numbers: In the *Ngaanyatjarra* language, the numerical concepts consist only of:

| | |
|------------------|--------------------|
| <i>kutja</i> | ‘one’ |
| <i>kutjarra</i> | ‘two’ |
| <i>marnkurra</i> | ‘three’ or ‘a few’ |
| <i>pirni</i> | ‘many’. |

Larger numbers can be made by combining the smaller numbers e.g. *kutjarra-kutjarra* (‘four’) or *kutjarra-marnkurra* (‘five’).

(b) Time: *Ngaanyatjarra* words relating to time have a different area of meaning from the relevant English words.

For example, the English word “now” often means “right at this moment”. There are two *Ngaanyatjarra* words for “now”: *kuwarri* and *walykunya*. According to the context in which those words are used, they may mean any one of the following: “within the hour”; “sometime today”; “this week”; or “current times” (as opposed to “former times”)³.

(c) Time Spans: Time spans are referred to by natural phenomena. Thus, years are calculated by numbers of “hot seasons” (or more recently, by Christmases; months are counted by lunar months (*kirnara*). Weeks are counted by the number of Sundays (*wiiki*), and days by the number of sleeps (*ngurra, camp*)⁴.

Note: time spans are measured by the peak of the period. Thus, 15 months would be referred to as *kurli kutjarra* (two years) if it included two hot seasons.

Traditionally, *Ngaanyatjarra* people do not celebrate birthdays or count years for the purpose of calculating age.

² Glass, n 1, p 17.

³ Glass, n 1, p 18.

⁴ Glass, n 1, p 18.

Other *Ngaanyatjarra* concepts include:

(a) Seasons: the year is broken into four seasons:

| | |
|------------------------|-----------------------------|
| <i>kurli</i> | “hot season” |
| <i>wiltjanyina</i> | “sitting in the shade time” |
| <i>nyinninga</i> | “cold season” |
| <i>pirriya-pirriya</i> | “windy season” |

(b) Colours: *Ngaanyatjarra* colour terms correspond to the natural environment. Thus:

| | |
|-----------------------------|--------------------------------|
| <i>yukiri-yukiri</i> | green ('like grass') |
| <i>yilkari-yilkari</i> | blue ('like sky') |
| <i>mantaly-mantalpya</i> | brown ('earthy') |
| <i>yirnuntji- yirnuntji</i> | yellow ('like acacia blossom') |

(c) Adapted/Borrowed English Words: since the sound systems of *Ngaanyatjarra* and English are so different, *Ngaanyatjarra* adaptations of English words are difficult to understand. Since no *Ngaanyatjarra* words end in a consonant extra vowels, or the suffix *-pa*, will be added to an English word. This, for example, “town” becomes *tawunpa*.

As there is no “s” sound, an “s” appearing at the end of an English word usually will be replaced by an “rr” sound.

Where one language borrows a word from another, a false assumption may be made that the borrowed word retains its original meaning. In *Ngaanyatjarra* the word *tawunpa* (referred to above) has an expanded meaning which includes “settlement”, “city” and “house” as well as “town”⁵.

It is clear that both linguistically and conceptually, there are many significant differences between *Ngaanyatjarra* (and, by implication, Aboriginal languages generally) and Anglo-Australian English. As evidenced by the very different meanings of the English verb “to choke” in *Ngaanyatjarra*, a failure to comprehend those differences may have very serious implications for the conduct of criminal proceedings.

⁵ Glass, n 1, p 22.

5.2

COMMUNICATION STYLES

Language is often the first point of self-identification or of identification by others, and is the most patent form of communication. The power of language is not to be underestimated:

“We have to remember that talking, as well as ‘saying’ something to someone, is always... ‘doing’ something to someone.”⁶

The socio-cultural context of what has been said or written must be understood as clearly as are the literal meaning of words and grammatical constructions. Different cultural groups have different attitudes towards matters such as:

- forms of greeting and leave-taking;
- use of names and titles;
- deference to authority or seniority;
- eye contact;
- silence;
- sexual matters;
- modesty;
- shaming;
- swearing;
- physical touch;
- directness in speech and in asking questions;
- the right to seek and the obligation to impart knowledge.

