

INTERPRETERS IN THE COURTROOM: THE IMPORTANCE OF COMPETENCE AND QUALITY

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Abstract: Court interpreting is becoming an increasingly important issue in Translation Studies and interpreting research. The article will be devoted to the analysis of the concepts of competence and quality and their manifestation in the court interpreter's work. It is assumed that the interpreter's competence is accomplished in three basic fields, i.e., linguistic (embracing the perfect command of the mother tongue and the foreign language), cultural (knowledge on two cultural realities) and cognitive (combining such cognitive factors as intelligence, experience, general knowledge or motivation). Quality is the concept in interpreting closely related with successful performance and communication (with all its aspects). The attempt at quality description, apart from subjective impressions resulting from our understanding of the importance of features that good – competent – translation and effective communication should have, cannot be devoid of focusing on three principal factors, i.e., the interpreter (as the text author/ producer), interpreting process and product, which is the result of this process and involvement (and competence) on the part of the interpreter. All the above aspects pose a real challenge for the court interpreter.

Abstrakt: Tłumaczenie sądowe (ustne) staje się coraz istotniejsze w badaniach nad przekładem w ogóle i tłumaczeniem ustnym w szczególności. Artykuł poświęcony jest analizie takich pojęć jak kompetencja i jakość oraz ich realizacja w pracy tłumacza sądowego (przysięgłego). Przyjęto założenie, że kompetencja tłumacza jest realizowana w trzech głównych domenach, a mianowicie językowej (obejmującej doskonałą znajomość języka obcego i ojczystego), kulturowej (wiedza dotycząca dwóch rzeczywistości językowych) oraz kognitywnej (łączącej takie czynniki poznawcze jak inteligencja, doświadczenie, wiedza ogólna czy motywacja). Pojęcie jakości w przekładzie ustnym jest ściśle związane z dobrym tłumaczeniem i skuteczną komunikacją. Próba opisu jakości powinna również koncentrować się na trzech głównych filarach tłumaczenia, a zatem na tłumaczu (jako autorze/twórcy tekstu), procesie tłumaczeniowym i jego produkcie z tego procesu wynikającym oraz zaangażowaniu i kompetencji tłumacza. Powyższe aspekty stanowią prawdziwe wyzwanie dla tłumacza sądowego (przysięgłego).

The concepts of translation competence and quality

The generally accepted definition of translation competence assumes the ability to express the source language message in the target language on all language levels, also including cultural elements present in the text or utterance. This transfer is to be accurate and should reflect the complexity of the original. In this article we approach competence as a system of knowledge (both declarative for storing patterns and rules, and procedural for storing rules, procedures and strategies; cf Sternberg 1999), mechanisms

of information processing, decision-taking, problem-solving and other cognitive factors such as memory or intelligence; moreover, culture and communication are equally important for translation performance.

The variety of approaches towards competence in translation is manifold. All of them can be slightly arbitrarily divided into a number of categories that are based on concepts significant for the operation of competence. Hönig (1991) stresses the importance of inherent and inborn translation competence, and Toury (1995) puts emphasis on inborn predispositions; Snell-Hornby (1992) focuses on the integration of culture and language in translation. Due to space limitations these approaches, vital in the development of theories on translation competence, shall be only signalled.

Hönig (1991) distinguishes between inborn translation competence understood as the activation of scenes and frames (in line with Fillmore 1977) by means of the source text and automatic linking with lexical units and syntactic structures of the target text. Thus problem-solving strategies form an integral part of all translation tasks, and for that reason inborn translation competence is (or rather should be) accompanied by strategic competence; these two create general translation competence. In Hönig's view, translation competence is transfer competence (and the very term of translation competence is restricted to the acquired strategic and general translation competence). Transfer competence should be monitored and should operate as a macrostrategy which is adopted by the translator/interpreter and refers to the entirety of the translation task in order to comply with the needs of the client or translation commissioner and with specific translation goals (which is in harmony with the functionalist approach to translation that Hönig postulates).

