

**Legal Interpreters' Self-perceptions of their Roles and Responsibilities in the
British Judicial System**

Zhai Liu

PhD

**University of York
Education**

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Abstract

This study investigates legal interpreters' perception of their roles in the British judicial system through three steps. The exploration began with legal interpreters' role, which is the vital foundation of legal interpreting. Then, the definition, constitution, and approaches of legal interpreter's main role, providing accurate and faithful renditions of original utterances, were explored. The investigation ended with the most prominent moral dilemmas and practical difficulties obstructing legal interpreters' effective delivery of their role. Data is collected through a mixed methods approach using questionnaires and semi-structured interviews with qualified interpreters on the National Register of Public Service Interpreters (NRPSI) and written interviews with six legal practitioners.

Findings reveal that communication facilitator and faithful renderer of original utterances were the best descriptions of the legal interpreter's role, according to their own perceptions. However, understanding of this aspect and the establishment of a clear professional status of interpreters have not been achieved across the British judicial system. Interpreters in this study were in general agreement on the concept of accurate interpretation and faithful reflection of the main linguistic content as well as the original pragmatic strength in the target language rendition. However, they reported divided views regarding the treatment of each pragmatic element of speech. Reflections on difficulties fall into five main areas of insufficient contextual information, linguistic challenges, complicated legal procedure, lack of understanding of the interpreting profession and emotional challenges. However, various parties in the current legal context have not recognised these difficulties. Interpreters pointed out the importance of addressing these issues in the training process for both interpreters and legal practitioners and setting up an interpreter support regime.

Findings may help to identify gaps in the existing certification process and training courses helping legal interpreters to be equipped with knowledge and solutions to be better prepared for various challenging situations.

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Author's Declaration

I hereby declare that the work contained in this thesis is my own and has not previously been published with the exception of the following publication (see below). Additionally, it has not previously been submitted for an award at this, or any other University. All sources are acknowledged as References.

Liu, Z. (2015, June). *An investigation of the legal interpreters' level of Professional recognition and the understanding of their roles and functions in the British judicial system*. Paper presented at the Tenth Conference on legal Translation, Court Interpreting and Comparative Legilinguistics (Legal Linguistics), Poznan, Poland.

Chapter 1: Introduction

1.1 Background of the study

Contemporary society is experiencing growth and the expansion of international trade, commerce, travel and immigration. The United Kingdom has also been affected by the influx of immigrants from various backgrounds and in varied roles such as official government visitors, businesspeople, students, tourists, other skilled immigrants and asylum seekers. Some of these people come with limited English language skills and require the service of an interpreter. Therefore, the social demand for interpreters as an intermediary to facilitate communication and to overcome cultural and/or linguistic barriers is expanding more than ever before.

Although generally linked with international diplomatic activities in the minds of the public, interpreting is critically necessary in a variety of other settings. These may involve official meetings, business conferences, sightseeing and tourism, medical appointments, and legal proceedings. Garzone and Viezzi (2002) point out that recognising interpreting as more than just conference interpreting is a major development in the field. Interpreting in the public service context has received increased recognition from scholars since the 1990's (Garcés & Martin, 2008). Phelan (2001) categorises the profession of interpreting into conference interpreting and community interpreting or public service interpreting, according to their specialities. Conference interpreters practice in conferences and meetings at the international level “simultaneously” or “consecutively” (Taylor-Bouladon, 2007). Interpreters working in the community or public service sectors offer face-to-face or telephone interpretation in the contexts of health, social services, law and education (Phelan, 2001). The UK uses the term Public Service Interpreting, which belongs to the second category.

This thesis is based on legal interpreting in the British judicial context. It applies to all situations when an interpreter is required for “a participant in a legal proceeding does not speak or understand English, the official language of the legal proceedings” (Benmaman, 1992, p. 445). Therefore, in the current thesis, it refers to an inclusive domain of interpreting at every stage of the legal process in any law

enforcement setting covering the courtroom, police stations, law firms, prison services, probation services and immigration tribunals, etc.

1.2 Background of the researcher

The researcher practices as a public service interpreter in the UK. She was accredited with the Diploma in Public Service Interpreting (DPSI, law option) and has been registered on the National Register of Public Interpreters (NRPSI) since 2010. In her practice, she has encountered a variety of challenging situations and has realised the complexity of legal interpreting and the pressure interpreters face. This led to the realisation that the training programme she attended could only prepare her for the examination—it was insufficient training for practice—and the further reflection that this situation may apply to other similar training courses. Furthermore, she was unable to find guidance or solutions for practical issues from current legislation or the Professional Code of Conduct. These experiences motivated the researcher to conduct an in-depth exploration of the profession of legal interpreting.

1.3 Significance of the study

This study intends to investigate legal interpreters' self-perceptions of their roles to enhance our understanding of the nature and the complexity of the profession and the experience of those who practice it. In line with these aims, answers to the following main research question and two subsidiary research questions (RQ) have been sought in this study:

What are legal interpreters' perceptions of their roles and responsibilities?

1. What is legal interpreters' understanding of faithful and accurate interpreting?
2. What are legal interpreters' perceived most prominent challenges in their practice?

The main RQ attempts to address the foundation of the profession of legal interpreting, interpreters' roles. It is vital that everyone engaged in the interpreted legal process has a clear understanding of the interpreters' responsibilities (González, Vasquez, & Mikkelsen, 1991) because it affects attitudes and expectations towards interpreters. In this study, the researcher wants to understand interpreters' perceptions from a practitioner's side. The way interpreters see themselves influences how they carry out their practice. Sub-question 1 focuses on legal interpreters' main responsibility, accurate and faithful interpretation. Investigating practitioners' perceptions of accuracy in legal interpreting and their approaches and strategies to achieve a better interpreting quality, e.g. intervention to raise requests for necessary working conditions such as clarification, breaking down a lengthy utterance, taking a break, etc. will fundamentally help to understand the way interpreters actually practice. Finally, sub-question 2 intends to report the most prominent difficulties in legal interpreters' practice with the aim to explore factors affecting a high-quality interpreting in the legal process.

Practising interpreters were asked how they understand their work and how they deal with various situations. Asking practitioners directly for their opinions ensured that genuine and realistic issues could be revealed. Findings of this study contribute to the body of knowledge, in particular, by recognising a variety of challenges for legal interpreters. Challenges were reported extensively by participants in this study though little work has been done on difficulties by scholars in the field of legal interpreting. Ultimately, this study contributes to the field of legal interpreting by identifying gaps in the understanding and reporting these gaps to practitioners, researchers, service users, and the examination and accreditation body and policy makers. This will contribute to improving awareness across the judicial system, so other participants can work with interpreters in a more effective way. This will also help in designing training programmes for interpreters. Therefore, newly graduated interpreters will be equipped with the necessary knowledge and skills. Furthermore, practising interpreters will receive more systematic support to cope with various challenging situations.

1.4 Research Approach

This study is a mixed methods research, using questionnaires and interviews. This approach allowed comparison and integration of data from multiple sources. Questionnaires and interviews allowed for the practitioners' voices to be heard and, thus, provided rich description and valuable insights into the situations of the legal interpreting profession and factors that they perceived to affect their practice. Questionnaires were sent electronically to 1508 NRPSI interpreters to obtain their general opinions. A total of 155 responses were received, which was around 10%. Then, semi-structured interviews were conducted with ten legal interpreters. Supplementary insights were obtained based on key points generated from the survey. In addition to collecting data through questionnaires and interviews with legal interpreters, written interviews were also conducted with six legal practitioners, regarding some key areas. Two police officers, two Home Office Enforcement Officers and two HM Revenue and Customs (HMRC) Criminal Investigation Officers were interviewed. Their responses added valuable information to the current research.

1.5 Outline of the study

The thesis has been organised into eight chapters. Chapter 1 provides a brief introduction of the background, purpose and aims, contribution to knowledge and outline to the study. Chapter 2 establishes the context to the present study, including the British legal system, basic concepts in the interpreting profession and key aspects of legal interpreting. Chapter 3 reviews and critiques the literature. This chapter has three sections: roles of legal interpreters, accurate and faithful interpretation and interpreters' dilemmas and difficulties. Chapter 4 justifies the rationale of the research approach and the data collection instruments. Details about the design of the questionnaire and the interview schedule are explained. Chapter 5, Chapter 6 and Chapter 7 present critical analysis and discussion of the findings in relation to the main RQ, sub-question 1 and sub-question 2, respectively. The final chapter concludes findings, implications, contributions, limitations and suggestions for further study.

Chapter 2: Context – The profession of legal interpreting

2.1 Overview

The present chapter establishes the context of this study. Initially, an overview of some basic concepts in interpreting and legal interpreting is presented. The second part of this chapter aims to provide a comprehensive introduction to the background relevant to interpreters practicing in the British judicial system. In this section, the importance of legal interpreters in the UK, the British legal system, the Professional Code of Conduct, current laws and regulations and the current situation of outsourcing are addressed.

2.2 Interpreting and legal interpreting

In generic terms, translation is “a process of substituting a text in one language for a text in another” (Catford, 1965, p. 1). Arjona (1978) understands the process as the “inter-lingual, socio-linguistic, and cultural transfer” of a message in “international and intercultural communication” (p. 35). In other words, translation is the process of analysing and digesting the verbal, nonverbal and psycho-cultural factors of the message expressed under the speaker’s cultural and linguistic influence in the first place, followed by a meaningful rendition into the receiver’s target culture and language by the interpreter (Arjona, 1978). Scholars also raise the importance of transferring the speaker’s intention in this process. For example, translation is “the possibility of reformulating the same sense units into different linguistic units” (Pergnier, 1978, p. 19) and “rendering the meaning of a text into another language in the way that the author intended the text” (Newmark, 1988a, p. 5). Interpreting refers to the oral form of translation (González et al., 1991) and is defined by De Jongh (1992) as the oral reformulation and retransmission of a message from one language to a second language, which allows people who do not share the same language to communicate freely. Therefore, cultural and linguistic obstacles could be removed (Arjona, 1978). Interpreting differs from translating mainly in its simultaneous manner due to time pressures (González et al., 1991). Translators can take time to understand the original text, to resort to resources and to reflect on

their target language translation (Hale, 2004) whereas interpreters “must instantaneous[ly] arrive at a target language equivalent, while at the same time searching for further input” (González et al., 1991, p. 295).

Interpreting is a highly skilled profession because good interpretation requires the interpreter to deliver the complete rendition of the content in an effortless, pleasant and confident manner (De Jongh, 1992). In this way, speakers participate in the conversation in their mother tongue freely without realising the existence of the interpreter (Taylor-Bouladon, 2007). Taylor-Bouladon (2007) argues that the competent interpreter must command many interrelating qualities, including mastery of at least two languages; sound general knowledge; fast analytical abilities; familiarity with specialised glossaries; quick adaption to change in speakers, accents, situations and subjects; a high level of concentration and excellent memory; better than average physical and mental stamina and clear pleasant voice. Taylor-Bouladon (2007) also suggests interpreters to spend time in the country of the acquired language to improve their familiarity with that culture.

According to Ginori and Scimone (1995), interpreting has three stages: comprehension, conversion, and delivery. Firstly, understanding is the foundation of interpreting (Taylor-Bouladon, 2007). It is suggested by De Jongh (1992) that there are many factors that affect the level of the interpreter’s comprehension of the original message, such as their proficiency in the source language; relevant information in the subject area; and knowledge of the context. Hale (2004) summarises a similar list of factors, which include “knowledge of the language, of the subject matter, of the context, of the institutional culture as well as the speaker’s own culture, and also by the speaker’s speech coherence and presentation style” (p.3). “Situational/cultural context” is claimed by Arjona (1978) to be an indispensable element in the translation/interpreting process; that is to say, the transmission between different languages must include the “linguistic, paralinguistic, and logic systems” of both the speaker and receiver (p. 36). To achieve solid comprehension of the original message, it is vital for the interpreter to stand at the same level as the speaker intellectually (Taylor-Bouladon, 2007). Hale (2004) also emphasises the interpreter’s need to understand the pragmatic intention of the original message by citing J. Thomas (1983) and Scollon (1998). In addition, the “extra-linguistic knowledge” is of paramount importance to enhance an interpreter’s

capacity for understanding because the interpreter can always depend on the known factors to figure out the unknown message. Therefore, the interpreter's ability to decode the source language and to re-encode it in the target language goes beyond the pure linguistic level and constitutes the most profound characteristic of an interpreter (De Jongh, 1992). In addition, Hale (2004) agrees with Wadensjo (1998) on the influence of the interpreter's "own experience and views of the world" at this stage (p. 4).

Interpreting in the legal context is a very complex process. This places high demands on the interpreter as revealed by De Jongh (1992) that interpreters carry out the activities of speaking and comprehension simultaneously, otherwise normally two separate functions. The interpreter has to comprehend the ideas of the speaker and make an expression of these ideas to the listener at almost the same time. Hale (2004) discusses the complexity of the interpreting process for each phase. She believes that the main challenge interpreters face at the conversion stage is in the instances where there is no instant equivalent phrase available. The fast speed of legal speech exchanges does not give interpreters sufficient time to reach a well-thought out decision because they have to understand the message and interpret almost at the same time (Hale, 2004). The irreversible nature is possibly the biggest challenge for the delivery stage (Hale, 2004). Interpreters may normally find it difficult to make corrections. Hale (2004) identifies that the interpreter's "'backtracking or self-correction' can have negative repercussion on the original speaker" (p. 5) and may cause an under-evaluation of the interpreter's interpreting quality.

Another factor that contributes to the complexity of legal interpreting is legal language, which is caused by complicated legalese and the way lawyers manipulate normal, non-technical language and interaction patterns to argue a certain point. Legal discourse, the interaction between linguistics and law, comes first of all the challenges (Napier & Spencer, 2008). Napier and Spencer (2008) consider that the difficulty facing the legal interpreters is contextualised language use as well as specialised glossaries. One of the predominant features of legal discourse is legal language (or legalese), defined by Berk-Seligson (2002) as the range of English used by legal professionals during the legal process. The main characteristic that contributes to this complication is identified by Berk-Seligson

(2002) as the reading out of written legal language. Because legal discourse is different from ordinary oral language on “lexical, semantic, and syntactic levels” (Napier & Spencer, 2008, p. 78), it is usually incomprehensible to the layperson, due to its lack of consistency and excessively condensed sentence structures (Berk-Seligson, 2002). Additionally, lawyers in Common Law criminal court trials are especially famous for their language manipulation strategies, which increase the level of difficulty of legal interpreting. Both prosecution and defence lawyers strive to win over the judges or jurors by skilful usage of language with attempts to give credit their version of the evidence while discrediting the version of the opposing side (Hale & Gibbons, 1999). Hale and Gibbons (1999) demonstrate this phenomenon through an example of a typical strategy of the lawyers to ask “What happened?” during direct-examination when questioning a witness from their own side to obscure reality and by asking “What do you say happened” during cross-examination when questioning a witness on the opposite side to set their opinion as distinct from fact (p. 205). Interpreters require special language proficiency to successfully get through the legal process. According to Eades (2010), this is called “Language Intricacies and Manipulation Proficiency (LIMP)” which will help interpreters “to handle the spoken language complexity, such as subtle differences in word choice, tricky manipulation of presuppositions, and asking three questions in one”, and “to understand the long and tortuous cross-examination questions” (p. 67). It is also essential for the interpreter to be familiar with the procedures of a police interview, how cases are handled during a court trial, or what will happen during a meeting with a probation officer. The comprehension of legal knowledge will assist the interpreter to be well prepared to understand the operating context and foresee potential misunderstandings (Mikkelson, 2000b).

The third factor is the cultural issue. As mentioned earlier, interpreters are judged not only by their linguistic proficiency but also by their cultural knowledge. Eades (2010) points out that if an interpreter produces a standard rendition of concepts and terms without paying attention to the major cultural gaps, the interpreted version may not be meaningful at all. Shackman (1984) believes that the interpreter must interpret delicate cultural factors such as the defendant/witness’ register, their clothing, their community ties, family environment, religion and country of origin. A further challenge put forward by Mikkelson (2000b) is that during

the witness's testimony, as the interpreter's rendition forms the basis for the judges and jurors to judge whether a person's account is believable, the interpretation must reflect the entire original message as much as possible. As a result, the interpreter's rendition will be affected by various elements, including dialect, educational background, register, specialised terms, style, and "nonverbal cues" (De Jongh, 1992, p. 53).

Finally, the practice of legal interpreters is very likely to become more complex due to the factors brought by other participants into the process. Hale and Gibbons (1999) recognise that the most common obstructions for legal interpreters are the other courtroom professionals' lack of understanding of the sophistication of legal interpreting; the unreasonable requirements imposed upon the interpreters as a result; split second interpreting decisions; and the interpreters' lack of knowledge of the law and legal discourse. The complexity may also be increased because participants may behave quite differently and procedures are very likely to change with relation to each interpreting context (Russell, Hale, & Morris, 2008). Therefore, more social awareness must be raised with regard to the complexity of legal interpreting as a profession. Legal interpreting is probably the most challenging, complicated and demanding domain of interpreting (Russell et al., 2008). That is to say, the judicial process is sophisticated in nature, related to the complex legal glossaries with unique meanings, special regulations and procedures, the hidden implications of legal arguments, and the unalterable outcomes for all the participants due to broken interactions (Russell et al., 2008). Interpreters are required to have knowledge of "law, translation and interpreting theory, linguistics, intercultural communication, anthropology and psychology" (Mikkelsen, 2000b, p. 1).

2.3 Legal interpreting as a rising profession

Legal interpreting can be traced back in history; Mikkelsen (2000b) notes, "the practice of court interpreting is almost as old as the practice of law" (p. 4). The Nuremberg Trial for Nazi war criminals in 1945-46 is widely accepted as a crucial turning point for the interpreting profession (Mikkelsen, 2000b). It was the first time in history that the defendants had the right to the interpretation of court proceedings

into their native languages. During the trial, a team of specially selected and trained interpreters interpreted all proceedings in the courtroom simultaneously. They were positioned in glass-enclosed booths and were working through “specially designed electronic equipment” (De Jongh, 1992, p. 3). Despite the fact that interpreters had practiced in court before, it was not until this event that legal interpreting started to receive recognition as a specialised profession (Mikkelson, 2000b). It is described by Taylor-Bouladon (2007) as the newest but the most crucial interpretation specialty. The United States began to raise social consciousness to protect the lawful right of non-English or limited-English speakers and the difficulties faced by them in the late 1960s (Berk-Seligson, 2002). Then, the courts began to appreciate that legal interpreting was indispensable to the delivery of a fair trial (Berk-Seligson, 2002). This has gradually become a trend in many other countries, including the UK.

Britain is a country with a linguistically diverse population and, as a result, the British judicial system is facing an increasing demand for legal interpreters. Legal interpreters are now widely used in increasing numbers of phases and venues in the legal process besides the courtroom (Russell et al., 2008) including police interviews, consultations with lawyers in a law company or prison, preparing a pre-sentence report with the probation service and immigration tribunals (Mikkelson, 2000b). The proper use of qualified legal interpreters serves to ensure due process and equal protection under the law for language minorities and the smooth operation of the British legal system. With the assistance of legal interpreters, language minorities are able to carry out their rights in the same way native English speakers are, such as explaining their actions, testifying for themselves or seeking legal advice from their solicitors. In the meantime, relying on the interpreted information, the police force can issue arrest warrants and to proceed with the prosecution. Also, the court will use the interpreted evidence provided by the police as the basis of the proceedings (González et al., 1991). As English is the official courtroom language, courts are also dependent on interpreted information to keep an accurate record (Matu, Odhiambo, Adams, & Ongarora, 2012). In other words, legal interpreters perform two duties of equal importance: to facilitate the non-English speaker to comprehend everything that happening in the courtroom, and to assist the court to comprehend the foreign language testimony (González et

al., 1991). The term “non-English speaker” is widely used in research studying legal interpreting and it is used in the present research to denote the suspect, witness, defendant, or appellant, etc. who does not speak English or speaks only limited English. It is vital for judges and other legal practitioners to fully understand that the assistance of court-appointed interpreters is critically important for the smooth functioning of the British legal system (De Jongh, 1992). The participants in the courtroom in need of the assistance of the interpreter are defendants, witnesses and complainants (Kurlander, 2008) who are typical outsiders from the law. Attending legal hearings is often viewed as a frightening and disconcerting experience for those with little legal knowledge and the situation is even more unfavourable for those with a limited proficiency in English (Eades, 2010). Even for a layperson as a fluent speaker of the language used in court, it is still not easy to manage the hyper-formal courtroom register in combination with the highly specialised legal glossaries and implications for a court trial (Russell et al., 2008). Hale and Gibbons (1999) argue that as language is the most important means for the courtroom battle in the adversarial law system, linguistic minorities are in a particularly more disadvantaged position. In addition, it is claimed by Bucholtz (1995) that speakers of English, the dominant courtroom language during a court hearing, appear more credible and receive more sympathetic judgments while, in contrast, those who are not fluent in English tend to be discriminated against. With their maximum effort, interpreters can eliminate the linguistic obstacles and the non-English speaker will be able to stand in a position that otherwise only a native speaker would have (Hale, 2004).

2.4 Different modes of legal interpreting

De Jongh (1992) classified the modes of interpreting in the judicial setting into simultaneous, consecutive, summary, and sight translation. The choice of a particular mode depends on the situation and, generally, the summary mode is seldom used.

Simultaneous interpreting is a highly demanding process that requires the human brain to manage several tasks at almost the same time. Interpreting is delivered while the speaker is still talking (Mikkelsen, 2000b). During this process,

the interpreter must perform several tasks at the same time, including interpreting, listening to the speaker, thinking about how to interpret the next section, taking notes, referring to the notes and trying to avoid error. Although it is not actually happening “simultaneously” because the interpreter needs some time to grasp a minimum segment of meaning before they can deliver the interpreted version. The lag between the source language and the target language version is called *décalage* or ear-voice-span (EVS) and the length varies according to interpreter, but is usually no longer than seven or eight seconds (Gaiba, 1998).

Mikkelson (2000b) claims that simultaneous interpretation is widely viewed as the only suitable mode of interpreting to keep the defendant informed of what is happening in court proceedings. However, during this extremely complicated process, there are many factors that contribute to an entire transfer of the original message into the target language. The interpreter needs a clear view of the speaker, reasonable acoustics in the courtroom and fair speed of the speaker’s speech (Jones, 1998). Furthermore, frequent breaks are essential to prevent interpreter fatigue. It is generally accepted that interpreters should work in pairs and change position every 20-30 minutes for long simultaneous proceedings (González et al., 1991). However, simultaneous interpreting with electronic equipment is seldom used in British courts and interpreters normally stand next to the limited-English speaker and speak in a very low voice. This is a type of simultaneous interpreting but is also called whispered interpreting or *chuchotage* (Gaiba, 1998). When performing the in the whispered mode, the interpreter needs to maintain a minimum level of voice volume to avoid being distracted by her own voice as the interpreter and the speaker constantly speak at the same time (Berk-Seligson, 1987).

Another commonly used mode of interpreting in the legal setting is consecutive interpreting. It is defined by Jones (1998) as “the interpreter listens to the totality of a speaker’s comments, or at least a significant passage, and then reconstitutes the speech with the help of notes taken while listening” (p. 5). In the ‘rapid-fire’ courtroom questioning of the common-law trial, it is more suitable for witness testimony than for other court proceedings (Mikkelson, 2000b). It is also the most suitable mode when the interpreted version needs to be recorded (De Jongh, 1992). De Jongh (1992) points out that the main difference between the above two interpreting modes is that in simultaneous interpretation, the interpreter reproduces

the message of the source language into the target language a few seconds behind, while in consecutive interpretation the interpreter needs to reproduce information at the end of a longer portion of speech.

Sight translation is an oral transfer of a written text in the source language into the target language. In the legal setting, sight translation is normally used when documents in a foreign language with no English-language translation are presented as evidence or when non-English speaking defendants must 'read' certain important documents prior to signing them or making other crucial decisions (De Jongh, 1992).

2.5 Laws and regulations

According to Eades (2010), there are two main legal systems in the world: the common law system and the civil law system. The common law or case law (also referred to as judge-made law) system was initiated in England and prevails in its former colonies. Judges and lawyers refer to previous cases and judicial decisions as the fundamental basis of current cases. The civil or continental law system (also known as the Romano-Germanic System) can be traced back to the European empires and is typically the judicial system in former European colonies. Its most prominent essence is the written codified legislation and consistent enforcement following stringent procedures and guidance (Mikkelsen, 2000b). However, it is worth noting that common law countries also have written laws and that civil law judges also refer to previous cases (Eades, 2010). Eades (2010) points out that these two legal systems mainly differ from each other in the characteristics of their courtroom proceedings. The adversary procedures prevail in the common law systems with two sides demonstrating and debating their case before a judge, bench or a jury formed by ordinary citizens (Eades, 2010). While in the continental law systems, the judge dominates the inquiry and examination of a case, deciding the selection of witnesses, what questions to ask and the choice of oral or written approaches (Eades, 2010).

This research is based on the three-way interpreter-mediated speech exchange in the British common law system. One of the major features of this legal system, as identified by Jacobson (2008), is a different role designated for various participants

of the proceedings. In an adversarial legal proceeding, there are two opposite sides (Hale, 2004). Cases are normally presented in the form of oral evidence in questions and answers (Jacobson, 2008). One side presents evidence while the opposing side challenges it (Hale, 2004). The prosecution and defence lawyers control the question-and-answer process by raising questions and arguing the case with their expertise in law. The defendant and the witness answer questions as outsiders of the law (Jacobson, 2008). The jury, the judge or the bench form a ruling based on the evidence heard (Hale, 2004). There are normally two phases during an adversarial legal proceeding: direct examination (also called examination-in-chief) and re-examination (also called cross-examination). Hale (2004) summarised the function, the purpose and the predominant types of questions in each type of examination. Direct examination is the opportunity to present evidence favourable to the interrogating side. These questions are 'non-confrontational' and "allow the witness more freedom to speak" (p. 33). Re-examination allows the opposite party to "discredit and challenge" testimony from the other side. Accusatory, aggressive, coercive and leading questions are used to restrain the witness's answer (Hale, 2004, p. 33). The evidence reflected by the above process influences the results of a case significantly (Jacobson, 2008).

The requirements of current laws and regulations are another factor that contributes to the widely accepted norm of utilising interpreters in the British judicial system. Under international law, the UK has been bound by the European Convention on Human Rights (ECHR) since it came into force in 1953. UK incorporated the fundamental human rights and freedoms in the ECHR through the Human Rights Act (HRA) 1998. The Human Rights Act came into effect across the UK on 2 October 2000 (Donald, Gordon, & Leach). European law has set up fundamental human rights in providing the service of interpreters across Europe. The European Convention for the Protection of Human Rights states that "everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him" (ECHR, 2010, Section 5.2) and "everyone charged with a criminal offence has the following minimum rights: to have the free assistance of an interpreter if he cannot understand or speak the language used in court" (ECHR, 2010, Section 6.3e). The UK is under the legal obligation of the European Convention on Human Rights (ECHR) to guarantee that

everyone under arrest has the right to be notified of the reasons for arrest and of the charges against him and the right for a free court-appointed interpreter if he cannot understand the language spoken in court.

The particular regulation in place in Britain to protect the basic human rights of a fair trial for language minorities is the National Agreement for the Use of Interpreters (NA). It was issued by the Office for Criminal Justice Reform as guidance on arranging suitably qualified interpreters. The problem of finding good quality interpreters was raised in Lord Runciman's Report to the Royal Commission on Criminal Justice in July 1993 and Lord Justice Auld's Review of Criminal Justice in 2001 (The Ministry of Justice Framework Agreement for Language Services...One Year On Survey Findings, 2013). This brought the introduction of the National Agreement (NA) which emphasizes that the standard requirement is that every interpreter working in courts and police stations should be registered with the recommended registers, i.e. the National Register of Public Service Interpreters (NRPSI) at full or interim status (with Law Option) for non-English spoken languages (National Agreement, version 1.0, 2007). The immigration sector also strengthened the importance of the NA and the quality of interpreting services in a 2006 Home Office Circular and declared that only registered and qualified interpreters could practice in the Criminal Justice System (Justice Committee Written evidence from the Society of Official Metropolitan Interpreters UK Ltd. 8).

As a consequence, people "are now more aware of the impact of court interpreters in their judicial systems and of the disadvantage faced by persons with limited ability in English" (De Jongh, 1992, p. 23). Considerable improvements have been made in understanding the nature and functions of legal interpreting, providing training programs, and creating and maintaining the register of qualified and certified legal interpreters. The National Register of Public Service Interpreting (NRPSI) in the United Kingdom is a well-known example. The NRPSI is an independent body founded in 1994 under the management of the Chartered Institute of Linguists (CioL) (though it became independent in April 2011) (The Ministry of Justice Framework Agreement for Language Services...One Year On Survey Findings, 2013). The NRPSI works with the Ministry of Justice to safeguard the quality of the profession of interpreting services (The Ministry of Justice Framework Agreement for Language Services...One Year On Survey Findings,

2013, p. 6). It administers the qualification and voluntary registration for public service interpreters in the UK. The register currently has more than 1900 public service interpreters, speaking more than 100 different languages (NRPSI Annual Review reveals the state of public service interpreting, 2016). Interpreters registered on NRPSI must hold a certain qualification, pass a security clearance, and be bound by the Professional Code of Conduct. This, therefore, ensures the “competence, reliability, accountability and security vetting” of interpreters working in the British legal sector (Justice Committee Written evidence from the Society of Official Metropolitan Interpreters UK Ltd., Section 1.10).

CloL is the most progressive and respected language examining body in the field. It administers the Diploma in Public Service Interpreting (DPSI) examination, which is the highest-level public service interpreting qualification in the UK. The DPSI originated from the Community Interpreter Project that was set up in 1983 and was called Bilingual Skills Certificate and the Certificate in Community Interpreting (CCI). In 1994, it was revised to “reflect more closely the changing needs of people using or working with two or more languages in the public services” (DPSI Handbook, p. 1) and renamed the DPSI.

The DPSI has been approved by the Office of Qualifications and Examinations Regulation (Ofqual) and enters the Qualifications and Credit Framework at NVQ level 6 (equivalent to a Bachelor’s degree with honours) (DPSI Handbook). The examination is established in the contexts of public service including English Law, Scottish Law, Health and Local Government (DPSI Handbook, p. 5). It consists of three units and each unit contains two tasks in a practical context to test the student’s knowledge and vocabulary in her/his chosen field. Unit one is consecutive role-play and simultaneous/whispered interpreting. Unit two is sight translation from English into the foreign language and from the foreign language into English. Unit three is translation from English into the foreign language and vice versa (DPSI Handbook, p. 8).

For interpreters whose work is limited to the police sector, the Metropolitan Police Test (MET) has been specifically designed to assess proficiency. MET is administered and operated by CloL and contains an oral assessment through two-way consecutive role-play interpreting as well as simultaneous interpreting. The second section includes a sight translation from English to the target language and

vice versa. The written assessment comprises two parts: the first is a translation of a statement from the source language into English, and the second is a technical translation from English into the target language (CioL Metropolitan Police Test 2013). The assessment is not recognised by the Qualifications and Curriculum Authority (QCA) and is not accredited as a qualification in England and Wales. However, this test is offered in many languages that are not included in the DPSI.

After taking the DPSI examination or the Metropolitan Police Test, successful candidates can apply to be included on the National Register of Public Service Interpreters (NRPSI) according to certain admission criteria. There are two categories for registration: interim and full. Full status requires one of the recognised qualifications including DPSI, Metropolitan Police Test, or an equivalent level interpreting qualification at the Honours Degree level, plus 400 hours of proven public service interpreting experience in the UK. Interpreters of rare languages are accepted with a lower level of qualification and 100 hours of experience (NRPSI Criteria for Entry). Members must abide by a code of conduct and could be subjected to disciplinary procedures if they do not. Public service users such as legal organizations, health services, and local government services can purchase the register through an annual subscription fee.

2.6 The Professional Code of Conduct

Although there is no universal rule of Code of Ethics, the importance of following the guidance of a set of standards for practice is a general norm for professional interpreters in the legal setting. According to Edwards (1995), “the ethics are the unseen basis of the courtroom behaviour” and by following a good ethical code, interpreters “earn the respect and trust of all parties to a case, which interpreters need to work effectively” (p. 63). Mikkelson (2000b) points out that it is important as the legal environment involves high stakes interests, such as “personal liberty, property and public security” and “the potential for misunderstandings and miscarriages of justice” (p. 48). When professional court interpreter associations draft guidelines, they generally reflect the considerations of punctuality, accuracy and impartiality, “do not accept more than one assignment for the same period of time” (Phelan, 2001, p. 41), and “shall restrain from any act which might bring the

profession into disrepute” (Phelan, 2001, p. 41). Similar principles can be found in the National Register of Public Service Interpreters (NRPSI) Code of Professional Conduct.

Firstly, accuracy is always included as the most important requirement for legal interpreters because it is only the English rendition, rather than the foreign language version, of the testimony that is written down by the court clerk as a reference for appeal purposes (Berk-Seligson, 1987). It is stated in Section 5.4 of the NRPSI Code of Professional Conduct that “practitioners shall interpret truly and faithfully what is uttered, without adding, omitting or changing anything”. In other words, the court interpreter must convey the information contained in the source language into the target language precisely, accurately, and completely (De Jongh, 1992). However, what constitutes accurate interpretation is always a controversial issue. More discussions regarding this issue will be carried out in the Literature Review of this study.

Impartiality is also an important principle in legal interpreting. Legal interpreters are expected to be unbiased as if everyone in the courtroom can see an interpreter is impartial, then they will be confident in the accuracy of the interpretation (Mikkelsen, 2000b). It is clearly stated in section 3.12 of NRPSI Code of Professional Conduct that,

“Practitioners shall at all times act impartially and shall not act in any way that might result in prejudice or preference on grounds of religion or belief, race, politics, gender, age, sexual orientation or disability otherwise than as obliged in order to faithfully translate, interpret or otherwise transfer meaning.”

In other words, the interpreter should be professionally detached and no one should be able to identify the interpreter’s reaction to the content they interpret (De Jongh, 1992). It can also be understood by the explanation from Gile (1995) that as the interpreter works alternately for opposing sides, loyalty shifts from one to the other as the interpreting subject changes.

In addition, legal interpreters are normally expected to follow the principle of confidentiality. Section 3.13 of NRPSI Code of Professional Conduct clearly states that “Practitioners shall respect confidentiality at all times and shall not seek to take

advantage of information acquired during or as a result of their work". To explain further, court interpreters must refrain from revealing confidential information during their official assignments or the privileged communications between lawyer and client (De Jongh, 1992). Interpreters should also be free from the temptation to state views or even talk about how the case is dealt with in general terms in public (Mikkelsen, 2000b).

2.7 The effect of outsourcing

In August 2011, the Ministry of Justice outsourced its interpreting and translation needs in the judicial sector with the aim of improving efficiency and lowering costs. The Ministry of Justice signed a framework agreement with a company called Applied Language Solutions (which was subsequently purchased by Capita TI). On 30 January 2012, this agreement was rolled out nationally. At present, the majority of language services required by Her Majesty's Courts and Tribunals Service for courts, tribunals and prisons are using interpreters registered with Capita TI (The Ministry of Justice's language services contract: Progress update, 2014). From the time of this change the NRPSI was no longer recognised by the Ministry of Justice (The Ministry of Justice Framework Agreement for Language Services...One Year On Survey Findings, 2013).

The payment level for interpreters working in the British judicial setting is also relevant for the current study. Before outsourcing, standardised fees were set out by the terms and conditions of the National Agreement on Arrangements for the use of interpreters within the Criminal Justice System (CJS). In brief, the payment rates were:

Interpreting: £30 per hour

Minimum attendance fee: £85 for 3-hours attendance

Travel time: £3.75 per quarter hour

Mileage: 25 pence per mile

Parking expenses: reimbursed

Public transport expenses: reimbursed

Cancellation fee: equal to the minimum attendance fee (National Agreement on Arrangements for the use of interpreters, revised 2007)

The rates set out by Capita TI for the Ministry of Justice Framework Agreement Assignments for Courts, Tribunals, HM Prisons, Police, Crown Prosecution Service and The Probation Service are summarised as follows:

Interpreters: three tiers of £16, £20 or £22 per hour

Minimum attendance fee: one hour

Travel and mileage: £0.20 per mile

Travel time: £10.00 per hour (limited to a maximum of two hours)

Public transport: not reimbursed

Parking expenses: not covered

Cancellation fee: £21.00 (Capita TI Linguist Portal – Payments)

It can be seen from this comparison that the payment rate, including the hourly rate, the minimum payment, travel time and mileage, currently paid by Capita TI are much lower than the previous rates. Therefore, the income of legal interpreters in the UK has dropped dramatically since the introduction of outsourcing.

2.8 Summary

The intention of this chapter was to describe the context for the present study. It has firstly introduced the interpreting profession. Then, it presented a comprehensive overview of the unique profession of legal interpreting in the British judicial sector. Following on from this context, the next chapter will explore the existing literature on key areas of legal interpreting, including the roles and functions of legal interpreters, how to achieve faithful interpretation and difficulties interpreters face.

Chapter 3: Literature Review

3.1 Overview

This chapter has three main sections. Firstly, literature on legal interpreters' roles and responsibilities is addressed. The discussion concentrates on six conceptions of legal interpreters' roles through a comparison of the merits and shortcomings of each. The second section explores literature on accuracy and faithfulness with regard to legal interpreting by addressing most of the linguistic and pragmatic elements of speech. The last section moves into the dilemmas and difficulties legal interpreters face in their practice as a result of insufficient awareness of legal interpreters' roles and conflict of expectations.

3.2 Roles and responsibilities of legal interpreters

The role of legal interpreters is the foundation of the legal interpreting profession, which has attracted extensive discussion among scholars in the field (Angelelli, 2004a, 2004b; Barsky, 1996; Fenton, 1997; Fowler, 1997; González et al., 1991; Kaczmarek, 2016; Mikkelson, 1998; Morris, 1995, 1999a, 1999b; Schweda-Nicholson, 1989). Understanding of this area is evolving alongside the development of this profession, but remains a controversial area.

This thesis adopts a "labelling" framework to explore roles of interpreters working in the British judicial context. Reviewing concepts of interpreter role introduced by some studies, such as them being helpers, conduits, communication facilitators, advocates, and linguistic/cultural mediators, etc. can build the understanding of the implications and different expectations of legal interpreters' responsibilities for each individual role. Scholarly work focusing on one branch of the field, such as courts or immigration tribunals, will be examined to understand the special demands each of these settings poses on interpreters. Also, literature from other contexts of public service/ community interpreting, such as medical interpreting, are referenced to enrich the understanding of what each role entails. Legal interpreters are often forced to make difficult ethical judgments regarding whether they should stick to the basic language decoding and encoding function or

step outside the generally accepted professional boundaries to provide a multifunctional service. These controversies highlight the fact that legal interpreters have experienced conflict in perceptions of their role and this will be explored in the following parts of this section.

3.2.1 Ad Hoc interpreters as helper

In many countries, before the foundation of a national professional body and appointing qualified interpreters becoming a widely accepted practice, bilingual friends and family members of defendants or witnesses, court staff, legal advisors or spectators volunteered to provide *Ad Hoc* interpreting services (González et al., 1991; Roy, 1993; Schweda-Nicholson, 1989). These people normally did not have any formal interpreting training. Scholars in the field of legal interpreting have identified two main intrinsic problems in this model.

Firstly, Schweda-Nicholson (1989), Bell (2007) and Ibrahim-Bell (2008) state that speaking two languages does not equal ability to interpret. Therefore, these scholars argue that *Ad Hoc* interpreters may not be equipped with the necessary skills to interpret in a legal setting. Even full bilingualism may not be equivalent to competent interpreting skills (Schweda-Nicholson, 1989). Schweda-Nicholson (1989) argues that laypeople often assume that basic foreign language knowledge automatically gives people the ability to interpret. According to Bell (2007), this misunderstanding can be explained by the debate that bilingualism equals the ability to translate and interpret and functions of language professionals are exchangeable. Ibrahim-Bell (2008) echoes the above arguments by pointing out that believing command of two languages is sufficient for delivering legal interpreting shows a lack of awareness of this profession from *Ad Hoc* interpreters themselves as well as from judges and lawyers. Generally speaking, *Ad Hoc* interpreters do not possess a satisfactory level of linguistic ability, have not been through academic preparation for interpreting and do not possess knowledge of legal glossary and procedures (Schweda-Nicholson, 1989). Besides, most legal professionals only speak courtroom language and do not know how to evaluate the helpers' foreign language abilities (Schweda-Nicholson, 1989). Without official assessment of linguistic competency and command of the vital knowledge and skills,

there is a high risk of misinterpretation with *Ad Hoc* interpreters.

Secondly, scholars criticise the *Ad Hoc* model from an ethical perspective. They believe this practice has a high potential of violating several ethical rules, including impartiality, confidentiality and faithfulness. This issue can be seen from the perspective of family members and friends and that of legal professionals. Although both are acting on an *Ad Hoc* basis, fundamentally different issues may be involved. With regard to family members and friends, Swabey and Mickelson (2008) note two problems. Family members and friends tend to take on an advocate role. They have a high possibility of failing to respect the confidentiality rule as information tends to be shared with the family or in the community. Knowing the background of the non-English speaker or having some degree of understanding of the case, they are likely to alter the message according to their personal opinion. Lebesse (2013) echoes this view by arguing that family members and friends are not fully capable of delivering a neutral interpretation because there might be a high level of “personal involvement” (p. 344). Schweda-Nicholson (1989) discusses the danger of delivering a biased and inaccurate interpretation. Providing legal services and interpreting are two equally complex professional activities that simply cannot be performed at the same time. Asking lawyers to interpret the proceedings while trying to argue a case for the defendant is an obvious impairment of the defence capacity (Schweda-Nicholson, 1989). Moreover, Schweda-Nicholson (1989) identifies an obvious conflict of interest as well as intrinsic inclination of prejudice when court staff, legal professionals, prosecution witnesses, or co-defendants are interpreting. As part of the prosecuting team, interpreters may render a biased interpretation due to an inherent suspicion of the credibility of the language minorities. Schweda-Nicholson (1989) expresses concern that there will also be a lack of trust from the side of the language minorities. They would likely view *Ad Hoc* interpreters to be on the side of the court, potentially leading them to conceal the truth. As a result, the accurate and faithful reflection of the original message is in danger. Generally speaking, the helper role is an indication that court interpreting is not treated as a profession in its own right (Schweda-Nicholson, 1989).

Using *Ad Hoc* court interpreters in countries such as the UK, the United States, and Australia was more common before the 1960s (Roy, 1993). It has gradually become an out-of-date practice in these countries because of statutory

requirements to use certified court-appointed legal interpreters, the government approved certification or accreditation system and a widely accepted Code of Conduct. However, *Ad Hoc* interpreters may still be used in civil procedures, for which court-provided interpreters are not a legal requirement or, as claimed by Schweda-Nicholson (1989), in criminal procedures due to an insufficient number of certified interpreters, poor booking management, or limited financial resources in the above countries. Furthermore, it is still a more general way of solving linguistic problems in countries where how to guarantee the legal rights for foreign language speakers is not clearly defined by the law.

3.2.2 Interpreters as translation machine/conduit

The discussion from this section will deal with how professional interpreters have been conceptualised in the literature rather than the actual role. There is a basic difference between the *Ad Hoc* role and the following ones, in that this is a type of person (unqualified, not professional) whereas the others are a way in which professionals understand their role.

The concept of “translation machine/conduit” emerged first. Lang (1976) was one of the early scholars who advocated translation machine as the ideal legal interpreters’ role. Pym (1999) also claims that interpreters should practice in a verbatim manner. Knapp-Potthoff and Knapp (1986) define this model as one where, “the interpreter’s function, in general, is comparable to that of a machine, giving a more or less literal translation of what is said in language A in language B” (p. 152). Ibrahim-Bell (2008) summarises the typical characteristics of this model as the rigid request from the courts for the interpretation to follow the original sequence, the restriction of the interpreter’s function to the mere preservation of the law and more particularly a pure transmitter of the message instead of a real participant of the interaction. This model sees translation as an “objective, mechanistic, and transparent process” (Morris, 1995, p. 26) and has a strong emphasis on “neutrality” and “non-involvement” (Bot, 2014). In this highly limited role, interpreters are restricted in a “mechanical and non-participatory” function of “linguistic encoding and decoding” (Lee, 2009a, p. 37). Interpreters are not encouraged to intervene to require or offer clarification. A simple linguistic transferring role is considered by

Lebese (2013) as the perfect model to prevent the interpreter's intervention. Mikkelson (2008) notes that judges and lawyers are more likely to favour this model because they are worried about changes made by the interpreter.

Scholars criticise the conduit model claiming it demonstrates the misunderstanding of the concept of accurate interpretation and the nature of the interpreting process and undervaluing of the interpreting profession.

Scholars recognise that the complete reflection of the original message should include semantic meaning, together with pragmatic meaning, such as the speaker's style, register and intention. For example, Morris (1995) notes that interpreters need to render their perception of the speaker's intentional meanings in addition to the simple task of language decoding to achieve effective communication. It is acknowledged that interpreting is not a word-matching process and a meaningful rendition cannot be done verbatim. Inghilleri (2013) critically points out that viewing the interpreter as a channel is based on the assumption of "an ideal sender-receiver, context-and culture-neutral model of communication" (p. 1). However, interpreting is an extremely complex process rather than simply composing words and phrases of corresponding meaning from one language into another (De Jongh, 1992). It is a false belief that for every word in the original utterance, there is equivalence in the target language and that interpreters simply match them (Hale, 2008). Mikkelson (2000b) believes the word-to-word interpretation would result in a meaningless utterance in the target language. Berk-Seligson (1987) argues that there should be a potential equivalent match between the original and the target language version, but on the conceptual level, rather than word-for-word. Therefore, it is generally agreed that a meaningful and faithful rendition cannot be achieved through a word-for-word/verbatim approach. Mikkelson (1998) argues that a complete verbatim interpretation cannot exist. Mason (2009) argues that it can only happen in "an imagined world of cultural (including linguistic) uniformity" (p. 55). Hewitt (1995) and Lee (2009a) caution that the literal approach may have the risk of "distortion and miscommunication" (p. 37), which "perverts justice" (Mikkelson, 2008, p. 83). Eades (2010) points out the frequent instruction from legal professionals for a verbatim translation is an example of miscomprehension of accurate interpreting.

Nevertheless, little work has discussed this model from the perspective that languages are very often not fully translatable. Bassnett (2013) defines

untranslatability as the impossibility of lexical or syntactical equivalence between two languages. The translator can solve this issue by applying the rules of the target language to the translation (Bassnett, 2013). A wider range of untranslatability can occur beyond the linguistic level, for example, culturally, contextually, pragmatically, etc. Under such circumstances, interpreters have to use a variety of skills and strategies to find the optimal solution. The above situations cannot be solved through a machinery approach.

Many scholars argue that an interpreter should not be viewed as a machine/conduit because interpreting is an active process. Viewing the interpreters as “a non-person” or some type of language machine is considered by Jacobson (2008) to be a notion in constant conflict with the real situation of the interpreted courtroom interaction (p. 55). The machine/conduit model is in opposition to the widely held view that interpreting is “a dynamic and complex form of human communication” (Lee, 2009a, p. 37). The verbatim approach denies the interpreter’s active participation in the communicative process and restricts them to using pure linguistic techniques (Morris, 1995). If the interpreter’s existence is viewed as guaranteeing effective communication as if all the participants share the same language, they should be allowed a more active role (Jacobsen, 2009). Swabey and Mickelson (2008) note the conduit role as an advance of the professional recognition for giving interpreters a unique role. They also point out that this role definition is in fact “taken to extremes” (p. 53). According to Hale (2008) and Mikkelson (2008), the verbatim requirement reflects legal professionals’ insufficient knowledge of language and interpreting, so they fail to realise that interpreting requires skilful and critical judgment. Also, necessary intervention for clarification is not allowed when the interpreter cannot understand or hear something (Bot, 2014) when they are considered as a translation machine. Eades (2010) believes that the machine/conduit role is a misunderstanding of the interpreter’s role due to “lack of recognition of courtroom interpreters as professionals” (p. 71).

Overall, researchers in the field of legal interpreting point out that viewing interpreters as mechanic instruments undervalues their sophistication as well as the significance of their interpreting work. They also discuss expecting interpreters to render a literal transmission indicates ignorance of the difficulties and the professional skills of legal interpreting and a failure to understand the necessary

conditions for achieving satisfactory interpreting performance, as concluded by Hale and Gibbons (1999). It has been generally agreed by scholars and practitioners that accuracy and faithfulness cannot be achieved through verbatim interpretation (Hale, 2008) and that interpreters should not be viewed as conduits (Nakane, 2009).

3.2.3 Interpreters as communication facilitators

Scholars have shown a growing tendency to recognise that the machine/conduit description fails to reflect legal interpreters' active role in the communication process and the sophistication of the legal interpreting. To remedy this, the communication facilitator model was introduced. From the extreme of the highly restrictive/non-participatory nature of the machine/conduit model, advocates of the communication facilitator concept jump to the other extreme of high involvement. Lee (2009a) notes that this is the opposite of the translation machine model. Hale (2008) defines it as the role with responsibility for achieving effective communication between two parties. She also argues that interpreters who believe in the communication facilitator model tend to adopt a variety of roles to ensure effective communication. It seems that scholars have reached agreement that the communication facilitator model combines a variety of roles. However, there is no agreement in defining this combination. According to Hale (2008), it includes being an "advocate for the minority language speaker" (p. 102) and an "advocate for the institution or the service provider" (p. 106). However, Ibrahim-Bell (2008) finds that interpreters may fill a wider range of roles such as being a "confidante, co-worker, assistant, advocate and counsellor" (p. 164) in different and sometimes just one interpreting assignment. González et al. (1991) note duties in explaining the legal process, procedure, and terminology and filling out forms for limited-English speakers and Giambruno (2008) talks about interpreters being asked for advice or information regarding legal matters.

It seems natural to expect the interpreter to facilitate in every aspect of the communication when she/he is the only person who can communicate with all participants in the proceeding. From this perspective, communication facilitator seems to be the ideal description of interpreters' role. However, scholars start to criticise it as carrying the risk of misinterpretation and the miscarriage of justice.

Scholars firstly realise that many roles falling into the facilitator model involve responsibilities that interpreters do not have expertise in. González et al. (1991) dismiss the advocate role and the duty to advise for non-English speakers. Mikkelsen (2000b) insists that interpreters' presence should simply fill the linguistic gap but not guarantee understanding. Ibrahim-Bell (2008) considers that the "conflicts and dilemmas" (p. 164) of the multiple roles may bring interpreters extra stress. Interpreting is a complicated and demanding process, so it is impossible for interpreters to incorporate roles of other professionals (Cambridge, 2005).

Developed from the above multi-role criticism, other scholars notice that interpreters are likely to act as filters for the smooth running of court proceedings when they take on the facilitator model (Berk-Seligson, 1987; Hale, 2008; Hale & Gibbons, 1999; Lee, 2009a). Lee (2009a) views the facilitator role as unsuitable due to its involvement of "filtering or embellishment". Hale and Gibbons (1999) point out a common practice for interpreters to only retain the central content of a message. Hale (2008) uses a series of examples from authentic data to illustrate interpreters' efforts to promote better communication by trying to explain linguistic or cultural misunderstandings and polishing speech. She points out that the seemingly useless information deleted by the interpreter may actually be useful for the argument of a case, however such information is not heard due to interpreters' shallow understanding of law (Hale, 2008). By doing so, interpreters take power away from the speakers and exert unintentional interference in the legal process (Hale, 2008). Berk-Seligson (1987) identifies similar filter behaviour in her study where the court interpreter systematically deletes the witness's utterances. She points out that as a result of these behaviours, the target language version does not sound as convincing as the original testimony. Furthermore, in Hale's (2008) example, some of the clarification volunteered by the interpreter turned out to be even more confusing. Also, the interpreter's legal advice and explanation of a legal term did not help the non-English speaker.

To summarise, although communication facilitator seems to be appropriate in conceptualising interpreters' role, it carries the implication of interpreters' working at cross-purposes and filtering behaviours. As a result, interpreters' efforts to facilitate the communication process may turn into the violation of professional boundary and ethics and may seriously affect the fair justice.

3.2.4 Interpreter as advocate

Hale (2008) notes that interpreters may be expected to be an advocate for the non-English speaker as well as an advocate for the institution/service provider. Advocating for the non-English speaker involves the responsibility of acting on their behalf to correct the power imbalance and cultural gap (Hale, 2008). Barsky (1996), Roberts (1997) and Matu et al. (2012) support this role mainly to compensate the non-English speaker's vulnerability. Barsky (1996) also strongly believes that competent interpreters should perform more participatory functions in the courtroom and should be allowed more freedom for clarification interventions, especially in refugee hearings. Refugee claimants generally find themselves in a linguistically and culturally disadvantageous situation. Very often, they do not realise that they fail to present their case properly until their applications are refused. If interpreters could step out of their role and make a more polished rendition of the original message, they would inevitably increase the applicants' ability to meet the authority's requirements, and increase the chances of getting their cases approved. Interpreters can also offer background knowledge if the applicants behave in a manner that is not acceptable in western culture and thus reduce the potential damage (Barsky, 1996). Obviously, Barsky (1996) fails to address that polishing the refugee's answer is a failure to present the original message, violating the Professional Code of Conduct of "faithful interpretation." Secondly, presenting a better case and increasing the chance of being approved should be the legal representative's job, rather than the interpreter's.

Many scholars, e.g. González et al. (1991), Hale (2008), Ibrahim-Bell (2008), and Mason (2009), criticise the idea of the advocate role. Hale (2008) points out that Barsky's argument is based on several assumptions: "the minority language speaker (MLS) is always right, always truthful and always discriminated" (p. 103), "all MLS are undereducated and the only ones who would have difficulty" (p. 106), and "the MLS always deserve to win" (p. 106). Hale (2008) argues that the above assumptions cannot be justified. She explains that there are possibilities for the MLS to tell the truth as well as to lie. The educational level of the MLS varies. In addition, the courtroom experience can be terrifying for both MLS and native

speakers. Therefore, it is not reasonable to assume that all language minorities are less educated or less competent in presenting their case than their English-speaking counterparts. Moreover, Hale (2008) finds the advocate role involves the interpreter's alterations, including adding information, reducing the level of aggressiveness and improving answers. Actually, these interpreters' well-intentioned alternations might cause unexpected adverse results if important and relevant information that would have favoured the non-English speaker is omitted because the interpreter does not have the expertise for such judgment (Hale, 2008). Ibrahim-Bell (2008) notes the extra risk of breaching impartiality by using an example from her research where an interpreter found herself inclined to favour her client as a result of functioning as an advocate.

Interpreters are also found to act as advocate for the institution or the service provider (Hale, 2008). When performing this role, the interpreter would take all efforts to fulfil the demands of the legal authorities or legal professionals. Hale (2008) points out the "implicit and even explicit pressure" (p. 107) of not wasting time that may sometimes force interpreters to take on this role. Interpreters' attempts to save time can be demonstrated in the omission of part of the non-English speaker's utterances or even exclusion of them in the communication process (Hale, 2008). Many scholars use empirical data to argue that this role deprives the non-English speaker's right to be linguistically present (Angelelli, 2004a; Berk-Seligson, 2007a; Davidson, 2000; Kolb & Pöchhacker, 2008; Morris, 2008) and it is against the principles of "faithful rendition" and "impartiality". Besides, these scholars argue that presenting a stronger case and asking questions effectively to provoke the desired responses are the legal representatives' job. It can be concluded that this role carries responsibilities beyond interpreters' professional boundary.

3.2.5 Interpreter as linguistic and cultural mediator

A number of scholars define interpreters as an intermediary between two languages and cultures. This model firstly acknowledges the important impact of cultural issues on interpreters' practice. Roberts (1997) supports this role by drawing on the close relationship between language and culture. Interpreters are aware that

language and culture are not separable and “inextricably intertwined” because their work always involves facilitating communication between different cultures (Garcés & Martin, 2008, p. 3). This is true for cross-cultural misunderstandings because some of the minority language speakers are “at a considerable cultural distance from the host society” (Pöchhacker, 2008). Interpreters function as “the bridge between two cultures” (Hussein, 2011, p. 23). Shackman (1984) believes that interpreters can assist the defendants in comprehension of “the British legal system, main social principles, values, attitudes, behaviour” (p. 19) and expectations. Pöchhacker (2008, p. 19) points out that interpreters acting as cultural mediators need to make “the necessary cognitive adjustments based on his/her knowledge of either culture.” Lee (2009a) notes that “cultural differences and culturally bound terms or expressions often impose challenges on interpreting, requiring the interpreter’s discretion and judgment about the best possible rendition” (p. 38). Only with the illustration of their bilingual and bicultural proficiency in addition to their interpreting skills, the interpreter’s role in delivering fair justice is making sense (De Jongh, 1991). Pöchhacker (2008) argues that translation is not only about language and that the cultural dimension is equally important. He discusses the need speculated on by Knapp-Potthoff and Knapp (1986, 1987), Kirchhoff (1976), and Dam (in Kondo and Tebble, 1997) for conference interpreters to convert the cultural factors of the original text to those of the target version. According to Pöchhacker (2008, p. 11), integrating the cultural element into the concept of translation and defining it as “interlingual or linguistic mediation” is very different from the traditional view, which can be considered it an improvement in the field of translation research.

Recognising the inseparability of the cultural factor has led to the popularity of the linguistic/cultural mediator model. Lee (2009a) notes there is a predominant norm that interpreting always has some level of cultural mediation. Kirchhoff (1976) claims the best description of the interpreter’s role is as a linguistic as well as a cultural mediator. Pöchhacker (2008, p. 19) cites Garzone (2001) to define interpreting as “oral linguistic mediation” and the role of interpreter as an “intercultural mediator.”

Scholars who advocate for the mediator model also believe that interpreters should be allowed an active role. Mikkelsen (1998) argues that interpreters are “experts on human interaction and intercultural communication” (p. 15) and should

have more freedom to exert their professional discretion when obvious communication breakdowns arise due to cultural misunderstandings. Keratsa (2005) echoes that interpreters' intercultural functions should receive more emphasis and calls for a more active role for interpreters practicing in the judicial setting. On a spectrum of the active levels of legal interpreters' roles, from the most restrictive translation machine model to the most participatory advocate for language minorities, the linguistic and cultural mediator role can probably be situated in the middle. However, the clear measurement of the active level of this model is still debatable. Knapp-Potthoff and Knapp (1986, p. 153) note that professional interpreters should not be restricted to a "near-literal" translation and should be allowed to act as nearly "a true third party" in the communication process but Lee (2009a) suggest the degree of mediation may change according to the interpreting sectors.

However, there is a debate about whether the interpreter should function to remove only the language barrier or whether there is an additional requirement of removing the cultural barrier. Mikkelsen (2000b) and Hale (2004) argue that interpreters should primarily function to place the language minorities at the same linguistic position as the native English speakers; therefore, there is no need to explain, clarify, or adapt the message to make sure both sides understand. González et al. (1991) emphasize that "the court interpreter is a language specialist, not an anthropologist, a linguist, or a psychologist" (p. 502), and should not offer any expert advice on culture or language matters. González et al. (1991) strongly suggest that interpreters should limit their role to putting the non-English speaker at the same level as an English speaker and should not offer them any "advantage or disadvantage" (p. 155). Lee (2009a) also considers providing "opinion or extra information" as beyond interpreters' role (p. 38) and suggests that it might be sensible for them not to regard themselves as cultural experts in order to safeguard their professional integrity. However, Lee (2009a) claims that offering relevant opinions or information to the court is different from providing expert advice. Professional legal interpreters should be able to judge the appropriate circumstances to volunteer additional cultural information within the bounds of the court procedure. Roy (1993) points out that the limitation of the bilingual/bicultural concept lies in the content of the message rather than the active nature of the

communication process. In his view, interpreters' decisions should be formed upon a combination of the comprehension of language, discourse and social interaction. Hale (2008) suggests that it might be better practice for interpreters to present a true reflection of the original story and leave it to the lawyers to clarify the cultural differences and to the judges to make their well-founded judgments.

Despite his recognition of the cultural dimension in interpreting, Pöchhacker (2008) carries out extensive discussions to argue that the mediator model is actually ambiguous. The discussion starts with a thorough explanation of the connection between mediating and interpreting. Pöchhacker (2008) notes that translation has gradually become an equivalent of mediation and many expressions are introduced in this sense, such as "mediated communication," "interpreter-mediated encounter," "bilingual mediated communication," and "mediated intercultural communication" (p. 11). As a branch of translation, it is safe to assume the application of translation theories in interpreting. As an oral form of human interaction, interpreting seems to involve more mediating due to the instant influence the interpreter brings to the communicative process (Pöchhacker, 2008). However, the term mediator implies many roles, such as "middleman," "broker," "go-between," "gatekeeper," "facilitator," "agent," "advocate," and "conciliator" (Pöchhacker, 2008, p. 13). Furthermore, Pöchhacker (2008) uses the definition of mediation in the legal sense to illustrate that the linguistic/cultural mediator is a very active role, similar to that of an actual mediator, to resolve conflicts. As a result, this model can be understood as a combination of "the cultural/linguistic and the contractual sense" (Pöchhacker, 2008, p. 19). Therefore, Pöchhacker (2008, p. 19) argues that the mediator role involves a wider range of tasks than the traditional function of interpreting from a purely linguistic perspective. Pöchhacker (2008, p. 21) then cites Chiarenza's summary (2004) of the definition of linguistic and cultural mediator in a regional legislation in a healthcare context in Emilia Romagna, Northern Italy to demonstrate this point. Chiarenza's descriptions (2004) are:

An intercultural mediator:

- *is able to accompany relations between migrants and the specific social fostering the removal of linguistic and cultural barriers, the understanding and the enhancement of one's own culture, and the access to services.*

- *assists organisations in the process of making the services offered to migrant users appropriate.*

Complementing this description is the following set of four skills required of the intercultural mediator:

- *Understanding of different migrant needs and resources*
- *Linguistic mediation: interpreting & translation*
- *Intercultural mediation: culturally competent communication*
- *Orientation of relations between migrant users/services (Chiarenza, 2004 cited by Pöchhacker, 2008, p. 21)*

Although the above descriptions are taken from the healthcare setting, they support Pöchhacker's (2008) argument well; the integration of interpreting and mediation is obvious. Moreover, a linguistic/intercultural mediator functions "far beyond translational or communication-enabling activity" (Pöchhacker, 2008, p. 14). He also points out that the mediation role inevitably involves a variety of the interpreter's behaviours to manage the communication process. Some of these behaviours aim to clarify issues in the original utterance, including intervention to break down unstoping speech, to ask for repetition or to choose the appropriate interpretation, whereas some others are the interpreter's voluntary explanations, omissions, persuasion or improvement of politeness. All these activities are the application of "mediation" in the legal sense into the field of interpreting as "intervening to reduce differences and promote understanding" (Pöchhacker, 2008, pp. 13-14). However, the above activities may cause serious consequences, especially in legal proceedings because vital information of the original testimony is lost. Pöchhacker (2008) warns that this model carries an ambiguous definition of the interpreters' functions and this confusion may hinder the professionalisation process. Finally, Pöchhacker (2008) concludes with the suggestion of differentiating interpreters from cross-cultural mediators. He envisages the possibility of setting up two separate types of professions, which can complement with each other, or the possibility of the same person obtaining two qualifications to provide both services.

It can be concluded from the above discussions that the debate on the mediator role mainly concerns the interpreter's level of activeness, like that of all other roles. Legal interpreters' work inevitably involves different languages and different

cultures. However, whether to define the legal interpreter as a linguistic and a cultural mediator may depend on the level of the mediation. Furthermore, there is a need to decide whether the definition in the legal sense should be adopted in the professional domain of interpreting or whether a separate one should be invented.

3.2.6 Faithful renderer of original utterances

The concept of a faithful renderer of original utterances refers to accurate and intact transmission from a source language to a target language. This role distinguishes from the translation machine/conduit role in terms of the faithful interpretation. The machine/conduit model views interpreting as a word-matching process while this model views it as the complete reflection of both the semantic meaning and the illocutionary force. This is the role widely accepted by scholars and almost all codes of ethics, especially those for interpreters working in the legal context. The most closely relevant example to the present study is the NRPSI Professional Code of Conduct in the UK, which was briefly introduced in Section 2.6 “The Professional Code of Conduct” in the “Context” chapter. It says in Section 5.4: “practitioners shall interpret truly and faithfully what is uttered, without adding, omitting or changing anything.” González et al. (1991) specify that the court interpreter’s role is to convey the entire meaning of a message in the target language without “editing, summarising, adding or omitting” (p. 5). It can be argued that González et al.’s (1991) definition can be applied all legal interpreters, as pointed out by Giambruno (2008, p. 28) that misinterpretation can cause serious consequences such as “an individual’s rights, reputation, economic well-being and freedom” and the impediment of a fair justice. It seems that there has been general agreement that faithful interpretation is legal interpreters’ main role. However, one cannot safely assume that there is no controversy in this area. First of all, the obvious misconception of equating literal interpretation to accurate interpretation may still exist among service users, in particular, from the side of legal practitioners (Refer to Section 3.2.2 Interpreters as translation machine/conduit in this chapter). Secondly, the definition of accuracy and faithfulness is still in debate among scholars, practitioners and service users.

Interpreters make constant effort to deliver a high-quality interpretation.

Giambruno (2008) points that creating an accurate and intact rendition from the original to the target language is a highly demanding job. However, there is no consensus on standards to judge what adequate translation is. Giambruno (2008, p. 27) cites a famous great translator, Saint Jerome, who said, “give sense for sense and not word for word”, which he believes has “become a universally accepted tenet in translating and interpreting today.” Pergnier (1978) claims that a good translation depends on whether and how much the meaning of the target version equals that of the original message. Crooker (1996) argues that it is not a superficially right or wrong judgment because accurate interpretation is when an interpreter makes the best choice out of many alternatives and the interpretation is the closest to the “nuance, style and demeanour of the speaker” (p. 9). In addition, both De Jongh (1992) and Mikkelson (2000) believe that it is vital to maintain all characteristics of the source language (the language of the speaker) message, comprising “lexical content,” as well as “style, tone, and nuance” in the target-language version (the language of the receiver). Interpreters are expected to produce with “near-to-perfect accuracy, or high fidelity,” which means to keep the original intonation and register without any additions or omissions in the target language version, according to Berk-Seligson (1987, p. 1095). Lee (2009a) suggests that interpreters need to reach a sensitive balance between the transmission of the entire message, including paralinguistic factors, and the avoidance of misrepresenting the original. In most circumstances, interpreters function between the “two extremes” (Mikkelson, 2000b, p. 4).

So, this may raise the question: is it impossible to achieve complete equivalence in the target language? Mikkelson (2000b) recognises that during such a seemingly simple but, in fact, highly complex process, it is not always easy to define every element of a message or to make an entire transference from one language to another. Gile (1995) points out that there is “no one-to-one correspondence” in lexical contents or linguistic rules and there is no “automatic equivalence” between words in the source and target languages (p. 49), cited by Aldea (2010, p. 149). Pergnier (1978) suggests that because translation is a process of decoding a message and then recoding it in another language, equivalence should be measured between the “message-meaning” rather than the linguistic structure of the two languages. Hartmann and Stork (1972) believe that

complete or part equivalence exists in different languages in relation to their linguistic meaning, grammar, and vocabulary. It is also important to judge whether to deliver such a replacement at the word, phrase or sentence level. There are further discussions among linguists regarding how to define the meaning of a message. Normally, linguistic meaning can be divided into two categories: (1) “language-meaning” or “form/word-based meaning,” which refers to understanding messages at the phonological and semantic level which relies on the tradition of the language group rather than its context (Pergnier, 1978, p. 201); (2) “message-meaning” which refers to the speaker’s intention depending on the environmental context (Pergnier, 1978, p. 201). Pergnier (1978) believes that a message cannot be easily transmitted from one language into another by its lexical or grammatical segments. De Jongh (1992) states a similar opinion that words carry hardly any meaning without their context. De Jongh (1992) describes creating context as using a word with other words and the situation in which it is used. According to Finegan (2011), messages with the same linguistic meaning are highly likely to have different utterance meanings. Pragmatics attaches more importance to the relationship between a message and its context, rather than between words and sentences (Finegan, 2011). Therefore, pragmatics is more concerned with the context and the speaker’s intentional meaning, as claimed by (Thomas, 2014). Interpreting is a complex process because communication is a “dynamic discursive process with an open outcome” (Pöchhacker, 2008, p. 13). Therefore, instead of a “from-to or back-and-forth movement between language systems and cultures (however defined)”, interpreting need to incorporate “features of human interaction as intentions, objectives, expectations, attitudes, status, power or conflicts” (Pöchhacker, 2008, p. 13).

Hatim and Mason (2014) discovered the possibility for the interpreters to reach perfect equivalence at the word and sentence level but to fail to represent the same speech power in the context in question. One reasonable explanation may be that inter-lingual communication involves cultural elements more than the mere exchange of words (Arjona, 1978). It is, therefore, possible to assume that more effort in translation at the lexical and grammar level results in making less sense of a message in another language (Pergnier, 1978). It is quite often the case that one word in a foreign language has many meanings in the dictionary. Taylor-Bouladon

(2007) suggests that interpreters need to consider factors including “context, intuition, general knowledge, knowledge of the subject matter, and so on” to choose the most appropriate replacement (p. 30).

3.2.7 Summary

In this section, six legal interpreters’ role definitions are addressed to reveal different aspects of confusion and to highlight the complexity of this issue. As can be drawn from the discussions, a consistent understanding has not reached because most models cannot reflect the unique and complex nature of the interpreting profession in the legal context. The *Ad Hoc* model and the conduit model fail to recognise that “interpreting is a complex cognitive cross-cultural activity with a distinct professional profile and the need for specific training” (Garcés & Martin, 2008, p. 3). However, the communication facilitator model, the advocate model and the linguistic/cultural mediator model, each involve a very high level of interpreters’ intervention and duties beyond their professional boundaries. The faithful renderer model receives general agreement. However, the definition of accurate and faithful interpretation is still in debate.

3.3 Debatable constituents of the faithful rendition

As discussed in the previous section, there is less controversy in viewing legal interpreters as the faithful renderer of original utterances. Although it is generally agreed that interpreters need to account for both linguistic and non-linguistic elements in their rendition of the target language, the critical issue of the definition of accurate and faithful rendition in legal interpreting has not been settled, which inevitably hampers the correct adoption of this role. What constitutes an accurate interpretation is a complex question (Berk-Seligson, 1987). Therefore, it is vital to explore what interactional and pragmatic elements of an utterance legal interpreters copy to fulfil the faithful renderer role. Furthermore, whether legal interpreters intervening to ask for clarification, to breakdown a lengthy section of speech, or to offer explanations falls into the responsibilities of this role needs to be discussed. To explore this matter further, literature regarding how legal interpreters deal with

interactional pragmatics, with a detailed discussion of seven pragmatic elements and intervention, will be reviewed in the following sections.

3.3.1 Interactional pragmatics

Scholars have increasingly recognised the importance and the complexity of various participants in the legal process using linguistic strategies to influence the pragmatic force. Some are interested in how lawyers use language as a device to control witnesses' responses while others want to find how various witnesses' speech styles affect their courtroom performance (Berk-Seligson, 1987). De Jongh (1991) argues that interpreting needs to transfer the speaker's entire meaning, including its subtle cultural variations, the speaker's style or register and nonverbal hints. González et al. (1991) assert the manner of the expression and the content of the message are equally important. Whether or not delivering the pragmatics of courtroom utterances should be considered part of the interpreter's faithful rendition of the original message is an area that has attracted interest from many researchers in this field.

O'Barr and his colleagues, Conley, Erickson, and Lind (1978-1982) conducted a series of experiments in which they read out speeches with or without certain linguistic features such as discourse markers, polite forms, or hesitations to test the impact of testimony styles on jurors' evaluation of witnesses. They used "narrative speech style" or "fragmented speech style" and "powerful speech style" or "powerless speech style" to categorise testimony styles (O'Barr, 1982, p. 76-77), which has since been widely adopted by researchers. O'Barr (1982) summarised the characteristics of "powerless speech style" as "intensifiers" (e.g. "very", "definitely", "surely", "such a", etc.), "hedges" (e.g. "sort of", "a little", "kind of", etc.), "hesitation forms", including "pause fillers" (e.g. "uh", "um", "ah", etc.) and "meaningless particulars" (e.g. "oh", "well", "let's see", "now", "so", "you see", etc.) and the question tone in response to the lawyer's question (p. 67). According to the listeners' reactions in the experiments, O'Barr (1982) made the following claims: narrative answers are more positively evaluated than fragmented ones; powerful speech style is generally better received; speech style that is different from the standard courtroom discourse style is likely to receive less favourable evaluation

from judges and jurors; witnesses tend to be consistent with their speech style, but which style they will use is ultimately controlled by the questioning lawyers. Although these claims are drawn from experimental tests and have not been verified by real courtroom data, they have been cited by many later researchers interested in finding whether different linguistic and paralinguistic features of the speaker's speech styles contribute to forming the listener's impression of that person's personality, intellectual ability and credibility during courtroom interactions.

Further in-depth research was carried out through collecting authentic interpreter-mediated data in the courtroom (Berk-Seligson, 1987, 2007; Hale, 1997a, 1997b, 1999, 2004; Hale & Gibbons, 1999; Mason, 2008). Although most was conducted among Spanish court interpreters, the results may also be applied to all legal interpreters of other languages. They have found that interpreters are more likely to maintain the key content but lose many linguistic subtleties. The observations and analysis of these studies have showed that the linguistic decisions made by interpreters when interpreting legal discourse has an inevitable impact on courtroom interaction in the aspects of discourse markers, pragmatic strength, interventions and clarifications, register variation and so on (Napier & Spencer, 2008). These researchers have reached a common conclusion that it is, in fact, more difficult for interpreters to achieve complete equivalence in the pragmatic force of the speech.

Berk-Seligson (1987) tries to reveal how the interpreters' alterations of certain pragmatic features change the speech styles and finally the testimony, based on O'Barr's (1982) categorisation. According to her data, there is an overall tendency of changing fragmented speech styles to narrative ones by increasing the length of the utterances when interpreting from Spanish into English, which is contradictory with the general knowledge that Spanish normally uses more words to express the same idea as English. The lengthening English version, according to Berk-Seligson (1987), is the result of the interpreters' inserting discourse markers, hidden messages, hypercorrect grammatical elements, their own rephrasing or backtracking, polite terms, or hesitations. Berk-Seligson (1987) claims that interpreters tend to reduce the length of the testimony by omitting exactly the same linguistic factors that they insert to lengthen the testimonies. That is to say, interpreters fail to include elements when they should and include them when they

should not. Both the addition and omission of these linguistic and paralinguistic elements may indicate that interpreters have not paid enough attention to their importance and may change the evaluation of such testimonies, as concluded by Berk-Seligson (1987).

Hale and Gibbons (1999) present a detailed study of how the systematical alternations made by Spanish interpreters in an Australian law court impact the evidence presentation significantly and the result of the case. Their study carefully examined the questions of the “powerful court participants” (legal professionals), interpreters’ treatments, areas of interpreters’ alternation, reasons for these changes and why they are of paramount importance (Hale & Gibbons, 1999). It is a profound finding of their study that interpreters tend to ignore areas such as lawyers’ intentional persuading or confronting linguistic strategies and important witness speech styles to show their credibility, thus failing to produce a faithful rendition of the original message (Hale & Gibbons, 1999). Berk-Seligson carried out further experiments in 2002 to explore how interpreters focus considerably more on the lexical than the syntactic choices; how they deal with courtroom speech styles; and how they ignore pragmatic variations of different languages. Her study, in addition, tries to find how the above interpreters’ choices influence the construction of testimony and ultimately affect jurors’ perceptions of witnesses. A similar study by Mason (2008) observes how interpreters add or delete speech style elements to influence the original style and, ultimately, jurors’ evaluations.

It can be drawn from the above overview that researchers are in general agreement that the faithful rendition in legal interpreting should include copying the speaker’s pragmatic force. They also identified that legal interpreters tend to make unintentional or intentional pragmatic variations in their practice. Furthermore, it is useful to look at how interpreters’ treatment of each pragmatic element of speech would affect the reflection of the whole original utterance, which will be dealt with in the following subsections.

3.3.1.1 Discourse markers

Frequently, speakers use words and phrases that do not alter the message grammatically but can influence the strength of the utterance. These words and

phrases are of little grammatical but great pragmatic value. They are also called fillers, hedges, or discourse markers (Schiffrin, 1993). The interpreters' treatment of discourse markers in the courtroom has long been an area of scholars' particular interests. Many scholars highlight the need of reflecting the discourse markers in the interpretation. For example, Rios (1997) argues it is crucial to maintain the vague effect of discourse markers in the target language rendition to accomplish the complete transference of the pragmatic influence of the original message.

Lawyers frequently use discourse markers as part of their questioning technique. Hale (1999) suggests "well," "see/you see" and "now" normally appear at the beginning of lawyers' questions in direct examination to keep the questioning process under control and in cross-examination as important arguing, combating and controlling methods. "Well" is used by the questioning lawyers to regain control of the conversation in addition to affirming the requirement for a suitable response (Mason, 2008). Hale (1999) considers "see/you see" carrying a stronger pragmatic power than "well" and says it is normally used in cross-examination. Because "see/you see" has an indication of many delicate pragmatic meanings according to different situations, therefore, Hale (1999) thinks it is one of the most difficult discourse markers to interpret because it probably has a potentially different interpretation for each different context. The discourse marker "now" is used to re-direct the witness's focus to a new question and to keep the examination process under control in a non-confrontational manner. In this way, the lawyer is regaining control of the flow of the testimony (Hale, 1999, p. 78). Hale & Gibbons (1999) also explain the function of some discourse markers to imply doubt about the truthfulness of the testimony and thus reduces the credibility of the witness, including "can you tell," "to the best of your recollection/memory," "in fact," "that's because," "do you say," "you say," "you allege," and "what you allege" (p. 210). Additionally, Hale (1999) and Jacobsen (2008) note similar functions of other discourse markers such as "and," "so" and "presumably" to deliver the implication of the defendant not telling the truth and intentionally trying to cheat the court.

Scholars point out that discourse markers in the witness/defendant's answers mainly affect the level of certainty and clearness. Brown & Levinson (1978) highlight "to the best of my knowledge," "as I recall," "you might say" and "quite frankly" (p. 169-170). Tannen (1993) notes these discourse markers may include "really,"

“anyway,” “just,” “obviously,” “even” and “kind of” (p. 44). Hale (2002) discusses “sort of,” “like,” “I’m not sure,” “more or less,” “I don’t remember,” “I think,” “probably,” “maybe,” “you know,” “I mean,” “in fact,” “really” and “basically” (p. 30) in her study. O’Barr (1982) claims that certain discourse markers may constitute the powerless testimony style, which is likely to receive a negative evaluation. These discourse markers are normally linked to the speaker’s hesitation and cause the impression of lacking confidence. Hale (2002) holds a similar opinion that some discourse markers may change the power of the speech with an implication to the degree of the speaker’s trustworthiness. Berk-Seligson (2002) assumes that witnesses tend to use them as a linguistic technique pragmatically to alleviate the effect of their messages, but during courtroom proceedings, speaker’s hesitation is inevitably regarded as being confused or trying to deceive. Brown and Levinson (1987) also suggest that it may reveal speakers are not fully responsible for what they have said. “Well” appears as one of the most frequent discourse markers of this kind. Berk-Seligson (2002) summarises a series of studies by Sacks et al. (1974), Lakoff (1973), Pomerantz (1975), Owen (1983), Wootton (1981) and Schiffrin (1985) regarding “well.” It normally carries the following meanings: an introduction of speech; a preface to inadequate answers; a preface to disagreements with the same function of “yes but” or silences; a precedence of rejecting a pre-assumption of the previous question; the non-obedience of a requirement; the speaker’s effort to build up a consistent and logical speech (Berk-Seligson, 2002). Mason (2008) also notes “well” means that the witness is not fully agreeing with the lawyer’s question or speech.

Despite the vital effect of discourse markers, the data from studies by Berk-Seligson (2002), Hale (1999), Jacobsen (2008) and Mason (2008) shows that interpreters tend to mistreat most of them. These scholars argue that missing these discourse markers in the lawyers’ questions alters the level of aggressiveness or the forceful tone, which reduces the questioners’ level of control. Furthermore, they point out that not keeping all discourse markers intact in the witnesses’ answers changes the level of sureness and affects the evaluation of convincingness, competence, intelligence, trustworthiness and credibility. Both Hale (1999) Mason (2008) assert that the omission of discourse markers causes misinterpretation of the original utterance.

Hale (1999) raises two reasons for the omissions. First, due to their seemingly unimportant nature, the discourse markers tend to be treated as not relevant and thus are unintentionally filtered by interpreters. Berk-Seligson (2002) also echoes this view. Second, the interpreters fail to come up with an equivalent rendition (Hale, 1999). Mason (2008) holds a similar view that interpreters possibly delete these linguistic elements with or without intention because they feel that they are insignificant or simply because they appear at the beginning of speech and beyond the interpreters' memory capacity. Hale (1999) points out that discourse markers are difficult in interpretation because they have delicate pragmatic meaning depending on their situational context. Hale and Gibbons (1999) note that the interpreter's omission of discourse markers is an inevitable impact of the high requirements and pressure of the courtroom imposed on them. As can be seen from these discussions, scholars in the field of legal interpreting have fully acknowledged the importance of discourse markers and have revealed the problematic phenomenon that legal interpreters tend to mistreat this vital element of speech. However, they fail to identify the critical issue that interpreters obviously have not been educated on the crucial effect, the implication and the subtle variation of meanings of the discourse markers in different situations. Also, they are not educated on the impact of the inclusion or omission of discourse markers on the faithfulness of the message. More importantly, they are not allowed sufficient time to deliver the interpretation. Instead of blaming individual practitioners, further exploration should possibly be done to find what could be done from a higher level.

3.3.1.2 Politeness markers

The pragmatics of politeness in the courtroom is another pragmatic factor of speech that scholars believe legal interpreters should reflect to achieve faithfulness. Politeness is mainly related to linguistic choice from the pragmatic perspective (Culpeper, 2009), but the discussion in this section will only focus on politeness markers. With regard to the lawyer-witness interaction, lawyers use polite address terms strategically. Berk-Seligson (2002) summarises that lawyers address the witness politely when they respect the witness of their own side or when they demonstrate fairness and courtesy towards witnesses from the opposite side. Polite

terms used by a belligerent lawyer with an aggressive tone during heated examination may also be an implication of hostility. O'Barr (1982) recognises the tendency for lawyers to address witnesses strategically to build a feeling of alliance or to show power of coerciveness. According to Mason (2008), a defence lawyer tends to use the politeness marker "sir" during cross-examination as one of their techniques to achieve two goals: (1) a face-threatening confrontation with the witness; (2) a face-saving less aggressive and more respectful impression of them by the jury.

Politeness markers also play an important role in witness testimony styles. O'Barr (1982) suggests that politeness is one of the factors that form powerless style; a witness testifying in such a style leads to less favourable evaluations from the judges and the jury. However, many scholars hold the opposite view. Berk-Seligson, (1987, 2002) agrees that politeness is one of the many features to define the powerless testimony style but she disagrees with the relationship between the politeness and the negative evaluation. Berk-Seligson (2002) believes that a witness's polite testimony is related to more positive evaluations based on her study on how it affects the four variables of convincingness, competence, intelligence and trustworthiness. Parkinson (1979) implies that defendants who speak more politely and use full sentences have more chance to be found not guilty.

Scholars have found in their studies that legal interpreters would alter politeness markers in their interpretation. Berk-Seligson conducted two studies, one in 1987 and another in 2002. She noticed that polite terms are frequently ignored or inserted by courtroom interpreters in various situations. Berk-Seligson finds in her later study in 2002 that the alteration of the politeness level will inevitably affect the impression formed upon the speaker. Her studies also show that court interpreters normally start by addressing the witness politely. The initiation of polite address terms from the interpreter tends to result in polite answers from the witness (Berk-Seligson, 1987, 2002). In courtroom interaction with people from certain communities or areas, where it is a social norm to use polite terms to address people of more superior status or require people to do something, interpreters have a tendency to insert them even when they are not in the original utterances (Berk-Seligson, 1987).

Berk-Seligson (2002) notices another phenomenon of the interpreter adding

politeness markers when the target audience is the judge, who has more power than any other personnel in the proceeding to assess her performance (Berk-Seligson, 1987, 2002). Presumably, this addition reflects the interpreter's own feeling of the need to show politeness when addressing the judge as one member of the court although she is not expected to show personal involvement in the ideal situation (Berk-Seligson, 1987, 2002). Frequently during a witness/interpreter/lawyer interaction, the witness uses a polite term that does not correspond with the gender of the lawyer but with that of the interpreter (Berk-Seligson, 1987, 2002). This situation is obvious when the lawyer and the interpreter are of opposite sex. To correct the above disparity in politeness markers with the least interference with the court proceedings, the interpreter normally either adopts a correct interpretation of the polite address term to suit the lawyer's gender or deletes it completely in the interpreted answer (Berk-Seligson, 1987, 2002).

Mason (2008) discovered that interpreters tend to add the polite speech marker "please" to the examiner's question during turns of longer questioning and answering exchanges. This addition falsely produces a softer and more respectful tone of the examiner's intention. However, it is found that interpreters may alter these terms and cannot always deliver the lawyer's intention and strength.

In contrast to the findings of the above two studies, Hale and Gibbons (1999) claim that interpreters tend to reduce the politeness in their interpretation. Hale and Gibbons (1999) described one example that the interpreter rendered the indirect question as a direct question. In another example, the interpreter made the question sounded more impolite and informal, which moved to a more commanding force pragmatically. However, because the alteration is relatively small, these are not strong examples to arrive at the finding that lowering the politeness level is a common phenomenon. To make such a claim, a fuller exploration will be needed to generate more examples, such as the above two studies by Berk-Seligson (1987, 2002).

3.3.1.3 Vagueness

Among the many factors that contribute to the inaccurate interpretation, the main one is probably ambiguity. Scholars have identified three main causes of ambiguity:

insufficient contextual information, the speaker's intention and language differences.

Vague utterances with insufficient contextual knowledge may be counted as one dilemma faced by legal interpreters (Lee, 2009b). Interpreting the exchange of questions and answers in court examinations requires information from earlier turns to build up the understanding in later turns (Janney, 2002). Lee (2009) argues that interpreters only have access to the limited contextual information as it unfolds at the particular court appearance. Furthermore, the fast-fire nature of the adversarial examinations and the rapid exchange of turns only provide interpreters with small pieces of information which increase the level of interpreting difficulty (Lee, 2009b). Lee (2009b) argues that interpreters do not share the same level of knowledge with other participants in the courtroom. On one side is the context of the case related to the witnesses' personal experience of the incident because private conversations are restricted, unless for making sure of mutual understanding of the dialect due to ethical obligations (Lee, 2009b). On the other side is the substantial legal knowledge of judges and lawyers for coping with the court proceedings (Lee, 2009b). Interpreters can only heavily rely on their inductive and deductive abilities to compensate for the insufficient contextual information which is likely to lead to immature decisions and to put accurate interpretation at risk (Lee, 2009b). It is, therefore, not a surprising finding of Lee's (2009b) study that the explicit utterances appear to be more problematic for interpreters during direct-examinations than in cross-examinations for the obvious reason that some degree of contextual information has been building up through previous turns of questions and answers.

Generally speaking, participants in the courtroom are expected to meet certain criteria such as speaking in a clear and precise manner (Lee, 2009b). Nevertheless, it is possible for defendants and witnesses to make unintentional inconsistent and unclear speech with insufficient information because they are not familiar with the standard of courtroom speech style or they are not capable of communicating efficiently in such an environment (Lee, 2009b). Occasionally, speakers may not realise that not all the courtroom participants share the same level of contextual information, thus their inexplicit subject beyond the physical context of the courtroom inevitably imposes more challenges to accurate interpreting (Lee, 2009b). On some occasions, the inexplicit message is the witness's "slip of the tongue" (Lee,

2009b, p. 105). The witness may sometimes provide deliberately vague answers with the aim to avoid the full responsibility for his/her testimony and the examining lawyer may ask vague questions to confuse the witness.

There are various situations that require interpreters to make professional decisions regarding how to deal with the original unclear messages in their target language rendition. For example, a word may have more than one meaning in the target language. González et al. (1991) refer to this phenomenon as lexico-semantic variation and suggest interpreters choose the closest one to the source language meaning based on the context. If the context is not clear, clarification should be sought or a neutral word should be chosen (González et al. 1991). Lee (2009b) explores the relationship of the inexplicit language used by Korean witnesses, the corresponding interpreting decisions and their possible impact on the legal proceedings. Lee (2009b) demonstrates the lexical and grammatical difference between Korean and English and says the witnesses' unfamiliarity with the nature of courtroom interactions leads to the implicit language usage. Lee (2009b) summarises the key linguistic features that differentiate Korean and English that lead to interpreting difficulties: (1) Korean does not require clear single and plural forms; (2) Korean indicates different degrees of politeness at the end of sentences; and (3) there is a conventional regular use of ellipsis in Korean. Lee (2009b) claims that although his study is based on criminal court proceedings using Korean interpreters, the findings may also be generalised to civil proceedings and the use of other Asian language interpreters such as Chinese and Japanese, because of their similar subject ellipsis grammatical structure. In contradiction to the legal requirement of seeking the most accurate information, the above Asian languages do not normally provide a clear subject in a manner similar to English (Lee, 2009b).

Drawing on the theories of some earlier linguists (Green, 1996; Gumperz, 1999; Mason, 2006; Schiffrin, 1993; Wadensjo, 1998), Lee (2009b) claims that it is natural for messages to be ambiguous pragmatically, but that negotiating understanding is possible by means of interacting communication, which is furthermore applicable to interpreting unclear utterances by frequent confirmation and clarification. However, reflecting on various restraints that interpreters face in the courtroom, Lee (2009b) points out that constant intervention for clarification is highly likely to be perceived

as an undesirable intrusion by judges and lawyers as well as a undervalue of the professional ability. It may then bring the risk of under-evaluation of the interpreters' professional integrity.