Each of these of these differences, or a combination of them, may inhibit or prevent effective communication between Aboriginal and non-Aboriginal people.

5.2.1 Non-Verbal Communication

In face-to-face communication, a significant proportion of what is conveyed consists of para-linguistic or non-verbal communication. Tone of voice, facial expression, eye movement, gestures and posture are all highly significant elements of communication. In fact, any or all of those factors may convey the true nature of the interaction more accurately than do the words spoken⁷. Similarly, the manner in which people touch each other communicates powerfully.

Styles of non-verbal communication vary, and are interpreted differently, in different cultures. Since non-verbal communication has the power to affect the conduct of trial proceedings significantly, some differences in the non-verbal communication styles of Aboriginal and non-Aboriginal Australians are outlined below.

⁶ Ashforth T ‘Different Ways of Talking’ in Graham D, ed, *Being Whitefella* Fremantle Arts Centre Press, Fremantle, 1994, pp 38-49 at p 47; see also S Muecke ‘Lonely Representations: Aboriginality and Cultural Studies’ *Journal of Australian Studies* Vol 35 p 32 et seq, 1992.

⁷ J Braysich *Body Language* Braysich Enterprises, West Perth, 1979, p 3.

5.2.2 Eye Contact

An Aboriginal person may interpret direct eye contact with non-intimates as a sign of rudeness, lack of respect or even aggression. In Aboriginal society the avoidance of direct eye contact is intended to demonstrate politeness and respect⁸. In particular, a traditional Aboriginal person may avoid eye contact with persons of authority, such as police, court officers, magistrates or judges.

However, in non-Aboriginal society direct eye contact is usually perceived as a sign of confidence, honesty and politeness. The avoidance of eye contact may be interpreted as sign of dishonesty, insecurity, or lack of interest or respect⁹.

5.2.3 Silence

Silence is an important and valued part of communication between Aboriginal persons. It may indicate a desire to think about a matter, or a desire to become comfortable with a social situation. It may simply be a way of enjoying another's company in a non-verbal way.

However, in non-Aboriginal society silence tends to be negatively valued. Among non-intimates, silence may cause embarrassment and/or indicate that communication has broken down. In a legal context, silence may be viewed as being consistent with evasion, insolence, confusion, ignorance and/or guilt¹⁰.

5.2.4 Sign Language and Gestures

Sign language and gestures are significant aspects of communication in traditional Aboriginal culture¹¹. Sign language may be especially important in hunting and mourning practices. Many gestures are common to Aboriginal people throughout Australia, particularly those which are intended to identify relatives or other people. For example:

- touching a nipple means "mother";
- two arms, crossed over and held in front of the body(as if in handcuffs) means "policeman"¹².

Other, more subtle gestures are also common. In particular, movements of the eye, head and lips may be used to indicate direction of motion, or the location of a person or of an event being discussed. Such gestures, which may be common even among urban Aboriginal people, may not be noticed by non-Aboriginal people¹³.

⁸ D Eades *Aboriginal English and the Law* Continuing Legal Education Department of The Queensland Law Society Incorporated, 1992, p 47.

⁹ Departments of Justice, the Attorney-General and Aboriginal and Torres Strait Policy and Development *Aboriginal English in the Courts* Queensland Government 2000 (<http://www.justice.qld.gov.au/pdfs/AboriginalEnglish2.pdf>) p 38.

¹⁰ Eades, n 8, p 55.

¹¹ J de Hoog and J Sherwood *Working With Aborigines in Remote Areas* Mount Lawley College, Mount Lawley, 1979, p 78.

¹² Departments of Justice et al, n 9, p 37.

¹³ Eades, n 8, p 71.

Touch is commonplace between Aboriginal people, either to initiate conversation or in place of conversation. However, uninvited touch by a non-Aboriginal person may be interpreted as a sign of aggression.

5.3

CULTURAL BARRIERS TO EFFECTIVE COMMUNICATION

Certain powerful cultural principles may operate to hamper effective communication between Aboriginal and non-Aboriginal people, even when the Aboriginal person appears to speak English reasonably well. Dr Diana Eades, an anthropological linguist, has identified a number of barriers to effective communication between Aboriginal and non-Aboriginal people. These are outlined below.