Toury (1995) sees competence as a realisation and effect of inborn predispositions, which results in the concept of 'native translator' (for further elaboration on the concept see Toury 1995). He also stresses that competence resultant of professional development might be related with a specific nature of translation tasks; this requires from the translator/interpreter the creation of an entire system of problem-solving strategies that might occur while translation. This system may help the translator/interpreter to avoid errors or generate such problem-solving strategies that allow to spare time and energy for more difficult elements (thus compensating, for instance, for the lack of specialist knowledge, memory load, etc.)

Snell-Hornby (1992) perceives translation competence in relation to the role of language, as it is a part of a larger realm, on which the translator/interpreter operates; other parts include general and specialist knowledge, experience and cultural competence. Thus the main objective for the translator/interpreter are not lexical and syntactic units (such as words or phrases), but texts, and translation competence is manifested in verbalisation of cultures, in which a given text is to function.

Therefore, approaches to translation competence focus on a variety of its manifestations that are considered as priority, depending on the branch of translation studies, or research interests, on which scholars concentrate. This relation might be perceived as resultant of the general concord as to their relevance for the

translator/interpreter. The presence of a number of competence elements tends to yield various component models of translation competence propounded by such scholars as Nord (1997) and her functionalist approach, and Pym with his concept of transfer competence (1992). Problem-solving strategies were the focus of competence research done by Krings (1986), Lörcher (1991, 1992), Wilss (1996), Kiraly (2000), whereas cognitive and psychological factors were strongly emphasised by Shreve (1997) and Risku (1998). Risku presented an interesting model of translation competence, in which we can observe the operation of mechanisms controlling cognitive processes in translation. She refers, similarly as Hönig (1991), to Fillmore's (1977) scenes-and-frames semantics and highlights the role of scenes in building microstrategies (i.e., strategies embracing smaller parts of the translation task) and frames for externalising information as well as their importance for the translator's self-reflection. This model embraces four synergistic fields: planning and decision making, information integration, constructing macrostrategies (for dealing with texts as a whole) and, finally, organisation.

The above deliberations allow us to postulate a number of components of translation competence, without which its operation and manifestation in a variety of realms would not be possible. These components encompass: knowledge (linguistic, extralinguistic including cultural one) and access to specialist knowledge, the ability to understand and analyse the source text, experience, professional ethics, the ability to choose one optimal option out of a whole range of possible options and a variety of cognitive factors such as intelligence, creativity, motivation, self-confidence, strategies of problem-solving and decision-making and development of automatic mechanisms. Thus competence can be reduced to the three domains: linguistic, extralinguistic and cognitive; these domains are vital and indispensable for the operation of translation competence.. The growing number of terms and definitions relating to translation competence may result in its increasing vagueness as the concept per se is extremely useful; it tends to be a cover-term for all manifestations of successful translation performance.

The aforementioned domains might be conceptually connected in order to postulate a tentative definition of translation competence as perceived in the light of this article: translation competence is a complex socially- and culturally-determined cognitive operation which allows to transform and process texts in order to transfer meaning; this transfer requires knowledge and experience. The transfer of meaning must be effective, i.e., the meaning is to be conveyed on all language levels and in all related domains. This efficiency results from the interpreter's competence that is manifested in his or her (high) quality performance.

The concept of quality has been one of pivotal issues in translation and interpreting research, and it became the focus of interest of researchers only as late as in the 1980s. The lack of a clear, unambiguous and, first of all, one definition of quality resulted in a whole spectrum of potential suggestions and postulates concerning this concept. Empirical research aiming at specification of quality and its parameters was conducted by such scholars as Bühler (1986), Kurz (1989, 1993), Marrone (1993), Kopczyński (1994), Moser (1995), Mesa (2000), Kadric (2000) or Pöchhacker (2000). What is worth noting is the fact that the research made a distinction between quality evaluation perspectives: there were interpreters themselves and interpretation users (listeners).