Jacobsen (2008) claims that in practice interpreters often tend to clarify unclear messages or add information to broken speech. Interpreters do not want original ambiguous or uncompleted utterances to be perceived as the ambiguous interpretation which then will result in a negative evaluation of their professional competence (Jacobson, 2008). Interpreters engaged with Lee's (2009b) study have revealed a general reluctance to intervene in the proceedings. There are differentiated interpreting strategies to deal with inexplicit utterances that may lead to various consequences for the proceedings. One interpreter reported trying to make the subject ellipsis explicit by using the passive voice, which is not grammatically sufficient for English speakers to grasp the complete meaning, and at the same time gives the impression that the witness is trying to make the subject of the action unclear in order to reduce his responsibility. Another interpreter added a fictitious subject "they" (p. 102) or "someone" (p. 106) followed by informing the court of the interpreting problem. The third interpreter asked the witness to clarify without disclosing it to the court and the court, as a result, is not aware of this interpreting issue and at the same time may suspect some lack of transparency. A further interpreter omitted the ambiguous messages and then made a summarised interpretation (Lee, 2009b). Coping with inexplicit utterances is obviously a complicated mental process, therefore, there may be more added hesitations indicating that the interpreters need more time to deliver their rendition (Lee, 2009b).

During cross-examination, judges and lawyers may suggest that they do not understand the interpreted version and ask the interpreter to reword. Then they point out the different wording and try to make the testimony sound doubtful. However, the original intention to discredit the witness may, in addition, damage the credibility of the interpreter and lead to confusion of the direction of the questions for the interpreter (Taylor-Bouladon, 2007).

Mason (2008) discusses interpreters' adding information in their rendition would alter the original pragmatic intent. Berk-Seligson (1987) also finds the same phenomenon. In her observation, the original answer to "Did he have a beard at that

time” was “yes, he did”. The interpreted version was “Yes, he did have a beard” (p. 1108). Berk-Seligson (1987) uses this example to demonstrate the interpreter added what is not clearly mentioned in the speech but should be understood. As a result, it increased the level of definiteness of such evidence (Berk-Seligson, 1987). Lee (2009b) demonstrates that interpreters tend to polish the inexplicit content to a more understandable and grammatically complete version using their individualised assumptions rather than copying it in their rendition.

Lee (2009b) argues that interpreters’ failure to disclose the inexplicit information combined with reluctance to acknowledge their mistakes violates professional ethical rules. In addition, the court will not be able to realise the interpreting difficulties and any other interactional challenges without being informed. More importantly, the misinterpreted evidence caused by the interpreters’ misjudgement may eventually hinder a fair trial (Lee, 2009b). Interpreters should strive to avoid clarifying or polishing a vague message from a speaker. In an adversarial law system, it is the judge or jury’s duty to make the vital judgment whether the speech manner is confident, clear, hesitated or incoherent, based on the way evidence is presented (Taylor-Bouladon, 2007). Lee (2009b) suggests that interpreters should retain the inexplicit nature in their rendition and the court can seek clarification from the witness directly. Nevertheless, it may be worth mentioning that due to some kind of misconception from other courtroom professionals, interpreting is often seen as a mere “mechanical process” with a minimum level of participation (Lee, 2009b, p. 110). Therefore, interpreters’ intervention is not always appreciated in the courtroom (Morris, 1995). Interpreters’ professional behaviour may be deemed as overstepping their restraint roles and doing things more than just interpreting (Lee, 2009b). To solve this problem, general awareness should be raised among judges and lawyers that the interpreters’ intervention for clarification is not a reflection of interpreting incompetency or an unprofessional activity, and should be appreciated by every participant in the courtroom for the sake of accurate relating of information (Lee, 2009).

3.3.1.4 Hesitations

The way interpreters should deal with hesitations, such as voice-filled or unfilled

pauses or repetitions and how their treatment affects the pragmatics of courtroom exchanges will be explored here.

Berk-Seligson (1987) asserts that if the speaker talks in a hesitant and uncertain way, so should the interpreter. Linell, Wadensjö, and Jönsson (1992) found in their study that interpreters tend to render a summarised and extracted version by deleting the original hesitations and hedges for the purpose of producing a more consistent and logical message. Mason (2008) discovered that interpreters may have more or fewer hesitations in their rendition. In addition, Hale (2004) suggests that most hesitations in the interpreted versions are those of the interpreters and not the witnesses. Sometimes, witnesses hesitate by reiterating a few words of the last statement at the start of the following statement. This hesitation is very likely to be replaced by unconscious repetition and backtracking by the interpreter in his or her own right to have more time to render a more accurate interpretation, as claimed by Berk-Seligson (2002). However, these repetitions may make the evidence sound less persuasive and lead to a less positive impression (Berk-Seligson, 1987). When the hesitation appears in the middle of the speech it is normally ignored by the interpreter and will be turned into a shorter but a more polished rendition (Berk-Seligson, 1987).

More addition of hesitation by interpreters was found in Berk-Seligson's (1987) study, including inserting a hesitating sound "uh," a discourse marker "probably" and an unneeded noun to make the witness sound less confident, less certain and less responsible for his statement. Sometimes, the interpreter may feel adding certain discourse markers will make the testimony sound more natural or more logical (Berk-Seligson, 1987). Berk-Seligson (1987) claims that hesitations in interpretation are interpreters' intentional or unintentional behaviour rather than those of the original speech. Jacobsen's (2008) research analysed a situation where the interpreter omitted the defendant's original hesitation but added the filler "I mean" which showed her effort to maintain the speaker's initial intention (p. 63). In another example from Jacobsen's (2008) research, the discourse marker "okay," framing the content of a speech and indicating the emergence of a new subject in the prosecutor's question, was replaced with an addition of a voice-filled pause and a pause. This alternation, according to Jacobsen (2008) sounded more hesitant and thus reduced the confronting tone of the prosecutor's question, probably because

the interpreter did not want the threatening tone to be reflected by her. When interpreting the defendant's answer to the above question, the interpreter added three "voice-filled pauses and a discourse marker well" (p. 64) which increased the degree of hesitation. In this case, the interpreter realised that the defendant failed to offer the desired answer but, in fact, damaged the defendant's credibility because the more hesitated rendition implied that he was not completely honest. The third occasion illustrated in Jacobsen's (2008) research is an interpreter's addition of hesitation after an interpreting error which Jacobsen assumed it may be an effort to remedy the interpreter's own error and to maintain her professional image.

Krouglov (1999) found, through an empirical study, that extra hesitations in the interpretation may be caused by the pressure experienced by the interpreter and may result in a misevaluation of the speaker's credibility. In addition to the above mistreatment of hesitations, Hale (2004) claims that interpreters are very likely to omit repetitions and pauses.

The aim of Mason's (2008) study was to examine the likely reasons for interpreters' removing witness' hesitation markers. After analysing the position of these pause markers and the duration of the speech, Mason discovered that interpreters tend to omit most of the hesitation markers located at the beginning of speech longer than nine words. The data from her research also indicates the likely reason is the interpreter's failure to remember those grammatically less important linguistic elements at the beginning of a longer conversation. Sometimes, when a witness hesitates to answer the examiner's question, they may use pause markers such as "um," "uh," or "oh" which may be a sign of unwillingness to answer or difficulty in finding a suitable response. The interpreter's rendition without these pause markers may make the witness sound less hesitant and more honest (Mason, 2008).

3.3.1.5 Register/technical level

Speakers are normally characterised by different linguistic features that reflect their regional or social background. In addition, various aspects, including setting, topic, the social relationship between the speaker and the addressee, the speaker's role, and so forth, decide the appropriate language variety for that particular speech

situation (Finegan, 2011). Each language variety has a different style in lexical choice, address terms, specialised vocabularies, morphology and grammatical features (Finegan, 2011). The faithful transmission of the original message should include the maintenance of these characteristics. Regional language varieties, which can also be referred to as a dialect or accent will be discussed in a later section of this chapter. The focus of the current discussion is around the register, representing the speaker's social-economical varieties. Register, which is also called style can often be distinguished by different "formality levels" (Berk-Seligson, 2002. p. 169). Berk-Seligson (2002) summarises, from the theories of Joos (1967) and Gleason (1965), that there are five registers of English: oratorical/frozen, deliberative/formal, consultative, casual and intimate (p. 169).

A high technical level is normally the main characteristic of a legal practitioner's utterances. Mikkelson (1998) discusses the dilemma faced by legal interpreters to decide whether it is their duty to deliver a reasonably understandable rendition in the target language or if it is a waste of the interpreter's talent and the court's time and resources to maintain the technical level beyond the listener's comprehension. The lawyer's original intention of overpowering and frightening the witness with long and complicated questions seems to challenge interpreters' interpreting capacity (Mason, 2008). Mikkelson (1998) presents an interesting example of an intentionally formulated question by the lawyer to cause confusion: "If I were to inquire of you as to who was your treating physician at the point in time that you fell ill, what would your answer be" (p. 7). The simplified version of this question would be "Who was your doctor when you got sick" (p. 7). Berk-Seligson (1987) warns that interpreters should not simplify complicated legal language for the listeners because interpreters' function is only to remove linguistic barriers and such well-intentioned alteration will misdirect the legal process. Mikkelson (1998) suggests that interpreters should avoid the temptation of lowering the register, although it is easy to tell by the obvious facial expression or the non-responsive answer that the listener does not understand the question. A native-English speaker may also find the above question confusing and require clarification. Therefore, court interpreters should not unfairly assist non-English speakers to put them in a more advantageous position compared to that of an ordinary English-speaking layperson, as claimed by Mikkelson (1998). However, Cooke (1995) points out that

there is a risk that the witness may end up answering a different question from the original because the interpreter's rendition may not fully convey the implication of such a complicated question and the non-English speaker may not have the courage or awareness to ask for clarification.

Researchers have identified a common phenomenon where interpreters shift the register of both the lawyers' questions and the witnesses' testimonies to facilitate communication between the two sides (Berk-Seligson, 1989; Hale, 1997d). However, they fail to identify the difficulty for the interpreter to maintain the high technical register in the interpretation. According to Taylor-Bouladon (2007,) interpreters are required to sound like "a doctor, a scientist, a lawyer or a physicist" (p. 47). However, O'Barr (2002) finds the interpreter normally renders the testimony in a fixed style. To act as any of these professions will require a long period and high level of education. Most interpreters only command the necessary terminologies and basic levels of legal knowledge. This cannot guarantee the ability of speaking the same way as a lawyer. Also, it is highly likely that the interpreter does not grasp the same level of proficiency in both languages. He/she may sound like a lawyer in his/her native language but not in the working language. More importantly, one should not forget that legal interpreting is a highly demanding job. The fast-fire nature of legal proceedings does not give the interpreter much time to think. All these factors inevitably affect the interpreter's ability to deliver the target language interpretation at the original technical level.

Russell (2000) discusses a register issue when the police officers caution the detained person with hyper-formal legal language. Then, they are required to reword the caution with simpler words and smaller linguistic segments with a lower register for the comprehension of the detained person. However, it is common for the police officers to fail to do so due to the lack of linguistic training. In the real situation, this duty falls unfairly on the interpreter merely relying on their experiences (Russell, 2007). The simplified version provided by the interpreter may be easier to understand, but carried a greater risk of distortion from the original meaning. Interpreters do not process such expertise to offer a legal explanation. This is a breach of their professional role and, more importantly, may hinder the detainee's legal rights.

It is widely accepted that it is crucial for legal interpreters to copy the

non-English speaker's speech style. González et al. (1991) highlight that the speaker's register is the most important factor to reflect the original message. Taylor-Bouladon (2007) argues that the interpreter should not change the original simple and plain expression into difficult concepts or words that are an obvious distortion of the original.

In contrast to reducing the register of the legal professional's utterances, scholars have shown a general concern that interpreters tend to improve that of the non-English speaker. Berk-Seligson (2002) discusses an example in her research that interpreters tend to upgrade the consultative style of the witness's testimony to the hyperformal style. O'Barr (2002) argues that this phenomenon would lead to less favorable evaluations because there is a discrepancy between the speech style and the speaker's social/economic background. Besides, answers in a hyper-formal style tend to be lengthier narrative utterances (O'Barr, 1982). Berk-Seligson (1987) agrees with O'Barr that the clear mismatch of the "bookish" speech style to the speaker's lower social background may lead to negative judgment (p. 1118). However, findings of Berk-Seligson's (2002) study are in disagreement with O'Barr's and her own earlier claim. Berk-Seligson (2002) explains witnesses are expected to use a highly formal speech style to show their respect to the courtroom proceedings and hyper-formality is thought to be more likely to carry a sense of sureness and decisiveness. Thus, the hyper-formal speech style is received by judges and jury more favourably (Berk-Seligson, 2002).

The register of the lawyer's question tends to decide that of the witness's answer (Hale & Gibbons, 1999). It was observed by Hale and Gibbons (1999) that the interpreter replaced the word "events" with a less formal expression of "what happened" and "the year 1993" with the abbreviation of "93" in one court hearing. They believe the above alterations have changed the register of the question to a more conversational level, thus leading to a less polite response from the witness. In a second example, the interpreter used an inappropriate word in Spanish to address the witness when interpreting the lawyer's question. Hale and Gibbons (1999) argue this indicates less respect and sets an informal register for the interpretation. To answer this question, the witness adopted a less formal manner by using their first name instead of title and surname and more colloquial words (Hale & Gibbons, 1999, p. 212). The witness may receive a more negative

evaluation as a result of the interpreter's alteration (Hale and Gibbons, 1999). The findings of O'Barr's (1982) study imply that a witness who testifies in the formal style receives more positive evaluation of their convincingness, competence, intelligence and qualification than doing so in the hypercorrect style. This is mainly because hypercorrection is traditionally related to the misuse of language rules in a desperate effort for a better impression. Bucholtz (1995) also believes that hyper-formality does not function like hypercorrection, which is similar to an inconsistent speech style and will lead to a negative evaluation of the speaker. The hyper-formal register is more likely to be perceived to fit better with the courtroom environment. Interpreters sometimes shift the register of the witnesses' testimony by interchanging the un-contracted and contracted form of "be," "have" and "will." The subject pronoun plus a full verb is a type of hypercorrectness for an increased degree of emphasis (Berk-Seligson, 1987, p. 1110).

As can be seen from the above studies, interpreters may alter the register of non-English speaker's utterances. However, these studies did not investigate whether interpreters' alterations were intentional or unintentional. These two behaviours are fundamentally different. If the interpreter is aware of the relationship between the level of politeness and the evaluation of the speaker and still makes such alterations, it is misconduct by the interpreter in deliberately changing the testimonies. On the contrary, if it is happening unintentionally, the alteration is unavoidable.

3.3.1.6 Coerciveness and aggressiveness

The faithful rendition of the lawyer's questions is of ultimate importance (Berk-Seligson, 2007a). Lawyers in the adversarial judicial system are famous for building questions strategically to different degrees of coerciveness. During direct and cross-examination lawyers control the level of coerciveness of the questions according to the severity of the offence. More coercive questions are put forward by the prosecuting lawyers for more serious offences (Danet & Bogoch, 1980). Woodbury (1984) explains that there is a relationship between different forms of questions and how they constrain the witness's answer. The lawyer may choose a word of a different level of seriousness, or shift between the definite article and the

indefinite article to set up the presupposed likelihood in his question, thus to influence the witness's answer (Berk-Seligson, 1987). Hale and Gibbons (1999) echo that the lawyers try to coerce witnesses to alter their testimony by a series of forceful questions, especially during cross-examinations.

Many researchers, such as Berk-Seligson (2007) and Hale and Gibbons (1999), cite the division of types of courtroom questions proposed by Danet and Kermish (1978) according to the coercive level as the basis of their study to explore the interpreters' delivery of pragmatic force. According to this theory, lawyers change question forms with the purpose of manipulating the answers they expect. These questions can be categorised as follows: (1) the most aggressive leading questions with or without tags as a typical form in cross-examination; (2) the less coercive interrogatives, yes/no, or choice questions also mostly used in cross-examination; (3) even less aggressive open-ended questions mainly used in direct-examination; (4) the most polite and less coercive indirect questions (Danet & Kermish, 1978).

Interpreters tend to modify the aggressive questions to a lower degree of coerciveness, claimed by Hale & Gibbons (1999). Tag questions, such as "isn't it," "isn't that right," "is that correct/right/true," according to Harris (1984), Philips (1987) and Woodbury (1984), and cited by Hale and Gibbons (1999, p. 214) are more controlling to seek the desired answers from the witnesses or imply incredibility of the previous response. Hale and Gibbons (1999) claim interpreters are most likely to omit these stylistic features, possibly because there is no direct equivalent in the target language. However, these seemingly unimportant stylistic features may be significant for the lawyers to manipulate the witnesses' responses (Hale & Gibbons, 1999). Berk-Seligson (2007) carried out a study to find out to what degree interpreters interpret the leading questions with regard to their pragmatic force without examining their semantic content. This research shows an interesting result that most leading questions are not interpreted accurately: some tag questions are ignored completely; some turn out to be less coercive. Hale and Gibbons (1999) use one example to demonstrate this type of interpreter's modification. The lawyer showed an obvious irony in his question "Well, do you think that you might answer the question that I just asked you"; it was interpreted as "Can you answer the question that I just asked you?" In this interpretation, "can" carried the same sense of "please" which had a neutral tone and lost most of the coercive force (Hale &

Gibbons, 1999, pp. 211- 213).

A similar coercive situation may appear with a police caution. Russell (2007) observes that after the police officers caution a detained person, followed by a breakdown in explanation, they normally ask “Do you understand the caution?” or “Do you understand?” and then all the detainees replied “yes” (p. 43). Russell (2007) suggests that these questions are coercive without any softening expressions such as “Can you say” or “Do you feel” (p. 43). When required to explain how they understand the caution in their own words, most of the detainees just produce a memorised repetition (Russell, 2007). Russell (2007) explains that these detainees actually do not understand the caution. However, they feel reluctant to ask for further clarification due to the coerciveness of the question.

Hale (1999) has discovered that in response to the lawyer’s aggressive questioning style, witnesses sometimes react in a confrontational way while interpreters tend to soften the tone from both sides. This type of response from the witnesses is unusual. Besides, talking through the interpreter may encourage the witness to confront the lawyer more directly. Jacobsen (2008) illustrates the situations of interpreters’ mitigation of intimidating questions from lawyers and assumes that they are reluctant to be reflected as a confrontational speaker in their own right. The interpreter’s alteration is a failure in presenting the same illocutionary force (Hale, 1999).

Berk-Seligson (2007a) has identified that interpreters tend to make the witness feel more relaxed by interpreting the questions in a less coercive manner that, as a result, becomes one of the interpreter’s errors. So Berk-Seligson (2007a) suggests raising the awareness of this issue in interpreter training programs and to accrediting examiners. Trainers should prepare to teach how to interpret leading questions accurately in the training materials while examiners should test the maintenance of the coerciveness level as an examination item.

3.3.1.7 Paralinguistic features

Communication entails non-linguistic factors, e.g. gestures and paralinguistic factors. Therefore, the process of interpreting involves both linguistic and extra-linguistic elements (De Jongh, 1992). Gestures, intonation variation,

hesitation sounds, for example, “uh,” or even silence are paralinguistic features that carry a linguistic function (González et al., 1991). According to Morris (1989), accurate interpreting in legal proceedings should include representation of the manner of utterance as well as gestures. Interpreting should present both the content of the speech and the way the message is delivered (Hale, 2002). Interpreters need to be sensitive to the mood, gestures and body language of a speaker to reach a complete comprehension of the message (Taylor-Bouladon, 2007). But there is a need for the interpreter to reach a balance between over-interpretation – paying too much attention to the speaker’s performance and under-interpretation – ignoring the above feature completely (González et al., 1991).

Interpreters are normally put in a clear visible position next to the limited English speakers in the courtroom. De Jongh (1992) points out that body languages and gestures are of special importance to legal interpreters. Gestures are divided into “learned gestures” which are developed within one’s culture and “instinctive gestures” that are of societal importance. “Learned gestures” include “lexical gestures” for example waving hand to say goodbye or “iconic gestures” which are the speaker’s imitation of an action. “Instinctive gestures” have two categories: “voluntary gestures” for example, coughing for attention and “involuntary gestures” for example, a natural cough (González et al., 1991). It is common for English-speakers in the courtroom to misunderstand the gestures and body language of foreign-language defendants or witnesses because the English-speaking court members may not realise that although some gestures and body language appear with such a clear meaning to them may mean something very different in another culture (De Jongh, 1991). González et al., (1991) put forward an example that a Chinese speaker may open his eyes more widely to show anger while an English-speaking judge or jury may misunderstand this gesture as fear or disbelief. De Jongh (1991) recommends that interpreters should strive to reach “message equivalence” instead of “word for word or sign for sign” equivalence (p. 291).

3.3.2 Strategies to achieve faithful interpretation

Following the discussion of linguistic and pragmatic elements legal interpreters should reproduce in the target language rendition, this sub-section deals with legal interpreters' strategies and approaches alongside their treatment of linguistic and pragmatic elements as part of their responsibilities to achieve accuracy and faithfulness.

Many scholars argue that interpreters' intervention is a vital strategy to avoid misinterpretation. They believe interpreters often need to interrupt the proceedings for a variety of purposes, such as to ask for clarification, to break down a lengthy speech, or to offer further explanation. Inghilleri (2013) criticises the assumption that interpreters' mastery of the linguistic and cultural competency is sufficient for delivering successful translation and points out the fundamental impact of allowing more interpreters' freedom on the interpreting quality. Mason (2008) studied interpreters' interruption choices and identified their relationship with the reduction of misinterpretation. Increasing numbers of interpreters have realised the relationship between the length of a message they are able to process and the quality of their performance in the courtroom (Mason, 2008). It is, therefore, a common practice of interrupting strategically to achieve improved interpreting performances. When making the greatest efforts to deliver the most accurate interpretation, which is of the utmost importance in the courtroom, interpreters may need to ask for clarification (Morris, 1995). It is also common for interpreters to explain a culture-bound matter because a meaningless rendition in the target language may discredit the interpreters' competence (Berk-Seligson, 2002). Interpreters may need to seek clarification due to the systematic differences between the source and target language (Berk-Seligson, 1987). Berk-Seligson (1987) illustrates this situation through an example that in Spanish, "su" can mean "his", "her", "your", "its" and "their", so the interpreters must clarify with the speaker to know the reference of the pronoun and to deliver a meaningful interpretation (p. 1098). Providing both versions, if there is more than one in the target language, is recognised by Berk-Seligson (1987) as a good strategy to avoid interrupting the proceedings. Jacobsen (2008) also finds that the interpreter provides clarification to the defendant's question without directing it to the prosecution lawyer and argues that it is a breach of the interpreter's ethical code. Another situation in which the interpreters request clarification is after misinterpretation, as a strategy to

comprehend the questioner's intention as well as to restore their own professional role (Jacobson, 2008).

However, this behaviour casts an inevitable impact on the proceedings, something that has been discussed by scholars in the field of legal interpreting extensively. It is suggested by Berk-Seligson (2002) that interpreters' intervention alter the jurors' evaluation of both the witnesses and the lawyers, to a certain degree. O'Barr et al. (1979 to 1982) claim that interrupted simultaneous speech leads to more negative impressions of the witness. On the contrary, Berk-Seligson's analysis of her 2002 research reveals more favourable judgment from the jurors because the interpreter's interruption provides the witness with extra opportunities to provide more narrative speeches. The act of clarification may attract unwanted attention or help the witness polish an answer unintentionally. The lawyer is generally evaluated as less competent when interrupted by the interpreter: (1) to require repetition of part of the question as an implied criticism of neglecting the interpreter's professional requirements; and (2) to inform a change of sentence structure in interpretation as an indirect complaint of ignoring the witness's linguistic difficulties (Berk-Seligson, 2002). Therefore, interpreters need to exercise extra care when using their intervention power during court proceedings. Nevertheless, Berk-Seligson (2002) demonstrates, through an empirical study, that the influence of interpreters' misinterpretation of the pragmatic strength is considerably greater than that caused by their intervention. In other words, requesting clarification is necessary for achieving accurate interpretation. Mason (2008) has made an important recommendation of increasing general understanding of the legal professionals of the interpreter-participated court hearings for them to deliver the self-segmented speech.

Sometimes, interpreters opt for a guess based on their skills and knowledge. This is a non-noticeable and more impartial option, although it may cause adverse results when the guess turns out to be wrong (Morris, 1995). It is vital for the interpreter to identify the best opportunity for intervention and comprehend the most suitable way of intervention. The main principle is that they restrain themselves to interpreting and try not to interfere with situations that are beyond their professional field (González et al., 1991). It is suggested by González et al. (1991) that the interpreter should only intervene when the clarification is indispensable for

understanding a message. The interference should be avoided if the lawyer can reach understanding by asking additional questions (González et al., 1991).

Mason (2008) has discovered a phenomenon in her research that interpreters tend to interrupt witnesses, likely non-expert witnesses, more often than other courtroom participants. This particular choice is possibly related to the hierarchical environment of the courtroom or maybe other cultural reasons (Mason, 2008). The interruption may include repetition part of the speech or pause during a long answer. According to Mason (2008), there are two types of ill-timed interventions linked with interpreter's poor performance: (1) at "an in-appropriate grammatical juncture" (p. 45) which leads to the interpreter's self-input information to make the message complete; (2) after a lengthy utterance which leads to too much information beyond the interpreter's processing ability (p. 45). According to Mason (2008), interpreters interrupt at an average of 21.75 words, which leaves too much information for them to process. The inevitable outcome of this phenomenon is more additions or omissions and alteration of the original pragmatic strength. Mason (2008) believes that the best interruption point for a reasonably faithful interpretation should be "at the end of a complete grammatical juncture, and before a conjunction" (p. 43).

3.3.3 Interpreting styles

Interpreting styles can normally be categorised into first person interpretation and third person interpretation. It is generally agreed that interpreters working in the legal context should normally interpret in the first person. Angermeyer (2009) describes it as whether the interpreter speaks as the speaker or talks about the speaker. The choice of interpreting style displays the difference of the interpreters' degree of involvement in the interaction and their relationship with the participants (Angermeyer, 2009). During the course of interpreting in the legal context, interpreters are generally viewed as taking a neutral position. First person interpretation is the complete reflection of the speaker's speech; third person interpreting, however, involves the voices of both the speaker and the interpreter. By utilising the third person interpreting technique, the interpreters express their detachment in the interaction, specifically to avoid being viewed as taking the side of the other participants (Angermeyer, 2009). Nevertheless, interpreting in the

third-person is normally considered unprofessional (Harris, 1990). As such, the first-person approach is viewed as the most appropriate interpreting style in the legal context. However, interpreters sometimes need to intervene to clarify ambiguous message or to make a misunderstanding aware to other parties. In this situation, an interpreter uses the third person to speak in his/her own right to distinguish with interpreting other's utterances (Cambridge, 2005).

Interpreters may, in addition, need to exert careful considerations when dealing with active and passive voices. Speakers are likely to give prioritised treatment to a certain part of a sentence by active or passive sentence structure to demonstrate their emphasis (Mason, 2008). Passive voice is used more extensively in the English-speaking legal system due to the unknown or alleged nature of the conductor of a behaviour (González et al., 1991). Lawyers also use passive voice substantially in the examination process (González et al., 1991). Although passive voice may not exist in the target language grammatically, interpreters should strive to maintain the passive meaning. Berk-Seligson's (2002) study reveals that the passive voice testimony receives more negative evaluation but is not of statistical significance. Mason (2008) also discovers in her research that witnesses tend to use more an active sentence structure.

It is common practice for court interpreters to shift between active and passive voice in the cause of rewording for a more accurate and faithful rendition (Berk-Seligson, 1987). However, such an alteration is likely to be some kind of interpreting mistake, probably not a major one, because it tends to misallocate the subject for the verb. It might be challenging for the interpreter to pay much attention to the grammatical form of the verb while trying to consider the syntactic issue, as explained by Berk-Seligson (1987). During the court hearing of a fraud case at Copenhagen City Court in 1999, where Jacobsen collected data for her research, the defendant was reluctant to reveal the organiser of the crime and used passive voice to avoid being perceived as uncooperative. The interpreter chose to render his answer in active voice by adding a vague substitute for "someone" (p. 63). The data from Mason's (2008) study reveals that interpreters can normally maintain the witnesses' construction except when the utterance is thirteen words or longer. The interpreters' alteration of this type of sentence structure has an inevitable change of blame object effect (Mason, 2008).

3.3.4 Interpreters' alterations

Sociolinguistic scholars have always been interested in how interpreters influence the interaction in, particularly, professional contexts with their performance (Berk-Seligson, 1987, 2002; Hale, 2004; Roy, 2000; Wadensjo, 1998). Early scholars, for example, Knapp-Potthoff and Knapp (1986) are in favour of the interpreter's invisibility and consider the interpreter "a non-party in the interaction" (p. 152). This may be the case of traditional conference interpreters. However, taking into consideration the variety of legal interpreting scenarios and contexts, in which has been made profound progress in recent years, is the inevitable impact that interpreters bring to the process, as recognised by many researchers (Angelelli, 2001; Davidson, 2002; Inghilleri, 2013; Jacobson, 2008; Mason, 2008; Wadensjo, 1998).

Firstly, interpreters' unintentional alterations to the original message are inevitable. Hatim and Mason (2014) strongly believe that the target language rendition should be free from interpreters' influence with the preservation of all the original cultural elements. Nevertheless, a completely faithful and neutral transmission cannot be fully achieved. Interpreters' influence may be "unconscious, or barely conscious, dictated by values, preferences, presuppositions and perceptions built into the individual and social beings that we are" (Hermans, 2001, p. 7). Pöchhacker (2008) echoes that interpreters' understandings of the utterances cannot be avoided and are bound to be reflected in the interpreted version by citing Hatim and Masons (1990). Acknowledging interpreters' personal influence on the interpretation and the inevitable degree of alteration are in fact of vital importance for the profession of legal interpreting. Interpreters will not be blamed for the changes they cannot avoid. This is, in fact, a step forward of the Professionalisation because it improves the recognition of the sophistication of legal interpreting.

Furthermore, legal interpreters have been found to make well-intentioned alterations. Morris (2008) makes a penetrating analysis of the interpreted trial of Ivan Demjanjuk in 1987 and identifies several examples in relation to interpreter's latitude, including deliberate behaviour of softening the tone of the judge's statement to relax the witness; replacing all erroneous references with the correct

ones to avoid misunderstanding; routine omission of all repeated unsuitable usages of the lawyers to avoid the upsetting the witness; intentional delivery of condensed interpretation to save time rather than memory or interpreting incapacity; adding or removing directness in the rendition. It is common for interpreters to insert linguistic elements when they are not in the original speech and omit them when they are, which proves that the interpreter-mediated legal process interaction is far from impartial (Berk-Seligson, 1987). Interpreters may not treat them as key content that requires the utmost attention and these alterations fail to convey the same pragmatic force of the original utterance. When performing these alterations, interpreters reduce the examining lawyer's control of the witness's answers and influence the impression of the evidence, thus leading to different outcomes of the proceeding (Berk-Seligson, 1987).

In addition to the necessary interventions for achieving accuracy discussed in section 3.3.2 "Strategies to achieve faithful interpretation", interpreters may also take their own initiative to urge the witness to answer the question. This is the most coercive intervention from the interpreter, which may frequently happen when the witness does not understand a question or is taking time to build up an answer. At this moment, very often, the witness is making some kind of paralinguistic expression such as "mhm" or "uhuh" (Berk-Seligson, 2002). Jacobsen (2008) demonstrates an example where the defendant did not understand the prosecutor's question. The interpreter, however, instead of directing the clarification to the lawyer, reiterated the question and in addition took her own initiative to strengthen the original tone of voice. The raising of speech force in this situation may be felt by the defendant as some kind of pressure to answer the question. This raises the issue of whether the interpreter should make an equivalent English utterance or take some action to make the witness to answer. It was found in Berk-Seligson's (2002) study that jurors make significantly higher evaluation of the witness when he is pushed by the interpreter to provide an appropriate answer. However, in this situation the interpreter is taking the role of the questioning lawyer beyond her professional domain.

The above activities, although in violation of the standard norm of rendering everything said in the courtroom accurately and faithfully, according to Morris (2008), reflect the interpreter's well-intentioned efforts to make contributions to the effective

operation of the proceedings, especially to balance the open or hidden contradictory requirements and anticipations imposed on court interpreters. However, it can be argued that the polished rendition may not be appreciated because it takes away the lawyer's control over the questioning process and fails to present the original picture of the witness's testimony. Moreover, as pointed out by Dunnigan and Downing (1995), interpreters are always blamed when problems appear during bilingual court proceedings.

3.3.5 Summary

This section has discussed the important concept of accurate and faithful interpretation to address legal interpreters' fundamental role in detail. The seminal works of many scholars in the field of legal interpreting support the main principle of the preservation of the pragmatic force of the original utterances as much as possible. Legal interpreters' treatment of each of the elements of "politeness markers," "vagueness," "hesitations," "register/technical level," "coerciveness and aggressiveness" and "paralinguistic features" have been reviewed. Then the discussion continued to other aspects of interpreters' efforts to achieve an accurate rendition, such as interpreters' intervention, interpreting styles and code-switching. The final part of this section has presented the possibility and influence of interpreters' unintentional and intentional alterations.

3.4 Dilemma and difficulties

Following the discussion of legal interpreters' roles and the concept of faithful interpretation, it is necessary to explore dilemmas and challenges that may impede the successful delivery of their roles and these fundamental responsibilities. Hale (1999) argues that it is a general misunderstanding that legal glossaries are the biggest challenge faced by court interpreters. In fact, a variety of issues identified by scholars in the field, including conflict of expectations of how legal interpreters should carry out their duties due to the lack of understanding of the profession, will be addressed in the following subsections.

3.4.1 Conflict of expectation

Ethical dilemmas caused by the conflict of expectation towards interpreters have evoked extensive discussions among scholars (Angelelli, 2004b; Barsky, 1996; Fenton, 1997; Fowler, 1997; González et al., 1991; Kaczmarek, 2012; Mikkelsen, 1998; Morris, 1995, 1999a; Munyangeyo, 2016; Schweda-Nicholson, 1989). Kaczmarek (2012) acknowledges the origin of these ethical dilemmas is the lack of consensus of interpreters' role and the unpredictability of situations. Giambruno (2008) points out that due to other participants' insufficient understandings of the interpreter's role, they may treat interpreters differently. These different treatments may be shown as disrespect of the interpreter, demand of unreasonable duties, lack of appreciation of the interpreter's work and wrongful criticism of the interpreter when things go wrong (Giambruno, 2008).

Firstly, the conflict expectation can be shown as hoping interpreters to act on roles beyond their professional boundary or to take on one side of the participant. Hale (2008) discusses the expectation of acting as the non-English speaker's advocate mainly from non-English speakers and sometimes from legal practitioners and interpreters themselves. This is probably caused by the minority language speakers' tendency to be fully dependent on the interpreter (Morris, 1999). Hale (2008) notes that it is a moral dilemma for the interpreter to be positioned between meeting other participants' expectations and abiding by their professional ethics. Hale (2008) argues that this conflict is the result of the varied understanding of legal interpreters' roles among different participants. Munyangeyo (2016) conducted surveys with interpreters working in the public service setting, including courts, schools, health services and immigration regarding ethical dilemmas they encountered in their work. Interpreters in his study reported expectations from other parties for interpreters to act as "adviser, companion, critical friend or health advocate" (p. 171) and to breach the principle of impartiality. Munyangeyo (2016) explains such expectations are driven by people's social need as a communicative party and understanding of the interpreter's position. Munyangeyo (2016) refers the concept of positioning as interpreters' side of adherence or attitude rather than the actual physical position. Therefore, this ethical dilemma lies in the confliction between abiding by the professional boundary and the Code of Conduct as an interpreter or to be seen as acceptable to other parties as a part of the society.

Expecting interpreters to be invisible is another exemplary illustration of such dilemmas, which is obviously in conflict with necessary interpreting strategies, e.g. intervention to ensure an accurate interpretation. It is impractical to believe that the presence of an interpreter will not bring changes to the courtroom (Eades, 2010). Interpreters have become more visible and have more invasive influences in all aspects of the courtroom, as claimed by Berk-Seligson (1987). Kaczmarek (2012) advocates more interpreters' freedom in the sense that they should be aware of and be responsible for the impact of their decisions making on the communication process when solving ethical dilemmas during an interpreting session. Inghilleri (2013) puts forward a strong argument that interpreters' visibility should be allowed to achieve the maximum level of communication. Berk-Seligson (2002) claims that changes cannot be avoided especially when an interpreter asks for clarification and leads to direct interaction between the judge and the interpreter. Nakane (2009) says the concept of "invisible interpreter" is an unfounded and false notion (p. 15).

In fact, the lack of understanding of legal interpreters' role, problematic expectations of their responsibilities and lack of accommodating necessary interpreting strategies are caused by the failure of fully recognising legal interpreters' professional status. Despite the increasing awareness that interpreters are an important component for delivering fair justice for language minorities, Hale & Gibbons (1999) point out that they may still be viewed as "a necessary evil" and are not appreciated by every participant in the legal process (p. 207). Mikkelsen (1998) notices that lawyers generally do not trust interpreters because they are viewed as the defendant's ally with the possibility of providing a fabricated story due to a combination of standing next to the defendant and speaking the same language. Furthermore, there was an interesting finding by Lee (2009a) that legal professionals tend to view interpreters as language machines, while interpreters themselves more frequently lean towards the facilitator role. The findings of this study may not represent the whole picture, however, it was reasonable for Lee (2009a) to conclude that such a disparity is a reflection of the gap in expectations from the service receivers and the self-recognition of court interpreters, which will have an inevitable result of "mistrust and misunderstanding" (p. 50). Therefore, the development of legal interpreters' professional status is of ultimate importance to this process, which is a prerequisite to building trust and respect.

According to Mikkelson (1999), the professionalisation of the interpreting profession should meet four criteria: interpreters' consensus agreement on their role and function, interpreter's training and interpreter educator's training, role education for the public and an interpreter accreditation system.

The first main criterion is the legislation recognition of legal interpreters' necessary existence in the judicial system. Exemplary explanations of the reasons for the use of interpreters in the legal proceedings, their functions and their professional identity can be found in the Model Code of Professional Responsibility for Interpreters in the Judiciary drafted by the National Centre for State Courts in the United States:

“Many persons who come before the courts are partially or completely excluded from full participation in the proceedings due to limited English proficiency or a speech or hearing impairment. It is essential that the resulting communication barrier be removed, as far as possible, so that these persons are placed in the same position as similarly situated persons for whom there is no such barrier. As officers of the court, interpreters help ensure that such persons may enjoy equal access to justice, and that court proceedings and court support services function efficiently and effectively. Interpreters are highly skilled professionals who fulfill an essential role in the administration of justice.” (Hewitt, 1995, p. 199)

Secondly, the importance of defining a set of interpreters' roles and standards of practice by law is raised. Swabey and Mikkelson (2008, p. 55) note, “The first fundamental factor of the interpreting profession is the legislation and laws which serve as the recognition of the professionalisation.” They point out practitioners' disadvantaged situation due to the absence of the establishment of legislation regarding interpreters' role. Under such circumstances, role definition is only a spontaneous reaction to the system demands. The system's failure to provide such a definition is highly likely to cause a lack of trust for interpreters' professional identity from the general public and conflict situations in the interpreters' practice. This gives the general public the feeling that inaccuracy in understanding of the legal interpreters' role is allowed. They believe a well-founded role definition should consider “the interaction, identity, characteristics and strength of different element[s]

in a system” (p. 55). Furthermore, it needs to identify “how the various parts of the system have influenced how the role of the interpreter is understood” (p. 55). Swabey and Mickelson (2008) suggest an integrated approach to define the interpreter role and the professional code of conduct. “The professional ethics that guide an interpreter’s decision-making process also help clarify the role by communicating a set of guiding principles and standard of behaviour that can be expected by consumers of the service” (p. 57). Pöchhacker (2008) points out the improvement of a profession needs constant review of the standards of practice.

Mikkelson (2008), Morris (1995) and Moeketsi and Wallmach (2005) all agree that this is the source of a dilemma legal interpreters face in their practice. Morris (1995) discussed the conflict between the verbatim instruction from the judge and the interpreter’s duty of making an accurate rendition. Moeketsi and Wallmach (2005) point out the difficulty in the power imbalance between the interpreter and judge, “Court interpreters often feel that they lack sufficient status in the courtroom to countermand what often amounts to explicit instructions by the bench to interpret literally” (Moeketsi and Wallmach 2005, pp. 87–88). It is common for the length of bilingual cases to be twice that of monolingual cases; some lawyers become impatient and often start talking before interpreters have finished their rendition. Angelelli (2004), Davidson (2000) and Hale (2008) also discuss the “implicit and even explicit pressure” imposed on interpreters by the system not to waste their precious time (Hale, 2008, p. 107). The interpreter, under these circumstances, may be forced to act as a filter to delete some information that they believe to be overlapping or unrelated to make a fast interpretation (Hale & Gibbons, 1999).

3.4.2 Cross-cultural misunderstanding

Researchers in the field of legal interpreting have long been interested in exploring the cultural barriers language minorities face in accessing the judicial system (Cooke, 1995a; Eades, 2003). Culturally bound terms varying from traditional concepts to current slang are common in the legal discourse which may be another difficulty faced by interpreters in delivering a faithful rendition. In addition, Cooke (1995) claims that speech often contains implicit messages originating from shared cultural information between the speaker and listener from the same background,

which is intelligible to a listener from a different culture. It is, therefore, of vital importance for legal interpreters to have a sense of cultural-linguistic awareness (González et al., 1991).

Language is closely related to culture (De Jongh, 1992). “Language and culture are two sides of the same coin” Moran and Lu (2001, p. 47). Words function as “conventional symbols” in their particular societal or cultural contexts (Jongh, 1991, p. 291). Giambruno (2008, p. 28) points out that cultural factors have a fundamental impact on interactions between people, “Culture, in its broadest sense, informs messages that are emitted and received, and signs, linguistic or otherwise, are the means by which information is conveyed”. Language reflects different degrees of cultural or personal experiences attached to a particular culture (De Jongh, 1992). Some expressions reflect a shared value and are easier for communication within that particular community, but those expressions may be more difficult to be translated out of that language (Brislin, 1978). It is possible that words and phrases do not share the same evolution in multiple languages, which makes it difficult to describe them in the target language (Brislin, 1978). These types of cultural concepts can only be interpreted through explanation and paraphrasing (Berk-Seligson, 2002). Sometimes, a word may carry the same surface meaning but different connotations exist for speakers from the source language culture and the target language culture (González et al., 1991).

When there is no complete and consistent equivalent in the target language, words are not translatable. This is, however, only a communicational problem rather than a linguistic problem (Pergnier, 1978). There are two causes for non-communicative language situations; on one hand various dialects, slangs or technical terminologies and, on the other, the personalised meaning expressed for different functions. In other words, the same language units may be used for various personal meanings and the same personal meanings may be represented through various language units depending on the speaker’s linguistic habits (Pergnier, 1978). Proverbs, idioms and jokes appear to be a generally recognised problem in interpreting as they represent the history and culture of a particular community. It is common that equivalent proverbs in the target language are quite different in wording, meaning interpreters have to find proverbs with the same meaning in another language in a few seconds (Taylor-Bouladon, 2007). Idioms are similar to

proverbs in that they cannot be divided into components to analyse the meaning (González et al., 1991). English idioms are sometimes short and serve part of a message called “lexemic idioms,” and are sometimes long and serve a “phraseological” function (González et al., 1991, p. 244). González et al. (1991) suggest the interpreter to set up a database of idioms for when there are direct equivalents. In the cases where no equivalents are available, the interpreter must search for a comprehensible expression to be the closest to the source language (González et al., 1991). Jokes are of equal difficulty in interpreting because they also carry weight from the culture and, as a result, a joke that is funny in one culture may be offensive in another (Taylor-Bouladon, 2007).

Although crimes are generally recognised by all cultures, different legal systems give them different definitions and categories, which results in a difficulty for interpreters in the field of law (Mikkelson, 1995b). The most difficult challenge is that different cultures do not have the same legal concepts or may interpret some terms in a different way (Obenaus, 1995). De Jongh (1991) provided two examples to illustrate this issue: (1) unlike the common law system, there is “no presumption of innocence until proven guilty” in the civil law system; (2) in some judicial systems, there is almost no chance of being found not guilty by a trial proceeding. As a result, people from countries with the above legal systems may face great cultural misunderstandings. There may be no equivalent legal terminologies for the source and target language due to different legal procedures (Crooker, 1996). It is sometimes necessary to give up efforts of finding equivalence for every part of the source message. High-quality legal translation is to reach the original intention precisely and accurately (Obenaus, 1995). It is suggested by Crooker (1996) that interpreters should comprehend the original concept and explain the underlying meaning in the target language when there is no corresponding terminology for the two legal systems (Crooker, 1996). Mikkelson (1998) holds a different view by stating that the seemingly best possible way to interpret legal terms of no equivalence in the target language, with brief summarising phrases, may be impossible in some languages; may not be meaningful in the target language culture; may not cover all the meaning of the original concept; and, most importantly, may breach legal interpreter’s ethical code of conduct.

Another cultural and linguistic challenge that increases the complexity of

accurate interpreting is when those undereducated witnesses from less advantaged socio-economic backgrounds speak in an unofficial dialect with unpopular linguistic characteristics (Lee, 2009b). According to De Jongh (1991) dialect is “a speech variety within a language” (p. 67). In most countries, a dominant dialect is treated as a standard language to be used officially and for education purposes and there are regional dialects using different words for the same matter with a different pronunciation (De Jongh, 1991). Interpreters have to face a wide range of language varieties of courtroom interlocutors and consider those varieties in their interpretation. This is the reason for them to have a profound knowledge of both their working languages (González et al., 1991). De Jongh (1991) suggests that interpreters should comprehend knowledge of various dialects and try to use widely accepted expressions. In addition, training may need to be provided to improve the interpreters’ competency in non-dominant dialects (De Jongh, 1991).

3.4.3 Emotional difficulties

The stressful nature of legal interpreting is widely accepted, but emotional issues increasing the level of difficulty of interpreters’ practice have only started to draw academic attention in recent years.

Cambridge (2005) is one of the early scholars who acknowledge interpreters’ stress provoked by the nature of the interpreting task. However, this issue is only briefly mentioned in her introduction of the practice of interpreters in Britain’s public service sector. Without identifying types and the influence of these distressing situations, Cambridge (2005) raises two important related problems. First, there are no support systems and strategies like they are for other professionals, e.g. police officers, because interpreters are working on a freelance basis. Second, interpreters have the tendency to consider admitting emotional feelings as unprofessional.

Further, some studies explored emotional factors of interpreting in the medical sector. Brisset et al. (2013) very briefly mention that interpreters in the Canadian healthcare setting reported feelings of “psychological tension, frustration and exclusion” (p. 137). Another interesting study conducted by Splevins, Cohen, Joseph, Murray, and Bowley (2010) investigated interpreters working with

posttraumatic asylum seekers and refugees. In addition to recognising the impact of such traumatic experiences on interpreters' emotional and psychological status, this study contributes to the field by identifying interpreters' growth in dealing with the emotional stress. Splevins et al. (2010) point out that interpreters would go through four themes of "feeling what your client feels," "beyond belief," "finding your own way to deal with it," and "a different person" (p. 5). Interpreters are found to develop a set of coping strategies, including support from family members and friends, a healthy work-life pattern, support from employers and peer, and psychological counseling and debriefing (Splevins et al., 2010). It is noteworthy that through the above process, interpreters are not only equipped with stronger professional competence, but also experience growth as an overall better person (Splevins et al., 2010).

Among scholars showing a growing interest in this aspect, Garcés (2015) provides a comprehensive literature review. She presents some preliminary studies conducted by Masters students (Pérez Rodríguez, 2011; Svakova, 2011; Wasko, 2010). Moreover, Garcés (2015) looks at other scholars' work (Baistow, 2000; Bošković, 2011; Cole, 2010; Garcés, 2007; Loutan, Farinelli, & Pampallona, 1999; Márquez Olalla, 2013; Røkenes, 1992; Westermeyer, 1990). The aim of the first part of her review is to support the existence of emotional and psychological factors and their impact on interpreters' performance in public service interpreting.

All the research reviewed by Garcés (2015) is based in the public service setting, including healthcare, immigration, schools, police and courts in various European countries. Common findings are that interpreters do encounter difficult emotional situations in their practice and they do suffer negative influences of these encounters, which can be reflected in the symptoms of "stress", "frustration", "grief", "anxiety", "irritability", "fear", "mood swings", "confusion", "feeling disturbed", etc. (Garcés, 2015, p. 89), feeling pressure, "anguish", "difficulty in remaining impartial", and "increased heart rate" (Garcés, 2015, p. 92). Referring back to her own study in 2006, Garcés (2015) identifies the most prominent emotional challenges faced by interpreters are "maintaining neutrality", "discomfort with the topic at hand", "being affected by the distress and anxiety of the service users", and "feeling powerless to be able to help clients directly" (p. 91). It can also be drawn from Garcés' review (2015) that one main source of difficulties are the traumatic nature of the

interpreting task, such as “disputes, client anxiety, negotiations, social vulnerability, child abuse, domestic abuse, the presence of corpses, and discrimination” (Garcés, 2015, p. 92). Moreover, issues relating to interpreting clients, e.g. shared language, culture and experiences, contradicting values and difficult behaviours can also make interpreters feel emotionally distressed (Garcés, 2015).

Garcés’s review (2015) of literature does not stop at proving the significance of the psychological impact in public service interpreting. She carries on the reflection into the need for more attention to interpreters’ well being through providing training on recognising potential stress risk, identifying symptoms, and coping strategies to improve interpreters’ capacity to control stress. Again, this is done through presenting two unpublished Masters thesis of Cordero Cid (2013); Musacchio (2013) and prior research conducted by Bontempo and Napier (2011); Brisau, Godijns, and Meuleman (1994); Daniel (1995); Kurz (1997); Moser-Mercer (1985). Among these studies, Musacchio (2013) suggested more interpreters’ knowledge of the mental problem involved in the task would contribute to reducing the vicarious effect, which points out the direction of training. Cordero Cid (2013) discussed interpreters’ need for psychological support to separate work from their private life and designed “A Guide on Preventing Burnout for Public Service Interpreters”, which practically integrates how to cope with psychological and emotional trauma into interpreter training materials. Cordero Cid (2013) proposed that instead of training interpreters to be indifferent, more positive attitudes based on “empathy, comprehension and respect” are the best way to avoid deep emotional involvement (p. 34).

In addition to findings of the above research presented by Garcés (2015), a recent study exploring key contemporary issues facing public service interpreting in the UK conducted by Munyangeyo (2016) also identifies that facing moral dilemmas make interpreters feel distressed. The most prominent difficulties reported by interpreters in this study include fighting with the temptation of being emotionally involved in sensitive issues against their own personal principles or values and wavering between the inherent desire to help people and worrying to be viewed as unprofessional, which might cause distrust and anger (Munyangeyo, 2016). These difficulties coincide with those identified by Garcés (2015) to a large extent.

It can be established from the above discussion that interpreters working in the public service context have to deal with substantial psychological and emotional

stress while performing a highly demanding job. Scholars have begun to acknowledge this issue. However, some studies are very preliminary and the credibility of their findings needs further proof. The rest are either conducted in many counties or in the whole public service sector of one country. Situations vary dramatically from one country to another and from one context of the public service to another, so the generalisation of findings is questionable. Therefore, this reveals an urgent need for more systematic and in-depth academic work to explore emotional factors of one branch of public service interpreting in one country, e.g. legal interpreting in the UK.

4. Summary

This chapter has provided insight into the foundation of the legal interpreting profession: interpreters' roles. Six synthesised typologies, *Ad Hoc* interpreters, translation machine/conduits, communication facilitators, advocates, linguistic/cultural mediators and faithful renderer of original utterances were reviewed, which seems to reveal a number of issues in the current debates in this area. Firstly, the majority of scholars approach their discussion from one perspective. For example, Angelelli (2001) addresses the "visibility" issue while Mason (2009) deals with the "positioning" perspective. The discussion of "visibility" is, in fact, related to the level of legal interpreters' professional detachment and their impact on the communication process. Similarly, the argument of "positioning" is mainly surrounding the interpreter's interaction and relationship with other participants in the interpreting event. As noted by Russell & Hale (2008), legal interpreting is "technical, traumatic, ethical challenging, sometimes amusing, and frequently demanding" (p. ix), which involves specialised legal discourses, twisted questions and answers, complicated grammatical structures, conflicting linguistic intentions, different cultural perspectives and decisions on the best interpretation. Therefore, one can argue that focusing on one area fails to accommodate the complex and dynamic nature of legal interpreting. Secondly, there are no clear distinctions between these roles. The differences of opinions may be concluded as viewing the interpreter's role as a continuum with different levels of active participation and their influence in the communication process. Thirdly, most

previous researchers have made extensive efforts to describe the legal interpreters' role. The unsuitability of an approach that considers a single role has been increasingly recognised in recent years. Garcés and Martin (2008) point out the difficulty of defining a universal concept to suit every context. Moreover, Kaczmarek (2016) casts doubt on the validity of describing interpreters' role with a "presumed universal typology" (p. 86) and proposes a broader sense of investigation to take into consideration a variety of interrelated factors of the interpreter-mediated process.

To rectify the above obvious deficiencies, the labeling approach of this thesis enriches the current debate with by drawing on a thorough investigation into three levels of the concepts of legal interpreters' roles. The exploration started from what these role labels represent and the inherent definitions of the concepts, which was followed by the implied responsibilities of each role. The second level went to an in-depth discussion of legal interpreters' main responsibility, accurate and faithful interpretation. This was done through a detailed description and analysis of the overall principle and the key elements of utterances in the legal proceedings. Also, examining interpreters' strategies to deliver a faithful rendition and their influences on the process highlights the complexity of the task of providing a faithful rendition. Finally, dilemmas and difficulties that impede the delivery of legal interpreters' roles and responsibilities were addressed. This comprehensive approach contributes to the wider discussion because it acknowledges the variety of procedures and unique demands of different legal proceedings.

Although there is no agreement as to the interpreter's role at present, it is necessary to improve awareness of the complexity of the interpreting process across the legal context (Mikkelsen, 1998). The exploration brings the urgent need for the establishment of legal interpreting as a professional domain, the issue of professional qualifications and training, and the need for all parties in the system to work together. It is important to educate interpreters with complete knowledge and skills to prepare for the exertion of their professional discretion (Mikkelsen, 1998). It is vital that both interpreters and all other participants in the legal system have a clear understanding of the interpreters' role and responsibilities. Besides, the establishment of legal interpreters' role should also be extended to policy makers who draft legislation, professional codes of conduct, and guidelines for working with

interpreters. They need to be fully aware of the complexity of this profession and the practical difficulties. The following chapter will introduce the drafting of the questionnaire and the semi-structured interview based on the key discussions in the present chapter.

Chapter 4: Methodology

4.1 Overview

This chapter describes the methods used in the present study. The chapter begins with an introduction of the three research questions. The following section explains the logic for the adoption of mixed methods as the research approach. Then, the selection of questionnaires and semi-structured interviews as data collection instruments is justified and the design of the questionnaire and interview schedule are detailed. The process of piloting, data collection and data analysis are also presented. The final sections address the trustworthiness, ethical considerations of the study and advantages and limitations of the dual role of the researcher as a practitioner.

4.2 Research Questions

The researcher is interested in exploring interpreters' experiences from the practitioner's perspective on a fundamental area of legal interpreting—legal interpreters' roles. A thorough investigation of legal interpreters' roles and responsibilities, methods for achieving high-quality interpretations and factors affecting practice was carried out to address the following main research question:

What are legal interpreters' perceptions of their roles and responsibilities?

and two sub-questions:

1. What is legal interpreters' understanding of faithful and accurate interpreting?
2. What are legal interpreters' most prominent perceived challenges in their practice?

4.3 Research Approach

The main epistemological orientation adopted in the present study is interpretivist approach. Hale & Napier (2013) point out, “the researcher’s personal interests, values, abilities, assumptions, aims and ambitions” influence the research philosophy and the research approach (p. 13). This thesis aims to explore legal interpreters’ perceptions of their roles. The interpretivist paradigm fits into the primary need of this investigation to draw on the human nature of the practice of legal interpreting. The general principle of the positivist paradigm is in contradiction with this overarching theme. Positivism advocates the rigid application of scientific methodological tools to social science studies and the generation of definite and measureable theories (Cohen, et al., 2013), which fails to recognise the complex nature of human behaviour. Instead, as an interpretivist, this researcher “respects the differences between people” and aims to “grasp the subjective meaning of social action” (Bryman, 2012, p. 16). Furthermore, interpretive researchers endeavor to understand people’s experience from the internal (Cohen, et al., 2013). From an ontological perspective, the researcher has worked with a social constructionist position, which states the reality of the social world is formed through human activities and interactions (Kim, 2001) and is “in a constant state of revision” (Bryman, 2012, p. 29). To conclude, the researcher believes the interpretative approach is most appropriate to best answer the research questions in this study.

Bryman (2012) points out that decisions regarding research strategy, design, or method need to be made to fit into the particular research question that the researcher is interested in exploring. To fulfill the aim of investigating practitioners’ perceptions to answer the research questions in the present study, a mixed methods approach, predominately qualitative, was adopted. Social researchers have increasingly adopted mixed methods in recent years (Bryman, 2012).

Mixed methods research is defined as:

“the collection or analysis of both quantitative and qualitative data in a single study in which the data are collected concurrently or sequentially, are given a priority, and involve integration of the data at one or more stages in the process of research” (Creswell, Plano Clark, Gutmann, & Hanson, 2003, p. 212)

The advantages of using mixed methods research is concluded by Arthur et al. (2012) as a comprehensive approach, which entails the incorporation of elements beyond research findings and has the possibility of mixing data, methods, designs, epistemologies, ontologies, research purposes and practical orientations. Another advantage is its flexibility. The quantitative and qualitative approaches can be adopted even-handed (Flick, 2009) or one of the approaches might be prioritised, depending on the nature of the investigation (Creswell, Plano Clark, Gutmann, & Hanson, 2003). Furthermore, mixed methods can improve the integration and validity of research results because a quantitative strategy is used to assist or to advise the main qualitative strategy or vice versa (Seale, 2004) by combining more than one data collection tool (Arthur, Waring, Coe, & Hedges, 2012). The present study gives priority to qualitative methods but the data collection started with a quantitative method, the questionnaire, and the discussion of results are converged to achieve integration.

In this research, the combination of quantitative and qualitative research can be beneficial for a number of reasons. Firstly, this integration is ideal for the present study aiming to investigate legal interpreters' perceptions. The researcher is mainly interested in asking questions and generating rich accounts of human experience by drawing on a mixture of data collection methods, as noted by O'Reilly (2008). The primary intention is to portray a comprehensive account of social behaviour (Pole & Morrison, 2003). This study aims to "reconstruct the 'reality' of the insider's world and construct accurate descriptions of this as if from 'the inside'... by 'telling it like it is' in members' own terms. In this way, 'reality' is captured" (Brewer, 2000, p. 107).

Secondly, both quantitative and qualitative researchers in social sciences mainly aim to explore people's behaviours and opinions (Bryman, 2012). The quantitative strategy fits the research need to gather opinions on the current state of legal interpreters' performance in cultural and pragmatic transmissions, whereas the qualitative strategy is, therefore, suitable to achieve an in-depth understanding based on individual experiences for this research. This mixed method research, involving both quantitative and qualitative elements, is more effective than a single method study in achieving a more precise and complete account of the topic in question (Arthur et al., 2012).

This study was conducted through a combination of questionnaires and interviews. The researcher believes that collecting quantitative data from closed questions in the questionnaire and qualitative data from open questions in both the questionnaire and the interviews can be applied to address the research questions of this study. Mixed methods are effective in using qualitative methods to explain the complexity, processes, diversity and contradiction of what quantitative methods capture and to address the research questions from different aspects, as suggested by Seale (2004). From the above perspectives, the mixed methods approach has been deemed appropriate for this study.

All social researches must reach a balance between perfect and feasible design (Bryman, 2012). In this research, two instruments, namely, questionnaires and interviews, were complementarily utilised to fulfil several aims. The use of questionnaires was deemed appropriate to reach as many legal interpreters as possible in a short period of time at the initial stage of data collection. The questionnaire method is time-efficient and cost-effective for a widely geographically dispersed target sample population (Bryman, 2012). In this study, questionnaires allowed the exploration of general perceptions of legal interpreters' roles and responsibilities, their professional status, dilemmas and challenges from a large number of respondents across the UK. It is important to note, however, the questionnaire method has several limitations, mainly because it does not allow the researcher to clarify, to prompt or to probe. As a result, this method only generates self-reported perceptions and it is difficult to guarantee the accuracy and honesty of the responses. Respondents may not be truthful with their responses; they may not think the question through or they may hold different understandings of the questions posed. The researcher is fully aware of this problem and has taken all possible efforts to encourage high-quality responses through the careful design of the questionnaire, which will be shown in the discussions in Section 4.4.

In addition, questionnaires can only gather limited information, which is inadequate for providing explanations of the patterns. Therefore, during the second phase of the data collection process, interviews were used to draw out a more in-depth account of the situation. Two separate types of interviews were conducted: interviews with legal interpreters who indicated in the questionnaire responses their willingness to be involved in an interview and interviews with legal professionals.

Taking into consideration the highly complex nature of interpreter-mediated legal proceedings, the present researcher considered collecting data from multiple resources necessary. This approach is highly recommended by Kaczmarek (2016) by drawing on various previous research of Pöchhacker (2000), Angelelli (2004a); Mason (2005, 2009); Merlini (2009). The questionnaires were also intended to yield findings useful to inform the design of the questions in the interview guide. The qualitative data collection methods facilitated and strengthened the understanding of the differences and similarities that the quantitative component of the research revealed in a broader sense. According to Seale (2004), the subsequent use of qualitative methods can help to explore patterns of quantitative data, to decide and improve research questions and to reveal characteristics of the research sample or environment. In this way, the researcher believes that a complete account of their views on the subject matter could be achieved instead of using either a quantitative or a qualitative research strategy alone.

It is necessary to discuss why this study did not use discourse analysis, the most popular research method in the field of interpreting. Some of these studies focus on interpreters' treatment of various aspects of pragmatics in courtroom interpreting, for example the seminal work of Berk-Seligson (1987, 1988, 1999 & 2002) and Hale (1996, 1997a, 1997b, 1999, 2001 & 2004). Other studies look at legal interpreters' roles through analysing recordings of legal proceedings, such as Angermeyer (2009), Lebesse (2013), Leung & Gibbons (2008), Nakane (2009) and Romero (2008). However, the current researcher felt discourse analysis was not appropriate to address the research question of the current study.

Discourse analysis refers to the inference and interpretation process to reveal cognitive and discursive patterns, intentions, functions and consequences of conversational data (Cohen, Manion, & Morrison, 2000). This method tends to collect data regarding the arrangement of conversation in the aspects of managing turns, repairing conversation and word choices (Arthur et al., 2012). Discourse analysis is a good way of examining what happens in interpreted courtroom interaction and how participants build up a shared account, which is the linguistic construction of the courtroom reality. Discourse-focused research fits better in the field of language movements, patterns, functions and pragmatics (Arthur et al., 2012). Discourse analysis is suitable for interpreting studies interested in observing

interpreted interaction, rather than the focus of my study, individualised and subjective perceptions of interpreters. Questionnaires and interviews adopted in this study are generally accepted as the more appropriate way to investigate participants' feelings, opinions and perceptions. This is also the case of investigation into perceptions of legal interpreters' roles in the field of legal interpreting. For example, questionnaire surveys to discover views regarding the role of interpreters were administered by Angelelli (2003) with conference, court and medical interpreters, by Lee (2009a) with court interpreters and legal professionals and by Matu, Odhiambo, Adams & Ongarora (2012) with court interpreters. Also, Barsky (1996) carried out interviews asking refugee claimants about their experiences and expectations in this respect.

Additionally, the criminal justice system is well known for being extremely difficult for public access and requiring the least level of interruptions, which makes observation and participant observation unpractical for the current research. It was unrealistic for the present research because audio/video recording needs to be undertaken to collect discourse data for analysis. Recording is strictly prohibited for security and many other highly sensitive reasons in the legal context. Researchers have to go through complicated procedures for such permission to be granted, which was extremely difficult for this researcher due to the time limits. To conclude, discourse analysis or conversation analysis were not chosen because the verbal/nonverbal behaviour of legal interpreters was not the focus of the present research.

4.4 Questionnaire

The quantitative approach in this research was demonstrated through questionnaire surveys. The design of questionnaires involves two major considerations: where to conduct the research – the research setting; and with whom – the research respondents (Bryman, 2012). Survey is an important way to measure concepts, so definitions and questions need to be precisely planned and must match the research questions. Also, it was a straightforward, practical and objective option for the present researcher. Firstly, filling in a questionnaire is less time-consuming and respondents can complete the questionnaire in their own time and their answers are

less likely to be influenced by the researcher. Also, it enables the researcher to ask as much information as possible, even for very complicated topics (Cohen et al., 2000).

The target sample for the questionnaires was interpreters on the National Register of Public Service Interpreters (NRPSI). The aim of the present study is to explore legal interpreters' perceptions of their roles. To meet this goal, the respondents were to be professional interpreters certified to practice in the legal context. As Public Service interpreters, they can interpret in a variety of public settings including local government, healthcare and the legal sector. Nevertheless, the entry requirement for NRPSI is to pass the examination of the Diploma of Public Service Interpreting (DPSI) (law option). This would ensure sufficient in-depth knowledge of and expertise in legal interpreting. Also, the questionnaire respondents need to have a reasonable amount of experiences to make well-founded responses. NRPSI requires 400 interpreting hours to become a full-status registrant and a minimum of 10 hours of public service interpreting experiences every year to maintain the registration. Before the outsourcing contract between the Ministry of Justice and interpreting agencies, most law enforcement teams, courts and tribunals used NRPSI as the main source for finding interpreters. At present, this is still the normal practice for police stations in some areas of England, the Crown Prosecution Service and the criminal investigation team of HM Custom and Revenue. Therefore, it is safe to say that the majority of interpreters registered on the NRPSI have legal interpreting experiences. There are currently around 1900 registrants of 101 languages on NRPSI. Some are registered for more than two languages, meaning the actual number of interpreters is around 1500, which is sufficient to generate an adequate number of responses to the questionnaire. Their name, language and email addresses are listed for public access. It can be drawn from the above discussion that the selection of the sampling population was a straightforward decision. The present researcher believes that responses from NRPSI interpreters will be able to represent the general legal interpreters' perceptions because they have a good command of both working languages, sufficient understanding of two or more cultures, all-around expertise in legal interpreting, and probably many years of relevant experience. Therefore, they were considered the best questionnaire subjects for this study to

provide extensive, well-founded and individualised responses. However, because most of these interpreters are extremely busy and travel often to and from an assignment, it is not always feasible for them to spend time completing a questionnaire. The researcher made great effort to design the questionnaire in a clear and concise manner to shorten the time necessary to complete it. Emails were sent containing a link to the questionnaire to all listed on the register. The researcher was optimistic about receiving a response rate between five to ten per cent to achieve statistical validity before beginning the data collection process.

4.4.1 Designing the questionnaire

The main aim of the questionnaire was to explore practitioners' perception of the key aspect of the legal interpreting profession, legal interpreters' roles, including their roles and responsibilities, their approaches and strategies to achieve the accurate and faithful interpretation and moral dilemmas and challenges in their performing their roles. The second aim was to identify discussion topics for interviews at a later stage. The questionnaire had twenty-six questions and took respondents around thirty minutes to complete (see Appendix B).

According to Cohen et al. (2000), the first step in designing a questionnaire is to identify research purposes; the second step is to divide them into secondary topics; the third step is to decide how many items to be asked for each topic; and the last step is to devise the specific question to address each item. This procedure has been followed in the present study. Cohen et al. (2000) recommend that the researcher needs to be careful in sequencing the questions because the early questions may influence responses to the later ones. A questionnaire should start with easy, interesting and encouraging questions to build up the participants' belief and interest in the research. At the beginning of the questionnaire, there was a short introduction to tell the participants that they would be asked questions on six topics. The questionnaire was divided into these six sections to address the research aim from different aspects, each with a title to briefly outline the aims and focuses. This was to help the respondents follow it more easily and to understand what was expected from them more clearly, which is recommended by Cohen et al. (2000, p. 338) as a "good practice." The sections were "Interpreting background," "Functions

and roles of legal interpreters,” “How interpreters influence the courtroom,” “Faithful rendition of the original message” and “Interpreting challenges”. Each section used several questions to generate comprehensive responses.

The researcher designed the questionnaire with a simple and encouraging manner. Various types of questions were employed, including multiple choice questions, rating/Likert scale type questions, semi-open questions and open questions. Closed questions can gather statistically analysable data to describe a particular situation and, in particular, generate a range of responses as complete as possible (Cohen et al., 2000). Semi-open questions can provide some level of freedom to the respondents and open questions can overcome the limitations of the above types (Cohen et al., 2000). The researcher also strived to avoid leading questions or statements, extreme ratings, and complex or ambiguous questions. Extra attention was paid to avoid problems of unclear wording, limited and biased choices and more attention was paid to arranging word order and statement order, especially for multiple choice questions, as suggested by Cohen et al. (2000). Furthermore, to ensure that the items are “comprehensive, exhaustive and representative” (Cohen et al., 2000, p. 324) is another vital consideration to make the questionnaire to look more interesting and to generate high-quality responses. Although the researcher has no opportunity to interact with the respondents, the above efforts were to maximise cooperation and to ensure that the respondents would treat the questionnaire with due seriousness.

The researcher believed referring to previous literature could help to achieve this goal. Therefore, other than section 1, which asked basic information about the practitioner’s interpreting background, both the division of sections and the questions and choices of the items in these sections followed the order of the discussions in the “Literature Review” chapter.

The first section of the questionnaire consisted of four questions. Factual information was sought from respondents regarding their interpreting background, including their native and working languages, the length of their interpreting experience and their average total number of interpreting hours each year. These were semi-open questions and respondents were required to fill in their answers. Results demonstrated that their native and working languages cover many European, Middle Eastern, and Asian languages; their interpreting experiences vary

from one year to more than thirty years and their interpreting hours range from less than 100 hours to more than 2000 hours per year (See Appendix E). It is fair to conclude that respondents were all reasonably experienced in legal interpreting and their responses can represent interpreters' views and opinions from a variety of linguistic and cultural origins with different levels of experience. Therefore, these respondents were able to provide extensive and in-depth opinions for the issues in discussion and they were valid and reliable sources to generate data for this study.

The middle part was the main section of the questionnaire and entailed a higher level of complexity to elicit more opinions, attitudes and perceptions. As has been discussed in the "Literature Review" chapter, legal interpreters' role is an area of controversy. Section 2 of the questionnaire explored legal interpreters' perceptions of their roles and responsibilities, their general practice and the rationale behind their practice. For example, question 3 of this section asked respondents to choose what they believe to be the best description of their perception of the legal interpreter's role. They were allowed to tick as many terms as they felt apply from "translation machine," "communication facilitator," "linguistic and cultural mediator," "co-worker," "assistant," "advocate," "counsellor," "language expert" and "cultural expert." The design of these questions and choice items originated from questionnaires used by Lee (2009a, p. 43). He asked court interpreters and legal professionals to choose from "translation machine," "facilitator of communication," "language expert," "cultural expert" and "advocate." However, the researcher felt that this list was incomplete. More terms were added based on discussions on the subject matter from De Jongh (1991), González et al. (1991), Ibrahim (2007), Jacobsen (2008), Lang (1976) Matu et al. (2012) and Mikkelsen (1998). There was also a rating/Likert scale type question in this section. When devising these questions, scales that could best represent the respondents' feelings were designed. In question 9, respondents were asked to indicate their level of agreement to the statement, "Legal interpreters should perform duties beyond their interpreting role". The statement was closely connected with the claim made by González et al. (1991) and Lee (2009a) that interpreters should not perform beyond their interpreting role. When drafting items for questions 4, 5, 6, and 7, "explaining legal process/procedure/terminology" and "filling out forms" from González et al. (1991) "asking advice on legal matters" from Giambruno (2008) was incorporated. Overall,

the whole section played a very important role in achieving the research aim of improving the researcher's awareness of legal interpreters' professional responsibilities in close connection with the views and opinions of previous scholars in this field.

Section 3 of the questionnaire was designed to reveal how much influence legal interpreters brought to the legal system. As discussed in the Literature Review, interpreters' approaches and strategies to achieve a faithful rendition have an inevitable impact on the proceedings. Taylor-Bouladon (2007) says other participants in the courtroom should not realise the interpreter's existence. Also, Berk-Seligson (2002), González et al. (1991), Jacobson (2008) and Mason (2008) discuss extensively when and how interpreters should intervene. Mikkelsen (1998) strongly argues that interpreters should be allowed more freedom during the interpreting process. Therefore, based on the above discussions, a matrix Likert scale question was designed. Respondents were asked to indicate their level of agreement to two statements, "The interpreter should be 'invisible,' in other words, the interpreter should strive not to be noticed by other participants during the interpreting process" and "Legal interpreters should be allowed more freedom to exert their professional discretion during the interpreting process" respectively. The rating/Likert scale type questions can help researchers be flexible in a quantitative approach because they can measure frequencies, correlations, opinions, quantity and quality (Cohen et al., 2000). Combining several questions of the same type into one matrix format is very useful in saving space, capturing answers for many questions at the same time and helping respondents to fill in answers faster (Cohen et al., 2000). Questions 2 and 3 tried to find out whether interpreters intervene and if the answer is yes, in what situations and for what reasons.

Sections 4, 5 and 6 of the questionnaire were used to gather interpreters' views regarding moral dilemmas and interactional issues, which is the main focus of the final part of the Literature Review chapter. Jacobsen (2008) demonstrates an example of an interpreter taking her own initiative to repeat the question and increase the original tone of voice instead of giving the lawyer a chance to clarify. Both Berk-Seligson (2002) and Jacobsen (2008) argue that this is beyond the interpreter's role and may alter the impression formed upon the speaker. Based on Jacobsen's (2008) example, two questions were created in section 4 to capture

whether and with what methods interpreters had pushed or stopped non-English speakers through their own initiative. These again are multiple tick boxes item such as “I have never done that,” “I have repeated the question,” “I have strengthened the original tone of voice,” “I have asked directly,” “I have made a hand gesture” and “I have made a sound to indicate silence, such as ‘shush.’”

Scholars in the field of legal interpreting express extensive interest in the issue of accurate interpretation. González et al. (1991) argue that the entire meaning should cover subtle cultural variation, style/register, non-verbal hints. Ruth (1989) discusses whether speaker’s manner and gestures should be transmitted. Taylor-Bouladon (2007) raises the importance of reflecting the mood, gestures and body language. In relation to this speculation, question 1 in section 5 on the “Faithful rendition of the original message” asked “What do you think should be reproduced in the target language interpretation?” The researcher tried to devise a list of choices to be as complete as possible, which included “main linguistic content,” “speaker’s style or register,” “hesitation markers (e.g. “uh”, “um”, “ah”, etc.)”, “hedges (e.g. “probably”, “well”, “you see”, “sort of”, “a little”, “kind of”, etc.)”, “repetitions of words and phrases”, “swearing and obscene language,” “ambiguity in the meaning,” “grammatical errors” and “nonverbal hints (e.g. body language or gestures).” Hale & Gibbons (1999) believe that it is a common practice for interpreters to only preserve the central content of speech, and raise concern that interpreters are sometimes forced to delete what they believe to be overlapping or unrelated because of the questioning lawyers’ impatience. Berk-Seligson (1987) notices a similar phenomenon in her study. The influences of interpreters’ alterations found by the scholars are: changing the speaker’s speech styles and losing the convincingness of the original testimony (Berk-Seligson, 1987); changing the evaluation of testimonies (Berk-Seligson, 1987, Mason, 2008); changing the lawyer’s questioning and the witness’s answering styles; affecting the evidence and result of a case (Hale & Gibbon, 1999); failing to deliver the intended meaning (Jacobsen, 2008); taking power away from speakers and interfering with the legal process (Hale, 2008). Hale (1999) and Mason (2008) claim that these types of interpreter behaviours may be due to the unimportance of the message, memory failure, difficulties and uncertainty of the speech. The above views and opinions formed the basis of questions 3 to 6 which aimed to reveal whether interpreters

made any well-intentioned alterations and, if yes, what they were, why they did make them and what unexpected or adverse results this might cause.

Question 2 of Section 6 “Interpreting challenges” is an example of how this questionnaire was informed by previous literature. The question was “In your opinion, what are the cultural differences legal interpreter should convey into the target language version?” Respondents could choose as many as they felt appropriate from the items including “culture-related terms and expressions,” “cultural customs and behaviour (such as manners and politeness),” “cultural concepts (such as different attitudes toward the self, the body, relationships, and law),” “significance of gesture,” “address terms that denote relationships” and “none of the above”. These items were drawn from previous literature (Cooke, 1995, Eades, 2003) and the questionnaire used by Lee (2009a, p. 46) with some explanation to make the meaning clearer for respondents to understand.

Multiple choice questions and rating/Likert scale type questions belong to the closed question category. One of the obvious disadvantages of this kind of question is that the items may not be “exhaustive” (Oppenheim, 1992, p. 115). As a remedy, the category of “other” was included at the end of these questions, which enabled respondents to add additional items or to provide any remarks, clarifications or explanations in addition to the items provided. This approach is deemed by Bryman (2012) as a desirable approach to generate more extensive answers to complement this limitation of closed type questions. At the end of the questionnaire, there was an open question asking respondents’ opinions regarding what should be added to legal interpreter training programs and certification examinations to make legal interpreters better prepared for ethical dilemmas and interactional challenges they might encounter during the interpreting process. This was a further effort to overcome the limitations of the closed choices of previous questions and to capture the qualities respondents believed competent legal interpreters should have. This also gave them the opportunity to express some of their personal concerns and interests and recommendations for relevant issues to be discussed in the interview. When designing the questions, the researcher tried to avoid making them too open so as not to generate unrelated and overwhelming answers (Cohen et al., 2000). Finally, respondents were required to indicate whether they were interested in receiving an electronic version of the survey and whether they were willing to

participate in an interview.

4.4.2 Piloting the questionnaire

Piloting the questionnaire is a vital step in the process of designing a data collection instrument as it provides an opportunity to achieve distinct and complete categories, to generate the maximum range of data, and to choose the most representative items in the final version (Cohen et al., 2000). A pre-pilot study was conducted with five of fellow Ph.D. students. They were all bilinguals with no qualification or experience in translation/interpreting. The main aim was to review the structure, categories and wording of the questionnaire to check for general areas of confusion. The overall positive feedback was that the questionnaire did not feel too long and most of the questions made sense and flowed well. Suggestions for improving wording and choices for clearer understanding were made. Moreover, a short introduction was recommended before the questions to inform respondents that they would be asked questions on several topics, as the questionnaire is quite long. Then, “translation machine” was selected as the used term to better express the researchers meaning of the term “language machine.” This term was also recommended to be moved further down the list of choices as if it started with “communication facilitator” and others followed. By the time they got to “translation machine,” they would be familiar with what they were reading. Another vital comment was that it might be useful to add explanation in brackets behind each of the duties other than interpreting such as “explain the legal process,” “explain terminology,” “fill out forms” and “provide expert advice.” This was identified as able to help respondents know more clearly what the research meant. As such, explanations such as “e.g. to explain what is involved in the plea process” were added after “explain legal process”. Similar comments also came from two other pre-pilot participants regarding other questions, and corresponding revisions were made. For the questionnaire item, “Have you ever urged the witness to answer by your own initiative to speed up the process? If yes, what methods have you adopted” the researcher felt replacing the original phrases such as “repeat the question” with a full sentence “I have repeated the question” was appropriate. This was easier to understand and, therefore, alterations were made to every item. Some dichotomous

questions were used as filters leading to the following question. For example, if the respondents answered “yes” to the question, “Do you think legal interpreters should convey cultural differences during interpreting,” they were required to go to the next one, “In your opinion, what are the cultural differences legal interpreter should convey into the target language version”. If they answered “no,” they were directed to the question, “How do you normally deal with cultural misunderstanding during interpreting?” One pre-pilot participant felt it was possible to save space by combining the two questions and adding an option of “none of above” to the choices. Finally, one Ph.D. colleague felt using the word “agree” in the rating scale question “please choose how much you agree with the following statements” had the potential to the respondents’ answers, so the question was revised to be more neutral in, “please indicate your response to the following statements”.

Then, five DPSI interpreters assisted with the piloting of the questionnaire. Various issues were identified and corresponding changes were made. Firstly, questions were added in the final part asking interpreter’s name and email address to keep track of who was willing to be interviewed. Secondly, some items were removed from questions 3 and 4 in section 5: “Faithful rendition of the original message” to make them suitable for legal practitioners or non-English speakers. Thirdly, one question was added to ask respondents to choose reasons for intentional or unintentional alterations from the smooth running of the criminal justice procedures, helping the non-English speakers to provide better testimonies, the unimportance of the message, the difficulty of the message, the ambiguity of the message and the length of the message. Fourthly, one question was added to ask interpreting challenges in section 6 and the title was changed from “Cross-cultural challenges” into “Interpreting challenges.” The questionnaire items to choose from were “complicated legal glossaries,” “complex legal procedures,” “high pressure in criminal justice environment,” “split second decision in interpreting,” “insufficient contextual information,” “to achieve a complete equivalence in the target language version” and “cultural differences”.

One of the main limitations of questionnaires that may affect its validity is that respondents may not understand the questions or questionnaire items in the same way (Rossi, Wright & Anderson, 2013, Block, 1998). This was also a key area of concern for the current researcher during the course of designing the questionnaire.

The majority of items were adopted from interpreting literature. Being aware that practitioners possibly understand the terms and concepts, in particular the synthesised concepts of interpreter role, differently, additional careful considerations were made to present an appropriate technical level of the questionnaire. Terminologies in legal interpreting were used as questionnaire items for the target population, qualified interpreters in the British legal system, while linguistic terminologies were reduced to avoid misunderstanding. Furthermore, most scholars in the field of legal interpreting came from an interpreter's background. Also, the majority of these concepts were used in similar investigations, e.g. Lee (2009a). Differences in understanding have not been reported in any previous studies. Furthermore, the current research conducted a pre-pilot and a pilot study of the questionnaire and received extensive feedback from participants. Neither Ph.D. colleagues nor the professional legal interpreters raised issues in relation to the meaning of any included items. Therefore, one can argue that scholars and practitioners in the field largely share a common understanding in this respect.

4.4.3 Data collection

A total of 1508 questionnaires were sent via email to legal interpreters registered on the NRPSI. Each email contained a covering letter with a brief introduction of the researcher and the present study, clear assurance of the confidentiality and voluntary nature of involvement, and sincere appreciation for their assistance. A link to the questionnaire was provided in the email for easy access. The researcher believed that such a covering letter was important in a large-scale survey to improve the response rate. After four weeks, emails were sent to thank respondents for their participation. The follow-up letter restated the value of the research, re-stressed the importance of involvement and contained a link of the questionnaire. Cohen et al. (2000) strongly believe this is an effective method of increasing the response rate. In this letter, it was mentioned that the researcher would write again to ask whether the respondent might be interested in an interview in due course. In total, 155 responses were received. Among these respondents, 72 indicated willingness to be interviewed at a later stage.

4.5 Interview

4.5.1 Interview as a data collection method for this study

Interviews are a powerful implement because they enable a qualitative combination of pursuing the general picture, penetrating views, origin and cause of development, descriptions of implications, factors and individual experiences in the investigation (Arthur et al., 2012). It was deemed an appropriate data collection instrument for the current study because it can provide the opportunity to ask questions for clarification, if necessary, and allow the interviewer to seek in-depth information. Despite the time-consuming process of transcription, the researcher can fit it around his/her personal schedule (Bryman, 2012). Finally, but most importantly, the researcher's active interaction with the interviewee may encourage more commitment and uncover more insight of the subject matter. During this process, opinions are exchanged with participants to explore their understanding of the key aspects of legal interpreting and their practices, which is explicitly linked with the research purposes of this study. Due to its flexible nature, the interview is widely accepted as the most popular data collection method in qualitative social research (Bryman, 2012). According to Cohen et al. (2000), the interview is a research tool that deals with research targets and data in a more interactive manner. As a result, the researcher is able to co-construct the in-depth comprehension of complex issues with the interviewees by activating various sensory channels (Cohen et al., 2000).

From the different types of interviews the researcher felt the semi-structured interview to be the optimal tool for collecting qualitative data for the present research. The semi-structured interview is more flexible than the structured interview, which has to follow rigid criteria of structured questions. On the other hand, it has a clearer focus and addresses more particular issues than the unstructured interview which mainly entails active interaction between the interviewer and the interviewee (May, 2011). The interviewer needs to follow an "interview guide" which features a fixed order of questions addressing more or less the same topics in similar wordings. The interviewer has a certain degree of freedom in the interaction as long as there is no substantive deviation from the original design and theme of the interview (Bryman, 2012). During this process, the

interviewer needs to make sure interviewees fully understand the questions, sometimes asking about topics arising from the conversation, which were not in the original guide. More importantly they may develop further conversation to explore the interviewee's answers more deeply. At the same time, interviewees are also provided with more opportunity for clarification and elaboration.

For the first stage of interviews in this study in the pursuit of broad and deep understanding of legal interpreting in the UK information-rich research targets, legal interpreters with extensive knowledge and experiences in practising interpreting in the criminal justice system were approached. Questionnaire respondents who agreed to be interviewed were contacted. As a practising legal interpreter, the researcher has a good understanding of the research targets and believes the research topics are of shared interests. Therefore, the researcher was able to design and perform the interviews in a more engaging way to get a higher response rate. Determining the appropriate sample size is not a simple matter due to the lack of a general rule (Arthur et al., 2012). The saturation standard was followed, that is, the data was considered sufficient when no new information emerged.

For the second stage of the interview process, legal practitioners in the judicial system, including judges, solicitors and barristers, court clerks, probation officers, police officers, prison officers and immigration officers, were contacted. The interpreter-mediated interaction is a three-way process, which involves the English speaker, the interpreter and foreign language speakers. Among these parties, legal practitioners are of ultimate importance because they normally have a higher position or greater power to control the process. Their expectations of interpreters' competency, their understanding of the interpreting process and their anticipation of interpreter difficulties may affect the quality of the interpreting service greatly. Therefore, finding their opinions was vital for the present research. However, it was highly difficult to obtain access to ask if they would be willing to participate in the interview. The researcher tried to approach legal practitioners who were friendlier during her interpreting work or showed interest in the research area. She also sought assistance from legal administrators to see whether they could explain the research needs to judges working in that particular court and helped the researcher arrange an interview. Six interviews with these research targets were conducted. Of these six, two were with police officers, two were Home Office Enforcement Officers

and two were with HMRC Criminal Investigation Officers.

4.5.2 Designing and piloting the interview schedule

The aim of the semi-structured interview was to explore individual opinions of the research subjects. According to (Cohen et al. (2000), the planning of the interview should start by breaking the general research aims into several problems, then summarising the variables for each and, finally, devising suitable questions to reflect the researcher's intentions and to generate adequate answers for the specific questions. This is a process that demands a great amount of speculation and planning by the researcher. Furthermore, the interviewer needs to employ various methods to ensure the interview is carried out in an interesting and understanding manner. It is also important for the researcher to know when and how to lead the conversation back on track without being rude when in instances where the interviewee moves away from the point in discussion (Cohen et al., 2000).

There is normally an interview guide instead of a list of fixed questions when conducting semi-structured interviews (Bryman, 2012). A variety of question forms for different purposes were prepared (see Appendix C). Interviews are highly demanding social interactions for particular purposes rather than ordinary conversations (Arthur et al., 2012). Therefore, there should be a well-planned and well-prepared schedule that incorporates multi-format questions and answer modes (Cohen et al., 2000). The interview schedule incorporated statements of legal interpreting, descriptions of certain practical situations and open-ended questions. Interviewees were invited to express their opinions in a free manner. Open questions are stronger in the sense of being flexible, building up connections and promoting engagement (Cohen et al., 2000) and helped to avoid superficial and limited answers. However, they can lead to responses that are unrelated to the research focus (Cohen et al., 2000). To solve this problem, the researcher can use a precedent closed-type question as a filter to concretise a broad issue into a more specific one or use follow-up prompts and probes (Cohen et al., 2000). Through the above approach, the discussion was guaranteed to not go beyond the focus because it was explained and set at the beginning. In this way, the researcher could clarify, extend and seek elaboration to dig deeper into the responses (Cohen et al.,

2000). The interview guide was planned (see Appendix C) containing fifteen questions which were formulated based on key issues or points that needed further elaboration from questionnaire replies. Questions covered the following areas: understanding of legal interpreters' roles and functions, explaining personal opinions of the cross-cultural and interactional difficulties, approaches and strategies to deal with these situations with their expertise and experiences, and their perceived status of professional recognition.

The interview with other legal professionals was designed to find out how they perceive the challenges faced by legal interpreters based on their experiences of working with them. Each interview subject was contacted directly. It was assumed that their replies would reflect their profession and positions in the judicial system. The interview guide covered the following main topics: experiences working with an interpreter, their understanding of the practice of legal interpreting; their awareness of cross-cultural and interactional challenges which legal interpreters may encounter; their impression of and expectancy towards competent legal interpreters (see Appendix D). Some questions attempted to reveal whether these criminal justice professionals perceive legal interpreters as part of the justice system and to elicit reasons for their perceptions.

