

Interlingual Communication and
Pragmatic Alterations in Legal
Discourse

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I. Introduction

This presentation reflects the findings of a study conducted during 1993 and 1994. The study describes court interpreter training, role and performance through the descriptions and perceptions of the participants, that included 26 practicing court interpreters and eight court interpreter trainers. The context of the study is the legal discourse of criminal courts in the United States in urban centers.

Court interpreting is marked by features that set it apart from other types of interpreting, amongst them are:

- The bidirectional nature of the interpretation of witness stand testimony; the court interpreter continuously interprets from source to target language and vice versa..

- The nature of legal discourse in the United States; this discourse is framed by its function, purpose and form. Witness testimony is a highly structured speech situation. It is governed by the rules of evidence, by the intent of the attorney posing the questions and by the social organization of turn-taking in conversation as viewed by American society.

- The countless language varieties that the two languages being interpreted represent; language usage varies according to the characteristics of the speakers and the setting in which the interpretation takes place.

- Issues of intercultural and interlingual communication vis à vis the "verbatim" requirement of transferring the message without changes, embellishments, additions or omissions.

II. Purpose of the Study

Within this legal and linguistic context, the study examined the pragmatic alterations the interpretation of witness stand testimony may cause. David Crystal defines pragmatics as the study of language from the point of view of the speakers. Pragmatics further studies the decisions speakers make in using language in a given social context and the effect their choices have on the participants in the communication. Applied pragmatics focuses on the uses of language in social interaction, uses that are constrained by the communication situation in which they occur, as in this case, legal discourse.

In pragmatics, meaning is not lexical, but is defined relative to a speaker. What is said has a given meaning within a given situation. The present study shows that court interpreters focus on lexical meaning, on the terminology and vocabulary employed and not on the sense the speakers give to the utterances.

The danger in this approach to sense/meaning is that legal discourse is structured in a certain way for reasons of power, control and coercion. However, power does not stand still. It is dynamic; power changes from speaker to speaker in a given situation. Deborah Tannen suggests that power in discourse is a dynamic response to the behavior of others. A case in point is the interpretation of wit-

ness stand testimony, where the interpreter's alteration of politeness, hedging or power markers may cause an alteration in the speaker's intended message. Susan Berk-Seligson's study, conducted during 1982/83, showed these alterations.

The present study, conducted 11 years later, represents an attempt to determine the changes, if any, in court interpreter behavior and training. The study further depicts the court interpreters' awareness of the sense the speaker gives to the message, the relationship between topics of interest to court interpreters in the area of continuing education and those recommended by court interpreter trainers, and the identification of the "markers" of politeness, hedging and power by the participating court interpreters, present court interpreter training and court interpreter trainers' recommendations in reference to those alterations.

The "markers" the participants were asked to identify were: the addition and omission of "politeness" in the interpretation of witness stand testimony, the omission and rendition of "hedging" in the same context, and the presence and absence of court interpreter "interruptions" during interpreted testimony.

Professional experience, level of professional training and/or education, dominant language and professional credentials status were the variables related to the identification of the alterations, in an effort to determine if there was a relationship.

III. Description of the participants

Twenty-six court interpreters practicing in Arizona, California, New York and Oregon were interviewed, as well as eight court interpreter trainers active in seven different court interpreter training programs. Tables 1 and 2 show the demographic data of the participants.

IV. Findings

The findings of the study, framed by research questions and hypotheses, were:

1- Technical terminology and legal terminology are the areas of continuing education of highest interest to the participants. Interest in elements of language in social interaction, such as the pragmatic features described, is minor.

2- Participants' comments as to their performance as court interpreters are incompatible with their identification of court interpreter alteration of the pragmatic features described, and show attitudes that are consistent with those of active participants in the legal process, such as witnesses, lawyers, jurors, but inconsistent with

court interpreter standards of practice. A summary of the identification of "markers" of these features is as follows:

a- There is a wide range of variation in the identification of the number of +politeness (politeness added by the court interpreter) when interpreting into Spanish. English language dominance may be a factor in the identification of this feature;

b- Identification of -politeness (politeness omitted by the court interpreter) when interpreting into English is more consistent. None of the variables appear to be a factor;

c- 81% of the participants identified the conservation of witness "hedges" when interpreted into English as an addition; and,

d- The identification of interpreter interruptions during testimony is somewhat inconsistent. Interpreters emphasize the protocol that informs interpreter interruptions during court proceedings rather than the standard of not interrupting the discourse if at all possible.

3- Interpreter training programs emphasize vocabulary and interpretation technique development and do not include training regarding intercultural communicative competence development, which in turn contradicts the comments of the trainers regarding the need for this type of training.

4- Most of the interpreters interviewed felt able to interpret for all subjects in all types of linguistic situations and domains. However, trainers indicated that:

a- Most court interpreters focus on lexical meaning, which hurts communication;

b- Most court interpreter training programs do not include training that allows them to interpret for all subjects in all domains; and,

c- It is possible that pragmatic alterations in legal discourse are caused by the interpreters' lack of awareness of the alterations.

5- Trainers' recommendations include:

a- Recognize and accept that the presence of a court interpreter during legal proceeding causes alterations and interference. Damage to the original message may be contained or minimized through formal court interpreter training;

b- Court interpreter training should be at the professional level, in order to improve the level of intercultural communicative competence in legal discourse;

c- Develop and establish systems for monitoring and evaluating actual interpretation in court.

Conclusions

Court interpreters continue to be overwhelmingly concerned with vocabulary development and lexical equivalence.