For the absence of space in this article we are not going to discuss the above research; their general conclusions showed that quality in interpreting tends to be evaluated rather subjectively due to various expectations of participants of an interpreting event. Nevertheless, a few criteria vital for quality evaluation might be distinguished such as clarity, accuracy, precision and sense consistency with the original message. Moreover, since quality in interpreting is viewed as effective communication (see Viezzi 1996), four main pillars responsible for its operation are (again) accuracy, appropriateness, equivalence and usability (Pöchhacker goes along the same lines and lists adequacy, accuracy, equivalence and (communicative) success as key pillars of effective and high-quality interpreting; see Pöchhacker 2002). Thus the domains of information, function, interaction and context are 'operation areas' of quality. The process of establishing or specifying standards that professionals should adopt has been changing dynamically, therefore at present it would be rather difficult to determine any binding criteria for quality assessment. This assessment seems to be based on an entire spectrum of methods that do consider varying expectations and needs of users.

In efforts aiming at defining quality we should concentrate on a triad of factors vital for successful performance, i.e., the interpreter (as the author/ producer of the text), the interpreting process and the interpreting product. The product itself is the final stage in the quality-operation mechanism as it is the stage in which quality of the interpreter's performance is revealed. This quality is the result of the operation of the aforementioned linguistic, extralinguistic and cognitive domains. The interpreting product is subject to quality-oriented assessment (including also formal requirements such as professional standards or codes of ethics in force). The interpreting process encompasses specific stages of the process (e.g., preparation for the task, information collection and research).

The notion of quality is inevitably related with standards and requirements that professional interpreters should observe. These rules – or codes of ethics – vary from one country to another, or – in case of court interpreting – from one court to another, yet there are some universal and commonly binding features that can be distinguished. An interesting distinction was postulated by Mikkelsen (2000, 2008); she listed four key characteristics of professional interpreter, i.e., fidelity, impartiality, confidentiality and, finally, professional conduct.

Fidelity refers to the necessity, or rather obligation, to transfer the entire meaning of the message uttered by the speaker. The interpreter is not allowed in this sense to alter, add or omit anything contained in the utterance. This obligation is not only of professional nature but, most of all, of legal one. The text translated into the target language is to contain all elements (both linguistic such as grammatical or lexical structures, and non-linguistic such as body language, voice tone or pauses in speech) that occur in the original. Another duty of the interpreter in this respect is to report any problems with faithful interpretation (e.g. too high tempo of speech, no breaks while interpreting, too long sentences or speech fragments that are a burden to memory).

Impartiality is the feature that should be inherent to all interpreters at all times, regardless of the venue of an interpreting event. The interpreter, and the court interpreter in particular, should be impartial and neutral, and his or her personal stance on certain case-related issues should not affect his or her performance (see Gile 1995 for his term

‘rotating side-taking’ applied for shifting loyalty while interpreting). In court interpreting, as parties to the case might be in conflict and tend to distrust one another, the interpreter is in control of the communicative situation and must interpret everything in a precise and accurate manner so as to provide both parties with a conviction that nothing what is said and interpreted is distorted or altered.

As far as confidentiality is concerned, the court interpreter should never either disclose or take benefit of the information obtained in his or her work. This rule requires from the interpreter to avoid making any comments in public on issues or cases they are to interpret.

The last feature, i.e., professional conduct, refers to respecting the court and its protocol; it also concerns the ability to cooperate with other interpreters, providing them with support if necessary or seeking help with others. The interpreter should also be honest and perform tasks for which he or she has appropriate qualifications; if they accept a given assignment they should be adequately prepared by means of doing any necessary research and collecting vital information. This is strictly related with the obligation of every interpreter to be motivated to develop constantly and broaden their knowledge through, e.g., taking part in conferences, professional symposiums and meetings, exchanging experiences and ideas with other professionals and being up-to-date with literature on a specific field, in which they specialise.