The researcher piloted the first interview with three legal interpreters, but no legal practitioner could be found for the pilot due to their unapproachable nature. Positive feedback was received from all three legal interpreter participants. In addition, they provided a number of valuable comments. The initial interview schedule was a very rigid set of prepared questions. Modifications were made to make them more general questions to increase the flexibility of the guide and some leading questions were removed. The pilot experiences also prepared the researcher for potential opportunities to ask prompting and probing questions in the main study.

4.6 Ethics

Along with social researchers' goal for more fruitful outcomes of their research, Bryman (2012) points out that there has been an overall increasing ethical awareness among sociologists and research organisations at present. The

researcher must make a great deal of effort to balancing trying to capture as much valid and reliable data as possible and the possible threats to the participants' rights (Cohen et al., 2000). This researcher was granted ethical approval following procedures in compliance with ethical guidelines for research on education of University of York.

The researcher made careful consideration of ethical issues on both broad and specific issues including aspects of the research topics, data collection procedures and the treatment of findings. The estimated time to complete the questionnaire was around thirty minutes and around one hour for the interview. The amount of time required from respondents was believed to be reasonable and the disruption to their normal routines was at an acceptable level. Questions asked both in the questionnaire and the interview intended to explore the cross-cultural and interactional issues of the profession of legal interpreting without involving personal, sensitive or potentially distressing topics, which was unlikely to cause anxiety or distress to research participants. Both the questionnaire and interview were necessary and appropriate data collection methods for the purpose and context of the present research and did not involve intervention, deception or vulnerable groups or research subjects under the age of 16.

Furthermore, the researcher prepared an "Informed Consent Form" for interview participants (See Appendix A). The informed consent form provided participants with information regarding the purpose of the research; what their involvement would entail; what would happen to the data they provided; how their identities would be protected; the possibility of using the data publicly and the opportunity for them to decline such use of data; and the opportunity for them to comment on the written record of the event. Although it is impossible to explain everything about the research, because some information is unknown to the researcher beforehand, the interview subjects should be provided with a reasonable amount of relevant information so that they can make well-informed and voluntary decisions (Cohen et al., 2000).

Finally, this research followed the Education Ethics Committee's "Guidance on Data Storage and Protection" to keep data appropriately secured and to maintain the confidentiality and anonymity of the participants' identities. The researcher conducted the study in a professional manner as a representative of the University

of York and respected the rules, demands and systems of the institutions that visited during data collection.

4.7 Validity and trustworthiness

The present study is mixed methods research. Cohen et al. (2013) suggest mixed methods research need to be a valid “representation, legitimation and integration” (p. 198). This study placed more emphasis on the qualitative data; it is, therefore, necessary to address the issue of trustworthiness. Lincoln and Guba (1985) defined four criteria to evaluate trustworthiness: credibility, transferability, dependability and confirmability. Efforts taken to ensure validity and trustworthiness by the researcher were evident. Firstly, data were collected through questionnaires and interviews and research participants were interpreters and service users. The integration of two data collection methods and samples minimised their weaknesses. The sequential design, questionnaires followed by interviews, helped to achieve high-quality inferences. The multiple-source data addressing the same issue of roles and functions, faithful interpretation and dilemmas and challenges represented truthful experiences and perceptions held by the participants. The above efforts of integration contributed to increasing the credibility of the data and the generalisability of the study. Cohen et al. (2013) note that the generalisability of qualitative data does not aim for the external validity, but rather the “phenomenon being investigated, fairly and fully” (p. 181). Similar studies can possibly be conducted in other interpreting domain or another country of different level of interpreters’ professionalisation or different legal system. However, one must be cautious in generalising the findings because this is a qualitative study and the researcher inevitably cast an influence on the data analysis. Secondly, providing details of the design of the data collection methods, the administration of the data collection process and careful consideration of all relevant ethical issues and limitations and bias of the researcher were to ensure the trustworthiness and certainty of the results obtained. Finally, the advantages and limitations inherent in the role of the researcher as both an investigator and a practitioner were fully acknowledged. Leading questions reflecting the researcher’s perceptions were avoided when designing the questionnaire items. Only neutral prompts and probes

were adopted during interviews, rather than discussions containing her opinions and emotions. Results were analysed and discussed using an objective and logical stance. The researcher's efforts to minimise the personal influence were explicit throughout the whole process of this study.

4.8 Data analysis

This section will deal with the data analysis processes for the data collected via the questionnaire, interviews with legal interpreters and written interviews with legal practitioners. The questionnaire was conducted using a Google Form, which generated an automatic summary of the data in figures as well as providing the raw data in an excel file. The researcher considered this sufficient and therefore, no further computer software was used for the analysis. With regard to the interview data, NVIVO was used to help the researcher quickly organise the large quantities of data and allow themes to emerge.

4.8.1 Analysing questionnaires

The data collected in the questionnaires was broken into two sections. The aim of section 1 is to demonstrate that questionnaire respondents can represent general perceptions of legal interpreters from various interpreting backgrounds. Responses to this section were descriptive information about respondents' interpreting backgrounds. As such, this data has not been included in the discussion of this thesis but has been added in Appendix E. Moreover, questions 2 and 3 of section 2 asked respondents to choose what they believed to be legal practitioners' and non-English speakers' understanding of legal interpreters' role respectively. These two angles were considered relevant when designing the questionnaire. However, the data they generated was not compatible with the overarching research question. Therefore, the discussion of the above data was also excluded in the current thesis. The majority of questionnaire items were utilised to explore respondents' perceptions of various aspects of legal interpreters' roles. The researcher approached the analysis through looking for items selected by the highest or the lowest number of respondents and the distribution of choices to establish patterns

of respondents' perceptions. Therefore, the responses generated were descriptive data describing the summary of frequencies. Diagrams were considered by the present researcher as the most appropriate method of presenting the quantitative data collected from the questionnaire responses because they are clear and simple to understand (Bryman, 2012). Bar charts were adopted to display the number of respondents reporting perceptions in each theme. The data gathered from the remaining questions were the respondents' levels of agreement to statements regarding legal interpreters' professional discretion, which were presented in pie charts to show the size of each category and that in comparison to the whole sample.

4.8.2 Analysing the interview

The interviews with legal interpreters were conducted face to face or via telephone and were audio recorded. This research mainly aimed to explore legal interpreters' perceptions. However, the data reported, in particular, in the interviews was both about perceptions and experiences. Many participants of this study discussed their understandings and approaches through sharing their experiences. The researcher transcribed the interview recordings herself as this is highly recommended by scholars as a method to gain familiarity with the data prior to analysis. Interview transcripts were analysed through NVIVO, which has ensured the researcher avoided missing important ideas and examples despite the richness of the data.

The thematic analysis approach was adopted to analyse the interview data. The data analysis followed the process of organising, categorising and identifying themes, which is recommended by Brewer (2000). The coding process was straightforward due to the adoption of the questionnaire structure as a reference. The design of the questionnaire and the interview guide followed the same structure. Therefore, the initial four central themes were considered by the researcher as roles, responsibilities, faithfulness and challenges. Then, the researcher read and re-read each transcript line by line thoroughly, noting sub-themes that emerged from the data. These new themes were used as codes to identify excerpts representing each one. In particular, the researcher was searching for the recurrence of the same topics. Because this is a study exploring perceptions, how the participants'

discussions were similar or different to each other was carefully examined to carry out a meaningful interpretation when repetitions of topics appeared. The analysis of the interview transcripts is also about looking at word choice used by respondents. For example, interpreters used “help” to describe their responsibilities. This might reveal that they perceived their role of assisting other participants in triadic exchanges in addition to transferring information. Therefore, these words were also used as sub-themes to code the transcripts. After the coding process, the researcher was confident about the saturation of the data as new ideas stopped appearing through the analysis. The final themes are:

1. Roles

- Facilitating communication
- Expert
- Language barrier
- Conduit
- Advisor
- Assistant
- Faithful and accurate
- Support

2. Responsibilities

- Only interpreting
- Forms
- Explaining
- Push
- Stop
- Advice
- Help
- Translation
- No influence

3. Faithful

- Linguistic
- Style
- Technical
- Tone
- Hesitation
- Discourse markers
- Swear
- Polite
- Ambiguity
- Repetition
- Broken

- Gesture
- Grammar
- Clarify
- Explain
- Culture
- Context
- Intervention

4. Challenge

- Context
- Language
- Procedure
- Difficult client
- Emotion

The two sub-themes of “faithful and accurate” and “support” under the main theme of “role” and the two sub-themes of “difficult client” and “emotion” emerged completely from the questionnaire open comment section and the interview. Participants in this study provided extensive discussion with reference to these topics. Therefore, the researcher considered it necessary to include them in the analysis to make vital contributions to the wider discussion of legal interpreters’ perceptions of their roles.

4.9 Limitations and Bias

The researcher is a practising legal interpreter and has been registered on the National Register of Public Interpreters (NRPSI) in the UK since 2010. She has extensive experience and knowledge of the profession of legal interpreting, which is an advantage in conducting research in this field. In addition, she shares a similar experience of encountering the challenging situations and pressures facing all interpreters. This gives the benefit of easy access to research participants and smooth communication during the data collection process. Nevertheless, the researcher realised that she could be subjective during designing questionnaire questions and the interview guide and collecting data because she is a practising legal interpreter. There was a risk of interpreting data in a way that made it match her personal impressions or preconceptions, a phenomenon recognised by Cohen et al. (2000). They explain that the researcher must take extra care when

interpreting data to resist the temptation of illicit distortion of data to fit personal aims. It was also likely for the researcher's personal experiences and point of views to influence the interviewees' responses to questions and comments during the interaction.

Chapter 5: Findings and discussions of the main Research Question - legal interpreters' roles and functions

5.1 Overview

This chapter details results and findings in relation to the main research question of the present study, "What are legal interpreters' perceptions of their roles and responsibilities?" The understanding of interpreter roles is the foundation of the legal interpreting profession. In the present study, this also encompasses their responsibilities. Legal interpreters' perceptions were investigated through section 2 of the questionnaire and the interview. Initially, participants were asked to provide their understanding of legal interpreter roles. Then, the discussion shifts to the duties and responsibilities participants believe legal interpreters should perform and the tasks they are asked to do by other parties in their practice.

5.2 Legal interpreters' self-perception of roles

It can be observed from the data that participants in the present study have different understandings of legal interpreter roles. Question 3 in section 2 of the questionnaire asked respondents to provide their own reflections on legal interpreter roles. Results of this question are demonstrated in Figure 1. The highest number of respondents selected "communication facilitator." More than half of the respondents included "Linguistic mediator," "cultural mediator" or "language expert" in their choices. The majority of respondents discarded the "advocate" and the "counsellor" role. Further discussions were carried out in the interviews to portray a complete picture of legal interpreters' understanding. During the interview, it is interesting that most interviewees did not use the terms listed in the questionnaire options to define their functions and roles, but instead provided descriptions in a more practical way. Also, most interviewees attached more weight to one or two aspects. More detailed discussion of "communication facilitator," "language expert," "linguistic mediator and cultural mediator," and "advocate and counsellor" as well as further contributions from interpreters in the present study will be presented in the following sub-sections.

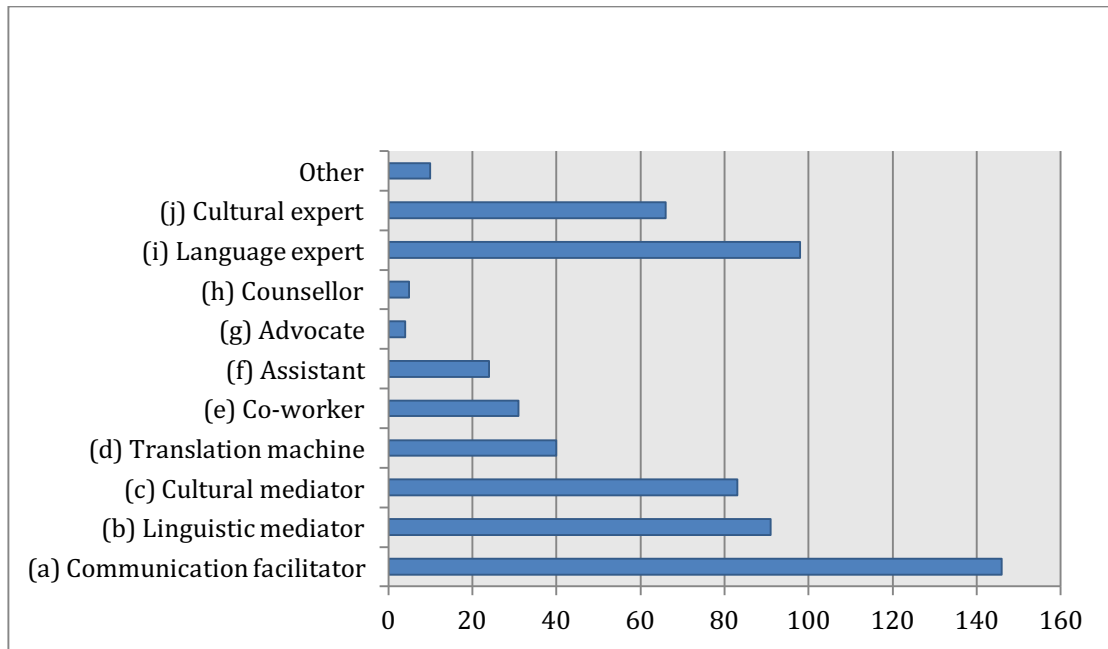


Figure 1. Respondents' perceived legal interpreter roles

5.2.1 Communication facilitator

When asked about their perception of legal interpreter roles, an overwhelming majority, 146 of 155 questionnaire respondents, selected “communication facilitator” as one of the definitions. One responding interpreter reported in the open comment section:

I have explained when necessary for something cultural, which is a crucial role of the interpreter to facilitate communication. (Open Comment, Questionnaire)

It can be inferred from this comment that this interpreter identified facilitating communication as a very important role. As such, they may sometimes feel it is necessary to step outside of their linguistic role and make additional contributions to the communication process. However, this very high number may only show that “communication facilitator” was the role respondents identified with most in responding to this question, rather than establishing a consensus agreement on this role, due to the fact that items in the questionnaire may not hold the same meanings for each respondent.

Later in the interview, when asked to describe their roles, only 4 out of 10 interviewees mentioned, “to facilitate communication.” This did not correspond with the questionnaire results where a majority of respondents selected “communication facilitator” as their perception of the legal interpreter role. This is an interesting discrepancy. An example of how participants included the facilitator role in their reflection can be seen in Excerpt 1.

Excerpt 1

I believe [our role] is to facilitate the legal process, and guarantee that the person or people you are interpreting to get the fairest trial possible. And that the language barrier isn't a disadvantage or affecting the legal proceedings. So, it's to be as accurate as possible... [The most important role is] to facilitate communication, definitely... in the legal sense. Obviously if it's medical, it'll be to make sure that everything is understood... to make sure they get the best treatment possible and their health is looked after, and nothing can be lost in translation. (Interviewee 1, Face-to-face)

Interviewee 1 firstly commented on the legal interpreter role of removing the linguistic barrier to ensure a fair trial and delivering accurate interpretation. Additionally, his elaboration “...to be as accurate as possible” implies that it is very difficult to achieve accurate interpretation. Then, when the researcher probed further, he reflected that the most important role is to facilitate communication. This interpreter also distinguished between the role of legal interpreters and that of medical interpreters. The former is to facilitate communication and the latter is to guarantee understanding. Similarly, Interviewee 4 and Interviewee 8 shared Interviewee 1's perception that the most important role is to facilitate communication when responding to the same question, as can be seen in Excerpts 2 and 3.

Excerpt 2

I think the most important role and function is to facilitate communication between both sides, to ensure that everyone can understand what is said in the conversation. There is no misunderstanding. (Interviewee 4, Telephone)

Excerpt 3

The most important role is to help facilitate communication and sometimes we act as mediators and here we have to be careful and make sure we do not influence the interlocutors in any way. (Interviewee 9, Telephone)

Nevertheless, Interviewee 4 focused on the ultimate goal of ensuring understanding, whereas Interviewee 9 added the mediator role while emphasising that legal interpreters need to avoid influencing speakers. Interviewee 2 identified three roles, the bridge, communication facilitator and rendering a complete interpretation.

Excerpt 4

Interviewee 2: Roles and functions of legal interpreters should be to serve as a bridge between English speakers and non-English speakers; to facilitate the communication between different parties at court; to provide interpretation that is equivalent at linguistic, functional and cultural levels... The third role is the most important because court interpreters should not only accurately convey the meaning of professional “legal terms,” he/she must also fully understand the meaning of these terms under the particular context in order to interpret not only the meanings, but also the manner and tone indicated by the speakers. (Interviewee 2, Telephone)

Unlike the previous three participants who perceived facilitating communication as the most important role, Interviewee 2 identified providing the equivalent interpretation to be the most crucial role. This interpreter justified her opinion by explaining that accurately interpreting the meaning of the utterances as well as the speaker’s manner and style is a specific requirement of the legal context. It could be summarised from the four excerpts above that “communication facilitator” was included by 4 out of 10 in their perceived legal interpreter roles and was considered the vital role by 3 of those 4. Interview responses could not confirm those of the questionnaires. This may indicate that when completing the questionnaire, with the term suggested in the list of options, most respondents felt that this was part of what they did in their practice. Nevertheless, when having to think of an explanation in the interviews, participants did not consider it to be the most appropriate or complete description.

5.2.2 Language expert

Questionnaire respondents selected “language expert” as their second most preferred role description. One interpreter wrote,

If well-trained, they should be language experts, but they also need to have cultural awareness and have a broad general (and sometimes highly technical knowledge) as they never know what they will be interpreting. (Open Comment, Questionnaire)

This is the model advocated by González et al. (1991) and may seem to be an obvious choice when respondents consider that interpreters work between two languages. This comment reflected clear awareness from the practitioner of the specialised knowledge and skills legal interpreters should have. This is in accordance with the summary made by Taylor-Bouladon (2007) that qualities of a competent interpreter should include perfect mastery of at least two languages; sound general knowledge; fast analytical ability; familiarity with specialised glossaries; quick adaption to change of speakers, accents, situations and subjects; high level of concentration and excellent memory; better than average physical and mental stamina and clear pleasant voice. Moreover, Mikkelsen (2000) points out that the legal context poses more particular requirements for interpreters, so they must have knowledge of “law, translation and interpreting theory, linguistics, intercultural communication, anthropology and psychology.” It can be concluded from the above two scholars’ accounts that interpreters should be equipped with a variety of knowledge and skills. This is another example that items of the questionnaire may mean differently to each respondent. Linguistic proficiency is definitely one of the main requirements. This is possibly the reason that two-thirds of respondents selected this role. Nevertheless, the remaining one-third respondents may think speaking two or more languages fluently and interpreting between them may not automatically make a person a linguistic expert. Additionally, none of the interpreters being interviewed mentioned this role. Therefore, the data could not establish that interpreters in the present study perceived “language expert” as an appropriate definition of their identity.

5.2.3 Linguistic mediator and cultural mediator

“Linguistic mediator and “cultural mediator” were the choice for a very high number of respondents in defining the legal interpreter role. This is in line with the interview

discussions. Firstly, as seen in Excerpt 3 above, Interviewee 9 perceived that legal interpreters act both as a communication facilitator and mediator. However, this interpreter did not specify whether the mediator role should be performed linguistically, culturally or both. Additionally, both Interviewees 5 and 6 elaborated on the role of overcoming linguistic, as well as cultural, barriers as seen in Excerpts 5 and 6.

Excerpt 5

This type of interpreting is um, like other types of interpreting, is to help, it seems to help with the linguistic communication between both parties, and not only language, but also sometimes, you need to make some cultural introduction, something like a bridge. (Interviewee 5, Telephone)

Excerpt 6

I think our role is to help to cross the linguistic and cultural barriers between languages to understand and communicate from one language to another (Interviewee 10, Telephone).

The language barrier is the most obvious difficulty in a judicial event involving non-English speakers. Interviewee 10 recognised that legal interpreters' main job is to mediate between different languages and to achieve effective communication. From a slightly different perspective, Interviewee 5 believed that all specialties of interpreting have a generalised role of a linguistic and cultural bridge. Furthermore, both interviewees mentioned "help". This might imply that their perceptions of roles are beyond transferring linguistic information. Therefore, it can be inferred from the above two excerpts that they associated their role with providing assistance to all parties in the communication process, not only linguistically, but also culturally.

Alongside acknowledging the linguistic role, half of the interviewees were aware that effective communication in an interpreted scenario was beyond language and involves cultural issues. The role description became more complete as respondents showed awareness that overcoming barriers in communication happened culturally as well as linguistically. Interpreting inevitably has some degree of cultural mediation (De Jongh, 1991; Lee, 2009a). In addition to recognising these two mediator roles, participants in the present study considered cultural awareness an important element in their practice and felt interpreters should be equipped with

both bilingual and bicultural proficiency as essential interpreting skills.

Interpreters help to ensure fair justice with broad knowledge and cultural awareness. (Open Comment, Questionnaire)

In the meantime, cultural issues cannot be ignored as confusion may also arise due to some kind of cultural gap. As has been discussed in the Literature Review, communicative difficulties can be caused by cultural misunderstandings (Cooke, 1995a; Eades, 2003). De Jongh (1991) and Lee (2009a), in particular, note “cultural differences and culturally bound terms or expressions” and subtle cultural variations are difficult to interpret (p. 38). Interpreters’ feeling that mediating between two languages and two cultures is a vital part of their job is in line with the increasing recognition among the mentioned researchers.

Furthermore, scholars hold contradictory views on the level of activity involved in this role. De Jongh (1991) and Lee (2009a) argue that the mediator role permits the interpreters’ freedom in the interpreting process, so respondents who selected these two options seem to have a higher self-recognition of their own professional status and may volunteer more to offer cultural explanations in their practice. However, Pöchhacker (2008) disapproves of the linguistic/cultural mediator model as it carries an ambiguous definition and may involve interpreters’ “moderating or managing” (p. 13) the communication process, including “resolving overlapping talk, for instance by intervening to stop simultaneous talk, asking for repetition, or choosing which utterance to interpret and how” (p. 13) as well as “explanatory additions, selective omissions, persuasive elaborating or the mitigation of face-threatening acts” (p. 14). Interpreters in the present research also showed such awareness of avoiding influencing speakers, as can be illustrated from Excerpt 3 discussed earlier. Without clear guidance of the interpreter’s role, this interpreter has made the judgment based on her knowledge and expertise that legal interpreters should strive to facilitate effective communication with a minimum level of interference. Interviewee 9 showed obvious awareness of observing certain rules while exerting professional freedom.

Therefore, it can be drawn from the above discussion that interpreters in the present study perceived mediating between two languages and two cultures as a

necessary role for interpreters of all specialities. However, these two role descriptions are not exclusive to legal interpreters. Moreover, the understanding that legal interpreters should exert the minimum level of interference during their mediation can be observed from the data.

5.2.4 Advocate and counsellor

Only 4 and 5 respondents regarded “advocate” and “counsellor” as their perceived legal interpreters’ role respectively. One respondent added,

I’m there to interpret not to be the defence or prosecution solicitor etc. (Open Comment, Questionnaire)

This comment distinguished legal interpreters’ linguistic role from legal advisors’ role of speaking on behalf of or provide legal advice. These low numbers clearly demonstrate awareness of the majority of respondents that legal interpreters are not legally qualified to offer these two services. This result may also imply that they did not feel court staff or police officers expect them to do so. The above responses are in line with scholars’ wide criticism of these two roles. Barsky (1996) is a scholar who supports the advocate model. He claims that non-English speaking applicants in refugee hearings normally face a linguistically and culturally disadvantageous situation, causing them to fail to present their case properly. He strongly suggests that competent interpreters should step out of their role to increase the applicant’s ability to meet the authority’s requirements and increase the chances of getting their case approved. Obviously, most questionnaire respondents did not agree with Barsky’s (1996) claim. Also, interview discussions confirmed the questionnaire responses as none of the interviewees included “advocate” or “counsellor” in their perceptions of roles. It can be drawn from the data that interpreters in the present study were aware that the advocacy role is beyond legal interpreters’ professional boundary. However, other parties in the legal proceedings may show a lack of understanding in this aspect and expect help and advice regarding legal matters from interpreters. How respondents deal with demands of performing legal representative’s duty will be discussed in the sections of “Explaining a legal process/a legal terminology” and “Expert advice” later in this chapter.

5.2.5 Faithful renderer of original utterances

The “faithful renderer” role was not used as a questionnaire item by the present researcher. However, this new category emerged because participants identified accurate and complete interpretation as the legal interpreters’ main role. For example, one respondent defined legal interpreters as:

Faithful, impartial, knowledgeable (terminology, subject matter) conduit through which human dignity can express itself - and justice has a chance (Open Comment, Questionnaire)

This definition encompassed many aspects of the profession of legal interpreting. However, placing faithfulness at the beginning may reflect that this interpreter considered it the most crucial aspect of the role. This perception was echoed during the interview by 8 of 10 interviewees. For example, Interviewees 7, 8 and 10 referred to interpreting accurately and faithfully as the legal interpreter’s main role and responsibility, as can be seen in Excerpts 7, 8 and 9.

Excerpt 7

I think key things that are really important. Be impartial, accurate, and if there is a need, do not be ashamed to ask for clarification. I’ll say the main role is accurate interpreting. (Interviewee 7, Telephone)

Excerpt 8

Our main role is to interpret truly and faithfully what is said, without anything being added, omitted or changed, and to act professionally and honorably at all times. (Interviewee 8, Telephone)

Excerpt 9

Legal interpreters mainly need to render an accurate version from the source language into the target language and to be impartial, non-partisan and accurate to both source and target languages for the achievement of justice. (Interviewee 10, Telephone)

These accounts revealed that most interpreters in the present study understood their roles in the same way as suggested by González et al. (1991), Hale (2008) and Morris (1999). Among them, González et al. (1991) specify that the court

interpreter's role is to convey the entire meaning of a message in the target language version without "editing, summarising, adding or omitting" (p. 5). In addition, accurate and faithful interpretation is included in almost all codes of ethics, in particular the NRPSI Professional Code of Conduct in the UK. As introduced in the Context chapter, the Code says: "practitioners shall interpret truly and faithfully what is uttered, without adding, omitting or changing anything" (Section 5.4). Therefore, the interview data also reflects the practitioners' comprehension of their professional guidance.

From a different perspective, interview participants approached their discussion by referencing the special demands of the legal context.

Excerpt 10

Well, this is obviously an extremely wide subject. The roles and functions of legal interpreters depend on the kind of venues obviously, they are interpreting in, and the kinds of clients they are interpreting for, and I mean they are differed depending on, I mean, for example, if you are interpreting in court, or you are interpreting in a prison, or you are interpreting for a solicitor, or the law sector. So really, I could only just talk very generally about this. Your role is obviously to interpret everything said, by all the people present, unless, you are asked or instructed not to interpret anything. You are aiming for accuracy, as far as humanly possible, to be very precise. (Interviewee 3, Telephone)

Although Interviewee 3 felt it difficult to generalise because legal interpreting involves a variety of settings, speaking overall, she felt legal interpreters should strive to interpret everything said as completely and accurately as possible. This role was also acknowledged by Interviewee 5 in Excerpt 11.

Excerpt 11

I think the functions of legal interpreter are similar with other interpreters such as medical interpreters and conference interpreters. But one of the main features is the legal interpreter's work needs to be more accurate. Normally it's not that rigorous for conference interpreting as long as the main meaning is conveyed in general. Compared with other types of interpreters, and compared with conference interpreters, legal interpreter's work is more rigorous. Of course, medical interpreting also needs to be very strict, medical terms also require accurate translation. But this distinction exists with conference interpreting, and other types of interpreting, such as ad hoc or some ordinary types of interpreting. (Interviewee 5, Telephone)

Interviewee 5 made comparisons between legal interpreting and other branches of interpreting. She pointed out that although accuracy is a general requirement for all types of interpreting, it is more important and more rigorous in legal interpreting. Moreover, Interviewees 6 and 4 emphasised that accuracy is of vital importance in legal interpreting, as shown in Excerpts 12 and 13.

Excerpt 12

The main function of an interpreter, a legal interpreter, is to convey the message as accurately as possible. Obviously within the legal setting, accuracy is very important, perhaps more important than in other settings. So I think accuracy is the most important task, because freedom in many cases is at the stake; and that perhaps is why accuracy is crucial. Otherwise it is important not to change omit, or add anything, again, for the same reason. (Interviewee 6, Telephone)

Excerpt 13

The most important task and responsibility of legal interpreters must be true and complete, which is to interpret faithfully for both sides, and accuracy is also a very important part of it...If it's in the court, you need to make sure that your translations are correct to guarantee the defendant the fairest trial you can...I can give you an example...A person committed manslaughter...He had been locked up for life...He was originally convicted of murder...it was found out that his interpreter made a mistake. He was being wronged and was locked up for that long... What I mean by fairness is... we need to render a complete and fair rendition, no matter whether he is right or wrong, to give the fairest account of the trial. (Interviewee 4, Telephone)

Interviewee 6 explained that the outcome of legal proceedings is people's freedom, so interpreters cannot make any changes in their interpretations. Interviewee 4 also believed the most important role of legal interpreters is to interpret truly and faithfully. She justified her perception from the same perspective as Interviewee 6, supported with an example, where one person was wrongly sentenced to prison because of misinterpretation, to show how serious the consequences could be. Moreover, this interpreter reflected the same point as Interviewee 1 (see Excerpt 1) that accuracy is very difficult to achieve and it can only be delivered to a certain degree.

Furthermore, considering the special characteristics of the legal context, one questionnaire respondent pointed out interpretations need to reflect the speaker's manners and tones to be functionally equivalent. Interviewees 5 and 6 also elaborated upon this idea, which can be seen in Excerpts 14 and 15.

Excerpt 14

I think it is most important in legal interpreting to convey the meaning as well as the speaker's tone and emotions, as much as possible. This cannot always be done, because of the difference between Chinese and English, so you may not be able to do it. But you should try to achieve it as much as you can. I think this is the most important. This is very different in comparison with other types of interpreting. (Interviewee 5, Telephone)

Excerpt 15

Your task is to interpret accurately, without adding or omitting anything, not only about what you are interpreting word for word, and also about the main messages. (Interviewee 6, Telephone)

These two interpreters made a valuable contribution by pointing out “accuracy” should be considered at the content level rather than at the word level. This demonstrated the practitioners’ understanding of their functions in close connection with the context they are working in. Researchers have conducted various studies and have found that the linguistic decisions made by interpreters when interpreting legal discourse have inevitable impact on courtroom interaction in the aspects of discourse markers, pragmatic strength, interventions and clarifications, register variation, etc. (Berk-Seligson, 1987, 2007; Hale, 1997a, 1997b, 1999, 2004; Hale & Gibbons, 1999; Mason, 2008; Napier & Spencer, 2008). This interpreter’s comment can also reflect that practitioners understand the importance of the pragmatics of legal discourse. It can be drawn from the data that agreement has been reached in considering faithful interpretation as a legal interpreter’s main role. However, interpreters in this study showed differences in understanding what elements should be reproduced to achieve accuracy and completeness. This will be discussed in detail in the next chapter discussing “legal interpreters’ understanding of accurate and faithful interpretation”.

5.2.6 Summary

Interpreters in the present research made extensive elaborations on how they perceive their own roles. Firstly, the importance of knowing legal interpreters’ role was raised:

Definitely excellent understanding of principles of professional conduct and the interpreter's role is really important. (Open Comment, Questionnaire)

Many scholars, e.g. Berk-Seligson (2002), Hale (2008), Garcés and Martin (2008), Russell et al. (2008), etc. have made a similar argument. The above comment can reflect that some participants knew that comprehending their roles properly is vital for their practice. Then, participants pointed out that the significance of legal interpreters' work was to ensure fair justice. For example,

A necessary part of the justice system (Open comment, Questionnaire)

A tool for the legal process to guarantee a fair trial and legal equality (Open comment, Questionnaire)

Interviewee 10 reported the function of removing the language and cultural barriers. Furthermore, two interviewees reflected that to ensure understanding of the main content or the key points of the messages was also a vital part of the interpreter's tasks. For example, Interviewee 1 said:

Excerpt 16

The interpreter's role is to ensure that everyone can understand what is said in the conversation. There is no misunderstanding. You need to make sure that your translations are correct to guarantee the defendant the fairest trial as you can. (Interviewee 1, Face-to-face)

Whether the interpreter should function to guarantee understanding is an area of controversy and this issue will be discussed in further detail in the section on "register/technical level" in the following chapter.

One interviewee's account of the legal interpreter roles will be included in full here as it is a comparably more comprehensive summary than those from the other respondents:

Excerpt 17

The first role is to remove the language barrier. The second role is to make sure that everything is understood. There should be enough discretion to make sure the key and the most important elements are understood by both parties. The third role is to

facilitate the communication among different parties at court. The fourth role is to provide interpretation that is equivalent at linguistic, functional and cultural level...The third role is the most important one, because court interpreters should not only accurately convey the meaning of professional legal terms, he or she must also fully understand the meaning of these terms under the particular context in order to interpret not only the meanings, but also the manner and tone indicated by the speakers. (Interview 2, Telephone)

This interpreter was clearly very reflective because her account integrated more elements. She recognised the basic linguistic function and prioritised “to facilitate communication” as the most important function. In addition, this interviewee made an interesting point by viewing the role “...to make sure everything is understood”. Identifying the need for the interpreter’s rendition to be functionally equivalent might reveal that this interpreter did not view “complete understanding” equals to “complete accuracy”. This demonstrated deeper awareness of the special demand that the legal context imposed on the interpreters.

To summarise, in response to the questionnaire, a significant number of respondents favoured the model of “communication facilitator” and “linguistic and cultural mediator.” During the interview, most interpreters did not use the role definitions provided in the questionnaire and more experienced legal interpreters could go beyond the options provided in a generalising question and elaborated through comprehensive answers, showing awareness of the essential qualities of interpreters working in the legal setting. The above discussions revealed an important recognition of accurate reflection of the original utterances as legal interpreters’ most crucial from the majority of interpreters in the current study.

5.3 Legal practitioners’ understanding of legal interpreters’ role

There are three parties in an interpreting session: the interpreter, the legal practitioner and the non-English speaker. Other participants’ understanding of legal interpreting inevitably affects their attitudes and expectations of the interpreters and influences their practice.

Interviews with legal practitioners revealed a lack of understanding of the legal interpreter role. These officers commented on the use of interpreters in a positive way. However, their discussions showed a rather limited understanding. Firstly, as

can be seen from Excerpts 18 and 19, when asked their understanding of the roles of legal interpreters and the most important role(s), both Police Officer 1 and Home Office Enforcement officer 1 understood legal interpreters to hold a combination of many roles.

Excerpt 18

[In my opinion, the roles of legal interpreters are] all of the above [Communication facilitator, Linguistic mediator, Cultural mediator, Translation machine, Co-worker, Assistant, Advocate and Cultural expert], but in my professional capacity, they mainly fulfill the role of communication facilitator...[Among them, I think the most important roles are] communication, translation and cultural expert: these are the areas that are most important for the CJS to understand about the individual and for the individual to have interpreted, so that they can fully and fairly be dealt with through the CJS. (Police Officer 1)

Excerpt 19

[In my opinion, the roles of legal interpreters are] communication facilitator, Linguistic mediator, Cultural mediator, Translation machine, Cultural expert... [Among them, I think the most important roles are] Communication facilitator, & Translation machine, Cultural expert. (Home Office Enforcement officer 1)

Four out of six legal practitioners suggested both “communication facilitator” and “cultural expert” as the main role. “Translation machine” was also the role expected by the officers, as in the above two excerpts and Excerpt 20 below.

Excerpt 20

The most important role, in my opinion, of an interpreter is to interpret what is said by all parties truly and accurately. As an Immigration Officer involved in criminal investigations I get very frustrated when an interpreter appears to start chatting to the detained person and is not relaying what is said, or is evidently not interpreting exactly what the person has said. It is useful for an interpreter to know the procedures when interviewing, charging, etc., though not essential... The only role I expect from an interpreter is to interpret exactly what is said, anything else can be a bonus (though not always!). (Home Office Enforcement officer 2)

It may appear that Home Office Enforcement Officer 2 expected interpreters to deliver accurate interpretation. Nevertheless, Excerpt 20 shows that this officer actually wants to restrict interpreters to the role of a translation machine. It is clear that he saw anything more than a rigid interpreting mode as unnecessary.

Among these legal practitioners, two were Police Officers who had more experience dealing with non-English speakers and expected more assistance from interpreters and both were aware that legal interpreters' work might involve cultural factors. HMRC Criminal Investigation Officer 1 showed greater understanding of legal interpreters' work as he discussed differences between languages and the importance of context in interpreting.

Excerpt 21

I think linguistic mediator and cultural mediator, as there are times when certain phrases may carry a different meaning when translated. Therefore, the translator needs to be able to get across the context of the question. (HMRC Criminal Investigation Officer 1)

Interestingly, interpreters discussed problematic expectations from legal practitioners and this was also reflected in some officers' answers. Questionnaire respondents reported two interesting roles expected by legal staff: "social worker" (Open comment, Questionnaire) and "liaison" (Open comment, Questionnaire). Generally speaking, the main duty of a social worker is to protect people's welfare, while that of a liaison is to encourage co-operation and the exchange of information. These two terms are clearly beyond the duty of interpreters. Another interesting function, "ice-breakers" (Open comment, Questionnaire), which involves the expectation of making the interaction more relaxed by softening the atmosphere between different parties to achieve effective communication was reported. Interviewee 9 also commented on this issue.

Excerpt 22

The only positive outcome is that the foreign language speaker would feel more at ease; sometimes we are perceived like support workers. (Interviewee 9, Telephone)

Expecting interpreters to act as an assistant as well as to provide some type of emotional help can be seen in Excerpt 23.

Excerpt 23

In my experience the role of an Interpreter is not only to assist in communication but it is most definitely a cultural expert and someone to support the witness. I

recall a French tourist being so badly assaulted that he was required to remain in the UK for a number of weeks in hospital. The interpreter was vital in his well-being and having a person to talk to in his own language was a big help. This is very important for a number of obvious reasons. Also officers can be unaware of local cultures, which on occasion is very helpful when communicating in a different language with a person of a different background. Also I expect them to be an assistant in some ways, I fully expect to be able to share sensitive information and expect it to be handled correctly. (Police Officer 2)

It can be inferred from the excerpt above that this police officer has expectations beyond what legal interpreters' professional boundaries, because he felt a special need from interpreters to "support the witness." Moreover, this police officer also expects interpreters to make non-English speakers feel less nervous.

Excerpt 24

For me the most important thing is to try and put the victim or suspect at ease. It is difficult having to communicate with the police when you are in a foreign country. I see this as being a massive help to the whole process. (Police Officer 2)

It seems obvious that this police officer did not know whether interpreters should take on such a function and if they should, whether they have sufficient expertise to perform it effectively.

To summarise, a pattern of legal practitioners' perceptions of the legal interpreter role cannot be established due to the limited number of officers interviewed. However, it can be concluded from the above discussion that the multi-functional role expectations of interpreters may be common from this segment of participants in the interpreted legal process. Moreover, problematic expectations beyond legal interpreters' professional boundaries also exist. Therefore, a general legal practitioners' limited understanding of legal interpreters' work is evident from the above excerpts.

5.4 Tasks and responsibilities

Exploring the tasks of legal interpreters is vital in building up understanding of how they should practice, as argued by Kaczmarek (2016) that interpreters' performance "may reflect his sense of responsibility" (p. 77). Different understandings of interpreters' duties and responsibilities across the British legal system can be

observed from the data. Questions 2 to 6 in section 2 of the questionnaire aimed to collect information about what respondents were asked to do by other participants, whether they actually followed these requests or not, and reasons for them deciding to do so. Results of these questions are illustrated in Figures 2 to 6. Interpreters reported that they were regularly required to carry out various duties by legal practitioners and non-English speakers during an interpreting event. Both questionnaire responses and interview discussions showed that more respondents tended to perform tasks beyond the pure linguistic function. The discussion in this section will firstly review interpreters' reports of never encountering requests to do tasks beyond interpreting or never performing these tasks. Then, each duty from "filling out forms for non-English speakers," "explaining a legal process," "explaining legal terminology" to "managing the interpreting process" will be addressed. The final two sub-sections will present "further contributions from participants" and "reasons for performing duties."

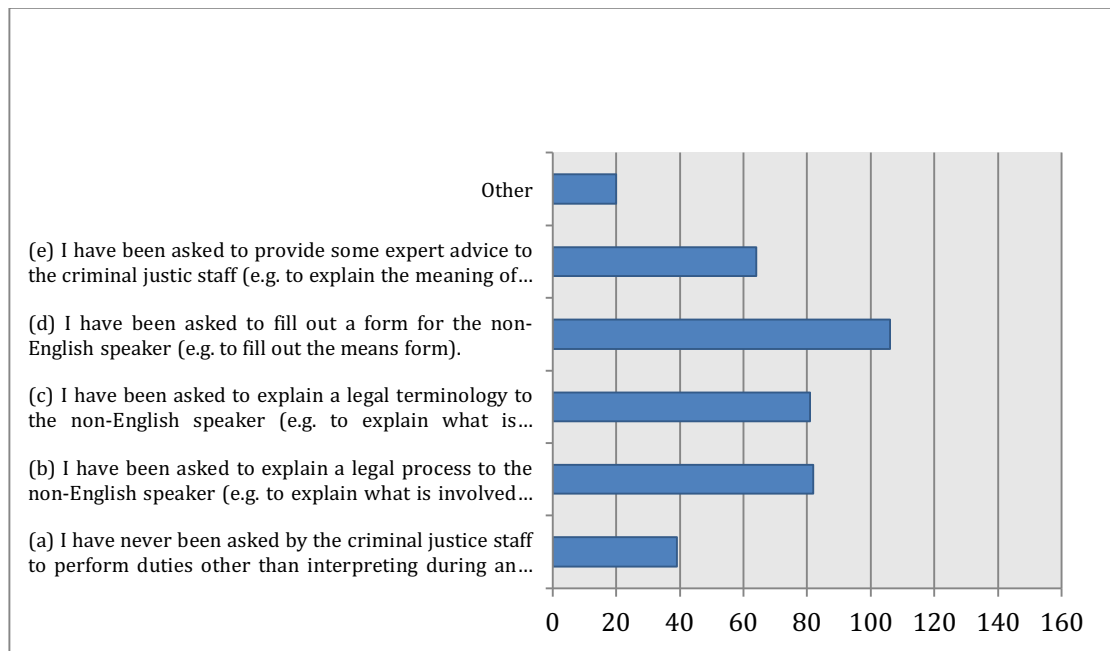


Figure 2. Duties requested by legal practitioners

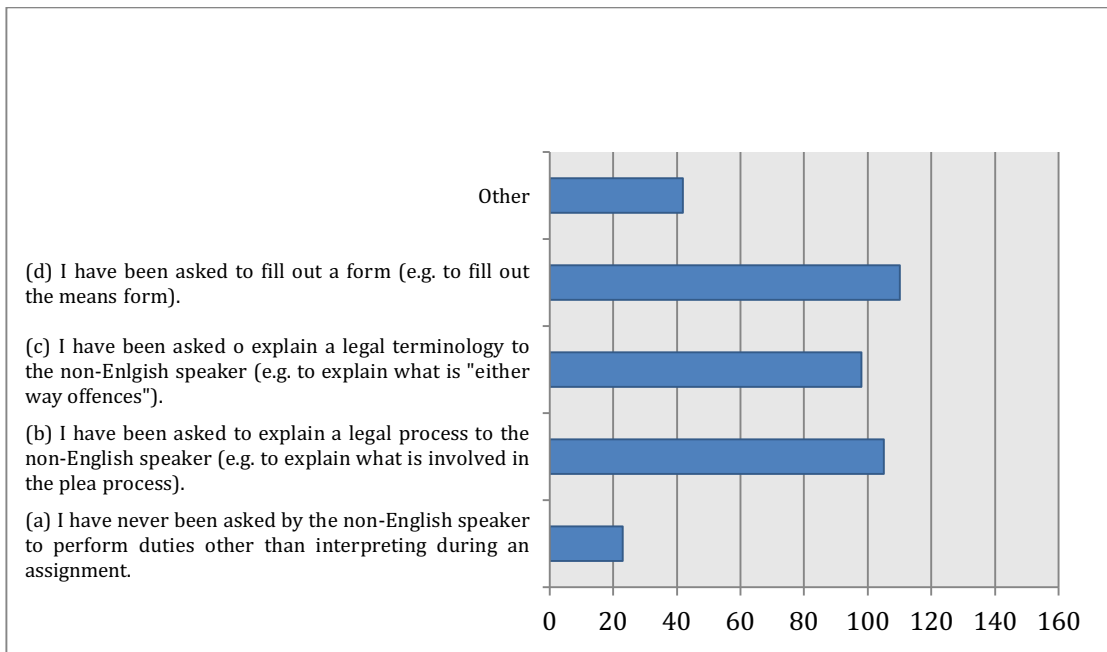


Figure 3. Duties requested by non-English speakers

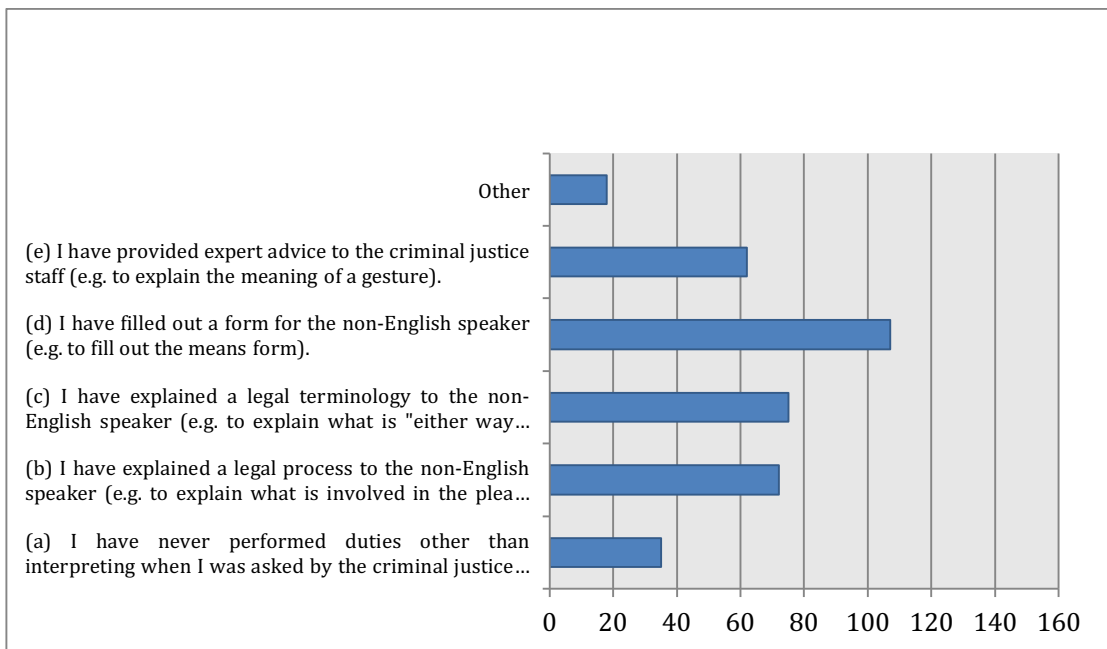


Figure 4. Duties other than interpreting actually performed when requested by legal practitioners

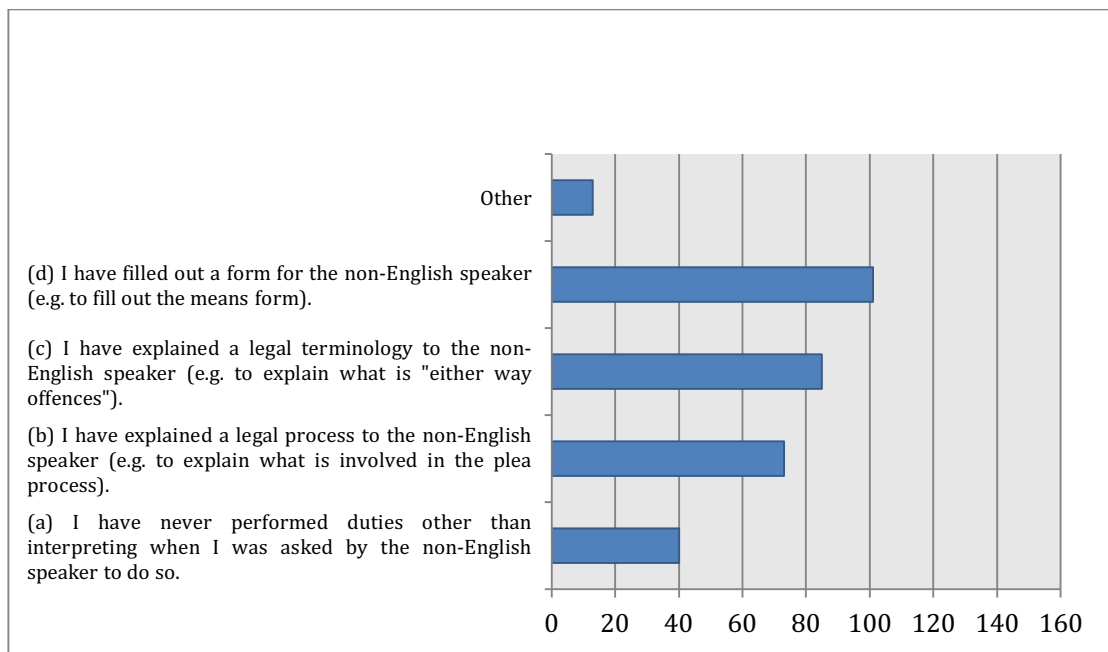


Figure 5. Duties other than interpreting actually performed when requested by the non-English speaker

5.4.1 No duties beyond interpreting

As can be seen in the above figures, a very low number of respondents reported that they were never asked to perform tasks beyond interpreting by legal practitioners or non-English speakers. In addition, a very low number of interpreters reported they acquiesced to such requests. These results reveal that it is a common phenomenon for other participants to ask interpreters to perform various tasks. Although their definition of “duties other than interpreting” may be varied, most interpreters in this study reported they do not function beyond interpreting.

It is also interesting to look at how respondents declined such demands. One interpreter reported a simple and straightforward method of avoiding private contact:

I don't communicate with non-English speakers on my own. (Open Comment, Questionnaire)

This may be an effective way of showing an impartial position. When request from

the non-English speaker is made in the presence of a legal practitioner and interpreted at the same time, the interpreter can treat this situation as a simple interpreting task without having to agree to that task or not. An alternative approach reported by respondents was to refuse non-English speaker's requests. For example,

I decline any requests from non-English speakers and always say I am 'language machine' for them. (Open Comment, Questionnaire)

I always remind them of my role as an interpreter. (Open Comment, Questionnaire)

I always explain that I'm not a lawyer and cannot give any advice and they should always ask their lawyer for clarification. (Open Comment, Questionnaire)

These respondents explained their role and suggested from whom the non-English speaker should seek assistance. This approach clarifies that such a demand is beyond the interpreter's responsibility while also telling them from whom they can seek assistance. However, participants in this research only explained how they deal with unreasonable demands from non-English speakers so it is difficult to judge whether they would use the same attitude or whether they may fulfil these requests if they come from legal practitioners.

5.4.2 Filling out forms

"Filling out a form for non-English speakers" was reported as being requested most frequently by both legal practitioners and non-English speakers, as well as being the most regularly performed non-interpreting task. There are many important forms that need to be filled out during a legal process, which is possibly one of the most frequent tasks interpreters encounter during their practice, For example,

Excerpt 25

Yes, all the time. Definitely filling in forms in the Magistrates court, is what we call "the means form" all the time, which is a form that the defendant has to fill in to give the details of their income and expenses. Apart from that, sometimes there are some other forms. Sometimes solicitors ask for help with filling in legal aid forms. (Interviewee 6, Telephone)

Interviewee 6 introduced two forms that are often encountered. The most frequent is the means form in the Magistrates court which she was sometimes asked to assist the non-English speaker with completing, in addition to fill in the legal aid form at the solicitor's office. However, in contrast to the above situation reported by questionnaire respondents, divided attitudes can be observed from the open comments and interview discussions. Four different categories can be identified. Some believed that "filling out forms" is the interpreter's duty. For example, one questionnaire respondent said:

You are supposed to do so. (Open Comment, Questionnaire)

It can be inferred from this comment that this interpreter believed so because it is expected by other parties. A common view was reflected that interpreters are the only people that can help.

The non-English speaker is unable to read or write in English. (Open Comment, Questionnaire)

No one else can do it. (Open Comment, Questionnaire)

As this respondent described, there may be a problem when the defendant does not understand English and the interpreter refuses to assist. It seems that interpreters have no choice for necessary information to be obtained faster and for legal proceedings to run more smoothly. As can be seen from the following comments,

A foreign national could take a long time to fill out a form. With an interpreter, it takes a few minutes. (Open comment, Questionnaire)

To make process easier and to speed up process (Open comment, Questionnaire)

Legal procedures are famous for being long and tedious, which may place a certain degree of pressure on the interpreter. The above attitude was echoed by several participants in the interview, for example, Interviewees 1 and 6.

Excerpt 26

If it's a legal document, you need to make sure that it is fully understood that someone is not just signing something off without knowing what they have signed. (Interview 1, face-to-face)

Excerpt 27

I can't see a problem in doing that, because I take it as part of the job. I would never say no to helping somebody complete a form, an official form. I'd rather do it than give legal advice, of course. That's entirely a different matter. (Interviewee 6, Telephone)

Interviewee 4 also thought that if she refused to assist, the non-English speaker would not be able to complete the form.

Excerpt 28

I did. I once accompanied a defendant to help him fill in his means form. Because he did not understand English, if I did not accompany him, he wouldn't be able to fill out the form by himself. I did not mind accompanying him and helping him fill out the form, because I was asked by a clerk to do it... I was already in court, and I was getting paid for it anyway and it was within the time I got paid... I didn't work for free. (Interview 4, telephone)

In slight contrast to Interviewees 1 and 6, Interviewee 4 did not specify that this was the interpreter's responsibility. She did not mind, as it was within the time she was paid for.

The third type of attitude was contrary to the previous two. It was identified as "extra work" by Interviewee 5.

Excerpt 29

Sometimes to fill in some forms, the court usually asks us to help them fill out some forms, such as filling out the means form. I think that is extra work. We can refuse to do it. But if we refuse to do it, the case cannot progress. So, a lot of times, we have to do it. We don't have to do it, but when we don't have a choice, we still have to do it for the progress of the case. (Interview 5, telephone)

It can be inferred from the excerpt above that Interviewee 5 saw this situation as a dilemma because interpreters are left with no choice but to take on this additional duty.

Finally, some held a strong belief that helping non-English speakers fill out forms is beyond legal interpreters' professional boundaries. For example, one

questionnaire respondent commented:

Legal practitioners need to understand that obtaining information is their duty and the interpreters can only assist linguistically. (Open comment, Questionnaire)

Interviewee 3 shared the same feeling as Interviewee 5, that this is a common dilemma faced by interpreters and demonstrated a strong objection to this duty. Moreover, she raised the issue that such demand is the result of misunderstanding of the legal interpreters' role by other parties in the legal system.

Excerpt 30

Or that could actually happen to me many, many times. And interpreters should not be put in that position, because court ushers, usually ushers, ask us to do that... That's not within our remit. We are not some kind of legal assistant... for the solicitor or the barrister... If the court wants forms filled in, or the solicitors do, then they should be using their own staff. (Interviewee 3, Telephone)

Interviewee 3 justified her opinion from the basic concept of interpreting. She raised the principle of "the interpreting triangle." This interpreter believes that if it is absent, the interpreter is stepping outside of their professional boundary. Excerpt 31 shows her belief that all interpreting scenarios should have three parties present and the interpreter should only be assisting linguistically.

Excerpt 31

Interpreters are there to interpret. That's our sole function. If we are asked by a legal representative, for example, "oh, can you interpret while I help the client fill out this form?" That's fine. We are interpreting. But just sitting there on your own with a client, helping them to understand what is the form is asking them is not interpreting, by any stretch of the imagination. And if you don't have what is called "the interpreting triangle," which means you have the client there, you've got interpreter there, and you've got the third party, because the interpreter could only interpret if there is more than one other person there. If the interpreting triangle is not present, you are not interpreting, and you shouldn't be doing it. (Interviewee 3, Telephone)

Although Interviewee 3 was the only interpreter to use the term "the interpreting triangle," many others demonstrated awareness of this rule. This can be seen from the following comments where respondents' reflections did not stop at whether

interpreters should or should not assist in “filling out forms.” They suggested certain rules when interpreters are obliged to carry out this task. Firstly, interpreters in the present study explained that they should only perform the job in a linguistically,

I do not fill in a form. I only assist linguistically by translating questions and writing down faithful translations of answers. (Open comment, Questionnaire)

Also, they suggest that no advice should be involved, protecting the legal interpreters’ professional boundaries. For example, one said:

It does not involve giving advice or explaining anything, otherwise, it will alter the nature of the duty from interpreting to that of the solicitors. (Open comment, Questionnaire)

Interviewee 5 also spoke from the same perspective,

Excerpt 32

Normally I did, because I think I just filled in the form on behalf of someone else. The information wasn’t supplied by me. And my job is also a pure translator interpreter, or a translator’s job. I will not intervene. But when filling in these forms, we cannot give any guidance. We cannot say that you shouldn’t put that much income, or the fines penalty will be very high. You cannot intervene, and I think this is very important... We should pay attention that during this period, we need to keep a certain boundary and distance with the clients to avoid giving them the misunderstanding that you are on their side. (Interview 5, telephone)

Interviewee 5 would only perform this task linguistically and interpreters should not interfere with information filled in by non-English speakers. She raised the importance of observing the impartiality rule while carrying out this duty.

Although holding different opinions, the questionnaire and interview data showed that interpreters in this study would generally perform the task of “filling out forms.” This may indicate their overall efforts to facilitate the smooth running of the legal proceedings. Furthermore, a clear sense of professional boundaries may be able to be observed from their discussions. Overall, interpreters in the current study believe that completing forms should be restricted to a linguistic function, without providing any advice or explanations, so they could facilitate communication while protecting their professional integrity.

5.4.3 Explaining a legal process or terminology

Issues regarding explaining the legal process and legal terminologies also seemed to be prominent in questionnaire results and interview discussions. Scholars in the field of legal interpreting are in agreement that these tasks are not the interpreters' job (Cooke, 1995b; González et al., 1991; Hale, 2008; Mason, 2008; Mikkelsen, 1998). However, interpreters in the present study demonstrated divided attitudes. Around half of the respondents reported experiences of being asked to perform these tasks by legal practitioners and following such instructions. Interestingly, more respondents reported being approached by non-English speakers regarding the legal process or legal terminology, while around half of respondents claimed that they offered explanations. The reported situation is an obvious demonstration of other parties' problematic expectations for what the interpreter should deal with insufficient understanding. That there were more requests from non-English speakers than from legal practitioners seems to support Giambruno's argument (2008) that as the only people speaking the same language as language minorities, interpreters are often asked for advice or information regarding legal matters. Nevertheless, both tasks appeared to be popular requests from legal practitioners as well as from non-English speakers and were regularly performed by interpreters. Respondents described in their comments "caution" and "rights and entitlements" as two common legal concepts they often needed to explain.

When given the chance to discuss this matter further, questionnaire respondents and interview participants again expressed divided opinions. On one side, some interpreters believed it was necessary to volunteer explanation or to paraphrase, as part of the interpretation.

A mere interpretation of some terms is meaningless unless explained fully in the context of English law. (Open comment, Questionnaire)

Often in my interpreting I paraphrase the technical terms, thus the explanation is in that. (Open comment, Questionnaire)

Additionally, one respondent felt the explanations were necessary for an effective communication.

The communication would be hindered and incomplete, especially when sometimes I feel there is a need to re-explain to supplement the explanations given. (Open comment, Questionnaire)

The above comments provided examples and reasons drawn from interpreter experience and reflection regarding why sometimes it is necessary to include explanations and clarification in interpreting due to differences between two languages and cultures. However, it can be inferred from their discussion that these interpreters were actually interpreting rather than explaining the legal procedure/terminology. Their explanations were, in fact, an interpreting approach. Some interpreters felt obliged to provide explanation because they understand the extremely stressful status of a language minority attending a legal proceeding. For example,

A defendant has been overwhelmed by the court experience or barrister communication. (Open comment, Questionnaire)

In Excerpt 33, Interviewee 1 also thought, when there is a misunderstanding, interpreters should offer explaining legal terms to ensure understanding because non-English speakers might not ask.

Excerpt 33

I think you have the obligation to explain that legal term. The defendant at the same time should, and could [ask] “Could you please explain that legal term for me?” But sometimes, they are so nervous, or unaware of, not so many experienced in that context, they dare not to ask. So I think yes, sometimes a bit of the initiative to make sure. (Interview 1, face-to-face)

However, these two reasons have received criticism from many scholars such as Hale (2008) who argues that the frightened and intimidating feeling is not exclusive to non-English speakers as native speakers can feel the same. Moreover, researchers such as Cooke (1995), González et al. (1991), Mason (2008), and Mikkelsen (1998) all disapprove of this approach although they admit that non-English speakers may be frightened or do not know that they can ask for clarification. Hale (2008) and Wadensjö (1998) assert that interpreters cannot

guarantee understanding. Although Interviewee 1 felt the need to offer explanation, he showed awareness of the complexity of legal terminologies and found the need to ask for explanation from legal professionals.

Excerpt 34

Legal terms can be extremely complex, and the interpreter may also need to ask for clarification. (Interview 1, face-to-face)

Among the interpreters who thought explanations are necessary, varied approaches were reported, such as repetition and informing legal practitioners of the content of the explanations.

I repeated what was said again so that they may take it in. (Open comment, Questionnaire)

A solicitor or police officer knows what I am going to say. (Open comment, Questionnaire)

To avoid the potential suspicion from legal practitioners that the interpreter is having a private conversation with the non-English speaker, this interpreter would inform the legal staff of the content of the conversation. Some interpreters seemed to be more cautious and only offer their explanations for general and simple questions. For example,

I do not mind when I'm sure. As soon as I'm not, I refer them to specialists. (Open comment, Questionnaire)

I give general explanations without any reference to the case. (Open comment, Questionnaire)

Interviewee 4 also reported the same approach, as seen in Excerpt 35.

Excerpt 35

I will answer. If it's in the chat, asking all sorts of questions, I will answer, it doesn't matter...If they just ask a question for which there is already an answer, such as court proceedings, or something in relation to standardization...I will tell him and I will explain to him. If it's related to the case, I will not answer, because my duty is to interpret, I'm not a lawyer. I'm not in any position to answer any of

your questions relating to this case...about what will happen next in my case, or what sentence I will get, which has nothing to do with me and should be the questions for the lawyers, I will refuse to answer. I will tell him “wait for your lawyer, when you see your lawyer, I’ll interpret this question for you. (Interview 4, Telephone)

Interviewee 4 would also only explain something simple. She would normally refuse and direct the question to the legal representatives if the question is too complicated or is in relation to the case. Another interpreter reported giving explanations but not during the proceedings,

I have helped them with what they asked for but only after the assignment finished, not during. (Open comment, Questionnaire)

These comments revealed that although these interpreters believe they should explain the legal procedures/terminology, their explanations are generally limited to necessary interpreting approaches such as repetition or paraphrasing. Moreover, it is restrained to simple matters or matters irrelevant to the case. Most importantly, important and complicated questions are directed to the legal professionals. In this way, they demonstrate careful consideration of the professional rules.

Other participants reported a stronger sense of guarding the professional boundaries of interpreters. They firmly believed that interpreters should not offer advice on, or explanation of, legal matters. Many questionnaire respondents explained that it is not part of the interpreters’ job and should be done by legal practitioners, as seen in the following examples.

I’m not there to give legal advice. (Open comment, Questionnaire)

I never volunteered my own explanations. (Open comment, Questionnaire)

I declined the demand of explaining the legal process and asked the solicitor to explain themselves. (Open comment, Questionnaire)

Interview participants, e.g. Interviewees 3 and 7 also held the above attitude.

Excerpt 36

Well I think that explaining legal procedures is the job, obviously, of the lawyer.

And what the interpreter is for there is to interpret whatever the legal representative is saying about the legal procedure; it is not for the legal interpreters to explain these, unless asked to interpret. “Interpret” and “explain” are completely different tasks. (Interviewee 3, Telephone)

Interviewee 3 distinguished the legal interpreter’s role from that of lawyers. The interpreter should only interpret the explanations provided by the legal representative. Interviewee 7 expanded her reflection to the distinction between the interpreter and other professionals.

Excerpt 37

I personally haven’t witnessed anything, but I’ve heard that things like that do happen... a barrister who told me about it. She said that she had a client...it was an interview. He wasn’t charged at the time yet, but he was a suspect. I think it was sexual assault because obviously, he attacked a woman. The interpreter stepped in and tried to explain that “oh but that is ok, because it wasn’t a rape...oh you know in our country, it’s ok. It’s not like that...but it’s not an offence. Therefore, he shouldn’t be questioned by the police” ...You shouldn’t guess or believe or whatever...That would be other people, that would be for certain knowledge, like psychologist, whatever, they deal with it, this type of thing, but not the interpreters. Yes, it’s not the interpreter’s position to give any advice or explanations. (Interviewee 7, Telephone)

Interviewee 7 told a story she was told by a barrister, in which the interpreter tried to explain the difference between sexual assault and rape. Interviewee 7 argued that advice and explanations should be provided by people with specialised knowledge, not the interpreter. The above justifications made by interpreters in this research are also in line with scholars’ arguments. Hale (2008) discusses the unsuitability of interpreters providing legal advice through an example where an interpreter tried to explain a legal term to a non-English speaker but just turned out to make the situation more confusing. There is a risk of providing wrong explanations due to the fact that interpreters are not qualified legal professionals. In addition, Herráez and Rubio (2008) note explaining legal procedures is not the interpreter’s job and should be done by police officers or solicitors.

To summarise, the data could establish that interpreters in the current study perceived explanations and paraphrasing as necessary interpreting approach. Nevertheless, they showed the tendency of excluding offering advice on, or explanation of, legal matters from legal interpreters’ responsibilities.

5.4.4 Managing the interpreting process

Two questions in section 4 of the questionnaire were designed to explore whether interpreters believe they should be responsible for managing the interpreting process. The first question dealt with urging non-English speakers to speed up the process. In response to this question, the majority of respondents reported that they have never done so. Only a very small number reported having “repeated the question,” “strengthened the original tone of voice,” “asked directly” or “made a hand gesture.” The second question explored stopping non-English speakers’ speech. Around half of the respondents reported they have never done so. Among the remaining respondents, 66 shared that they would use a hand gesture while very few selected “asked directly” or “made a sound to indicate silence.” These results can be seen in Figure 6 and Figure 7.

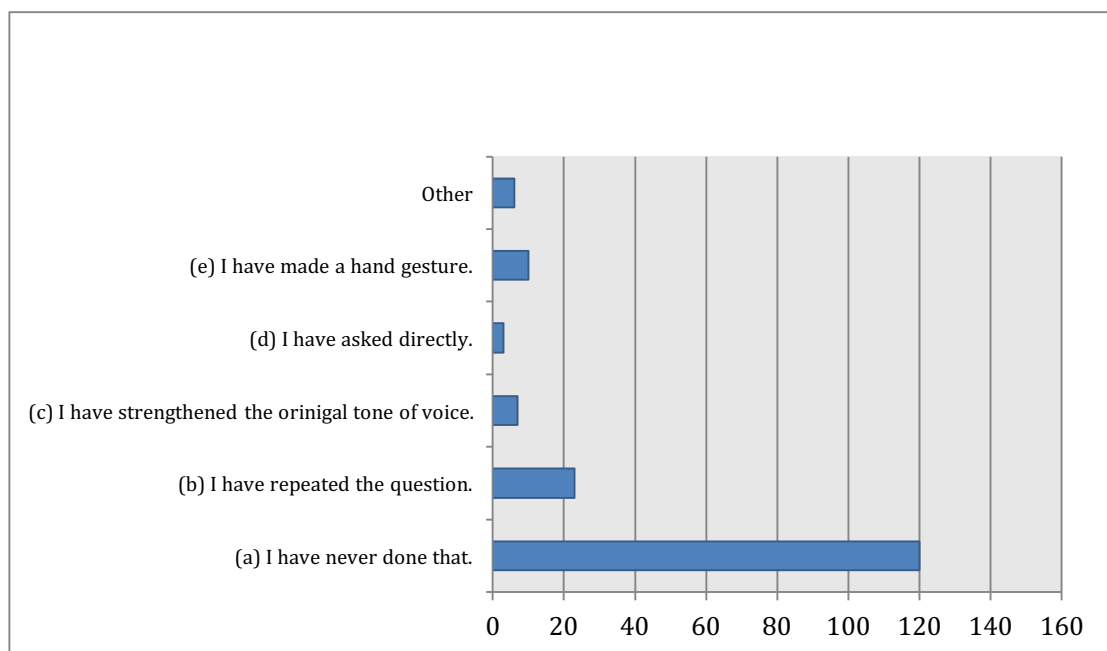


Figure 6. Urging the non-English speaker to answer

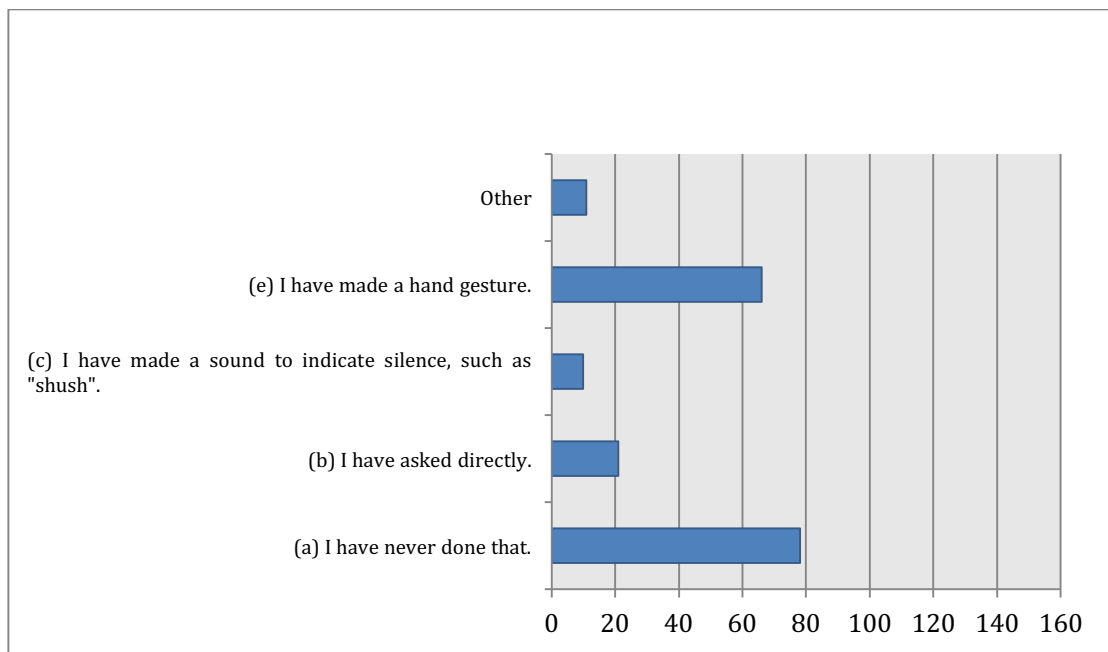


Figure 7. Stopping the non-English speaker from speaking

It is common for non-English speakers to have difficulties in understanding questions or to need more time to build up their answers (Berk-Seligson, 2002). Participants of the present study showed the tendency of not interfering with the way the non-English speaker answers the question. One respondent would normally interfere in such a situation but would ask for the judge's consent,

I would repeat the question but I will ask the judge's permission first. (Open comment, Questionnaire)

Another two respondents reported two additional ways of signalling the non-English speaker to answer without engaging in a private conversation with them.

Looking with expectation (Open comment, Questionnaire)

Making eye contact (Open comment, Questionnaire)

Responses from the questionnaire are in contradiction to Jacobsen's (2008) claim that the interpreter would repeat the question with a strengthened tone to push the non-English speaker to answer the question. Berk-Seligson (2002) suggests that the witness receive significantly higher evaluation when pushed by the interpreter to

make an appropriate answer. Interpreters in this study showed efforts to avoid influencing the witness's responses by exerting the lowest level of interference.

Interestingly, in contrast to the above prevailing attitude of not urging the non-English speaker to answer, respondents reported the tendency of interrupting the non-English speaker's speech. Two situations were described where this was done: to ensure a satisfactory interpreting condition and to avoid inappropriate speech. Interpreters reported the tendency to interrupt when they could not hear properly. For example,

I have done it only so that I can hear another person speaking. (Open comment, Questionnaire)

I have done that when interpreting or listening to someone else speaking. (Open comment, Questionnaire)

Breaking down long messages or slowing down the speed of speech is also essential for interpreting. For example,

I only stopped them when I need them to break down their sentences. (Open comment, Questionnaire)

To pause, if too long an answer (Open comment, Questionnaire)

I may only have asked someone to slow down (hand gesture/words) so that I could keep up with the notes. (Open comment, Questionnaire)

It can be seen from the above comments that these interpreters' interruptions were not intended to interfere with the non-English speaker's answers. Instead, effort to exert the interpreter's professional discretion is reflected. These interventions were intended to ensure the interpreter's ability to hear clearly and to manage the pace of speech for the quality of their interpreting.

Participants also found it necessary to stop the non-English speaker when they should not speak. Such situations include in the middle of other's speech, private conversations with the interpreter and when using inappropriate language. For example,

Is he/she chatting, and swearing, when prosecutor speaks and I am trying to

interpret the speech, or, he has just provided additional evidence in the interview room. (Open comment, Questionnaire)

There have been occasions when I was asked by the assignee whether it was allowed to object or interject. For instance, it occurred during the submission, I indicated that it was not desirable to speak at that point. However, I have never intervened when an assignee arbitrarily interjected, leaving the remarks for relevant participants of proceedings. (Open comment, Questionnaire)

When they have addressed me directly by asking a question, or have wanted to speak directly to the judge when the judge is speaking himself, and the question can be answered later by their barrister. (Open comment, Questionnaire)

Due to unfamiliarity with the British culture and legal system, non-English speakers may often feel confused about when it is appropriate for them to speak. The above comments revealed that the interpreter has to face this situation as the only person the non-English speaker can communicate with. Regular methods of dealing with these situations were also reported:

I have made a hand gesture, and come back to what he/she wanted to say later. (Open comment, Questionnaire)

I stopped the non-English speaker. (Open comment, Questionnaire)

I asked judge's permission to allow me to say so. (Open comment, Questionnaire)

It may appear from the data that interpreters in this study held different attitudes towards urging or stopping non-English speakers from speaking. Nevertheless, a closer look into their comments revealed that they generally did not perceive managing the interpreting process as part of their duties and would only interfere when it was really necessary. Therefore, these interpreters were only making fast professional reactions rather than taking their own initiative to manage the communication process.

5.4.5 Further contributions

5.4.5.1 Additional demands from legal practitioners

Interpreters in the current study showed a great deal of interest in this topic and

made extensive contributions in the open comment section of the questionnaire and in the interview. Additional demands from legal practitioners reported by interpreters in the present research involve four types of duties. The first type was written translation work of documents. The second type was to make initial contact with somebody arrested for information, such as their language and to inform them of the requirement for a legal representative, etc., as suggested by Interviewee 6.

Excerpt 38

Sometimes, working in court, I've come across being asked to first of all just to establish somebody's language, and things like that...sometimes to get somebody who was just arrested and remanded and put forward before the court the same day, the court doesn't have any information. Sometimes you have to make that initial contact just to find out...I've been sent to the cell, to ask the defendant if they want a legal representative, a solicitor, which would normally involve a word with the custody officer, through the doors, not actually going into the room...I think it's obviously absolutely fine. I'm always happy to do that. (Interview 6, Telephone)

Interpreters in the present study perceived these two tasks as part of their duties. The third type was tasks they believed should normally be done in the presence of legal staff, but they were asked to do alone. Questionnaire respondents reported experiences of being required to go to the cell to speak to the non-English speaker or to take a statement alone.

I have been asked to go to the cell block on my own to ask the defendant if he required a solicitor. (Open comment, Questionnaire)

To go to the cells and pass a message on to the defendant (without the presence of the criminal justice staff). (Open comment, Questionnaire)

To take a police statement myself. (Open comment, Questionnaire)

It is a regular practice for interpreters to go the cells to interpret between detainees and police officers. Interpreting while the police officer is taking a statement is also a regularly performed job. However, carrying out these duties alone alters the nature from interpreting to criminal investigation. The fourth type was experiences being asked to do the legal practitioners' job or other tasks not in relation to interpreting. One interpreter was asked to take on the Police Officer's duty to look after the non-English speaker.

I have often been asked by Police Officers to ‘babysit’ a detained person or witness.
(Open comment, Questionnaire)

One interpreter described an interesting experience of being asked to provide legal explanation of legal matters to somebody who was not the non-English speaking client.

Once I was asked to explain a legal issue to a relative of the non-English speaker.
(Open comment, Questionnaire)

In addition, one interpreter was asked by the court staff to do a favour for the non-English speaker.

Helping the defendant to pay his fines at the counter or over the phone. (Open comment, Questionnaire)

Type three and four are beyond the interpreters’ duties and expertise, which may indicate legal practitioners’ unawareness of interpreters’ ethical codes relating to their professional needs, due to the lack of training and guidance of appropriate procedures, as explained by Cambridge (2005).

5.4.5.2 Additional demands from non-English speakers

Interpreters made more extensive contributions to discussions of additional demands made by non-English speakers. Three types appeared and the most frequent was asking information about the case or legal advice, which should be requested of legal representatives instead. Interpreters were asked various questions regarding cases. For example,

The best option (Open comment, Questionnaire)

The possible sentence (Open comment, Questionnaire)

The outcome of the proceedings (Open comment, Questionnaire)

Rights and entitlements (Open comment, Questionnaire)

They were also required to advise on the proceedings. For example,

The wording of swearing an oath (Open comment, Questionnaire)

To arrange legal representation (Open comment, Questionnaire)

Interpreters were even required by defendants to act as their legal representative, as can be seen from the following comments.

To speak for them (Open comment, Questionnaire)

To mitigate on their behalf (Open comment, Questionnaire)

To provide the most suitable answers (Open comment, Questionnaire)

To help them get the least punishment (Open comment, Questionnaire)

Non-English speakers involved in legal proceedings tend to have no or very limited knowledge of the law and the British legal system. To them, the interpreter seems to have some legal knowledge and a better understanding of the British culture. Therefore, demands such as these may show that non-English speakers appear to be more dependent and seek assistance from the interpreter. Interestingly, similar tendency of considering the interpreter as a source of assistance by non-English speakers is identified by Kaczmarek (2016). Kaczmarek (2016) reflects that non-English speakers view interpreters as the “only link” between them and the institution (p. 84).

The second most popular area is “help.” Questionnaire respondents reported experiences that non-English speakers have asked them for information regarding life in the UK generally.

Public services organisations who could provide some help (Open comment, Questionnaire)

About life in England, e.g. on schools, doctors, Citizen Advice Bureau, how to look for work, etc. (Open Comment, Questionnaire)

More interestingly, interpreters were approached for help in areas people who just

met would not normally ask of the new acquaintance.

Mak[ing] a phone call (Open comment, Questionnaire)

Providing a lift home from the court (Open comment, Questionnaire)

Giv[ing] money to somebody (Open comment, Questionnaire)

Phon[ing] a relative (Open comment, Questionnaire)

Write some short letters [to] non-English speakers' children's teachers (Open comment, Questionnaire)

They also encountered a variety of private requests, including the following,

Asking for [my] phone number (Open comment, Questionnaire)

Offers of friendship (Open comment, Questionnaire)

Offers of money (Open comment, Questionnaire)

Private commission, e.g. translate documents privately (Open comment, Questionnaire)

Surprisingly, interpreters also encountered illegal demands. One respondent reported the experience of the non-English speaker offering to tell some secret information.

They offered to tell me some information that non-English speakers do not wish to tell their caseworkers. (Open comment, Questionnaire)

Compared with the demands of legal practitioners, these from non-English speakers were more diverse. As questionnaire respondents reflected, non-English speakers may view interpreters as their “friend,” “fellow,” “mate,” “liaison,” and “one of us” (Open comment, Questionnaire). These role expectations may reveal that non-English speakers tend to feel more connected with interpreters and trust them because they speak their language. As a result, unreasonable expectations and demands might be generated. Many interpreters may share the experience where a non-English speaking defendant or witness may think of them as an expert in

everything, even including “benefits” (Open comment, Questionnaire). Moreover, they may seek emotional support and consider the interpreter a “shoulder to cry on/confessor” (Open comment, Questionnaire). All these additional roles questionnaire respondents felt and all these demands they were asked can reveal a lack of understanding of legal interpreter roles and problematic expectations of non-English speakers.

5.4.5.3 Further suggestions of duties and tasks

Considering the above demands from other parties, interpreters’ understanding of their own duties presented a different picture. Firstly, Interviewee 9 thought roles and tasks were the same.

Excerpt 39

I am not sure I can differentiate my roles from the tasks; I must fulfil the same as the above. (Interview 9, telephone)

This opinion seemed to apply to six other interview participants because they mentioned the same points here as well as in the previous discussion of their roles. For example, “accuracy” and “to ensure understanding” (Interview 1, face-to-face), “to provide interpretation that is equivalent at linguistic, functional and cultural levels” (Interview 2, telephone) and “impartiality, professionalism, and accuracy” (Interview 10, telephone) appeared during these three interview discussions for both topics. Possibly, when discussing the duties, the respondents felt that the duties involved and the manner of performing them were inseparable.

In addition to the questionnaire items, one respondent reported experiences of “calm[ing] down a traumatised witness, or, an aggressive defendant” (Open comment, Questionnaire) and another respondent reported providing “emotional support” (Open comment, Questionnaire). These two respondents did not clarify whether they took on the above two tasks because they perceived them as part of their responsibilities. Although no literature or guidelines clearly specify the list of duties that legal interpreters should perform during an assignment, it is obvious that interpreters do not have the expertise to assist the non-English speaker emotionally. However, they may be obliged to act in an emergency as the only person able to

communicate with a non-English speaker when it might take a long time for a psychiatrist to arrive. Moreover, Interviewee 4 added the duty of alerting legal practitioners to non-English speakers' mental problems.

Excerpt 40

This is also the interpreter's responsibility to raise it, because if the legal interpreter doesn't raise it, then it is very unlikely for the police to know such a problem exists, but it is clearly written in the law that the police cannot do a police interview with people with mental conditions. (Interview 4, telephone)

Interviewee 4 suspected that one detainee had some kind of mental problem. She felt it was the interpreters' responsibility to inform the police officer, otherwise, there was a high possibility that the problem would be left unnoticed.

Finally, participants in this study reported they would carefully abide by strict rules when performing their duties. The first rule suggested was observing the legal interpreter's role, as shown in the following comments.

Always try not to exceed my role and be objective (Open comment, Questionnaire)

It is not my place to explain legal processes, nor to fill in means form for them. (Open comment, Questionnaire)

I asked the solicitor to explain it themselves. (Open comment, Questionnaire)

Never take the responsibility to guess. (Open comment, Questionnaire)

The rule of limiting the conversation to neutral and general topics was also widely reported. For example,

My conversation is limited to neutral subjects, the presence of an officer, to establish linguistic compatibility. (Open comment, Questionnaire)

Interviewee 6 reported the same rule with an additional approach of informing the legal practitioners of the content of the conversation.

Excerpt 41

I always ensure that a solicitor or police officer know what I am going to say. I give general explanations without any reference to the case. (Interviewee 6, Telephone)

In contrast, some respondents would refuse private conversation completely. For example,

I always refuse because one cannot engage in conversation with the person who, inevitably, wants to discuss the case. (Open comment, Questionnaire)

Interviewee 6 also reported she would refuse all types of private contact.

Excerpt 42

I had been asked to provide translation and interpreting services i.e. private commission, but I always decline (due to conflict of interests). I never give my contact details because any communication outside a formal setting such as this may contaminate the evidence and compromise my position. (Interviewee 6, Telephone)

Finally, Interviewee 6 summarised her overall principle.

Excerpt 43

I never stepped outside the linguistic role; never referred to a particular case; always avoid the subject of incident and evidence during the conversation with non-English speakers. Most importantly, I am always mindful of my duties, responsibilities, and ethics - as outlined in the code of conduct and always remain faithful and impartial. (Interviewee 6, Telephone)

Careful preservation of the interpreter's professional boundaries can be observed in Excerpts 42 and 43, varying from restraining herself to linguistic duties, avoiding private contact and topics with reference to the case and remaining neutral.

5.4.6 Reasons for performing duties

Question 6 in Section 2 of the questionnaire tried to explore respondents' reasons for performing various tasks. Results are shown in Figure 8. None of the questionnaire items was selected by more than half respondents. "(D) I feel they need more help" was the most popular reason, which was selected by 71 respondents. The remaining three reasons, "(A) I think it is my duty to do so," "(B) judged as uncooperative by legal practitioners" and "(C) unhelpful by non-English speakers" were selected by approximately forty respondents each.

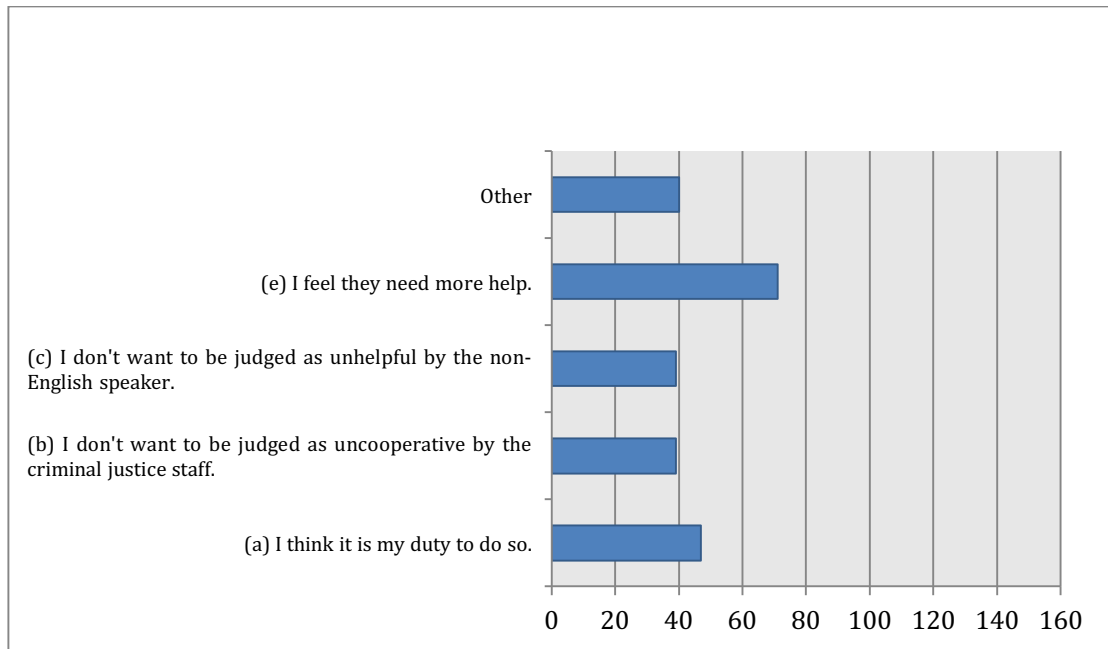


Figure 8. Reasons to perform duties beyond interpreting

It can be observed from the data that interpreters in the current study tended to offer good-intentioned help beyond their interpreting duties. The highest number of respondents selected item D “I feel they need more help.” Non-English speakers’ less advantageous situation was identified as one of the most common causes for them to do so, as shown in the following two comments.

I wanted to be helpful when I spotted people struggling. (Open comment, Questionnaire)

Without the help, those people would be more disadvantaged in the proceedings. (Open comment, Questionnaire)

This view was echoed by Interviewee 4, as shown in Excerpt 44.

Excerpt 44

Non-English speakers experience, first of all, a shock when they are in court. So, in my opinion there is nothing wrong in telling them something when they ask some general information or repeating what I know they have already heard from the professional because this seems acceptable to me and can be helpful and reassuring. (Interview 4, telephone)

Interviewee 4 witnessed non-English speakers' emotional difficulties of being involved in legal proceedings in a foreign country and would normally offer some help to make them feel reassured. She thought explaining something in general or repeating other legal professionals' messages was ethically acceptable. Barsky (1996) describes the linguistically and culturally disadvantageous situation of refugee claimants and advocates that the interpreters should offer more assistance. This situation may possibly be generalisable to most legal proceedings involving non-English speakers. Non-English speakers' vulnerable situation and interpreters' willingness to help are also identified in the study of Kaczmarek (2016). Moreover, interpreters in this research showed different attitudes when they provided help. Some felt it difficult to refuse non-English speakers, as shown in this comment,

If you say “sorry I’m here to interpret only, please find somebody else to help with filling the form,” it would sound outrageous. (Open comment, Questionnaire)

A number of respondents shared the view that “I don’t mind” (Open comment, Questionnaire). Similarly, Interviewee 4 described her experience of helping the non-English speaker for free after the court has finished because she did not want to leave that person in a difficult situation.

