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'Deaf by God' tried in Old Bailey records

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Deaf people on trial were granted the right to an interpreter as early as 1725, according to Old Bailey records examined by UCL (University College London) scientists. The use of family and friends to interpret court proceedings later switched to deaf teachers and eventually written testimony, which may have disadvantaged the less educated 'deaf and dumb' at the very time that British Sign Language was emerging.

The study, published in the latest issue of the journal Sign Language Studies, charts the history of signing and interpreting in court proceedings pulled from Old Bailey records online. UCL researchers examined 30 trials in the eighteenth and nineteenth centuries where the defendant or a key witness was deaf or dumb.

Although officially the term 'sign language interpreter' was coined in the late twentieth century, from the 1700s family, friends, missionaries, teachers, and later social workers undertook this role in court. The first record of a court interpreter appears in 1771 in the case of James Saytuss, otherwise known as 'Dumb O Jemmy,' who was tried and convicted of stealing, amongst other things, two silver candlesticks and a pair of women's shoes. A person whose name is not given, but with whom James had formerly lived as a servant, was sworn interpreter and used signs to explain the proceedings to James.

In the early nineteenth century a shift occurred from the use of people with personal knowledge of the deaf person, to the use of teachers in deaf schools. The first school for deaf children in Britain was established in Edinburgh in 1760. It later moved to Hackney in London, where it became the London Asylum for the Deaf and Dumb in 1792.

The creation of such schools gave deaf children their first opportunity to come together, enabling them to fully develop a sign language and create their own community.

At the same time deaf people began to present their evidence in written form, presumably a reflection of the setting up of formal

education. In parallel with this, court proceedings changed: with no requirement that defendants be able to understand the proceedings or evidence against them, interpreters were no longer sworn in, and they were not described as interpreters. Deaf defendants who were unable to submit written testimony may have been considered not to have full access to a language; those who had not been educated would have communicated through gestures or home signs; thus, their status may have declined paradoxically as opportunities for education increased.

Professor Bencie Woll, Director of the UCL Deafness, Cognition and Language Research (DCAL) Centre says: 'With the release of Old Bailey records online, we have been able to explore the treatment of 'deaf and dumb' people by the legal system in the eighteenth and nineteenth centuries. Many of the issues raised are pertinent today, including finding interpreters for signing deaf people in the courts. In many cases, family and friends were used as well as employers (masters to deaf servants). Later, we see teachers from the London Asylum for the Deaf and Dumb, founded in 1792, being brought in to communicate in the courts.

'The central criminal court appears to have had quite an enlightened view, even though there is little evidence that these people 'dumb by the visitation of god' were using a fully fledged sign language. The court usually held no objections to signing, gesturing and motioning, provided that this could be interpreted to the satisfaction of the jury.

This rationale still operates largely today, where people are brought in to interpret for deaf people without necessarily being qualified or registered with a professional body.

'British Sign Language can trace its roots to the creation of formal deaf education, the irony being that as deaf children received greater education and as BSL became a full language, the status of 'deaf and dumb' people appears to have declined in the courts, just as their language and community were beginning to develop.'

The earliest British account of signing dates back to a wedding in 1575, where the groom used signs during the ceremony. Samuel Pepys's account of the great fire of London in 1666 refers to a 'dumb' boy who describes the fire using 'strange signs.' This 'home signing,' as it is known, was an ad hoc gesturing system developed by deaf children which would not have been passed down generations or across deaf communities.