From the above we might infer a claim that requirements concerning interpreters in general, and in the context of this article court interpreters in particular can be subsumed under the following headings: perfect command of both languages, constantly extended knowledge (general and specialist/legal), knowledge of (textual) conventions which is especially important in the very formal and formalised domain of law and, last but not least, professional ethics. Yet, for few decades now, interpreters have been facing a new challenge, namely, community interpreting. Since the area of community interpreting shall stay beyond the frameworks of this article, we will only very briefly refer to the priority of community interpreting, i.e., successful communication between parties of (unequal) status. As Garber says:

„The community interpreting has arisen from a completely different tradition than conference and diplomatic interpreting. In many countries, the tradition out of which the community interpreting has risen is one of social justice and equity. Underlying the development of community interpreting is the recognition that many individuals are deprived of access to services to which they are entitled because they do not speak the language of the institution or service provider” (Garber 2000, 13).

Thus the objective here is to enable communication between representatives of (usually state) institutions and foreigners without the knowledge of a given official language. This occurs in a variety of circumstances such as welfare and healthcare centres, courts, or police, to name but a few. The role of the community interpreter assumes not only gap-bridging between various cultures and languages but also building (or re-building) relations between participants of a communicative (interpreting) event that would be based on equality. Court interpreting really does share some characteristics with community interpreting in that it is work performed, for which the interpreter is paid, and this work is done in the above mentioned welfare or healthcare centres, etc. The problem with equality-based relations on the part of the interpreters is connected with the

conviction interpreters might have at times that they are not treated as professionals, as a conviction is still well rooted among certain environments connected with the judiciary that interpreters should be passive and unobtrusive ‘transmitters’ of messages between two languages in a courtroom (also see Niska 1995 and 2007).

One of the features mentioned earlier, i.e. impartiality (or neutrality) of the interpreter “does not exclude having a sense of responsibility for the people one works with” (Niska 1995, 314). Professional court interpreters, apart from broad linguistic and extralinguistic knowledge that we referred to before, should also possess good communicative and technical skills (including the knowledge of a variety of techniques and strategies useful for successful interpreting performance). Undoubtedly, they are experts in communication between cultures, even if this sometimes requires interference and a dose of obtrusiveness. This is all done for the sake of effective communication. The research done by Hale (2008) showed how this effective communication may be achieved through the interpreter’s adoption of certain roles. She postulated five roles the (court) interpreter may take.

The first role is the role of the advocate for the minority language speakers (MLS), in which – as MLS are not only unfamiliar with the languages, but also with the system (including the legal one) and the culture of a given country – the interpreters become advocates, and instead of interpreting alone, they rather tend to be spokespersons for MLS. The general assumption is that MLS are discriminated against by institutions of a given state and the interpreter is supposedly expected to add additional information, to moderate utterances if they are perceived as slightly aggressive, to make the speech of MLS more logical and their statements more reliable.

The second role is the role of the advocate for the institution or the service provider. While adopting this role the interpreter respects the needs and expectations of either the institution or the service provider rather than those of the client. Thus the interpreters tend to omit those fragments of MLS’ utterances which they consider to be illogical, incoherent or irrelevant in connection with a particular case. Similarly, they ignore the MLS’ need to understand everything what is going on in the courtroom and they do not perform whispering interpreting.

The role of the gatekeeper refers to the interpreter exceeding his or her scope of responsibilities and instead of interpreting when a question is asked and an answer given, they tend to omit vital information or provide information or advice having no proper training.

The interpreter acting in his or her fourth role, i.e., the facilitator of communication, combines roles 1 and 2 as he or she wants to offer support to both parties in the case so that they could communicate in an effective way, and they accept responsibility for achieving this purpose.

The last role of the faithful renderer of others’ utterances is suggested by all professional codes of ethics. On the other hand, this faithful rendition might sometimes result in certain misunderstandings, since word-for-word translation is not faithful in the sense that it does not give the idea of the original meaning (see Mikkelsen above). Professional interpreters are cognisant of nuances of meaning and of the importance of transferring culturally-rooted elements in the message. Thus the responsibility of the interpreter is to understand the intention (even implied) of the speaker and attempt at its

conveyance which would be as accurate and faithful as possible. Obviously, the result of these efforts might be perceived as subjective, therefore the interpreter should strive at being “faithful to their own interpretation of the original utterance, as that is the best they can be expected to do” (Hale 2008, 115).