Excerpt 45

Another situation was when the court had ended, and the clerk already signed my claim form. But then the man was fined, and the clerk asked me to accompany them to pay the fine. Because the way to pay this fine can be either paying by phone or going to their administration office upstairs filling in a form and then paying for it—this person’s English was very limited—he couldn’t do it by himself, so I went with him. This time I did it for free... otherwise he couldn’t pay the money. If he didn’t pay the fine, he committed a further offence... I just did him a little favor and it did not take up too much time, I didn’t mind doing it. (Interview 4, telephone)

Others would provide help without feelings of compromising their professional integrity. For example,

I never felt obliged to do these out of procedural things, but have been doing them on a strictly good will basis, provided the code of conduct was not compromised. (Open comment, Questionnaire)

Secondly, 47 respondents selected “(a) I think it is my duty to do so” as the reason to perform duties beyond interpreting (Figure 10). However, their understanding of legal interpreters’ duties varied. It may be useful to look at some individual respondent’s responses. Among those who selected this option, one respondent was asked by legal practitioners and non-English speakers to perform all tasks in question 4 and 5. In the next two questions, this interpreter selected “(a) I have never performed duties other than interpreting” as well as all the rest of items. The above responses showed that this interpreter considered “explain a legal process/ a legal terminology,” “fill out a form” and “provided expert advice” as part of interpreting. This reflects the reality that interpreters always have to take on various tasks beyond in their duties and accept them as part of their job.

Thirdly, respondents selected “(B) do not want to be judged as uncooperative by legal practitioners” and reported that they have fulfilled the following demands.

I have provided written translation, explained caution, made phone calls, arranged legal representation and help with the defendant to pay his fines at the counter or over the phone as directed by criminal justice staff. (Open comment, Questionnaire)

This, in fact, reveals one dilemma faced by legal interpreters. Many of these demands are obviously beyond interpreters’ duty, but they may feel obliged to follow them. Munyangayo (2016) draws on the concept of Teubert (2010) that people’s intentionality and consciousness are formed under the influence of others of the discourse community. When other parties’ expectations towards interpreters are not only interpreting, their desire and intention inevitably affect that of interpreters (Munyangayo, 2016). Moreover, in contrast to the legal professional who is the authority in the proceedings, interpreters do not have an established professional status. Therefore, they may not have the courage to refuse, due to the power imbalance in the legal system.

5.5 Interpreters professional discretion

As has been mentioned previously, the recognition of legal interpreters’ professional

status influences the understanding of their functions and responsibilities. Furthermore, it has an inevitable impact on how the duties are performed, especially the level of freedom to exert their professional discretion. To explore this, Question 1 of Section 3 asked the respondent's level of agreement to the statement "interpreters should be 'invisible,' in other words, interpreters should strive not to be noticed during the interpreting process" and another statement "legal interpreters should be allowed more freedom to exert their professional discretion during the interpreting process," Results are presented in Figure 9 and Figure 10.

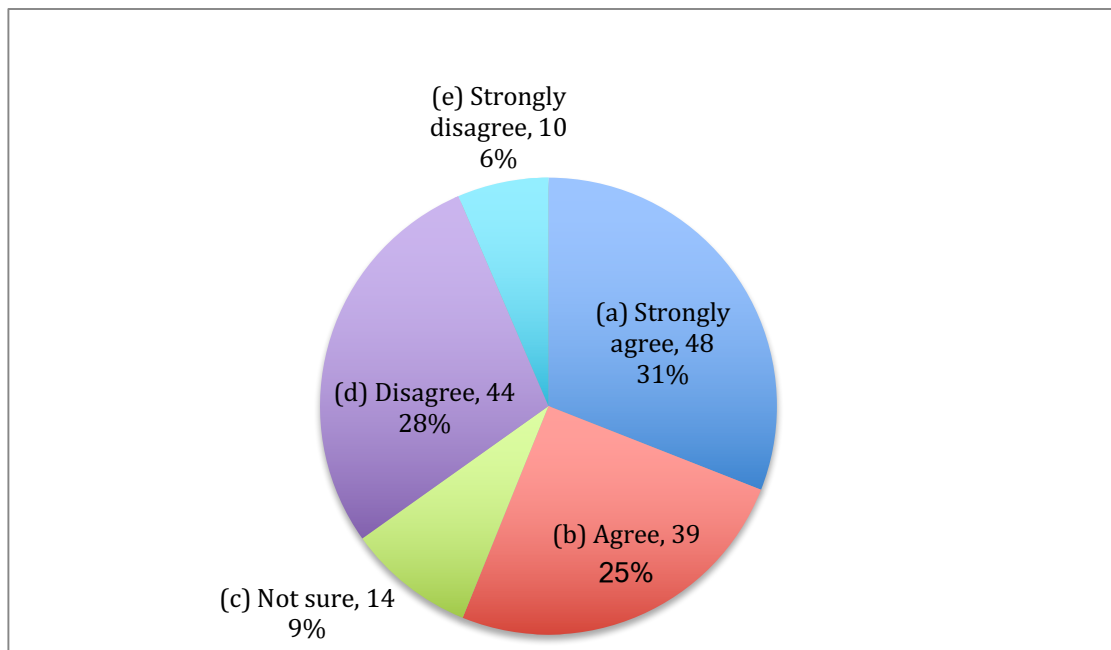


Figure 9. Responses to the statement "interpreters should be 'invisible', in other words, interpreters should strive not to be noticed during the interpreting process".

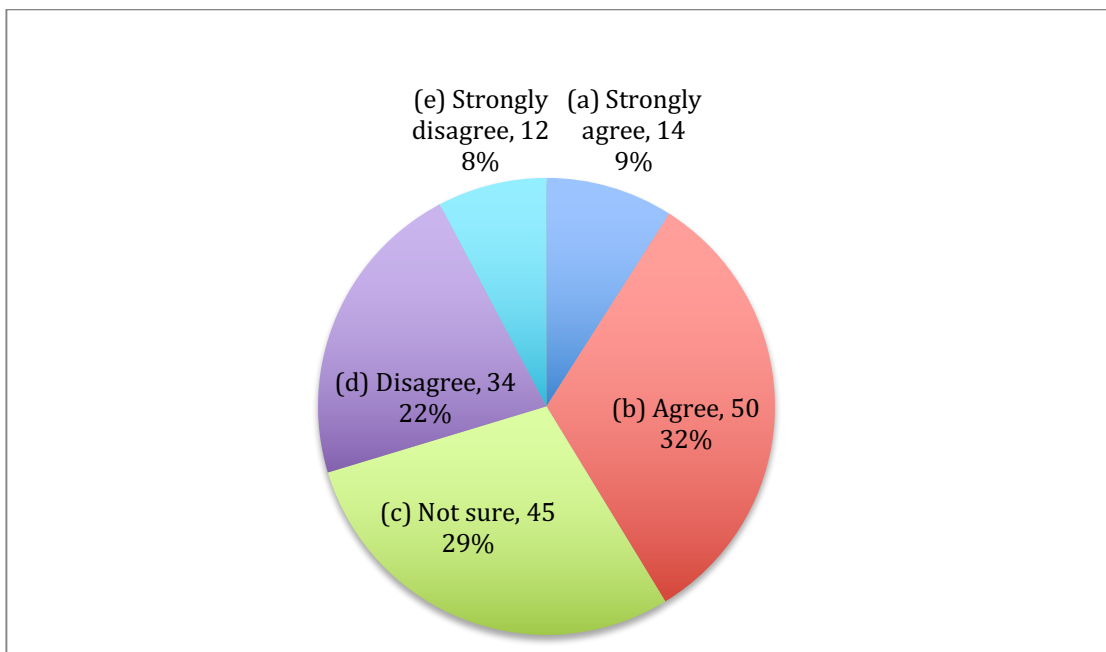


Figure 10. Responses to the statement “interpreters should be allowed more freedom to exert their professional discretion during the interpreting process”.

Of 155 questionnaire respondents, around half expressed agreement with, and one third indicated disagreement to, the concept of being invisible. With regard to interpreters’ professional freedom, 64 respondents reported that they supported an increase. During the interview, Interviewee 1 emphasised repeatedly that sufficient discretion is a crucial factor for interpreters to deliver their role successfully.

Excerpt 46

I think making sure everything relevant is understood by both sides, so sometimes with your own discretion... I think there is enough discretion to make sure the key most important elements are understood by both parties. (Interview 1, face-to-face)

It may appear contradictory that more respondents felt interpreters should be “invisible” but should be allowed more professional discretion. In fact, the data showed that they understood the concept of “invisible” as minimising their influence on the communication rather than being completely passive. For example, Interviewee 9 understands this concept as being impartial and not affecting other parties.

Excerpt 47

Interpreters must practice in a transparent and non-judgmental manner using appropriate language skills. We have to be careful and to make sure we do not influence the interlocutors in any way. (Interviewee 9, telephone)

Interviewee 8 also discussed the restriction of engaging in the questioning process.

Excerpt 48

We need to avoid reacting to either parties no matter how provoked or taking part in any shape or form in any interrogation process as apposed to questioning by the police officer. (Interviewee 8, telephone)

Furthermore, as can be illustrated from our earlier discussion regarding offering explanation/clarifications and intervention, interpreters in the present study reported that they perceived certain professional discretion in terms of interpreters' intervention, such as asking for clarification or breaking down lengthy speech as necessary. If it is widely accepted by researchers and practitioners that clarification and repetition are inseparable in achieving a faithful rendition, meaning more freedom for interpreters' intervention should be allowed in an interpreting event. This is in line with the suggestion made by Inghilleri (2013) that interpreters should be visible in "openly facilitating negotiations over meaning" (p. 2). This also confirms the argument that the "invisible interpreter" is an unfounded and false notion (Nakane, 2009 p. 15) and interpreters should be considered to play a more active role (Jacobsen, 2009).

Seven out of ten interviewees believed that the use of interpreters would have an impact on legal proceedings. Interviewee 8 commented that influences brought by the interpreters could be reflected from their efforts to ensure fair justice.

Excerpt 49

An interpreter sheds light on the matter before the court as they are at the very least attempting to honour that promise to try to deliver justice and to ensure the pertinent facts are made known to all parties. (Interviewee 8, Telephone)

Interviewee 3 strongly objected to the concept that interpreters should be conduits and have no influence on the process.

Excerpt 50

I think the idea that the interpreter's presence doesn't have any effect on what's happening, because the interpreter is just a conduit or a sort of bridge for the language, is now not really considered to be correct. (Interviewee 3, Telephone)

Then she argued that it is impractical to believe that the presence of an interpreter will not bring changes to the courtroom. Interviewee 3 explained that not only the interpreter, every participant of an interpreting event, would have an impact.

Excerpt 51

I think whoever the interpreter is, the interpreter is going to have, the presence of an interpreter is going to have an effect, one way or the other... If you introduce any person to an interpreting scenario, whether it's the usher, someone who just happened to be present in the room, or the judge there, or the barrister, anybody is going to have an effect on that session. (Interviewee 3, Telephone)

In the next excerpt, Interviewee 3 provided further illustration of how an interpreter might influence the proceedings. She made an important recognition of the inevitability of the interpreter's unintentional impact due to different levels of interpreting expertise.

Excerpt 52

There might be a very good interpreter, there might be a very bad one. They might interpret some of the proceedings, but not all of them. They might add some cultural intervention, that might be correct, or that might not be. There is all sorts of scope for interpreters to cause a lot of trouble, or to do hopefully a very good piece of interpreting...there are all sorts of scope really for interpreters to cause a lot of trouble due to their different levels of professional ability, such as some of the proceedings might be missing in interpreting, or their cultural interventions might not be correct. (Interviewee 3, Telephone)

Interviewee 3 pointed out that interpreters might add or omit information in their interpretation. Additionally, they might make mistakes when providing cultural clarifications. Acknowledging the variation of the interpreting ability and the possible changes or misinterpretations caused by it is also a crucial reflection of the interpreting profession. This corresponds to Napier & Spencer's (2008) argument that interpreters have inevitable influence on the interaction process in the aspects of hesitation markers, pragmatic strength, interventions and clarifications, register

variation and so on. Further discussions regarding the interpreter's unintentional alterations will be dealt with in the next chapter.

5.6 Summary

The data and discussion in this chapter have served to answer the main research question of this study, "What are legal interpreters' perceptions of their roles and responsibilities?" Through analysing the qualitative data of the interview discussions and open comments in the questionnaires, in combination with responses to relevant questionnaire items, two key conclusions can be drawn.

First, participants in this study demonstrated varied understandings of legal interpreters' roles and responsibilities. A very high number of questionnaire respondents perceived "communication facilitator," "linguistic mediator," "cultural mediator" and "language expert" as the best descriptions of their role. In slight contrast, some interviewees considered legal interpreters as a "communication facilitator," "linguistic mediator" or "cultural mediator." Moreover, the majority of interviewees held strong beliefs that legal interpreters should mainly interpret truly and faithfully. The high level of reflection and thorough justifications made by these participants provide evidence that a new theme emerged from the data. More importantly, their discussions were dedicated to the special demands of the legal context. The current researcher deemed it appropriate to adopt the label of "faithful renderer of original utterances," as defined by Giambruno (2008, p. 26) to identify this role. Therefore, it can be established from the data that although participants understand legal interpreters' roles differently, they perceive "faithful renderer of original utterances" as the most crucial role.

The second key conclusion drawn from the above discussion is that interpreters in the present study perceived accurate and faithful interpretation as their main responsibility. Also, they acknowledged the need for exerting professional discretion to ensure the quality of their practice. As a result, the participants considered explaining the inherent meaning or paraphrasing certain legal terminologies necessary as interpreting strategies to effectively perform the duty of interpreting accurately. Furthermore, the participants have shown extensive efforts to deliver an accurate and faithful interpretation while striving to minimise their influences on the

communication process. Therefore, they showed the tendency of assisting in filling out forms linguistically without influencing the non-English speaker's answers as part of their job. Finally, a high level of awareness of the Professional Code of Conduct can be observed from the data, so they generally did not include explaining legal matters or managing the interpreting process as legal interpreter responsibilities.

Chapter 6: Findings and discussions of Sub-question 1 - legal interpreters' understanding of accurate and faithful interpretation

6.1 Introduction

This chapter aims to address sub-question 1, “What is legal interpreters’ understanding of faithful and accurate interpreting?” Discussions regarding the main RQ demonstrated that participants in the current study perceived faithful interpretation as the legal interpreter’s main role and responsibility. This could reveal a general good understanding of the requirement of Section 5.4 of the “NRPSI Code of Professional Conduct,” which states, “practitioners shall interpret truly and faithfully what is uttered, without adding, omitting or changing anything.” However, as has been discussed in the Literature Review, the concept of accuracy and faithfulness is an area of controversy despite scholars’ general agreement on faithful interpretation as the interpreters’ main role. Therefore, it is important to explore interpreters’ perceptions of this concept because it fundamentally influences their practice. In order to carry out the investigation fully, ten questions were designed in the questionnaire. Firstly, Question 1 in Section 5 asked which linguistic or pragmatic elements the respondents would reproduce. Question 2 in Section 5 sought their level of agreement with four statements regarding the interpreters’ duty to provide clarification, to only interpret what the speaker said, to explain the context of the speech and to ensure the non-English speaker’s understanding, respectively. Questions 2 and 3 in Section 6 asked interpreters how they would deal with cultural differences and misunderstandings. These four questions aimed to find what accurate interpretation should cover, as perceived by the practitioners. Secondly, Questions 3 to 6 in Section 5 dealt with how the respondents understood interpreters’ alterations and the influences they brought to the communication process. Finally, Questions 2 and 3 in Section 3 focused on respondents’ perceptions of intervention as an essential strategy to achieve accuracy. Results of these questions are illustrated in Figures 11 to 23. Extensive valuable contributions also appeared in the open comment section and in interviews. Discussions in this chapter will be presented in three main sections: “Elements should be reproduced in interpretation,” “Interpreters’ alterations” and “Interpreters’ intervention.”

6.2 Elements should be reproduced in interpretation

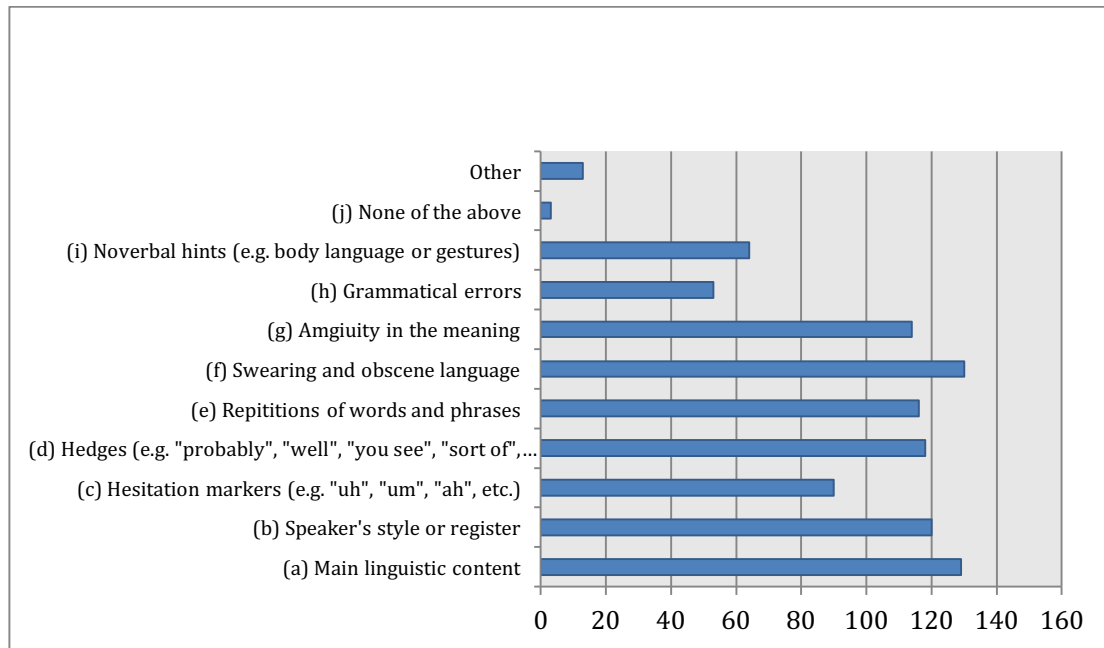


Figure 11. Elements should be reproduced in the target language interpretation

This section aims to explore what elements accurate and faithful interpretation in the legal context should involve, as perceived by the practitioners. Interpreters in this study reported a prevailing perception of considering reproducing both the equivalent linguistic and pragmatic value in the target language rendition, transferring cultural elements and making cultural interventions part of the interpreters' duty in delivering a faithful interpretation. Firstly, participants reported their general belief that legal interpreters should reproduce as much as possible in their interpretation. As Figure 11 shows, options A to G were selected by very high numbers of respondents. It is apparent from the data that questionnaire respondents generally thought legal interpreters should faithfully interpret the "main linguistic content" as well as most of the pragmatic elements including "speakers' style or register," "hesitation markers (e.g. 'uh', 'um', and 'ah', etc.)," "hedges (e.g. 'probably', 'well', 'you see', 'sort of' 'a little', and 'kind of', etc.)," "repetition of words and phrases," "swearing and obscene language" and "ambiguity in the meaning." Around one-third of respondents included "grammatical errors" and "(l) nonverbal

hints (e.g. body language or gestures). Interestingly, 3 respondents claimed that they would not reproduce any of the questionnaire items. The agreement on the principle of replicating everything can also be supported by a comment in the open section:

All options, as much as possible (Open comment, Questionnaire)

Around half of the interviewees agreed on maintaining all linguistic and pragmatic factors in their interpretation. When asked whether legal interpreters should transfer all linguistic content, including discourse markers (e.g. “you see”, “well”, “now”, etc.) and grammatical errors, as well as pragmatic elements, including speech styles, tones, vagueness, impoliteness, broken speeches, hesitations, pauses, etc., completely to achieve accuracy, Interviewee 9 agreed to copying all the pragmatic elements except grammatical errors.

Excerpt 53

Yes, all of the above apart from grammatical errors but obviously, I would convey the low register by other lexical devices. (Interviewee 9, Telephone)

One responding interpreter recognised that replicating pragmatic factors would help to present the non-English speaker’s background and personality:

I always strive to deliver exactly what they say - so everybody will have an idea what sort of person they are dealing with. I find it very challenging and entertaining. (Open comment, Questionnaire)

Interviewee 10 echoed the above view that the complete reflection of the original speech could show the speaker’s personality and emotional status.

Excerpt 54

Interpreters have to project the character and state of mind of the person he/she is interpreting for. (Interviewee 10, telephone)

Interviewee 4 added that copying all elements of speech could help the listener understand the implied meaning of the message:

Excerpt 55

If the interpreter fails to do so, the judge will misunderstand what the defendant wanted to express. (Interviewee 4, telephone)

Excerpt 54 and Excerpt 55 reflected these participants' understanding of the language's sociolinguistic function. They also acknowledged that communication goes far beyond the linguistic content. Many scholars have highlighted the role of discourse markers and the crucial need to reflect the manner and the intention of speech in legal proceedings (Berk-Seligson, 2002; De Jongh, 1991; González et al., 1991; Rios, 1997). It can be inferred from the above data that the majority of participants in this study considered reflecting the pragmatic features of speech as one of the vital pieces of faithful interpretation in legal interpreter work.

Despite the above general agreement, slight variations can be observed. Some interpreters perceived it necessary to reflect certain elements of the speech and not others. For example,

Excerpt 56

I think if the defendant can see the body language, hear the tone of voice. You don't need to then repeat it...like banning. That's my personal opinion. I don't know professional guidance on that. You are going to, probably, use the same stress of tones, but you don't need to mirror it exactly. This is not, this is not in your personality. I mirror the intonation...I never shout. I don't mirror the body language. So this is like "How did you do it?" Yeah if you stress that "how," I would stress that "how." Words of stress and intonation, I translate, but maybe not the aggressiveness. I think the words of stress, intonation that's where the aggressiveness and directness is placed. (Interviewee 1, Face-to-face)

Interviewee 1 used an example to demonstrate that he would emphasize tone and stress but not aggressiveness or body language. He explained that the stress of tone could reflect the speaker's aggressiveness. Interviewee 3 would deal with body language differently.

Excerpt 57

I'm reflecting the tone of voice, the register, or even the body language to some extent, of the person I'm interpreting for, even if it's actually quite unpleasant. Sometimes very difficult, sometimes actually very embarrassing. (Interviewee 3,

Telephone)

It can be seen from the above excerpts that Interviewee 1 decided not to imitate harsh body language because he felt it contradictory to his personality. In contrast, Interviewee 3 makes efforts to include body language in her interpretation although she felt uncomfortable.

Some interpreters would not pay attention to each individual linguistic or pragmatic element as long as they felt communication was smooth. For example,

My role is a bridge of communications between parties only. (Open comment, Questionnaire)

Considering the high speed of exchanging speaking turns during legal proceedings, interpreters may not be allowed sufficient time to figure out the implication and the best interpretation of the pragmatic elements. This can be confirmed by the claim made by Interviewee 4.

Excerpt 58

I do not think discourse markers, grammatical errors and pragmatic elements should be included in the accuracy, which should be interpreted... This is only my opinion... I think accuracy should mean you deliver the meaning conveyed by all parties ... I think those are irrelevant to accuracy. I think message meaning is the content spoken by the both parties. You need to interpret it faithfully fully totally. This is accuracy. (Interviewee 4, Telephone)

In her understanding, faithful interpretation referred to the transfer of the meaning rather than its linguistic or pragmatic elements. It is interesting that this interpreter was aware of the need to reflect the meaning of a speech beyond its linguistic meaning. However, it seemed that she did not understand the influence of the pragmatic elements, as suggested by Berk-Seligson (2002) that discourse markers tend to be ignored by interpreters because they seem meaningless.

However, accuracy may not be possible regardless of the interpreter's linguistic decision making. Questionnaire respondents also reflected on the complexity of accuracy and thought interpreters could only deliver accuracy to a certain extent. For example,

The interpreter should, as far as possible, produce the message that the non-native speaker would produce if they were able to. (Open comment, Questionnaire)

A similar opinion was put forward by Interviewee 3 in that accuracy could not be delivered completely.

Excerpt 59

Interpreters could only render as much accuracy as humanly possible. (Interviewee 3, telephone)

Taking this a step further, Interviewee 5 even thought accuracy is unachievable.

Excerpt 60

I think it's very unlikely to be accurate, is unlikely, unless for very short sentences. (Interviewee 5, telephone)

It can be seen from the above comments that these interpreters did not deny the principle of accuracy. In fact, they were very experienced and reflective. They pointed out an important issue in the legal interpreter's work that complete accuracy might be unachievable. Overall speaking, a general attitude of aiming to reproduce the original message as completely as possible can be drawn from the above discussion. However, their interpreting decisions and approaches to deal with each individual element in practice presented a different picture. Discussion on each element will be presented in the next ten sub-sections.

6.2.1 Verbal content

Participants' understanding of the key elements of speech is vital for exploring how the practitioners define the interpreters' professional boundary. As shown in Figure 11, questionnaire respondents perceived that legal interpreters should provide a faithful reflection of the main linguistic content. Interviewee 2 also confirmed this perception.

Excerpt 61

Interpreters should try their best to render all linguistic content faithfully and

completely. (Interviewee 2, Telephone)

In supplement to asking which elements interpreters should reproduce, another question asked the respondents' level of agreement to the statement "it is the legal interpreters' duty to only interpret what the speaker says." The results are shown in Figure 12.

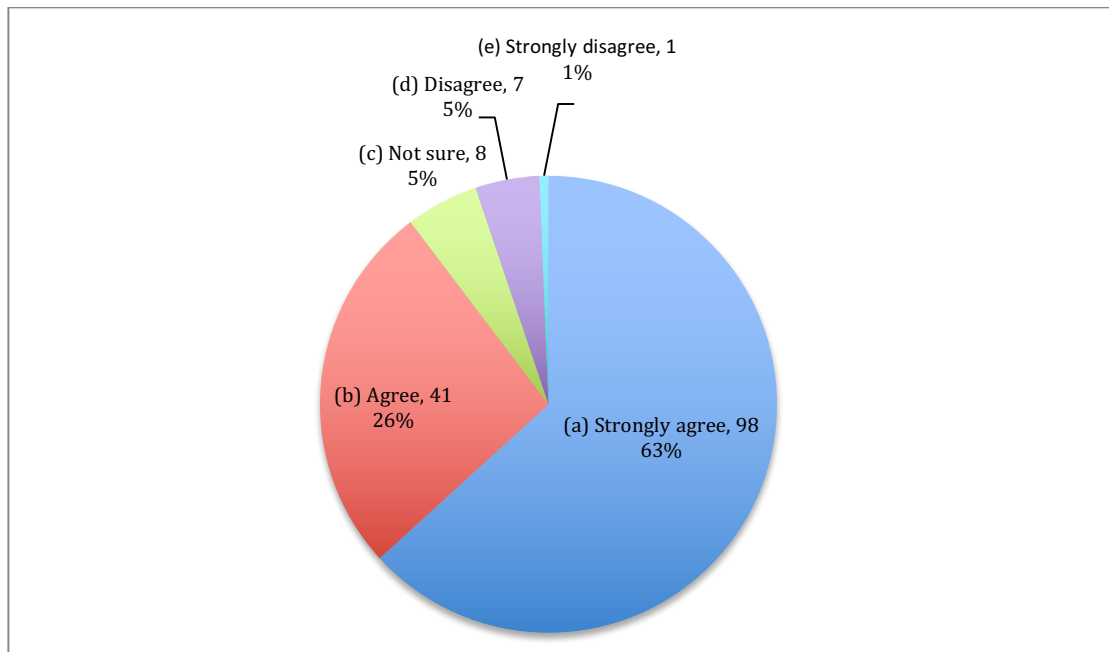


Figure 12. Responses to the statement "It is the legal interpreters' duty to only interpret what the speaker says"

Of 155 respondents, 139 showed agreement with the statement. In conjunction with comments in the open section, substantial agreement on not copying the speaker's body language and gestures can be reflected from the data.

I only interpret what's being said and I don't not copy body language and gestures.
(Open comment, Questionnaire)

However, body language and gestures may also be very important in delivering the speaker's intention. Further discussions regarding this element will be discussed in sub-section 6.2.8 "Nonverbal hints."

Scholars have increasingly realised that interpreting in the legal context

inevitably involves decisions regarding elements with small linguistic but great pragmatic value. As can be seen from Figure 11, a very high percentage of respondents reported they would replicate most pragmatic elements. However, this is an area of controversy because their comments in the open section of the questionnaire and, later in the interview, revealed divided opinions. In the next nine sub-sections, the manner in which interpreters in the present study would deal with each element will be discussed.

6.2.2 Register/style

Different “formality levels” called register or style (Berk-Seligson, 2002. p.169) are one important pragmatic feature of speech. The data revealed that the majority of interpreters in the current study agreed with the principle of interpreting with an equivalent register. In total, 120 out of 155 questionnaire respondents selected “(B) speaker’s style or register” (Figure 11) in response to question 2. The interview discussions also addressed this finding. These results were contradictory to the observation of Berk-Seligson (1989) and Hale (1997d) that interpreters tend to alter the register of the legal practitioners as well as that of the non-English speakers to facilitate communication. However, the questionnaire responses of this study were interpreters’ self-reported perceptions. These results only showed their awareness of the need to reflect the speaker’s register/style. In practice, this may not always be achieved.

In the legal context, this issue involves three aspects: the technical level of the legal professional’s question, the coherence and formality, the politeness level of the non-English speaker’s answers and the politeness level of the speech. The following discussion will deal with each aspect separately.

6.2.2.1 Technical language

Interpreters’ discussions of legal professional’s technical level showed contradictory patterns. The majority of respondents claimed awareness of the principle of preserving the original register (Figure 11). However, 49 reported “(G) I have reduced the technical level of the legal talk to make it to make it for non-English

speakers to understand,” as shown in Figure 13.

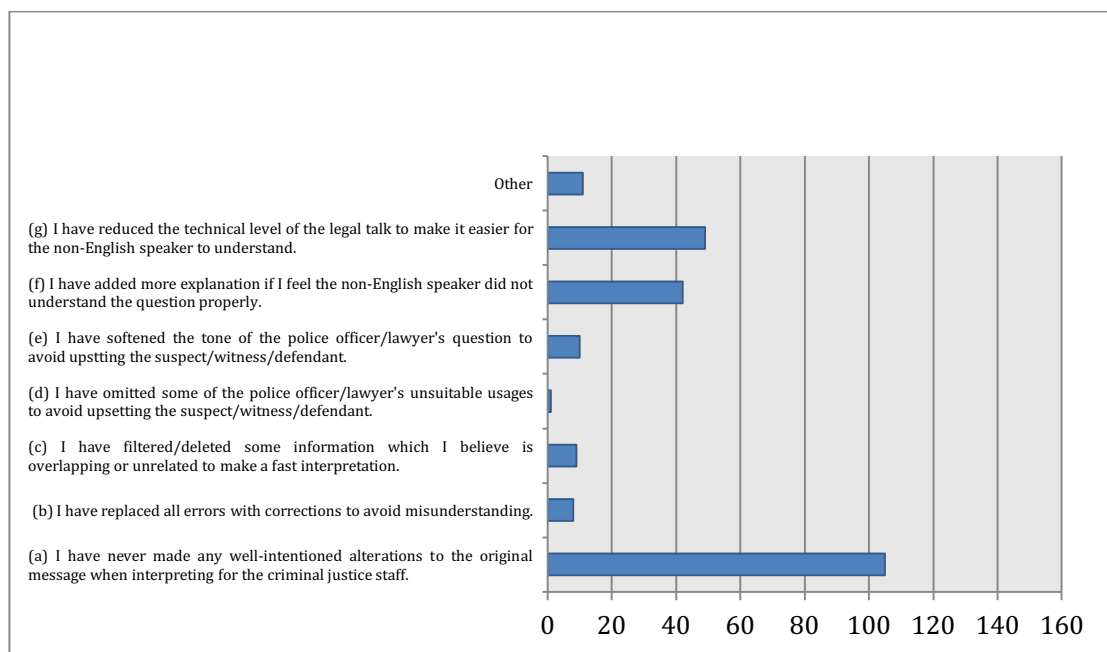


Figure 13. Interpreters' well-intentioned alterations when interpreting for criminal justice staff

When addressing this issue in interviews, a similar pattern emerged. Eight out of the ten interviewees agreed that legal interpreters should interpret with the original technical level. Examples can be seen in Excerpts 62 and 63.

Excerpt 62

I do not reduce the technical level even for something sometimes what comes out in English most linguistically sophisticated for what I heard. (Interviewee 1, face-to-face)

Excerpt 63

I interpret the same way as the police put it. I'm not going to polish, modify, or make it simple. If it was complicated, I'll make it complicated; if it's simple I'll make it simple. (Interviewee 4, telephone)

Interviewee 1 reported that he would reflect the same level of complexity of the English version. Interviewee 4 also asserted that she would keep the original level of complication or simplicity in police officers' interrogation. In addition, Interviewee

7 pointed out that that delivering the equivalent technical level was one of the key components of faithful interpretation.

Excerpt 64

You try to reflect as much as you can. Normally I don't simplify or reduce the technical level, because if it's court, if it's a trial, you'll be simultaneously interpreting, you don't really even have time to simplify, to think of alternatives, for their sake, because accuracy is the key. (Interviewee 7, telephone)

Interviewee 7 made an interesting reflection that the fast speed of exchanges of messages imposes time constraints on the interpreters, especially for simultaneous interpreting during a court trial. Under these circumstances, the target language rendition is highly likely to be an automatic translation rather than an adapted version.

The discussion of the technical level involves the issue of whether it is their duty to deliver a reasonably understandable rendition in the target language or it is a waste of the interpreter's talent and the court's time and resources to maintain the technical level beyond the listener's comprehension, as pointed out by Mikkelson (1998). It also involves the issue of whether it is the interpreters' duty to ensure understanding. This is possibly one of the dilemmas faced by the interpreters due to the high complexity of legal languages. Interviewee 3 discussed that the difficulty for the non-English speaker to follow the legal proceedings was due to a variety of differences between two countries. Also, sometimes she could see signs of confusion.

Excerpt 65

Oh, well, it might be difficult for the client to understand. I can sometimes see in their eyes, or on their faces, their facial expressions that they are not understanding what's going on. That doesn't surprise me at all because the English used in our court system is, or probably is, entirely different from the one in his country. Lots of people, English native, British native, they'll understand the legal system in this country. So if you come along with a different nationality, a different language, different cultural values, of course, you're going to find the procedure absolutely bizarre. It's unknown to you. (Interviewee 3, Telephone)

Mikkelson (1998) described the same phenomenon where it is easy to identify confusion by obvious facial expressions or non-responsive answers. Interviewee 7

noticed that despite interpreters' efforts to interpret as accurately as possible, most defendants still failed to follow the proceeding but did not always ask for explanations. Cooke (1995) points out that the non-English speaker may not have the courage or awareness to ask for clarification. Interviewee 7 also noticed that non-English speaking defendants only ask for clarification when it is really important, such as the sentence they may get or when it is not that intimidating, for example, alone with their solicitor.

Excerpt 66

They probably only raised questions when they were sentenced or if they did not understand something during the pre-court consultation. They may also ask, "sorry? Or what did you mean?" So you interpret that, the barrister/solicitor would explain to them before the court. (Interviewee 7, Telephone)

Interviewee 7 made it very clear that she would not reduce the technical level or the register of the original message unless asked to do so by the barrister or the judge.

Excerpt 67

For example, if the judge said "It seems that the defendant doesn't understand, can you please now say, instead of saying, there was an aggravated burglary at the premise, so can you please now say there was some naughty men who went into a house didn't belong to them, they took things", then I would interpret this simplified version from the judge. (Interviewee 7, Telephone)

Although this interpreter understood the difficult situation of non-English speakers and felt it was natural for them to be confused with the highly sophisticated legal discourse, she would not make any alterations. This is in line with Mikkelsen's (1998) suggestion that the interpreter should avoid the temptation of lowering the register even if a native-English person may find it confusing and required clarification. Also, this might provide evidence of how an interpreter could stick to the interpreting function with strong awareness of her professional boundaries. However, it depends exclusively on the legal practitioner in charge of the legal proceedings to judge whether the non-English speaker is following the proceeding properly. If that person does not have experience in dealing with foreign nationals or has limited knowledge of their difficulties, the message delivered in such a highly complicated manner may be remain confusing.

To remedy the above problem, asking the questioner to reword the question or reduce the complexity of the message was reported, so that the misunderstanding is not neglected and the questioner's intention is ensured. This would help the interpreters avoid offering misleading explanations.

I have asked speakers to rephrase the question. (Open comment, Questionnaire)

It depends on the non-English knowledge of their own language, sometimes you have to ask the speaker to simplify the question as it was not understood in the original form. (Open comment, Questionnaire)

Similarly, Interviewee 6 suggested raising the issue to the court's awareness when the communication is hindered seriously.

Excerpt 68

No I keep it. It's not my job to explain, so I keep it. If it's to the point where the communication isn't taking place, and it's getting ridiculous, I may then say, "the interpreter believes the defendant doesn't understand the question at all." It would have to get ridiculous for me to do that. We have to get to the point that nobody knows what he is talking about, talking about what, for me to say that. But normally, if the barrister or somebody says something in a real technical manner and the defendant goes "what? sorry?" And I'll go "what? sorry?" And they should understand they have to change the way they explained it, and it will make sense to somebody. (Interviewee 6, Telephone)

It can be inferred from the excerpt above that Interviewee 6 perceived taking her own initiative as interfering with the communication process beyond the legal interpreter's role. She would wait until a critical situation occurred to realise the misunderstanding. In slight contrast, Interviewee 9 suggested it is the legal professional's or non-English speaker's duty to raise the problem in the case of misunderstanding.

Excerpt 69

I would keep the complicated structure, as I think it's for the defendant to establish whether it is too complicated or not. (Interviewee 9, Telephone)

The opposite opinion that interpreters need to lower the level of highly technical and complicated messages to ensure understanding was reported. Sub-question

2.4 in Section 5 of the questionnaire tried to find the respondents' attitudes to the statement "it is the legal interpreters' duty to ensure non-English speakers understand everything during a police interview/court proceeding." The results are illustrated in Figure 14. In total, 102 respondents agreed with this statement. Additionally, sub-question 2.1 in Section 5 of the questionnaire asked respondents' level of agreement to the statement "it is the legal interpreters' duty to provide clarifications for non-English speakers." The responses are shown in Figure 15. Fifty respondents reported that they would do this in their practice. Additionally, 42 respondents selected "(F) I have added more explanation if I feel non-English speakers did not understand the question properly" in responding to Question 3 of Section 5 (Figure 13).

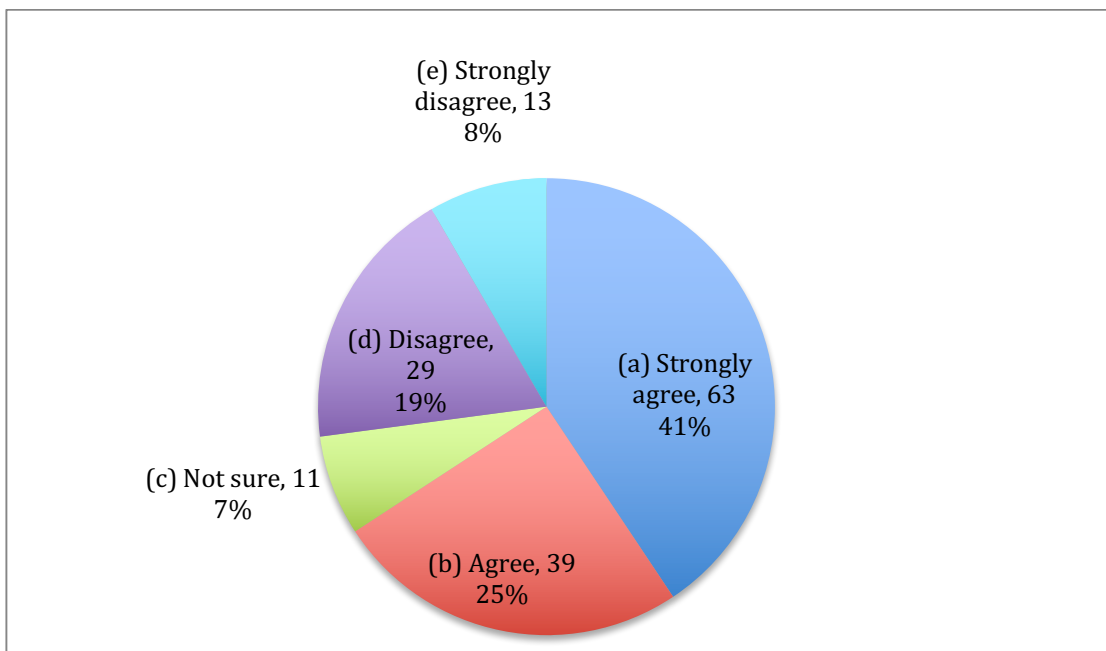


Figure 14. Responses to the statement "It is the legal interpreters' duty to ensure the non-English speakers understand everything during a police interview/court proceeding"

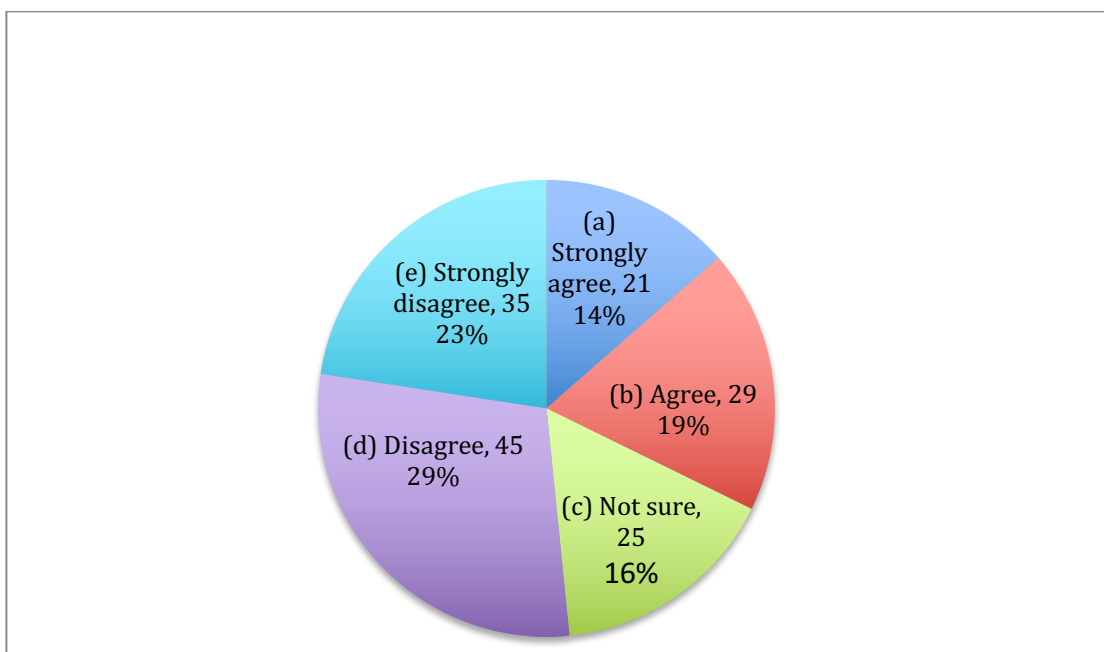


Figure 15. Responses to the statement “It is the legal interpreters’ duty to provide clarifications for the non-English speakers”

The approach of reducing the technical level to ensure understanding could also be reflected from the open comments. For example,

Alteration is made only for the purpose of clarity and to make sure that the process is meaningful for a non-English speaker. (Open comment, Questionnaire)

I would make alterations to allow the non-English speaker to understand proceedings fully. (Open comment, Questionnaire)

Interviewees 1 and 2 supported the aim of ensuring understanding.

Excerpt 70

...make sure everything relevant is understood by both sides. (Interviewee1, Face-to-face)

Excerpt 71

I will interpret the sentence in a logical, fluent version without compromising the original meaning of the text...Because it is the responsibility of court interpreters to render the meaning spoken by English speakers in an approach that is clear and understandable. This can avoid the misunderstanding by non-English speakers and it is quite crucial that all non-English speakers understand the questions completely. (Interviewee 2, Telephone)

Interviewees 1 and 2 did not say explicitly that they would reduce the original technical level. However, it is evident, especially in Excerpt 70 that Interviewee 2 perceived it necessary to make everything understandable. Such alterations might include simplifying the complexity of legal terminology or offering clarification. For example,

I make legal jargon more understandable. (Open comment, Questionnaire)

I make alterations only to clarify the meaning for the non-English speaker. (Open comment, Questionnaire)

Some respondents offered his/her own simplified version of legal terms as an explanation. For example,

I have added plain English words to follow legal terms to make it easier for the non-English speaker to understand what is being asked or said. (Open comment, Questionnaire)

I don't alter things but sometimes I have to change the register so that the defendant can understand. (Open comment, Questionnaire)

Only used simpler words or short explanation of a legal term. (Open comment, Questionnaire)

It is evident that these respondents felt that changing the register did not count as making altering an alteration. However, it cannot be established from this comment how this interpreter could ensure these are "plain English words" to reflect the complete intention of the legal term.

Another respondent used repetition to assist in understanding. This may sound like a good approach, but what seemed missing was awareness that repeating the question may appear as a private conversation between the non-English speaker and the interpreter in the eyes of legal staff.

I have repeated the sentence when I was sure that the defendant/witness did not understand it. (Open comment, Questionnaire)

Due to the highly complicated nature of legal language, native speakers may also

find it difficult to follow the proceedings. This situation is highly likely to be exacerbated for the non-English speaker even with the assistance of an interpreter. Mikkelson (2000) insists that interpreters should be limited to the role of filling the linguistic gap but not to guarantee understanding because an ordinary English-speaking layperson may not understand very complicated questions either. It is also important to note that interpreters may not have the ability to deliver a complete rendition of the original message when they change the technical level. Furthermore, the legal practitioners, especially lawyers are famous for manipulating questioning techniques to confuse the witnesses or defendants. The original message may not be “clear and understandable.” Cooke (1995) argues that failure to fully convey the implicated meaning of a question may lead to the possibility of the non-English speaker answering a different question. The implication and the intention of the questioner are lost as a result. It seems that Interviewee 2 did not realise that reducing the complexity of the question cannot guarantee understanding, instead, it carries a high risk of misinterpretation.

Some respondents commented on the need for reducing the technical level for less educated people:

You have to play by ear - if they are not educated you have to repeat and clarify but obviously notifying about everything the English speaker. (Open comment, Questionnaire)

This respondent seemed to believe that providing repetition and clarification was the interpreters’ responsibility. However, this interpreter showed possible confusion between “notifying everything” and “explaining everything” to make such a claim.

Another respondent discussed a similar issue:

Re. (G), only on few occasions when interpreting for Polish clients of the travelling community, some of them are not familiar with legal terms. (Open comment, Questionnaire)

Some people from the travelling community may have such a problem. However, this cannot be generalised to the whole community. Making this claim may reflect a biased attitude, with the possibility of leading to a biased interpretation.

Some respondents felt interpreting with a lower technical level would not cause

any adverse consequences as long as the legal professionals were made aware of it.

When I attempt (G) to convey the message in non-English speakers' register, I always consult the other party and check that my proposed simplified version is correct. (Open comment, Questionnaire)

Usually I just do everything as is and then advise barrister that perhaps explanations would be appropriate. (Open comment, Questionnaire)

Finally, Interviewee 5 raised a very important issue that the failure to maintain the original technical level might be caused by some difficulties such as the interpreters' tiredness, and differences in languages and legal systems between two countries.

Excerpt 72

I will try my best to maintain the original message. But it's impossible sometimes. I think it depends on the circumstances. Sometimes, you are in a good condition. Sometimes you have been interpreting for a long time without a break, and you are confused. It's simple you can't do it at that time. Because we don't say it that way in our Chinese, right? It cannot be understood if you interpret that way, right? I think this is inevitable. Because it is a linguistic difference, you waste this question. (Interviewee 5, Telephone)

The second cause corresponds with Mason's (2008) argument that the lawyer's original intention of overpowering and frightening the witness with long and complicated questions seems to challenge the interpreters' interpreting capacity. More difficulties caused by differences between two languages will be discussed in the next Chapter "Dilemmas and challenges."

6.2.2.2 Coherence and formality

When it came to interpreting for non-English speakers, only 15 respondents reported that they had improved the non-English speakers' register/speech style (Figure 16) in response to Question 4. This very low number confirmed the responses to Question 1 in this section where a majority of respondents chose to copy "(B) Speaker's style or register" (Figure 11).

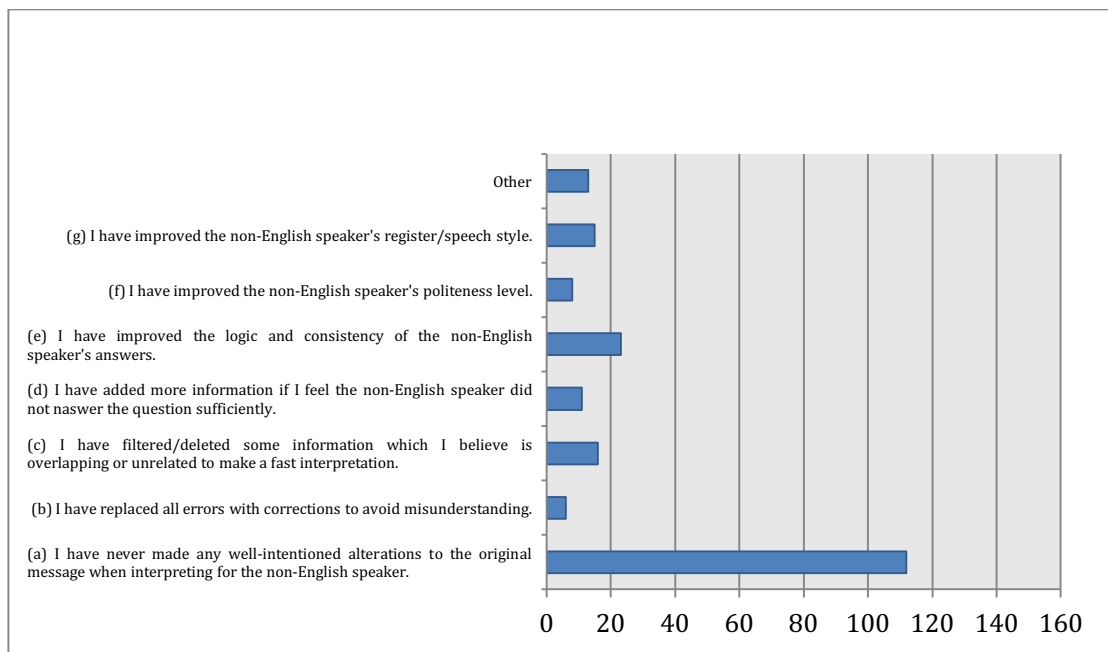


Figure 16. Interpreters' well-intentioned alterations when interpreting for non-English speakers

Most interviewees demonstrated a similar perception that reflecting the speaker's style is vital for conveying the full meaning of the utterance. For example, Interviewee 2 explained,

Excerpt 73

...to convey the style and tone are the most important functions because understanding the style and tone of a sentence is of great importance to fully understand the underlying meaning of a sentence. (Interviewee 2, Telephone)

In addition to helping deliver the complete original meaning, Interviewee 2 also pointed out the effect of manner of speech on the listeners' impression.

Excerpt 74

The speech manner sometimes influences the attitude judges/barristers have on the non-English speakers. For example, if interpreters use a very low voice or show no interest in the question asked, or if interpreters interpret the words spoken by non-English speakers in a very arrogant approach, other parties at court might consider the defendant is of the same manner or attitude as the interpreter is presenting. (Interviewee 2, Telephone)

So, Interviewee 2 acknowledged that delivering the original manner and style could help to form the equivalent listener's impression on the speaker. However, it appeared that this interpreter only realised it was crucial to copy the non-English speaker's style but not that of the legal practitioner. She previously mentioned that she would reduce the technical level when interpreting for the legal practitioners.

Interviewee 7 raised another important consideration that the register/style helps to reflect the speaker's background and mental status.

Excerpt 75

...it should be because for instance I don't think it'll be fair if somebody has very limited vocabulary and uses very basic words, sometimes using scientific terms wouldn't be right. (Interviewee 7, Telephone)

Her understanding corresponds with the argument of Taylor-Bouladon (2007) that changing the original simple and plain expression into a more complicated one is an obvious distortion of the original. Interviewee 7 also pointed out that interpreters' improvement of uncompleted and fragmented messages could lead to serious consequences such as a big legal dispute.

Excerpt 76

...you have a person who has difficulty expressing themselves, you may sense or guess what they want to say. But this is a big danger for you as an interpreter, you shouldn't finish off the sentence, thinking that's what was said. Although in fact that was probably what that person meant. He can turn around and say, "I never said that." Or if you look into the tape, and it's not said fully the interpreter shouldn't finish it off. You know what I mean. It is not right. It can cause big legal dispute. That's why you have to be faithful as much as you can. (Interviewee 7, Telephone)

Then, Interviewee 7 provided an example:

Excerpt 77

Because once I had actually a very long interview, which lasted for probably about six hours. But what it was, was put forward, and cut short, and the person, the way he was talking, he was saying, simple questions, for instance, "do you hold a credit or debit card?" It took him half an hour to answer that question, and again, the answer would be something that the officer couldn't understand. But it was "yes" or "no." And if I answered the shortened process, if I asked what I thought what he

meant, it just wouldn't be right. You should keep the original ambiguousness unless it's possible if you think it's maybe, you know what I mean, have a couple of meanings, then you kind of sometimes, ask the officer as well, "oh, but, sorry, is that what you meant?" But otherwise, you cannot assume. If you see the person is going around in cycles, you interpret in cycles. (Interviewee 7, Telephone)

Interviewee 7 illustrated that although the interview was long and tiring, she made extensive effort to preserve the speaker's ambiguous style instead of guessing the meaning to shorten the process.

It can be concluded from the above data that the majority of participants in the present study perceived conveying the original level of coherence and formality of non-English speakers' speech as a vital constituent of the legal interpreters' main responsibility of delivering faithful interpretation. Moreover, they recognised that reflecting this element of speech contributes to the understanding of the speaker's underlying intention, background and mental status to form the listeners' impression.

6.2.2.3 Politeness and impoliteness

Interpreters in this research showed agreement on interpreting with the original level of politeness. Furthermore, they reported three main problems in interpreting impoliteness: cultural differences in indicating politeness, legal practitioners' misunderstanding of interpreter impoliteness and interpreter feeling of embarrassment. As shown in Figure 11, Figure 13 and Figure 16, 130 respondents reported they should reproduce "(F) Swearing and obscene language" in question 1, one selected "(D) I have omitted some of police officer/lawyer's unsuitable usages to avoid upsetting the suspect/witness/defendant" in Question 3 and eight selected "(F) I have improved non-English speakers' politeness level" in Question 4. All ten interviewees confirmed their awareness of interpreting with the same politeness level. For example,

Excerpt 78

If they answer questions in an impolite way I will still faithfully render the full meaning without compromising the tone or meaning. (Interviewee 2, Telephone)

Excerpt 79

If he is rude, I'll be rude. I just talked about accurate and faithful. If he is rude, he swears, I'll swear, if he is rude, I'll be rude. (Interviewee 4, Telephone)

Adapting the manner of indicating politeness between different cultures was reflected as necessary in interpreting. Certain expressions sound rude in one culture but not in another. Interviewee 1 used an example to illustrate such a difference. He found certain ways to say no and to attract people's attention in Portuguese to be rude as a native English speaker.

Excerpt 80

In Portuguese, "when they say no, it's "ze ze", which I spent about a year, I still find it rude... saying "psh" to get someone's attention... I think in the legal conversation, these sorts of maybe cultural sensitivities. (Interviewee 1, Face-to-face)

Furthermore, the way of indicating politeness and expectation towards politeness may vary in different cultures, as another respondent reflected:

What Polish people sometimes say may be regarded as rude to English people, however it is not in the Polish language. (Open comment, Questionnaire)

Interviewee 9 also regarded this as the main cultural difference between her language pair. According to her experience, Romanian people change the form of verb instead of using politeness markers like British English speakers.

Excerpt 81

In Romanian, we are more straightforward and we don't say please and thank you so frequently but that does not mean we are impolite because we use another form of the verb to show respect. (Interviewee 9, Telephone)

Therefore, the issue that needs to be decided is whether the interpreter should deliver the interpretation equivalent in the target language or in the source language. Interpreters in this research perceived that they should adapt it from the speaker's culture into the listener's culture to deliver the equivalent level. The above Polish interpreter would make alterations to match the differences in politeness:

I sometimes change the politeness level. (Open comment, Questionnaire)

Interviewee 9 reported the same approach.

Excerpt 82

So, I achieve equivalence by adding please and thank you when I interpret into English to compensate for the fact that in English this polite form of a verb does not exist. (Interviewee 9, Telephone)

Interviewee 9 would make relevant additions in the target language to reflect the intended level of politeness of the original speech. As a result, the speaker would be put in the same position as a native person and a negative impression due to the cultural differences could be avoided.

Berk-Seligson (2002) noticed that interpreters speak more politely to judges. She argues that although interpreters should not show personal involvement in the ideal situation, they want to set up a more friendly atmosphere with the court personnel who have more power to assess interpreter work (Berk-Seligson, 1987, 2002). The interview respondents did not agree with this argument. Interviewee 3 did not worry about it and interprets the rude words. She believes that other parties are aware that she is only doing her job.

Excerpt 83

No, because if the witness says something like “oh, burger off,” something like that, I’m sure everybody in the courtroom knows it’s not me like that, I was just interpreting what the witness was saying. (Interviewee 3, Telephone)

Interviewee 5 would also interpret impoliteness. However, she talked about a typical example where court staff misunderstood and thought the interpreter was swearing.

Excerpt 84

Impoliteness...I definitely interpret...I interpreted for one person at court. He applied for bail... The man started, “Lock me up for so long. Don’t let me out. Don’t send me home. What the hell you want to do? Fuck you.” When I interpreted “Fuck you” to the judge, the usher immediately said, “Stop saying that.” I then said, “Stop saying that. Don’t say that.” The usher then said, “You can’t swear in court.” Then the bail wasn’t granted. After it finished, the judge apologised to me, “I’m sorry interpreter. You have to swear.” I said, “This is my job.” ... I feel it was a

typical example. (Interviewee 5, Telephone)

Interviewee 5 described how she managed the situation in a professional and transparent manner, faithfully delivering the original impoliteness and interpreting what the usher said to the interpreter. It was also very interesting that in this example, the usher was not aware that the interpreter was just doing her job, but the judge had more experience working with interpreters. Interviewee 5 also justified that the intact reflection of this element of speech could reflect the non-English speaker's emotional status and legal practitioners would be prepared for unexpected situations.

Excerpt 85

I think I would definitely interpret, because I thought his mood was so unstable, if I didn't interpret some of what he said, the courts wouldn't be able to know the extent of his emotions. What if he became crazy? I would definitely interpret everything he said. Otherwise, how would you deal with the situation like that? (Interviewee 5, Telephone)

Interviewee 5's reflection corresponds with Cambridge's (2005) that interpreters need to preserve the same effect of the shock or offence caused by the speaker's language in his/her native culture for legal professionals to judge to what degree this impoliteness would affect the case.

Interpreting impoliteness also did not bother Interviewee 7. Once she interpreted "you are an idiot" to a police officer.

Excerpt 86

It was an experience of a police interview. The interpreter must interpret in the first person. And the person said to the officer "you are an idiot." And I said that. And the officer said "how dare you. You are supposed to be impartial, and if you don't like my face, keep your opinion to yourself" ... [I clarified] "just to clarify, it wasn't me, it was the other person that says, whatever." (Interviewee 7, Telephone)

It was interesting that the police officer joked with the interpreter. However, Interviewee 7 suggested it is useful to clarify to legal practitioners that interpreters have to interpret in the first person.

The issue of embarrassment was discussed.

Excerpt 87

I always go red. And I dare not look up. But you've got to do it. Absolutely, it's not our personality, but we just have to do it for the job. But as long as you say it at the beginning, explain your role, and "I'll interpret," well, you do the affirmation, or you swear, before it, and you say "I will faithfully interpret, explanation made of all such matters that shall be required of me, so that includes everything. But it's embarrassing sometimes. (Interviewee 6, Telephone)

Interviewee 6 seemed to be very shy, although she would still interpret the rude language. It can be inferred from Excerpt 87 that Interviewee 6 perceived that copying impoliteness of the original message is required by the legal interpreter to deliver a faithful interpretation.

To summarise, questionnaire and interview results showed that the majority of interpreters in this study supported the concept of maintaining the original register. When interpreting for legal practitioners, they would copy the technical level. Three reasons for this could be drawn from their discussions. First, this is vital in delivering accurate and faithful interpretation. Second, it is in the remit of the legal interpreters' duties. Third, there is no time to make alterations. However, some respondents thought minor alterations should not be counted as changes to the original message. A considerable number of interpreters felt that reducing the technical level to ensure understanding was an acceptable practice. Practical issues that make maintaining the technical level very difficult should not be neglected. This shows that further work still needs to be done in establishing a principle among legal interpreters. This may include how to deal with highly sophisticated messages and whether they should raise them to the attention of legal practitioners when there is an obvious failure in understanding. The police and court staff should also be made to know that non-English speakers may not follow the proceedings properly and do not have the courage to ask for further explanation, even with the assistance of interpreters. Besides, most interpreters in the present research supported the principle of interpreting in the same style and manner as non-English speakers' answers. The main aim was to fully reflect the complete meaning of the speech and the speaker's background.

6.2.3 Volume and strength

Volume and strength are other important speech features that reflect the speaker's intention. The data showed that the majority of participants in this research considered copying the tone an important element of delivering a faithful interpretation. In replying to Question 3 of Section 5, only ten respondents selected "(E) I have softened the tone of the police officer/lawyer's question to avoid upsetting the suspect/witness/defendant" (Figure 13). All ten interviewees believed that legal interpreters should copy the speaker's tone and strength. The responses seem to be contradictory to Hale & Gibbons' (1999) finding that interpreters normally reduce the level of aggressiveness and Mason's (2008) observation that interpreters tend to produce a softer and more respectful tone. The questionnaire responses and interview discussions in this study were self-reported perceptions from the interpreters, which might be clouded by what they wanted to think of themselves as doing. Nevertheless, Hale & Gibbons' (1999) and Mason's (2008) findings are based on empirical observation, which may have shown other results.

Firstly, participants recognised that maintaining tone was essential in achieving a faithful interpretation. For example,

Excerpt 88

I believe interpreters should ensure both sides fully understand and the tone and strength are also part of the source content. (Interviewee 2, Telephone)

Excerpt 89

Accuracy and faith are the most important. If they want to ask the question in a particular way, it is very important to maintain the way. (Interviewee 4, Telephone)

Interviewee 2 pointed out that the tone was an element of the content of speech while Interviewee 4 acknowledged the importance of the intended way of asking a question. Alongside recognising maintaining the tone as part of accuracy and faithfulness, Interviewees 8 and 9 reflected that it was important in delivering the purpose of the questions, as can be seen in Excerpts 90 and 91.

Excerpt 90

I try to maintain the tone of both parties as far as professionally possible whilst

maintaining the ethical standards. Obviously, I would not take part in any shape or form in any interrogation process as opposed to questioning by the police officer. (Interviewee 8, Telephone)

Excerpt 91

I know I have to render the message in the same manner (this was part of my training) because all these interviewing techniques and strategies have a purpose and otherwise the reactions / result would not be the one sought by the Police Officer. (Interviewee 9, Telephone)

Interviewee 1 described his approach in detail that he would emphasise the same words as the speaker did, as shown in Excerpt 56 previously.

In slight contrast to the above perception that the tone is of ultimate importance, nearly half of the interview participants demonstrated that they did not attach the same level of importance to this element of speech. Examples of such perception can be observed from the next two excerpts.

Excerpt 92

I think I can only try my best. In fact, you cannot achieve it. I think if you cannot repeat the tone, it can be told through the words and the body language, right? I don't think it's necessary. I don't think this is very important. Of course as an interpreter, it's better if you can achieve it. You need to interpret not only the words and phrases, and the language, but also to convey the mood, tone and register. ... But I think it's impossible to convey everything. I can only try my best and avoid making alterations intentionally. I would definitely convey the tone and would not soften it down on purpose. (Interviewee 5, Telephone)

Excerpt 93

I maintain the original tone. Although the question is given by a police officer in a language other than that of the suspect, the tone would be heard by him/her. (Interviewee 10, Telephone)

These interpreters reported that they would try to copy the tone and strength. However, they thought even if they failed to do so, the non-English speaker could still hear it. Additionally, Interviewee 5 believed that it was actually impossible to achieve everything. Interviewee 6 recognised that she should imitate the same manner, except for shouting.

Excerpt 94

I would not soften anything down. I would interpret as faithfully for any strong word, or sharp tone, or directness, but there was no need to copy shouting because people could hear it themselves. (Interviewee 6, Telephone)

Interviewee 6 explained that unlike strong words or an aggressive tone, shouting could be heard by all parties present.

Interestingly, feeling uncomfortable towards the aggressiveness was reported. One questionnaire respondent thought raising the voice is bullying behaviour. Also, copying this element of speech is acting rather than interpreting:

I do not raise my voice as the questioner may do as I am not an actor and it is not my duty to bully the witness. (Open comment, Questionnaire)

Interviewee 7 shared a similar feeling.

Excerpt 95

No, I don't find it difficult to maintain the tone. Sometimes I may have an opinion, or may think that the same thing could be said in a decent manner. But it's my personal opinion. I keep it with me. (Interviewee 7, Telephone)

It can therefore be drawn from examination of the results that most participants appeared to agree that the legal interpreter should try to deliver the same tone and stress of the original message. Differences in understandings mainly concerned whether they perceived themselves to be actively performing a speech act. An active performer would try to copy everything. Not doing so seemed to suggest that the interpreter considered others to be performing the actual social action, with them only playing a minimal part.

6.2.4 Hesitation

Hesitation, normally demonstrated through hedges and pauses, is an important indication of the speaker's trustworthiness. Most questionnaire respondents reported that they would reflect speakers' hesitation in their interpretation, but the interviewees held mixed opinions. As seen in Figure 11, 90 and 118 respondents would copy "(C) Hesitation markers (e.g. "uh", "um", "ah", etc.)" and "(D) Hedges (e.g. "probably", "well", "you see", "sort of", "a little", "kind of", etc.). In responding to

Question 4, only 23 respondents “have improved the logic and consistency of non-English speakers’ answers” (Figure 16). Responses to the questionnaire were in contradiction with scholars’ claims that interpreters tend to alter the level of hesitation and deliver a summarised and extracted version (Berk-Seligson, 1987; Jacobsen, 2008; Krouglov, 1999; Linell, Wadensjö, & Jönsson, 1992; Mason, 2008). As discussed earlier, the data of the present study are self-reported perceptions, so it is likely to show different findings. Questionnaire responses can demonstrate interpreters’ awareness of the need to copy the hesitated manner of speech. However, whether they have delivered it in their practice needs further investigation.

During the interview, interviewees firstly recognised the importance of interpreting hesitation markers because they carried the pragmatic value of showing the speaker’s hesitation, as can be seen in Excerpt 96.

Excerpt 96

These words represent the speaker’s hesitation... Then for example, “I think,” “er,” “you see,” “well,” adverbs, these little words, I will interpret. (Interviewee 5, Telephone)

Interviewee 6 agreed to the above view and gave several instances.

Excerpt 97

Yes, as much as I can. If somebody is saying “mm – hmm, mm – hmm” instead of a “yes”, it shows somebody is thinking, and they couldn’t make their mind up on something... Somebody says “oh no, oh yes, oh no no, oh no maybe one moment, oh no, Monday,” I would interpret all of that, because it shows somebody is thinking, and they couldn’t make their mind up on something, and that’s important. Or it could be both... So, if somebody goes on and talks, and then says alike “hold on,” I’ll do all that to show what the person, the way the person’s way of thinking and getting to how he gets to that point or not to, I’ll definitely do all of that. (Interviewee 6, telephone)

Interviewee 6 explained through these examples that hesitation markers could reveal the thinking process or uncertainty of the speaker. Therefore, she believed it is necessary to interpret this element of speech. Interviewee 2 pointed out that hesitation has an impact on the judge and jury’s attitude towards the defendant/witness.

Excerpt 98

Yes, interpreters should do their best to render all linguistic content faithfully and completely. For example, when the non-English speaker answers a question with hesitation, it indicates he/she is not quite confident with the answer or at least not so sure of it, so the interpreter should also transfer the hesitation in order to let the court be more aware of the level of confidence of the non-English speaker. (Interviewee 2, Telephone)

The above excerpt shows that Interviewee 2 believed hesitation indicates the speaker's level of confidence and the court needs to be made aware. The intact transfer of hesitation is vital for the judgment of the speaker's credibility (Berk-Seligson, 2002; Hale, 2002; Schiffrin, 1993).

From a slightly different perspective, some participants thought it is not necessary to copy all hesitation markers. Interviewee 8 reported he would try to reflect hesitation as a speech feature rather than copying all hesitation markers.

Excerpt 99

In my opinion no on what you call discourse makers but perhaps yes on the issue of what you call as pragmatic elements. (Interviewee 8, telephone)

One questionnaire respondent found it not possible to reflect the original level of hesitation because of its ambiguous nature or time issues.

Hesitations can sometimes be included but often are not due to clarity and time. (Open comment, Questionnaire)

Similarly, Interviewee 1 would only copy some hesitation markers.

Excerpt 100

“Well,” “you know,” “how can I say.” I probably, most of the time, I repeat, not always. Sometimes there are too many or said too early, you may forget. (Interviewee 1, Face-to-face)

Interviewee 1 explained that he might forget some hesitation markers because they appear at the beginning of speech and are beyond his memory capacity. This confirms Mason's (2008) reflection that the likely reasons for the interpreters' mistreatment of hesitations may be their failure to remember those grammatically

less important linguistic elements. Interestingly, when asked he would copy pauses in the non-English speaker's speech, Interviewee 1 would also take the advantage of a pause to translate,

Excerpt 101

No, depends on the pauses. I will relay the message with similar intonation, similar stress levels. A pause, I probably take the advantage of the pause to translate during that pause. (Interviewee 1, Face-to-face)

Interviewee 1's report could support Hale's (2004) finding that most hesitations are the interpreters' rather than the witnesses'. This could possibly suggest that sometimes interpreters were not allowed sufficient time to interpret and some interpreters are too intimidated to request more time. Researchers have noted that the interpreters' omission of hesitation markers is an inevitable result of the high requirements and pressure of the courtroom (Hale and Gibbons, 1999).

Interviewee 2 reported a strategy in that she would wait for the speaker to produce a meaningful message and then interpret,

Excerpt 102

If they pause frequently to think about their answers, I would only interpret after they finish the whole chunk of the meaning. (Interviewee 2, telephone)

Interviewee 4 was the only participant who clearly held a different view. As discussed in Excerpt 58, she would not interpret hesitation markers because she thought they were irrelevant. Hale (1999) points that due to their seemingly unimportant nature, hesitations tend to be treated as not relevant and filtered by the interpreters.

Results suggested that a majority of interpreters in this study were aware of the pragmatic value and perceived reflecting hesitation as part of a faithful interpretation. However, some interpreters did not fully understand its importance and overlooked this feature of speech in their interpretation.

6.2.5 Repetitions

Interpreters in the present study seemed to have limited understanding of the

pragmatic function of repetitions. Nevertheless, a prevailing awareness of maintaining this element could be observed. In total, 116 of 155 respondents believed that legal interpreters should interpret “(E) Repetitions of words and phrases” (Figure 11). Furthermore, only 9 and 16 respondents had filtered/deleted overlapping or unrelated information to make a fast interpretation when interpreting for legal practitioners and non-English speakers, respectively (Figure 13 and Figure 16). Responses to these three questions were in slight contradiction because 9 and 16 were much fewer than the number that did not select option E of question 1. Overlapping or unrelated information may not commonly appear in legal professionals’ speech for similar reasons as those for grammatical errors. As a result, very few respondents selected this option in responding to Question 3. The respondents only made limited comments in the open section regarding repetitions but showed opposite views. One interpreter thought repetition reflects the speaker’s credibility, so it needs to be retained in the interpretation:

Repetition should be copied because it indicates the witness is not telling the truth.
(Open comment, Questionnaire)

In contrast, another considered deleting repetitions an acceptable practice:

The kind of alterations I have made is confined to avoiding too much repetition.
(Open comment, Questionnaire)

Similarly, one respondent thought it indicated hesitation, but it was unnecessary for the interpreters to copy it due to time constraints:

They also need to use their judgment - repetition may be slowing down the process unnecessarily. There may be other more time efficient ways of communicating hesitation etc. (Open comment, Questionnaire)

This comment did not explain in detail what “other more time efficient ways” may be. Nevertheless, it may show a failure to consider that not copying repetitions in the same manner might fail to reflect the same level of hesitation. Despite the above variation of views in the open comment section, the data indicates a general questionnaire respondents’ perception that repetition should be copied to achieve

faithful interpretation.

6.2.6 Ambiguity

Data collected for this study revealed the practitioners' general awareness that interpreters should preserve the ambiguity of the original message. Different approaches for dealing with ambiguous features of speech and reasons for making changes in these situations can be observed. In all, 114 interpreters, around two-third of the total questionnaire respondents, reported that they would normally reproduce "(G) Ambiguity in the meaning" (Figure 11). In addition, 23 respondents selected "(E) I have improved the logic and consistency of the non-English speakers' answers" in question 4 (Figure 16). In responding to Question 5, "(E) I feel that the message is too ambiguous to interpret" was the reason of altering messages for 18 interpreters (Figure 17). Again, the practitioners' self-reports were in contradiction to the findings of Jacobsen (2008) and Lee (2009b) that interpreters have a tendency to clarify ambiguous messages and add information to broken utterances. The responses can only reflect the overall perceptions, but it cannot be guaranteed that all practice has been delivered in this manner.

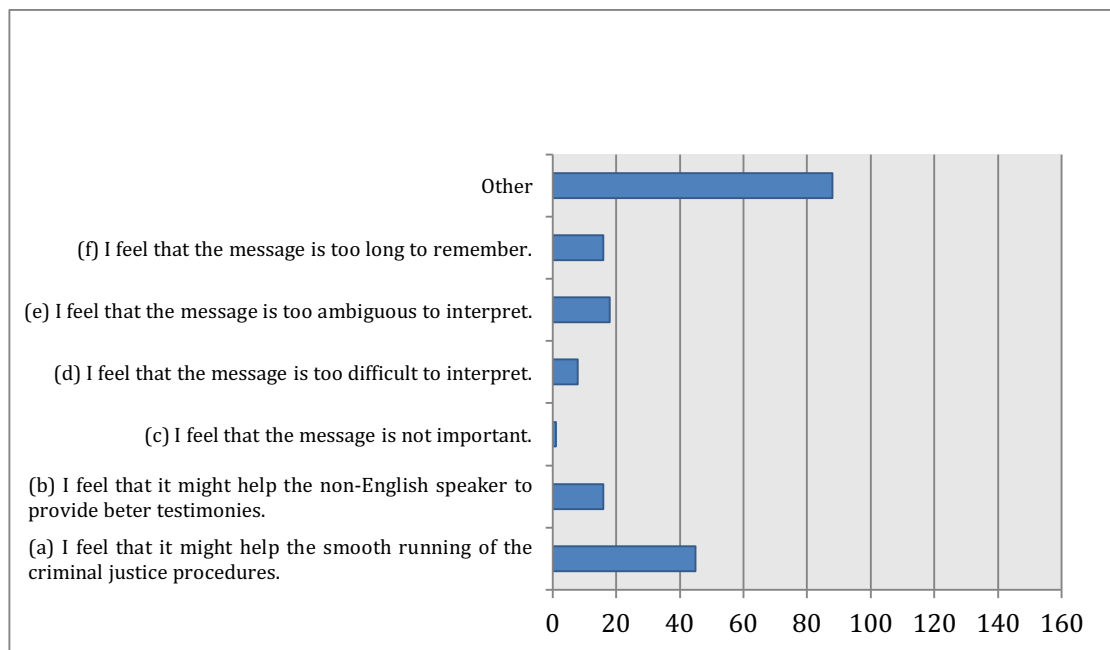


Figure 17. Reasons for interpreters' alterations

6.2.6.1 Ambiguity in the non-English speaker's answers

Ambiguity is a very important feature of the non-English speaker's answers, despite the fact that speaking in a clear and precise manner is a general expectation for participants attending legal proceedings (Lee, 2009b). Many interpreters shared their experiences of non-English speakers speaking in an ambiguous manner and how this increased the level of difficulty for their work, as evident in Excerpt 103.

Excerpt 103

That sometimes, I think you switch off emotionally. Sometimes you want to shake the defendant "just answer the question..." But obviously, you don't want to do that. Yeah, defendant with poor communication skills is a problem. I think it's going to be a problem. That's not exclusive. It's going to be a problem in English. It's going to be a problem when you take someone of a certain level of education, a certain lack of emotional and interpersonal intelligence, they are, I don't think that's exclusive to interpreting to this job. (Interviewee 1, Face-to-face)

Interviewee 1 identified the difficulty of interpreting for non-English speakers with communication issues or those with a lack of education. He described his impulse to step in and push for an answer. However, he was clearly aware that as an interpreter, he should remain professionally detached and should not interfere.

6.2.6.2 Reflecting ambiguity

Four interviewees supported the principle of maintaining the original ambiguous manner to interpret faithfully. As illustrated in Excerpts 104 and 105, Interviewees 10 and 1 copied the ambiguous manner.

Excerpt 104

I interpret with the same style, but I might explain to the court if questioned in case of misunderstanding. Only a conference interpreter is allowed to improve the speaker's delivery. (Interviewee 10, Telephone)

Excerpt 105

It's problem that certain defendants just don't answer. So I had one case. Police asked him a question, his answer was that "er er er." It was all body language...so pretty much like his answer was like "well, yes and no, and yes and no." So I turned around to the policeman, "yes, no, yes, no" ... The policeman looked at me. I had to

shrug and say, “That’s pretty much what he said.” He said nothing. He just sort of smiled. (Interviewee 1, face-to-face)

Firstly, Interviewee 10 elaborated that unlike conference interpreters, legal interpreters should not improve the original message. However, both Interviewees 10 and 1 pointed out this might cause misunderstanding. As shown in Excerpt 105, the suspect gave ambiguous and broken responses, which did not answer the question. Interviewee 1 interpreted in the same manner and the police officer gave him a confused look. Both Interviewees reported that they might provide clarification when questioned.

In slight contrast, Interviewee 7 would not offer her own explanation but wait for the legal practitioners to react to the situation.

Excerpt 106

...but that is what he said doesn’t make sense. So, it doesn’t matter. I don’t make sense... Actually, quite recently, one of the interviews was like that. The person said he was chased by aliens. He was telling how they chased him down the M1 and when he was at the motorway. He kept running and had his flight ...And they got a psychiatrist’s assessment afterwards. (Interviewee 7, Telephone)

Excerpt 106 shows that what the suspect said did not make sense. Interviewee 7 made a faithful reflection of the original message, the police officer could grasp the speaker’s true characteristics and make appropriate reactions to call a psychiatrist. Among interpreters who would improve the non-English speakers’ original speech, to a more coherent or a more complete version, Interviewee 9 pointed out the possibility of unintentional alterations.

Excerpt 107

Not consciously, no I wouldn’t. I even note down the emotion of the speaker when I take notes. But this is all very subjective. Inevitably I filter everything through my own perception. (Interviewee 9, Telephone)

This discussion importantly acknowledged the unavoidable influence interpreters bring to the communication process, despite their awareness of the issue and their great effort to achieve the best interpreting quality.

Reflection of the possible reasons to make improvement of the ambiguous

message from interpreters in the current research did not support that from the scholars. According to Lee (2009b), the interpreter may make the improvement because they do not want the ambiguity to lead to an under-evaluation of the interpreter's professional ability. Jacobson (2008) discussed the interpreter's concern that the original ambiguous or uncompleted utterances be perceived as ambiguous interpretation, which then will result in a negative evaluation of their professional competence. Only Interviewee 1 discussed his concern that he might be perceived as an incompetent interpreter by the legal staff, he still retained the original ambiguity.

Excerpt 108

So you are a bit conscious, the policeman thinks you are not translating properly, but when the defendant was just absolutely saying nothing, just talking rubbish. (Interviewee1, face-to-face)

In contrast, both Interviewees 5 and 7 did not worry that unclear, incoherent or ungrammatical interpretation will be viewed as an interpreting error by the judges or solicitors.

Excerpt 109

But most of the time, you still get a chance to talk to the officer beforehand, like "oh did you travel far?" or "did you find the station ok?" They check your understanding of English. Although they can't inspect you on your other language, but you know what I mean, they can sense if you understand them. They know I could understand them, and it's not you. (Interviewee 7, Telephone)

They thought legal practitioners could clearly tell it was the non-English speaker speaking in such a manner. In Interviewee 7's experience, legal practitioners normally could establish the interpreter's level of English before the interpreting starts. Therefore, it can be established from the above discussion that although some reported concerns of being viewed as not interpreting properly, these interpreters perceived reflecting the speaker's ambiguous manner as necessary in achieving faithful and accurate interpretation.

6.2.6.3 Intervention for clarification or repetition

Instead of interpreting in the same ambiguous style, some interpreters would seek

clarification or repetition. For example,

If there is ambiguity, I ask for clarification or explain to the speaker of the other language that there is an ambiguity. (Open comment, Questionnaire)

I have asked the speakers to complete their sentences. (Open comment, Questionnaire)

Four interviewees discussed similar approaches in the interviews. As shown in Excerpt 77, Interviewee 7 clearly pointed out that the interpreter should never guess the meaning and should ask for clarification. This confirms Lee's (2009b) understanding that interpreting unclear utterances needs frequent confirmation and clarification. More examples can be seen from the following three excerpts.

Excerpt 110

I will tell the court "The interpreter did not understand the meaning for this sentence, and would like to ask the witness to repeat it." (Interviewee 2, Telephone)

Excerpt 111

I always ask the judge to instruct the lawyer to avoid using ambiguous language. (Interviewee 8, Telephone)

Excerpt 112

I might intervene to ask for clarification and then the intention of the speaker becomes more obvious. (Interviewee 9, Telephone)

These three Interviewees reported slightly different methods. Interviewee 9 would directly require explanations from the speakers. Both Interviewees 2 and would inform legal practitioner in charge of the proceeding about the ambiguity. However, the former would require repetition and the latter would ask other parties to stop making ambiguous utterances.

Among interviewees who reflected on the ambiguity issue, Interviewee 5 was the only one who pointed out that the interpreter's interruption might change the way the speaker answers the question.

Excerpt 113

Also when you are interpreting, you need to interrupt them. In this way, you can also interrupt their thoughts. Then they won't talk so fast and talk that nonsense. (Interviewee 5, Telephone)

The interruption may be viewed as some kind of vague hint from the interpreter to remind the non-English speakers to slow down or make more sense when they are answering questions. This view confirmed Berk-Seligson's (2002) analysis that the interpreter's interruption provides the witness with extra opportunities to make more narrative speeches, which leads to a more favourable impression from jurors.

6.2.6.4 Not reflecting ambiguity

Rather than keeping the ambiguous nature of the original message, some interpreters would make alterations such as improvements or summaries. Some responding interpreters may offer explanations or repetitions. For example,

Add clarifications and explanations (Open comment, Questionnaire)

Repeat what has been said for clarity (Open comment, Questionnaire)

Alternatively, one respondent reported improving unclear utterances to a more understandable version.

I have made short utterances into legible sentences. (Open comment, Questionnaire)

Another respondent reported the method of adding his/her own clarification to make speech more accurate and clear.

I sometimes precise when speech is rambling or paraphrase to clarify a legal term. (Open comment, Questionnaire)

Interviewee 1 reported that he might guess the missing content of the speech and make minor improvements.

Excerpt 114

...maybe even improving it a little bit then, reading between the lines. (Interviewee 1, Face-to-face)

Interestingly, interpreters' guessing behaviour was strongly criticised by Interviewee 7, which can be seen from two earlier excerpts, Excerpt 37 and Excerpt 77. Berk-Seligson (1987) points out that adding what is not clearly mentioned in the speech is an improvement and may increase the level of definiteness of the evidence. It is the interpreter's guessing rather than the speaker's intention. Lee (2009b) argues that interpreters are using their individualised assumption to make such an addition. As a result, failure to disclose the inexplicit information violates the interpreter's professional ethical rules and, eventually, hinders a fair trial (Lee, 2009b).

Finally, some respondents shared the view that ambiguity is not always possible to copy due to various difficulties including time limit and non-interpretability.

Ambiguity may not be possible to directly interpret, particularly with time constraints. (Open comment, Questionnaire)

Ambiguity of the meaning may be hard to interpret/ sometimes I have to explain it on top of interpreting. (Open comment, Questionnaire)

Interviewee 5 also discussed the difficulty of interpreting ambiguity.

Excerpt 115

I think generally I'll try to keep the speaker's way of speaking. I will try to copy however the way he speaks as much as possible, but I'm not always able to do that. I'm not going to improve. But when a person says a lot of nonsense, I'll say, "He said a lot, I think it's difficult to interpret every word he said, but I think this is what he meant." (Interviewee 5, Telephone)

It can be seen from Excerpt 115 that Interviewee 5 would try to copy the ambiguity. However, she summarises the speech when the original utterance is not interpretable.

It can be drawn from the data that the majority of participants in this study shared the perception that legal interpreters should render the interpretation with the original ambiguous manner to achieve faithfulness. However, they reported different ways of dealing with messages with a lack of logic and consistency. Some

would preserve the same style and leave it to the legal practitioners or the non-English speakers to raise their question whereas some others might intervene and ask for clarification or repetition.

6.2.7 Grammatical errors

Dealing with errors is another challenging area in legal interpreting. Interpreters in this study appeared less certain about this element. Unlike showing general agreement to most linguistic and grammatical elements of speech, 53 interpreters would reproduce “(H) Grammatical errors” in the target language rendition (Figure 11). However, regarding “(B) I have replaced all errors with corrections to avoid misunderstanding” in Question 3 and Question 4 later in Section 5, 8 and 6 respondents would do the same when interpreting for legal practitioners and when interpreting for the non-English speakers, respectively (Figure 13 and Figure 16). This was an interesting discrepancy. If only very small numbers of interpreters correct errors, instead of 53 respondents, almost all of them should have reported to reproduce “(H) Grammatical errors” in Question 1. Interpreters’ open comments and interview discussions mainly focused on errors in non-English speakers’ answers.

Very different opinions could be found from the data, on one side, most participants thought errors should be faithfully maintained when interpreting in the legal context. For example,

I do not alter errors unless linguistic and even then not if they are errors in tense as this could be vital. (Open comment, Questionnaire)

This respondent pointed out that errors should be kept because they might serve an important function. On the contrary, some interpreters reported correcting errors. For example,

I think any minor alterations only for the sake of clarity when witness’s grammar insufficient. (Open comment, Questionnaire)

I replace grammatical errors with the real meaning and correct words. (Open comment, Questionnaire)

It can be observed from the above comments that these two interpreters perceived improving the speaker's grammatical errors as minor alterations to the original message. They believed that this type of alteration would contribute to making the meaning clearer. In addition, one respondent suggested asking the non-English speaker the correctness of the interpreter's guess:

To replace errors - first clarify with a non-English speaker if your guess of his strange expression is right. (Open comment, Questionnaire)

Interviewee 5 also showed reluctance in retaining the original grammatical errors in Excerpt 116:

Excerpt 116

Because sometimes when you interpret those, people do not think it's the speaker's grammar, he considers it as the interpreter's grammar. (Interviewee 5, Telephone)

Interpreters' performances are very often only judged by English-speaking legal professionals with little knowledge of interpreting or different languages and cultures. Therefore, Interviewee 5 raised the concern that grammatical errors in the interpretation may be misunderstood as an error by the interpreter, which then will result in a negative evaluation of their professional competence.

Furthermore, many interpreters pointed out the important issue of non-interpretability:

Ideally, you should replicate everything but grammatical errors are not so easy to replicate in a different language. (Open comment, Questionnaire)

Interviewee 1 and Interviewee 5 also discussed the same problem. These two interview participants both found grammatical errors were not translatable due to different grammar systems in the two languages. According to interviewee 1, some grammar rules in Portuguese do not exist in English:

Excerpt 117

You can't translate grammatical errors because Portuguese has masculine, feminine, agreements, etc. you don't translate. So, I will correct. (Interviewee 1,

Face-to-face)

Correcting grammatical errors may fall into the same category of making improvements. However, it is very difficult for interpreters to reflect a grammatical error that does not exist in the target language. Interviewee 5 also believed that grammatical errors could not be interpreted. In her opinion, the grammar in Mandarin is not as strict as in English, which is in line with the discussion by Lee (2009b) that Asian languages do not normally provide a clear subject in such a necessary manner as English.

Excerpt 118

Most of the time grammar in English was neat but Chinese is not so particular about it. (Interviewee 5, Telephone)

The data revealed that most interpreters are aware of the need to reflect grammatical errors. The differences in their opinions mainly concerned the issue of non-translatability. Several interpreters explicitly admitted the failure of copying this element, but they clearly identified that it was due to the differences between languages. Therefore, it seems that each practitioner has worked out a way that is best for him or her in the absence of a clear guideline on how to deal with this speech feature.

6.2.8 Nonverbal hints

Body language or gestures were other elements that respondents did not agree on. Sixty-four respondents reported that they would reproduce “(I) Nonverbal hints (e.g. Body language or gestures)” in responding to question 1 (Figure 11). However, 139 respondents showed agreement to the statement “It is the legal interpreter’s duty to only interpret what the speaker says” in responding to Question 2 (Figure 12). Besides, 62 respondents would explain the meaning of a gesture (Figure 4). Some interpreters considered gestures a part of the way the message is delivered, as pointed by Hale (2002). For example,

Gestures are non-verbal communication and, therefore, can change the meaning of

what is (or is not) said. (Open comment, Questionnaire)

One respondent argued that gestures are a vital element and interpreters should copy it because they are essential in achieving complete comprehension of the message (Taylor-Bouladon, 2007):

Gestures can often be very important and I will reproduce them at the same time in the utterance the client did. (Open comment, Questionnaire)

De Jongh (1991) and González et al. (1991) discuss it as common for English-speaking legal professionals to misunderstand foreign nationals' gestures and body language. In the case of a misunderstanding caused by this kind of cultural difference, one interpreter reported the approach of asking the speaker to explain the meaning of a gesture rather than offering his/her own explanation:

If they ask you explain something I first ask a non-English speaker to clarify what he means by his gesture etc. then interpret his words. (Open comment, Questionnaire)

Others showed an opposite view. They considered imitating them as unnecessary because other participants could see gestures:

Ideally, you should replicate everything...and nonverbal hints can mostly be seen. (Open comment, Questionnaire)

As discussed in Excerpt 56 earlier, Interviewee 1 reported that he did not know the professional guidance on how to deal with body language, but he believed there was no need to copy it. This interpreter raised an important issue of interpreters not feeling comfortable in imitating harsh gestures.