5.3.1 Primacy of Family or Kin Relationships

Family and kin relationships are usually accorded priority in an Aboriginal person's life. That primacy may affect the capacity of an Aboriginal person to give evidence in court, particularly against relatives. It may distort notions of individual responsibility for actions, or create inappropriate feelings of responsibility or guilt¹⁴.

5.3.2 Direct Questioning

In Aboriginal culture, the privacy of another person's thoughts and feelings are respected. An unsophisticated Aboriginal person may have difficulty in answering direct questions, since indirectness is the preferred method of interaction. Similarly, such a person will not seek to obtain important information by direct questions¹⁵.

In traditional Aboriginal society personal or significant information is sought as part of a two-way exchange. It is characterised by the volunteering of information and then hinting for a response, which response might disclose the information sought. However, direct questions in relation to "background" matters, such as that of a visitor's relationship to another person, are acceptable.

In particular, unsophisticated Aboriginal people may have difficulty with direct questions which:

- (a) predetermine the answer (e.g. "yes/no" questions); or
- (b) require a person, place, date or time to be identified; or
- (c) require a detailed description; or
- (d) discourage a narrative-style answer.

These difficulties may be exacerbated in adversary-style court proceedings, in which questions tend to be direct and one-sided (that is, the questioner contributes nothing to the exchange). An Aboriginal person may experience difficulty in answering direct questions even in evidence in chief¹⁶. The application of the rules of evidence are likely to further impede effective communication.

¹⁴ Eades, n 8, p 92. See also Chapter Eight (Sentencing).

¹⁵ Thoughts and feelings may comprise the only real area of personal privacy for Aboriginal people, many of whom live in close physical proximity with one another, and spend significant time maintaining family and social relationships: Eades, n 8, pp 10-11.

¹⁶ Departments of Justice et al, n 9, p 13.

5.3.3 Gratuitous Concurrence

The term "gratuitous concurrence" refers to the tendency of a speaker to agree with a proposition or question which is put to him or her, regardless of whether the speaker truly agrees with that proposition or question. The speaker may not even have understood the proposition or question which has been put. An unsophisticated Aboriginal person is likely to "gratuitously concur" with a proposition put to him or her by a non-Aboriginal person, especially when the questioner is (or appears to be) in a position of authority. Gratuitous concurrence is properly characterised as a relationship issue, rather than a language issue¹⁷.

An Aboriginal person may gratuitously agree with a questioner as a means of conveying readiness for cooperative interaction:

*"Aboriginal English speakers often agree to a question even if they do not understand it. That is, when Aboriginal people say "yes" to a question it often does not mean "I agree with what you are asking me". Instead, it often means "I think that if I say 'yes' you will see that I am obliging, and socially amenable and you will think well of me, and things will work out well between us."*¹⁸

However, gratuitous concurrence may also signal feelings of hopelessness or resignation to the futility of a particular situation¹⁹.

5.3.4 Quantitative Specification: Numbers, Times, Distance

As shown in the discussion of the *Ngaanyatjarra* language (see 5.1.1, above) traditional Aboriginal languages do not contain formal systems of quantification. In traditional Aboriginal society, matters are specified or described in terms of geographical, climatic or social events or situations²⁰.

It is common for Aboriginal people to experience difficulty in specifying numbers, time or distances. Aboriginal people may use quantitative estimates vaguely, inaccurately or inconsistently; or may avoid using them at all²¹.

5.3.5 Specific Language Difficulties

Ms Dagmar Dixon, Coordinator of Interpreter Programs at Central Metropolitan TAFE in Perth²², has developed and taught Aboriginal interpreter programs in the Kimberley, Pilbara and Goldfields areas since 1993. Ms Dixon is familiar with the language difficulties commonly experienced by Aboriginal people in the remote areas of Western Australia.

Ms Dixon's experience confirms the existence of serious problems in Aboriginal understanding of English, both linguistically and conceptually. Those problems

¹⁷ Departments of Justice et al, n 9, p 14.

¹⁸ Eades, n 8, p 26.