The adoption of a particular role by the interpreter affects the entire interpretation process and product; it also yields consequences as to the communicative interaction between parties or participants of an interpreting event. Faithful rendition in line with Role 5 assumes efficient training and good preparation on the part of the interpreter, provided that working conditions also play a certain role and they do affect performance as well. Therefore, the more linguistically skilled, the more culturally-aware and well-trained the interpreters are, the better, more accurate and effective their performance will be.

Conclusions

Court interpreting is undoubtedly a demanding and challenging task. In some cases it is a combination of translation (should the need arise) and interpreting with all potential problems related with differences between those two modes, with differing specificities of the job, and with a variety of areas to be covered. It requires the knowledge of an entire spectrum of fields and domains, not to mention the legal one, which in this particular type of the interpreter’s work is especially important. The need for constant development, improvement of one’s skills and learning is a burdening task as it is to be done throughout the entire active professional life. Training and exchange of experience with other colleagues and professionals is an inherent part of this life-long-learning. The observance of formal rules cannot be in conflict with fidelity to the original meaning, and for that reason the interpreter applies a variety of translation strategies. The interpreter is always neutral (or at least tries to remain as impartial as possible) and all information obtained while performing the task is kept secret. The professional interpreter is aware of the load of responsibility for the interpreting success, i.e., effective communication which is enabled owing to his or her competence that is manifested in high quality of their performance. The above profile of the interpreter seems to be an ideal or even an idealised one, yet professionals should always strive at achieving the top possible standard in their work. This is, to a large extent, a guarantee of equality and justice in the courtroom, and thus the importance of the interpreter’s competence and quality is vital.

Bibliography

- Bühler, Hildegund. 1986. Linguistic (semantic) and extra-linguistic (pragmatic) criteria for the evaluation of conference interpretation and interpreters. *Multilingua* 5, 4: 231 - 235.
- Fillmore, Charles, J. 1977. “Scenes-and-frames semantics”. In *Linguistic Structures Processing*, ed. A. Zampolli, 55-81. Amsterdam: N. Holland.

- Garber, N. 2000. "Community Interpreting: A Personal View". In *The Critical Link 2: Interpreters in the Community*, eds. R. Roberts, S. Carr, 9-20. Amsterdam/Philadelphia: John Benjamins.
- Gile, Daniel. 1995. *Basic Concepts and Models for Interpreter and Translator Training*. Amsterdam: Philadelphia: John Benjamins.
- Hale, Sandra. 2008. "Controversies over the role of the court interpreter". In *Crossing Borders in Community Interpreting*, eds. Carmen Valero-Garces and Anne Martin, 99-121. Amsterdam/ Philadelphia: John Benjamins.
- Hönig, Hans. 1991. "Holmes' "Mapping Theory" and the Landscape of Mental Translation Processes". In *Translation Studies – the State of the Art Proceedings of the First James. S. Holmes Symposium on Translation Studies*, eds. K. Van Leuwen-Zwart, and T. Naaijken, 77-89. Amsterdam-Atlanta: Rodopi.
- Kadric, Mira, Klaus Kaindl and Franz Pöchhacker. 2000. *Translationswissenschaft*. Tübingen: Stauffenburg Verlag.
- Kiraly, Don. 2000. *A Social Constructivist Approach to Translator Education. Empowerment from Theory to Practice*, Manchester: St Jerome Publishing.
- Kopczyński, A. 1994. "Quality in conference interpreting: Some pragmatic problems". In *Bridging the gap. Empirical Research in simultaneous interpretation*, eds. Sylvie Lambert and Barbara Moser-Mercer, 87-100. Amsterdam: John Benjamins.
- Krings, P. 1986. „Translation Problems and Translation Strategies of Advanced German Learners of French“. In *Interlingual and intercultural communication, discourse and cognition in translation and second-language acquisition studies*, eds. Juliane House and Shoshana Blum-Kulka, 263-276. Tübingen: Gunter Narr Verlag.
- Kurz, Ingrid. 1989. "Conference Interpreting: User Expectations". In *Coming of Age: Proceedings of the 30th Annual Conference of the American Translators Association*, ed. D.L.Hammond, 143-148. Medford/New Jersey: Learned Information.
- Kurz, Ingrid. 1993. Conference Interpretation: Expectations of different user groups. *The Interpreter's Newsletter*, 5. Università degli Studi di Trieste, SSLM. 13-21.
- Lörscher, Wolfgang. 1992 "Form- and Sense-Oriented Approaches to Translation". In *Translation and Meaning, part 2*, eds. Barbara Lewandowska-Tomaszczyk and Marcel Thelen, 403-414. Rijkshogeschool Maastricht. Faculty of Translation and Interpreting. part 2.
- Lörscher, Wolfgang. 1991. *Translation Performance, Translation Process, and Translation Strategies*, Tübingen: Gunter Narr Verlag.
- Marrone, S. 1993. Quality: A Shared Objective. *The Interpreter's Newsletter*, 5, 35-41.
- Mesa, A.-M. 2000. "The Cultural Interpreter: An Appreciated Professional. Results of a Study on Interpreting Services: Client, Health Care Worker and Interpreter Points of View". In *The Critical Link 2: Interpreters in the Community*, eds. Roda Roberts and Silvana Carr, 67-79. Amsterdam/Philadelphia: John Benjamins.
- Mikkelsen, Holly. 2000. *Introduction to Court Interpreting*. Manchester: St Jerome Publishing.