The different opinions that can be linked to this appeared in Section 6.2.3 "Volume and strength." Again, it depends on whether they consider themselves to be performing a speech act. This can be considered according to what González et al. (1991) suggest in that interpreters need to reach a balance between over-interpretation and under-interpretation.

6.2.9 Cultural elements

Interpreters in the present study demonstrated a tendency of perceiving the transfer of cultural elements as part of an accurate and faithful interpretation. They also considered providing explanations part of their duties. Questions 2 and 3 in Section 6 of the questionnaire asked respondents about their understanding of the cultural elements that should be interpreted and their approaches to deal with cultural misunderstandings. As shown in Figure 18 and Figure 19, a very high number of respondents found the importance of conveying “culture-related terms and expressions,” “cultural customs and behaviours (such as manners and politeness),” “cultural concepts (such as different attitudes towards the self, the body, relationships, and law)” and “significance of gesture” in interpreting. Also, a significant number of respondents would provide clarification for cultural misunderstandings, either voluntarily or when asked.

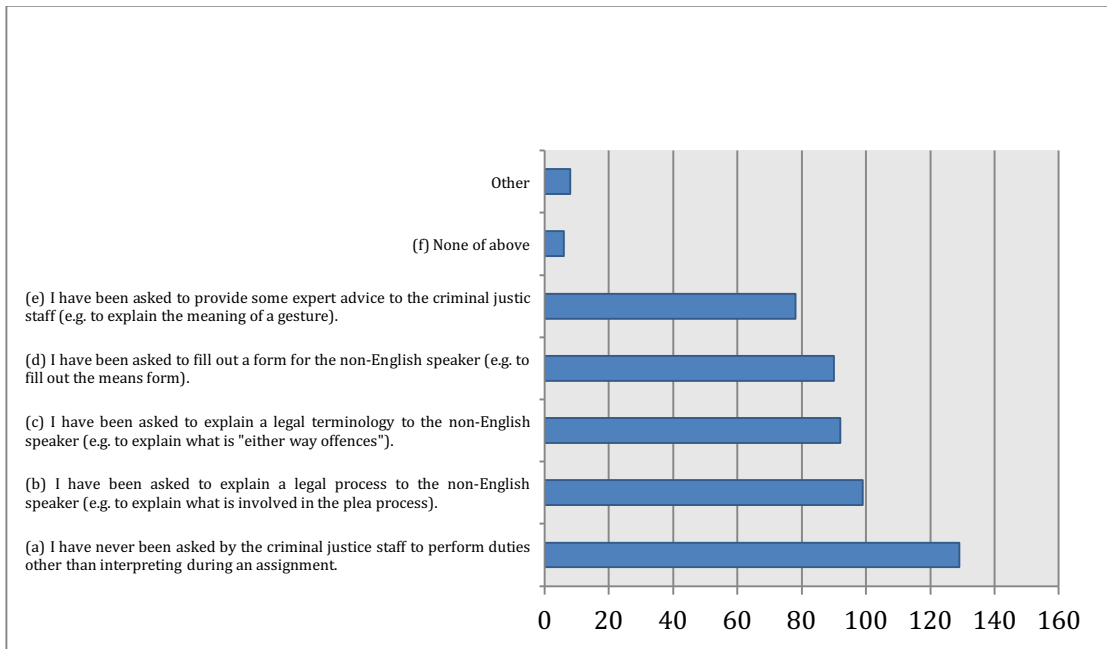


Figure 18. Cultural differences the interpreters should convey in the target language

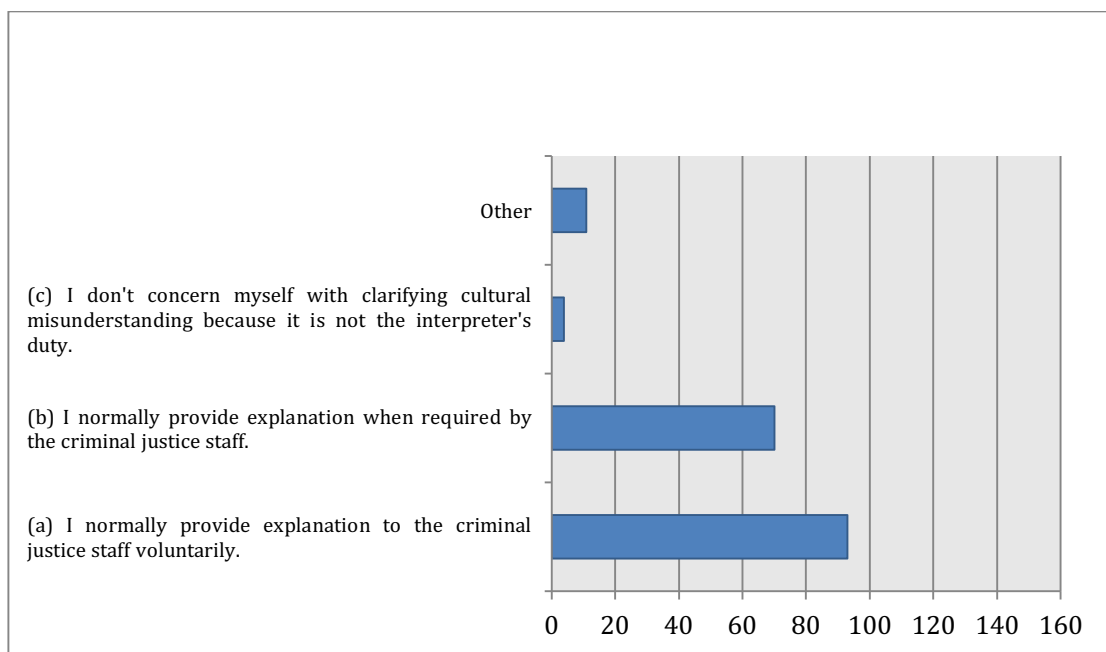


Figure 19. Dealing with cultural misunderstanding

6.2.9.1 Cultural differences

Interpreters in the current study made extensive contributions to cultural issues in legal interpreting. Interviewee 8 discussed the complexity of cultural issues in legal interpreting that it could involve many categories and could be demonstrated in various ways.

Excerpt 119

These cultural issues can be divided into psychological, sociological and the expressive (how people express themselves) and dyadic... These can include body language, native and non-native expressions, etiquette, eye contact, mannerisms and so forth. (Interviewee 8, Telephone)

Firstly, difficulties in legal interpreting are often caused by cultural differences, reflected by Interviewees 3 and 10 in Excerpts 120 and 121.

Excerpt 120

In some cultures, young females might find it difficult to look directly into an adult not related to them. (Interviewee 3, Telephone)

Excerpt 121

Yes, I usually ask for the judge's permission to explain. In Ramadan, there are different times for meals, which affects the person's habits and whether he/she at home at certain times or sharing the meals with friends or relatives. The culture and the habits of people in the host country would be different. (Interviewee 10, Telephone)

Interviewee 3 gave one example of how differences in cultural behaviour might cause misunderstanding, as well as difficulty in interpreting. Interviewee 10 agreed with the influence of different cultural habits and used the example of Ramadan to demonstrate why special time arrangements are needed accordingly.

The second main difference interpreters have to deal with is culture related expressions. Interviewee 10 reflected that some culturally specific terms or situations could be the cause of a misunderstanding.

Excerpt 122

Sometimes, there is misunderstanding from the court of a cultural term or a situation. (Interviewee 10, Telephone)

Several interpreters discussed the same issue meaning the interpreter has to search for an alternative, such as a paraphrase or explanation. Interviewee 1 reported this approach because literal interpretations are sometimes meaningless for certain cultural specific phrases:

Excerpt 123

Some cultural expressions cannot be translated literally, which might make no sense, so might even be contradictory in English. And the interpreters may need to sort of make up the equivalent saying. (Interviewee 1, Face-to-face)

Then, Interviewee 2 reflected on such challenge through explaining her approach of interpreting a Christian concept "Good Friday" of using the official translation or explain the inherent meaning.

Excerpt 124

Some phrases and sentences are cultural specific, so sometimes it is really difficult to get the meaning across. For example, "Good Friday" is a concept of Christianity which is about Christians commemorating the crucifixion of Jesus Christ and his death at Calvary. When interpreting phrases like this, interpreters need to know the

exact meaning behind it in order to render the meaning accurately. For cultural specific phrases like these, I use the official Chinese translation for these phrases, if there isn't anyone already there, I will explain the meaning behind or let English speakers to explain in details to me before I interpret it to non-English speakers. (Interviewee 2, Telephone)

In addition to religious concepts, cultural related expressions could appear as idiom, as in Interviewee 7's example:

Excerpt 125

And or when it comes to cultural things, you also get some idiomatic expressions. We have "pulling flag out of the budget," that'll be our expression. But sometimes, in some idiomatic expression, you won't probably even know. There is no equivalent. Other than stopping and thinking for five minutes, then you probably should explain what it meant. (Interviewee 7, Telephone)

Similar to Interviewees 2 and 7, Interviewee 9 would suggest her own explanation or ask the speaker to explain when there is no instant equivalent version in the target language:

Excerpt 126

If there isn't anyone already there, I will explain the meaning behind or let English speakers to explain in details to me before I interpret it to non-English speakers. (Interviewee 9, Telephone)

The strategy of these interpreters corresponds to Berk-Seligson's (2002) argument that interpreters need to explain a culture-bound matter because otherwise the target language rendition will be meaningless.

Furthermore, interpreters may have to make a quick decision when one word has more than one meaning in the target language. Many interpreters related the discussion to their own language pair. Interviewee 1 reflected that this could be cultural sensitivity in legal conversation and could potentially cause major problems and that the interpreters need to be careful. The word "girl" means "girl" in Portugal Portuguese, but means "prostitute" in Brazilian Portuguese. This interpreter encountered the following during interpreting:

Excerpt 127

So the African lady said, “let the girl go.” I had to think very quickly, realise, she is African, she means “girl,” cause if she’d said, “let the whore go.” That was in a police interview, but it’s just quick thinking. It’s your capacity as an interpreter. But had I got that wrong, that would be a major error, if I didn’t have that familiarity. (Interviewee 1, Face-to-face)

Nevertheless, Interviewee 1 did not feel this type of linguistic habit in different cultures would cause any trouble in interpreting.

Excerpt 128

Yeah, it could be. It could potentially be (a big issue). But I think most people would know. If he is a Portugal Portuguese interpreter, he’ll interpret “girl”... Most people, given the context of, because you know the context, you’ve been there for an hour in an interview. It should be pretty basic knowledge, that difference. (Interviewee 1, Face-to-face)

In his opinion, most qualified interpreters have the linguistic ability to know such basic knowledge. They should also know the difference after spending a certain length of time in an interview and knowing the context of the case. In slight contrast, Interviewee 5 perceived that certain cultural issues could cause difficulties in interpreting, as seen in Excerpt 129.

Excerpt 129

Another problem is related to the cultural aspects. For example the titles, some of the titles, for example in Chinese he and she is the same. It’s really annoying for the interpreter that for the same word, is it a he or she? Very vague, very vague. For example, relatives and kinship, we are very clear in Chinese. Grandma, Grandpa, aunt, uncle, cousin, we make clear distinctions among them, but they only use one word for all. So I took an approach. “Grandpa” I interpret into “paternal grandpa,” or into “paternal grandma,” or into “maternal.” I try my very best, anyway. “Sister” I interpret into “second younger sister.” In this way, I make it clearer. But when someone asks, “your cousin gave you 2000 pounds,” how do you interpret, which cousin? I think you can record this as a difficult problem in interpreting. (Interviewee 5, Telephone)

Interviewee 5 found differences of address terms between Mandarin and English could make interpreting more difficult. She would need additional efforts to deal with this type of situation through distinguishing these address terms clearly in her interpretation.

Thirdly, difficulties may be caused by differences in the legal systems, as

reflected in the following comments.

I try to avoid any alterations beyond explaining terms which do not exist in my language. (Open comment, Questionnaire)

I sometimes say that I may need to explain to the defendant/witness/etc. what a word means because there is no direct equivalent in the Polish law. e.g. Explanation of 'either way offences' comes as part of the interpreting process because there is no good equivalence for that phrase in Polish, so the phrase needs to be interpreted in a descriptive way. (Open comment, Questionnaire)

These two respondents found the interpretation can only be delivered through explanation when the term does not have equivalence in the target language. This is in particular the case when a legal term does not exist in the legal system of the target language country. Interviewee 2 also reported that she would deal with the issue in the same way.

Excerpt 130

It's very important to transfer cultural differences. However, sometimes, literal translation sometimes does not make sense. For example the meaning of 'probation officer' does not exist in Chinese legal system, and it is the responsibility of the interpreters to explain the meaning to Chinese speakers so they can be fully aware of what is going on and how the procedures work under the UK legal system. (Interviewee 2, Telephone)

Similar to "either way offences" reflected by the questionnaire respondent above, Interviewee 2 used the example of "probation officer" to illustrate that it was not always possible to interpret certain legal terms literally, which made explanation necessary. Interviewee 5 noticed the same issue.

Excerpt 131

Because we don't say it that way in our Chinese, it cannot be understood if you interpret it that way. I think this is inevitable. Because it is a linguistic difference, you waste this question. If you interpret that way. Sometimes when you interpret a sentence, the defendant won't understand that legal term, such as "bound over." How would you interpret it? "Bound by the court," right? But he wouldn't understand it when you interpret "bound by the court," right? "Jurisdiction of the court," in fact, it's the United Kingdom, you have to explain. Otherwise he won't understand. (Interviewee 5, Telephone)

Interviewee 5 found the defendant might not understand the interpretation of many legal terminologies without further explanation due to the two different legal systems and gave an example that the term “bound over” should be translated into “bound by the court” and “jurisdiction of the court” should be “the United Kingdom.” Crooker (1996), De Jongh (1991), Mikkelson (1995) and Obenaus (1995) argue that it may be challenging for legal interpreters to interpret some legal terminologies because they are given different definitions and categories in different legal systems which suggests explanation is necessary. To interpret legal terminologies with no equivalent in the target language, Crooker (1996) suggests that interpreters should comprehend the original concept and explain the underlying meaning in the target language.

Interviewee 1 discussed that explanations were necessary when the same term has different meanings in two legal systems.

Excerpt 132

Like in Portuguese, the word for “bail” is “fiança,” which translates as “finance,” which is translated to monetary. So they always say “how much.” So, I said “no, no, it’s bail.” So, it’s translated to like it has a monetary implication linguistically. But this doesn’t cause any problem. It’s just things that need clarifying. (Interview 1, face-to-face)

He provided an example of “bail”. A direct translation is an obvious misinterpretation because it would be misunderstood as a bail asking for a financial guarantee. As a result, it failed to deliver the same meaning and intention of the original message. Interviewee 7 also provided another example to illustrate how misunderstanding could be caused by different meanings of the same terminology in two legal systems.

Excerpt 133

For instance, once I had an example where there was a trial to go ahead, and has been several times. They had different interpreters, and misunderstanding was that the charge was “be in charge of motor vehicle while under the influence of drugs or alcohol.” How that person understood that he has been driving the vehicle. And I know that this comes from the difficulty to understand for our Lithuanian people because they don’t have a charge of “being in charge of a motor vehicle.” It doesn’t exist. Because if you are in a car, you can do whatever you want once you are inside it, as long as you are not on the road, not driving it. So the person didn’t

really understand the meaning, and it seemed these interpreters didn't explain clearly what it meant. So he kept saying "no, I'm not guilty, I'm not guilty, I'm not guilty." However, when I had the consultation with him with the solicitor and he said "I'm not guilty because I wasn't driving it." Then I thought "hold on." From my experience, I know that's always an issue, people do not understand the difference. So obviously I turned around to the legal adviser. I sat with this person, then the solicitor. He realised that "who says you've been driving?" Do you know what I mean? At that point, after so many, such a lot confusion, since the beginning, I explained to the person the difference. (Interviewee 7, Telephone)

In the above example, the charge of being in charge of motor vehicle while under the influence of drugs or alcohol does not exist in Lithuanian legal systems. As a consequence, Lithuanian people tend to misunderstand this legal concept and plead not guilty to this charge. Interviewee 7 explained that previous interpreters failed to alert this issue to the legal adviser. Therefore, she had to step in and clarify it to the legal representative. Until that point, the solicitor realised that "being in charge of the motor vehicle" means the person is driving it for Lithuanian people. Then, she carried on explaining:

Excerpt 134

So, this is a misunderstanding because of misinterpretation and also that sort of a way to maybe, not knowing the exact difference between legal systems...because you can't just say word-for-word. Quite often, they just interpret it as "driving the motor vehicle." Do you know what I mean? Which is wrong. It was obviously wrong...Yes, that's what I was saying, a lack of knowledge, but obviously, the things could have gone wrong for the person because he would have been found guilty. Of course, he would have, because he apparently was caught by the police. Officers found him inside the car, so he would have been found guilty, and probably, the sentence would be much harsher. He lost his credit for not pleading guilty. (Interviewee 7, Telephone)

Interviewee 7 pointed out that previous interpreters did not know this difference. Additionally, because this concept cannot be interpreted literally, they tend to interpret it as "driving the vehicle", which was in fact a misinterpretation. Interviewee 7 reflected that the lack of knowledge of the differences between two legal systems and the failure to raise it to the attention to the legal representatives put the defendant at a less advantageous situation of losing credit for an early plea.

The forth aspect of cultural issues identified by interpreters in the present study is the different understandings and ways of indicating politeness in different cultures.

How the participants dealt with politeness markers could be found in Section 6.2.2.3 “Politeness and impoliteness.” The discussion in this section mainly covered the understanding of politeness in different cultures. For example,

Excerpt 135

Polish people generally are reasonably educated... except mainly for people from the travelling community with Polish nationality. So some of the questions sometimes appear to Polish people like somebody trying to patronise them. For example, questions about their background education and things like that. Once a sergeant asked this Polish person to sign, and he put a cross next to where he wanted him to sign. But the Polish guy thought the sergeant meant “I know you probably can’t write your name, just put a cross here, to show that you’ve got this piece of paper.” Then he went off the wall, because it’s very offensive to Polish people to suggest he can’t read or write. Some other Polish people may not react in such a dramatic way, but they would be very unhappy about it and ask “What? What do you mean?” (Interviewee 6, Telephone)

Interviewee 6 described a typical way of directing a person to the place to sign in the UK being misunderstood as insulting by Polish people. According to this interpreter, this is a situation that commonly rises during a police interview, especially for the language pair she is working between. Gestures can also be culture specific. For example,

Excerpt 136

There is an English expression “touch wood,” and you knock on the wood three times. Lithuanians older generation...spit three times. They would say, ‘nothing happens to me’...and they spits three times... like a prevention of something bad happening... Quite often, you won’t even know they tried to say it to the officer or they talked to themselves, so just a habit. Once, the officer thought a person in custody was spitting at him and wanted to charge him for assaulting the police officer. (Interviewee 7, Telephone)

Interviewee 7 thought cultural misunderstandings would happen when “certain gestures we use are not known in the English culture.” She demonstrated this issue through an example that spitting three times to prevent bad luck in Lithuanian culture was misunderstood by a police officer as an assault. The above examples, given by Interviewee 6 and Interviewee 7, are clear examples of how such cultural misunderstandings could cause problems. A common practice in the UK, using a cross to show the place to sign, appears rather offensive to a Polish person. On the

other side, a traditional way of wishing good luck in the Lithuanian culture looks like assault to an English police officer. As a result, the proceeding would be very difficult to manage. Under these circumstances, interpreters may need to make a vital decision about whether providing cultural clarification is part of their duties.

6.2.9.2 Different understandings of cultural involvement

Having recognised the above cultural issues, the majority of participants in the current study perceived that legal interpreting definitely involves cultural factors. As discussed in Chapter 5, the “cultural mediator” role and cultural factors in interpreting were acknowledged by a considerable number of questionnaire and interview participants. Interpreters in this research also demonstrated a tendency of considering cultural intervention part of legal interpreters’ duty. In reply to Question 3 in Section 6 of the questionnaire, 93 and 70 of 155 respondents selected “(A) I normally provide explanation to criminal justice staff voluntarily” and “(B) I normally provide explanation when required by criminal justice staff,” respectively (Figure 19). Many respondents pointed out the need for intervention “in clarifying cultural references” (Open comment, Questionnaire) in the interpreting process. They argued that interventions should take place “where there is a potential for miscommunication” due to “cultural discrepancies,” “cultural misconception,” “cultural barriers,” “cultural misunderstanding” or “cultural differences” in perceiving certain expressions or situations” e.g. “body language” or “an act.” Many interviewees showed similar perceptions. Examples can be seen from the following two excerpts.

Excerpt 137

Interpreters should be fully aware of the cultural issues involved in the legal proceedings and interpret them properly. (Interviewee 2, Telephone)

Excerpt 138

Cross-cultural issues should be included in the interpreter’s roles. It should be the interpreters’ responsibility to point out any cultural issues encountered to all parties. (Interviewee 8, Telephone)

It can be drawn from the above excerpts that these two interviewees fully

recognised the vital importance of the cultural factors involved in legal interpreting and acknowledged interpreting cultural issues properly as a crucial part of the legal interpreter's role. Alongside, a prevailing perception that cultural factors are vital to achieving a complete understanding of the original message can be observed from the questionnaire open comments. For example,

Cultural background understanding is sometimes necessary for full understanding.
(Open comment, Questionnaire)

Interviewee 10 echoed the above view.

Excerpt 139

Without understanding a cultural point, the message would be misunderstood or even lost. (Interviewee 10, Telephone)

Interviewee 10 pointed out that cultural misunderstanding could lead to misunderstanding of the meaning of the original message. Furthermore, the importance of the legal interpreter's cultural competence was raised. For example,

Understanding two languages can't make you a good interpreter. You need to have background cultural knowledge of non-English speakers origins. (Open comment, Questionnaire)

This respondent regarded legal interpreters' cultural competence to be as important as language abilities. Interviewee 6 showed agreement to the above attitude by pointing out that legal interpreting requires cultural awareness.

Excerpt 140

I think there are still issues of cultural awareness, this brings a lot to the table when you are interpreting in a legal context, in court. (Interviewee 6, Telephone)

Respondents also discussed why cultural abilities are so crucial for interpreting in legal interpreting. For example,

I think legal interpreters need to understand their client's culture simply because it can make a big difference in understanding the non-English speaker. For instance,

in Arabic we have about 22 dialects which means 22 different cultures that we need to deal with. (Open comment, Questionnaire)

This interpreter pointed out that this would help adapt to the vast differences between cultures. Another interpreter thought cultural knowledge would assist the understanding of the non-English speakers' background:

Interpreters have to gain deep knowledge of their own society/culture and learn to quickly adapt to the level of class/education/background of the non-English speaking person. It all comes with the experience. (Open comment, Questionnaire)

The above two comments could reveal the respondents' belief that cultural competence could assist the interpreters in building a better understanding of the speaker, which would ultimately enable the interpreter to achieve a more complete reflection of the speaker.

Among participants who perceived cultural intervention as a vital part of legal interpreters' role, different approaches were reported. Some would provide cultural explanations voluntarily while others would only do this when required. Moreover, some would only make the issue aware to other parties without offering explanation. Interviewees 7, 8 and 9 believed they should volunteer explanations because they recognised that making cultural interventions is part of delivering an accurate interpretation.

Excerpt 141

I think the only conflict is it can be part of accuracy as well. I think it's probably the only time the interpreter should intervene, when there is a cultural difference. (Interviewee 7, Telephone)

Interviewee 7 perceived the responsibility of cultural intervention as the minimum requirement for legal interpreters.

Excerpt 142

I would absolutely or at least explain cultural differences to achieve accuracy and to facilitate communication...I always intervene to explain a cultural inference or differences. (Interviewee 9, Telephone)

Interviewee 9 pointed out intervening to clarify cultural misunderstandings is to perform legal interpreters' role of accurate interpreting properly.

Excerpt 143

We must point out any cultural issues encountered to all parties if we are to perform effectively, transparently and non-judgmentally using appropriate language skills...If it becomes clear to me that it is happening I would intervene and point out any impediment to the effective performance of my role. When appropriate I would raise the issue by asking for clarification, or alert the parties to a possible missed cultural inference, and I always ask for accommodation for the interpreting process and inform all parties present for my intervention. (Interviewee 8, Telephone)

Interviewee 8's strong belief of the legal interpreter's responsibility for cultural intervention is evident in Excerpt 143. This interpreter asserted repeatedly that she would not hesitate to interfere when cultural misunderstanding is obstructing the communication. She would also require the accommodation of the intervention by other parties of the legal proceedings because she took it as vital in the effective performance of the interpreters' role.

From a slightly different perspective, some interpreters suggested only performing cultural intervention when there is obvious misunderstanding or it affects interpreting. For example,

It's not always the case. Only when and where appropriate. Only those things that create clear problem for communication/understanding between parties. (Open comment, Questionnaire)

Missing concepts such as Magistrates or tagging etc. (Open comment, Questionnaire)

Only explained if applicable then I invite the questioner to ask further questions to clarify the topic. (Open comment, Questionnaire)

Interviewee 6 echoed this attitude that she would only interfere and explain when the situation gets out of control.

Excerpt 144

If it causes a bit of a hedge, or if they ask, I would explain. I'll say to the Polish man, "look, it's procedures, it's procedures of questioning, it's not a personal question."

And then I'll say to the officer, "you get him upset, because it's an insult in Poland you are not able to read and write." So if I explain this. If you explain that it's just a procedure. I would make everybody aware why that person maybe get a bit funny about it. But it seems to be alright. (Interviewee 6, Telephone)

Interviewee 6 used her example of the situation that the Polish speaker reacted really angrily to the police officer. Only under such extreme circumstances, this interpreter would step in and explain to both sides the misunderstanding caused by cultural differences. Interviewee 7 would also exert cultural interventions in a very careful manner, as shown in Excerpt 145.

Excerpt 145

If it's like in custody for that case, it was part of the interview, it was in the case, the officer straightaway would charge him, that would have been wrong, you know what I mean. So, I just explained what the gesture meant itself, because that's what it means. If you ask anybody in Lithuania, that's what it means. So, I do give voluntary cultural explanation, but very carefully. If I believe it's a must, there is a need. (Interviewee 7, Telephone)

Interviewee 7 felt she must explain the meaning of the gesture to the police officer, otherwise, the Lithuanian person would be wrongly charged due to this misunderstanding. However, it seems that she does not normally see offering explanations necessary. Interviewee 3 suggested that cultural intervention should be done in a more careful manner.

Excerpt 146

The interpreters need to be very careful about giving cultural explanations because in legal settings, you got to be very careful about what you say, and when you are giving your cultural explanations and interventions, for example, to the court, they didn't know until you just mentioned it. (Interview 3, telephone)

Interviewee 3 commented that although interpreters were supposed to explain "the missed cultural reference," they need to exert extra care. She raised an important issue in that interpreters are the only source of information for such cultural explanation for other parties of the legal proceeding. This careful approach was echoed by many interpreters in this study. For example, some suggested that interpreters should alert the legal staff to the issue.

I invite the attention of the court to a possible misunderstanding. (Open comment, Questionnaire)

Draw the attention of the criminal justice staff, if it goes un-noticed (Open comment, Questionnaire)

Raise them with parties and draw people's attention to them...if we are to perform effectively (Open comment, Questionnaire)

Others suggested additional rules including asking for the legal practitioner's permission, informing all parties of the content of the explanation and being impartial, as can be seen in the following comments.

I make it aware to the legal professionals and usually ask for permission from the court to explain it. (Open comment, Questionnaire)

I provide an explanation to both the criminal justice staff and the non-English speaker. (Open comment, Questionnaire)

Interpreters can make clarifications, explanations, repetitions and advice of cultural issues, but they need to remain impartial. (Open comment, Questionnaire)

It is evident in the above discussions that these interpreters understood providing extra cultural information, e.g. explanations, clarifications and advice to be a vital role in legal interpreting. However, they also demonstrated awareness that due to the special demands of the legal context, legal interpreters need to make sure this is carried out within their professional remit.

In contrast to the above overriding recognition of cultural involvement in legal interpreting, some participants seemed to hold different opinions. For example, one respondent commented that cultural issues could carry more weight in certain situations intended to gather more personal information:

Cultural interventions mostly happened when working with a Probation Officer in a less formal context and more personal questions on background are required, but not in court. (Open comment, Questionnaire)

Also, a very small number denied the involvement of cultural issues in legal interpreting. One respondent reported having not encountered anything cultural

when interpreting in the legal context:

I have never come across cultural issues in the legal settings. (Open comment, Questionnaire)

Furthermore, some interpreters admitted to the existence of cultural misunderstanding but took providing clarifications for such misunderstandings beyond the legal interpreters' job. For example,

Regarding C, I don't concern myself with clarifying cultural misunderstanding because it is not the interpreter's duty. (Open comment, Questionnaire)

I don't concern myself, but I would like to if I had more freedom. (Open comment, Questionnaire)

Interestingly, slightly different attitudes could be observed from the above two comments. One respondent clearly perceived providing cultural clarification as beyond the legal interpreter's role. However, the second respondent believed that cultural intervention was not his/her job but realised the need to do so in the process of interpreting.

Finally, many participants raised concern about the current unsatisfactory situation of cultural awareness. For example,

Cultural awareness as I have seen people who are interpreting. But they have very little knowledge about the area where from the non-English speaker is. And his traditions are not known to the interpreter. This must be checked. (Open comment, Questionnaire)

This questionnaire respondent commented that some interpreters do not have sufficient understanding of the non-English speaker's tradition. In addition, Interviewee 8 noticed that interpreters perform cultural interventions in an automatic rather than a skilful way.

Excerpt 147

Interpreters usually or normally deal with these automatically without even realising. (Interviewee 8, Telephone)

Additionally, one respondent suggested:

Interpreters should be trained to understand in clear terms the role of the interpreter, apart from the obvious duties, i.e. how much are they expected or allowed to explain cultural concepts, gestures etc. (Open comment, Questionnaire)

It can be seen from the above comment that this respondent was aware of other aspects of the interpreter's role, such as whether interpreters should explain cultural issues and the level of cultural intervention.

6.2.9.3 Legal practitioners' cultural awareness

As an important part of the legal system, legal practitioners' awareness of cultural issues inevitably affects the performance of the legal interpreter's role. Participants in this study reported varied situations in this aspect. Some reported a pleasant experience of working with legal professionals who had a better awareness of cultural issues than others:

In my experience, justice staff are very understanding to the cultural differences. Some, of course, do, and they are a pleasure to work with. (Open comment, Questionnaire)

Some interpreters found some legal practitioners would take cultural factors into consideration. For example, Interviewee 5 reported her experience that police officers would normally consider the gender difference when arranging interpreters for sensitive cases.

Excerpt 148

Police normally arrange female for female and male for male for rape or a sexual assault case. (Interviewee 5, Telephone)

Interviewee 7 also found the legal staff would normally ask when they identify a cultural difference:

Excerpt 149

But quite often, most of the officers, or the court staff, they would ask, if it's

something cultural. Because if they see something, some gesture, some behavior, they've never seen before, I think they can guess it's probably something to do with culture. (Interviewee 7, Telephone)

In contrast, it was noted that many legal staff still do not appreciate the involvement of cultural issues and the interpreters' intervention:

Staff don't always want to know. They don't always realise they need to know. (Open comment, Questionnaire)

More frustration of being instructed by legal practitioners to render a literal interpretation due to insufficient understanding of cultural factors in legal interpreting can be shown from this comment:

Not enough is understood about the significance of cross-cultural challenges. To be told to interpret 'word for word' is not helpful since the purpose of an interpreter is to relay the meaning in context. (Open comment, Questionnaire)

Therefore, one respondent suggested that there should be training for legal practitioners on cultural involvement and cultural differences in the legal system:

In terms of cultural differences I believe criminal justice staff should have more training in this field and be more aware of diversity issues. (Open comment, Questionnaire)

Interviewee 1 made another interesting suggestion:

Excerpt 150

I think the defense lawyer should maybe make more use of the interpreter, asking about cultural differences...it should be ground for defense for cultural misunderstanding as a whole argument...And sex crimes is quite, it's quite a hot potato, because especially coming from very chauvinistic societies, and from a very liberal culture in the UK with lots of alcohol consumption, although it's rape as per the law, you also see a huge cultural misunderstanding as well. But it's not the interpreter's job...It's the society's job. Society of country of origin...But I think cultural misunderstandings can lead to prison, I think. (Interviewee 1, Face-to-Face)

Interviewee 1 thought cultural differences should be used as "grounds for defence"

if they are relevant in a case. He discussed how sex related crimes are viewed differently in different cultural traditions. Moreover, he made an important reflection that cultural awareness has not been achieved across the British legal system, which seriously impede the delivery of fair trial.

Officers interviewed showed some awareness of cultural issues in legal interpreting, but this was very limited, which confirmed the above interpreters' reflections. Home Office Enforcement Officer 1 discussed the problem of non-equivalence:

Excerpt 151

Sometimes there does not appear to [be] an equivalent expression in the other language. (Home Office Enforcement Officer 1)

HMRC Criminal Investigation Officer 1 spoke of the different ways of enforcing law in different countries.

Excerpt 152

At times, yes. For instance, in one interview, the suspect was relating law enforcement in England to that in Malaysia. Her opinion of Malaysian Law Enforcement Officers was that they may assault/physically harm a suspect. (HMRC Criminal Investigation Officer 1)

When asked about cultural issues in dealing with non-English speakers, this officer discussed differences of the legal systems rather than the cultural differences. This officer's limited experience and understanding in relation to different cultures are evident in his response. Police officer 1 and 2 did not come across cultural challenges, but they both considered transferring cultural factors as necessary.

Excerpt 153

I have not had personal experience of this. But I can easily imagine that cases involving Sharia law in the UK, would pose cultural difficulties. Yes, because cultural background affects behaviour and understanding. For all professionals involved to understand the needs and reactions of the individual, cultural differences must be conveyed, where possible. (Police Officer 1)

Police officer 1 showed a stronger cultural awareness. Although she had no direct

experience, she understood the existence of cultural influences and cultural difficulties. Also, she acknowledged the need to transfer cultural factors. More importantly, she was aware that this is not always possible. Police Officer 2 also recognised cultural issues, but he did not feel they were always relevant:

Excerpt 154

Cultural difference should be included when they are relevant. It is generally not relevant just because they are foreign and should only be included when it is relevant to the case. (Police Officer 2)

Another two officers did not know any cultural issues for legal interpreters but both expressed willingness to be made aware:

Excerpt 155

It can be useful when dealing with foreign nationals who are not aware of the British legal system. (Home Office Enforcement Officer 2)

Excerpt 156

I am unaware of any cultural differences I would hope that the interpreter would make me aware either before or during an interview if possible. (HMRC Criminal Investigation Officer 2)

In contrast, Home Office Enforcement Officer 1 thought there was no need to convey cultural differences in the target language.

Excerpt 157

...because from experience interpreters should only interpret what the officer has asked and only elaborate when prompted by the officer. (Home Office Enforcement Officer 1)

Excerpt 157 clearly reveals that this officer denied cultural involvement completely. His discussion confirmed the questionnaire respondent's earlier comment that the legal staff with insufficient awareness of cultural issues in legal interpreter might give the instruction of "word for word" interpretation. As shown from the above discussion, one officer mentioned the difference between languages and one officer discussed the difference in law enforcement. The remaining officers reported no direct experience of dealing with cultural issues or denied cultural factors existed. It

can be therefore concluded that legal practitioners in the present study showed very limited understanding of cultural aspects in legal interpreting.

To summarise, interpreters in this study generally recognised cultural influences in legal interpreting. They also demonstrated an overall understanding of transferring cultural factors as part of accurate interpretation and making cultural intervention part of their duties. They suggested further training of interpreters on how to deal with cultural differences. Finally, training legal practitioners to understand the involvement of cultural issues and accommodating these into proceedings were both strongly recommended.

6.2.10 Contextual information

The third sub-question of Question 2 in Section 2 asked the respondents' level of agreement to the statement "It is the legal interpreters' duty to explain the context of the speech." As Figure 20 shows, around half of the respondents considered providing contextual explanation beyond the interpreter's duty. No interpreters made further contributions to this topic in the open comment section or in the interviews. This may reflect the participants' insufficient understanding or limited involvement with this element in their practice. As such, it is difficult to discuss it further.

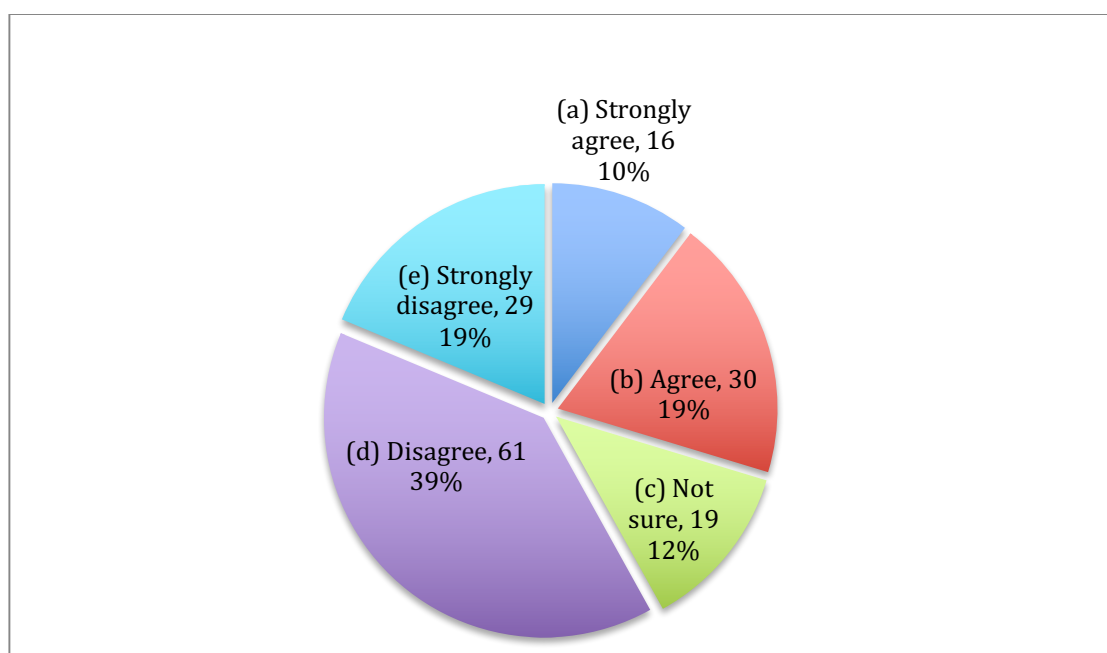


Figure 20. Responses to the statement “It is the legal interpreters’ duty to explain the context of the speech”

6.3 Interpreters’ alterations

Discussions in the above sections revealed the widely accepted principle that legal interpreters should try to convey all elements of the original message as completely as possible. Nevertheless, alterations may be inevitable. Such alterations may be unintentional, due to a variety of practical restraints, as well as intentional, depending on their understanding of how interpreters should work. To build up a complete understanding of interpreters’ perceptions of faithfulness and accuracy, it is essential to ask their attitudes and approaches to alterations. In Section 5 of the questionnaire, Questions 3 to 6 dealt with this important aspect of interpreters’ practice, asking whether the respondents would make alterations when interpreting for legal staff (Figure 13) and for non-English speakers (Figure 16), reasons for them to do so (Figure 17) and what impact they thought this would bring to the process (Figure 21). It can be drawn from the data that a very high number of respondents perceived legal interpreters’ well-intentioned alterations to the original messages, including “replacing all errors with corrections,” “filtering/deleting overlapping/unrelated information,” “adding more information,” “improving logic/consistency,” “improving politeness level” and “improving register/speech style,” as inappropriate. The respondents were very reflective and made the most extensive contributions here of the entire questionnaire, 88 comments were provided in the open section and extensive discussions of this took place in the interviews. Substantial agreement that legal interpreters should aim to avoid any alterations and a general awareness of the adverse influences alterations might cause could be observed.

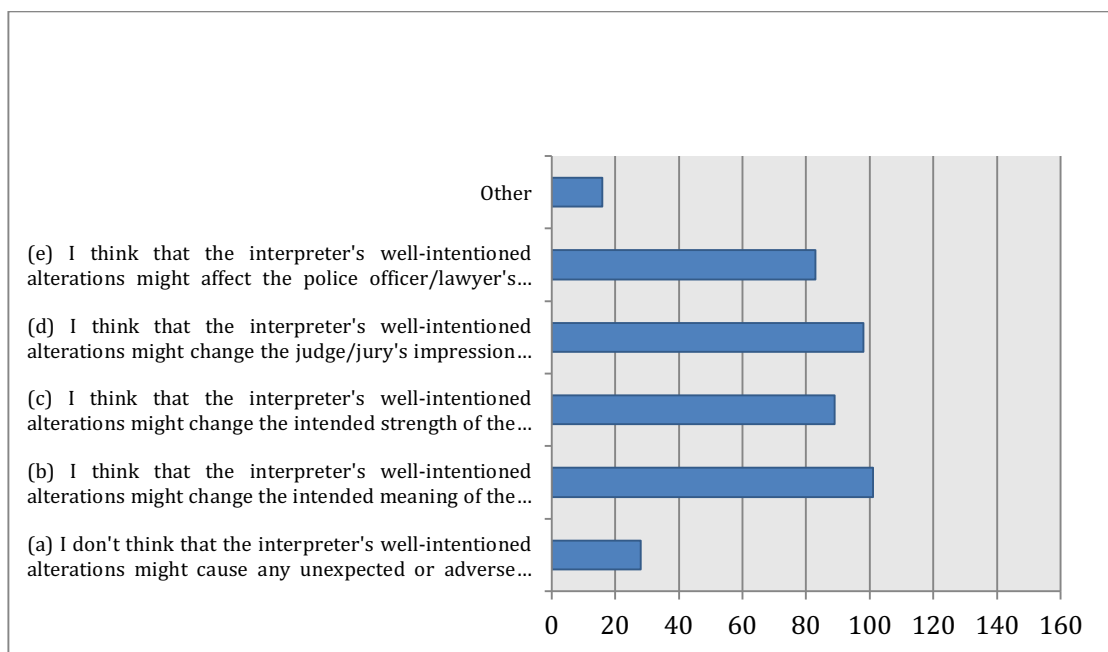


Figure 21. The influence of interpreters' well-intentioned alterations

The principle that legal interpreters should not make any changes was highlighted by a high number of respondents. For example,

My role is not to improve the message but to make sure full understanding is reached. (Open comment, Questionnaire)

It is not the interpreter's duty to tamper with the message! (Open comment, Questionnaire)

I stick to the speaker's message and I do not make any alterations. I leave the speakers to clarify if message has not been understood. (Open comment, Questionnaire)

A common stance of taking alterations beyond the professional role of the legal interpreter could be observed from the above comments. These respondents perceived that their interpretation should remain in its original manner and that clarifying misunderstanding is not the interpreter's job. Interviewee 7 also strongly disapproved of the interpreter's practice of trying to mitigate and help the situation because they felt the defendant was "new to the country, or they misunderstood." Interpreters should remain impartial regardless the circumstances of the non-English speaker. Besides, the interpreter can only provide language assistance

rather than legal service, e.g. mitigation.

The second important reason for not making alterations was the unexpected or adverse results. The majority of interpreters in the current research demonstrated their awareness of this issue. The data in Figure 21 revealed that respondents generally perceived alterations might change “the intended meaning of the original speech,” “the intended strength of the original speech,” “the judge/jury’s impression of the witness/defendant” and “affect the police officer/lawyer’s control over the questioning process.” To confirm this, the respondents commented:

It must not cause unexpected or adverse results because the interpretation has to be faithful. (Open comment, Questionnaire)

I think the communication between two speakers must not be controlled by interpreters. (Open comment, Questionnaire)

Clear understanding of avoiding such influence because alterations take power away from the speakers and exert unintentional interference with the legal process (Hale, 2008; Lee, 2009a) could be shown from these two comments. Interviewee 6 also asserted that interpreters could avoid their impact on the result of a case through rendering a faithful interpretation:

Excerpt 158

The interpreter shouldn’t have any bearing on what happens or should never have any influence on the outcome of a case. As long as you faithfully interpret everything, it should be judged on the evidence. (Interviewee 6, Telephone)

As discussed in the Literature Review, scholars have identified the dilemma that interpreters are implicitly expected by legal practitioners to soften the tone to make non-English speakers more relaxed; to replace errors to avoid misunderstanding; to omit the lawyer’s upsetting expressions; and to deliver a condensed interpretation to save time (Morris, 2008). However, they are always blamed for when problems appear during bilingual court proceedings (Dunnigan and Downing, 1995). The above data showed that participants understood the importance of presenting the original picture of the testimony. They were striving to deliver professional practice without being influenced by other parties’ problematic expectations. In this way, this

dilemma can be dealt with effectively.

Nevertheless, many researchers argue that changes cannot be avoided in the interpreting process (Angelelli, 2001; Davidson, 2002; Jacobson, 2008; Mason, 2008; Wadensjo, 1998). Interpreters in this study also recognised that interpreters might bring certain negative influences because of both unintentional and intentional alterations, which will be discussed in further detail in the following two sub-sections.

6.3.1 Unintentional alterations

Participants in this study demonstrated clear awareness of the possibility of misinterpretation and the understanding of its effect. For example,

Excerpt 159

I think sometimes it is possible, absolutely possible. Because the use of an interpreter could affect the legal process, our role is very important. (Interviewee 5, Telephone)

Interviewee 5 thought such an influence could be the result of the interpreter's vital role in the legal process. Interviewee 4, in particular, discussed the influence of the interpreter's misinterpretation in Excerpt 160.

Excerpt 160

I think legal interpreters can affect the outcome if they make a misinterpretation. If it's in court, the case must be retried. You have wasted the entire cost of the court...Or the defendant may be adversely affected. For example...he should be acquitted, but your interpretation makes him guilty. Or he should have been found guilty, but your interpretation makes him not guilty...Just like in my previous example, he was tried for manslaughter, but this became murder, and he was locked up for many years, by mistake. (Interviewee 4, Telephone)

Interviewee 4 discussed that the impact could be a retrial of a case. She justified this view with an example where the defendant was wrongly put in prison due to their interpreter's misinterpretation. Following the recognition of interpreters' impact on the legal process, interesting reflections were made on how they might unintentionally alter the original utterance or its credibility because of the way they

speak or think. One respondent reported:

Over the years, I have come to believe that it is advantageous for defendants to have a native English interpreter like me in court. This is because my native English comes over as more credible and convincing to native English jurors, magistrates and legal professionals. I believe there is unconscious bias towards a fellow native accent, and unconscious bias against accented English, in the criminal justice system. It is not my intention to deliver advantage in this way, but I think it happens at a deep instinctive level when people hear my very English English! (Open comment, Questionnaire)

This interpreter discussed a very important issue. Although the respondent did not make any changes to the testimony, delivering the interpretation in a native English accent may improve its credibility due to unconscious prejudice. This would ultimately put the defendant in a more advantageous situation. As a result, the interpreter has unintentionally altered the impression formed by the non-English speaker.

Another respondent noticed how alterations was made unconsciously to original utterances by trying to interpret in the same way as a native English speaker would speak. This respondent said,

Alterations might happen while interpreters making an effort to stop it. I always try to say what I think an English speaker would say in identical circumstances. Occasionally this leads me to be over-idiomatic, to improve the English slightly. (Open comment, Questionnaire)

This interpreter was obviously making great effort to put the non-English speaker at the same level as an English speaker, as González et al. (1991) suggest. However, as a native English speaker, this respondent could not avoid the unintentional improvement in the interpretation despite his/her full awareness. In addition to acknowledging the interpreter's influence due to the different level of commanding the source and target languages, one interviewee discussed another unintentional alteration the interpreter might make.

Excerpt 161

The areas that they follow least properly: interpreters must interpret everything faithfully without any bias, because it is unavoidable that some interpreter holds

the personal perspective of a particular issue and might not be able to interpret everything in a completely impartial approach. (Interviewee 2, Telephone)

In Excerpt 161, Interviewee 2 elaborated that the different ways of thinking and analysing interpreting situations inevitably reflect on the interpreter's rendition. Therefore, in her opinion, complete impartiality cannot be achieved.

Secondly, alterations may be unavoidable due to the interpreter's fatigue, as one respondent commented:

Unintentional alteration may occur only due to tiredness i.e. at the end of a lengthy trial. (Open comment, Questionnaire)

The same issue was brought up by Interviewee 5 on several occasions. When discussing the issue of "technical language," Interviewee 5 thought the interpreter might not be to deliver the same technical level of the legal practitioner's question due to the interpreter's tiredness, the complexity of the legal language and the differences between the source and target language (refer to Section 6.2.2.1 "Technical language", Excerpt 72). She made a similar argument here in Excerpt 162.

Excerpt 162

Sometimes the interpreter's work is very tiring but [they] are not given regular breaks. There could also be a lot of pressure, so sometimes interpreter can mishear, sometimes misinterpret. In addition, the defendant might speak in an incoherent manner because he/she was "scared and nervous. The interpreter may be unsure, and it's difficult to interpret. (Interviewee 5, Telephone)

Interviewee 5 reflected further that unintentional alteration could be misinterpretation caused by unsatisfactory working conditions, including tiredness, pressure and the non-English speaker's unclear speech manner.

Thirdly, the interpreter may fail to deliver a complete rendition of the original message when the best equivalent in the target language is not immediately available in his/her head:

In the unlikely event when an assignee uses some elements of the language, which do not come from the top of my head, and where is no time to match the exact word,

paraphrasing would be essential to convey the meaning. (Open comment, Questionnaire)

During an interpreting judicial event, the flow cannot be delayed for such a reason. Interpreters need to make a split second decision. Therefore, paraphrasing seems to be a wisely chosen quick solution, despite this inevitably bringing some changes to the original message.

Finally, alterations may happen when the original message is too difficult or too long, placing it beyond the interpreters' processing capability. The length of bilingual cases is twice that of monolingual cases and some legal practitioners may not have sufficient understanding to accommodate the time and pace needed for interpreting

If alterations are made to break down the message then the message itself should be reviewed. Lengthy questions/statements are often problematic when no pause is given. (Open comment, Questionnaire)

Under these circumstances, interpreters may be forced to just keep the main content of the message meaning misinterpretation is highly likely to occur. Therefore, it can be concluded that, despite showing a general belief in the main role of interpreting faithfully and accurately, participants in the present study acknowledged the unavoidability of the interpreter's unintentional alterations due to different levels of their working languages and interpreting competence, varied personal perspectives, fatigue, unsatisfactory working conditions and time pressure.

6.3.2 Intentional alterations

In addition to the above unintentional alterations, interpreters may make intentional changes to the original message, which was reported by participants as interpreter misconduct, as in Excerpt 163.

Excerpt 163

Once there was an interpreter who accepted bribes from others. When he was working at the court, he took money from the defendant. Then at court, he made up the testimony, not according to, not purely interpreting, but speaking in favor of the defendant...the court started to have doubt about it. Later, a white person

understanding that language was hired by the court and told to listen to that interpretation, and took lots of notes. Then it was exposed. So, an interpreter who is bribed can absolutely influence the process and outcome of a case...we can turn a person who is guilty into not guilty by altering his testimony. (Interviewee 5, Telephone)

Interviewee 5 gave an example where an interpreter was bribed and was changing the testimony in the interpretation in favour of the defendant. Interviewee 5 recognised the high possibility for the interpreter to affect the result of a case by intentionally improving the testimony.

Except in the above example, most intentional alterations reported by participants were well intentioned. As has been discussed in the previous sections, for each element of speech some interpreters perceived alteration as acceptable. Offering explanations and reducing the technical level are two common examples of this. With regard to reason for doing so, 45 interpreters supported "(A) I feel that it might help the smooth running of the criminal justice procedures" (Figure 17). Although only selected by less than a third of respondents, this was the most popular option. Some comments supporting this belief can also be found in the open section. For example,

Alterations or interventions are made only to help and should never hinder the communication. (Open comment, Questionnaire)

Berk-Seligson (1987) points out that interpreters always have the feeling of facilitating courtroom communication. Although it may not be applicable to everyone, this appeared to be the strongest reason for interpreters to perceive alterations as necessary.

Alterations might also be made due to the interpreter's sympathy; 16 respondents indicated that they would make improvements to help non-English speakers provide better testimonies (Figure 16). Although this number is very low, it should not be ignored. One open comment and one interviewee clearly reported this was one of their main reasons for making alterations. The comment demonstrated an obvious practice of improving the original message when the interpreter thought the non-English speaker did not produce the testimony expected by the court:

I have ignored words said under the breath which would have harmed a defendant – regrettably. (Open comment, Questionnaire)

Interviewee 1 spoke of non-English speakers' unprivileged situation as a new immigrant. He was also very concerned about unfair discrimination by the jury and used by the prosecuting lawyer.

Excerpt 164

The factor could affect the legal process was the non-English speaking defendant. It can influence the jury due to the sort of anti-immigration sensationalist and phobia in the media, especially when the stereo types of immigration fraud or benefit fraud was committed by someone who was quite recently arrive in this country and when the prosecution played on this. (Interviewee 1, Face-to-face)

As a result, Interviewee 1 thought that there was nothing wrong with polishing the message, as can be inferred from Excerpt 165.

Excerpt 165

Yeah I do that. I don't know. You said he is at a disadvantage. So you want to make sure they give the best, they represent themselves as well as possible. If you can help, as long as you are not changing the answer, you are not changing the message. You are polishing it probably. Yeah, because I don't think there is anything wrong with that, especially when there is the legal aid, sometimes, their legal aid defense is not very good, not very effective. So I don't think. It's probably wrong. I don't think it's immoral or really, affects the process, if you polish a little bit. (Interviewee 1, Face-to-face)

Interviewee 1 supported his argument with two points. Firstly, non-English speakers were at disadvantage and, sometimes, their legal aid solicitors were not very effective. This was very close to the suggestion made by Barsky (1996). Secondly, in his opinion, polishing does not change the message and is not immoral or influential in the process. He was aware that improving answers might help a non-English speaker to make a better impression, which put them in a more advantageous position. Interviewee 1 reported knowing the principle of accuracy and faithfulness throughout his interview discussion. However, what seems missing from the above comments was the understanding that the interpreter should interpret without "editing, summarising, adding or omitting" (p. 5) and should not

offer non-English speakers any “advantage or disadvantage” (p. 155), as argued by González et al. (1991).

Only one interpreter reported altering the message because “(C) I feel that the message is not important” (Figure 17). No participant reported in the open comments or interview discussions that they would make omissions because they thought part of the message was not important. The results were in contradiction to scholars’ claims that this is a common strategy for interpreters to only keep the central content of a message and to filter or delete information they believe is overlapping or unrelated to make a fast interpretation (Hale & Gibbons, 1999). This can be related to the discussion in Section 6.2.3 “Volume and strength” and Section 6.2.6 “Ambiguity” in that it is natural for interpreters’ self-report to be different from the findings of empirical observations. The possibility of respondents’ reluctance to admit omitting pieces of original utterances cannot be ignored.

Some respondents reflected that the influence of alterations might vary. For example,

It all depends on the scope of alterations and the interpreter’s competence. (Open comment, Questionnaire)

Depends what it is, of course!! (Open comment, Questionnaire)

Twenty-eight respondents thought interpreters’ well-intentioned alterations might cause no unexpected or adverse results (Figure 21). Some thought alterations should be allowed on the condition that other parties are informed or agree to it. For example,

CDEG but by explaining to the English speaking person (CDEG here refers to option C, D, E, and G of question 3 in Section 5). (Open comment, Questionnaire)

I would not make alterations unless agreed and recorded by all parties in a particular meeting where interpreting is required. (Open comment, Questionnaire)

Re. (F), first checking with the English-speaking official. (Open comment, Questionnaire)

Explanatory additions only made with consent of relevant party. (Open comment, Questionnaire)

Some others perceived that alterations were safe if they posed certain restrictions. This can be demonstrated from the previous discussion of each element of speech, e.g. only simplifying legal jargon or deleting repetition.

It can be summarised from the above discussion that unintentional influence cannot be avoided due to a variety of practical issues. Interpreters in the present study showed awareness of the principle of not making alterations, but some still perceived certain changes as acceptable to ensure understanding. This is a clear reflection of the lack of a professional guidance stating interpreters' responsibilities in detail. As a result, how interpreters deal with every aspect of practice would be a natural response based on their own understandings.

6.4 Interpreter intervention

Legal interpreters may often need to intervene during the interpreting process to achieve accuracy. Question 2 in Section 3 of the questionnaire asked respondents to indicate situations they perceive requiring their intervention. They may also have various concerns regarding interrupting other participants' speech, even when it is necessary. Question 3 tried to explore these circumstances. Results of these two questions are illustrated in Figure 22 and Figure 23.

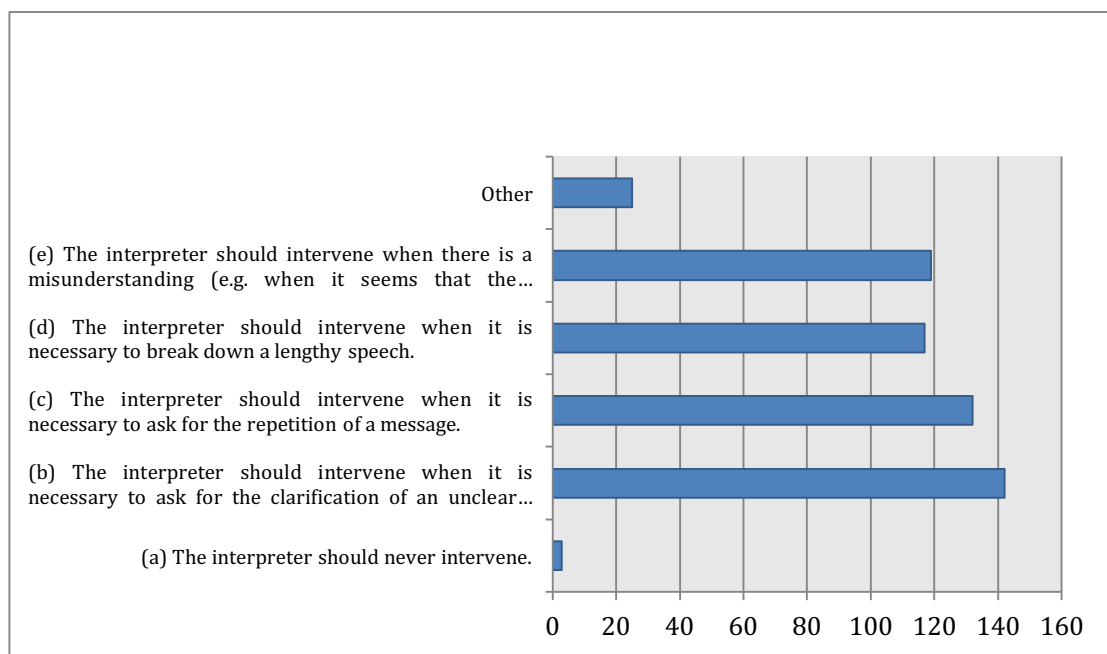


Figure 22. Necessary situations for interpreters to intervene

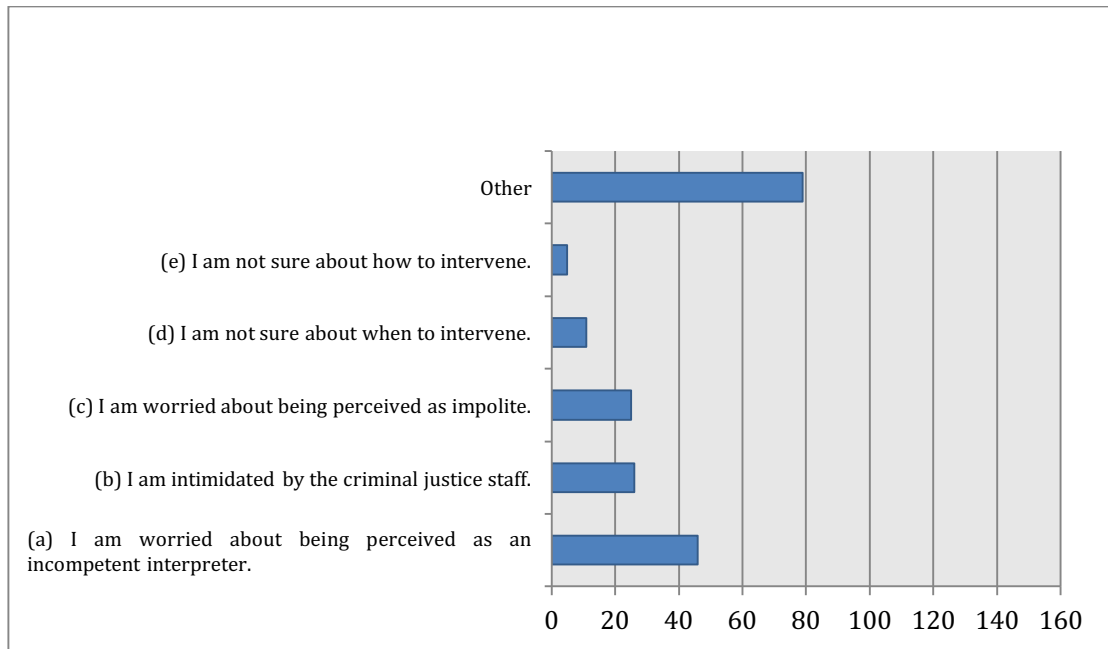


Figure 23. Reasons respondents feel reluctant to intervene

6.4.1 Necessary interventions

Data in Figure 22 showed a perception of intervention as inseparable in the interpreter's work. The same attitude could also be observed from comments in the open section. Thirty-six respondents emphasised the same point. For example,

I have done B, C, D, E times without number! (Open comment, Questionnaire)

I rarely hesitate to intervene. It is part of my job. (Open comment, Questionnaire)

I always intervene when I feel it is necessary. (Open comment, Questionnaire)

The data also revealed that a very high number of interpreters in this research would use intervention to achieve the best interpreting quality. Many respondents highlighted the same point,

It is to carry out my duty properly. (Open comment, Questionnaire)

It is all about the quality of understanding. (Open comment, Questionnaire)

Lack of intervention can have grievous consequences. (Open comment,

Questionnaire)

A general approach of intervening “for clarification purposes” (Open comment, Questionnaire) when there is an ambiguity was reported. In total, 142 respondents selected “(B) The interpreter should intervene when it is necessary to ask for clarification of an unclear message” (Figure 22). It was also recognised that accurate interpreting requires a complete comprehension of the original message, which can only be achieved through intervention. For example,

I feel accurate, full understanding sometimes requires intervention from the interpreter. (Open comment, Questionnaire)

I have to understand the message myself first before I interpret it. (Open comment, Questionnaire)

I am not reluctant to intervene if correct understanding is at risk. (Open comment, Questionnaire)

Respondents reported that they intervene to ask for clarification when certain words or expressions are beyond their understanding. For example,

I do when I find that something is impossible to comprehend. (Open comment, Questionnaire)

Other respondents would interfere with the proceeding when something is not delivered in a clear manner, For example,

When I find that something is vague or ambiguous, someone else will find so as well and we will try and get clarifications to ask for rephrasing. (Open comment, Questionnaire)

Interviewee 7 reported that she had encountered unfamiliar words more often in the police station:

Excerpt 166

Odd words, I’ve come across more in the police station than that stage. And again, you have more time to clarify. But then for consecutive, and so before you interpret it, you can ask for clarification, “could you please rephrase?”...Or what they say

for clarification purposes, you should, maybe there is a word with different meanings, you should ask for clarification. (Interviewee 7, Telephone)

Interviewee 7 believed that the interpreter would normally conduct consecutive interpreting and ask for clarification or rephrasing to avoid interpretation issues. This interpreter has been showing consistently throughout the interview perceiving intervention as necessary to achieve faithful interpretation, as seen from Excerpts 7 and 166.

Intervention for necessary interpreting conditions was also discussed extensively. Some speakers may keep speaking without considering that the length of the speech may be beyond the interpreter's memory capacity. Around two thirds of respondents reported that they would intervene to break down lengthy speech (Figure 22). One interpreter showed agreement:

I would agree with (D) statement, provided that the person involved is an arrogant lawyer or other staff apart from judge, and the previous pattern of the same hearing had been conveyed by consecutive interpreting split by short slots. (Open comment, Questionnaire)

Another interpreter seemed to hold a different view:

Not always for D, interpreters should be able to cope but sometimes barristers may forget we are there and go on, then after ten minutes or so you can ask for them to stop so you can interpret. (Open comment, Questionnaire)

It may appear that one of them agreed with option D while the other did not. In fact, they both supported interpreters' intervention when unaware legal practitioners did not pause to allow time for interpreting. It is interesting that the first interpreter made judges an exception; it is obviously more intimidating for an interpreter to interrupt judges than to interrupt other parties during the legal process. Mason (2008) discovered a similar phenomenon where interpreters tend to interrupt witnesses, probably non-expert witnesses, more often than other courtroom participants.

Interpreters reported that they would intervene when they could not hear properly. For example,

I would intervene when the circumstances are unsuitable - e.g. cannot hear well.

(Open comment, Questionnaire)

When the question is not asked loud /clear enough (Open comment, Questionnaire)

Additionally, intervention “to ask for a break or a drink” (Open comment, Questionnaire) was also suggested. These comments discussed the essential conditions for the legal interpreters’ practice, which include being able to hear properly and pauses to break down lengthy utterances. The problem of legal practitioners neglecting these conditions was also raised. More importantly, interpreters understood what might affect their practice and showed no hesitation in putting forward demands to remove these obstacles:

It is your responsibility to interpret accurately - if you don’t hear and understand you may end up in a trouble. It’s always better to tell them that you don’t hear or understand them straight away - before you make a lot of misinterpreting. (Open comment, Questionnaire)

This respondent clearly pointed out that intervention could help to reduce misinterpretation, as argued by Mason (2008) and considered raising the issue to the legal practitioner as a part of the interpreter’s professional duties.

In addition to working conditions, some interpreters may feel the need to interrupt the proceeding to offer explanation when there is miscommunication. Around two thirds of questionnaire respondents selected “(E) The interpreter should intervene when there is a miscommunication (e.g. when it seems that the witness has misunderstood the solicitor’s question)” (Figure 22). This could also be seen from the open comments. For example,

I always intervene if I feel the person has not understood some word or phrase. (Open comment, Questionnaire)

Interpreter should take all reasonable steps to ensure full, effective and accurate communication. (Open comment, Questionnaire)

Two interviewees suggested that the interpreter should intervene to correct their interpreting mistakes. Interviewee 1 thought interpreters should not hide their mistake once they realise it.

Excerpt 167

When you make that mistake and realise it, probably from the reaction of the police officer, you'll come back and correct it. I think you've got to, instead of hiding your mistakes, as an interpreter, you got to put your hands up and say "sorry, my mistake, please correct." (Interviewee 1, Face-to-face)

Interviewee 5 also perceived intervention to correct interpreting mistakes as necessary:

Excerpt 168

So sometimes misinterpretation may lead to certain consequences. In a recent case, an interpreter interpret "I was beaten" as "I was bitten." The problem is that he realised his mistake, but he didn't tell the court, which led to many unexpected accidents in this case. It seems that the judge later ordered a retrial for that case, because what the defendant said was very important. This can lead to very serious consequences. Because for those more vicious cases, such as assault, rape, murder, and kidnap, a retrial may waste hundreds of thousands or even millions of resources and funds. (Interviewee 5, Telephone)

It is evident in the above example that the seemingly minor interpreting error, in fact, changed the nature of the testimony. Interviewee 5 recognised the serious legal consequences misinterpretation could bring, especially for those very serious cases. Alongside recognising the importance of correcting misinterpretations, Interviewee 5 showed some concerns in Excerpt 169.

Excerpt 169

I find it very troublesome...if you correct it, which may make all the parties, the court doubt your interpretation. Although you think you just make that one mistake, it may still make others doubt all your interpretation. I think the interpreter needs to judge how serious this mistake is or whether it's vital to decide if it's necessary to raise it. (Interviewee 5, Telephone)

Interviewee 5 raised the concern that correcting one error might affect the impression of the interpreter's capability and lead other parties to doubt the whole interpreting performance. She suggested that the interpreter might not need to correct the interpreting error if it is relatively minor to avoid negative evaluation from other parties on their interpreting competency. Then Interviewee 5 explained through an example.

Excerpt 170

Once I was interpreting in court. The defendant was a Fujianese, whose Mandarin wasn't very good. I remember his barrister asked him a question in court. His counsel asked him, "you rented a warehouse, what you use it for?" He said he used it to keep "eggplant" ... Because I know it wasn't "eggplant" when I heard the opening statement. It was "shoes." But he did say "eggplant" ... So I interpreted "eggplant" ... Finally I realised it was wrong. I said, "I need to clarify something to the court. There was a word, the defendant did say is "eggplant," but because of his accent, it is actually "shoes." Then I corrected it ... It was good that I had the opportunity to rectify it. But sometimes, even if we don't correct it, his barrister knew about it ... Sometimes when you misinterpret, the barrister will find a way to clarify it. (Interviewee 5, Telephone)

Interviewee 5 reported her experience that during one interpreting session, she misheard "eggplant" as "shoes" because of the defendant's accent. Then she realised it was wrong and clarified to the court. Nevertheless, she thought even if she did not correct it, the defendant's barrister should know about it and find a way to clarify it during cross-examination.

Further situations that may require intervention were also suggested. For example, when there is a lack of awareness or ignorance of the profession of interpreting:

I normally interrupt to ask the speaker to use direct speech. (Open comment, Questionnaire)

Many legal staff are not aware that they should talk directly to the non-English speaking defendants/witness/detainees. Intervention may also become necessary when the role of an interpreter is misused or misunderstood. For example,

The interpreter should intervene when need in language assistance is abused to manipulate the procedure. (Open comment, Questionnaire)

To remind parties of his role of an interpreter, (Open comment, Questionnaire)

Three respondents selected "(A) The interpreter should never intervene" (Figure 22). This argument was explained from the perspective that the failure of communication is not the interpreter's concern. For example,

It is not my job to intervene. (Open comment, Questionnaire)

It is not the accepted role. (Open comment, Questionnaire)

If it is clear that there is an ongoing miscommunication, the interpreter should act only within liaison assistance scope, leaving for the participants to sort out their misunderstandings. (Open comment, Questionnaire)

Nevertheless, it seems that these comments only concerned intervention to offer explanations for miscommunication. Therefore, one cannot reach the conclusion that these respondents denied all interpreter intervention.

6.4.2 Difficulties of intervention

The various reasons for being reluctant to interrupt proceedings were reported. Figure 23 shows, none of the questionnaire items, “(A) I am worried about being perceived as an incompetent interpreter,” “(B) I’m intimidated by the criminal justice staff,” “(C) I’m worried about being perceived as impolite,” “(D) I’m not sure about when to intervene” and “(E) I’m not sure about how to intervene” were selected by a large number of participants. However, more than half of respondents made contributions in the open comment section. This was the question that attracted the second highest number of comments.

Respondents identified that interpreter intervention was not always understood and appreciated by all participants in the legal process. For example,

Obviously if you intervene because you don’t know what you have to know or cannot hear because you simply don’t know the words they use - you are in a difficult situation. (Open comment, Questionnaire)

This comment corresponds to Lee’s (2009b) argument that interpreters’ professional behaviour in intervention may be perceived as an undesirable intrusion by judges and lawyers, as well as being below standard professional performance.

During a court trial, interpreters normally stand next to the defendant at the back and very often behind a glass wall. Such a difficult position, plus the ignorance of the speakers, was described by one respondent:

Sometimes it is difficult or well highly impossible to intervene but this is because of the set up in the courtroom, where many have their backs to interpreter as they speak, and sometimes no matter if interpreter has reminded them to speak up or go at a steady pace etc. they will get carried away and forget, and to keep intervening would be more of an interruption than it is worth. Yes, more consideration should be given to the interpreting process and it should be consistent, not sporadic. (Open comment, Questionnaire)

This clearly revealed one of the dilemmas the interpreters face. On one side, they must intervene to achieve satisfactory interpreting quality. On the other, the legal practitioner's lack of understanding of how interpreters work makes this very difficult. This was reflected further. For example,

I don't think that staff want the process to be halted for any reason. (Open comment, Questionnaire)

Arrogant judges: looking down on you as an unwelcome presence/expense. Judges are not always sympathetic to interpreting process, and do not look kindly on "interpreter speaking." (Open comment, Questionnaire)

Legal practitioners who do not always appreciate interpreter intervention (Morris, 1995) may see interpreting as a mere "mechanical process" (Lee, 2009b, p. 110). Legal practitioners' attitudes definitely influence interpreter decisions in interventions. Such ignorance is highly likely to lead to interpreter concern about the influence on the flow of proceedings. This could be illustrated from the next two comments,

I don't want to interrupt the flow. (Open comment, Questionnaire)

I do not want to slow down proceedings. (Open comment, Questionnaire)

The possibility of being misunderstood giving evidence may increase the interpreters' level of hesitation when there is a need to request a necessary condition for interpreting. Two interpreters described this reason for not wanting to intervene:

I would be perceived as giving evidence. (Open comment, Questionnaire)

Mainly in not wishing to become a witness. (Open comment, Questionnaire)

Intervention is possibly the only situation where the interpreter speaks in his or her own right. This is a clear demonstration of a lack of understanding among legal practitioners of how interpreters work which might affect interpreter practice. All the difficulties and dilemmas put forward support Lee's (2009b) finding that general reluctance to intervene in the proceedings is caused by various restraints interpreters face in the legal system. To avoid being seen as an undesirable intrusion by the legal staff, general awareness should be raised among judges and lawyers that interpreter intervention for clarification is not a reflection of interpreting incompetency or unprofessional (Lee, 2009b).

6.4.3 Intervention timing and strategy

The need to intervene in an appropriate manner was also raised. For example,

It depends on the situation; if it is appropriate to intervene. (Open comment, Questionnaire)

It applies in certain circumstances. (Open comment, Questionnaire)

The behaviour of interpreter intervention has an inevitable influence on the legal process. Berk-Seligson (2002) argues that although it may influence the impression of the witnesses, as well as the lawyers, interpreters need to be equipped with proper techniques and enough confidence to deal with such a challenging situation, so they are able to perform interventions in a professional manner.

Not knowing clearly timing or techniques to aid in intervene is a prominent issue reported in responses. Some respondents felt the need to offer explanation was not urgent:

Occasionally I might perceive that intervention need not be immediate (I can re-explain something during a break in proceedings, for example). (Open comment, Questionnaire)

Mason (2008) suggested that ill-timed interventions lead to a failure to fully reflect the original message, (1) at "an in-appropriate grammatical juncture" which leads to the interpreter's self-input information to make the message complete and (2) after

a lengthy utterance which leads to too much information beyond the interpreter's processing ability (p. 45). According to Mason (2008), the best interruption point for a reasonably faithful interpretation should be "at the end of a complete grammatical juncture, and before a conjunction" (p. 43). It is also essential to train interpreters that intervention is only appropriate when clarification is indispensable for understanding a message and should be avoided if the lawyer can reach understanding through making additional questions (González et al., 1991). Following this method, intervention can be "unobtrusive" (Open comment, Questionnaire). "Impartiality" was also suggested. The suggestion of being unobtrusive and impartial corresponds to the principle recommended by González et al. (1991) that the interpreter should restrain themselves to the field of interpreting and try not to interfere with situations beyond their professional field. When it is necessary, one responding interpreter raised the point that the intervention should be made aware and agreed by all parties:

An interpreter should intervene only if asked to do so by the consensus of those participating in a particular meeting requiring interpreting. (Open comment, Questionnaire)

The comment, "I am not reluctant to intervene anymore" (Open comment, Questionnaire) demonstrated a difficult and interesting interpreter journey. Newly qualified interpreters would feel intimidated to speak in his/her own right and interrupt the hyper-formal legal proceedings. But gradually, they realised that this cannot be avoided in efforts to seek the highest interpreting quality. They have also gained skills through many assignments, knowing the timing and techniques for intervention.

The importance of proper training was raised:

We need more training on managing the situation, i.e. being more assertive when interrupting the court staff. More training is also needed on consecutive interpreting and note-taking in particular in order to be able to handle longer consecutive without interruptions. (Open comment, Questionnaire)

Training helps to build the interpreters' confidence by identifying the best opportunity for intervention and the most suitable way of intervention:

We are taught through the training to intervene so I have confidence to intervene at the right time. (Open comment, Questionnaire)

Additionally, legal practitioners' understanding is a vital component:

To build strong awareness and confidence in being able to intervene when there is a cultural misunderstanding of an act, term or procedure. The criminal justice staff should get trained in allowing interpreters to intervene and register those cultural misunderstandings. (Open comment, Questionnaire)

Therefore, training should be provided to other participants in the legal process so that they recognise that intervention is an important strategy for accurate interpreting (Lee, 2009). The awareness that the damage of misinterpretation is considerably greater than the potential damage of their intervention (Berk-Seligson, 2002) also needs to be increased across the British legal sector.

The data has shown that most interpreters in the current research considered intervention necessary to perform their role of interpreting accurately and faithfully. Sometimes, this behaviour is not appreciated or accommodated in legal proceedings. Therefore, the important issue of training interpreters about the appropriate techniques, as well as the legal professional's understanding of this regular and necessary practice, was raised.

6.5 Summary

This chapter serves to present the key findings generated from the data in response to sub-question 1, "What is legal interpreters' understanding of faithful and accurate interpreting?" To summarise, participants in the current study perceived that accurate and faithful interpretation should include copying the main linguistic and pragmatic elements of speech as much as possible. An overall agreement on reproducing most of the pragmatic elements including the speakers' style and register, manner of hesitation, repetition of words and phrases, level of politeness, and ambiguity to achieve the faithful rendition could be also established. However, grammatical errors and nonverbal hints appeared to be area of controversy. Alongside, interventions to ask for explanation and clarification were deemed as

necessary interpreting strategies to deliver the role of interpreting faithfully. Finally, most interpreters in this study showed great efforts to avoid alterations and awareness of the influences of such behaviour.

The discussion also revealed that, currently, interpreters are not provided with clear guidance on how to deal with each individual element of speech. Furthermore, there is no widely accepted rule of how interpreters should exert their professional discretion, such as intervention for clarification, necessary working conditions or to correct a mistake. However, interpreters in the present study demonstrated comprehensive understanding of the principle of accurate interpretation and how to deliver it in their practice.

Chapter 7: Results and Discussion of Findings for sub-question 2 - Challenges and dilemmas for legal interpreters in the British judicial system

7.1 Introduction

This chapter aims to address sub-question 2, “What are legal interpreters’ perceived most prominent challenges for their practice?” Exploring dilemmas in legal interpreters’ practice and their perceived challenges is vital for building a better understanding of the complexity of the profession. Through this process, factors affecting the most appropriate manner of performing the interpreting role and obstructing the accuracy and faithfulness of the interpretation can be identified. Ultimately, with more emphasis in training courses and certification examinations these areas can be addressed. Responses to Question 1 in Section 6 (Figure 24) revealed that “complicated legal glossaries,” “complex legal procedures,” “high pressure in the criminal justice environment,” “split second decision in interpreting,” “insufficient contextual information,” “to achieve a complete equivalence in the target language version” and “cultural differences” were all challenging areas. Interpreters in the current study were reflective and made extensive contribution, from which five main difficult areas could be identified. The discussion in this chapter will be presented according to areas of “insufficient contextual information,” “complex legal procedures”, “linguistic challenges,” “lack of understanding of the interpreting profession”, “difficult clients” and “emotional challenges.”

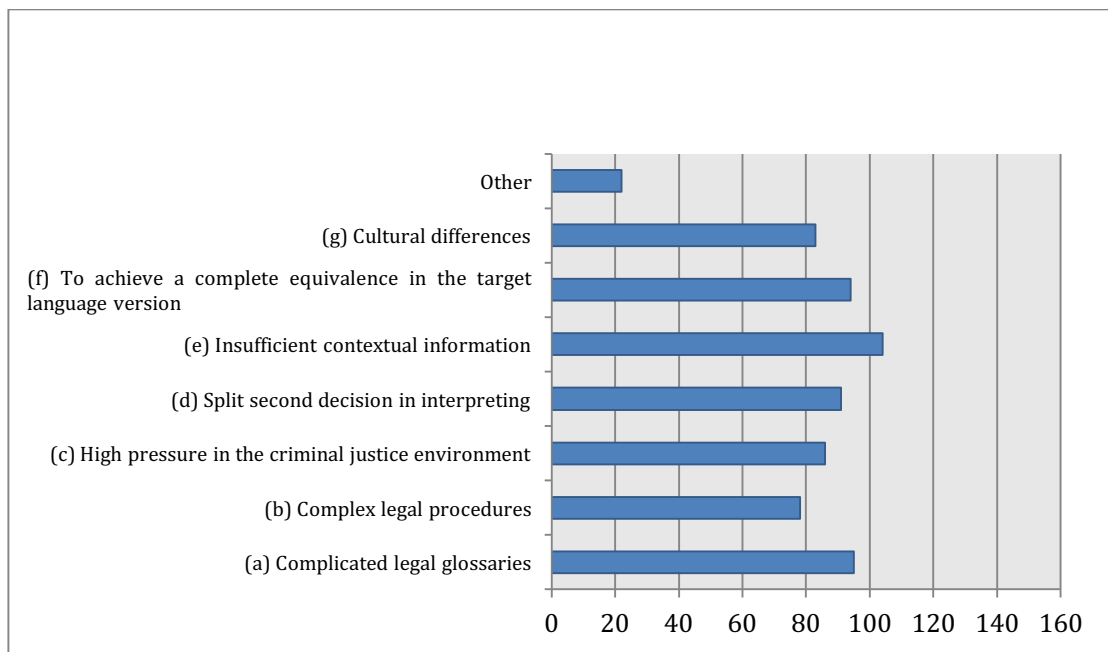


Figure 24. Challenges for legal interpreters

7.2 Insufficient contextual information

As seen in Figure 24, the highest number of respondents selected “(E) insufficient contextual information” as one of their perceived challenges. One respondent reflected that not knowing sufficient context was one of the main difficulties:

Mainly insufficient contextual information, making it very difficult to do the job properly. (Open comment, Questionnaire)

During the interview, interpreters in this study have clearly identified the importance of contextual information in delivering an accurate and meaningful interpretation. For example, Interviewee 2 pointed out that interpreters need to comprehend the meaning of the legal terms “under the particular context” to accurately interpret these terms (See Excerpt 4). Also, as discussed in Excerpt 128 previously, Interviewee 1 could interpret the word “girl” correctly after knowing the context of the case. When Interviewee 5 discussed dealing with the linguistic difference between Chinese and English, she explained the use of context to make the appropriate grammar in the target language.

Excerpt 171

...when we are interpreting, we often need to, those special verbs, verbs in our Chinese are very simple. But we are interpreting, we should, it seems that we need to create grammar based on the context. (Interviewee 5, Telephone)

Arjona (1978) and De Jongh (1992) argue that “situational/cultural context” (Arjona, 1978, p. 36) is one of the indispensable elements in the interpreting process as the interpreter depends on known factors to discern the unknown message. Lee (2009b) argues that a mutual understanding may need to be based on the same level of contextual knowledge. However, insufficient contextual information is a dilemma faced by interpreters (Lee, 2009b). Interviewee 1 mentioned that Immigration Tribunals normally put interpreters in a separate room from appellants to avoid contact between them. This usual practice only provides interpreters with the chance to establish with the appellant that they speak the same language before the hearing in front of the judge. As a result, interpreter has to interpret with no knowledge of the context of the case.

During interviews with legal practitioners, only the two HMRC Criminal Investigation Officers, who had very limited experiences of working with interpreters, showed awareness of the function of contextual information in an interpreting event. As shown in Excerpt 21 earlier, HMRC Criminal Investigation Officer 1 discussed how context is important in deciding the appropriate interpretation when there are many meanings for one word in the foreign language, as pointed out by Taylor-Bouladon (2007).

Excerpt 172

It was a positive for HMRC that the same interpreter had been previously used by HMRC for an interview within the same investigation so her grasp of the subject helped going forward. (HMRC Criminal Investigation Officer 2)

HMRC Criminal Investigation Officer 2 felt background information would be helpful for the interpreter to perform their job properly and reported that he would introduce the background of the case before interviewing the suspect. In addition, he preferred to use the same interpreter for a continuing case.

To summarise, the data showed that understanding of the importance of contextual information has been achieved among interpreters in the present

research, but not among legal practitioners. Interpreters' access to context is strictly avoided in some courts and, as a result, interpreters have to depend on their experience and expertise to ensure interpreting quality. The level of difficulty is obviously increased due to the lack of this essential condition for quality interpreting.

7.3 Complicated legal procedures

As seen in Figure 24, "(B) complex legal procedures" were reported as challenging by 78 respondents. Because procedures are different in each interpreting context (Russell et al., 2008), the interpreter needs to be familiar with how things operate during a police interview, a court trial, a probation officer meeting, etc., which will assist the interpreter to be well prepared to foresee potential misunderstanding (Mikkelsen, 2000b). However, previous training may not be sufficient in this area, as evident in this comment:

My training (way back in 1999, 2000) did not cover a myriad of court procedures. But I only picked a lot of this up by a natural process and using my common sense, and because I am a native speaker who shares the national culture of the criminal justice system. (Open comment, Questionnaire)

This interpreter reported the difficulty of building knowledge of legal procedures through experience due to perceived insufficient training. This respondent discussed his/her training experience many years ago. Although current training courses possibly provide more introduction to legal procedures, the importance of the inclusion of the complex nature of legal procedures cannot be denied.

Interviews with legal practitioners confirmed this necessity because three officers discussed their expectations of the legal interpreters to have a certain level of knowledge of legal procedures. Home Office Enforcement Officer 2 expressed his preference for interpreters' knowledge of legal procedures:

Excerpt 173

It is useful for an interpreter to know the procedures when interviewing, charging, etc. though not essential. (Home Office Enforcement Officer 2)

Home Office Enforcement Officer 1 was also concerned with the interpreters' insufficient knowledge of the procedure of legal investigations:

Excerpt 174

...sometimes, interpreters are not entirely clear on the areas of legal investigation that have to be complied with during the period of the custody clock i.e., compulsory CPS advice etc. etc. (Home Office Enforcement Officer 1)

Police Officer 2 also found a similar issue. This officer encountered disagreement between police officers and interpreters on how the process should be conducted.

Excerpt 175

I find that some conduct the process differently. The legal process I imagine is different to non-legal interpreting processes. The police follow a strict manual of guidance for investigations and obtaining accounts from suspects and witnesses. This allows the officer to complete the process in the most appropriate way to each case. The interpreters sometimes feel that they should conduct the exercise in a particular way, which is not as per the requirements of the officer and this is the way that it has always been completed by them. They should follow the instructions of the officer during the process, who will have dictated the procedure to be completed. (Police Officer 2)

Police Officer 2 realised the differences between the legal process with and without an interpreter. However, it can be inferred from Excerpt 175 that some of the procedures do not take account of the possibility of an interpreter being present. However, in this police officer's opinion, when there is a contradiction, the interpreter should follow the police officer's instruction according to the police's normal practice.

It can be summarised from the above discussion that participants in the present study perceived complicated legal procedures as one of the challenges of the legal interpreter's practice. There are various complicated and strict pieces of guidance for different branches of the law for legal practitioners to follow. The unfamiliarity of these procedures is highly likely to make the interpreter's efforts to deliver an accurate and faithful interpretation more difficult. Moreover, failure to accommodate the presence of the interpreter may create contradictions between the standard legal procedures and the most appropriate method of interpreter practice, which may pose more difficulties for the interpreters.

7.4 Linguistic challenges

Three questionnaire items concerning linguistic difficulties were reported challenging by a high number of respondents. These included, “(A) Complicated legal glossaries,” “(F) To achieve a complete equivalence in the target language version” and “(G) Cultural differences.”

“Complicated legal glossaries” was the second most popular challenge perceived by the responding interpreters. One respondent explained the interpreter’s need to seek explanation in order to interpret legal terminology correctly:

There should be glossaries of challenging terms that could be misinterpreted or might require clarification. (Open comment, Questionnaire)

Four interpreters discussed this during the interview. Interviewees 5, 7 and 8 agreed on the challenging nature of legal terminology. Interviewee 5 raised concerns regarding complicated legal debate during a trial.

Excerpt 176

For ordinary interpreters, it is very difficult to interpret highly technical words, terms, and those formal legalese accurately, especially for simultaneous interpreting. (Interviewee 5, Telephone)

Interviewee 5 argued that this might also cause problems for the interpreter, which reflects that the difficulty facing legal interpreters is the contextualised language use as well as the specialised glossaries (Napier and Spencer, 2008). Obviously, finding legal language complex is not exclusive to the non-English speakers; anyone who has been involved in legal proceedings may encounter this difficulty. Therefore, lack of knowledge of the law and legal discourse could be obstructions for interpreters to deliver their role effectively (Hale and Gibbons, 1999).

In contrast, Interviewee 1 did not consider legal language a particular challenge.