¹⁹ Departments of Justice et al, n 9, p 14.

²⁰ Departments of Justice et al, n 9, p 15.

²¹ Departments of Justice et al, n 9, p 15.

²² Interpreting Aboriginal Languages Diploma courses are conducted in Kriol and nine Aboriginal languages at the School of Communication and Cultural Studies at Central Metropolitan TAFE in Perth. See Chapter Six and the Appendix to Chapter Six.

appear to be greater in Aboriginal communities which retain traditional language and lifestyle²³. Ms Dixon made a number of observations in notes sent to the author, which observations are listed below²⁴:

- An Aboriginal person's capacity to speak English should not be confused with his or her capacity to fully comprehend what is being said. Aboriginal people (like non-Aboriginal people) may experience considerable difficulty in understanding professional or bureaucratic "jargon"²⁵. Aboriginal people may also experience difficulty in comprehending unfamiliar concepts or language terms. Accordingly, it is very unwise to make assumptions about the extent to which an unsophisticated Aboriginal person understands what is being said.
- The lives of unsophisticated Aboriginal people are often principally concerned with everyday, practical matters. This is borne out by the fact that Aboriginal languages usually deal with concrete, rather than abstract, matters.

"Examples: the abstract question of '*How do you plead, guilty or not guilty?*' is generally expressed in concrete terms such as '*Did you do it or did you not do it?*', or '*Tell everything*' is expressed as '*Tell no lies*'."²⁶

- Effective communication may be further hampered by matters such as the following:
 - Aboriginal languages do not contain the concept of "understanding" (as in "comprehension"): the nearest is that of "knowing" (as in "being aware of");
 - Aboriginal languages usually do not contain collective nouns. Thus, rather than use the word "animal" -

"...the speaker must use the specific word for a particular animal, such as "*marlu*" (Wangatha for kangaroo) or "*nhimi*" (Wangatha for dog)."²⁷

- Many English words have no Aboriginal equivalent: for example –

"[T]he Aboriginal word "*paarlpa*" (Wangatha language) is used for "blood vessel". "tendon", "sinew" and any other "stringy bit" in the body.

The Wangatha word "*pika*" covers everything from pain to any type of injury and illness with the differentiation made by the context in which the word is used. E.g. "She had bruises on her back" is

²³ Personal interview conducted on 5 April 2001.

²⁴ The notes were received from Ms Dixon on 1 June 2001. Ms Dixon emphasised that although the points which she raised are particularly applicable to speakers of Aboriginal languages, they apply also to speakers of Kriol and to some speakers of Aboriginal English.

²⁵ For example, language and expressions used by the police, lawyers, the magistracy, the judiciary, court officers, health professionals and officers of Centrelink

²⁶ Notes, n 24.

²⁷ Notes, n 24.

expressed by “She was [*pika* + punching] on her back” and “He was wounded on the leg’ by “He had [*pika* + spear] on the leg”.²⁸

- Aboriginal English is spoken more widely throughout the State than is commonly realised by non-Aboriginal people.
- It may be impossible for an Aboriginal person to answer questions with sufficient precision:

“For example, whether something happened, say

- at 5:30 or 5:45 p.m. (“*on sundown*”)
- 500 or 800 km (“*far*”) or 10 or 20 km (“*not far*”) away
- with 15 or 25 people (“*big mob*”) present.”²⁹

- A number of English words used by Aboriginal people have a different meaning from the English meaning.

“For example, “cheeky” means “hot” (as in food); “camp” means “to live”; “kill” may simply mean “to hurt.”³⁰

- Each Aboriginal community has its own taboo words which must not be spoken under any circumstances. Taboo words are often everyday words e.g. the word “skin” is taboo in a certain Western Australian community.

²⁸ Notes, n 24.

²⁹ Notes, n 24.

³⁰ Notes, n 24.

5.4

ABORIGINAL ENGLISH: STRATEGIES FOR EFFECTIVE COMMUNICATION

A number of strategies for communicating effectively with speakers of Aboriginal English are suggested below. The sources for these strategies are Dr Eades' *Aboriginal English and the Law*³¹, and *Aboriginal English in the Courts*³², a publication based upon Dr Eades' works.