Court interpreter trainers are not. Trainers recognize that meaning is not word bound and disagree with the weight the court interpreters place in word-to-

word correspondence in interlingual communication. This type of correspondence often produces "strings of words after words that make no sense whatsoever".

Court interpreter course descriptions do not reflect the trainers' concerns, they reflect the court interpreters' interests.

Lexical equivalence is not a major component of communicative competence, which is in turn of paramount importance in court interpretation.

Court interpreters are aware of the features that may cause pragmatic alterations in interpreted legal discourse and self-report conservation of the features in their interpreted renditions.

The assessment of texts of transcripts of interpreted witness stand testimony showed that court interpreters identify pragmatic alterations of witness testimony in varying degrees. Three areas are of concern:

6- The identification of politeness added to witness stand testimony when rendering attorney questions into Spanish is somewhat erratic;

7- 81% of the sample identified the conservation of hedging as an addition to the witness's testimony;

8- The identification of interruptions is somewhat inconsistent and guided by rules of courtroom protocol rather than rules of non-interference in the courtroom discourse.

9- Thus, court interpreters exhibit behavior that is appropriate to participants in the communication, and not to their role and practice.

10- This participatory role turns the examination of a witness, a dyad, into a triad.

11- The requirement of non-participation and non-interference in the process may not reflect reality.

12- The discrepancies between court interpreter role requirements and the findings can be attributed to:

d- Unrealistic expectations from lay participants¹ in the judicial process that become a self-fulfilling prophecy, i.e., the practitioners believe that these expectations are attainable;

c- Limitations in court interpreter training, as described by the sample's self-reported training, experience, credential status and education in this field; and by the descriptions of the programs available.

1- In this case, 'lay participants' refers to those outside the court interpreting profession.

Table 1

Court interpreter trainers demographic data

Birthplace	Years res. U.S./Can	Educ	Exp. Tchg. Ct. Int	Ct. Int. Exp.
Cuba	32	PhD	4	no
Iran	33	PhD	6	13
India	27-Can.	PhD	14	no
Cuba	30	MA	6	18
U.S.	-	MA	10	17
U.S.	-	MA	12	15.5
México	38	BA+	10	18
Cuba	33	PhD	8	9

Key: Yrs. res. U.S. / Can. = years residing in the U.S. or Canada Educ. = education. Exp. tchg. Ct.Int = years of experience teaching court interpretation.

Table 2

Court interpreters demographic data

Birthplace	Yrs. U.S. Res	Dom. Lang	Educ.	Ct.Int. Exp.	Ct. Int. Cert. held
Panama	30	Spanish	2yrs. Col.	20	Fed., St.
México	20	Spanish	B.A.	7	St. (2)
México	28	Spanish	B.A.	5	St., Cty.
Argentina	30	Spanish	2yrs.Col.	16	St.
México	5	Spanish	PhD	4	St. (2), Cty.
U.S.	17	Spanish	B.A.	10	Fed., Cty.
Ecuador	35	Spanish	2Yrs. Col	14	Fed., St. (2)
Argentina	18	Sp/Eng	2Yrs.Col	4	Cty.
México	42	Spanish	2Yrs. Col	10	Fed.
Spain	19	Spanish	J.D.	12	Fed.
México	5	Spanish	M.A.	6	None
México	20	Spanish	3Yrs. Col	10	Fed., Cty.
Venezuela	7	Sp/ Arabic	B.A.	2	None
México	16	Spanish	2Yrs.Col	7	None
Venezuela	14	Sp/German	3Yrs.Col	2	None
México	15	Spanish	1Yrs.Col	4Mos.	None
U.S.	-	English	M.A.	15	Fed.,St(2),Cty.
U.S.	-	English	M.A.	8	Fed.
U.S.	-	English	B.A.+	6	St.
U.S.	-	English	M.A.	5	Cty.
U.S.	-	English	M.A.	2 ¹ / ₂	Fed.,Cty.
U.S.	-	English	B.A.	15	Fed.
U.S.	-	English	B.A.	15	Fed.,Cty
U.S.	-	English	B.A.	11	St.
México	42	Eng/Sp	B.A.	6	None
U.S.	-	Eng/Sp	B.A.	6	None

Key: Yrs. U.S.Res. = years residing en the U.S. Dom. Lan. = Self-reported dominant language
 Educ. = Education Ct.Int Exp. = years of experience as court interpreter Yrs. Col. = college
 coursework years Mos. = months ct. Int. Cert. held = court interpreter certification held
 (fed. = AOUSC; St. = state certification, followed by number of certificates held; Cty. =
 county certification)

Recommended curriculum

Communication and linguistics core:	
History of the target language	3 credit hours
History of the English language	3 " "
Sociolinguistics, the Sociology of Language and the Ethnography of Communication	3 " "
Applied linguistics	3 credit hours
Spoken discourse and pragmatics Emphasis on legal discourse	3 " "
Cross-cultural communication	3 " "
Interlingual communication	3 " "
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	21 credit hours
Legal interpretation core:	
Consecutive legal interpretation Emphasis on domain and speakers Sight translation component included	3 credit hours
Simultaneous legal interpretation Emphasis on domain and speaker	3 credit hours
Internship in a state or federal court Guided by faculty advisor and staff court interpreter/mentor	3 credit hours
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	9 credit hours
Justice studies:	
U.S. legal processes and procedures	3 credit hours
Criminal justice studies	3 credit hours
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	6 credit hours
Total credits	36 credit hours