Excerpt 177

Sometimes the odd words can catch you up, but I think you need to be modest and

humble, and raise your hands and say, “I don’t understand that word.” I think most words if you then find out what it means in English, you can then translate the equivalent into the language. I’ve never felt that the lack of vocabulary or lack of linguistic ability has been a disadvantage...I do think you need to understand what’s been said in your native language, that you need a certain level of education to be able to understand and translate to your second language as well. (Interviewee 1, Face-to-face)

in Interviewee 1’s opinion, interpreters are equipped with a basic level of linguistic ability and knowledge to cope with the interpreting process. He also encountered unfamiliar words but he thought it is not a serious issue to ask for explanation.

In addition to complicated legal language, interpreters in the current research suggested further linguistic challenges, including idioms, dialects, swears, slang and grammatical differences. Firstly, one respondent thought idioms was one of the most challenging areas for many interpreters.

The biggest issue I find amongst other interpreters is incompetence with idiomatic terms - which is not a cultural issue (even though some of the expressions do have historical or cultural roots). Idioms in English like “pull your socks up” or “a rolling stone gathers no moss” and similar stuff which is incomprehensible in its meaning to a non-English speaking person. (Open comment, Questionnaire)

This interpreter used two examples to show that the difficulty of interpreting English idiomatic phrases is beyond simple cultural reasons. González et al. (1991) also recognise that idioms are difficult to understand if interpreted according to their linguistic components. Therefore, interpreters need to search for a comprehensible expression that is closest to the source language (González et al., 1991).

Interviewees 6 discussed the frequent difficulty of interpreting swear words:

Excerpt 178

Swear and slang I find the most difficult. Every language has its own very specific vocabulary of that. Many things are special law of description using in one language is very offensive, when in another people would be like “what do you mean?” It wouldn’t have been absurd, or it wouldn’t have been felt in a certain way. (Interviewees 6, Telephone)

To Interviewee 6, swears and slang are a special challenge because they could be very specific in different languages. Also, she pointed out that some expressions in

one language are very offensive, but not necessarily so in another. It can be observed from Excerpt 178 that Interviewee 6 found it difficult to reflect the original meaning intended by the speaker in the target language because of the cultural differences. This challenge interpreting rude languages confirms the reflection of Cambridge (2005). Cambridge (2005) argues that interpreters have to deliver the same level of strength or threat of the rudeness for other professionals to judge the speaker's state of mind. Additionally, Interviewee 6 reflected on how to deal with this challenge, as shown in Excerpt 179.

Excerpt 179

I find that certainly word-for-word translations of swear words would work, not very often anyway...unfortunately in criminal proceedings...That language appears very often, so you have to be aware of it. Even if it's unpleasant, even if you don't swear yourself, or speak that kind of language, you have to familiarise yourself with it. The legal terminology and all of that, you could learn all that. That's black and white. But all the swears are especially difficult I would say. (Interviewees 6, Telephone)

Interviewee 6 pointed out that unlike legal terminologies, swears do not have glossaries ready for the interpreters to learn. She suggested that they could sometimes interpret in a word matching approach and it is also useful to prepare such vocabulary beforehand. This is in accordance to the suggestion made by González et al. (1991) that the best solution is setting up a database.

Interestingly, all three Mandarin interpreters interviewed mentioned the same issue of grammatical differences between English and Chinese, in particular pronouns. For example,

Excerpt 180

The biggest challenge of Chinese-English interpreting is the difference between the use of pronouns. In Chinese, the pronunciation of "he" and "she" are the same, so interpreters then need to confirm with the Chinese speaker whether it is "she" or "he" in order to do the interpreting accurately. Sometimes witness answer a question by saying "She went there again and came back to him," I will ask the defendant to answer the question again by indicating very clearly what those pronouns refer to. (Interviewees 2, Telephone)

Interviewee 2 perceived interpreting pronouns as a major challenge and justified

her opinion through an example. She explained, in Chinese, there is no distinguishing in the pronunciation between “she” and “he,” which is a situation Mandarin interpreters encounter frequently and need to clarify. Previously in Excerpt 129, Interviewee 5 discussed the same issue. This interpreter also discussed a further difficulty caused by the difference of verbs in Chinese and English, as shown in Excerpt 171. Although Interviewee 5’s explanation was only brief, she pointed out one key challenge in interpreting. The grammar structure of the source language cannot always be directly transferred into the target language. Therefore, the interpreter often needs to make additional adjustments to deliver a meaningful interpretation.

Finally, Interviewee 8 reported the difficulties he encountered in relation to dialect and terminologies.

Excerpt 181

Obviously, I have had my share of such difficulties. Whatever they may be, they must be disclosed. They might be with dialects, or technical terms; and if these difficulties cannot be satisfactorily remedied, I have had to withdraw from an assignment in the past. The lady spoke barely a broken dialect of the language I was to interpret and so after using all my skills I was not satisfied that the process is effective. So, I withdrew by informing the judge I could not continue with the assignment. (Interviewee 8, Telephone)

In particular, Interviewee 8 discussed that sometimes it was impossible to interpret due to dialectical problems. As a result, he had to disclose this difficulty to the legal practitioner in charge of the proceedings and withdrew from the interpreting assignment.

It can be concluded from the above discussions that interpreters in the present study perceived complicated legal terminologies and legal language, culture-specific address terms, idiomatic expressions and swear words, and differences in grammatical structures as the most prominent linguistic challenges in delivering accurate and faithful interpretations.

7.5 Lack of understanding of the interpreting profession

Interpreters in this research suggested that difficulties could be caused by legal

professionals' failure to recognise legal interpreters as professionals, which might lead to a lack of understanding of the sophistication of legal interpreting and the unreasonable requirements imposed upon the interpreters. Interpreters also identified that the most common obstructions could be reflected in the failure to provide satisfactory working conditions, lack of awareness of interpreter's practice and difficult clients. How these issues might affect the interpreters' work as well as the delivery of accurate and faithful interpretation will be discussed in the following three sub-sections.

7.5.1 Lack of professional respect

Interpreters in the present study engaged in extensive discussions regarding how difficulties in performing their roles may rise due to a lack of professional respect from legal practitioners. Interviewee 10 pointed out the importance for legal practitioners to treat interpreters as equal professionals. She also noted understanding the interpreter's role and interpreting methods would facilitate a better interpreter's performance, as can be seen in Excerpt 182.

Excerpt 182

It is important for legal practitioners to understand and use only qualified interpreters and work with them as equals. Hence, they would achieve better results in the application of justice and the smooth running of the court's procedures. They also need to know the role of the interpreter and the different methods used during interpreting. (Interviewee 10, Telephone)

However, some respondents felt there was a lack of respect because of the failure to recognise legal interpreters as professionals and such hostile attitudes or unreasonable behaviours would make interpreters' work more difficult. For example,

Being treated with no respect by members of the staff is very difficult. (Open comment, questionnaire)

Fortunately, this is not reported as a common phenomenon. Some interviewees felt satisfied towards legal staff's attitudes. Interviewees 2 and 4 and 6 felt that legal staff generally understand the profession of legal interpreting well and treat the

interpreters respectfully. For example,

Excerpt 183

I have never really come across anybody rude. Judges, and other court staff, are usually quite understanding. (Interviewee 6, Telephone)

On the contrary, Interviewees 1, 3, 5, 6, 7 and 10 shared dilemmas caused by disrespect from legal practitioners. For example,

Excerpt 184

...non-cooperative prosecutors and judges...probably, it might not be non-cooperation, it might be lack of experience. (Interviewee 1, face-to-face)

Excerpt 185

Sometimes legal people treat interpreters like some kind of assistant. Once I was even asked “go on get me get me a cup of coffee, no please or anything like that.” (Interviewee 3, Telephone)

That some legal practitioners do not consider interpreters as equal professionals is evident in Excerpt 185. Interviewee 3 described her own experience of being viewed as an assistant and receiving rude instructions, which made her feel she was not being treated with due respect.

Difficulties caused by a lack of trust were reported by Interviewees 5 and 6.

Excerpt 186

When interpreting, for example there is another problem, the person you are interpreting for, whose lawyer is a Chinese...there was one sentence, I just finished interpreting, his lawyer said, “I’m not saying that this interpreter is not good, but for this sentence, I think the interpreter didn’t use the right words. Can I ask the prosecution to ask it again?” Then I paused...It should have been the judge’s decision...I looked at the judge. The judge...said “I believe the interpreter is very experienced and qualified to do the interpreting. She is a very experienced and qualified interpreter. She is very capable of doing her job...I’m not to entertain such a request.” (Interviewee 5, Telephone)

In the example of Interviewee 5, a lawyer could speak Mandarin and thought some of the interpretation was wrong and requested the judge to allow a re-interpretation. Despite feeling pressure, Interviewee 5 remained calm and waited for the judge to

make a decision on this matter. The judge ruled the matter in favour of the interpreter. Interviewee 6 was questioned about the interpretation of one word due to an unclear video recording.

Excerpt 187

I have interpreted for that particular witness in court, during a video recorded interview, and in court. That recording wasn't putting it up clear in places, there was a question over a word. The question was whether it was correct basically, and they have to listen back to it. And I was extremely stressed about it. However, it turned out that I did it correctly. That was good. (Interviewee 6, Telephone)

Interviewees 5 and 6 shared experiences where lawyers did not trust them and challenged their interpretation during a trial. Brisset et al. (2013) discusses health practitioners' fear and worry that interpreters may take away their power of control. Although the research of Brisset et al. (2013) is based in the healthcare setting, this reflection can possibly be used to explain the likely cause of the above lack of trust because legal practitioners are also famous for valuing their control over the questioning process. Also, the above two examples reported by Interviewee 5 and 6 described how the undervaluation of legal interpreters' professional status might lead to a lack of trust of their competence, which would definitely increase the difficulty of the interpreter's work. If interpreters are considered professionals, a general trust of the quality of their work should be established. In the case of doubts about the correctness of their interpretation, an expert should be invited to evaluate the interpreter's performance. Obviously, this does not fall into the expertise of a legal professional, even if this person can speak the interpreter's language.

Interview discussions with legal practitioners also showed certain levels of failure to recognise legal interpreters as professionals. Although all six legal practitioners acknowledged the important function of the legal interpreter, they tended to consider using interpreters a requirement of the regulations rather than a necessary element of the legal process with professional expertise. As HMRC Criminal Investigation Officer 2 reflected:

Excerpt 188

PACE1984 Codes of Practice – Code C section 13.1 states that officers are responsible for making arrangements to provide appropriately qualified

independent persons to act as interpreters.... Legal interpreters are there to assist in the communication barrier that may exist between an interviewer & interviewee. The right to this is set within PACE 1984 and if the interviewee didn't have this right then the right to a fair trial wouldn't exist. (HMRC Criminal Investigation Officer 2)

This Officer mentioned the system requirement repeatedly. This obviously was his main reason for using interpreters in his work. This attitude is highly likely to lead to the situation that interpreters may not be welcomed despite being considered an important component to deliver fair justice for language minorities. Similarly, HMRC Criminal Investigation Officer 1 only appreciated the interpreter's work in a very restricted sense.

Excerpt 189

Most properly – Filling in claims forms and other legal paperwork. Least properly – Adhering to custody suite rules. For example, some randomly wander about making it difficult for an officer to deal with the subject and look after the interpreter. (HMRC Criminal Investigation Officer 1)

HMRC Criminal Investigation Officer 1 only showed satisfaction towards the interpreter's work in terms of assisting the completion of paper documents. In contrast, he in particular expressed his negative attitude towards "looking after the interpreter." It can be inferred from the above two comments that these two Officers only viewed interpreters as a limited role, rather than a recognised professional. This confirmed the argument made by Hale & Gibbons (1999) that the interpreters might still be viewed as "a necessary evil" and they are not appreciated by every participant in the legal process (p.207). Other parties only want the interpreters' linguistic assistance. Anything beyond this role was considered unnecessary and even an extra burden in their work. As a result, interpreters' professional discretion is highly likely to be ignored or denied. Moreover, interpreters may also find it very difficult to put forward their requests.

7.5.2 Problematic role expectations

Other parties' expectations containing confictions with interpreters' professional roles, e.g. the deviations of the principles of invisibility and impartiality is also

reported as challenging. Such difficult situations could appear when interpreting for non-English speakers, as reported by Interviewee 2.

Excerpt 190

As a professional interpreter, I always stick to the code of conduct for legal interpreters, so when I do have any dilemmas I know exactly how to cope with them. For example, Chinese defendants sometimes ask me not to interpret a particular sentence that they feel is not appropriate, and in this case, I just tell them it is the obligation for an interpreter to render the meaning faithfully and completely, so I then interpret exactly their words at court. The reasons causing misunderstanding or dilemmas are non-English speakers' misunderstanding of the responsibility of court interpreters, and it is sometimes caused by the unwanted sympathy that court interpreters might have when working at court. (Interviewee 2, Telephone)

Interviewee 2 discussed frequent experiences in her work receiving the requirement from non-English speakers to alter testimony on their behalf due to their misunderstanding of the responsibility of legal interpreters. She perceived this as one of the dilemmas in her practice. When asked about difficulties legal interpreters face, Police Officer 1 discussed non-English speakers' emotional dependency and unreasonable expectations.

Excerpt 191

I do believe though, that interpreters, like all professionals in the CJS, find difficulties in dealing with broken family situations and highly emotional individuals, who have unrealistic expectations about what the police and courts have the power to do. This is especially so in the case of victims. I would imagine that in these cases, interpreters are weighed on emotionally by these victims, in the hope that they can influence the police and court decisions. (Police Officer 1)

The above reports from Interviewee 2 and Police Officer 1 coincide with that from Munyangayo's study (2016). One interpreter was expected by the defendant's wife to "get a positive outcome from the hearing, at any cost" (Munyangayo, 2016, p. 172). Munyangayo (2016) reflects that such a collusive expectation is the result of the shared identity of being immigrants between her and the interpreter. As a result, other participants' expectations may potentially force interpreters' deviations from their professional role (Munyangayo, 2016). Also, when interpreters fail to satisfy expectations or refuse demands of non-English speakers, it is highly likely to cause

hostility. In the study of Munyangayo (2016), “empathy and collusion” (p. 172) were found to be expected from the interpreter by the defendant’s wife because he was hired by the defence lawyer and sharing the same identity as immigrants. Moreover, immigrants’ “identity, beliefs and ideologies” may still influence their attitudes in the host country. Sharing the same identity could lead to the expectation of solidarity whereas differences could cause “mistrust or confrontational attitude” (Munyangayo, 2016, p. 174). Therefore, Interviewee 2 pointed out the importance of following the professional ethics and reminding other parties of the interpreters’ role when there is a conflict. Briefly introducing the function of the interpreter prior to any legal proceedings could remove a major obstacle to interpreting work and ensure the smooth running of the legal procedure involving non-English speakers.

Problematic role expectations can also be observed from legal practitioners’ responses. These officers generally believed that interpreters only assist linguistically. For example,

Excerpt 192

...interpreters facilitate the legal process where one or more individual [doesn’t] speak English as a first language.” (Police Officer 1)

Excerpt 193

Interpreters used by HM Revenue and Customs are essential when interviewing suspects where there is a language barrier. (HMRC Criminal Investigation Officer 2)

In addition to only knowing the interpreters’ linguistic role, legal practitioners being interviewed demonstrated an expectation of restricting the interpreters’ discretion. For example,

Excerpt 194

...interpreters should only interpret what the officer has asked and only elaborate when prompted by the officer. (Home Office Enforcement Officer 1)

Home Office Enforcement Officer 2 also held a strong belief in restricting interpreters to a very limited function. This officer may seem to understand accurate interpretation to be the interpreter’s main function. However, it can be inferred from

Excerpt 20 that he expressed clear frustration towards the interpreter “not interpreting exactly what the person has said.” The interpreter was possibly making relevant explanations during interpreting but was judged by the official as “chatting,” which clearly reveals a lack of awareness of how languages differ. It can be drawn from this comment that in his understanding, the interpreter can only assist linguistically and accurate interpretation rigidly means, “exactly what is said.” This Officer evaluated the interpreter’s performance negatively due to this misunderstanding.

Misunderstanding could be identified as an unreasonable expectation, beyond interpreters’ professional boundary, such as making the non-English speaker more relaxed. Both Home Office Enforcement Officer 2 and Police Officer 2 thought interpreters should “support the witness” and “put the victim or suspect at ease” (seen Excerpts 23 and 24). The expectations from legal practitioners that the interpreters should support non-English speakers emotionally might reduce institutional practitioners’ control over the process. Therefore, it is in contradiction to the interpreters’ impartiality (Brisset et al., 2013). As discussed extensively in the Literature Review, expectations held by legal practitioners beyond interpreters’ professional boundaries could lead to unfavourable evaluations of interpreters’ performance.

It could be established from the above discussion that participants in the present study recognised other parties’ problematic expectations of the legal interpreters’ roles due to the lack of understanding as one of the most prominent difficulties the interpreters face.

7.5.3 Lack of understanding of the interpreting practice

The third difficulty relates to the misunderstanding of the way interpreters practice. Interviewee 5 identified that one of the most frequent misunderstandings was viewing interpreters as a translation machine.

Excerpt 195

I think most of the time when we are working, there is one kind of people, who would misunderstand that we can interpret like a machine, we can do word-for-word interpreting. (Interviewee 5, telephone)

Interviewee 5 would try to explain a word-for-word interpretation is not possible due to language differences.

Excerpt 196

I would educate that person that it is impossible in interpreting. I'm afraid I can do my best, but I can't guarantee, because Chinese and English are very different, a lot of times we have to paraphrase, otherwise, it's not possible to do my job." I think in this way, they'll take your work more seriously. They'll start to realise your job is not that easy to do. There are difficulties in interpreting, such as linguistic differences. (Interviewee 5, Telephone)

Interestingly, Home Office Enforcement Officer 2 reflected on the overall effectiveness of the interpreters' professional behaviours with the exception of not making a literal interpretation.

Excerpt 197

The most frustrating thing is when an interpreter talks to a detainee during an interview and is quite obviously not interpreting word for word what is said. (Home Office Enforcement Officer 2)

As has been discussed in Section 3.2.2 "Interpreters as translation machine/conduit" of the Literature Review, it was widely accepted by scholars that interpreting is an extremely complex process, rather than a simple word-matching process. However, such an understanding has not been achieved across the British legal sector. To make people understand this, Interviewee 5 would also intervene to ask for clarification when necessary. She felt it would help improve awareness of the complexity of legal interpreting among other parties.

Interviewee 5 described another difficulty caused by misunderstanding of the way interpreters practice.

Excerpt 198

Then I whispered interpreting to the appellant... And the judge said "don't whisper." Then I said, "I'm just telling the appellant what you are saying to the solicitor, not the question. I thought that was what expected from me." Then I said, "if this is not allowed by you, I would not interpret it." Then the judge laughed and said, "I'm sorry, I do not know" (Interviewee 5, Telephone)

As can be seen in Excerpt 197, Interviewee 5 was conducting whispered interpreting while the barrister was talking. The judge thought she was having a private conversation with the non-English speaker and asked her not to whisper. Facing this misunderstanding, as an experienced interpreter, Interviewee 5 dealt with the situation calmly and professionally. She explained to the judge that whispering interpretation was the appropriate mode during a legal debate to make sure that the non-English speaker is aware of what is going on without disturbing the other participant's speech.

In addition to recognising legal practitioners' failure to understand the legal interpreters' role and appreciation of their services, Interviewee 10 suggested two common areas where interpreters were misunderstood.

Excerpt 199

Court personnel and legal practitioners fail to understand the role of the legal interpreters or value their services. Most of the time, their action was due to ignorance and lack of training. The interpreter should use the speaker's first person when interpreting. But some legal practitioners misunderstand it as if the interpreter speaking about herself/himself. The interpreter is not allowed to interfere and correct a legal practitioner. (Interviewee 10, Telephone)

As can be seen in Excerpt 198, interpreting in the first person could be misunderstood as the interpreter speaking in his/her own right and interpreter intervention might not be welcomed by the legal team. Interviewee 10 also identified that difficulties created by legal practitioners were the result of a lack of training or experience.

All six legal practitioners showed very limited knowledge of various aspects of legal interpreters' practice. When asked about general difficulties interpreters face in their work, only Police Officer 2 mentioned the payment issue while Home Office Enforcement Officer 2 had a very limited understanding of interpreting difficulty caused by language difference.

Excerpt 200

Sometimes there does not appear to an equivalent expression in the other language. (Home Office Enforcement Officer 2)

Other Officers all answered “No” or “I’m not aware” in response to this question. They also reported that they never encountered any situation involving cultural difficulties. None of them knew that interpreters’ alterations or misinterpretation might influence the original testimony, the legal process or the outcome. Only Police Officer 1 was aware of the existence of legal interpreters’ Code of Conduct but she did not know “what it entails.” Police Officer 2 commented:

Excerpt 201

In my experience, I have found that interpreters are happy to follow the instructions given to them and they tend to be guided by us which in most cases does appear to be appropriate. I am not aware of the code of ethics that is followed by them however I would expect that due to the fact that they were on a list of approved interpreters they have been vetted to a reasonable standard. (Police Officer 2)

It is evident in Excerpt 201 that Police Officer 2 based his judgment on a general expectation rather than a clear understanding. Because this police officer did not know what the legal interpreter’s professional guidance entailed, he would not be able to identify inappropriate practice. HMRC Criminal Investigation Officer 2 thought interpreters’ signing Home Office confidentiality paperwork was sufficient to confirm adherence to a code of conduct. This Officer did not understand that legal interpreters are independent professionals practicing according to a set of ethical rules.

On the contrary, one Home Office Enforcement Officer and one HMRC Criminal Investigation Officer showed a tendency of expecting interpreters to work to direction regardless of the interpreters’ Professional Ethical guidance. For example,

Excerpt 202

The interpreters I have worked with for the most part are professional and effective. In my experience, I have found that Interpreters are happy to follow the instructions given to them and they tend to be guided by us. (Home Office Enforcement Officer 2)

It can be inferred from this excerpt that this Officer’s satisfaction was based on the condition that the interpreter complies with his guidance. He completely neglected the possible existence of the interpreter’s own professional guidance and their need

to follow it. As discussed previously in Section 7.3 “Complicated legal procedures,” Police Officer 2 perceived the conflict between interpreters’ manner of conducting their exercise and the police’s manner to conduct investigations in a problematic area. In his opinion, interpreters should “follow the instructions of the officer” (see Excerpt 175). Legal practitioners in this study actually demonstrated the understanding of the interpreting profession to some degree, but not sufficiently. There might be a mismatch between interpreters’ feeling of being misunderstood and other parties’ lack of understanding. Nevertheless, the difficulty of following it properly inevitably increases due to this reason.

Interviewee 7 thought the interpreters’ dilemmas in terms of legal practitioners’ misunderstanding of their role had a direct relationship with their level of experience in dealing with non-English speakers.

Excerpt 203

To be fair, I think it depends really on where you work. If it’s a multicultural area, say (name of three places) in general, it is pretty much, they deal with different nationalities every day. So, they know. But if it’s somewhere like remote, and more English, some of them, they don’t know... sometimes they just like “oh what’s your job. What’s your role, or the interpreters may do whatsoever.” They come up with some strange things sometimes. (Interviewee 7, Telephone)

Participants in this study made suggestions for how to deal with difficult situations due to legal practitioners’ insufficient knowledge of the legal interpreter’s role. For example, Interviewee 9 suggested introducing the interpreter’s role and the principle of impartiality before the job began.

Excerpt 204

I normally do not encounter any dilemmas as long as, at the beginning, I explain my role as an interpreter. I also make it clear that I must remain impartial. Unless they become verbally aggressive or abusive towards me then no it would not affect me. (Interviewee 9, Telephone)

The above discussion revealed that legal practitioners were not trained sufficiently on how to work with interpreters. Their knowledge and understanding of the profession of legal interpreting were built up through experiences. They expressed an overall satisfaction and appreciation of assistance from interpreters. A gap

between interpreters' feeling and that of legal practitioners was reflected from results of this study. This gap exists because of the system but not people. The system is not providing sufficient training to people working with interpreters, which results in the lack of understanding and possible hostile attitudes among legal professionals to make interpreters' work more difficult. Interpreters' performance might be judged on the role beyond their professional domain or by inappropriate criteria due to contradictions between legal professionals' expectations and the profession of legal interpreting.

7.5.4 Failure to provide satisfactory working conditions

A lack of understanding can be reflected by the failure to provide satisfactory working conditions for legal interpreters. Interpreters in the present study contributed extensive discussion on this issue. For example,

It is also a lot easier to interpret when people speak in manageable chunks rather than going on for several minutes at a time. (Open comment, Questionnaire)

This respondent commented that not breaking down lengthy speeches made the interpreters' work more difficult. Interviewee 7 identified the issue that other parties were not aware of the interpreters' need for a reasonable speech speed and volume.

Excerpt 205

They don't realise that interpreters need a certain pace and volume of voice. (Interviewee 7, Telephone)

The interpreter needs a clear view of the speaker, reasonable acoustics in the courtroom and a fair speed of the speaker's speech (Jones, 1998). It is obvious that interpreters can render a more accurate and precise interpretation when the original message is delivered with a steady speed and regular stopping intervals. However, this is often neglected. Interviewee 5 is an experienced interpreter who has been practicing for nearly twenty years. She reported that it was difficult to interpret when people speak in a fast and unclear manner:

Excerpt 206

There are also some judges...talk very fast, and their articulation is sometimes not very clear... very difficult to hear... I think this sometimes bothers me as well. (Interviewee 5, Telephone)

She argued that interpreters had to interrupt and make other parties realise this vital condition for interpreters' work:

Excerpt 207

I would interrupt them because an interpreter needs time to interpret. If you don't open your mouth, they won't stop. This is the way to make other people realise that they can start talking when you finish interpreting. (Interviewee 5, Telephone)

Both Interviewee 5 and Interviewee 10 discussed the issue of time pressure.

Excerpt 208

And an interpreter needs time to interpret, but they sometimes they don't give you time to do it. (Interviewee 5, Telephone)

Excerpt 209

...although they would be aware of the valuable court time. (Interviewee 10, Telephone)

Interpreters are not allowed sufficient time to achieve their best performance, as evident in the above two excerpts. One respondent commented that some legal staff viewed interpreters as a "necessary evil" (Open comment, Questionnaire) and thought the use of an interpreter delays the proceedings. As a result, they would speak at their normal speed or would fail to stop at regular intervals. Under these circumstances, interpreters would exhaust all their efforts to catch up with such a fast pace without paying enough attention to interpreting quality.

Many interpreters shared the problem of "not being able to hear properly" (Open comment, Questionnaire). For example,

Very often, interpreters find it difficult to hear in the case of "murmuring speakers." (Open comment, Questionnaire)

Court staff not using equipment, obstructing interpreter's hearing, hence interpreting process. (Open comment, Questionnaire)

Interviewees 1, 3, 5 and 7 reported the same issue that bad acoustics due to many variables including positioning of speakers, noises from the audience and the venue could affect their interpreting quality. For example,

Excerpt 210

Given lots of different factors, like noise, the venue, interpreting sometimes children are crying, sometimes, the barrister has his back to you, so you can't hear properly. There are so many variables, really. (Interviewee 3, telephone)

The problem becomes more serious when the interpreter is positioned inside the defendant dock with a glass wall, as reported by Interviewee 7:

Excerpt 211

Yes, sometimes in old courts you can't hear because you are inside a dock, sometimes you have it with this glass, some glass wall, you can't hear anything. (Interviewee 7, telephone)

Both Interviewee 5 and 7 discussed how bad acoustics might put accurate interpretation at risk. An example can be seen in Excerpt 211.

Excerpt 212

But sometimes say you have a few weeks of trial, and then you had a day you get exhausted, you don't want to be out for work, because the quality, it should be like that all the time. (Interviewee 7, telephone)

Interviewee 7 pointed out that interpreters might become tired more easily under these circumstances, which might seriously affect the interpreting quality. The above discussion shows that not being able to hear properly is a common difficulty shared by many interpreters. This clearly reveals that the legal context fails to take the presence of the interpreter and the vital conditions for their practice into consideration. Interpreters might feel intimidated to raise it to the attention of the legal staff in charge due to the concern of being perceived as an incompetent interpreter, as reported by one questionnaire respondent:

Asking them to repeat may be misinterpreted as my incompetence. (Open comment, Questionnaire)

In contrast, Interviewee 7 reported she would ask the speaker to speak louder.

Excerpt 213

You do ask them to speak up, rather than like other interpreters said “oh I just made things up as I go along.” But that’s wrong. (Interviewee 7, Telephone)

Interviewee 7’s strong confidence in putting forward the demand is evident in the excerpt above. She obviously knew such intervention was a professional approach of ensuring the interpreting quality.

Legal interpreters also require regular breaks to maintain high interpreting quality. Interviewee 6 discussed the highly demanding nature of legal interpreting:

Excerpt 214

Simultaneous interpreting all day long is a killer...consecutive interpreting for a witness in a box all day long is just as tiring...because the level of concentration is just so high. (Interviewee 6, telephone)

The situation can get worse when a court trial might involve several different interpreters because their voices might affect each other.

Excerpt 215

You listen to everything what is said, you at the same time hear when your colleagues talking as well, which could be very tiring. (Interviewee 6, telephone)

Interviewees 5 raised the issue that only using one interpreter in a court trial might put the interpreting quality at risk:

Excerpt 216

The court generally uses just one interpreter. If one interpreter does it from the beginning to the end, it’s very unlikely to guarantee the quality of interpreting. (Interviewee 5, Telephone)

Interviewee 6 reported the problem that the interpreter’s need for a break was often

ignored and more seriously, it could be rejected.

Excerpt 217

The court would not accommodate breaks and expect the interpreter to go on all day... Interpreters normally get a lunch break and that's it...Although the guidelines always said that the interpreters should be allowed a break if they needed one, most of the court did not want it... One judge even said, "because interpreters get money for it, so it's slowing down the process." (Interviewee 6, telephone)

It is evident in the excerpt above that interpreter breaks were viewed as unreasonable requests and were misjudged as techniques to earn money as well as a delay to the process by the judge. Such a hostile attitude is a clear demonstration of other parties' misunderstanding of the legal interpreting profession, which could put the interpreter in a difficult situation.

Excerpt 218

To be fair, I'll have to get very tired to ask for a break...If I feel I can't do my job properly, I'll ask for a break. If I just feel a little bit tired, I'll probably put up with it. (Interviewee 6, telephone)

The above excerpt shows that Interviewee 6 would only ask for a break if she got very tired and felt she could not do her job properly anymore. This is clear evidence of how other parties' failures of understanding and accommodating the interpreter's need for regular breaks would force them to try their best to cope with this difficulty.

To summarise, interpreters in this research recognised factors would inevitably make legal interpreters struggle with interpreting accurately. These factors include the failure to recognise the necessary involvement of interpreters to ensure a fair trial, the insufficient knowledge of the interpreters' role and sophistication of the legal interpreting process, the restriction of the interpreters' professional discretion, and not providing essential working conditions, including interpreters being unable to hear properly and not receiving breaks. As a result, this would bring the risk of hindering the smooth running of a legal proceeding involving non-English speakers and the delivery of fair justice. However, it is worthwhile to note that the failure of meeting essential working conditions is the fault of the system, but not that of individuals and other professionals.

7.6 Difficult clients

Interpreters in the present research reported that various difficulties often arise due to non-English speakers. Firstly, many interpreters discussed the difficulty of interpreting messages making no sense. Interviewees 1, 2, 4, 5 and 9 all reported their struggles in interpreting confusing and incoherent speeches. For example,

Excerpt 219

They are not well-educated, they don't speak standard Mandarin. Sometimes their speech is very confusing, and very incoherent. So, I feel it was very difficult to interpret at that time. (Interviewee 5, telephone)

This problem also appeared when non-English speakers delivered their answer in an unclear or incoherent manner, as reported by Interviewee 1 in Excerpt 105 previously and Interviewee 2 and 4 in the next two excerpts.

Excerpt 220

Yes, if witnesses and defendants speak in an unclear way, I would find it very difficult to do the interpretation. (Interviewee 2, telephone)

Excerpt 221

... when somebody is talking nonsense, there is no connection between this sentence and the next one, and between the next one and the following one ... It doesn't make any sense in Mandarin, so it is impossible to translate into English ... which is a challenge for me to make accurate and faithful translation ... (Interviewee 4, telephone)

Both interviewees reported that they felt it was very challenging to interpret ambiguous utterances. Interviewee 4 explained the challenge lies in her inability to understand the original message. One respondent elaborated that, sometimes, non-English speakers do not answer properly because they could not follow the thought of the questioner.

The questioner and responder are not always on the same thought strings. (Questionnaire open comment)

Interviewee 4 thought the defendant may deliver the answer in such an ambiguous manner deliberately to avoid taking responsibility.

Excerpt 222

Because he is trying to avoid responsibilities and has a fear of conviction...Because he is afraid, so he is talking rubbish. (Interviewee 4, telephone)

Interviewees 1, 5 and 9 reflected that this was an educational issue. For example,

Excerpt 223

These people cannot express themselves clearly, concisely or articulately in the mother tongue, but very often what they actually say is either vague, incoherent or comes across as rude because they are uneducated. (Interviewee 9, Telephone)

Meaningless utterances would obviously increase the interpreting difficulty. However, the above comment is rather derogatory. Generalising the problem to education and intelligence may reveal the interpreter's unconscious prejudices, which are very revealing about how some interpreters approach their clients. A similar issue was discussed in Section 6.2.2.1 "Technical language" in the Literature Review where the interpreter's biased attitude might lead to a biased interpretation.

Non-English speakers speaking in an unclear and incoherent way is obviously a common and challenging situation. Interviewee 4 found it difficult due to a problem of untranslatability, as she explained in Excerpt 221. This can be related to the discussion in Section 6.2.7 "Grammatical errors" in the previous chapter. It is very difficult to reflect the original ungrammatical or meaningless manner in the target language. In addition to the linguistic challenge, the concern of being misunderstood as not doing a proper job was raised. It was discussed in Section 6.2.2.3 "Reflecting ambiguity" in the previous chapter. Interviewee 1 reported worries about this issue, whereas Interviewees 5 and 7 were confident that legal practitioners knew it was the non-English speaker speaking in such a manner. Interpreters discussed different approaches. Interviewee 1 would reflect the original ambiguous manner but make minor improvements. Interviewee 9 would guess at the speaker's intended meaning. Instead of trying to reflect the same manner or guessing what the speaker trying to say, Interviewee 2 would raise the issue to the

court and ask for clarification.

In addition to the speaking manner, interpreters reported that non-English speakers' attitudes might cause problems in their work. Interviewee 3 commented that non-English speakers with mental health problems might attack the interpreter or the barrister.

Excerpt 224

I had a very difficult client in the past. Sometimes, a client who was very aggressive, who might have mental health problems, they might try to attack me, or attack the barrister, or something like that. (Interviewee 3, Telephone)

A lack of understanding of legal interpreting can also be reflected in a very extreme attitude. Interviewee 3 described two completely opposite types for reactions from non-native speakers, them having huge respect for them and them being very dismissive.

Excerpt 225

You might get, perhaps, huge respect for you, almost speaking to the floor, bowing to you, because they think you are somebody very high up or something like that. You might get somebody who is actually quite frightened of you; some of them might be quite rude to you; quite dismissive; treat you like dirt. (Interviewee 3, Telephone)

Interviewee 3 felt, sometimes, it was impossible to do her work when faced with bad attitude.

Excerpt 226

Yes, I had one, very difficult one. I have a lot to see over the years ... for example, a male defendant refused to talk to me ... I just advised the court clerk I couldn't do my job and suggested they send a male interpreter ... it wasn't particularly such a case that needed a male interpreter. It wasn't sensitive in any way. So, I think he just didn't like women, something like that. (Interviewee 3, Telephone)

Interviewee 3 once encountered a male defendant who refused to talk to her because she was a female interpreter. She had to inform the court to call in a replacement interpreter. Interviewee 4 also perceived hostile attitudes from non-English speakers as challenging situations. She described a similar experience

of interpreting for a suspect who suffered depression. This suspect verbally abused her throughout the whole process of the police interview. She made great efforts throughout the interview and performed in a professional way. Although she felt it very difficult for her to do her job, she did not let it affect her interpreting quality. Interpreters' emotional distress caused by non-English speakers' difficult behaviours is also identified in the literature review of Garcés (2015). 14% respondents surveyed by Bošković (2011) considered this as their biggest concern (Garcés, 2015).

Interviewee 4 felt misunderstandings came more easily from non-English speakers, as they did not know the roles and duties of the interpreter. In her experience, some of them might ask her strange questions, seek advice or think her on the side of the police.

7.7 Emotional challenges

Interpreters in this study made an important contribution by identifying emotional issues as one of the main challenges when interpreting in the British legal context. Unlike other topics of legal interpreting that have been discussed extensively by scholars in the field, this issue has only started to attract academic attentions in recent years. As has been introduced in the "Literature Review" chapter, interpreters' stress was only briefly mentioned in the research of Cambridge (2005) and Brisset et al. (2013). Also, Garcés (2015) reviewed some studies in Europe, but there are either preliminary or too broad.

In the present study, five interpreters discussed "emotional side of difficulties" (Interviewee 7, telephone) in the interview. On one side, they reported interpreters' personal issue. Interviewee 4 argued that interpreters are still human beings and they have emotions. It is natural for them to feel unhappy, frightened and sometimes embarrassed. On the other side, interpreters may also be emotionally affected by the content of the case or other parties' attitudes. The influence of the nature of the interpreting task and the interpreting client is a common finding of the studies in Garcés' review (2015).

Participants in the present study identified that interpreters' emotional problems can seriously influence the smooth running of the legal proceedings. For example,

Excerpt 227

Emotion can be a big problem, but if there is a problem, that could affect in big terms. Absolutely. (Interviewee 7, Telephone)

Excerpt 228

If the interpreter lost control and started arguing with the defendant, the job cannot continue. (Interviewee 4, Telephone)

The above discussions coincide with the significant consequences of emotional factors on interpreters' work argued by several studies reviewed by Garcés (2015). However, this issue has not been realised across the legal setting, as elaborated by Interviewee 4 and Interviewee 7. For example,

Excerpt 229

Other legal professionals think you don't get affected...When there is a problem, what you do is just you deal with it. (Interviewee 7, telephone)

Interviewee 7 raised the issue that interpreters are expected to maintain a professional manner with an impartial and calm stance. She pointed out it is a misunderstanding from other parties in the interpreting process to believe that the interpreters would not be emotionally affected.

Firstly, interpreters may feel nervous or embarrassed because of their personality. This might be influenced by the hyper-formal legal procedures. One respondent made an interesting reflection regarding the questionnaire item: "(C) high pressure in criminal justice environment." This interpreter thought it could increase the difficulty of interpreting when other parties were nervous.

Pressure on non-English speakers by the courtroom 'drama', even when the interpreter is calm and objective. (Open comment, Questionnaire)

Some interpreters reported that they found it challenging to copy some elements due to certain personal reasons. For example, the feeling of embarrassment was raised by Interviewees 3 as she tried to reflect aggressive tones (see Excerpt 57) and by Interviewee 6 when she interpreted rude languages (see Excerpt 87).

Interviewee 5 discussed two situations causing interpreters' feelings of embarrassment. The first one was funny behaviour from the non-English speaker of burping, which made her laugh so badly that she could not conduct the interpreting.

Excerpt 230

But another time, the woman was constantly burping. I found that was very difficult to deal with ...Then the police started laughing. Then I couldn't help myself, I started laughing ... Everybody was laughing so badly that I couldn't interpret anymore. (Interviewee 5, telephone)

Embarrassment could also appear when interpreting for a rape or a sexual assault case.

Excerpt 231

For example, a rape or a sexual assault case ... But the questioning process was in a lot of detail. There were a lot of questions about genitals. I didn't turn red, really, I was interpreting calmly. (Interviewee 5, telephone)

Interviewee 5 thought interpreters of the opposite gender of the suspect might feel uncomfortable because the questioning process contained great detail about genitals. Interviewee 5's reflection confirms the difficulty of interpreting "intimate body parts and activities" acknowledged by Cambridge (2005, p. 153). Interviewee 5 has been an interpreter for many years and reported she was brave and calm. Obviously, not all interpreters, especially newly qualified interpreters, have the ability to maintain such a professional manner when they feel embarrassed.

The second emotional difficulty interpreters in this research reported was not being able to remain emotionally detached from a case, as identified by Interviewee 1. Interviewee 1 gave an example of an unnamed interpreter who developed a psychiatric problem and had to seek treatment.

Excerpt 232

The only challenge was too much emotional involvement...She was negatively affected by an assignment and had to sought psychiatric consultation. She took on too much ownership without being aware of it. Instead of acting as an interpreter, she gets involved. (Interviewee 1, Face-to-face)

Reflecting on his own practice, Interviewee 1 reported that he also struggled with similar difficulties when he was a new interpreter because of the lack training and support.

Excerpt 233

That was initially mostly I struggled when first started. I was a little bit soft and a little bit inexperienced, so I put myself in the shoes of the witness. I could feel the sarcastic tone and the aggressive tone, then he emotionally absorb it for the defendant. (Interviewee 1, Face-to-face)

Interviewee 2 also mentioned the same emotional struggle. She explained that “the unwanted sympathy” could lead to their alterations to the original testimony (See Excerpt 190). Additionally, Interviewee 7 admitted domestic violence case might affect one of her colleagues and herself emotionally.

Excerpt 234

What she finds the emotional side of difficulties. If she saw certain domestic issues, she gets really upset, she gets into it. And that's what she finds difficult, and I find mine the same. (Interviewee 7, Telephone)

The difficulty of fighting deep emotional involvement is a common finding of several studies in Garcés' (2015) review. Although these studies were done in the whole public service sector in European countries, their findings can support that it is natural for interpreters to be sympathetic to people at a more disadvantageous situation. However, being empathetic and putting him/herself in position of that person is a clear demonstration of unprofessional behavior. Brisset et al. (2013) view this type of interpreters' emotional problem to be caused by the conflict between impartiality and commitment. Higher level of commitment to the non-English speaker in the way of showing more empathy would result in the loss of interpreters' neutrality and the English-speaking participants' weaker control of the communication process (Brisset et al., 2013).

Interviewees 5 and 10 also argued that an experienced interpreter should know how to deal with various situations during interpreting. Interviewee 1 reported that his ability to deal with emotional situations grew with experience, instead of through training.

Excerpt 235

I learned through the school of life experience. I'm a bit more harder now, a bit more experienced sort of to switch off the emotions. (Interviewee 1, Face-to-face)

Splevins et al. (2010) find interpreters working in therapeutic sessions with trauma survivors would develop their own coping strategies after the initial stage of struggling with the emotional shock and find themselves growing into a stronger person. Interestingly, reflections of Interviewee 1, Interviewee 5 and Interviewee 10 proved that interpreters in the legal setting would develop in the same way to protect their own psychological well-being.

It is also interesting that Interviewee 4 has been practicing for the same length of time as Interviewee 1, but she seemed to view this issue differently. She argued that it is easy for interpreters to not get emotionally involved.

Excerpt 236

Being impartial really is the easiest thing to do because I don't know you, you don't know me. We never met each other before. I don't have to be in favour of you. I don't have to be in favour of either of the parties. (Interviewee 4, Telephone)

It may be useful to look into their background to understand this difference. Interviewee 1 received most of his knowledge of interpreting from his mother, who was an interpreter many years ago. Interviewee 4 attended a one-year training course before sitting the DPSI examination. She reported that this course provided comprehensive training. This is clear demonstration of how training can not only equip interpreters with the necessary knowledge, but also assist them to act in a more professional manner.

Instead of resisting sympathy for the interpreting target, Interviewee 4 also had her share of emotional challenges when interpreting for an uncooperative non-English speaker with a bad attitude. During a police interview, a detainee suffering depression behaved in an angry and aggressive manner and constantly verbally abused Interviewee 4.

Excerpt 237

After the police interview finished, my mood collapsed. When it collapsed, I couldn't handle anymore. It was extremely difficult and challenging ... I also have my own emotions, I am also human being, and I am not a robot. I had to do my best not be influenced by her aggressive attitude and her abuse. (Interviewee 4, Telephone)

Interviewee 4 felt the situation almost went beyond her tolerance level and described her struggling with continuing with the assignment. This interpreter made a very important reflection that it is natural for an interpreter to have emotions and be affected by other parties' attitudes.

In addition to bad attitudes, Interviewee 5 felt interpreter's emotions could inevitably be affected by "those vicious cases, such as rape or murder." She gave the following two examples:

Excerpt 238

I remember I did a case that two female students were murdered in Newcastle. At that time the court, that girl was suffocated to death. Her mouth was stuffed with a face towel. The police used it as exhibit, and put the towel on a picture frame, and displayed in the picture frame. When they presented the exhibit, they asked us to pass on to each other to see the towel mounted inside the frame. I felt very sick and very horrified. (Interviewee 5, Telephone)

Excerpt 239

And there was a murder case ... the police produced photos of the deceased. The bodies were placed inside the car boot for several days. Because it was the summer, and the weather was very hot. So the bodies had started to swell. I felt those things were very frightening and very bloody, which is a challenge for the interpreter as well. When you look at those things, you are still human beings, and you will be affected anyway. This is very difficult. (Interviewee 5, Telephone)

Interviewee 5 described two occasions where she felt frightened while dealing with the exhibits of murder cases. She echoed Interviewee 4's reflection that, as human beings, the interpreters might find it difficult to face their fears. These are typical examples of how the traumatic nature of an interpreting task could influence the interpreter. Similar reports were also made by interpreters in the study of Splevins et al. (2010) and those in various studies reviewed by Garcés (2015).

The problem of insufficient training and support for interpreters in the UK was raised. Interviewee 1 reported the current unsatisfactory situation,

Excerpt 240

I have got no training, or consoling, or support, nothing at all. Interpreters are very individualised, isolated. They cannot go to *the name of an interpreting agency's* therapist, or something, or receive training about how to deal with these cases. (Interviewee 1, Face-to-face)

This is obviously an area that needs to be addressed in the training courses and by the certification bodies. The suggestion of training coincides with those of Bontempo and Napier (2011); Brisau et al. (1994); Cordero Cid (2013); Daniel (1995); Kurz (1997); Moser-Mercer (1985); Musacchio (2013), as reviewed by Garcés (2015). Without any emotional or psychological training, interpreters are not as prepared as other legal practitioners. Interpreters would only be able to react in the way as lay people might, and it is natural for them to feel frightened or sick. Inevitably, they need to exert extra effort to remain calm and professional, while trying to achieve a sustainable interpreting quality. In addition to training, the need for a support system was raised. Interviewee 7 shared an example in German.

Excerpt 241

I was told that interpreters in German are required to go through a psychiatric assessment every six months to keep up with their registration and there is always psychiatric services like that available.” (Interviewee 7, telephone)

A regular support system can help the speed of recovery and ensure interpreters' psychological and emotional health. In combination with sufficient training, legal interpreters should be equipped with the capability to remain calm under pressure so that they can be fully prepared for extreme situations.

7.8 Summary

To conclude, this chapter discussed relevant data collected in this study to answer the sub-question 2, “What are legal interpreters' perceived most prominent challenges in their practice?” Reflections made by interpreters in the present study fall into five areas: “linguistic challenges,” “insufficient contextual information,” “complicated legal procedures,” “a lack of understanding of the interpreting

profession,” and “emotional challenges.” It should be noted that challenges and difficulties can vary due to the different contexts and natures of a case, as Interviewee 10 pointed out, “Difficulties differ from court to court.” However, it can be drawn from the above discussion that various parties in the current legal context have not recognised these difficulties. Moreover, the responses have revealed a lack of professional guidance on how to deal with various unexpected situations. Therefore, some participants have made suggestions that the possible solution was to inform legal staff about what was happening. Finally, interpreters pointed out the importance of addressing these issues in the training process, so they could be equipped with knowledge and solutions to be better prepared. It is also vital to educate legal staff in charge of the proceedings for them to accommodate interpreters’ needs.

Chapter 8: Conclusion

8.1 Introduction

This chapter provides a comprehensive summary of the present study. The data has revealed differences in practitioners' perceptions of key aspects of legal interpreting, namely legal interpreters' roles and the most crucial responsibility of delivering the accurate and faithful interpretation. Moreover, the most prominent dilemmas and difficulties in interpreting work were identified. After a summary of these findings, in this chapter the contributions of this study will be discussed. Implications, with respect to these findings, will be discussed for practitioners, service users, policy makers, qualification accreditors, educators and trainers. This chapter ends with a discussion of limitations of the study and suggestions for further studies.

8.2 Summary of the study

This thesis has presented the findings of a mixed methods study investigating the current situation of the legal interpreting profession in the British judicial system from the practitioners' perspectives. The participants were certified legal interpreters registered on the NRPSI and legal practitioners who had experience working with interpreters.

This study sought to explore perceptions of the vital aspects of the practice of legal interpreting through three steps. Firstly, the level of awareness of roles from the interpreters and service users was deemed vital for foregrounding what legal interpreters' responsibilities should entail. Also, the understanding of accuracy and faithfulness was essential for establishing how legal interpreters should carry out their duties. Finally, the ethical dilemmas and practical difficulties in legal interpreting was another topic of interest in this study. Identifying and removing these obstacles ensures a high standard interpreting performance and the smooth running of interpreted legal proceedings. In line with these aims, one main research question and two subsidiary research questions were addressed:

What are legal interpreters' perceptions of their roles and responsibilities?

1. What is legal interpreters' understanding of faithful and accurate interpreting?
2. What are legal interpreters' perceived most prominent challenges in their practice?

This study adopted a predominately qualitative mixed methods research strategy to answer the above research questions. Initially, an online survey was sent to around 1500 NRPSI registrants via email with 155 responses received. The survey was composed of six sections to investigate the legal interpreters' perceptions of "Functions and roles of legal interpreters," "How interpreters influence the courtroom," "Faithful rendition of the original message" and "Interpreting challenges." Then, based on the key issues emerging from questionnaire responses, semi-structured face-to-face or telephone interviews were conducted with ten interpreters who were selected from the pool of interpreters had indicated a willingness to be interviewed in the survey. Discussions covered the following aspects: understanding of legal interpreters' roles and responsibilities, the constituents of faithful and accurate interpretation, approaches and strategies for the effective delivery of legal interpreters' most crucial role and personal opinions on the various challenges and difficulties. Furthermore, written interviews with legal practitioners were used to investigate their understanding of the practice of legal interpreting, their expectations towards a competent legal interpreter and their awareness of any cross-cultural and interactional challenge the legal interpreter may encounter. A total of six legal practitioners, two police officers, two Home Office Enforcement Officers and two HMRC criminal investigation officers were interviewed. The adoption of all of these data collection instruments yielded rich quantitative and qualitative data and the ability to triangulate the data.

8.3 Summary of the findings

With reference to the main RQ concerning the legal interpreters' roles and responsibilities, different perceptions could be observed. The data revealed that the full establishment of legal interpreters' roles across the British legal system has not

been achieved and this was explored through three steps. The discussion began with role definition, which would be able to ground the understanding of the legal interpreters' professional identity and influence their way of practice with. Interpreters in the present study generally agreed on "Communication facilitator" and "Faithful renderer of original utterances" and disagreed on "Advocate" and "Counsellor" as valid definitions of the role. Also, accurate and faithful interpretation was generally considered as legal interpreters' most crucial role and their main responsibility. Moreover, the data revealed a lack of understanding of the legal interpreters' role by other parties. Interpreters widely reported that legal practitioners expected them to assist in every aspect of the communication process on one side and, on the other, wanted to restrict their participation to the minimum level. Many interpreters shared the feeling that non-English speakers did not know the interpreter's role and treated them as experts in every aspect.

Then, the discussion shifted to the legal interpreters' duties and responsibilities because each definition of the role entailed different expectations of how the duties should be performed. Exploring legal interpreters' tasks and responsibilities was deemed vital by the present researcher to build understanding of how they practice. Helping non-English speakers to fill in forms and explaining a legal process/legal terminology appeared to be popular requests from legal practitioners as well as from non-English speakers. These tasks were also regularly performed by interpreters. Great effort to facilitate effective communication while carefully observing professional boundaries was revealed. A general approach of restraining services to the linguistic function was reported. Their explanations and clarifications were generally limited to necessary interpreting while more important and complicated questions were directed to the legal professionals.

The discussion of sub-question 1 was an extension of the main RQ. Alongside the prevailing agreement on the "Faithful renderer of original utterances" role, a very high level of agreement on the principle of faithful interpretation was found. Interpreters in this study reported a tendency to reproduce both the equivalent linguistic and pragmatic values by copying the main linguistic content as well as most pragmatic elements of speech, including "speakers' style or register," "hesitation markers," "hedges," "repetition of words and phrases", "swearing and obscene language", and "ambiguity in the meaning" in the target language rendition.

Greater variations of understanding of “grammatical errors” were found, surrounding the untranslatability issue. The treatment of “nonverbal hints” was divided by whether the interpreter considered him/herself as actively performing the speech act. Furthermore, data revealed interpreters’ general awareness the unavoidability of unintentional alterations due to a variety of linguistic, cultural and practical reasons. Certain intentioned alterations were also reported. The predominant reasons appeared to be the interpreters’ well-intentioned help and reluctance to be considered uncooperative by legal practitioners. In general, interpreters believed that they should be allowed certain professional discretions for breaking down long sections of speech. They reported an understanding that legal interpreters should minimise their influence on the communication process, but that they cannot be completely passive.

Sub-question 2 provided important insight into interpreters’ perceptions of the most prominent dilemmas and difficulties in their work. This is of vital importance to the profession of the legal interpreting but has always been overlooked. The first obstacle identified from the data was insufficient contextual information. Contextual information refers to that of the entire case, including the witnesses’ personal experience of the incident or their language and the background, which is vital for the interpreter to fully understand the original utterances in order to deliver an accurate and meaningful interpretation.

“Complicated legal procedures” were also found to be an area posing additional difficulties for the interpreting practice. On one side, insufficient training was identified, meaning interpreters begin practice underprepared. On the other, it was found that the procedures failed to take into account the possibility of an interpreter being present. When there was a contradiction, the most appropriate way of interpreting practice would be forced to compromise the original procedure.

A variety of “linguistic challenges” appeared from the data. The complexity of legal language was reported as a common difficulty for many interpreters. Culture specific areas, such as idioms, dialects, swears and slang, and grammatical differences also appeared to be very challenging.

Difficulties caused by an insufficient understanding the profession of legal interpreting were reported extensively. The lack of awareness of the legal interpreters’ role among legal practitioners resulted in problematic expectations.

Misunderstanding interpreting as a simple word-matching process and not allowing intervention for clarification also makes accuracy a very difficult task. Furthermore, a great number of difficulties were reported due to the failure to provide satisfactory working conditions for legal interpreters. The problematic areas were identified as other parties' ignorance of the fair speed of a speaker's speech, reasonable positioning, clear acoustics in the courtroom, regular breaks and the professional level of payment. The hostile attitude from legal practitioners due to their failure to understand that legal interpreters are independent professionals practicing according to a set of ethical rules was also found to make interpreting work more difficult.

Speaking in an ambiguous and meaningless manner was found to be the most profound difficulty caused by non-English speakers. Hostile attitudes because of gender or a misunderstanding leading them to believe the interpreter to be on the side of the legal authorities was also seen to cause problems. Emotional dependency and unreasonable expectations were reported to increase the level of difficulty.

Finally, but importantly, "emotional challenges" were a very important theme emerging from the data. Interpreters in this study reported a variety of situations that might affect their interpreting quality or maintenance of a professional manner. This included nervous feelings due to the influence of hyper-formal legal procedures, embarrassment in interpreting rude language due to their personalities, too much emotional involvement, being frightened by vicious cases and feeling emotional disturbed by other parties' angry and aggressive manners. Furthermore, the important issue of a lack of training and support in this aspect was acknowledged.

8.4 Contributions of the study

In conclusion, the present study has made a number of significant contributions to the field of research into legal interpreting.

8.4.1 The research context

This study contributes to the growing body of research investigating legal interpreting by conducting research in the British legal system. To date, more studies have been conducted in Australia, e.g. the seminal work of Hale (1996a, 1996b, 1997a, 1997b, 1997c, 1997d, 1999, 2001, 2002, 2004, 2006, 2008) and Pöchhacker (1999, 2001, 2008), or in the United States, e.g. Berk-Seligson (1987, 1988a, 1988b, 1988c, 1989, 1990, 2002, 2007a, 2007b, 2009) and Mikkelsen (1995a, 1995b, 1996, 1998, 1999a, 1999b, 2000a, 2000b). There have also been many studies that focus on interpreting in the health sector, e.g. (Angelelli, 2001, 2004a, 2004b). However, due to differences in the legal systems, different levels of professionalisation, and the different demands each setting poses for interpreters, findings of these previous studies cannot be applied to other countries or settings.

As has been introduced in the “Context” chapter, interpreters are used extensively in the British legal system, and there has been a great improvement of legal interpreting since the foundation of NRPSI in the middle of 1990s. However, both the adversarial legal system and the unique linguistic/cultural background of Britain have an inevitable impact on the interpreters’ work. This research reported the level of understanding of key aspects of legal interpreting of interpreters at this particular stage of professionalisation. This research is especially valuable in setting up the link between the level of professionalisation and the standard of practice. This research also adds useful insight of how practitioners deal with a variety of situations specifically in the British legal context to the field of legal interpreting.

8.4.2 Participants in this study

Participants in the present study were qualified public service interpreters in the UK. In contrast to a majority of previous studies using discourse analysis of recorded interpreted events, the present study reflected on practice from the practitioners’ perspective. Very few studies have endeavored to explore what people in the field believe. Interpreting is a lively social event, co-constructed by all participants involved. The rich descriptions and faithful reflection of practitioners’ opinions, feelings, emotions and their personal experiences make a unique contribution to research in this area. The participants’ self-report is very useful in adding the human factor to the theoretical foundation of the field, which offers insight into how the

practitioners' understanding may direct the way of practice and enables a deep appreciation of their impact on the process.

The present study contributes to the research by drawing a novel comparison between practitioners' self-perception and service users' understanding regarding various aspects of the practice of legal interpreting, including roles, professional status, responsibilities and difficulties. While many previous studies have been conducted solely analysing interpreting legal discourse, the comparison element of this study is especially important in identifying gaps of understanding and expectations between practicing interpreters and service users. If an insufficient understanding is found among interpreters this may be able to be improved in the course of their education. Alternatively, failure to provide essential interpreting conditions and problematic expectations due to legal practitioners' lack of awareness can be addressed through providing training or guidance for working with interpreters in their educational programmes.

Results of this study also revealed that interpreters in this study were highly skilled and knowledgeable interpreting professionals. Their responses were not perfect, but could demonstrate that they are doing their best in really difficult circumstances. The differences in their understandings and opinions were not due to a lack of expertise or knowledge, but a reflection of the lack of appropriate legislation, lack of formation of a strong professional body, lack of a set of carefully drafted professional code of conduct and a noticeable lack of effective training. Similar consideration could also apply to the six legal practitioners in this study. Variations in their responses could reveal that they are doing their best when they are not trained sufficiently on how to work with interpreters. It is the legal system's responsibility but not that of the legal practitioners' to worry about the interpreters.

8.4.3 Empirical evidence of the literature

The present study contributed empirical evidence to the existing body of literature. Directly asking the practicing interpreters their perception of these facets of their role, to find how their understandings may influence their practice, contributes to the wider discussion regarding three key aspects of legal interpreting, namely the roles

and functions of the legal interpreter, interpreting strategies and ethical dilemmas and practical difficulties.

There has been an on-going discussion regarding the interpreters' role in the field of legal interpreting. Many concepts have been put forward to describe the interpreters' function and the rationale, advantages and limitations of each role model have been raised. This study adds evidence of the practitioners' self-report of what they believe interpreters should do and their reasons. These results allow gaps between role models suggested by current literature and the understanding held by practitioners to be identified. Similarly, the concept of accuracy has been through extensive argument. Reports from participants of this research reveal the differences between current theories and interpreting strategies of practising interpreters. Moreover, difficulties identified by scholars are rather limited. Reflections made by interpreters prove that they face a wide variety of challenges in their work, which go beyond the traditionally assumed linguistic difficulties to those caused by the whole legal system and by other parties.

Therefore, a full investigation on the practitioners is especially important because it would allow a researcher to gain deeper insight to evaluate gaps between theory and practice. Ultimately, solutions can be suggested to fill these gaps of knowledge and to solve these practical problems to enhance the quality of practice.

8.4.4 Methodological contribution

The present study makes a methodological contribution to the field of research by developing a comprehensive questionnaire as a tool for investigating practitioners' perceptions. To fulfil the aim of conducting a full investigation, this questionnaire was composed of six sections, covering all key areas of legal interpreting. Each section had a clear title to guide the respondents' expectations. Additionally, all questionnaire questions and items matching the research aims and research questions were created through careful and critical reference to scholarly work. Certain questions were asked from different angles to elicit more reliable responses. For example, after asking what elements of speech should be reproduced, one question later in the same section asked what alterations the respondents have

made in their practice. The technical level of the questions and items were designed appropriate for the target population, qualified interpreters in the British legal system. Terminologies in legal interpreting were used to build up a professional connection with the respondents while linguistic terminologies were reduced or avoided to avoid misunderstanding. Great efforts were also made to eliminate leading questions and items. Finally, most questions were combining multi choices and open comment, which compensated what could have been missing in the design of the questionnaire and provided the respondents with the opportunity to raise their prominent concerns. The above approaches are in line with the recommendation of Hale and Napier (2013).

This questionnaire can be used as a pretest and a posttest by educators/trainers to assess the outcomes of training programmes. It can also be used by researchers for future studies in different contexts to examine and compare different levels of professionalisation.

8.4.5 Original findings regarding emotional challenges

Finally, the present study makes a significant contribution by identifying legal interpreters' emotional challenges in the UK. This is a vital yet overlooked aspect of the practice of legal interpreting. Previous studies were rather limited in addressing this issue. Participants in this study pointed out that interpreters are human beings and it is natural for them to feel unhappy, frightened or embarrassed. It was reported that interpreters may not always be able to remain emotionally detached and may even be emotionally affected by the content of a particular case or by other parties' attitudes. Furthermore, participants demonstrated awareness that interpreters' emotional problems could affect their interpreting performance and seriously influence a case. Also, interpreters in this research felt that this issue has not been realised across the legal setting. No matter what happens, interpreters are expected to practice with an impartial and calm stance. However, it was highlighted that it is highly challenging for interpreters to maintain a professional manner and deliver sustainable interpreting quality while dealing with emotional difficulties. The problem of a lack of support and consoling mechanisms for interpreters was also identified. Interpreters do not have a strong professional body representing them or

giving them a sense of belonging and trust, so they tend to feel individualised and isolated.

8.5 Implications for the profession of legal interpreting

The present study has described the current status of the legal interpreting profession in the British judicial setting through the synthesised presentation of perceptions gathered from different sources (questionnaires and interviews) and different samples (legal interpreters and legal practitioners). The results revealed differences in the understanding of the roles of interpreters along with strategies and approaches that may be used to achieve an accurate and faithful rendition while respecting the noted ethical dilemmas/practical difficulties. However, the data has provided substantial evidence that participants in this study made well-founded interpreting decisions. The differences in understanding were, in fact, the result of a lack of legislation or well-explained professional guidance. As such, interpreters had to make responses to various difficult situations using their knowledge and expertise. Therefore, issues identified in the present study can be offered as points of consideration for policy makers, professional bodies and interpreter educators and accreditors. Also, more work needs to be done to bring together all these relevant parties to achieve strong and recognised professionalisation of the field of legal interpreting to be able to protect the well-being of the profession.

To begin, different perceptions of various aspects of legal interpreting reflected by participants of the present study were evident proof of the lack of legislative provision for the field. It can also be inferred from the participants' elaboration that the problematic expectations and conflicting attitudes towards the interpreters, the failure to provide necessary interpreting conditions and the ignorance of the interpreters' presence in the legal proceedings are all caused by the insufficient understanding and lack of professional recognition from other parties of the interpreting event. This calls for the urgent creation of laws and legislation to support the profession of legal interpreting. Eades (2010), Hale and Gibbons (1999), Ibrahim-Bell (2008) and Schweda-Nicholson (1989) all point out that not recognising legal interpreters as professionals is a misunderstanding of the interpreters' role and the complexity of legal interpreting. Giamb Bruno (2008) notes

the importance of fully and explicitly recognising the role of interpreters, the professional status of interpreters, their responsibilities and their rates of pay. Therefore, legally establishing interpreters as professionals would improve awareness of interpreters' professional status as well as their roles throughout the judicial system. This not only guarantees fair justice for language minorities but also establishes due respect for interpreters and awareness and assistance from other participants of judicial proceedings.

It is also equally important to establish a strong professional association. The important role of professional associations in setting standards, representing interpreters' best interests, and promoting relationship with other parties are highly recommended by Hertog (2015). The professional body needs to provide interpreters with complete guidelines. These guidelines must stipulate what interpreters should and should not do with detailed explanations of the rationale and consequences, rather than a simple list of rules and duties. It may also be useful to provide solutions and strategies to deal with various situations interpreters may encounter. Interpreters can refer to the guidelines for the best professional practice. In addition, a system must be established to provide discipline, consultation, support and continuing professional development for interpreters. Through these, the professional body may set the standard for interpreting practice and ensure a sustained high interpreting quality. When the service users know that practicing interpreters have to complete a stringent registration process and are bound by a professional body, they will be more confident in their work and have a high evaluation of their professional status. It may also be useful for the professional body to build a healthy community atmosphere for legal interpreters. Members can develop social relationships with colleagues to avoid feeling lonely and isolated. Regular interactions will bring interpreters together to share experiences and problems. This would be helpful for the profession if interpreters can develop a feeling of belonging and security and feel they can trust the community for support.

Another implication for the profession is the application of the findings of this study to interpreter education. Firstly, education and training should be used to lay down a solid foundation for the continuing development of the legal interpreting profession. Hale and Gibbons (1999) note the importance of highly specialised interpreting training to build their knowledge of courtroom discourse and inform

them of the significance of paying attention to the faithful rendition of the pragmatic force as well as the main content of the utterances. This enables newly graduated interpreters to be able to deal with various situations effectively.

Secondly, with intentional efforts to compensate for the current theoretical gap in training programs, interpreter trainers and accreditors should incorporate other key elements of legal interpreting, e.g. the timing, techniques and impact of interpreters' intervention, consequences of interpreters' well-intentioned alterations, ethical dilemmas, emotional difficulties, etc. to their programmes, instead of only focusing only on linguistic abilities and interpreting skills. Swabey and Mickelson (2008) identify the vital impact of teaching "ethics and decision-making" to educate students on their roles and theories for making interpreting decisions in their future practice (p. 65). Although their reflection is based on Sign Language interpreting in the United States, it can still be applied to legal interpreting in the UK. Similarly, Hertog (2015) argues that comprehensive training on professional standard and code of conduct helps to ensure practitioners' competence and skills. The need of introducing ethical dilemmas in interpreters' training is also identified by Kaczmarek (2012). Kaczmarek (2012) points out that it is impossible for any Code of Conduct to cover all potential situations involving ethical conflictions. He suggests a variety of ways to deal with this issue in interpreters' training. Trainees can start to develop awareness of the existence and implications of this issue and have the opportunity of reflecting possible solutions before they become professional interpreters (Kaczmarek, 2012).

Thirdly, findings of this study also call for a shift from training to education. Traditionally in the UK the highest interpreting qualification is a diploma and training programs are generally short courses. Discussions in previous chapters have revealed the complexity of legal interpreting, suggesting a short training course does not have adequate time to address every aspect. An improvement in the professionalisation of the field may require an upgrade of these short training courses to degree or postgraduate degree level. It may also be necessary to transform the concept of training to one of educating. Training produces skilled workers, whereas professionals require formal education. A set of standard educational materials and approved lecturers are also inseparable elements of an education program. Moreover, it may be necessary to set an admission

pre-requisite for attending such a program or sitting the accreditation examination, e.g. a minimum educational background or qualification. By taking these steps, educators and accreditors would send an important message to the general public that legal interpreters are professionals who have been through comprehensive education. Additionally, findings of this study call for an urgent need for introducing contributions of academic research into interpreter education, which enables interpreters to “critically analyse and reflect upon the demands of their role and the implications of their actions and decisions” (Swabey and Mickelson, 2008, p. 66).

The innate prejudice towards the non-English speakers should also draw some attention. Difficulties of facing the legal proceedings are not exclusive to the non-English speaker. An English-speaking outsider of the law may experience the same problems. Furthermore, such prejudices may be extended to the interpreter. People tend to blame the interpreter when things go wrong. Interpreters in this study demonstrated a high level of professional expertise and awareness. It emerged from the data that other parties’ lack of understanding of the legal interpreting profession can sometimes be the main obstacle to interpreting quality and may be the cause of clashes of expectations. For example, the lack of awareness of interpreters’ role may result in problematic expectations of interpreters’ responsibilities. Also, the insufficient understanding of the interpreting process may lead to not accommodating necessary interpreting strategies, e.g. interpreters’ intervention for clarification. Therefore, it may be vital to raise awareness of judges, lawyers and other legal professionals. Educating outsiders also assists to achieve a better interpreting performance.

8.6 Limitations and future research

The present study may have several limitations. Firstly, an important limitation may relate to the generalisability of the findings. What would not be appropriate is to assume the findings of this study could be directly applied to other interpreting branches and other countries. The context of this study was legal interpreting in the UK. As we have discussed in the context chapter, legal interpreting is a specialised branch of the interpreting profession. The legal system and professionalisation progress vary from country to country. This study contributes to the body of

knowledge regarding participants' perceived issues and problems, but these findings cannot be automatically generalised to all interpreting branches and all countries. As discussed in the methodology chapter, the researcher needs to provide "thick descriptions" (Geertz, 1973) due to the ethnographic approach adopted in the present study so that readers can make comparisons with different samples or contexts (Cohen, Manion, & Morrison, 2013). Nevertheless, further studies can be conducted with different interpreting specialities and/or in different countries to enrich the growing body of knowledge in the field of translation/interpreting to generate more generalisable findings. It may also be appropriate to conduct a comparison study in different countries. This would contribute to an exploration of the connections between the level of professionalisation and the manner in which interpreters work.

The second issue relates to the research instruments used in the present study. Data collected through questionnaires and interviews were self-reported perceptions. It was difficult to guarantee that responses were accurate, honest and truthful and several factors may contribute to this. With regard to the questionnaire, issues may arise due to an ambiguous design of questions or participants not treating the questions with due care and consideration. Also, it is possible that respondents do not understand questionnaire items in the same way. Interview respondents are highly likely to present more favourable answers due to their social desirability bias (Crowne & Marlowe, 1964; Holbrook, Green, & Krosnick, 2003). The researcher has taken all possible efforts to encourage honest and truthful responses. Questionnaire questions were carefully designed with a simple and encouraging manner to generate high-quality responses by critically referring to other scholars' work and avoiding problems of unclear wording, limited and biased choices and leading questions. The technical level of the questionnaire was carefully considered by using terminologies in legal interpreting and avoiding linguistic terminologies. Moreover, the participants were informed of the aim and objective of the study and the anonymity of their responses before questionnaire and interview data were collected. Nevertheless, the researcher is fully aware that these problems cannot be completely avoided.

Thirdly, limitations due to the researcher's status as a PhD student restricted choice in data collection instruments and research targets. Normally, observations

and analysis of authentically interpreted proceedings are deemed as the ideal way of conducting research in the field of interpreting. As discussed in the methodology chapter, recording legal proceedings is almost completely impossible in the UK due to strict controls over access. As the researcher investigated legal practitioners' perceptions, the sample size of legal practitioners was a major limitation. It would be ideal to obtain responses from a wider pool of service users, including judges, solicitors and barristers representing the Home Office and Crown Prosecution Services (CPS). The researcher followed the highly complicated application procedure to gain interviews with the above legal practitioners, but all applications were rejected. Two police officers, two Home Office Enforcement Officers and two HMRC Criminal Investigation Officers were interviewed eventually. They had more chances of working with interpreters. Their responses cannot be generalised to the entire British judicial sector so future studies could, therefore, incorporate analysis of interpreting events with the strategy adopted in this research to clarify the rationale for interpreting decisions and other service users' feelings and opinions regarding the same events. Future research could also consider observing training and education programs to investigate whether the current training providers are aware of and address the gaps of knowledge in their courses. It may be useful to supplement this study with analysis of interpreted legal proceedings to investigate whether interpreters do what they believe in the real practice.

Another aspect of this study, the researcher's dual identity as a practitioner and as a researcher, might be considered as both an advantage and a limitation. As introduced in the introduction, the researcher practices as a freelance public service interpreter. Her experiences and reflections have led to interest in conducting in-depth research. Furthermore, her experiences, knowledge and expertise, connections with the context, and perceptions and understandings contributed to every stage of this project, including designing the research strategy, data collection and data analysis. Nevertheless, this advantage could also function as a limitation. The effect of an individual's attitudes and opinions cannot be completely avoided during the course of designing a project and the collection of data. Also, the researcher's background and experiences inevitably influence the interpretation of the data, especially in qualitative research. The researcher has strived not to influence participants' responses throughout the process by avoiding leading

questions, prompting statements and probing further. The results were triangulated through the use of multiple instruments as well as multiple sources. Furthermore, the researcher has made great effort to interpret the data with a neutral stance. Having taken all steps to increase the reliability of the findings, it still must be acknowledged that the findings of this predominately qualitative study are interpretative and may reflect the researcher's influence, to some extent.

Overall, the researcher is positive that interpreters' perceptions explored in this thesis not only provide insight into the practice of legal interpreting in the UK, but also contribute as a starting point for future studies to make more in-depth and extensive investigations in the field.

Appendices

Appendix A: Informed Consent Form

Researcher: Zhiai Liu

Title of Project: The Practice of Legal Interpreting in the British Judicial System: An Exploratory Study of the Practitioners' Perceptions

I understand that the purpose of this research study is to explore how to improve the legal interpreter's performance of cross-cultural interaction in the British judicial system.

I understand that I will be asked to answer questions during a face-to-face, telephone, skype or email interview with the above researcher. I understand that my participation in this project is entirely voluntary. I understand that I may decline to answer any questions and that I can withdraw from participation at any time. At that time, I know that I may indicate whether or not the data collected up to that point can be used in the study, and that any information I do not want used will be destroyed immediately.

I understand that the interview will be audio recorded, and this recording may later be transcribed. I understand that I will have an opportunity to comment on the written record once it has been produced. I understand that the data will be handled and stored in a manner which ensures that only the researcher can identify me as their source. I understand that the information gathered from me will be confidential and anonymous in any written report or oral presentation that draws upon data from this research study, and that none of my comments, opinions, or responses will be attributed to me, nor will any other person discussed in the interview.

I understand that this research study has been reviewed and received ethics approval following the procedures of the Department of Educational at the University of York.

Do you agree to participate in the study?

Yes ___ No ___

Name of participant: _____

Signature of participant: _____

Appendix B: Questionnaire

This questionnaire contains six sections. Section 1 requires you to provide some basic information regarding your interpreting background. Sections 2-6 ask questions on five topics: functions and roles of legal interpreters; how interpreters influence the courtroom; the smooth running of courtroom proceedings; faithful rendition of the original message; and interpreting challenges. At the end of the questionnaire, you may add any suggestions regarding interpreting training and certification examination and tell me whether you would be willing to be interviewed after the questionnaire.

Note:

In the following questions, “criminal justice staff” refers to judges, solicitors, barristers, court clerk, police officers, immigration officers and probation officers, etc.; “non-English speaker” refers to witness, defendant, suspect, detainee and appellant, etc. who speaks no or limited English.

*Required

Section 1: Interpreting Background

1. Your native language(s): *
2. Other Working Language(s): *
3. Interpreting experience (_____ years _____ months): *
4. Roughly how many hours are you engaged with legal interpreting per year? *

Section 2: Functions and roles of legal interpreters

1. In your opinion, what is the criminal justice staff's perception of the legal interpreter's role? Please tick as many as apply. *
 - (a) Communication facilitator
 - (b) Linguistic mediator
 - (c) Cultural mediator

- (d) Translation machine
- (e) Co-worker
- (f) Assistant
- (g) Advocate
- (h) Counselor
- (i) Language expert
- (j) Cultural expert
- Other:

2. In your opinion, what is the non-English speakers' perception of the legal interpreter's role? Please tick as many as apply. *

- (a) Communication facilitator
- (b) Linguistic mediator
- (c) Cultural mediator
- (d) Translation machine
- (e) Co-worker
- (f) Assistant
- (g) Advocate
- (h) Counselor
- (i) Language expert
- (j) Cultural expert
- Other:

3. In your opinion, what is the legal interpreter's role? Please tick as many as apply.

*

- (a) Communication facilitator
- (b) Linguistic mediator
- (c) Cultural mediator
- (d) Translation machine

- (e) Co-worker
- (f) Assistant
- (g) Advocate
- (h) Counselor
- (i) Language expert
- (j) Cultural expert
- Other:

4. Have you ever been asked by the criminal justice staff to perform duties other than interpreting during an assignment and what were you required to do? Please tick as many as apply. *

- (a) I have never been asked by the criminal justice staff to perform duties other than interpreting during an assignment.
- (b) I have been asked to explain a legal process to the non-English speakers (e.g. to explain what is involved in the plea process).
- (c) I have been asked to explain a legal terminology to the non-English speakers (e.g. to explain what is “either way offences”).
- (d) I have been asked to fill out a form for the non-English speakers (e.g. to fill out the means form).
- (e) I have been asked to provide some expert advice to the criminal justice staff (e.g. to explain the meaning of a gesture).
- Other:

5. Have you ever been asked by the non-English speakers to perform duties other than interpreting during an assignment and what were you required to do? Please tick as many as apply. *

- (a) I have never been asked by the non-English speakers to perform duties other than interpreting during an assignment.
- (b) I have been asked to explain a legal process to the non-English speakers (e.g. to explain what is involved in the plea process).

(c) I have been asked to explain a legal terminology to the non-English speakers (e.g. to explain what is “either way offences”).

(d) I have been asked to fill out a form (e.g. to fill out the means form).

Other:

6. Have you ever actually performed duties other than interpreting during an assignment when you were asked to do so by the criminal justice staff? Please tick as many as apply. *

(a) I have never performed duties other than interpreting when I was asked by the criminal justice staff to do so.

(b) I have explained a legal process to the non-English speakers (e.g. to explain what is involved in the plea process).

(c) I have explained a legal terminology to the Non-English speakers (e.g. to explain what is “either way offences”).

(d) I have filled out a form for the non-English speakers (e.g. to fill out the means form).

(e) I have provided expert advice to the criminal justice staff (e.g. to explain the meaning of a gesture).

Other:

7. Have you ever actually performed duties other than interpreting during an assignment when you were asked to do so by the non-English speakers? Please tick as many as apply. *

(a) I have never performed duties other than interpreting when I was asked by the non-English speakers to do so.

(b) I have explained a legal process to the non-English speakers (e.g. to explain what is involved in the plea process).

(c) I have explained a legal terminology to the non-English speakers (e.g. to explain what is “either way offences”).

(d) I have filled out a form for the non-English speakers (e.g. to fill out the means form).

Other:

8. What are the reasons for you to agree to perform duties other than interpreting during an assignment when you were asked to do so? Please tick as many as apply.

(a) I think it is my duty to do so.

(b) I don't want to be judged as uncooperative by the criminal justice staff.

(c) I don't want to be judged as unhelpful by the non-English speakers.

(d) I feel they need more help.

Other:

9. Please indicate your response to the following statement.

Legal interpreters should perform duties beyond their interpreting role.

(a) Strongly Agree

(b) Agree

(c) Not sure

(d) Disagree

(e) Strongly disagree

10. Please indicate your responses to the following statements. *

(1) There is a lack of recognition of courtroom interpreters as professionals from the criminal justice staff.

(a) Strongly Agree

(b) Agree

(c) Not sure

(d) Disagree

(e) Strongly disagree

(2) There is a lack of recognition of courtroom interpreters as professionals from the non-English speakers.

(a) Strongly Agree

- (b) Agree
- (c) Not sure
- (d) Disagree
- (e) Strongly disagree

Section 3: How interpreters influence the courtroom

1. Please indicate your response to the following statements. *

(1) The interpreter should be “invisible”; in other words, the interpreters should strive not to be noticed by other participants during the interpreting process.

- (a) Strongly Agree
- (b) Agree
- (c) Not sure
- (d) Disagree
- (e) Strongly disagree

(2) Legal interpreters should be allowed more freedom to exert their professional discretion during the interpreting process.

- (a) Strongly Agree
- (b) Agree
- (c) Not sure
- (d) Disagree
- (e) Strongly disagree

2. When do you think it is necessary for the interpreter to intervene? Please tick as many as apply. *

- (a) The interpreter should never intervene.
- (b) The interpreter should intervene when it is necessary to ask for clarification of an unclear message.

- (c) The interpreter should intervene when it is necessary to ask for repetition of a message.
- (d) The interpreter should intervene when it is necessary to break down a lengthy speech.
- (e) The interpreter should intervene when there is a miscommunication (e.g. when it seems that the witness has misunderstood the solicitor's question).
- Other:

3. What are the reasons you feel reluctant to intervene? Please tick as many as apply. *

- (a) I am worried about being perceived as an incompetent interpreter.
- (b) I am intimidated by the criminal justice staff.
- (c) I am worried about being perceived as impolite.
- (d) I am not sure about when to intervene.
- (e) I am not sure about how to intervene.
- Other:

Section 4: The smooth running of courtroom proceedings

1. Have you ever urged the witness to answer by your own initiative to speed up the process? If yes, what methods have you adopted? Please tick as many as apply. *

- (a) I have never done that.
- (b) I have repeated the question.
- (c) I have strengthened the original tone of voice.
- (d) I have asked directly.
- (e) I have made a hand gesture.
- Other:

2. Have you ever stopped the non-English speaker to talk by your own initiative when he/she should not speak? If yes, what methods have you adopted? Please tick as many as apply. *

- (a) I have never done that.

- (b) I have asked directly.
- (c) I have made a sound to indicate silence, such as “shush”.
- (d) I have made a hand gesture.
- Other:

Section 5: Faithful rendition of the original message

1. What do you think should be reproduced in the target language interpretation?

Please tick as many as apply. *

- (a) Main linguistic content
- (b) Speaker’s style or register
- (c) Hesitation markers (e.g. “uh”, “um”, “ah”, etc.)
- (d) Hedges (e.g. “probably”, “well”, “you see”, “sort of”, “a little”, “kind of”, etc.)
- (e) Repetitions of words and phrases
- (f) Swearing and obscene language
- (g) Ambiguity in the meaning
- (h) Grammatical errors
- (i) Nonverbal hints (e.g. body language or gestures)
- (j) None of the above
- Other:

2. Please indicate your response to the following statements. *

(1) It is the legal interpreter’s duty to provide clarifications for the non-English speakers.

- (a) Strongly Agree
- (b) Agree
- (c) Not sure
- (d) Disagree
- (e) Strongly disagree

(2) It is the legal interpreter's duty to only interpret what the speaker says.

- (a) Strongly Agree
- (b) Agree
- (c) Not sure
- (d) Disagree
- (e) Strongly disagree

(3) It is the legal interpreter's duty to explain the context of the speech.

- (a) Strongly Agree
- (b) Agree
- (c) Not sure
- (d) Disagree
- (e) Strongly disagree

(4) It is the legal interpreter's duty to ensure the non-English speakers understand everything during a police interview/court proceeding.

- (a) Strongly Agree
- (b) Agree
- (c) Not sure
- (d) Disagree
- (e) Strongly disagree

3. Have you ever made any of the following interpreter's well-intentioned alterations to the original messages when interpreting for the criminal justice staff? Please tick as many as apply. *

- (a) I have never made any well-intentioned alterations to the original messages when interpreting for the criminal justice staff.
- (b) I have replaced all errors with corrections to avoid misunderstanding.
- (c) I have filtered/deleted some information, which I believe is overlapping or unrelated to make a fast interpretation.

- (d) I have omitted some of the police officer/lawyer's unsuitable usages to avoid upsetting the suspect/witness/defendant.
- (e) I have softened the tone of the police officer/lawyer's question to avoid upsetting the suspect/witness/defendant.
- (f) I have added more explanation if I feel the non-English speakers did not understand the question properly.
- (g) I have reduced the technical level of the legal talk to make it easier for the non-English speakers to understand.
- Other:

4. Have you ever made any of the following interpreter's well-intentioned alterations to the original messages when interpreting for the non-English speakers? Please tick as many as apply. *

- (a) I have never made any well-intentioned alterations to the original messages when interpreting for the non-English speakers.
- (b) I have replaced all errors with corrections to avoid misunderstanding.
- (c) I have filtered/deleted some information, which I believe is overlapping or unrelated to make a fast interpretation.
- (d) I have added more information if I feel the non-English speakers did not answer the question sufficiently.
- (e) I have improved the logic and consistency of the non-English speakers' answers.
- (f) I have improved the non-English speakers' politeness level.
- (g) I have improved the non-English speakers' register/speech style.
- Other:

5. What is the reason you make the intentional or unintentional alterations? Please tick as many as apply. *

- (a) I feel that it might help the smooth running of the criminal justice procedures.
- (b) I feel that it might help the non-English speakers to provide better testimonies.

- (c) I feel that the message is not important.
- (d) I feel that the message is too difficult to interpret.
- (e) I feel that the message is too ambiguous to interpret.
- (f) I feel that the message is too long to remember.
- Other:

6. Do you think that the interpreter's well-intentioned alterations might cause unexpected or adverse results? If yes, what do you think they might be? Please tick as many as apply. *

- (a) I do not think that the interpreter's well-intentioned alterations might cause any unexpected or adverse results.
- (b) I think that the interpreter's well-intentioned alterations might change the intended meaning of the original speech.
- (c) I think that the interpreter's well-intentioned alterations might change the intended strength of the original speech.
- (d) I think that the interpreter's well-intentioned alterations might change the judge/jury's impression of the witness/defendant.
- (e) I think that the interpreter's well-intentioned alterations might affect the police officer/lawyer's control over the questioning process.
- Other:

Section 6: Interpreters' challenges

1. In your opinion, what are the challenges faced legal interpreters? Please tick as many as apply. *

- (a) Complicated legal glossaries
- (b) Complex legal procedures
- (c) High pressure in criminal justice environment
- (d) Split second decision in interpreting
- (e) Insufficient contextual information
- (f) To achieve a complete equivalence in the target language version

(g) Cultural differences

Other:

2. In your opinion, what are the cultural differences the legal interpreter should convey into the target language version? Please tick as many as apply. *

(a) Culture-related terms and expressions

(b) Cultural customs and behavior (such as manners and politeness)

(c) Cultural concepts (such as different attitudes toward the self, the body, relationships, and law)

(d) Significance of gesture

(e) Address terms that denote relationships

(f) None of above

Other:

3. How do you normally deal with cultural misunderstanding during interpreting? Please tick as many as apply. *

(a) I normally provide explanation to criminal justice staff voluntarily.

(b) I normally provide explanation when required by criminal justice staff.

(c) I don't concern myself with clarifying cultural misunderstanding because it is not the interpreter's duty.

Other:

Suggestions:

In your opinion, what should be added to legal interpreters training programs and certification examinations to make legal interpreters better prepared for the cross-cultural and interactional challenges they might encounter during the interpreting process?

After the questionnaire

Would like to receive an electronic copy of the research project once it is completed?

(a) Yes

(b) No

If you answered yes to the above question, please provide you email address here.

Would you be willing to be interviewed at a later stage?

(a) Yes

(b) No

If you answered yes to the above question, please give your name and email address here.

Appendix C: Interpreter Interview Schedule

1. In your opinion, what are the roles and functions of legal interpreters? Among them, which one(s) do you think are the most important and why?
2. What do you think are the main tasks and responsibilities that legal interpreters should be performing during an assignment? Among these duties, which one(s) do you think are the most important and why?
3. Are you aware of the main ethical rules that legal interpreters need to follow? Do you believe legal interpreters are generally aware of these rules and are following them to the best of their ability? What areas do you feel they follow the most properly and the least properly and why?
4. In your opinion, does the presence of legal interpreters influence the legal process or the outcome? If yes, what are these influences? Can you give examples?
5. What are the main challenges and difficulties in relation to language and interpreting that you have encountered during an assignment? How do you deal with them? Can you give examples?
6. As an interpreter, you may be aware that “accuracy” is one of the most important targets that we need to achieve during interpreting. In your opinion, in order to do this, should legal interpreters transfer all linguistic content, including discourse markers (e.g. “you see”, “well”, “now”, etc.) and grammatical errors; and pragmatic elements, including speech styles, tones, vagueness, impoliteness, broken speeches, hesitations, pauses, etc. completely? Why? Can you give examples?
7. As you may be aware, lawyers are famous for manipulating language techniques to control the questioning process, such as talking in a hyper-formal style with highly complicated legal terms, complex sentence structure, asking the same question in different ways for several times in order to confuse the witness. For example, how to interpret this question? “If I were to inquire of you as to who was your treating physician at the point in time that you fell ill, what would your answer be?” Do you keep the complicated sentence structure or do you do it in a simplified version?

8. When interpreting for police, interrogating officers may ask questions in a coercive and aggressive way to pressurise the suspect to admit the allegation. Do you normally maintain the original tone and strength or do you normally soften it down?
9. Witnesses and defendants may intentionally speak in an unclear way to avoid taking full responsibilities; or answer questions in an impolite way without realising it; or pause frequently to think about their answers. Do you normally interpret with the same style or do you make an improved and more coherent version?
10. In your experiences, do you find the above situations difficult for interpretation? If yes, how do you deal with these difficulties? Can you give examples?
11. What are the main challenges and difficulties in relation to culture that you have encountered during an assignment? How do you deal with them? Can you give examples?
12. In your opinion, should legal interpreters transfer cultural differences into the target language version? Why?
13. Are there any misunderstandings or dilemmas that you have experienced during an assignment affect your ability or quality of interpreting? How do you deal with them? Can you give examples? What do you think as the reasons to cause these misunderstandings or dilemmas?
14. As you might be aware, legal interpreters are probably not fully recognised as professionals by all parties in British legal system. In your opinion, what are the most obvious benefits of the general recognition of legal interpreters as professionals? What aspects need to be improved in order to raise the general awareness?
15. Do you want to add anything else about this topic that we haven't discussed today?