Note:

- (1) The principal works referred to above contain comprehensive information relating to grammar, pronunciation and other linguistic features of Aboriginal communication. These are not replicated in the notes which follow.
- (2) The strategies suggested below were devised principally for assistance of legal practitioners in interviewing Aboriginal persons. The strategies are included in the hope that on occasion they may prove useful to the judiciary.

5.4.1 Clear, Simple and Slow Speech

When communicating with a speaker of Aboriginal English who is not fluent in standard English, it is important to speak slowly and clearly. The use of simple words, simple sentence structure, and slow speech, will assist greatly in the communication process.

5.4.2 Ordinary Tone of Voice

An ordinary tone of voice, and everyday manner of speech, should always be used. Loud voices and/or harsh tones of voice suggest rudeness, aggression, or lack of respect. Especially in the courtroom context, a loud voice and/or a harsh tone may intimidate a speaker of Aboriginal English to the point that he or she is incapable of responding to the speaker.

5.4.3 Appropriate Name

At the earliest opportunity, ascertain the name by which the speaker of Aboriginal English wishes to be addressed. (As discussed in Chapter Two and Three, an Aboriginal person may be addressed by several names.) It may be helpful to note down a phonetic spelling of the name.

³¹ Eades, n 8.

³² Departments of Justice et al, n 9.

5.4.4 Indirect Questions: (1) Hint and Wait

An indirect approach to asking questions of a speaker of Aboriginal English is often the most successful.

The first "indirect" approach is a two-step one:

- (1) hint at the information which you are seeking: for example:

"I'm wondering whether you were at that house"; or
"I need to know whether you were at the house";

then -

- (2) allow the Aboriginal person sufficient time to consider the hint given, and to respond. It is important not to become impatient or to push for a quick response³³.

5.4.5 Indirect Questions: (2) Make a Statement and Await Confirmation or Denial

This method is similar to the first. It requires the questioner to:

- (1) volunteer appropriate information, for example:

"It seems as if you were at the house"; or
"I think that maybe you were at the house"; or
"Maybe you were at the house";

then -

- (2) remain silent, and wait for confirmation or denial of the statement.

Note: this approach must be used carefully. If this approach merely disguises a direct question, it is likely to trigger "gratuitous concurrence"³⁴.

5.4.6 Indirect Questions: (3) Frame a Question as a Statement

Apparently the third method is especially effective. The question is framed as a simple utterance, with a rising intonation. For example:

"You were outside the house?"; or
"You were outside the house, eh ?";

A variation on this approach is to make a statement, then follow it with a short question, such as:

"You were outside the shop. Is that right ?"³⁵

Then sufficient time for the answer to be given should be permitted.

³³ Departments of Justice et al, n 9, p 13.

³⁴ Eades, n 8, p 51.

³⁵ Eades, n 8, p 43.

5.4.7 Avoid “Either-Or” Questions

“Either-or” type questions (that is, questions which ask the respondent to choose between one of two alternatives) may be confusing. Often, the answer given by an Aboriginal person will refer to the second alternative which has been suggested. Thus, rather than asking “Were you at the house or at the pub ?” it may be better to say:

“Maybe you were at the shop. Maybe you were at the pub. Tell me where you were then?”; or simply -

“Where were you then ?”

5.4.8 Suggested "Don'ts"

- Don't attempt to speak Aboriginal English. Attempts by non-Aboriginal English speakers to speak Aboriginal English may be interpreted as mocking or patronising³⁶.
- Don't “correct” the speech of a speaker of Aboriginal English.
- Don't use long and/or complex sentence constructions.
- Don't use figurative speech. An expression such as “as clear as mud”, or “raining cats and dogs” may confuse a speaker of Aboriginal English.
- Don't ask negative questions, such as “You didn't do that, did you ?” Such questions may easily confuse a speaker of Aboriginal English.

5.4.9 Respect and Consideration

The demonstration of respect and consideration for persons who are not fluent in standard English is of paramount importance. A raised voice and/or manifest exasperation may make the speaker of Aboriginal English feel frightened, confused and angry.

³⁶ de Hoog, n 11, p 74.

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