- Mikkelson, Holly. 2008. "Evolving views of the court interpreter's role: Between Scylla and Charybdis". In *Crossing Borders in Community Interpreting*, eds. Carmen Valero-Garces and Anne Martin, 81-97. Amsterdam/ Philadelphia: John Benjamins.
- Moser, P. 1995. Simultanes Konferenzdolmetschen. Anforderungen und Erwartungen der Benutzer. Endbericht, im Auftrag von AIIC. Wien: SRZ Stadt- und Regionalforschung.
- Niska, Helge. 2007. „From helpers to professionals: training of community interpreters in Sweden“. In *The Critical Link 4. Professionalisation of interpreting in the community*, eds. Cecilia Wadensjö, Birgitta Englund Dimitrova and Anna-Lena Nilsson, 297-310. Amsterdam/Philadelphia: John Benjamins.
- Niska, Helge. 1995. "Just Interpreting: Role Conflicts and Discourse Types in Court Interpreting". In *Translation and the Law*, ed. Marshall Morris, 293-316. Amsterdam/ Philadelphia: John Benjamins.
- Nord, Christiane. 1997. *Translating as a Purposeful Activity. Functionalist Approaches Explained*. Manchester: St Jerome Publishing
- Pöchhacker, Franz and Miriam Schlesinger. 2002. *The Interpreting Studies Reader*. London/New York: Routledge
- Pym, Anthony. 1992. *Translation and Text Transfer*. Frankfurt am Main: Peter Lang.
- Risku, Hanna. 1998. *Translatorische Kompetenz. Kognitive Grundlagen des Übersetzens als Expertentätigkeit*, Tübingen: Stauffenburg Verlag.
- Shreve, Gregory, M. 1997. "Cognition and the Evolution of Translation Competence". In *Cognitive Processes in Translation and Interpreting*, ed. Joseph H. Danks et al., 120-137. Thousand Oaks, London, New Delhi: Sage.
- Snell-Hornby, Mary. 1992 "The professional translator of tomorrow: language specialist or all-round expert?". In *Teaching Translation and Interpreting: Training, Talent and Experience*, eds. Cay Dollerup and Anne Loddegaard, 9-22. Amsterdam and Philadelphia: John Benjamins.
- Sternberg, Robert. J. 1999. *Cognitive Psychology*, Fort Worth: Harcourt Brace College Publishers.
- Toury, Gideon. 1995. *Descriptive Translation Studies and Beyond*. Amsterdam/Philadelphia: John Benjamins.
- Viezzi, Maurizio. 1996. *Aspetti della Qualità in Interpretazione*. Trieste: SSLMIT.
- Wilss, Wolfram. 1996. *Knowledge and Skills in Translator Behavior*. Amsterdam/ Philadelphia: John Benjamins Publishing Company.