Appendix D: Legal Practitioner Written Interview

1. Can you describe your general perception towards the work of legal interpreters? Is it necessary to use legal interpreters in the British criminal system? Are you satisfied with the quality of their work?
2. In your opinion, what are the roles and functions of legal interpreters (e.g. Communication facilitator, Linguistic mediator, Cultural mediator, Translation machine, Co-worker, Assistant, Advocate, Cultural expert, or anything else)? Among them, which one(s) do you think are the most important and why?
3. What do you describe as the main duties of legal interpreters during an assignment (e.g. Interpreting, Explaining legal processes, Explaining legal terminologies, Filling out forms, Providing expert advice, or anything else)? Among these duties, which one(s) do you think are the most important and why?
4. Are you aware of the main ethical codes that legal interpreters need to follow? Do you believe legal interpreters are generally aware of them and are following the rules effectively? Which areas do you feel legal interpreters follow the most properly and the least properly? Can you give examples?
5. In your opinion, does the existence of legal interpreters influence the legal process or the outcome? If yes, what are these influences? Can you give examples?
6. Are you aware of any interpreting challenges and difficulties for legal interpreters? If yes, what are they?
7. In your opinion, do legal interpreters need to convey cultural differences into the target language version? Why?
8. Are you aware of any cultural challenges and difficulties for legal interpreters? If yes, what are they?
9. What are the main types of misunderstandings or dilemmas you have experienced when working with legal interpreters?
10. Please give your opinion and reasons regarding whether legal interpreters should be recognised as professionals; and whether there are some areas that need to be improved in relation to the status of legal interpreters.

Appendix E: Interpreting background of questionnaire respondents

Section 1 of the questionnaire consisted of four questions, asking respondents to provide information of their interpreting background, including their native and working languages, the length of their interpreting experiences and their average total number of interpreting hours every year. The main aim of this section is to show that the questionnaire data can reflect views and perceptions of legal interpreters from a range of linguistic and cultural backgrounds and with different level of interpreting experiences. As shown in Figure 30, their native languages cover many European, Middle East, and Asian languages. The biggest proportion of respondents, i.e. 36% is native speaker of one of the East European languages, including Polish, Hungarian, Slovak, Ukrainian, etc., followed by those of English, French, German, or one of other West European languages. A similar number of participants are of East Asian (e.g. China and surrounding countries), South European (Portugal, Italy, Greek, etc.), or Arabic origin. Finally, the fewest number of participants came from South Asian areas speaking Panjabi, Hindi, or some rare languages such as Pashto or Tamil.

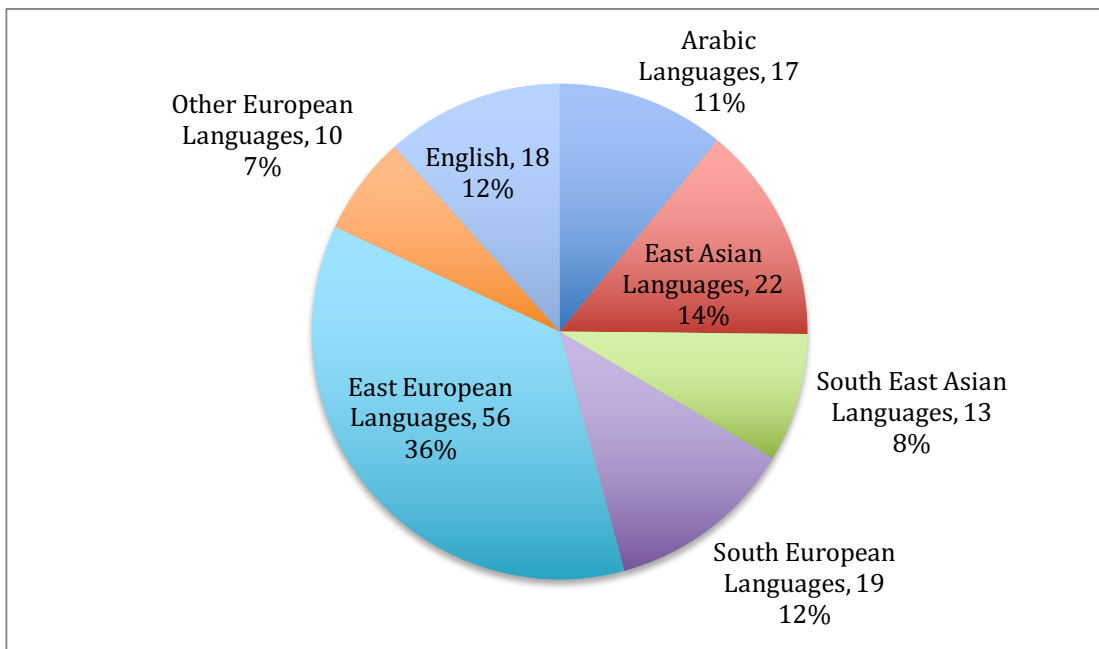


Figure 25. Native Languages of questionnaire respondents

The distribution of respondents' working languages is demonstrated in Figure 31. 94 respondents interpret between English and their native languages. 29, 27 and 16 participants practice in West European languages, South Asian languages, and Arabic languages respectively. Only a small number of participants work in East European languages, South European, East and South East Asian, and African languages.

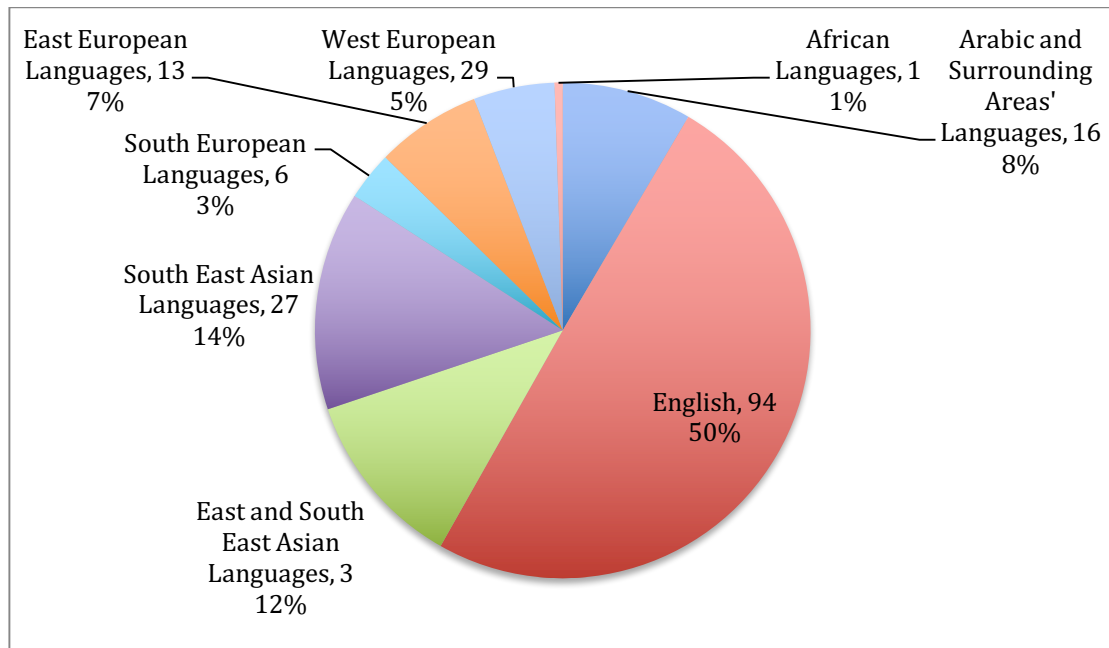


Figure 26. Working Languages of questionnaire respondents

Respondents' number of years of experience varies from one year to more than thirty years, which is presented in Figure 32. Of 155 interpreters responded to the questionnaire, a total of 108 fall into the category of "10 to 19 years" (37%) and "5 to 9 years" (32%). 26 participants have practiced in interpreting for less than 5 years; and 18 between 20 to 29 years. Only three interpreters have more than 30 years experience.

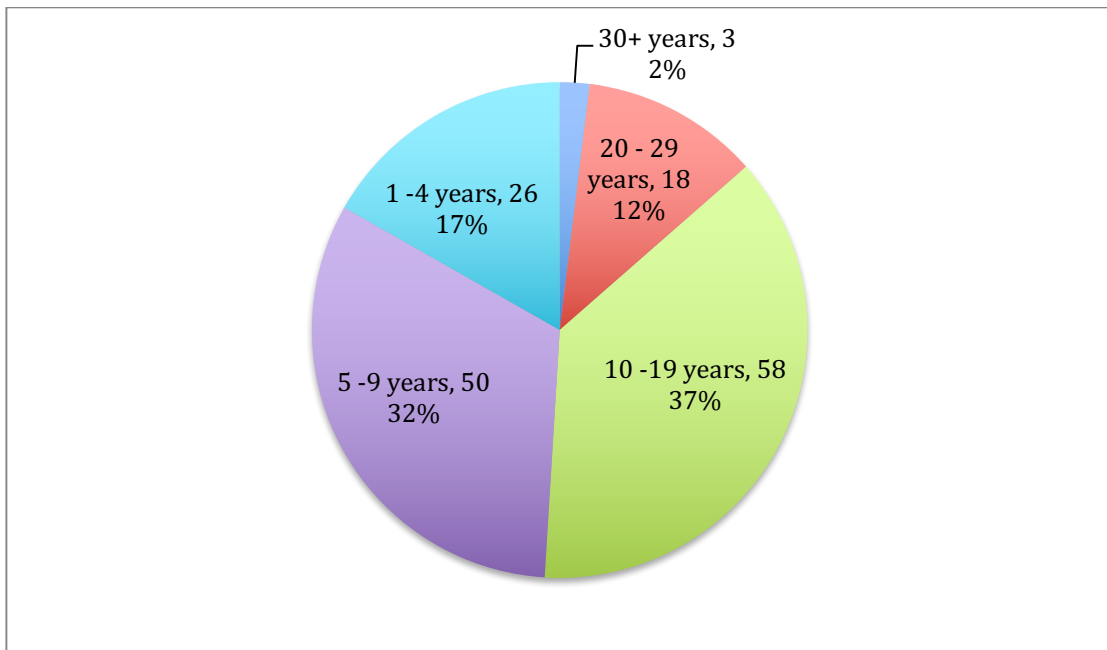


Figure 27. Cumulative years of interpreting experience of questionnaire respondents

The pattern of respondents' interpreting hours each year is summarised in Figure 33. Nearly half of them, 76 interpreters have interpreted between 100 and 499 hours every year. A similar number of respondents have worked more than 500 to 999 hours, 1000 to 1999 hours, and less than 100 hours each year. Interestingly, 2 interpreters have reached the level of more than 2,000 hours per year.

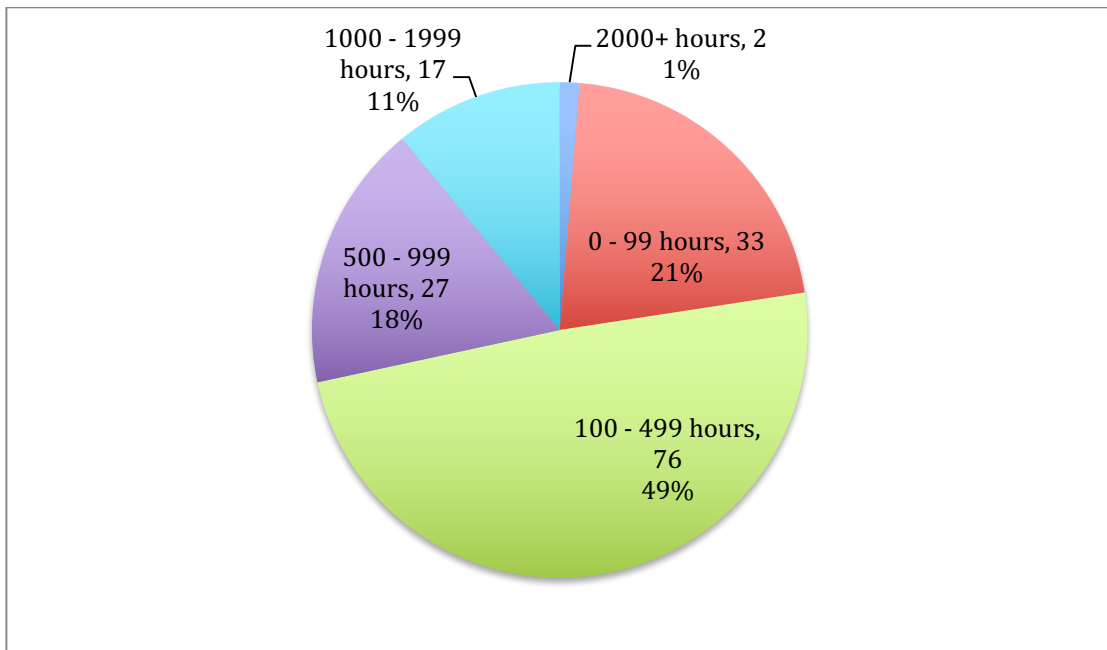


Figure 28. Questionnaire respondents' average interpreting hours per year

To summarise, questionnaire respondents' background information collected in Section 1 demonstrated that their native and working languages cover many European, Middle East, and Asian languages; their interpreting experiences vary from one year to more than thirty years and their interpreting hours range from less than 100 hour to more than 2000 hours per year. It is, therefore, fair to conclude that their responses can represent interpreters' views and opinions from a variety of linguistic and cultural origins with different levels of experiences and these respondents are valid and reliable sources to generate data for this study.

Appendix F Interpreter interview transcripts

Interpreter Interview Transcript 1

Researcher: In your opinion, what are the roles and functions of legal interpreters? Among them, which ones do you think are the most important and why?

Interviewee 1: I believe it's to facilitate the legal process, and guarantee that the person or people you are interpreting for to get the fairest trial possible. And the language barrier isn't the disadvantage, or could affect at all the legal proceedings. So, it's to be as accurate as possible. I think it's a tool for the legal process to guarantee a fair trial and obviously, equality, legal equality, because nobody can be at disadvantage as something as perhaps relatively trivial as the language barrier.

Researcher: It's mainly to remove the language barrier and facilitate the communication to ensure fair trial?

Interviewee 1: To facilitate the communication, definitely.

Researcher: That's the most important, you think?

Interviewee 1: I believe so, yeah, in the legal sense. Obviously if it's medical, it'll be to make sure that everything is understood. I definitely worked in one or two medical translations. Everything understood, to make sure they get the best treatment possible and their health is looked after, and nothing can be lost in translation.

Researcher: So, accuracy is one of the most important

Interviewee 1: Yeah, accuracy, yeah, everything is understood.

Researcher: To understand accuracy is like not universal agreed, or criteria yet.

Interviewee 1: I think accuracy is. I don't mean that you are grammatically accurate or your vocabulary is accurate. What I think, my advantage, not might be everybody who translates advantage. I don't everybody has only lived in one country and one culture, that maybe bilingual, would be an effective interpreter. As they need to fully understand the cultural context, from which that person comes. Again, I've said that, I'm not fully aware of the culture context of Portugal, Angola, East Gini, Mozambi, which are the countries I interpret for, but I think I have adequate understanding, and perhaps linguistic and an adequate education to know about all cultural differences and I would highlight these where appropriate if language is not enough, for that I would say, to the interviewing officer. I would perhaps present the cultural context of something which was said.

Researcher: What do you think are the main tasks and responsibilities that legal interpreters should be performing during an assignment? Among these duties, which ones do you think are the most important and why?

Interviewee 1: I think is making sure everything relevant is understood by both sides, so sometimes with own discretion. The defendant, especially is not familiar with ethic, not familiar with what they want to know, what's relevant. But obviously, you have an obligation to translate that. Sometimes that'll be conversations that would be extremely trivial, non-important that you can't maybe summarise. Even if the defendant is English, that'll be totally lost the relevant context of the conversation. So, I think there is enough discretion to make sure the key most important elements are understood by both parties. So that's important. Obviously, the filling out forms, the written aspect, if it's a legal document, you need to make sure that it is fully understood that someone is not just signing something off without knowing what they have signed. I think I see our role as well the legal system covering their back. We are our Tier 1 administrative justice status, we've got our approval, so the defendant can't then appeal a case, saying that they didn't adequately understand. So, from that point of view, I imagine we are seen by the legal system as covering their basis as to use colloquialism, to avoid a retrial due to linguistic errors. So obviously, the interpreter needs to be fully competent. Otherwise, you could open that possibility of a mistrial, retrial due to the defendant or witness not fully understanding which would be the most, that sort of angry interpreters they like to highlight those cases. I'm not sure if there has been a rise in those case since the outsourcing. I imagine they always existed, those problems.

Researcher: We are there to cover the main senses of something. Sometimes, if they don't understand a legal term, for example difficult ones?

Interviewee 1: I think you have the obligation to explain that legal term. The defendant at the same time should, and could "Could you please explain that legal term for me?" But sometimes, they are so nervous, or unaware of, not so many experienced in that context, they are not to ask. So, I think yes, sometimes a bit of the initiative to make sure. Even if an interpreter is not going to understand that extremely complex legal term, so you yourself may need to ask for a clarification. You usually have an idea of a defendant's schooling, educational level. And so yes, so you need to, maybe take the initiative sometimes and translate more, more complex terms. Cause sometimes I actually find the other way. Sometimes in Portuguese, they use very complex terms, but in England, there is a strong movement for simple language. And I think that's more in England. So quite sometimes, I've got very complex terms in Portuguese and there is a more simple term in English. I don't think especially Portuguese legal legalese embrace the "Simple English Campaign" for plain English. I simply don't notice that in Portuguese. So yeah, I think a facilitator as well in that sense.

Researcher: Are you aware of the main ethical rules that legal interpreters need to follow? Do you believe legal interpreters are generally aware of these rules and are following them to the best of their ability? What areas do you feel they follow the most properly and the least properly and why?

Interviewee 1: I read the Capita handout cover to cover. I read the NRPSI cover to cover. I remember from the top of my head. I am aware of it.

Researcher: Do you think most of the interpreters are aware of them?

Interviewee 1: I don't interact enough with other interpreters to be able to say. I do, I felt very alone, isolated when I first started interpreting. I still do a little bit. A lot of it are sort of common sense, before maybe I read. And a few of the elements took about surprise, that you should be, should only, I think someone said you should only be with the defendant at the moment in court. I break that rule all the time. I'll come into court; I'll sit down next to them, waiting. I think that, instead of the lawyer or the court has to look for the defendant and the interpreter. In Manchester, we separated in the interpreters' room. But I never, I never respect that rule, knowing them, and some of them took me by surprise.

Researcher: But I mean sometimes you do meet some interpreters during work, do you think or do you have a feeling that they behave according to the rules generally?

Interviewee 1: They usually tell you stories about other interpreters that are incompetent. I think the problem is too much emotional involvement. They were talking about a Brazilian lady. I won't specify the city, as this is a bit of a small world. They were talking about a Brazilian lady that takes, she takes on too much, the phrase they use, sort of she takes ownership. Instead of acting as an interpreter, she gets involved. And I think she might have a negatively affected er, psychiatric consultation, giving her opinions and so in that case. And I think when the complaints are made, the other interpreters knew about this case. And so obviously, maybe the person wasn't aware of this. Just in that context, didn't confront it. I would have thought so. I would have thought so. The one we read about that the angry interpreters highlight, like to highlight. So, to give a proper opinion, I haven't interacted that much, but going by personal experience, I didn't know inside out. I am probably going by common sense, and a general common conscientiousness of ethics, things like that are general for me. But when I first started, there were probably quite a few gaps of knowledge about the ethical considerations.

Researcher: So, it's like by common sense, most people do it according to the ethical codes, but probably there are few gaps about emotional, or probably they are talking about interpreters not turning up on time, are also part of it?

Interviewee 1: Yeah, yeah, I'm never late, but to ring to make sure you are there.

Researcher: But generally, interpreters are pretty good?

Interviewee 1: As far as I've seen. I have never seen anything problematic. I usually read about the horri stories, from the perceptions from the traditional interpreters that are quite angry about the outsourcing process. Though from my mother's experience, she's been an interpreter since 2001, not any more, mostly medical, social, mostly medical. She seems to say it was the same thing – interpreters not showing up that trials have to be postponed. Patients not turning up for their consultancy, so a waste of interpreter, and things like that. So, I think that motivated the moves of outsourcing, and the telephone interpreting, but she seems to say, in the 2000s, those problems were persistent. I don't think those problems are inherent to the outsourcing process.

Researcher: In your opinion, does the presence of legal interpreters influence the legal process or the outcome? If yes, what are these influences? Can you give examples?

Interviewee 1: No, they shouldn't. They shouldn't. I don't think. I think the fact that you got a non-English speaking defendant, perhaps without that sort of community, depending on the language group, without that sort of whole family structure. If I was to go to court, I've got this huge family, three generations to support me, to advice me. So, I think the fact that they are non-English speaking, and non, and foreign. I think that is a factor that affects the legal process. I don't think the fact that the interpreter is used should. It might affect the jury, especially with this sort of sensationalist, this kind of phobia, that you find in the media, sort of anti-immigration of the conservative government. I think that could affect the jury. For example, stereo types of immigration fraud, or benefit fraud, and things like that. I think when a crime is committed by someone who is quite recently arrive in this country, and I think the prosecution plays on this as well. You are only in this country for two years, and you are doing this, you are doing that. That I don't think the interpreter, I don't think the fact that there is an interpreter should have affected the legal process. I think it might affect the jury. And that might be something that the prosecution plays on as well in a trial.

Researcher: And it might happen in your opinion, like the defendant in a very unprivileged situation, the interpreter speaks in favor of him, like not in the original message, the interpreter think I should step in and change a little bit making it favorable to sound or to

Interviewee 1: Yeah, I do that.

Researcher: You do that?

Interviewee 1: Yeah, I do that. I don't know. You said he is at disadvantage. So, you want to make sure they give the best, they represent themselves as well as possible. If you can help, as long as you are not changing the answer, you are not changing the message, as long as. You are polishing it probably. Yeah, because I don't think there is anything wrong with that, especially when there is the legal aid, sometimes, their legal aid defenses, not very good, not very effective. So, I don't think. It's probably wrong. I don't think it's immoral or really, affects the process, if you polish a little bit.

Researcher: So, you only did it a little bit. You are not making major changes.

Interviewee 1: No. You can't change what they are going to say. Quite often I was thinking "why did you say that". And things, sometimes I do think I can do a better job than the defense lawyer. But then I am not legally qualified. So perhaps do a better job, might be against the rules, be a non, bad practice, or something like that.

Researcher: So, you so sometimes make a little bit polishing, make it sound a little bit better?

Interviewee 1: Yeah.

Researcher: Probably most interpreters do that too?

Interviewee 1: Yeah. Don't tell, don't tell Capita.

Researcher: What are the main challenges and difficulties in relation to language and interpreting that you have encountered during an assignment? How do you deal with them? Can you give examples?

Interviewee 1: No-cooperative prosecutors, judges, probably. It might not be non-cooperation, it might be lack of experience. They are not speaking, taking into account this is being, consecutively translated, or simultaneously translated, that's the problem. Bad acoustics when I'm in the defendant box. I can't hear what they are saying. I would ask in the future, ask for that hearing loop for the hard of hearing. That'll be. That's not a problem. You need translation. I don't think that the defendant would hear, if you are English-speaking either. So, all the things going on. You have the obligation to relay it simultaneously. We don't always hear everything. Sometimes the odd words can catch you up. But I think you need to be modest and humble, and raise your hands and say, "I don't understand that word". I think most words if you then find out what it means in English, you can then translate the equivalent into the language. I've never felt that the lack of vocabulary or lack of linguistic ability has been a disadvantage. Emotional, I struggled emotionally, when I first started. Sexual violence cases, they are not, they are not black and white as you see. Huge grey areas, it's not a monster that runs in the park that's in the witness box. That the defendant box, was often seen, people go to prison for something. So emotionally, that was initially mostly I struggled. I think I'm a bit, a bit more insensitive, not insensitive, but a bit more harder now, a bit more experienced, sort of to switch off the emotions. I think it was that really, the emotional parts. Linguistically I think, I think I'm lucky, that I've got an educational level that is extremely compatible with this profession. So, I'm postgraduate educated, I've taught law in Portuguese for three years. That helps a great deal. So, y sometimes I do think you need to understand what's been said in your native language, that you need a certain level of education to be able to understand and translate to your second language as well. But I think the only challenge I would thought was emotional. They could pay more as well. But when I said emotional, I'm in court. Yes, the CPS with defense lawyer and the police, that's their day-to-day work though. Maybe I was a little bit soft, a little bit inexperienced. But we don't receive any emotional consoling, training, anything like that as an interpreter. Maybe the defense lawyers and the police and CPS have more of a support structure. We are very individualised, isolated. So, you go home and cry to your wife, rather than or go to a Capita therapist, or something, or receive training about how to deal with these cases.

Researcher: There is not actually any training about emotional, psychological problems.

Interviewee 1: The school of life experience. But then, I can't really complain. Obviously, these police officers, social services, 10 times worse than what we see in the, when it's get to the legal case.

Researcher: As an interpreter, you may be aware that "accuracy" is one of the most important targets that we need to achieve during interpreting. In your opinion, in order to do this, should legal interpreters transfer all linguistic content, including discourse markers (e.g. "you see", "well", "now", etc.) and grammatical errors; and pragmatic elements, including speech styles, tones, vagueness, impoliteness, broken speeches, hesitations, pauses, etc. completely? Why? Can you give examples?

Interviewee 1: I imitate the intonation. I imitate the intonation. When they stress, "Really no, I don't know what you are doing", I will repeat that, I will sort of mirror the intonation, "well, how can I say". I probably, most of the time, I repeat, not always. Sometimes there are too many or said too early, you may forget. Grammatical errors, no, there is no, you can't translate grammatical errors. Cause grammatical errors in Portuguese, you got masculine, feminine, you got agreements, you don't translate. So, I will correct. I will, I do things sometimes what comes out in English is most linguistically sophisticated for what I heard. But I don't, there is no changing in meaning.

Researcher: How about when the witness pauses a lot? Do you pause as to the pauses of the original message?

Interviewee 1: No, depends on the pauses. I will relay the message with similar intonation, similar stress levels. A pause, I probably take the advantage of the pause to translate during that pause.

Researcher: As you may be aware, lawyers are famous for manipulating language techniques to control the questioning process, such as talking in a hyper-formal style with highly complicated legal terms, complex sentence structure, asking the same question in different ways for several times in order to confuse the witness. For example, how to interpret this question? "If I were to inquire of you as to who was your treating physician at the point in time that you fell ill, what would your answer be?" Do you keep the complicated sentence structure or do you do it in a simplified version?

Interviewee 1: When interrogating, like intentionally?

Researcher: Like cross-examining witness from the other side?

Interviewee 1: I would say I'm not that experienced. The trial I had, it was using colloquiums, "oh, this is a load of rubbish, isn't it, Mr.?" The defendant, and I struggle. How do I translate "load of rubbish"? "This is nonsense!" They were using, all sorts of engage with the jury to make the defendant look dishonest. No, I was probably quite the opposite. That the technical languages when they are talking to the judge, and I need to translate that obviously, relay it. And then the problems with the hearing. No, I haven't really. He twists the answers because the defendant said

to the prosecutor, "I don't want to call you a liar", which I understood, as he doesn't want to call an import legal representative a liar. So, he took that, "I don't want to call you a liar". I was still quite new then. I want to clarify, look, that might have come wrong in translation, but they didn't want to know. I said, no, I said it was the way it worked. And eventually they take that. And it was like, he said in this final hearing, he said "I don't want to call you a liar". "No I don't want to say that you are lying". I, how I translated those, which was very literally, "I don't want to call you a liar" would be better. They used that to sort of say reverse that he was lying. I think that, I don't think that is exclusive to translated, a translated trial.

Researcher: The twisted meaning, twisted situation, try to confuse the witness to give the wrong answer,

Interviewee 1: In Portuguese, he said "I don't want to say what you are saying is a lie". So, I translated that, that was pretty much what he said, but he immediately picked up on that, but I, so I translated correctly, though he picked that up for his final statements. I could have translated "I don't want to call you a liar". But I don't think I did anything wrong there. But, well,

Researcher: What's wrong with "I don't want to call you a liar?"

Interviewee 1: I don't want to say that what you are saying is a lie.

Researcher: What's the difference?

Interviewee 1: What he meant "I don't want to call you a liar". He didn't, he was being very head-down. "I don't want to call a lawyer a liar", and because I think given the context of the case, he was arguing that he didn't know. He didn't know. Lack of knowledge was his defense. He didn't know the prosecutor, the prosecutor was a dick. Again, not my opinion, again, because I am in the, I am in the, I was, put yourself in the shoes of the witness, I feel sarcastic tone, aggressive tone, I feel it. I don't, if I then absorb it for the defendant, I feel the aggressive tones. Emotionally, I sort of absorb as well, those things as well. But now I have, I've seen what the English system anyway, British. I think they are obliged to make sure everything they say is understandable.

Researcher: So, they can't make it too complicated?

Interviewee 1: No, no.

Researcher: So, that's not a problem?

Interviewee 1: No, no I have not known that as a problem.

Researcher: When interpreting for police, interrogating officers may ask questions in a coercive and aggressive way to pressurize the suspect to admit the allegation. Do you normally maintain the original tone and strength or do you normally soften it down?

Interviewee 1: I probably not worked on something at that level. I think the defendant can see the body language, hear the tone of voice. You don't need to then repeat it. You don't need to, like banning. That's my personal opinion. I don't know professional guidance on that. You are going to, probably, use the same stress of tones, but you don't need to mirror it exactly. This is not, this is not in your personality. I mirror the intonation. I don't mirror perhaps the, I don't know, I never shout. I don't mirror the body language. So, this is like "How did you do it?" Yeah if you stress that "how", I would stress that "how." Words of stress and intonation, I translate, but maybe not the aggressiveness. I think the words of stress, intonation that's where the aggressiveness and directness is placed.

Researcher: Witnesses and defendants may intentionally speak in an unclear way to avoid taking full responsibilities; or answer questions in an impolite way without realizing it; or pause frequently to think about their answers. Do you normally interpret with the same style or do you make an improved and more coherent version?

Interviewee 1: I have a problem. It's not, it's a problem that certain defendants just don't answer. So, I had one case. Police asked him a question, his answer was that "er er er." It was all body language. So, I said, so pretty much like his answer was like "well, yes and no, and yes and no." So, I turned around to the policeman, "yes, no, yes, no." The policeman looked at me. I had to shrug and say, "That's pretty much what he said." He said nothing. He just sort of smiled. And when the policeman looked at me. I said, "That's what he said." So, you are a bit conscious. The policeman thinks you are not translating properly, but when the defendant was just absolutely saying nothing, just talking rubbish.

Researcher: So, you are just translating all these rubbish?

Interviewee 1: Yeah, yeah, you are translating all these rubbish. I'm a little bit conscious in professional, perhaps to know it's the defendant is talking rubbish, talking nonsense, it's not the interpreter. I'm interpreting the rubbish though, maybe even improving it a little bit then, reading between the lines.

Researcher: In your experiences, do you find the above situations difficult for interpretation? If yes, how do you deal with these difficulties? Can you give examples?

Interviewee 1: That sometimes, I think you switch off emotionally, sometimes you want to shake the defendant "just answer the question". But obviously, you don't want to do that. The defendant, to translate, but then I'm at that advantage that I'm hearing Portuguese and speaking English. So that's when I'm strongest, and most confident. Then when I'm going from the English speakers, the courts to the interpret in my second language, obviously, I'm still competent enough. Yeah, defendant with poor communication skills is a problem. I think it's going to be a problem. That's not exclusive. It's going to be a problem in English. It's going to be a problem when you take someone of certain level of education, certain, lack of emotional and interpersonal intelligence. They are, I don't think that's exclusive to interpreting to this job.

Researcher: But it makes more difficult for us to translate?

Interviewee 1: Oh, yeah, to translate, yeah, yeah, definitely.

Researcher: What are the main challenges and difficulties in relation to culture that you have encountered during an assignment? How do you deal with them? Can you give examples?

Interviewee 1: No, not yet. I interpret for lot of Africans. And I'm very familiar with the cultures. So, some sayings, things like that, you won't be very weary about translating it literally. It might make no sense, so might even be contradictory in English. You've got to sort of make up the equivalent saying. But, no, really, I don't, in my language pair. Being familiar with Portuguese culture, Brazilian culture, I don't find that.

Researcher: Is there something like gestures is polite in Brazil but impolite in the UK?

Interviewee 1: Yeah, when they say no, it's "ze ze," which I spent about a year, I still find it rude. But "ze ze" means "no". And but I've never had that in an interview. Er, probes I've known that. No, the things that are rude, aren't things that goanna be like saying "pshe" to get someone's attention, which if I was way to refuse to serve the person that come by "pshe." But I think in the legal conversation, these sorts of maybe cultural sensitivities. I have never seen that much. There is one difference, the word for "girl," in Portuguese, Portugal Portuguese; means "prostitute" in Brazilian Portuguese, so you need to be very careful translating that word. So, the African lady said, "let the girl go". I had to think very quickly, realise, she is African, she means "girl", cause if she'd said, "let the hor go." That was in a police interview, but it's just quick thinking. It's your capacity as an interpreter. But had I got that wrong, that would be a major error, had I didn't have that familiarity. But I think most people, if you've got the linguistic ability to be a qualified interpreter, you got to know that difference.

Researcher: Would it be sometimes there are several meanings of "let the girl go", you don't know, you are not sure, will you tell the police officer, saying "there are several meanings, I have to clarify"?

Interviewee 1: I'll clarify. I'll just clarify that. If they actually see I was talking to, I say "I was clarifying this this this". Like yesterday, I said "I was repeating your question." Not yesterday, yesterday before yesterday, "I was repeating your question." He said something, I relayed looks like we are having a conversation. I will always explain exactly what I'm conversing about. "I'm rewording your question, I'm repeating you question." Just generally tell them I'm saving the person's time.

Researcher: The issue about the "girl" can be major, isn't it?

Interviewee 1: Yeah, it could be. It could potentially be. But I think most people would know. If he is a Portugal Portuguese interpreter, he'll interpret "girl." It is a bit

of rivalry between the Brazilian and Portuguese interpreters. Most people, given the context of, because the context, you've been there for an hour in an interview. It should be pretty basic knowledge, that difference. And I think if you did make that mistake, you'll come back and correct it. Probably, the reaction of the police, you realise that you made a mistake. I think you've got to, instead of hiding your mistakes, as an interpreter, you got to put your hands up and say "sorry, my mistake, please correct".

Researcher: In your opinion, should legal interpreters transfer cultural differences into the target language version? Why?

Interviewee 1: When they are relevant. I think the defense lawyer should look to or know, if the person is, with the head down, that sort of, please, especially from the jury to understand the cultural context. I thought when, I don't do call them our clients, I don't know. I think, I thought he was let down, because I thought the defense lawyer should have really explained the difference in bureaucratic cultures between the two countries. But he just picked up the case an hour before the trial. Democratic culture between the two countries. But he just, nothing was picked up in the case. Legal aid for free, things like that. So, I think, I think the defense lawyer should maybe make more use of the interpreter, asking about cultural differences which should be grounds for defense. I'm talking obviously about a trial, it should be ground for defense for cultural misunderstanding as a whole argument, how much as you relativise. Well, you can't make the law flexible, especially thinking about taking the kids into care. It's things that would be, maybe not frond upon another culture. How much cultural tolerance can you give? And sex crimes is quite, it's quite a hot potato, because especially coming from very chauvinist societies, and from a very liberal culture in the UK with lots of alcohol consumption. Although it's rape as per the law, you also see a huge cultural misunderstanding as well.

Researcher: But it's not the interpreter's job?

Interviewee 1: No, not at all, not at all. It's the society's job. Society of country of origins, society, here, general society. It's just, nothing, nothing is exclusive to interpreters. But I think yeah, cultural misunderstandings can lead to prison, I think.

Researcher: Are there any misunderstandings or dilemmas that you have experienced during an assignment affect your ability or quality of interpreting? How do you deal with them? Can you give examples? What do you think as the reasons to cause these misunderstandings or dilemmas?

Interviewee 1: Not as if yet. Obviously, I find the court, the legal system is good in explaining in plain terms, how things work. Like in Portuguese, the word for "bail" is "fiança," which translated as "finance," which is translated to monetary. So, they always say "how much." So, I said "no, no, it's bail." So, it's translated to like has a monetary implication linguistically. But this doesn't cause any problem. It's just things that need clarifying. I never come across anything that I would say was a major problem. Again, I haven't translated for social services, so I don't know, that might be a bit more.

Researcher: Do you have judges ask you to interpret “word-by-word” due to their misunderstanding?

Interviewee 1: Oh well, the “word-by-word” translation is like put on Google translate. It might make no sense word-by-word. If they do, if they said translate “word-by-word” translation, or, I would translate normally, or I’ll say no, “word-by-word” translation doesn’t exist. So, I would say through example, if you said, you just have to convince her, “give me a break,” means absolutely like “give me a break,” anything like that. So, I would say you got to translate within context. You have to, you have to correct someone that there, I would say “word-for-word” translation.

Researcher: As you might be aware, legal interpreters are probably not fully recognized as professionals by all parties in British legal system. In your opinion, what are the most obvious benefits of the general recognition of legal interpreters as professionals? What aspects need to be improved in order to raise the general awareness?

Interviewee 1: I think I’m not sure. Let me think. Because it’s probably relate with the economy, isn’t it? Because there is, there is culture of other countries, that a person that bring their friend, who speaks other languages. It’s not, I think we are a lot more recognised in England than we are in other countries, where the legal system might be don’t speak, don’t speak this language, your problem. Or they’ll call someone, or they’ll go around, “is anyone here speak English?” And they’ll look for someone who might have a limited speaking of English. I think it’s a lot more recognised here than in Brazil, where they end up getting like an English teacher who isn’t an interpreter, and will interpret badly. Especially when it’s sort of a marketing thing, you need to sort of valid print, you need sort of, you need to match. So, if you are translating a legal document, you need to write that document, understand that legal document, you need to have the capacity to write that document, to understand that document in your legal language. Interpreters were very well paid up until the outsourcing. I think there is too much litism. I looked into to be interpreter 13 years ago. I’ve just remember a hostility, every hostility, illitilism, snobbishness, aggression even, expensive. Of the cost of getting your IOL fee, re-sitting it, the cost of registering, and things like even now. So, I would say fully recognised. The interpreters don’t help themselves. I think by nothing. I think I was, I think the DPSI is an appropriate qualification. It is an appropriate level of difficulty. So, I think they’ve got the recognition. Obviously, the wages that were paid pre-outsourcing is a huge recognition, and probably I would argue they were getting too much. Sitting on your bum for 5 hours in court earning 40 pounds an hour. Yeah, I think we earn too little now. It’s too procuress. How you expect me to spend an hour getting to Hull to work for 20 minutes, come back and get paid 30 pounds? No, I can sit on EBay, buy and sell, for like the 5 hours of my day that is taken out. I think we are paid too little now. But they were recognised with very generous payments.

Researcher: So, it’s only the outsourcing brings all these problems now?

Interviewee 1: Of the non-professionism, I think if you’ve got full DPSI, and you are educated to degree level, I think yeah. I perhaps, we just sort of left get on with

other interpreters. So, more cooperation between the interpreters, I think. I felt very isolated when I started, more cooperation, and less competitiveness. So, I think Capita just totally takes the advantages of competitiveness, none solidarities, lack of solidarity of the interpreters, and created Capita. I'm not overly, because of the hospitality I experienced, I'm not overly sympathetic with the interpreters for justice. I think I do a good job. I think I'm a very competent interpreter. So, when I've seen there are sort of discourse retraction about how important they are. I think they are perhaps gone in exaggerating themselves, sense of self-importance. So, I'm not overly, because I'm not experienced of that hospitality, difficult to break into it. I'm not overly sympathetic. I'm not overly enamored with Capita either. I prefer, however much Capita are earning. How much does Capita charge per hour for our service? So, if we are earning 22, they must charge 40. So, cooperative of interpreters, so would be better. So, I don't know, maybe the professional association have learned their lesson. Things may change, may improve. But they've got to work together. So, it's not ideal. But then, I don't, I think the system, I think I would say that the interpreters were too well-paid previously. I think there should be more support, feedback, working together. I think the way that the interpreters work competitively and jealous of each other. And everyone is always better than others, so it's extremely difficult to categorize, sort of organize. I've never actually have any direct experience with these protesting outside the Home Office, things like that. I think, I feel we are properly recognised. I probably like to be paid more. I'd like to grow, to develop. So, with the National Register, once I've done 400 hours, so I'm trying to join, to get that Police and Court Interpreters Association, then the Institute of Translation. It's all expensive, I don't know. I'm a little skeptical about all these associations given how much money. How much they expect us to invest. They are saying our NRPSI register to get 200 pounds back after 1 or 2 jobs of the year. So, I'll see how it goes.

Researcher: Do you want to add anything else about this topic that we haven't discussed today?

Interviewee 1: No, no I think that's everything.

Interpreter Interview Transcript 2

Researcher: In your opinion, what are the roles and functions of legal interpreters?

Interview 2: Roles and functions of legal interpreters should be to serve as a bridge between English speakers and non-English speakers; to facilitate the communication between different parties at court; to provide interpretation that is equivalent at linguistic, functional and cultural levels

Researcher: Which ones are the most important and why?

Interview 2: The third role is the most important one, because court interpreters should not only accurately convey the meaning of professional legal terms, he or she must also fully understand the meaning of these terms under the particular context in order to interpret not only the meanings, but also the manner and tone indicated by the speakers.

Researcher: What do you think are the main tasks and responsibilities that legal interpreters should be performing during an assignment?

Interview 2: Our main task and responsibilities include to faithfully interpret each word and sentence spoken by English and non-English speakers under legal setting, to be fully aware of the cultural issues involved in the legal proceedings and interpret them properly and to convey the style and tone of speakers.

Researcher: Among these duties, which ones do you think are the most important and why?

Interview 2: Among them, to convey the style and tone are the most important functions because understanding the style and tone of a sentence is of great importance to fully understand the underlying meaning of a sentence.

Researcher: Are you aware of the main ethical rules that legal interpreters need to follow? Do you believe legal interpreters are generally aware of these rules and are following them to the best of their ability?

Interview 2: I think ethical rules that must be followed by interpreters include interpreters must not disclose any information obtained from court proceedings. Interpreters must interpret everything accurately and faithfully without any bias and interpreters must avoid unnecessary contact with any parties for example, witnesses, attorneys, defendants. Interpreters must not give advice of any kind to any party and shall not express their personal opinions.

Researcher: What areas do you feel they follow the most properly and the least properly and why?

Interview 2: I feel the areas that interpreters follow most properly are to avoid unnecessary contact with any parties because normally interpreters are “confined” in interpreters’ room before the interpreting assignment starts. I think the areas that they follow least properly are interpreters must interpret everything faithfully without any bias, because it is unavoidable that some interpreter holds personal perspective of a particular issue and might not be able to interpret everything in a completely impartial approach.

Researcher: In your opinion, does the presence of legal interpreters influence the legal process or the outcome? If yes, what are these influences?

Interview 2: The tone and manner interpreters use while doing interpretation will sometimes influence the attitude of judges or barristers have on the non-English speakers.

Researcher: Any example?

Interview 2: For example, if interpreters use very low voice or show no interest in the question asked, or if interpreters interpret the words spoken by non-English speakers in a very arrogant approach, other parties at court might consider the defendant is of the same manner or attitude as the interpreter presents.

Researcher: What are the main challenges and difficulties in relation to language and interpreting that you have encountered during an assignment? How do you deal with them? Can you give examples?

Interview 2: I find the biggest challenges of Chinese – English interpreting is the difference between use of pronouns. For example, in Chinese, the pronunciation of “he” and “she” are the same, but when this particular word is mentioned by non-English speaker (in this case, the Chinese speakers), court interpreters then need to confirm with the Chinese speaker whether it is “she” or “he” in order to do the interpreting accurately.

Researcher: As an interpreter, you may be aware that “accuracy” is one of the most important targets that we need to achieve during interpreting. In your opinion, in order to do this, should legal interpreters transfer all linguistic content, including discourse markers (e.g. “you see”, “well”, “now”, etc.) and grammatical errors; and pragmatic elements, including speech styles, tones, vagueness, impoliteness, broken speeches, hesitations, pauses, etc. completely?

Interview 2: Yes, interpreters should make their best to render all linguistic content faithfully and completely.

Researcher: Why? Can you give examples?

Interview 2: For example, when the non-English speaker answers a question with hesitation, it indicates he/she is not quite confident with the answer or at least not so sure of it, so the interpreter should also transfer the hesitation in order to let the court be more aware of the level of confidence of the non-English speaker.

Researcher: As you may be aware, lawyers are famous for manipulating language techniques to control the questioning process, such as talking in a hyper-formal style with highly complicated legal terms, complex sentence structure, asking the same question in different ways for several times in order to confuse the witness. For example, how to interpret this question? “If I were to inquire of you as to who was your treating physician at the point in time that you fell ill, what would your answer be?” Do you keep the complicated sentence structure or do you do it in a simplified version?

Interview 2: I will interpret the sentence in a logical, fluent version without compromising the original meaning of the text. My version (back-translation) would be: If I would ask you who your treating physician was when you were ill, how would you answer that. Because it is the responsibility of court interpreters to render the meaning spoken by English speakers in an approach that is clear and understandable. This can avoid the misunderstanding by non-English speakers and it is quite crucial that all non-English speakers understand the questions completely.

Researcher: When interpreting for police, interrogating officers may ask questions in a coercive and aggressive way to pressurise the suspect to admit the allegation. Do you normally maintain the original tone and strength or do you normally soften it down?

Interview 2: I normally keep the original tone and strength.

Researcher: Can you tell me your reason?

Interview 2: Because the tone and strength are also part of the source content that need to be rendered by interpreters. The non-English speaker should fully understand what has been asked/ said by English speakers including content, tone and strength.

Researcher: Witnesses and defendants may intentionally speak in an unclear way to avoid taking full responsibilities; or answer questions in an impolite way without realising it; or pause frequently to think about their answers. Do you normally interpret with the same style or do you make an improved and more coherent version?

Interview 2: If witnesses and defendants speak in an unclear way which is not easy for me to understand, I will tell the court “The interpreter did not understand the meaning for the sentences, and would like to ask the witness to repeat it.” If they answer the questions in an impolite way I will still faithfully render the full meaning without compromising the tone or meaning. If they pause frequently to think about their answers, I will only interpret after they finish the whole chunk of the meaning.

Researcher: In your experiences, do you find the above situations difficult for interpretation? If yes, how do you deal with these difficulties? Can you give examples?

Interview 2: Yes, if witnesses and defendants speak in an unclear way, I would find it very difficult to do the interpretation. As I said in my previous answer, I will tell the court “The interpreter did not understand the meaning for the sentences, and would like to ask witness to repeat them.” For example, sometimes witness answered a question by saying “She went there again and came back to him,” I will ask the defendant to answer the question again by indicating very clearly what those pronouns refer to.

Researcher: What are the main challenges and difficulties in relation to culture that you have encountered during an assignment? How do you deal with them? Can you give examples?

Interview 2: Some phrases and sentences are cultural specific, so sometimes it is really difficult to get the meaning crossed. For example, “Good Friday” is a concept of Christian which is about Christians commemorating the crucifixion of Jesus Christ and his death at Calvary. When interpreting phrases like this, interpreters need to know the exact meaning behind it in order to render the meaning accurately. For cultural specific phrases like these, I use the official Chinese translation for these phrases, if there isn’t anyone already there, I will explain the meaning behind or let English speakers to explain in details to me before I interpret it to non-English speakers.

Researcher: In your opinion, should legal interpreters transfer cultural differences into the target language version? And why? And can you give any example?

Interview 2: Yes. I think it’s very important to transfer cultural differences because literal translation sometimes does not make sense. For example, the meaning of “probation officer” does not exist in Chinese legal system, and it is the responsibility of the interpreters to explain the meaning to Chinese speakers so they can be fully aware of what is going on and how the procedures work under the UK legal system.

Researcher: Are there any misunderstandings or dilemmas that you have experienced during an assignment affect your ability or quality of interpreting? How do you deal with them? Can you give examples? What do you think as the reasons to cause these misunderstandings or dilemmas?

Interview 2: As a professional interpreter, I always stick to the code of conduct for legal interpreters, so when I do have any dilemmas I know exactly how to cope with them. For example, Chinese defendants sometimes ask me not to interpret a particular sentence that they feel not appropriate, and in this case, I just tell them it is the obligation for an interpreter to render the meaning faithfully and completely, so I then interpret exactly their words at court. The reasons causing misunderstanding or dilemmas are non-English speakers’ misunderstanding of the responsibility of court interpreters, and it always sometimes caused by the unwanted sympathy that court interpreters might have when working at court.

Researcher: As you might be aware, legal interpreters are probably not fully recognised as professionals by all parties in British legal system.

Interview 2: It is fair to say interpreters are not legal professionals, but as professionally trained interpreters, they know exactly how to learn British legal system in order to do interpreting under different settings. In the UK, there are tests like DPSI and Met Test, all would-be court interpreters required to learn the knowledge about UK legal system and pass the test.

Researcher: What's in your opinion are the most obvious benefits of the general recognition of legal interpreters as professionals? What aspects need to be improved in order to raise the general awareness?

Interview 2: The obvious benefits of the general recognition of legal interpreters are they can raise their voices as a community and earn more respect from legal professionals. They can also build strong self-awareness by being recognised as a certified legal interpreter. To raise the general awareness, legal interpreters should improve themselves first by building strong knowledge of UK legal sector, sticking to the Code of Conduct during each assignment, dress and speak in a professional way both outside and inside the court. Interpreters are also encouraged to work together as a team to win trust and respect by professionals in legal sector, they can organize some events to discuss the problems they meet and find out some solutions to address these problems with joint force.

Researcher: Do you want to add anything else about this topic that we haven't discussed today?

Interview 2: No, I think that's all.

Interpreter Interview Transcript 3

Researcher: In your opinion, what are the roles and functions of legal interpreters? Among them, which ones do you think are the most important and why?

Interview 3: Well, this is obviously an extremely wide subject. The roles and functions of legal interpreters depend on the kind of venues, obviously, they are interpreting at, and the kind of clients they are interpreting for. And I mean they are different, depending on, I mean, for example, if you are interpreting in court, or you are interpreting in a prison, or you are interpreting for a solicitor, or the law sector. So, really, I could only just talk very generally about this. Your role is obviously to interpret everything that said, by all the people present, unless, you are asked or instructed not to interpret anything. You are aiming for accuracy, as far as humanly possible, to be very precise. I think you have to be very careful with any of the legal terminology, and convey exactly what has been said. A lot of interpreters I think can a copper. I think they can find it difficult, if they don't have any legal background. Obviously, it is very specialised, legal interpreting. Like, for example, medical interpreting, in a very specialised area. And I think that there are a lot of scopes for things to go very wrong, if interpreters don't have a legal background. But to be able to do that, if you understand, in the first stance, the legal terminologies and the legal context. And I don't think, this is my opinion, in the UK, that anyway, it is not understanding legal interpreters need a legal background, same for medical interpreters, and medicine. It's not good enough, in my opinion, in this country, at this present time.

Researcher: So, you are saying it's better to have some legal background?

Interview 3: Yes, definitely, of course. I think it's obvious. In my opinion, but it doesn't always happen. And to be honest, it's actually quite rare for legal interpreters to have a legal background.

Researcher: But is it more likely for people with a legal background to pursue a career in law?

Interview 3: I don't know, I mean, I'm not, I'm not saying there are who, but there are legal interpreters who do have a legal background. And they do tend be to rare. And perhaps they have practiced in law for a few years, and now, they do something else. They interpret, they translate. Not a lot. As I said in medical interpreters, there probably be very few, are actually qualified doctors or nurses.

Researcher: What do you think are the main tasks and responsibilities that legal interpreters should be performing during an assignment? Among these duties, which ones do you think are the most important and why?

Interview 3: Well, I think that explaining legal procedures is the job obviously of the lawyer, is of the lawyers. And what the interpreter is for there is to interpret. Whatever the legal representatives are saying about the legal procedure is not for

the legal interpreters to explain these, unless asked to interpret. “Interpret” and “explain” are completely different tasks.

Researcher: How about when interpreters are asked by the court staff to help the defendant to fill out forms?

Interview 3: Or that could actually happen to me many many times. And interpreters should not be putting at that position, because court ushers, usually ushers, ask us to do that. Or I think sometimes court clerk should ask us to do that. That’s not within our remit. We are not some kind of legal assistant for the solicitor or the barrister. If they want, if the court wants forms filled in, or the solicitors do, then they should be using their own staff.

Researcher: So, if they want, they can use our help? So, we are not there to do this kind of job?

Interview 3: We are definitely not. Interpreters are there to interpret. That’s our sole functions. If we are asked by a legal representative, for example, “oh, can you interpret while I help the client to fill out this form?” That’s fine. That’s we are interpreting. But just sitting there on your own with a client, helping them to understand what is the form is asking them is not interpreting, by any such imagination. And, if you don’t have what is called “the interpreting triangle,” which means there should be you’ve got the client there, you’ve got interpreter there, and you’ve got the third party. Because the interpreter could only interpret, if there are more than one person there, if the interpreting triangle is not present, you are not interpreting, and you shouldn’t be doing it.

Researcher: Are you aware of the main ethical rules that legal interpreters need to follow? Do you believe legal interpreters are generally aware of these rules and are following them to the best of their ability? What areas do you feel they follow the most properly and the least properly and why?

Interview 3: Well I think there a lot of educational work to do there. I think you are right.

Researcher: Interpreters may find it difficult to refuse when they are asked by the judge, or simply because they are not aware of it.

Interview 3: I think over several years, there are a lot of interpreters not acting properly according to our various professional codes of guidance. Minor way is that they were sitting there, you see them in court waiting rooms with their feet up in a chair, reading the newspaper, with chewing gums, or something like that, look awful. I’ve seen them actually asking clients to always contact them, not to go to anybody else. I heard them giving legal advice. I heard them giving medical advice.

Researcher: How about help the defendant/witness to make up their answers?

Interview 3: There is a recent case, you probably know about it. A mandarin interpreter with the Driving Standard Agency. She is sent to prison, because she

was actually partly telling the driving candidate what to say in the theory test. She was either saying “this question, you say ‘yes’, this other question you say ‘no’.” It was in the interpreter’s journals. It was only last year. It’s a very well-knowing case. She actually has been sent to prison. Very important, what is terrible as a result of that case is the Driving Standard Agency has apparently decided now not to use, not to carry on having a register of qualified interpreters. So, what they said now, to anybody wanting to sit the theory test, the driving theory test, “or well, you just sort your own interpreter out.” This is terrible, because you imagine you come to this country, to the UK, you can’t speak a word of English, or you can speak very little. And then you got to somehow find out you need an interpreter, and then you somehow have to find out where to get one. Maybe about the National Register of Interpreters, you won’t know. It’s an absolute minefield.

Researcher: In your opinion, does the presence of legal interpreters influence the legal process or the outcome? If yes, what are these influences? Can you give examples?

Interview 3: I think the ideas that the interpreter’s presence doesn’t have any effect on what’s happening, because the interpreter is just a conduit, or a sort of bridge for the language is now not really considered to be correct. I think whoever the interpreter is, the interpreter is goanna to have, the presence of interpreter is goanna to have an effect, one way or the other. There might be very good interpreter, might be very bad. They might interpret some of the proceedings, but not all of them. They might add some cultural intervention, that might be correct, or they might not be. There are all sorts of scope really for interpreters to cause a lot of trouble, or to do hopefully a very good piece of interpreting.

Researcher: So, there is an influence?

Interview 3: There got to be, there got to be. If you introduce any person into an interpreting scenario, whether it’s the usher, happened to be present in the room, or it’s the judge there, or the barrister, anybody is going to have an effect on that session.

Researcher: What are the main challenges and difficulties in relation to language and interpreting that you have encountered during an assignment? How do you deal with them? Can you give examples?

Interview 3: I think that’s a massive subject there, in our words to talk about something like that. But I don’t have the time. Something I can only talk about very briefly really. Of course, yeah, sometimes, it could be. You’ve got a difficult client. I had very difficult client in the past. Sometimes, client who was very aggressive, who might have mental health problem, they might try to attack me, or attack the barrister, or something like that. They might not like women interpreters, they might want a man, they might refuse to talk to me. All sorts of things like that. You might have to work with legal personnel who are ok, that’s quite common, of course, very nice people. But you might have to work with legal people who treat you like some kind of assistant to fill in this form. Even I had one who wants his tea, “go on get me get me a cup of coffee,” no please or anything like that. That kind of thing can

happen. So many things. This is just such a huge question really. I don't know where to start.

Researcher: As an interpreter, you may be aware that "accuracy" is one of the most important targets that we need to achieve during interpreting. In your opinion, in order to do this, should legal interpreters transfer all linguistic content, including discourse markers (e.g. "you see", "well", "now", etc.) and grammatical errors; and pragmatic elements, including speech styles, tones, vagueness, impoliteness, broken speeches, hesitations, pauses, etc. completely? Why? Can you give examples?

Interview 3: I personally would try to refer to the body language of the person I'm interpreting for, the register, the tone of voice, everything I would aim at, you know, as much accuracy as humanly possible. Given lots of different factors, like noise, the venue, interpreting sometimes are children crying, sometimes, the barrister got his back to you, so you can't hear properly. There are so many variables, really.

Researcher: As you may be aware, lawyers are famous for manipulating language techniques to control the questioning process, such as talking in a hyper-formal style with highly complicated legal terms, complex sentence structure, asking the same question in different ways for several times in order to confuse the witness. For example, how to interpret this question? "If I were to inquire of you as to who was your treating physician at the point in time that you fell ill, what would your answer be?" Do you keep the complicated sentence structure or do you do it in a simplified version?

Interview 3: Oh, well, it might be difficult for the client to understand. I can sometimes see in their eyes, or on their faces, their facial expressions that they are not understanding what's going on. That doesn't surprise me at all because the English used in our court system is, or probably is entirely different from the one in his country. Lots of people, English native, British native, they'll understand the legal system in this country. So, if you come along with a different nationality, a different language, different cultural values. of course, you're going to find the procedure absolutely, bizarre. It's unknown to you. It's very difficult. Having said that, it's not for me to explain the procedure, it's for the legal representatives.

Researcher: So, you won't lower the technical level?

Interview 3: No, not unless I'm asked to. If the barrister or the judge, for example, "oh, can you please now say, instead of saying, there was an aggravated burglary at the premise," if the judge said, "seems that the defendant doesn't understand, so can you please now say there was some naughty men who went into a house didn't belong to them, they took things." Yes, I'll interpret that. But I would not on my own, of course, change the register, no.

Researcher: So, you are trying to keep the original level of whichever the side?

Interview 3: Yes, because that's my job. I'm reflecting the tone of voice, the register, or even the body language to some extent, of the person I'm interpreting for, even if

it's actually be quite unpleasant. Sometimes very difficult, sometimes actually very embarrassing.

Researcher: When interpreting for the witnesses and defendants, if they say something rude, do you normally improve the politeness? Do you worry other people may think it is you being impolite?

Interview 3: No, because if the witness says something like "oh, burger off", something like that, I'm sure everybody in the courtroom knows it's not me like that, I was just interpreting what the witness was saying.

Researcher: What are the main challenges and difficulties in relation to culture that you have encountered during an assignment? How do you deal with them? Can you give examples?

Interview 3: There are situations where perhaps because of the cultural issues, the client doesn't look directly at you. Young females might find it difficult to look directly into an adult not related to them, that kind of thing. You might get, perhaps, huge respect for you, almost speaking to the floor, bowing to you, because they think you are somebody very high up or something like that. You might get somebody who is actually quite frightened of you, some of them might be quite rude to you, quite dismissive, treat you like dirt. I had that, to the point you actually want to be released; you want to go home, different scenarios.

Researcher: Do you voluntarily explain to the court or you wait for the court to ask you, or you don't explain at all, by saying "It's not my job I'm only an interpreter, I can't give cultural advice"?

Interview 3: Depends on what was happening. Maybe a client I was interpreting for started to perhaps become nasty to me, verbally or non-verbally, I felt this is making very hard to do my job. In that case, yes, I would say something.

Researcher: In your opinion, should legal interpreters transfer cultural differences into the target language version? Why? If the original message has a different surface meaning and a cultural implication, which one do you interpret?

Interview 3: I think culture intervention is actually a very difficult area. Most of the time we are trained, or well is called "the missed cultural reference," and we are supposed to explain it. And I personally don't agree with that, because certainly in legal settings, you got to be very careful about what you say, and you could, for example, be giving information to the client you are interpreting for, when you are giving your cultural explanations, for example, to the court, about something that he/she didn't know until you just mentioned it. So, I think you have to be very careful with that actually. I think that cultural interventions, a lot of work needs to be done on that. I don't think it's that simple actually.

Researcher: As you might be aware, legal interpreters are probably not fully recognized as professionals by all parties in the British legal system. In your opinion, what are the most obvious benefits of the general recognition of legal interpreters

as professionals? What aspects need to be improved in order to raise the general awareness?

Interview 3: No, I don't. I think actually the court, police officers, and other legal personnel haven't got the first idea, a lot of time, just that's generalism, about what legal interpreters do, our roles and functions are, what we are supposed to do, what we are not supposed to do. I think there should be a lot more, joined up training for us with legal people, so that we all understand better what each other is supposed to be doing.

Researcher: Have you encountered any very difficult situations?

Interview 3: Yes, I had one, very difficult one. I have a lot to see over the years. One difficult one, for example, a male defendant refused to talk to me. Absolutely refused to talk to me at all. I just advised the court clerk I couldn't do my job and suggested they send a male interpreter, and they did it and he talked to the male interpreter. And it wasn't particularly such a case that needed a male interpreter. It wasn't sensitive in any way. So, I think he just didn't like women, something like that.

Researcher: What are the most obvious benefits of the general recognition of legal interpreters as professionals?

Interview 3: Well, obviously then we would be treated as professionals, we would have a higher status. We are not considered to be a profession like lawyers and doctors. We keep calling us a professional. Actually, we are not a clear profession. So, I think we all need to do a lot more to work on getting our kind of respect. Obviously if we were treated, considered as professional, then we would have a much higher standing, and we would also be able to command much higher rates of pay. Unfortunately, a lot of the so called interpreters, lots having qualifications working for Capita, who is taken work unfortunately from our work from NRPSI. They are not helping one little bit, because they are actually actively lowering standards, absolutely on a daily basis, having a very, very bad effect. Unfortunately, it's calling it for all of us. I think, you want to talk about professionalism, that's an area that cause huge, huge, lots of respect, for what we do.

Interpreter Interview Transcript 4

Researcher: In your opinion, what are the roles and functions of legal interpreters? Among them, which ones do you think are the most important and why?

Interview 4: I think the most important role and function is to facilitate communication between both sides, to ensure that everyone can understand what is said in the conversation. There is no misunderstanding. If it's in the court, you need to make sure that your translations are correct to guarantee the defendant the fairest trial as you can. Of course, if he is wrong, we cannot turn it right. I don't think we should do that. I can give you an example for your reference. It's not my own experience. I heard it from somebody else. A person committed manslaughter. This example happened a few decades ago. He had been locked up for life, spent his whole lifetime in prison, and was just released recently, was redressed. He was originally convicted of murder. Then the reason he has recently been released, and was redressed is because it is found out that his interpreter made a mistake. He was being wronged and was locked up for that long. So, I think the main function and role is to give the defendant the fairest trial. Of course, if he was wrong, we cannot give him a good turn, so that he can escape punishment, acquitted. What I mean by fairness is not to take on the defendant's side completely. If he is wrong we have to, I mean, we need to render a complete and fair rendition, no matter whether he is right or wrong, to give the fairest account of the trial.

Researcher: What do you think are the main tasks and responsibilities that legal interpreters should be performing during an assignment? Among these duties, which ones do you think are the most important and why?

Interview 4: The most important task and responsibility of legal interpreter must be true and complete, which is interpret faithfully for both sides, and accuracy is also a very important part of it. I think being faithful and accurate are our two main responsibilities as well as what I think are the most important tasks. Because law is scrupulous and methodical, sonorous and forceful. It's either black or white. There is no gray area. So, we have to do it. If due to any difficulty, such as you feel it's too embarrassed to say the sentence and change it, then it is not faithfully and accurately. You cannot make changes in your interpretation. No matter how well you polish it, it's not the original answer, not what the defendant wanted to say. The judge will misunderstand what the defendant wanted to express. The worst situation is he can turn over the outcome of the trial. This is right, so I think faithfully and accurately are the two main responsibilities of legal interpreters.

Researcher: Any extra duties you were asked to do?

Interview 4: I did. I once accompanied a defendant to help him fill in the means form. Because he did not understand English, if I did not accompany him, he wouldn't be able to fill out the form by himself. I did not mind accompanying him and helping him filling out the form, because I was asked by a clerk to do it. I didn't mind, because I think it doesn't matter. I was already in court, and I was getting paid for it anyway and it was within the time I got paid, because I haven't. The means form is

what he needed to fill out anyway. We get paid since we arrive at the court. I didn't mind, because I didn't work for free. Another situation was the court had ended, and clerk already signed my claim form. But then the man was fined, and the clerk asked me to accompany them to pay the fine. Because the way to pay this fine can be either paying by phone or going to their administration office upstairs filling in a form and then pay for it, this person's English is very limited; he couldn't do it by himself, so I went with him. This time I did it for free. The clerk had signed my form, but I still agreed to do it, because I think it didn't matter, otherwise he couldn't pay the money. If he didn't pay the fine, he committed a further offence. So, I think it wasn't necessary. It's not that he was reluctant to pay. I just did him a little favor and did not take up too much time. I didn't mind doing it.

Researcher: Do you explain the legal process to the defendant?

Interview 4: I will answer. If it's in the chat, asking all sorts of questions, I will answer, it doesn't matter. I'm not going to mislead these people, because my duty is to interpret, I am not a lawyer. If they just ask a very 'question which there is already answer, such as court proceedings, or something in relation to standardisation, the answer has something, I will tell him and I will explain to him. If it's related with the case, I will not answer, because my duty is to interpret, I'm not a lawyer. I'm not in any position to answer any of your questions relating to this case, so my answer would be "please wait a while for your lawyer, and ask your lawyer." If it's standard and has an answer, I will answer. If it's about what will happen next in my case, or what sentence I will get, which has nothing to do with me and should be the questions for the lawyers, I will refuse to answer. I will tell him "wait for your lawyer, when you see your lawyer, I'll interpret this question for you."

Researcher: Are you aware of the main ethical rules that legal interpreters need to follow? Do you believe legal interpreters are generally aware of these rules and are following them to the best of their ability? What areas do you feel they follow the most properly and the least properly and why?

Interview 4: As interpreters, we certainly are aware of ethical rules. I can mention some of the main points here, that is, must be impartial. You cannot interpret for them if you are the defendant's friend or family. Secondly, you cannot tell the other party the information you obtain from one party. For example, the information you learnt from the police, you cannot secretly tell the defense lawyer; the information you get from the defense lawyer, you cannot tell the police secretly. This is only an example of it. It is not to disclosure any information got from one party to another. In addition, you have to make the most faithful and accurate interpretation. Then you cannot have any bias towards one person, no matter what crime he committed. You cannot have preconceived prejudice. You should act impartially wherever you are, with whatever type of case. Otherwise, your interpretation would be wrong. You cannot have any private contacts with either side. For example, you get to know this defendant in court. He asks for your telephone number after court. But you cannot give it to him. I've encountered such a situation, he wanted to make friends with me, and asked my phone number, but I refused. I told him, "if you make friends with me, our case is not over yet, still more trials, once I am friends with you, and they found out, I can no longer interpret for you in court. I hope you understand my difficulties."

In this way, I refused him. Also, you cannot give opinion on any case, no matter you are asked by any side, the police, lawyers, or the defendant. I have come across it before, “how do you feel about this,” “how do you think about this defendant,” or “how do you think will happen to this case.” I always refuse to answer, because it has nothing to do with me, I’m not giving anything out. I’m not getting myself into any trouble. I’m just an interpreter. I just interpret whatever you are saying. All the above are the basic ethical rules. There is also another very important ethical rule is that for the same interpreter, if he appears at the police station, did the police interview, he cannot interpret for the important trials. He needs to avoid being partial and unfair. The important court hearing needs to find another interpreter. They cannot use the same one. You have to say “I have interpreted at the police interview, I cannot accept this case.” These are the main ones. I know an example, I heard the police complained that some interpreters did not comply with ethical rules. I don’t know who are those interpreters, I heard the police complaints that they have met the other interpreter did not comply with their ethical rules. We do not call them ethical rules. At work, we call them Code of Conduct. I asked what happened. He said it was the interview meeting with the defense solicitor which was confidential. They did not know what they were talking about, the interpreter turned around and told the police what the defense solicitor was saying. Well, such kind of things did happen. I give this example to say not every legal interpreter complies well with this point of the Code of Conduct. Some are good; some are not very good.

Researcher: In your opinion, does the presence of legal interpreters influence the legal process or the outcome? If yes, what are these influences? Can you give examples?

Interview 4: I think legal interpreters can affect the outcome if he makes misinterpretation. If it’s in court, the case must be retried. You have wasted the entire cost of the court. This is a situation. Or the defendant may be adversely affected. For example, his answer is like that, and he should be acquitted. But your interpretation makes him guilty. Or he should have been found guilty, but your interpretation makes him not guilty. So, things like that will happen. Just like in my previous example, he was manslaughter, but became murder, and was locked up for many years, by mistake. Situations will occur, it will occur, and often appears, which can be seen on newspapers. The outcome can be different, so there is really an impact.

Researcher: What are the main challenges and difficulties in relation to language and interpreting that you have encountered during an assignment? How do you deal with them? Can you give examples?

Interview 4: I think there are two the main problems and difficulties. The first one is emotional problem, and the second point is that you come across one, what I often come across is the detainee, is the detainee at the police station, do not cooperate. I think these two points are the most difficult. Let’s go back to the first one. Why emotion is difficult? I can give you an example. I once met an interviewee during police interview. She suffered depression. Her husband said she had depression. I do not know whether it’s true or not. Her behavior was very unusual. This was the first time I encountered such an angry, she was really an angry and aggressive

person in my more than three years working in legal interpreting since 2010. It was my first time encountered such a strange case like this. Her husband said she had depression, so she behaved this way. Her husband said her aggressiveness came from her depression. She had prejudice toward me as soon as she saw me. Because I went with the police to her home, she started to hate me. And since that time until we sent her back home with the police car, throughout the process she was very angry to me. And she also orally abused me all the time, constantly attacking me, and I find it was very challenging. It was difficult because she was not cooperative. And her attitude was so angry and aggressive, and abused me all the time, very difficult for me to concentrate on doing my job. And I had to do my best not be influenced by her aggressive attitude and her abuse. And it was extremely difficult and challenge for me to remain professional in a police interview. It was the most difficult situation I've ever encountered. So, I think it is very difficult for me to control the mood. Then the second point is uncooperative interviewee. I've come across the most frequently is not answering the questions. I feel it is for avoiding responsibilities and fear of conviction. But it was recorded by CCTV. It was shoplifting, and CCTV had recorded the whole process of their stolen things. She was talking nonsense. When somebody is talking nonsense. There is no connection between this sentence and the next one, and between next one and the following one, which makes the interpreting process very difficult. It is very difficult to interpret because you don't know what he means. It doesn't make any sense in Mandarin, so it is impossible to translate into English. I don't know what to say. This is the second difficult situation besides the emotional difficulty I mentioned firstly. Because he is afraid, so he is talking rubbish, which is a challenge for me to make accurate and faithful translation when they are talking nonsense.

Researcher: As an interpreter, you may be aware that “accuracy” is one of the most important targets that we need to achieve during interpreting. In your opinion, in order to do this, should legal interpreters transfer all linguistic content, including discourse markers (e.g. “you see”, “well”, “now”, etc.) and grammatical errors; and pragmatic elements, including speech styles, tones, vagueness, impoliteness, broken speeches, hesitations, pauses, etc. completely? Why? Can you give examples?

Interview 4: I do not really agree with this question. I do not think discourse markers, grammatical errors and pragmatic elements should be included in the accuracy, which should be interpreted. I think these are irrelevant. This is only my opinion. I think these are irrelevant. I think accuracy should means you deliver the meaning conveyed by all parties, the message conveyed by all parties, not what these are mentioned in the question. I think those are irrelevant with accuracy. I think message meaning is the content spoken by the both parties. You need to interpret it faithfully fully totally. This is accuracy.

Researcher: As you may be aware, lawyers are famous for manipulating language techniques to control the questioning process, such as talking in a hyper-formal style with highly complicated legal terms, complex sentence structure, asking the same question in different ways for several times in order to confuse the witness. For example, how to interpret this question? “If I were to inquire of you as to who was your treating physician at the point in time that you fell ill, what would your

answer be?" Do you keep the complicated sentence structure or do you do it in a simplified version?

Interview 4: To be honest I have not come across it before. I feel similar situation may appear during police interviews. The police officer may ask his question in several different ways in order to make interviewee to answer it. He is actually only looking for an answer. But the police officer may go around and around, and ask the same question in different ways for the purpose of making the interviewee to answer his questions. The situation I encountered such type of situations at another scene, not in the courtroom, but at the police station. If I am in this situation, I'll interpret the same way as the police out it. I'm not going to polish, modify, or make it simple. If it was complicated, I'll make it complicated; if it's simply I'll make it simple. I'll interpret the same way it was asked, just like I stressed earlier. I think the accuracy and faithfully is the most important. People want to ask in a particular way, it is very important to maintain their way. That is faithfully and accurately.

Researcher: When interpreting for police, interrogating officers may ask questions in a coercive and aggressive way to pressurise the suspect to admit the allegation. Do you normally maintain the original tone and strength or do you normally soften it down?

Interview 4: I honestly haven't really come across that the police asked the interviewee in a very aggressive way. To be honest I did more than three years, I have done so many jobs, I haven't encountered such type of situations. The only time I encountered which showed a little bit of emotion. The question he asked was like this, with a little bit emotion. It was a rape case. The question he asked made the solicitor next to him angry. The question was like this. This interview had nearly come to an end, it was the last question. Because the solicitor had told his client that he should make no comment throughout the police interview. So, the police finally got angry, because he got nothing out of the interview. In the last question, he asked, "you made no comment from the beginning to the end, is there anyone told you to do so, suggest you do so, or instruct you do so?" I remember the police asked this way. Then of course the client still answered "no comment," because he was already told how to do. As a result, as soon as the police officer asked this question, the solicitor immediately jumped up, and got angry, and said "you should not ask this question, this is not professional, this is not what you should ask, you cannot ask such a question. He remained silence, and that's right. You cannot ask him why he made no comment." Then the police and the lawyer started arguing on the spot. They started the argument because of this. This is the only time I have encountered that the police had such, but I really haven't encountered the phenomenon in your question.

Researcher: Witnesses and defendants may intentionally speak in an unclear way to avoid taking full responsibilities; or answer questions in an impolite way without realizing it; or pause frequently to think about their answers. Do you normally interpret with the same style or do you make an improved and more coherent version?

Interview 4: This is what I just said earlier. I won't. If he is rude, I'll be rude. I just

talked about accurate and faithful. If he is rude, he swears, I'll swear, if he is rude, I'll be rude. For example, just like the example I mentioned earlier, I met that person suffering from depression. She abused me, and it was at the police interview, she abused me on the spot. She was saying, "can you speak English or not?" I was there to help you, and interpret for you, and you insulted me can't speak English. And then she kept on orally abusing me, "how many times you want to ask me this question? Is it enough? You are very annoying. I do not want to answer any more. I had enough." Then I told the police that she orally abused me, insulted me that I don't speak English, and she was impolite. Then I also told the police her mood, the mood and attitude of the interviewee. I told the police. You have to interpret all these. I interpret all situations like that. I won't do something like I don't interpret when it's embarrassing or difficult to say.

Researcher: Did you interpret what you told the police back into Chinese to this interviewee?

Interview 4: I didn't interpret it back because that was she said. I only interpreted her words and I interpreted her mood. Police said "tell her to calm down, tell her the attitude needs to be calm." The police said you need to calm you're your attitude, I told the police about your attitude to me. Then after the police interview, the police still needed to drive them back, because the police picked her up. And she still went on saying, "Do not think because you can speak English, you're that great, you think you're better than us, you think you're better than us." And then she carried on abusing me orally. Then I couldn't stand it anymore. I told the police that she kept on attacking me, and I really couldn't listen to it anymore. Because it was several hours, I couldn't stand it anymore. My mood was nearly collapsed. Because in the police interview, I had already, I had to remain professional, and impartial. So, I had to put up with her verbal and emotional attack. So, after the police interview finished, I also have my own emotions, I am also human being, we are not robot. My mood had collapsed. When it collapsed, I couldn't handle anymore. Then the police said "you tell her if she does not stop attacking you, we won't take her home. We'll immediately let her off, let her walk home." So, I said that. After I said it, she was going to jump out of the car, she opened the door, and then finally her husband. The police had to pull over and let them go, let them walk home. I think I have done very well. When I was working, I maintained the professional performance during the police interview to maintain the performance. It was until at last I told her I felt that I couldn't interact with her anymore. I couldn't stand it anymore, because she kept on attacking me, then the police said, "you get off and leave."

Researcher: In your experiences, do you find the above situations difficult for interpretation? If yes, how do you deal with these difficulties? Can you give examples?

Interview 4: Yes, they are, as I just explained that we are human beings, and we have emotions. So, when you encounter such an extreme situation, you need to maintain your code of conduct, you need to remain impartial and professional, faithful, accurate like I mentioned earlier, this is difficult. Because if he loses control, the interpreter will start arguing with the other person. How can the job continue if you lose control? And the two people are arguing with each other. I'm sorry,

because I didn't know you, you behaved like this. Her husband kept saying "I'm sorry I'm sorry, she has depression." But even if she had depression, I was verbally abused, and verbally abused for several hours, I couldn't stand it anymore. That was really the whole day, the whole afternoon. That was really a long day. That was really a long police interview. As far as the interpreting is concerned, I do feel it is difficult, and it is a big challenge, when you come across so, such a person, such kind of emotion. That's why I said emotional problem is difficult, because I think others issues are easier to handle. Really, it is easy for interpreter to be impartial. Why, because I don't know you, you don't know me. We never met each other before. I don't have to be in favor of you. I don't have to be in favor of either of the parties. Being impartial really is the easiest thing to do. But this is something you can't handle when you encounter a certain situation. It is very difficult when an emotional situation occurs. For example, people have emotions. I think it is very difficult.

Researcher: What are the main challenges and difficulties in relation to culture that you have encountered during an assignment? How do you deal with them? Can you give examples?

Interview 4: Honestly, I do not think culture causes difficulties or challenges, because I haven't come across any situation that I feel it's very bad for interpreting due to cultural reasons. I don't think there is much to say.

Researcher: In your opinion, should legal interpreters transfer cultural differences into the target language version? Why?

Interview 4: Because I haven't met from own more than three years experience that because of cultural issues, I couldn't interpret. I haven't come across any difficulties or challenges like that, which I have not encountered before. I don't have much to say about cultural factors.

Researcher: Are there any misunderstandings or dilemmas that you have experienced during an assignment affect your ability or quality of interpreting? How do you deal with them? Can you give examples? What do you think as the reasons to cause these misunderstandings or dilemmas?

Interview 4: This profession, I think the police, lawyers, judges understand us very well. I don't think there are any problems for us. I feel it may be those defendants who don't have legal background, or the interviewee, I feel it is more likely to face misunderstanding from them. Because they do not have any legal knowledge, do not know what we are doing, do not know what are our roles, our functions, or our duties. For example, they think we are sent by the police, and work for the police, or some people even thinks I'm a police officer. Or ask me a lot about what will happen next in this case. For example, I come to the police station to testify, and asked me if that is like that, or ask me a lot of questions. And I was asked whether I would face revenge, or whether I was afraid. I have come across these situations. But it hasn't reached the level of affecting my interpreting quality. And I certainly don't think it has affected my interpreting anyway.

Researcher: As you might be aware, legal interpreters are probably not fully recognised as professionals by all parties in British legal system. In your opinion, what are the most obvious benefits of the general recognition of legal interpreters as professionals? What aspects need to be improved in order to raise the general awareness?

Interview 4: I think in the UK, my feeling is we are very recognised in the legal system by court, by legal staff, police, lawyers, judges, clerk and so on. Among the people I met, there is nobody who disrespect me, they are all very polite to me, and know what I'm doing, and treat me as linguistic professional. I do not think such a situation exists, because my own experience is like this. Before outsourcing with Capita, the pay was well-paid. I think the money talks itself. Why pay talks for itself. If we are not a professional, our pay wouldn't be good. So, I personally think that now because of the budget problem now, there is the outsourcing, so our rate was decreased, but this doesn't mean they do not think we are professionals. This is the budget problem, nothing to do with whether we are not recognized as professionals or not.

Researcher: Do you want to add anything else about this topic that we haven't discussed today?

Interview 4: I want to add something to your second question. I also think it is one of our responsibilities. I came across a situation. Once I went to the police station, also to help a detainee to interpret. I haven't met a person who acted so weird in more than three years. He was not the same like that person I mentioned earlier. He wasn't angry, abuse or anything like that. He was totally different. He was another situation. He behaved abnormally, very bizarre. Bizarre and abnormally are the best words to describe him. As soon as he saw me, he stuck to my face, and then checked my badge to check who I am. I've never come across anybody like that. Then the way he walked, and the questions he asked me were all very strange. He asked me which government department sent me, and who I am, and what I do. Nobody has ever asked me these types of questions before. He kept asking why I came here, and I was sent by which government department. Before the police interview began, he kept asking strange questions, very strange questions. His behavior, his movements, and the way he was walking were all very strange. Later, I told the police because I think this is our responsibility. I suspected that this man had mental disorders. Plus the offence he committed was watching porn in public. I linked that with his offence, and I think it is my responsibility to tell the police. Because they do not speak Chinese, they couldn't know he might have psychiatric disorders, because he was speaking Chinese with me since the beginning. Because the police interview hadn't begun, and only me could feel that the conversation with him showed the possibility of psychiatric disorders. So, I told the police what type of condition he was in, the kinds of question he asked me, what kind of conversation we had between us, and then what his behavior was like. And I suspected that he psychiatric disorders. The policeman said, "if it's like that, if he really had psychiatric disorders, we cannot do police interview with him." Because the police cannot interview people who have mental disorders, because they are disadvantaged, and cannot interview a person who suffered medical condition. The police cannot take advantage of that. So, they immediately found the doctor inside

the detention center, it was a doctor, not a nurse, it was a doctor. He was asked to assess immediately whether he was unwell to conduct a police interview. After the doctor assessment finished, I was there, he told me “you are right, and I also suspect that he has mental disorders.” But in order to confirm whether he had mental disorder, the doctor contacted people from the psychiatric unit to come for further more detailed assessment. So, I think this is also the interpreter’s responsibility to raise it. Because you think the police speak English, they don’t speak Chinese. If the legal interpreter doesn’t raise it, then it is very unlikely for the police to know such a problem exists. So, I think this is one of the important responsibilities of legal interpreters. Because as I said earlier, it is clearly written in the law that the police cannot do police interview with people with mental conditions.

Interpreter Interview Transcript 5

Researcher: In your opinion, what are the roles and functions of legal interpreters? Among them, which ones do you think are the most important and why?

Interview 5: I think the functions of legal interpreter are similar with other interpreters such as medical interpreters and conference interpreters. But one of the main features is the legal interpreter's work needs to be more accurate. Normally it's not that rigorous for conference interpreting as long as the main meaning is conveyed in general. Compared with other types of interpreters, and compared with conference interpreters, legal interpreter's work is more rigorous. Of course, medical interpreting also needs to be very strict, medical terms also require accurate translation. But this distinction exists with conference interpreting, and other types of interpreting, such as ad hoc or some ordinary types of interpreting. This type of interpreting like other types of interpreting, is to help, it seems to help with the linguistic communicate between both parties, and not only language, but also sometimes, you need to make some cultural introduction, something like a bridge. I remember once I did a conference interpreting. Representatives of both parties went to have dinner together after the meeting. The Chinese representative met the wife of the British representative before. Then the Chinese representative had been complimenting the British representative's wife. He said, "your wife is very talented, a very remarkable woman, she is one of the most beautiful and elegant women I've ever met." The British representative felt very embarrassed. I passed on his meanings. Then I found he was very embarrassed. I told him "this is very common in Chinese social occasions. Praising your wife means praising you, because the couple is a unit, in Chinese cultural couple equals a whole unit." I think this is very important. I think it is the most important in legal interpreting to convey the meaning as well as the speaker's tone and emotions as much as possible. You cannot always be done, because of the difference between Chinese and English, so you may not be able to do it. But you should try to achieve it as much as you can. I think this is the most important. This is very different in comparison with other types of interpreting.

Researcher: What do you think are the main tasks and responsibilities that legal interpreters should be performing during an assignment? Among these duties, which ones do you think are the most important and why?

Interview 5: I think the main task is to convey the meaning accurately of two sides and to help communication, like other types of interpreting. But there is a very unique problem here, that is legal interpreters need to comply with the code of practice. That is to say, they need to be neutral, not taking on either side. Secondly, he must keep confidentiality, which is very necessary. For example, when we work at the police station, sometimes we interpret for the defendant or the suspect's solicitor. We obtained a lot of information, but we need to understand this information is protected by law, legally privileged. That is to say, even if we know it, we cannot disclose it to any other person, especially the police, whoever on the opposite side of the suspect or the defendant. If we cannot do this, we violate the law. We are in violation of our code of practice, the code of conduct.

Researcher: What do you think when we need to do other duties than interpreting, such as fill in some of the forms, to accompany them from this place to another, to explain some of the legal process, or to provide some cultural clarifications, etc.?

Interview 5: I think it depends on the circumstances. It depends on the views of those parties at the time. Sometimes to fill in some forms, the court usually asks us to help them fill out some forms, such as filling out the means form. I think that is extra work, we can refuse to do it. But if we refuse to do it, the case cannot be progressed. So, a lot of times, we have to do it. We don't have to do it, but when we don't have a choice, we still have to do it for the progress of the case. Normally I did, because I think I just filled in the form on behalf of someone else. The information wasn't supplied by me. And my job is also a pure translator interpreter, or a translator's job. I will not intervene. But when filling in these forms, we cannot give any guidance. We cannot say that you shouldn't put that much income, or the fines penalty will be very high. You cannot intervene, and I think this is very important. Because I heard there are some translators do that, I think it's unfair to do so. We shouldn't do that. Another example, besides courts and probation, which I think can be done, but we should pay attention that during this period, we need to keep certain boundary and distance with the clients to avoid giving them the misunderstanding that you are on their side. We need to make it clear to them we do not accept any advantage. For example, when they want to give you a red envelope, I have come across that before, but I refused. I told them we are employed by the court; the court pay us money. The courts have already given us what we should get. You cannot do this, because it is in the UK. What you do may get me into trouble. I do not accept. It is very important. So, I think the most important is to convey message, remain neutral, and keep confidentiality.

Researcher: Are you aware of the main ethical rules that legal interpreters need to follow? Do you believe legal interpreters are generally aware of these rules and are following them to the best of their ability? What areas do you feel they follow the most properly and the least properly and why?

Interview 5: I think some people are not doing very well on our professional code. Personal approach is very different. There is no consistency. I think some interpreters are not aware of conflict of interest very well. Some interpreters are not like this. There was a rape case, attempted rape. At that time, the police called an interpreter for the defendant. After police asked questions, they asked the same interpreter to interpret for the victim. After that, I was called by the solicitor's office to help the defendant in the late lawyer. At that time, the defendant's barrister realised this, and he was very angry. He said that the police shouldn't have done that. He said if his client thought he was not guilty, he would summon that legal interpreter to the court as a witness, and he would challenge that interpreter's interpretation. That is to say, in those vicious and more serious cases such as rape, murder, kidnapping, this comparison vicious, you shouldn't interpret for both sides. We are trying our best, but we are human. We will, some information, after you heard it, will form an impression in our head, which will definitely influence your interpreting for another person. The same case, no matter how alert we are, we'll be affected by the information already obtained. This is very important, but not everyone is doing well.

Especially those who are relatively older, those who started interpreting when the register first started, hadn't really gone through proper assessment or training. I know there are more problems with those interpreters. I know there are more complaints about them. Now it's a lot better. We often talk about there were some problems in that long time. I think interpreters are more likely to have outgoing personalities. They like to convey information, and exchange information, which is a good thing. In this way, we can avoid what we are doing that well. Another point to add is interpreters need to be punctual, to keep their words. If you accept job, you must go. If you can't go due to a very special reason, you have to find people to replace you, otherwise, you have to go. Because if you don't go, you let many people down, all parties involved in the case. Some of the defendants come from very far away; some of the lawyers come from very far away. This is also very important. This is not that difficult for other types of interpreting.

Researcher: In your opinion, does the presence of legal interpreters influence the legal process or the outcome? If yes, what are these influences? Can you give examples?

Interview 5: I think sometimes it is possible, absolutely possible. Because the use of an interpreter could affect the legal process, our role is very important. Once there was an interpreter accepted bribes of others. When he was working at the court, he took money from the defendant. Then at court, he made up the testimony, not according to, not purely interpreting, but speaking in favor of the defendant. It was later discovered. He was an interpreter of some kind of India-Pakistan language. Although the court doesn't understand the language, sometimes they can still tell whether the interpreting is good or not. Then they realised it, and the court started to have doubt about it. Later, a white person understanding that language was hired by the court, telling him to listen to that interpretation, and took lots of notes. Then it was exposed. So, an interpreter who is bribed can absolutely influence the process and outcome of a case. So, our role as an interpreter is very important; we can turn a person who is guilty into not guilty by altering his testimony.

Researcher: Do you think there are unintentional influences?

Interview 5: There can be unintentional influences. That is to say when it's unintentional, sometimes the interpreter's work is very tiring. Legal interpreting is not like conference interpreting, which is given a break every half an hour, so there is a lot of pressure. Sometimes interpreter can mishear, sometimes misinterpret. Sometime under such kind of broad atmosphere, the interpreting target, for example, the defendant is scared and nervous, speaking in an incoherent manner, so the interpreter may be unsure, and it's difficult to interpret. So sometimes misinterpretation may lead to certain consequence. In a recent case, an interpreter interpret "I was beaten" as "I was bitten." The problem is that he realised his mistake, but he didn't tell the court, which led to many unexpected accident in this case. It seems that the judge later ordered a retrial for that case, because what the defendant said was very important. This can lead to very serious consequences. Because for those more vicious cases, such as assault, rape, murder, and kidnap, a retrial may waste hundreds of thousands or even millions of resources and funds. I think once the interpreter realise it, I find it very troublesome, because even if you

realise you are wrong, if you correct it, which may make all the parties, the court doubt your interpretation. Although you think you just make that one mistake, it may still make others doubt all your interpretation. I think the interpreter needs to judge how serious this mistake is or whether it's vital to decide if it's necessary to raise it.

Researcher: And time to raise it may also be important. Maybe it's better to raise it as soon as you are aware of it, isn't it?

Interview 5: Yes. Or to leave a mistake uncorrected. Once I was interpreting in court. The defendant was a Fujianese, whose Mandarin wasn't very good. I remember his barrister asked him a question in court. His counsel asked him, "you rented a warehouse, what you use it for?" He said he used it to keep "eggplant". I said "eggplant?" Because I felt, because I know it wasn't "eggplant" when I heard the opening statement. It was "shoes." But he did say "eggplant." He said "eggplant," and I repeated "eggplant?" He said "yes, eggplant," then I said "eggplant?" So, I interpreted "eggplant." Then I kept feeling it was not right. I still think it should be "shoes." Finally, I realised it was wrong. I said, "I need to clarify something to the court. There was a word, the defendant did say is "eggplant," but because of his accent, it is actually "shoes." Then I corrected it. He was under cross-examination. It was good that I had the opportunity to rectify it. But sometimes, even if we don't correct it, his barrister knew about it. Because they do not ask questions they don't know the answer. "If you don't know the answer, don't ask the question." This is their principle. So, I think that barrister would ask again. Sometimes when you misinterpret, the barrister will find a way to clarify it.

Researcher: What are the main challenges and difficulties in relation to language and interpreting that you have encountered during an assignment? How do you deal with them? Can you give examples?

Interview 5: The main point is who your interpreting target is. They are not well-educated, they don't speak standard Mandarin. Sometimes their speech is very confusing, and very incoherent. So, I feel it was very difficult to interpret at that time. Also, when they are doing a legal debate, especially during a trial, what they are saying is referring to the law books. I feel generally ordinary interpreters are not able to render an accurate interpretation. I feel even if the defendant is British, whose native language is English, when the defense lawyer is making legal argument, referring to law books, refer to the time, they may not understand it. So, I feel this is a very difficult point. It is very difficult to interpret high technical words, terms, and those formal legalese accurately, especially for simultaneous interpreting.

Researcher: And also, the sentence structure is also very complicated?

Interview 5: Very complex, very complicated, very hard to handle. And in addition, for example, those vicious cases, such as rape or murder, I feel your emotion will be affected inevitably. I remember I did a case that two female students were murdered in Newcastle. At that time the court, that girl was suffocated to death. Her mouth was stuffed with a face towel. The police used it as exhibit, and put the towel on a picture frame, and displayed in the picture frame. When they presented the exhibit,

they asked us to pass on to each other to see the towel mounted inside the frame. I felt very sick and very horrified. And there was a murder case. After a couple were killed in Leeds, the police arrested one of the main suspects. I was interpreting for a long time, and it last 7,8 disks, and then I was very tired. It was almost 1 o'clock, am. And then the police produced photos of the deceased. The bodies were placed inside the car boot for several days. Because it was the summer, and the weather was very hot. So, the bodies had started to swell. I felt those things were very frightening and very bloody, which is a challenge for the interpreter as well. When you look at those things, you are still human beings, and you will be affected anyway. This is very difficult.

I feel I'm relatively shameless and bold. I think one person needs to be shameless and bold, and have confidence. You should have confidence, you should be calm, you have to remain. When facing problems, you shouldn't be emotional. If you are emotional, you cannot solve the problem. When interpreting, for example, there is another problem. The person you are interpreting for, whose lawyer is a Chinese, and his mother tongue is also Chinese, so at that time you are feeling lots of pressure. I've come across this problem when I was interpreting. I was interpreting very carefully, and I tried to interpret as accurate as I can. But there was one sentence, I just finished interpreting, his lawyer said, "I'm not saying that this interpreter is not good, but for this sentence, I think the interpreter didn't use the right words. Can I ask the prosecution to ask it again?" Then I paused, thought for a moment carefully, I looked at them. It should have been the judge's decision. I think the courts is not the place for me to speak carelessly. I looked at the judge. The judge was very nice. He said "I believe the interpreter is very experienced and qualified to do the interpreting. She is a very experienced and qualified interpreter. She is very capable of doing her job." Then he asked the lawyer of the opposite side whether he was willing to, whether he could ask this question again. The judge said "I'm not to entertain such a request." I think generally the interpreter would feel embarrassed when encountering this challenge. It's probably because I have relatively more experience, I mean a long time. I think this kind of things, well, anyway, won't. I think the judge let him ask again. Then I didn't say anything. I feel I was very calm. I think this is because of experience. You need to be more sophisticated. When I first started, I certainly would jump up and argue with him. I don't think it was necessary.

Researcher: I think maybe you speak Chinese, but you are not qualified interpreter, you don't have the position to assess my work, isn't it right?

Interview 5: Yes. But some of that lawyers are like that. Once I was challenged by a solicitor. The appellant said "I've got the indefinite leave remain in the UK, then I went back to China." Then I said, of course, he also said a number of other things after that. Then I said "After I was granted indefinite leave to remain in this country." I didn't say "in Britain." I said "in this country." I don't think this was a problem. But the lawyer said that the interpreter missed "in Britain," and asked me to say it again. I said again. But then I felt, I thought, in fact, I didn't handle very well. In the future, I would say "in fact, I have already said that. But I did not didn't say "in Britain," but I said "in this country." It's the same, isn't it? Sometimes it depends on the circumstances. Sometimes if the solicitor is too pushy, you need to counter him. Fortunately, the solicitor he asked such a question, then he shut up, and didn't say

anything else. After court he apologised to me. He said “I’m sorry for saying that.” I answered “it does not matter.”

Researcher: As an interpreter, you may be aware that “accuracy” is one of the most important targets that we need to achieve during interpreting. In your opinion, in order to do this, should legal interpreters transfer all linguistic content, including discourse markers (e.g. “you see”, “well”, “now”, etc.) and grammatical errors; and pragmatic elements, including speech styles, tones, vagueness, impoliteness, broken speeches, hesitations, pauses, etc. completely? Why? Can you give examples?

Interview 5: I think it’s impossible. Interpreting it is not translation. Even if translation, you cannot it accurate, because they are two languages, especially Chinese and the English, such a big difference between the two languages. When we are interpreting, you also know, when we are interpreting, we often need to, those special verbs, verbs in our Chinese are very simple. But we are interpreting, we should, it seems that we need to create grammar based on the context. We need to, Chinese don’t talk like that, do we? Especially verbs, you see there are so many verbs, so many words, so many changes. But in our Chinese, it is implied, very weak, very, um, ambiguous. So, I think it’s very unlikely to be accurate, is unlikely, unless the short sentence. Unless short sentences.

Researcher: How about the grammatical errors, tones, impoliteness, and pauses?

Interview 5: Impoliteness, I will interpret. These words represent the speaker’s hesitation. So, it’ll be very smooth. Then grammatical errors, I think grammatical errors, I think most of the time grammar in English is neat, I think Chinese is not so particular about it. I think grammatical errors, I won’t, I won’t interpret those, because sometimes when you interpret those, people do not think it’s the speaker’s grammar, he considers it as the interpreter’s grammar. I think I won’t interpret grammatical errors. But I definitely convey the tone. Then for example, “I think,” “er,” “you see,” “well,” adverbs, these little words, I will interpret.

Impoliteness, definitely. I once, impoliteness, I definitely interpret. It was the prosecution. I interpreted. I interpreted for one person at court. He applied for bail. Then the judge said, once we appeared in court, the man started, “Lock me up for so long. Don’t let me out. Don’t send me home. What the hell you want to do? Fuck you.” When I interpreted “Fuck you” to the judge, the usher immediately said, “Stop saying that.” I then said, “Stop saying that. Don’t say that.” The usher then said, “You can’t swear in court.” Then the bail wasn’t granted. After it finished, the judge apologised to me, “I’m sorry interpreter. You have to swear.” I said, “This is my job.” It was so funny. I feel it was a typical example

I think I would definitely interpret, because I thought his mood was so unstable, if I didn’t interpret some of what he said, the courts wouldn’t be able to know the extent of his emotions. What if he became crazy? I would definitely interpret everything he said. Otherwise, how would you deal with the situation like that? I would definitely interpret that.

Researcher: As you may be aware, lawyers are famous for manipulating language techniques to control the questioning process, such as talking in a hyper-formal

style with highly complicated legal terms, complex sentence structure, asking the same question in different ways for several times in order to confuse the witness. For example, how to interpret this question? “If I were to inquire of you as to who was your treating physician at the point in time that you fell ill, what would your answer be?” Do you keep the complicated sentence structure or do you do it in a simplified version?

Interview 5: I will try my best to maintain the original message. But it's impossible sometimes. I think it depends on the circumstances. Sometimes, you are in a good condition. Sometimes you have been interpreting for a long time without a break, and you are confused. It's simple you can't do it at that time. Because we don't say it that way in our Chinese, it cannot be understood if you interpret that way. I think this is inevitable. Because it is a linguistic difference, you waste this question. If you interpret that way. Sometimes when you interpret a sentence, the defendant won't understand that legal term, such as “bound over.” How would you interpret it? “Bound by the court?” But he wouldn't understand it when you interpret “bound by the court.” “Jurisdiction of the court,” “Jurisdiction of the court”, in fact, it's the United Kingdom, you have to explain. Otherwise he won't understand. Then to interpret this into Chinese, an interpreter told me in private that the judge forced her to interpret word-for-word into Chinese. Then I thought about it, sometimes we cannot do it. But I try to remind myself to make accurate interpretation. But I know that accurate interpreting cannot be done, is impossible. And if you are asked to do liberal interpreting, which is definitely word-for-word interpreting, I'll educate that person. If anybody asks me to do that, I'll say “I'm afraid I can do my best, but I can't guarantee, because Chinese and English are very different, a lot of times we have to paraphrase, otherwise, it's not possible to do my job.”

Another problem is related with the cultural aspects. For example, the titles, some of the titles, for example in Chinese he and she is the same. It's really annoying for the interpreter that for the same word, is it a he or she? Very vague, very vague. For example, relatives and kinship, we are very clear in Chinese. Grandma, Grandpa, aunt, aunt, cousin, we make clear distinction among them, but they only use one word for all. So, I took an approach. “Grandpa” I interpret into “paternal grandpa,” or into “paternal grandma,” or into “maternal.” I try my very best, anyway. “Sister,” I interpret into “second younger sister.” In this way, I make it clearer. But when someone asks, “you cousin gave you 2000 pounds,” how do you interpret, which cousin? I think you can record this one a difficult problem in interpreting.

Researcher: When interpreting for police, interrogating officers may ask questions in a coercive and aggressive way to pressurise the suspect to admit the allegation. Do you normally maintain the original tone and strength or do you normally soften it down?

Interview 5: Normally I try my best, I think I can only try my best. In fact, you cannot achieve it. I think if you cannot repeat the tone, it can be told through the words and the body language. I don't think it's necessary. I don't think this is very important. Of course, as an interpreter, it's better if you can achieve it. You need to interpret not only the words and phrases, and the language, but also to convey the mood, tone and register. But I won't soften it down on purpose. I'll try not to. But I think it's impossible to convey everything. But I think this is not that important. If the suspect

is facing the police, although the language is different, they can always tell the tone and the body language.

Researcher: Witnesses and defendants may intentionally speak in an unclear way to avoid taking full responsibilities; or answer questions in an impolite way without realizing it; or pause frequently to think about their answers. Do you normally interpret with the same style or do you make an improved and more coherent version?

Interview 5: I think generally I'll try to keep the speaker's way of speaking. I will try to copy however the way he speaks as much as possible, but I'm not always able to do that. I'm not going to improve. But when a person says a lot of nonsense, I'll say, "He said a lot, I think it's difficult to interpret every word he said, but I think this is what he meant. When somebody was speaking, it is broken, a word, a phrase, then he opened a sentence, started it, he didn't finish it. I sometimes rushed to interpret that sentence. He didn't finish. I tried to deal with it as quickly as I can. Then he didn't finish, I stopped. Sometimes the police looked at me, I said "he said an unfinished sentence." In this way, I tried to deal with it when he was talking nonsense, the broken bits and pieces. I would interpret as he was speaking. Also, when you are interpreting, you need to interrupt them. In this way, you can also interrupt their thoughts. Then they won't talk so fast and talk those nonsenses. And an interpreter needs time to interpret, but they sometimes they don't give you time to do it. They are talking a lot, if you don't open your mouth, they won't stop. Once you open your mouth, you also give them extra time. They'll realize that they can start talking when you finish interpreting.

Researcher: In your experiences, do you find the above situations difficult for interpretation? If yes, how do you deal with these difficulties? Can you give examples?

Interview 5: I've already talked about how I would deal with it.

Researcher: What are the main challenges and difficulties in relation to culture that you have encountered during an assignment? How do you deal with them? Can you give examples?

Interview 5: That is what I told you earlier. I mentioned some of it in relation to language and kinship. I don't think there are that many culture wise. I haven't come across any major cultural problems. To explain, for example, we don't have the culture like man and woman cannot be in the same room. There is no such particular gap between the Chinese and Western culture. For example, it's more obvious for interpreters of those Arab languages. For example, a rape or a sexual assault case, I believe the police have the awareness. Generally speaking, for this type of case, they normally arrange female for female and male for male. Once I went to interpreting, a man was accused of sexually assaulting two women. Then the police said to me "I asked for a male interpreter, but they couldn't find one. So, they found you. I hope you don't mind." I said "of course I don't mind. It doesn't matter." I'm very brave. I don't know how other interpreters deal with such type of

situation. But the questioning process was in a lot of detail. There were a lot of questions about genitals. I didn't turn red, really, I was interpreting calmly.

But another time, the woman was constantly burping. I found that was very difficult to deal with. Then she kept on burping, very badly. Then the police started laughing. Then I couldn't help myself, started laughing. I felt it was really bad that time. Because of the laughing, I spoke like I was crying. Her burping was really bad and loud, but she wasn't embarrassed at all. Everybody was laughing so badly that I couldn't interpret anymore. It was unbearably funny. Normally for British people, this type of behavior is private, just like the feeling of going to the toilet. Chinese people don't think it's a big deal. But the police started laughing from the very beginning, and made me laugh so badly that I couldn't control myself.

Researcher: In your opinion, should legal interpreters transfer cultural differences into the target language version? Why?

Interview 5: It seems we don't, our Chinese don't have so much cultural differences, not so obvious.

Researcher: Are there any misunderstandings or dilemmas that you have experienced during an assignment affect your ability or quality of interpreting? How do you deal with them? Can you give examples? What do you think as the reasons to cause these misunderstandings or dilemmas?

Interview 5: I think most of the time when we are working, there is one kind of people, who would misunderstand that we can interpret like a machine, we can do word-for-word interpreting. I think we need to educate people about this if they do misunderstand us. You see when I was interpreting for that murder case, when the defendant was under cross-examination, I told the barrister, "can I clarify with you, because in Chinese, he mean he or she, in Chinese there is no distinguish, in Chinese he and she is the same word." Then I started interpreting. I clarify this as soon as I encounter the situation, then ask the defendant "is it a man or woman? Can you ask another question to clarify it?" Then he made it clear that it was man or woman. I think in this way, they'll take your work more seriously. They'll start to realise your job is not that easy to do. There are difficulties in interpreting, such as linguistic differences. Like in Chinese, he and she is the same.

Researcher: Do you want to add anything else about this topic that we haven't discussed today?

Interview 5: I think another point is very important for us too. Once I did another case. Normally when there is a trial, the court generally use just one interpreter. If one interpreter does it from the beginning to the end, it's very unlikely to guarantee the quality of interpreting. When I'm interpreting in court, I need to do lots of simultaneous interpreting. But everybody is with their back to the defendant. We probably can't hear them when they are speaking, when we are sitting at the back with the defendant. The acoustic is a big problem, especially in those old and broad court, like the York Crown Court, and Durham Crown Court. They all have this problem, which definitely affect our interpreting quality. There are also some judges, after a long day, until the last case, they would be tired and bored. They would talk very fast, and their articulation is sometimes not very clear. I think this sometimes

bothers me as well. I once had a case, which appeared before the court until 3/4pm. It was a tribunal. Obviously, the judge was very tired, very impatient. He spoke in a very unclear way. Normally that judge speaks quite clearly. But this time it was very vague, very difficult to hear. He also spoke very fast. I think it will affect the quality of my interpreting, definitely. How do you deal with it if an interpreter can't hear people in the front? I have my own set of equipment, a receiver, which is a microphone. I place it in the front, facing the barrister. I wear a headset, and I have a transitor. Wearing it, using this set of equipment, I am able to hear people in the front. Or you can ask the court to give you a loop. But there is a problem, the sound can be amplified, but yourself have to speak louder. Something funny happened in court that day. He was very tired. The appellant's barrister asked a leading question. As soon as he finished that question, the judge said, "you are not allowed, that's a leading question. Can you ask another question?" Then I whispered interpreting to the appellant, I didn't tell the appellant the barrister's question, I only said what the judge said to the barrister. And the judge said "don't whisper". Then I said, "I'm just telling the appellant what you are saying to the solicitor, not the question. I thought that was what expected from me." Then I said, "if this is not allowed by you, I would not interpret it." Then the judge laughed and said, "I'm sorry, I do not know." Sometimes people are that bad. Whisper or don't whisper, it doesn't matter to me, as long as you tell me. What he meant was "don't interpret," but he said "don't whisper." I mean it was so funny, why he said "don't whisper." Of course, during legal debate in court, I have to whisper. Of course, whisper, you can't speak loud to disturb them. The judge was in a bad temper. But I sorted it out. Don't be afraid. I think we are the same. Anyway, I think these experiences, something you mustn't do. You see more people with time. You need to think about what is the better solution.

Interpreter Interview Transcript 6

Researcher: In your opinion, what are the roles and functions of legal interpreters? Among them, which ones do you think are the most important and why?

Interview 6: The main function of an interpreter, a legal interpreter is to convey the message as accurately as possible. Obviously within the legal setting, accuracy is very important, perhaps more important than in other settings. So, I think accuracy is the most important task, because freedom in many cases is at the stake; and that perhaps why accuracy is crucial. Otherwise it is important not to change omit, or add anything, again, for the same reason.

Researcher: What do you think are the main tasks and responsibilities that legal interpreters should be performing during an assignment? Among these duties, which ones do you think are the most important and why?

Interview 6: The first task is depending on whether you are interpreting consecutively or simultaneously. If you are interpreting simultaneously, your task is to interpret again, accurately, without adding or omitting anything, and making sure that the parties to understand each other, not only about what you are interpreting word for word, and also about the main messages.

Researcher: Have you been asked to do other things other than interpreting?

Interview 6: Yes, all the time. Definitely filling in forms in the Magistrates court, is what we call "the means form" all the time, which is a form that the defendant has to fill in to give the details of their income and expenses. Apart from that, sometimes there are some other forms. Sometimes solicitors ask for help with filling in legal aid forms, but that sort of happen on the interpreting wise, other than trying to assisting, not very often. The means form, apparently yes. I can't see a problem in doing that, because I take it as part of the job. I would never say no to helping somebody to filling a form, an official form. I'd rather do it than requiring giving legal advice, of course. That's entirely a different matter. To fill in a form like the means form at the magistrates, then yeah, is not a problem. Sometimes, working in court, I've come across being asked to first of all just to establish somebody's language, and things like that. So, the very initial, sometimes to get somebody from, who was arrested and remanded and put forward before the court the same way, the court doesn't have any information, Sometimes, you have to make that initial contact just to find out. It is still possible for those matters etc. I've also been asked to, I've been sent to the ceil, to ask the defendant if they want legal representative, a solicitor, which would normally involve a word with the custody officer, through the doors, not actually go into the room in motion. That sort of things, but I think it's obviously absolutely fine. I'm always happy to do that.

Researcher: Are you aware of the main ethical rules that legal interpreters need to follow? Do you believe legal interpreters are generally aware of these rules and are following them to the best of their ability? What areas do you feel they follow the most properly and the least properly and why?

Interview 6: Yes, of course. Well, do you know what the situation is with the legal interpreters at the moment? Put it that way, among my colleagues from the National Register, I have only come across one person. In ten years, almost ten years I have been doing the job, not all in court actually, and also in NHS. Through national register, DPSI in law, I started working in court. I've come across one person, who was in my opinion, unacceptably. Whose conduct was unacceptable, but only the interpreting was not very good, but the conduct was unacceptable. She was doing a trial, she was chatting with the defendant, discussing things with him. She wasn't represented by a solicitor. She was almost telling him what to say. It was very very bad. So, yes, apart from that, most of my colleagues of the National Register, of our DPSI, I've not come across any really bad practice. Recently, when Capita took over, initially ALS, then Capita took over. When it first started, I sort of, I was doing court, was doing old jobs were booked from before, and I had the chance to watch some people, or some what they call themselves interpreters work. Some of them, not all of them obviously, but some of them were poorly, quite frankly poorly. Not only the interpreting wasn't very good, it was the conduct. They were, again, chatting with the defendant, saying things to him or her when it's not appropriate, advising them the defense, commenting them the judge, and informing, and things like that. A variety of behaves, that what happened. I don't think that should ever have been set out for. I won't work for them.

Researcher: In your opinion, does the presence of legal interpreters influence the legal process or the outcome? If yes, what are these influences? Can you give examples?

Interview 6: No, you should never have any influence on the outcome of a case, because the idea is you interpret faithfully, so you shouldn't have any bearing on the outcome. It can be, it should be judged on the evidence. So as long as you faithfully interpret everything, you shouldn't have any bearings on what happens. Language is a living thing, is not like math, where is 2 plus 2 is 4 in every language. So, I think there are still culture awareness, bring a lot to the table when you are interpreting in the legal context, in court. So, things will vary among interpreters how things proceed, not proceed, how things are interpreted in a sense, in cultural, emotional, that sort of sense. But as long as you convey the message, and if you are interpreting for somebody who is in court themselves, then the judge, the jury, and everybody else could see themselves, which is self-penetrate, like. So, when you are doing the job, what you have said should not have the bearing on what happens, or the outcome. Having said this, help or not help matters, But you should never help or un-help matters in a sense that somebody would be proceed in law, positive or less positive way, always make sure you are conveying the message, rather than trying to make things worse or better, by saying something that, like toning things down or making things sound harsh, something like that, try to do it as faithful as possible, But we are only human, so, we are just human, it happened a lot we are making errors.

Researcher: What are the main challenges and difficulties in relation to language and interpreting that you have encountered during an assignment? How do you deal with them? Can you give examples?

Interview 6: Swear, I would have thought, because they are. Swear and slang I find the most difficult. Every language has its own very specific vocabulary of that. Many things are special law of description using in one language is very offensive, when in another people would be like “what do you mean.” It wouldn’t have been absurd, or it wouldn’t have been proceeded in a certain way. I find that certainly word-for-word translations of swear words would work, not very often anyway. You really have to, unfortunately in criminal proceedings, it happens very often. That language appears very often, so you have to be aware of it. Even it’s unpleasant, even if you don’t swear yourself, or speak that kind of language, you have to familiarise yourself with it. The legal terminology and all of that, you could learn all that. That’s black and white. But all the swear, especial difficult I would say.

Researcher: As an interpreter, you may be aware that “accuracy” is one of the most important targets that we need to achieve during interpreting. In your opinion, in order to do this, should legal interpreters transfer all linguistic content, including discourse markers (e.g. “you see”, “well”, “now”, etc.) and grammatical errors; and pragmatic elements, including speech styles, tones, vagueness, impoliteness, broken speeches, hesitations, pauses, etc. completely? Why? Can you give examples?

Interview 6: Yes, as much as I can. If somebody needs, well, if somebody is saying, “mm – hmm, mm – hmm” instead of a “yes”, then I’ll say “mm – hmm, mm – hmm, mm – hmm.” If the barrister whoever is leading the interview, if he then said “using yes or no,” then I’ll interpret that. I won’t tell them to do that myself, it’s not my job, it’s not my place to do that. And somebody says “oh no, oh yes, oh no no, oh no maybe one moment, oh no, Monday,” I would interpret all of that, because it shows somebody is thinking, and they couldn’t make their mind up on something, and that’s important. Or it could be both; I’ll interpret all of that. So, if somebody goes on and talks about, and then says alike “hold on,” I’ll do all that to show what the person, the way the person’s way of thinking and getting to how he gets to that point or not to. I’ll definitely do all of that.

Researcher: As you may be aware, lawyers are famous for manipulating language techniques to control the questioning process, such as talking in a hyper-formal style with highly complicated legal terms, complex sentence structure, asking the same question in different ways for several times in order to confuse the witness. For example, how to interpret this question? “If I were to inquire of you as to who was your treating physician at the point in time that you fell ill, what would your answer be?” Do you keep the complicated sentence structure or do you do it in a simplified version?

Interview 6: No, I keep it. It’s not my job to explain, so I keep it. It’s go to the point where the communication isn’t taking place, and it’s getting ridiculous, I may then say “the interpreter believes the defendant doesn’t understand the question at all.” It would have to get ridiculous for me to do that. We have to get to the point that nobody knows what he is talking about, talking about what, for me to say that. But normally, if the barrister or somebody says something in a real technical manner and the defendant goes “what? sorry?” And I’ll go “what? sorry?” And they should

understand they have to change the way they explained it, and it will make sense to somebody.

Researcher: When interpreting for police, interrogating officers may ask questions in a coercive and aggressive way to pressurise the suspect to admit the allegation. Do you normally maintain the original tone and strength or do you normally soften it down?

Interview 6: No, I don't soften anything down. If somebody is shouting, I wouldn't shout, because I don't think there is a need. But, they can hear the shouting, you don't need to shout as well. But if there is a strong word, or sharp tone, or directness, yeah, I'll do it as faithfully as I can. If they are swearing, I'll swear. So definitely. No definitely not make it sound more polite before the court. I was in court once, a friend, a Portuguese interpreter, was interpreting for a defendant. And my defendant was next, so I was sitting at the back of the court, waiting for my turn, if you like, it's at the magistrates' court. And the Portuguese defendant called the judge "cunt." He called his "a fucking cunt." And I couldn't believe it. I got red sitting at the back of the court. So, we had a district judge at that time, and I was sitting at the back of the court, like a red, thinking "oh, God." And she made it out, she just said it. He's going into trouble. It was horrendous.

Researcher: Do you find it difficult to swear to the judge?

Interview 6: I always go red. And I dare not look up. But you've got to do it. Absolutely, it's not our personality, but we just have to do it for the job. But as long as you say it at the beginning, explain your role, and "I'll interpret." Well, you do the affirmation, or you swear, before it, and you say "I will faithfully interpret, explanation make of all such matters that shall be required of me." So, that include everything. But it's embarrassing sometimes.

Researcher: What are the main challenges and difficulties in relation to culture that you have encountered during an assignment? How do you deal with them? Can you give examples?

Interview 6: Well, Polish people generally are reasonably educated, and there are not many Polish people cannot read or write properly. Very rarely. I don't think I have come across anybody, except mainly for some Roman Gipsy people with Polish nationality, who wouldn't be able to read and write properly. So, some of the questions sometimes appear to Polish people like somebody trying to patronalise them. For example, questions about their background education and things like that. When they ask "when did you leave school?" Most polish people would say "20," because nobody leaves school in Poland at 16. Not many people, anyway. But by British standard, leaving school at 16 is normal, but by Polish standard it isn't. So sometimes they find that. Another thing, for Polish people certain things are quite obvious, for Brits aren't, like certain ways around the house, and stuff like that. Yes, there are bits and pieces. I can't think anything in particular now would affect my interpreting. There has been a situation. Sometimes I feel I have to, I find I can think of. Like in the police station, I remember once a sergeant asked this Polish person to sign, and he put a cross next to where he wanted him to sign. The Polish guy,

having no English at all, thought the sergeant is saying to him, “I know you probably can’t write your name, just put a cross here, to show that you’ve got this piece of paper.” Oh my God, he went off the wall, because it’s very offensive to Polish people to suggest he can’t read or write, because it is very rarely happening, and they’ll be ashamed if you couldn’t read or write. So, but you may sometimes face this in a police station, you also sometimes things like that arise. I think during a police interview, something like that, they ask something like that. I think in police interview, there are things like that. I haven’t got once for a while, but a Polish people always go “What? What do you mean?” Like he would have been accusing of not being able to read or write.

Researcher: Will you offer clarification or explanation voluntarily?

Interview 6: If it causes a bit of a hedge, or if they ask, I would explain. I’ll say to the Polish man, “look, it’s procedures, it’s procedures of questioning, it’s not personal question.” And then I’ll say to the officer, “you get him upset, because it’s insulting in Poland you are not able to read and write.” So, if I explain this. If you explain that it’s just a procedure. I would make everybody aware why that person maybe get a bit funny about it. But it seems to be alright.

Researcher: Are there any misunderstandings or dilemmas that you have experienced during an assignment affect your ability or quality of interpreting? How do you deal with them? Can you give examples? What do you think as the reasons to cause these misunderstandings or dilemmas?

Interview 6: The break thing, obviously in court, they won’t really accommodate the break. They expect you to go on all day. You get your lunch break, then that’s it. So, it can be a very very intense. To be fair, I’ll have to get very tired to ask for a break, I have to feel I can’t do my job properly anymore. If I feel I can’t do my job properly, I’ll ask for a break. If I just feel a little bit tired, I’ll probably put up with it. But it depends whether you are interpreting simultaneously or consecutively, and very obviously, simultaneous interpreting all day long is a killer, but in time, consecutive interpreting for a witness in a box all day long is just as tiring, because the level of concentration is just so high. I always go home with a headache. If I’ve been in court all day, I always go home with a headache. That never changes. Otherwise, people are generally quite understanding. And sometimes if there is a question about a word or something, really, I only had that sort of thing once, where I have interpreted for that particular witness of in court for, during a video recorded interview, and in court. That recording wasn’t putting it up clear in places, there was question over a word. The question was whether it was correct basically, and they have to listen back to it. And I was extremely stressed about it. However, it turned out that I did it correctly. That was good. I find people are quite people, judges, and other court staff, are usually quite understanding. So, I have never really come across anybody rude, saying “oh, I don’t think you interpret it correctly” or something like that. They usually are alright.

Researcher: As you might be aware, legal interpreters are probably not fully recognized as professionals by all parties in British legal system. In your opinion, what are the most obvious benefits of the general recognition of legal interpreters

as professionals? What aspects need to be improved in order to raise the general awareness?

Interview 6: That depends. Most judges do. But most judges are very educated people. So, you wouldn't expect anything less. I've not come across a judge who is rude to me, and suggest I'm not professional. I've come across a magistrates who gave me this behave, who gave me some funny. I don't know, you get that from some people, don't you, think as a peanut. But no one in the crown court. However, some solicitors look down on you. I've come across that before, and treat you like a commodity, not with a person, a professional. But only some of them, not very many. Most people treat you ok. Some police officer treat you like a clerk, as well. There are odd people, odd cases, odd example. But generally, I don't have a problem.

Researcher: Areas of improvement?

Interview 6: Well, protection of the title. Anybody can be interpreter these days. And anybody can work in court these days, quite frankly, especially since Capita took over. So, protection of title. We need to be registered, and perhaps title protection the same as solicitors, doctors, and any other person. In this country, there is not an act for interpreters or legal interpreter, or what they call in other countries "sworn interpreters," because in Poland, for example, they have had an act for sworn interpreters since 1920 something, a hundred years out, and in this country, there isn't one. So, there is a show, I think, and saying Poland, any Polish sworn interpreters shall have a license from Poland look down on us. Polish interpreters working here, because they know very well that in Poland the work to get to work as a sworn interpreter is a lot longer and more difficult than it is here. Although DPSI is a good qualification, and I think the exam is not extremely easy. It's a good diploma. It's not a degree or anything. I think it's a decent level. In Poland, the sworn is never going to do without a degree. It's difficult. in this country, I think the first thing would be, we would have to be, the registering and remaining on the register, and that would have to change, because at the moment NRPSI is not very good. But the profession is not regulated properly, I don't think. It's not regulated properly. There is no, and obviously, there is Code of Conduct and all this, and that's not very good. It's not enough. One of the reasons other professions not recognise us as professional, like we'd like to be recognised, because there is simply isn't there legislation in place enough and other procedures to make sure that everybody who said they are interpreters or they act as an interpreter, are proper professionals, proper profession. You know what I mean.

Researcher: Do you want to add anything else about this topic that we haven't discussed today?

Interview 6: A lot of hassle, arguments, and problems, that in court by question of interpreters' behave, I think, obviously if we were professionally registered, capitalise etc. etc. I think there would be a less question of what we get paid. As a professional, you should get paid at that level. Whereas the way it's set at the moment, I sometimes think well no wonder people go "you got too much money for doing too little." And the reason they say that because there is no recognition. If there is recognition, and we were established, legally as a profession, and with

recognition, and nobody would question what you get paid, which I think anyway, the rate is not brilliant, especially now. I always thought about how much legal interpreter will make it beautiful for us to work. It's difficult. But on the other hand, I can quite understand where the society coming from. Because they know, if you are a doctor, you get paid for certain amount of money, but you have to face certain steps and pass your exams at such, such to become a doctor, or a solicitor, or whatever that might be, whoever that might be. With interpreters, nobody knows what we need to get us interpreter, and why you get paid so much money. So, it's understandable. And in that way, if you are not good enough, then you are not going to be out there. Besides, we are only people, and there is no system that is perfect. There are teachers, doctors are loads of rubbish, and they were xxx professions. So that's always goanna to happen. I'd rather to have this procedure in place, then I think that would answer many questions, and resolve many problems. Not only for the interpreters, but for the services that need this sort of public services that need the service of interpreters.

Interpreter Interview Transcript 7

Researcher: In your opinion, what are the roles and functions of legal interpreters? Among them, which ones do you think are the most important and why?

Interview 7: I always think any field of legal or medical interpreter must be professional and impartial, and obviously have the understanding of the job or the system itself, of legal system and be familiar with terminology. That's the key role. I think key things that really important. Be impartial, accurate, and if there is a need, not be ashamed to ask for clarification. I'll say the main role is accurate interpreting.

Researcher: What do you think are the main tasks and responsibilities that legal interpreters should be performing during an assignment? Among these duties, which ones do you think are the most important and why?

Interview 7: Then would be obviously impartiality, professionalism, of course accuracy, and capability to remain calm under pressure as well, is sort of one of the things with us. To be honest, I normally see, if you talk about court, what I do, I always, I'll find out this person will legal representation, which often sometimes they would. I believe then it is the solicitor's role to explain the court procedure, and do all the paper work. However, when I sometimes arrive at the court staff say "oh that person is not represented, they don't want a solicitor, can you fill in the means form?" I think that's fine. Then I help, because means form is straight forward. It asks for main details. But somebody would say "can you explain a legal concept?" I don't think for me to help. If it's very basic and straight forward then I'll help. And I know there will be no legal representative. The person will be asked to produce a means form, so I think that's fine.

Researcher: Are you aware of the main ethical rules that legal interpreters need to follow? Do you believe legal interpreters are generally aware of these rules and are following them to the best of their ability? What areas do you feel they follow the most properly and the least properly and why?

Interview 7: To be absolutely honest, I think things has gone worse in my experience, because I think when the agency took over, all the legal system, and they, unfortunately they do send people with no training, and no qualifications. And to be honest, it was quite a shocking experience of one of the, of my colleagues, and she said that the interpreter advised the defendant to plea guilty, so the court trial could be shorter. So, I think this is very dangerous saying, it's very wrong. And obviously, it's being said back to the solicitor actually, because and at that time, and the solicitor was late for the court. So, the person went in, again advised by the interpreter just to start, because the court is called in, and if you came in without legal advisor, sort of you can go. And the person pled guilty, and then I think the solicitor got back and said "why?" He just got opposition that you are ready for trial. And he said "well, the interpreter said if you plea guilty now, it'll be done quickly." You know what I mean. It does happen more and more often. Because people do ask, people do ask. They got and ask me "oh you know what's better option, or what sentence would I get away?" You just say "sorry I'm not legally qualified." That's it.

Oh exactly, the code of conduct is vital, I know you can get tempted or you just may think it's then your opinion. It's not the place to give your opinion, you know what I mean, you are impartial, so you cannot express your own opinions at all.

Researcher: In your opinion, does the presence of legal interpreters influence the legal process or the outcome? If yes, what are these influences? Can you give examples?

Interview 7: Of course, yeah. It can be, obviously. If this person lacks knowledge, so it might be misunderstandings in what was said, and why was said. For instance, once I had an example where there was trial to go ahead, and has been for several times. They had different interpreters, and misunderstanding was that the charge was "be in charge of motor vehicle while under the influence of drugs or alcohol." How that person understood that he has been driving the vehicle. And I know that this comes from the difficulty to understand for our Lithuanian people because they don't have a charge of "being in charge of a motor vehicle." It doesn't exist. Because if you are in a car, you can do whatever you want once you are inside it, as long as you are not on the road, not driving it. So, the person didn't really understand the meaning, and it seemed these interpreters didn't explain clearly what it meant. So, he kept saying "no, I'm not guilty, I'm not guilty, I'm not guilty." However, when I had the consultation with him with the solicitor and he said "I'm not guilty because I wasn't driving it." Then I thought "hold on." From my experience, I know that's always an issue, people do not understand the difference. So obviously, I turned around to the legal adviser. I sat with this person, then the solicitor. He realised that "who says you've been driving?" Do you know what I mean? At that point, after so many, such a lot confusions, since the beginning, explained to the person the difference. And obviously afterwards, I talked to the solicitor on a one-to-one basis and discussed whatever and they all think I'm sort of influencing. I said "yeah, this is a big thing. A big thing that of course I remember very well long time ago students used to end up with police officers, so they would sit in a car drinking alcohol, and the police would wait for him to move. And they would listen to the music and not moving. Nobody would start the car. That's just one be of the things. At that point, you didn't know, you are not breaching the law. So, this is a misunderstanding because of a misinterpretation and also that sort of a way to maybe, not knowing the exact difference between legal systems. That's one of the things. I know because I also know from the fact that a lot of interpreters, because it is not a offence, I mean. Or it's a bit of long process to explain these charges of motor vehicle, because you can't just said word-for-word. Quite often, they just interpret as "driving the motor vehicle." Do you know what I mean. Which is wrong. It was obviously wrong. But because the person said "I didn't drive. That why I said I'm not guilty." And often somebody come into the court over and over again, he never, up to then, he never even thought that was something else, because it has been translated, interpreted to him as you are using a car. And he was thinking, "no, I sat inside and I drank a can of beer, but I was sitting inside of it." Yes, that's what I was saying, lack of knowledge, but obviously, the things could have gone wrong for the person because he would have been found guilty. Of course, he would have, cos he apparently was caught by the police. Officers found him inside the car, so he would have been found guilty. And probably, the sentence would be much harsher. He lost his credit for not pleading guilty.

Researcher: Intentional/unintentional influence?

Interview 7: I personally haven't witnessed anything, but I've heard that things like that do happen. Sometimes, I think normally actually what interpreters do do, they do try to help out the situation actually, for the sake of defendant, because they new to the country, or they misunderstood, or whatever, kind of try to mitigate. Because again there was another story, there was a barrister who told me about it. She said that she had a client, he was, I think he was an interview, he wasn't charged at the time yet, but he was just suspected. I think it was sexual assault, because obviously, he attacked a woman. The interpreter stepped in and tried to explain that "oh but that is ok, because it wasn't a rape." So, kind of, there was no difference seen in between the sexually assault and rape. Or the person found there was "oh you know in our country, it's ok. It's not like that. This kind of, it's an offence, but it's not an offence. Therefore, the shouldn't be questioned by the police. Or some kind of symbol. The interpreter should be neutral, especially when try to go "oh I believe this person, this will then." You shouldn't guess or believe or whatever, end of day, nobody can be sure these persons to make up their mind at the time of the offence, you know what I mean? Some day, sometime, but that would be other people, that would be for certain knowledge, like psychologist, whatever, they deal with it, this type of thing, but not the interpreters. Yes, it's not the interpreter's position to give any of the advice or explanations? Yes, exactly.

Researcher: What are the main challenges and difficulties in relation to language and interpreting that you have encountered during an assignment? How do you deal with them? Can you give examples?

Interview 7: For me personally, I find sometimes difficult to concentrate at end of the day if it's a long trial. As a fact, I know for instance, in London court, they allow you a break. I don't know the guidelines always say if the interpreter should have a right, to have a break, whatever, but most of other courts, they don't allow something like that, or they don't want it. Because once I had this trial, which is quite tiring, a trial had four or five, four, I think, defendants. And different interpreters, you listen to everything what is said, you at the same time hear when your colleagues talking as well. And there was actually one of us asked "oh I would like to ask colleagues if you mind because you got interpreters, could you speak up and talk a bit slower?" And then actually the judge said, "I would not allow that because interpreters get money for it, so it's slowing down the process." So, I mean. They don't realise that interpreters need a certain pace and volume of voice. Yes, sometimes in old court, you can't hear, because you are inside a dock, sometimes you have it with this glass, some glass wall, you can't hear anything. You do ask them to speak up, rather than like other interpreters said "oh I just made things up as I go along." But that's wrong. But sometimes say you have a few weeks' trial, and then you had a day you get exhausted, you don't want to be out for work, because the quality, it should be like that all the time. That should be sometimes, but I know, for example, one of my colleagues, because we have been sort of talk about the terms what she finds very difficult. What she finds emotional side of difficulties. If she saw certain domestic, she gets really upset, she gets into it. And that's what she finds difficult, and I find mine the same. I believe in Germany, they said there is a

half yearly assessment, psychology assessment for interpreters, that I have been told, I've never, I've never officially seen anything, but I was told by a German interpreter, he said, and he worked in Germany, and that is what it was. But I don't it's true or not. And he said, as a part of, to keep your badge, but to keep up with your registration, every half year, they have an assessment, they do a psychology, and if you answer certain questions, and also he said, there is always psychiatric services like that available. We don't have this kind in this country. Emotion can be a big problem. Professions think you don't get affected, but what you do is just you deal with it. We've got no training, or consoling, or support, nothing at all. If it's fine, that's fine. But if there is a problem, that could affect in big terms. Absolutely.

Researcher: As an interpreter, you may be aware that “accuracy” is one of the most important targets that we need to achieve during interpreting. In your opinion, in order to do this, should legal interpreters transfer all linguistic content, including discourse markers (e.g. “you see”, “well”, “now”, etc.) and grammatical errors; and pragmatic elements, including speech styles, tones, vagueness, impoliteness, broken speeches, hesitations, pauses, etc. completely? Why? Can you give examples?

Interview 7: I think it can be done, but it should be because for instance I don't think it'll be fair if somebody got very limited vocabulary, and use of very basic words, sometimes say use scientific terms, that wouldn't be right. But and also, that's another thing. That is you have a person who has difficulty express themselves, you may sense or guess what they want to say. But this is a big danger, if you as an interpreter, you shouldn't finish off the sentence, thinking that's what it was said. Although in fact that was probably what that person meant. He can turn around and say, “I never said that.” Or if you look into the tape, and it's not said fully, and interpreter shouldn't finish it off. You know what I mean. It is not right. It can cause big legal dispute. That's why you got to be, be faithful as much as you can. Because once I had actually a very long interview, which lasted for probably about six hours. But what it was, was put forward, and cut short, and the person, the way he was talking, he was saying, simple questions, for instance, “do you hold a credit or debit card?” It took him half an hour to answer that question, and again, the answer would be that officer couldn't understand. But it was “yes” or “no.” And if I answered the shortened process, if I asked what I thought what he meant, it just wouldn't be right. You should keep the original ambiguousness unless it's possible if you think it's maybe, you know what I mean, have a couple of meanings. Then you kind of sometimes, ask the officer as well, “oh, but, sorry, is that what you meant?” But otherwise, you cannot assume. If you see the person is going around in cycles, you interpret in cycles.

Researcher: Do you worried the unclear, incoherent, or ungrammatical interpretation will be viewed as interpreter's errors by judges and solicitors?

Interview 7: Personally, I don't. I used to be. But once I had one very strange example that shocked me and made me laugh, since then I'm not bothered at all. What happened. It was an experience of a police interview. The interpreter must interpret in the first person. And the person said to the officer “you are an idiot.” And I said that. And the officer said “how dare you. You are supposed to be impartial,

and if you don't like my face, so keep your opinion to yourself." Then obviously, I explained in a nice way that "yes, I am impartial and I keep my opinion to myself. And the interpreter has to interpret in the first person, even if you are saying 'ask him if he was there,' I don't turn round and 'ask him,' what he says." So that moment, if I see the need, I often say in the interview, I would say to the officer, "just to clarify, it wasn't me, it was the other person that says, whatever." But most of the time, you still get a chance to talk to the officer beforehand, like "oh did you travel far?" or "did you find the station ok?" They check your understanding of English. Although they can't inspect you on your other language, but you know what I mean, they can sense if you understand them. They know me could understand them, and it's not you.

Researcher: As you may be aware, lawyers are famous for manipulating language techniques to control the questioning process, such as talking in a hyper-formal style with highly complicated legal terms, complex sentence structure, asking the same question in different ways for several times in order to confuse the witness. For example, how to interpret this question? "If I were to inquire of you as to who was your treating physician at the point in time that you fell ill, what would your answer be?" Do you keep the complicated sentence structure or do you do it in a simplified version?

Interview 7: No, to be honest, I, maybe the fact that I'm, long time ago, I had very short, difficult courses. You personally think quite accurately, so quite, as to the best of my ability, especially you try to reflect as much as you can. Normally I don't simplify or reduce the technical level, because if it's a court, if it's a trial, you'll be simultaneously interpreting, you don't really even have time to simplify, so to think of alternatives to, for their sake. Because accuracy is the key. If it happens in consultation, normally what happens is the person asks themselves, they would say, "sorry?" or "what did you mean?" So you interpret that, the barrister/solicitor would explain to them before the court. If it's a trial, what I notice is in general, people don't question. They mostly of the time, they only question, when it comes to the sentence, what happen is most of them they don't even follow. Sometimes, I don't like this, but to interpret as much as, as accurate as I can. But most of the time, the defendant don't even listen to what you said. So not even the question of simplifying. That doesn't arise. Only that happened before the trial when they had consultation, in custody. If they don't understand, the lawyer would explain. I think it's their responsibility, you know what I mean.

Researcher: When interpreting for police, interrogating officers may ask questions in a coercive and aggressive way to pressurise the suspect to admit the allegation. Do you normally maintain the original tone and strength or do you normally soften it down?

Interview 7: No, I don't find it difficult to maintain the tone. Sometimes I may have an opinion, or may think that the same thing could be said in a decent manner. But it's my personal opinion. I keep it with me.

Researcher: Witnesses and defendants may intentionally speak in an unclear way to avoid taking full responsibilities; or answer questions in an impolite way without

realising it; or pause frequently to think about their answers. Do you normally interpret with the same style or do you make an improved and more coherent version?

Interview 7: Yes, sometimes, its, I sort of talking, then I do think it doesn't make any sense, but that is what he said doesn't make sense. So, it doesn't matter. I don't make sense. If I have just heard, the reason I was heard is I did have. Actually, quite recently, one of the interviews was like that. The person said he was chased by aliens. He was telling how they chased him down on M1 and when he was at the motorway. He kept running and had his flight. I was sort of. What I've said doesn't really mean, and obviously thinking "go ahead with it." And they got psychiatrist assessment afterwards.

Researcher: What are the main challenges and difficulties in relation to culture that you have encountered during an assignment? How do you deal with them? Can you give examples?

Interview 7: Culturally it does happen. There are certain gestures we use is not known in the English culture. Once it was, sometimes, English expression is "tough the wood," and they knock on the wood three times. Lithuanians older generation, it's bit older, spit three times. They guy once stand in custody, officer thought he was spiting at him, and he got quite "oh oh and he wanted to charge him for assaulting the police officer. And I said that actually was a cultural thing. That's like a prevention of something bad happening, so the person would say, "nothing happens to me," and they spits three times.

Researcher: Do you think it's your duty to offer explanation or you wait until being asked?

Interview 7: Normally I do. Sometimes I get people talking on whatever but in mumbling to himself that say before they got booked for custody, or just prior anything. Quite often, you won't even know they tried to say it to the officer or they talked to themselves, so just a habit. If it's like in custody for that case, it was part of the interview, it was in the case, the officer straightaway would charge him, that would have been wrong, you know what I mean. So, I just explained what the gesture meant itself because that's what it means. If you ask anybody in Lithuania, that's what it means. So, I do give voluntary cultural explanation, but very carefully. If I believe it's a must, there is a need. But quite often, most of the officers, or the court staff, they would ask, if it's something cultural. Because if they see something, some gesture, some behavior, they've never seen before, I think they can guess it's probably something to do with culture.

Researcher: Do you think the interpreter should give cultural advice or you should suggest them to go for a culture expert?

Interview 7: I think the only conflict is it can be part of accuracy as well. I think it's probably the only time interpreter should intervene, when there is a cultural difference. Or what they say for clarification purposes, you should, maybe there is a word can have different meanings, you should ask for clarification. And or when it

comes to cultural thing, you also get some idiomatic expressions. We have “pulling flag out of the budget,” that’ll be our expression. But sometimes, in some idiomatic expression, you won’t probably even know there is no equivalence. Other than stopping and thinking for five minutes, then you probably should explain what it meant.

Researcher: Are there any misunderstandings or dilemmas that you have experienced during an assignment affect your ability or quality of interpreting? How do you deal with them? Can you give examples? What do you think as the reasons to cause these misunderstandings or dilemmas?

Interview 7: To be honest, there was, most of the time, yes, the more complicated case you have, the less sort of, you get less ambiguous phrases or statements, because most of the time, they concentrate on purely the legal stuff, and you just have pile of evidence, you have a bundle in front of you. And there is really all you know, this consumption for whatever for already been seen and clarified by then. For they normally concentrate only on certain fact and evidence they have. That’s why, especially when, like a crown court matters, and normally they don’t even joke about something else, even they joked, they all like for communication, rather than the legal stuff. These kind of misinterpretations, odd words, I’ve come across more in the police station than that stage. And again, you have more time to clarify. But then for consecutive, and so before you interpret it, you can ask for clarification, “could you please rephrase?” To be fair, I think it depends really on where you work. If it’s an area multicultural, say like Peterborough, Cambridge, Cambridgeshire in general, it is pretty much, they deal with different nationalities everyday. So, they know. But if it’s somewhere like remote, and more English, some of them they don’t know. All you have is your appointment officer. They may not know then, it does happen that sometimes they just like “oh what’s your job. What’s your role, or the interpreters may do whatsoever.” They come up with some strange things sometimes.

Researcher: As you might be aware, legal interpreters are probably not fully recognised as professionals by all parties in British legal system. In your opinion, what are the most obvious benefits of the general recognition of legal interpreters as professionals? What aspects need to be improved in order to raise the general awareness?

Interview 7: To be honest, probably not, because I do get sometimes like “oh easy money, or if England got no people not English, then you would be out of job.” They are going to need some this sort of training, I think, maybe, sometimes it’s only too much personal side. You may get shop assistant who would have one or the other attitude, and such thing sometimes. Sometimes makes people to think it is, for some others, they may think it doesn’t. People think “oh, couldn’t do anything like you,” or “your job is hard,” or “do you get tired?” or “how can you keep up with it all the time?” Yes, sometimes, people do, I mean, do not know in and out of our job, but at least they can see hard work. But some of them just be blunt about it.

I think the DPSI itself maybe should change a bit, but purely as interpreters, so with how to train interpreters, and how to get the best out of them. Where other people, other professionals view this, I don’t know. But I don’t think they have. I

know Cambridge police have training officer to work with interpreters, they have. Cambridge is for definiteness. But other forces, I don't know if they have. I think judges and court clerks probably would need more training.

Researcher: Do you want to add anything else about this topic that we haven't discussed today?

Interview 7: I think probably students come this type, like them, everybody was, nobody is going to know everything, so as long as a person, willing to achieve more and more, everyday, that's huge opportunity for development, personal, professional development. For everybody, but as long as from the interpreters' point of view, they are calm under pressure, and they are impartial, and they are accurate, and they understand the big impact of the job, that's the main thing. And they would strive to succeed, rather than someone got an opinion "oh, you know, nobody can understand what you say anyway," which I heard that many times. That's dangerous and wrong, but to be fair, at this current economical climate, because that people being sent from all backgrounds, and not qualifications. I'm not talking about the outsourcing, or this sort of anything, just people from warehouse doing the job, and nobody really cares about the quality. And nobody really talks about it. I think the Ministry of Justice needs to reconsider the outsourcing policy, but when it comes to money saving, I think they run too fast, to be honest. And I don't think they have saved a lot of money. They wasted it all. This is dangerous, they are not saving money, but reducing the quality at the same time. And there will be more and appeal in the appeal court, that costs money as well. If there is a retrial, that costs more money than hiring a qualified interpreter. They should absolutely think which is cheaper. But at the moment, there is not much we can do.

Interpreter Interview Transcript 8

Researcher: What are the roles and functions do you think legal interpreters should perform?

Interview 8: I believe our main role is to interpret truly and faithfully what is said, without anything being added, omitted or changed, and to act professionally and honorably at all times.

Researcher: Ok, then, what's your understanding of the main tasks and responsibilities of legal interpreters?

Interview 8: Well, the interpreter's main task is to perform his or her duties to the best of his or her abilities whilst following the procedure and observe the ethical and professional responsibilities during each and every assignment. I think they all are equally important.

Researcher: Are you aware of the main ethical rules that legal interpreters need to follow?

Interview 8: Yes, of course. I am aware of the ethical rules but as to express an opinion about others.

Researcher: Do you believe legal interpreters are generally aware of these rules and are following them to the best of their ability?

Interview 8: As we often work by ourselves I cannot say about other interpreters. I certainly know that for instance the interpreters who are admitted to NRPSI register or other responsible bodies are expected to follow these rules. Furthermore, they can be reported if they do not obey these rules for disciplinary action.

Researcher: Do you believe the presence of legal interpreters influences the legal process or the outcome?

Interview 8: I believe it does.

Researcher: What do you think these influences are?

Interview 8: Even in the best justice system as it is, if the pertinent facts are not made known, justice will not prevail. The presence of a legal interpreter ensures that the system is at the very least attempting to honour that promise to try to deliver justice. In other words, an interpreter sheds light on the matter before the court.

Researcher: What are the main challenges and difficulties in relation to language and interpreting that you have encountered during an assignment? And how do you deal with them?

Interview 8: Obviously, I have had my share of such difficulties. Whatever they may

be, they must be disclosed.

Researcher: Can you give examples?

Interview 8: For example, they might be with dialects, or technical terms; and if these difficulties cannot be satisfactorily remedied, I have to withdraw from the assignment in the past. The lady spoke barely a broken dialect of the language I was to interpret and so after using all my skills I was not satisfied that the process is effective. So, I withdrew by informing the judge I could not continue with the assignment. Also, one must refrain from reacting to either parties no matter how provoked. The way to deal with any difficulty is to ask for a short or whatever length adjournment in order to try and resolve whatever issue that may there be.

Researcher: As an interpreter, you may be aware that “accuracy” is one of the most important targets that we need to achieve during interpreting. In your opinion, in order to do this, should legal interpreters transfer all linguistic content, including discourse markers (e.g. “you see”, “well”, “now”, etc.) and grammatical errors; and pragmatic elements, including speech styles, tones, vagueness, impoliteness, broken speeches, hesitations, pauses, etc. completely? And why?

Interview 8: Well, this goes to what is known in the profession as the issue of competency. You must have a good command of both languages, including any specialist terminology, current idioms, and dialects. In my opinion, no on what you call discourse makers but perhaps yes on the issue of what you call as pragmatic elements. The question of appropriately and fluently interpreting both languages using your skills and the correct techniques is always relevant.

Researcher: As you may be aware, lawyers are famous for manipulating language techniques to control the questioning process, such as talking in a hyper-formal style with highly complicated legal terms, complex sentence structure, asking the same question in different ways for several times in order to confuse the witness. For example, how to interpret this question? “If I were to inquire of you as to who was your treating physician at the point in time that you fell ill, what would your answer be?” Do you keep the complicated sentence structure or do you do it in a simplified version?

Interview 8: In such occasions, I always ask the judge to instruct the lawyers to avoid using ambiguous language. In your example, I would have no difficulty making sense of the message whilst preserving the integrity of the style.

Researcher: Ok, how about when interpreting for police, interrogating officers may ask questions in a coercive and aggressive way to pressurise the suspect to admit the allegation. Do you normally maintain the original tone and strength or do you normally soften it down?

Interview 8: I try to maintain the tone of both parties as far as professionally possible whilst maintaining the ethical standards. Obviously, I would not take part in any shape or form in any interrogation process as opposed to questioning by the police officer.

Researcher: Have you ever experienced witnesses and defendants intentionally spoke in an unclear way to avoid taking full responsibilities? Or they answered questions in an impolite way without realising it; or paused frequently to think about their answers. Do you normally interpret with the same style or do you make an improved and more coherent version?

Interview 8: Yes.

Researcher: How do you deal with these problems?

Interview 8: If it becomes clear to me that it is happening I would intervene and point out any impediment to the effective performance of my role. When appropriate I would raise the issue by asking for clarification, or alert the parties to a possible missed cultural inference, and I always ask for accommodation for the interpreting process and inform all parties present for my intervention.

Researcher: What are the main challenges and difficulties in relation to culture that you have encountered during an assignment?

Interview 8: The role of an interpreter is to interpret but, there is always a but.. there are other considerations like for example cross-cultural issues. I think these are divided into psychological, sociological and the expressive, how people express themselves and dyadic. And these can include body language, native and non-native expressions, etiquette, eye contact, mannerisms and so forth. I feel we usually or normally deal with these automatically without even realising. However, we need to raise them with parties and draw people's attention to them. Another issue that is sometimes underestimated is demeanour and presentation.

Researcher: Should legal interpreters transfer cultural differences into the target language version and why?

Interview 8: We must point out any cultural issues encountered to all parties if we are to perform effectively, transparently and non-judgmentally using appropriate language skills.

Researcher: Are there any misunderstandings or dilemmas that you have experienced during an assignment affect your ability or quality of interpreting? How do you deal with them? Can you give examples? What do you think as the reasons to cause these misunderstandings or dilemmas?

Interview 8: No not really, nothing to mention.

Researcher: As you might be aware, legal interpreters are probably not fully recognised as professionals by all parties in British legal system. In your opinion, what are the most obvious benefits of the general recognition of legal interpreters as professionals? What aspects need to be improved in order to raise the general awareness?

Interview 8: Interpreting in line with other professions should be subject to licence and statute. As such in a civilised and multi-cultural society the state ought to recognise the need for legal interpreters properly and treat them appropriately. Legal interpreters are an integral part of the criminal justice system and their influence on the process and the system as a whole should be properly recognised and rewarded. A professional fee reflecting of their important contribution and their service ought to be introduced as soon as possible before the whole system is damaged any further. To this end the profession should be properly licenced so that only the qualified interpreters who are educated and registered with appropriate bodies may practice and not any one who can speak another language to be engaged to act as a legal interpreter.

Researcher: Do you want to add anything else about this topic that we haven't discussed today?

Interviewee 8: No, I think that's everything.

Interpreter Interview Transcript 9

Researcher: In your opinion, what are the roles and functions of legal interpreters and which ones do you think are the most important?

Interviewee 9: I think the most important role is to help facilitate communication and sometimes we act as mediators and here we have to be careful and to make sure we do not influence the interlocutors in any way.

Researcher: Ok, then what do you think are the main tasks and responsibilities that legal interpreters should be performing during an assignment?

Interviewee 9: I am not sure I can differentiate my role from the tasks I must fulfil so the same as the above.

Researcher: Do you know the main ethical rules that legal interpreters need to follow and do you believe legal interpreters are generally aware of these rules and are following them properly?

Interviewee 9: I do know the Code of Conduct very well but unfortunately, it's rather general. I think interpreters are aware of it but it would be great if the end users of PSI (police officers in particular) would be aware of it as well.

Researcher: In your opinion, does the presence of legal interpreters influence the legal process or the outcome?

Interviewee 9: No, it does not if the interpreter is qualified and if he or she is doing his or her job properly. The only positive outcome is that the foreign language speaker would feel more at ease and sometimes we are perceived like support workers.

Researcher: What do you think are the main challenges and difficulties in relation to language and interpreting that you have encountered during an assignment?

Interviewee 9: Obviously, the main problem of non-translatability and dealing with people who are uneducated, who cannot express themselves clearly, concisely or articulately in the mother tongue. I can understand what they mean but very often what they actually say is either vague, incoherent or comes across as rude.

Researcher: And how do you normally deal with these problems?

Interviewee 9: I always intervene to explain a cultural inference or differences.

Researcher: Do you think legal interpreters should transfer all linguistic content, including discourse markers, e.g. "you see", "well", "now", etc. and grammatical errors; and pragmatic elements, including speech styles, tones, vagueness, impoliteness, broken speeches, hesitations, pauses, etc. completely to achieve accuracy?

Interviewee 9: Yes, all of the above apart from grammatical errors but obviously, I would convey the low register by other lexical devices.

Researcher: As you may be aware, lawyers are famous for manipulating language techniques to control the questioning process, such as talking in a hyper-formal style with highly complicated legal terms, complex sentence structure, asking the same question in different ways for several times in order to confuse the witness. Do you keep the complicated sentence structure or do you do it in a simplified version?

Interviewee 9: I would keep the complicated structure, as I think it's for the defendant to establish whether it is too complicated or not.

Researcher: When interpreting for police, interrogating officers may ask questions in a coercive and aggressive way to pressurise the suspect to admit the allegation. Do you normally maintain the original tone and strength or do you normally soften it down?

Interviewee 9: I know I have to render the message in the same manner. This was part of my training.

Researcher: Do you know why?

Interviewee 9: Because all these interviewing techniques and strategies have a purpose and otherwise the reactions and result would not be the one sought by the Police Officer.

Researcher: If witnesses and defendants intentionally speak in an unclear way to avoid taking full responsibilities or answer questions in an impolite way without realising it or pause frequently to think about their answers, do you normally interpret with the same style or do you make an improved and more coherent version?

Interviewee 9: Not consciously, no I wouldn't. I even note down the emotion of the speaker when I take notes. But this is all very subjective. Inevitably I filter everything through my own perception.

Researcher: Do you find the above situations difficult for interpretation and how do you deal with these difficulties?

Interviewee 9: Yes.

Researcher: Then what will you do?

Interviewee 9: I might intervene to ask for clarification and then the intention of the speaker becomes more obvious.

Researcher: What are the main challenges and difficulties in relation to culture that you have encountered during an assignment? How do you deal with them? Can you give examples?

Interviewee 9: I think mainly cultural differences.

Researcher: How do you deal with them? Can you give examples?

Interviewee 9: In Romanian, we are more straightforward and we don't say please and thank you so frequently but that does not mean we are impolite because we use another form of the verb to show respect. For example, Dumneavoastră, the equivalent of the French vous. So, I achieve equivalence by adding please and thank you when I interpret into English to compensate for the fact that in English this polite form of a verb does not exist.

Researcher: Do you believe legal interpreters should transfer cultural differences into the target language version?

Interviewee 9: Absolutely or at least explain it. To achieve accuracy and to facilitate communication.

Researcher: Are there any misunderstandings or dilemmas that you have experienced during an assignment affect your ability or quality of interpreting and how do you deal with them?

Interviewee 9: I am not sure what you mean here. I have to remain objective and I make that clear from the beginning when I explain my role as an interpreter and that I must remain impartial. Unless they become verbally aggressive or abusive towards me then no it would not affect me.

Researcher: As you might be aware, legal interpreters are probably not fully recognised as professionals by all parties in British legal system.

Interviewee 9: Unfortunately, we are not treated as professionals and our work is not appreciated. We are booked because the law requires it but our work is only weighed in terms of the monetary value, a burden to the tax payers. It is thankless, stressful and underestimated job. Not to mention it's not exactly family friendly, given the unsocial hours we have to work or the unpredictability of jobs, length of time spent at a job.

Researcher: Do you want to add anything else about this topic that we haven't discussed today?

Interviewee 9: I think we need to train end users how to work with interpreters and we should also ask the opinion of the foreign language speaker, victims or defendants or witnesses, and see what they need, want and we can make this process less frustrating for them.

Interpreter Interview Transcript 10

Researcher: In your opinion, what are the roles and functions of legal interpreters?

Interviewee 10: I think our role is to help to cross the linguistic and cultural barriers between languages to understand and communicate from one language to another.

Researcher: What do you think are the main tasks and responsibilities that legal interpreters should be performing during an assignment and can you tell me why?

Interviewee 10: Legal interpreters mainly need to render an accurate version from the source language into the target language and to be impartial, non-partisan and accurate to both source and target languages for the achievement of justice.

Researcher: Are you aware of the main ethical rules that legal interpreters need to follow?

Interviewee 10: Yes, I am aware.

Researcher: Do you believe legal interpreters are generally aware of these rules and are following them to the best of their ability?

Interviewee 10: Qualified and experienced interpreters are aware of the rules and hence follow them as professional officers of the court. They follow all of them if qualified, only the non-qualified fail to follow them.

Researcher: Do you feel the presence of legal interpreters influences the legal process or the outcome and what are these influences?

Interviewee 10: Yes, the presence of qualified legal interpreters does influence the legal process. Qualified interpreters help in the speedy delivery of the court process and the breakdown of language and cultural barriers.

Researcher: What are the main challenges and difficulties in relation to language and interpreting that you have encountered during an assignment?

Interviewee 10: Court personnel and legal practitioners fail to understand the role of the legal interpreters or value their services.

Researcher: What do you think is the reason?

Interviewee 10: Most of the time, their action was due to ignorance and lack of training.

Researcher: Can you give examples?

Interviewee 10: The interpreter should use the speaker's first person when interpreting. But some legal practitioners misunderstand it as if the interpreter

speaking about herself or himself. The interpreter is not allowed to interfere and correct a legal practitioner. However, that can be done sometimes.

Researcher: Should legal interpreters transfer all linguistic content, including discourse markers, grammatical errors and pragmatic elements, including speech styles, tones, vagueness, impoliteness, broken speeches, hesitations, pauses, etc. completely?

Interviewee 10: Yes, the interpreters have to project the character and state of mind of the person she or he is interpreting for, if possible, although they would be aware of the valuable court time.

Researcher: If lawyers ask questions with highly complicated legal terms and complex sentence structure, do you keep the complicated sentence structure or do you do it in a simplified version?

Interviewee 10: I simplify the question to make it understood for the person I interpret for.

Researcher: When interpreting for the police officer, do you normally maintain the original coercive and aggressive tone and strength or do you normally soften it down?

Interviewee 10: I maintain the original tone. Although the question given by a police officer in a language other than that of the suspect, the tone would be heard by him or her.

Researcher: If witnesses and defendants intentionally speak in an unclear way to avoid taking full responsibilities, or answer questions in an impolite way without realising it or pause frequently to think about their answers, do you normally interpret with the same style or do you make an improved and more coherent version?

Interviewee 10: I interpret with the same style, but I might explain to the court if questioned in case of misunderstanding. Only a conference interpreter is allowed to improve the speaker's delivery.

Researcher: Do you find the above situations difficult for interpretation and how do you deal with these difficulties?

Interviewee 10: Although some of the situations in court might be difficult during interpreting, an experienced interpreter knows how to deal with them. Also, it differs from court to court depending on their experience with the use of interpreters.

Researcher: What are the main challenges and difficulties in relation to culture that you have encountered during an assignment and how do you deal with them?

Interviewee 10: Sometimes the court might misunderstand a cultural term or a situation. I usually ask for permission from the court to explain it.

Researcher: Do you think legal interpreters should transfer cultural differences into the target language version?

Interviewee 10: Yes, without understanding a cultural point, the message would be misunderstood or even lost.

Researcher: Are there any misunderstandings or dilemmas that you have experienced during an assignment affect your ability or quality of interpreting? How do you deal with them?

Interviewee 10: Yes, I usually ask for the judge's permission to explain.

Researcher: Can you give examples and what do you think as the reasons to cause these misunderstandings or dilemmas?

Interviewee 10: In Ramadan, there are different times for meals, which affects the person's habits and whether he/she at home at certain times or sharing the meals with friends or relatives. The culture and the habits of people in the host country would be different.

Researcher: As you might be aware, legal interpreters are probably not fully recognised as professionals by all parties in British legal system. In your opinion, what are the most obvious benefits of the general recognition of legal interpreters as professionals? What aspects need to be improved in order to raise the general awareness?

Interviewee 10: It is important for legal practitioners to understand and use only qualified interpreters and work with them as equal. Hence, they would achieve better results in the application of justice and the smooth running of the court's procedures. They also need to know the role of the interpreter and the different methods used during interpreting.

Researcher: Do you want to add anything else about this topic that we haven't discussed today?

Interviewee 10: The different structure of languages and how they play a role in interpreting.

Appendix G Legal practitioners' written interview responses

Police officer 1

Researcher: Can you describe your general perception towards the work of legal interpreters?

Police officer 1: All interpreters I have worked with have been totally professional and knowledgeable of the legal system. They are keen to help both parties and their work is invaluable in dealing with witnesses and detainees at the police station.

Researcher: Is it necessary to use legal interpreters in the British criminal system?

Police officer 1: It is essential; the CJS is complicated for native speakers and can have serious consequences on people's liberty. For those who have English as a second language or who don't speak English at all, assistance in taking part in the procedure must be provided.

Researcher: Are you satisfied with the quality of their work?

Police officer 1: Absolutely yes.

Researcher: In your opinion, what are the roles and functions of legal interpreters (e.g. Communication facilitator, Linguistic mediator, Cultural mediator, Translation machine, Co-worker, Assistant, Advocate, Cultural expert, or anything else)?

Police officer 1: All of the above, but in my professional capacity, they mainly fulfill the role of communication facilitator.

Researcher: Among them, which one(s) do you think are the most important and why?

Police officer 1: Communication, translation and cultural expert: these are the areas that are most important for the CJS to understand about the individual and for the individual to have interpreted, so that they can fully and fairly be dealt with through the CJS.

Researcher: What do you describe as the main duties of legal interpreters during an assignment (e.g. Interpreting, Explaining legal processes, Explaining legal terminologies, Filling out forms, Providing expert advice, or anything else)? Among these duties, which one(s) do you think are the most important and why?

Police officer 1: Same answer as above.

Researcher: Are you aware of the main ethical codes that legal interpreters need to follow?

Police officer 1: I am aware that there are ethical codes for legal interpreters, but

I'm not aware what they entail.

Researcher: Do you believe legal interpreters are generally aware of them and are following the rules effectively?

Police officer 1: I have never had any cause to question the morals or professional integrity of any interpreter.

Researcher: Which areas do you feel legal interpreters follow the most properly and the least properly? Can you give examples?

Police officer 1: The role interpreters play in terms of their relationship with detainees, is always exemplary. Sometimes, interpreters are not entirely clear on the areas of legal investigation that have to be complied with during the period of the custody clock i.e., compulsory CPS advice etc. etc.

Researcher: In your opinion, does the existence of legal interpreters influence the legal process or the outcome? If yes, what are these influences? Can you give examples?

Police officer 1: I don't believe so, interpreters facilitate the legal process where one or more individual don't speak English as a first language. But I wouldn't say they influence the process or outcome.

Researcher: Are you aware of any interpreting challenges and difficulties for legal interpreters? If yes, what are they?

Police officer 1: I can't think of any immediate examples. I do believe though, that interpreters, like all professionals in the CJS, find difficulties in dealing with broken family situations and highly emotional individuals, who have unrealistic expectations about what the police and courts have the power to do. This is especially so, in the case of victims. I would imagine that in these cases, interpreters are weighed on emotionally by these victims, in the hope that they can influence the police and court decisions.

Researcher: In your opinion, do legal interpreters need to convey cultural differences into the target language version? Why?

Police officer 1: Yes, because cultural background affects behaviour and understanding. For all professionals involved to understand the needs and reactions of the individual, cultural differences must be conveyed, where possible.

Researcher: Are you aware of any cultural challenges and difficulties for legal interpreters? If yes, what are they?

Police officer 1: I have not had personal experience of this. But I can easily imagine that cases involving Sharia law in the UK, would pose cultural difficulties.

Researcher: What are the main types of misunderstandings or dilemmas you have

experienced when working with legal interpreters?

Police officer 1: I have not experienced any.

Researcher: Please give your opinion and reasons regarding whether legal interpreters should be recognised as professionals, and whether there are some areas that need to be improved in relation to the status of legal interpreters.

Police officer 1: I believe that legal interpreters are professionals in the CJS and should be recognised as such. Without their involvement in the case, a trial or positive outcome could not be achieved. In my experience, legal interpreters are treated as professionals, but that may not be the case in other areas and courts. In which case, this should be addressed.

Police officer 2

Researcher: Can you describe your general perception towards the work of legal interpreters? Is it necessary to use legal interpreters in the British criminal system? Are you satisfied with the quality of their work?

Police officer 2: I have in my service used a number of interpreters and their effectiveness cannot be overstated. They are required to interpret various forms of information from written text to active interviews with victims and witnesses. Each situation is different and can require different processes which the interpreter needs to be open to. It is a fluid process and the interpreter should be prepared to undertake the requested work of the officer making the requirement at the time.

Researcher: In your opinion, what are the roles and functions of legal interpreters (e.g. Communication facilitator, Linguistic mediator, Cultural mediator, Translation machine, Co-worker, Assistant, Advocate, Cultural expert, or anything else)? Among them, which one(s) do you think are the most important and why?

Police officer 2: In my experience the role of an Interpreter is not only to assist in communication but it is most definitely a cultural expert and someone to support the witness. I recall a French tourist being so badly assaulted that he was required to remain in the UK for a number of weeks in hospital. The interpreter was vital in his well being and having a person to talk too in his own language was a big help. This is very important for a number of obvious reasons. Also, officers can be unaware of local cultures which on occasion is very helpful when communicating in a different language with a person of a different background. Also, I expect them to be an Assistant in some ways, I fully expect to be able to share sensitive information and expect it to be handled correctly.

Researcher: What do you describe as the main duties of legal interpreters during an assignment (e.g. Interpreting, Explaining legal processes, Explaining legal terminologies, Filling out forms, Providing expert advice, or anything else)? Among these duties, which one(s) do you think are the most important and why?

Police officer 2: For me the most important thing is to try and put the victim or suspect at ease. It is difficult having to communicate with the police when you are in a foreign country. I see this as being a massive help to the whole process.

Researcher: Are you aware of the main ethical codes that legal interpreters need to follow? Do you believe legal interpreters are generally aware of them and are following the rules effectively? Which areas do you feel legal interpreters follow the most properly and the least properly? Can you give examples?

Police officer 2: In my experience, I have found that Interpreters are happy to follow the instructions given to them and they tend to be guided by us which in most cases does appear to be appropriate. I am not aware of the code of ethics that is followed by them however I would expect that due to the fact that they were on a list of approved interpreters they have been vetted to a reasonable standard.

Researcher: In your opinion, does the existence of legal interpreters influence the legal process or the outcome? If yes, what are these influences? Can you give examples?

Police officer 2: I do not feel that this is the case.

Researcher: Are you aware of any interpreting challenges and difficulties for legal interpreters? If yes, what are they?

Police officer 2: The whole process of being paid seems to be an issue in general. This is clearly a concern for interpreters when they come to work for us.

Researcher: In your opinion, do legal interpreters need to convey cultural differences into the target language version? Why?

Police officer 2: Cultural difference should be included when they are relevant. It is generally not relevant just because they are foreign and should only be included when it is relevant to the case.

Researcher: Are you aware of any cultural challenges and difficulties for legal interpreters? If yes, what are they?

Police officer 2: I have never come across this.

Researcher: What are the main types of misunderstandings or dilemmas you have experienced when working with legal interpreters?

Police officer 2: I find that some conduct the process differently. The legal process I imagine is different to non legal interpreting processes. The police follow a strict manual of guidance for investigations and obtaining accounts from suspects and witnesses. This allows the officer to complete these process in the most appropriate way to each case. The interpreters sometimes feel that they should conduct the exercise in a particular way which is not as per the requirements of the officer and this is the way that it has always been completed by them. They should follow the instructions of the officer during the process who will have dictated the procedure to be completed.

Researcher: Please give your opinion and reasons regarding whether legal interpreters should be recognised as professionals; and whether there are some areas that need to be improved in relation to the status of legal interpreters.

Police officer 2: Legal interpreters are clearly professionals and should be regarded as such. They should at the time of an exercise be required to certificate their qualifications. Most officers tend to obtain a short witness statement from them to cover this as this is generally accepted by the court in the easiest way. Other professionals in the legal process, for example, Doctors always provide a certificate of work covering their qualifications which assists the officer when dealing with the court process.

Home Office Enforcement officer 1

Researcher: Can you describe your general perception towards the work of legal interpreters? Is it necessary to use legal interpreters in the British criminal system? Are you satisfied with the quality of their work?

Home Office Enforcement officer 1: My general perception of legal interpreters is one that they are a necessity in order to ensure everyone get a fair trial or chance to have their say without language being a barrier. In most cases I am satisfied with the work carried out by interpreters.

Researcher: In your opinion, what are the roles and functions of legal interpreters?

Home Office Enforcement officer 1: Communication facilitator, Linguistic mediator, Cultural mediator, Translation machine, Cultural expert.

Researcher: Among them, which one(s) do you think are the most important and why?

Home Office Enforcement officer 1: Communication facilitator, & Translation machine, Cultural expert.

Researcher: What do you describe as the main duties of legal interpreters during an assignment?

Home Office Enforcement officer 1: Interpreting, Explaining legal terminologies, Filling out forms.

Researcher: Among these duties, which one(s) do you think are the most important and why?

Home Office Enforcement officer 1: Interpreting because it is what they are paid to do.

Researcher: Are you aware of the main ethical codes that legal interpreters need to follow?

Home Office Enforcement officer 1: No.

Researcher: Do you believe legal interpreters are generally aware of them and are following the rules effectively?

Home Office Enforcement officer 1: No. Not in all cases.

Researcher: Which areas do you feel legal interpreters follow the most properly and the least properly? Can you give examples?

Home Office Enforcement officer 1: Most properly – Filling in claims forms and other legal paperwork. Least properly – ADHERING to custody suite rules. For example, some randomly wander about making it difficult for an officer to deal with the subject and look after the interpreter.

Researcher: In your opinion, does the existence of legal interpreters influence the legal process or the outcome? If yes, what are these influences? Can you give examples?

Home Office Enforcement officer 1: No.

Researcher: Are you aware of any interpreting challenges and difficulties for legal interpreters? If yes, what are they?

Home Office Enforcement officer 1: No.

Researcher: In your opinion, do legal interpreters need to convey cultural differences into the target language version?

Home Office Enforcement officer 1: No.

Researcher: Why?

Home Office Enforcement officer 1: Because from experience interpreters should only interpret what the officer has asked and only elaborate when prompted by the officer.

Researcher: Are you aware of any cultural challenges and difficulties for legal interpreters? If yes, what are they?

Home Office Enforcement officer 1: No.

Researcher: What are the main types of misunderstandings or dilemmas you have experienced when working with legal interpreters?

Home Office Enforcement officer 1: That sometimes interpreters go off on a tangent or don't understand what is being asked.

Researcher: Please give your opinion and reasons regarding whether legal interpreters should be recognised as professionals; and whether there are some areas that need to be improved in relation to the status of legal interpreters.

Home Office Enforcement officer 1: I believe in order to maintain the integrity of a case, interpreters should be “professionals” and registered otherwise unscrupulous individuals may attempt to hinder or obstruct the legal process and only be in it for the money.

Home Office Enforcement Officer 2

Researcher: Can you describe your general perception towards the work of legal interpreters? Is it necessary to use legal interpreters in the British criminal system? Are you satisfied with the quality of their work?

Home Office Enforcement Officer 2: I believe it is essential that foreign nationals who cannot speak English are afforded the right to interpreters, they need it to be able to adequately answer any questions, to understand the caution, to understand reasons for arrest, to understand what will happen to them. As to the quality of their work – as with everything, there are good and bad.

Researcher: In your opinion, what are the roles and functions of legal interpreters (e.g. Communication facilitator, Linguistic mediator, Cultural mediator, Translation machine, Co-worker, Assistant, Advocate, Cultural expert, or anything else)? Among them, which one(s) do you think are the most important and why?

Home Office Enforcement Officer 2: The most important role, in my opinion, of an interpreter is to interpret what is said by all parties truly and accurately. As an Immigration Officer involved in criminal investigations I get very frustrated when an interpreter appears to start chatting to the detained person and not relaying what is said, or is evidently not interpreting exactly what the person has said. It is useful for an interpreter to know the procedures when interviewing, charging, etc. though not essential.

Researcher: What do you describe as the main duties of legal interpreters during an assignment (e.g. Interpreting, Explaining legal processes, Explaining legal terminologies, Filling out forms, Providing expert advice, or anything else)? Among these duties, which one(s) do you think are the most important and why?

Home Office Enforcement Officer 2: The only role I expect from an interpreter is to interpret exactly what is said, anything else can be a bonus (though not always!)

Researcher: Are you aware of the main ethical codes that legal interpreters need to follow? Do you believe legal interpreters are generally aware of them and are following the rules effectively? Which areas do you feel legal interpreters follow the most properly and the least properly? Can you give examples?

Home Office Enforcement Officer 2: I am not aware of the codes, however, the interpreters I have worked with for the most part are professional and effective. The most frustrating thing is when an interpreter talks to a detainee during an interview and is quite obviously not interpreting word for word what is said.

Researcher: In your opinion, does the existence of legal interpreters influence the legal process or the outcome? If yes, what are these influences? Can you give examples?

Home Office Enforcement Officer 2: Only in so much as a good interpreter will

put a detainee at ease and this may allow for more information to be gleaned.

Researcher: Are you aware of any interpreting challenges and difficulties for legal interpreters? If yes, what are they?

Home Office Enforcement Officer 2: No.

Researcher: In your opinion, do legal interpreters need to convey cultural differences into the target language version? Why?

Home Office Enforcement Officer 2: It can be useful when dealing with foreign nationals who are not aware of the British legal system.

Researcher: Are you aware of any cultural challenges and difficulties for legal interpreters? If yes, what are they?

Home Office Enforcement Officer 2: No.

Researcher: What are the main types of misunderstandings or dilemmas you have experienced when working with legal interpreters?

Home Office Enforcement Officer 2: Sometimes there does not appear to an equivalent expression in the other language.

Researcher: Please give your opinion and reasons regarding whether legal interpreters should be recognised as professionals and whether there are some areas that need to be improved in relation to the status of legal interpreters.

Home Office Enforcement Officer 2: I believe that good interpreting is a very skilled profession and should be treated as such. But this must include a level of proficiency that interpreters must attain and retain.

HMRC Investigation Officer 1

Researcher: Can you describe your general perception towards the work of legal interpreters? Is it necessary to use legal interpreters in the British criminal system? Are you satisfied with the quality of their work?

HMRC Investigation Officer 1: I have used legal interpreters only twice; on both occasions, I have found them to be competent. I find you have to trust them to translate correctly; once you have asked your question etc., it is in their hands to make sure this is done correctly.

Researcher: In your opinion, what are the roles and functions of legal interpreters (e.g. Communication facilitator, Linguistic mediator, Cultural mediator, Translation machine, Co-worker, Assistant, Advocate, Cultural expert, or anything else)? Among them, which one(s) do you think are the most important and why?

HMRC Investigation Officer 1: I think linguistic mediator and cultural mediator, as there are times when certain phrases may carry a different meaning when translated. Therefore, the translator needs to be able to get across the context of the question.

Researcher: What do you describe as the main duties of legal interpreters during an assignment (e.g. Interpreting, Explaining legal processes, Explaining legal terminologies, Filling out forms, Providing expert advice, or anything else)? Among these duties, which one(s) do you think are the most important and why?

HMRC Investigation Officer 1: I think the main duty is interpreting correctly and in the correct context.

Researcher: Are you aware of the main ethical codes that legal interpreters need to follow? Do you believe legal interpreters are generally aware of them and are following the rules effectively? Which areas do you feel legal interpreters follow the most properly and the least properly? Can you give examples?

HMRC Investigation Officer 1: On both occasions, I have used legal interpreters, I have ensured that they are aware of their responsibilities. This is contained within the documents HMRC require a legal interpreter to sign.

Researcher: In your opinion, does the existence of legal interpreters influence the legal process or the outcome? If yes, what are these influences? Can you give examples?

HMRC Investigation Officer 1: No.

Researcher: Are you aware of any interpreting challenges and difficulties for legal interpreters? If yes, what are they?

HMRC Investigation Officer 1: No.

Researcher: In your opinion, do legal interpreters need to convey cultural differences into the target language version? Why?

HMRC Investigation Officer 1: At times, yes. For instance, in the interview you were involved in, the suspect was relating law enforcement in England to that in Malaysia. Her opinion of Malaysian Law Enforcement Officers was that they may assault/physically harm a suspect.

Researcher: Are you aware of any cultural challenges and difficulties for legal interpreters? If yes, what are they?

HMRC Investigation Officer 1: Not aware.

Researcher: What are the main types of misunderstandings or dilemmas you have experienced when working with legal interpreters?

HMRC Investigation Officer 1: None to date.

Researcher: Please give your opinion and reasons regarding whether legal interpreters should be recognised as professionals; and whether there are some areas that need to be improved in relation to the status of legal interpreters.

HMRC Investigation Officer 1: If there was a professional body with codes of practice and ethics, then law enforcement officers may be more confident that the questions/terms being translated were being done so correctly in the right context. This would also allow interpreters to be given the correct recognition.

HMRC Investigation Officer 2

Researcher: Can you describe your general perception towards the work of legal interpreters? Is it necessary to use legal interpreters in the British criminal system? Are you satisfied with the quality of their work?

HMRC Investigation Officer 2: Interpreters used by HM Revenue and Customs are essential when interviewing suspects where there is a language barrier. Prior to the interview, I spoke to the interpreter to explain the circumstances behind interview. A positive for HMRC was that interpreter had been previously used by HMRC for an interview within the same investigation so his/her grasp of the subject helped going forward.

Researcher: In your opinion, what are the roles and functions of legal interpreters (e.g. Communication facilitator, Linguistic mediator, Cultural mediator, Translation machine, Co-worker, Assistant, Advocate, Cultural expert, or anything else)? Among them, which one(s) do you think are the most important and why?

HMRC Investigation Officer 2: In the interview, our suspect could speak and read English but still requested the support from the interpreter to translate all questions put to the suspect.

Researcher: What do you describe as the main duties of legal interpreters during an assignment (e.g. Interpreting, Explaining legal processes, Explaining legal terminologies, Filling out forms, Providing expert advice, or anything else)? Among these duties, which one(s) do you think are the most important and why?

HMRC Investigation Officer 2: In our scenario, the interpreter was used as an interpreter but also explained to the suspect his legal rights as an arrested person.

Researcher: Are you aware of the main ethical codes that legal interpreters need to follow? Do you believe legal interpreters are generally aware of them and are following the rules effectively? Which areas do you feel legal interpreters follow the most properly and the least properly? Can you give examples?

HMRC Investigation Officer 2: The interpreter I used was aware of the confidentiality act and signed the correct paperwork to confirm this.

Researcher: In your opinion, does the existence of legal interpreters influence the legal process or the outcome? If yes, what are these influences? Can you give examples?

HMRC Investigation Officer 2: Legal interpreters are there to assist in the communication barrier that may exist between an interviewer & interviewee. The right to this is set within PACE 1984 and if the interviewee didn't have this right then the right to a fair trial wouldn't exist.

Researcher: Are you aware of any interpreting challenges and difficulties for legal

interpreters? If yes, what are they?

HMRC Investigation Officer 2: No

Researcher: In your opinion, do legal interpreters need to convey cultural differences into the target language version? Why?

HMRC Investigation Officer 2: I was unaware of any cultural differences I would hope that the interpreter would make me aware either before or during an interview if possible.

Researcher: Are you aware of any cultural challenges and difficulties for legal interpreters? If yes, what are they?

HMRC Investigation Officer 2: No

Researcher: What are the main types of misunderstandings or dilemmas you have experienced when working with legal interpreters?

HMRC Investigation Officer 2: Location of interpreters, at times we find that when an interview is not planned and an interpreter is required, location can impact on the time taken to have an interpreter assist in an interview. The interpreter I used travelled from York to Durham for the interview. This was a planned interview, so travelling time was not an issue. But if it had been an interview that wasn't planned, then the suspect could have been detained in a Police cell for longer than required.

Researcher: Please give your opinion and reasons regarding whether legal interpreters should be recognised as professionals; and whether there are some areas that need to be improved in relation to the status of legal interpreters?

HMRC Investigation Officer 2: Legal interpreters should be recognised as professionals as from my point of view they are required to assist not just law enforcement but also the suspect. PACE1984 Codes of Practice – Code C section 13.1 states that officers are responsible for making arrangements to provide appropriately qualified independent persons to act as interpreters. This in my view gives good reasons why legal interpreters should be recognised as professionals.

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