

"Excuse me, the interpreter wants to speak" - Interpreter interruptions in the courtroom: why do interpreters interrupt and what are the consequences?

Introduction

Above all, the court interpreter is expected to be accurate and impartial. I will not describe the meaning of these two concepts, as this has been done elsewhere (Hale, 1996, 1997, Dueñas Gonzalez et al, 1991). I will simply note that these two principles seem to preclude any interpreter interruption. An ideal interpreter would only interpret what has been said and not have the need to interrupt proceedings. However, perfect interpreters do not exist, and communication through language is in itself an imperfect practice, therefore, often in an attempt to be accurate, interpreters will ask permission to interrupt to seek clarification or to correct an interpretation error. However, such interruptions come at a cost. Interruptions do not always serve the purpose intended nor have the desired effect. Knowing when and how to interrupt proceedings may be a difficult decision for interpreters, as any interruption will inevitably have ramifications on the case.

When interpreters interrupt proceedings they stop being the voice for the main participants and become their own voice, the interpreter's voice. By doing so they move away from their strict role as mouth piece and become active participants. By becoming active participants they assume power by virtue of the control they take away from the examining lawyer or the witness; from the lawyer, because such interruptions are not planned by him/her and therefore interfere with his/her line of questioning; from the witness, because the interpreter at times takes over the role of answerer and intimidates or denies the witness the right to answer in the way they want. Interpreters must also ensure that the monolingual participants understand it is the interpreter who is speaking and not the main interlocutors.

This paper will present the results of a study on interpreter interruptions based on Local Court Hearings in New South Wales, Australia. I found that interpreters interrupt for a variety of reasons which will be outlined below. However, the results show that very few of these interruptions were indeed justifiable. Although many of the interruptions were well intentioned, they were unnecessary and often caused confusion. Some of the interruptions were obvious manifestations of a lack of impartiality from the interpreter which in turn affected their accuracy of interpretation. The gravity and significance of each interruption varied. Some were simply ignored by the English speaking court participants, others created confusion, some frustrated the lawyer's questioning tactics, and others were duly taken up.

This paper will discuss each type of interruption and attempt to explore the reasons behind the interpreters' decisions to interrupt. It will discuss the consequences of each type of interruption and it will pose the question about when it is justifiable to interrupt and when it is not.

Power and control in the courtroom

Linguistic control has been said to be one important aspect of exercising power over others (Bourdieu, 1991, Foucault, 1977, Morris, 1949, Pondy, 1978). In the courtroom, the powerful participants (counsel, magistrate or judge) take on the institutional role of questioner and hence are able to control the flow of information. The witnesses, powerless participants, are assigned

the role of answerer, therefore they are not permitted to ask questions, introduce their own topics or refuse to answer questions. However, my data show that such institutionalised power is not exercised consistently or continuously by lawyers. In many cases, a power struggle between counsel and witness to maintain, regain or obtain power is manifested through the discourse. Matoesian (1993) observes that there are exceptions to the strict 'question/answer' sequence in the courtroom, where lawyers control the flow, when the witness asks questions and when the other side objects to questions, and such objections are sustained by the bench.

There is another way lawyers can potentially lose control of the evidence: through interpreter interruptions. One of the fears in using interpreters in the courtroom is the loss of counsel control (Morris, 1995; Laster & Taylor, 1994; Gibbons, 1999). According to Anderson (1976), interpreters, as the only ones with a full comprehension of both languages, enjoy “the advantage of power inherent in all positions which control scarce resources” (Anderson, 1976:218). When interpreters interrupt unnecessarily, such a fear may in fact be justified and reinforced.

When do Interpreters interrupt?

My data showed the following to be the causes of interpreter interruptions:

1. To ask for clarification of a question or an answer
2. To correct a question when it is an obvious unintentional mistake
3. To finish interpreting a previous, interrupted utterance
4. To provide unsolicited information
5. To offer a personal opinion
6. To protest to the bench for being interrupted
7. To help the witness with his/her case

As mentioned above, any unplanned interruption to the proceedings to some extent impinges on the amount of control held by the examining counsel. However, some interruptions are more significant than others. I will show examples for each of the categories above and analyse their intention, justification, and impact on the proceedings.

1. Interruptions to ask for clarification of a question or an answer

Example 1

I-Excuse me uh I couldn't understand everything, could you repeat it please?

Example 1 is one type of interruption that is unavoidable. When the interpreter does not understand the original utterance s/he cannot interpret it, hence the necessity to interrupt to request a repetition or clarification. Such an interruption can spoil counsel's possible strategy if s/he was deliberately being confusing or vague or if a quick, spontaneous answer was sought, however, this may not be avoided.

Example 2

A- Yo estaba viviendo *without my wife* y no sé a qué *son* se refiere. (I was living without my wife and I don't know what son he is referring to)

I.- Sorry, could I ask him to repeat it again, because I missed it.

A.- ¿Cuál es la pregunta exacta?

I- What is the question exactly?

In the above example, we see that the interpreter did not understand the answer, possibly because the witness codeswitches between Spanish and English, and so she seeks permission to ask for the answer to be repeated. The witness understands the request in English and instead of repeating his answer, he asks for the question again. Here the interpreter's interruption was not successful because the original answer was never interpreted, thus potentially changing the line of questioning.

2. To correct a question when it is an obvious unintentional mistake

Example 3

Q-...did you see the doctor's wife, Mrs Garcia, in the surgery?

I-Mrs Garcia?

Q-Yes

I-That's the name of the doctor]

Q-Sorry, that's Mrs Barrientos , Mrs Barrientos

I- Oh, I'm sorry

Q- Sorry, you're right.

The type of interruption presented in example 3 is unnecessary and easily avoidable. Had the interpreter adhered to his strict role as mouth piece, he would not have interrupted. Here the interpreter realises that counsel made a mistake with the name. Instead of interpreting the mistake and letting the witness question it, he decides to correct it and avoid confusion. However, while this conversation between the lawyer and the interpreter is taking place, the witness is being excluded, possibly not understanding the contents of the exchange. This interpreter interruption however, may have helped the lawyer maintain control rather than lose it, as it saved him from losing some amount of 'face'.

Example 4

Q- And where did you do your training as a mechanical engineer?

I- ¿Dónde recibió la capacitación] (where did you receive your training..)]

A-En Sud América y en Australia

I- In South America and in Australia

Q.- In South Australia?

I- Sorry, in South America and in Australia

Q-In South Australia, what institution did you attend?

I-Sorry Your Worship, in South America?

Q- And in SOUTH AUSTRALIA what institution did you attend?

I-Y en Sud Australia, ¿qué instituto]

A-Yo no estuve en Sud Australia, en Sud América.

I- I wasn't in South Australia, I was in South America

The above example shows that there was a misunderstanding on the part of the magistrate who must have misheard or not paid attention. The interpreter interpreted correctly "South America". When the magistrate asked "In South Australia?", the interpreter, obviously thinking she had been misheard, excuses herself and repeats the answer to the magistrate, without asking the question to the witness. The magistrate keeps asking about "South Australia", which the interpreter queries by addressing the magistrate "Sorry Your Worship, in South America?". The magistrate is obviously annoyed by this interruption which is evident from her raised tone of voice, as if the interpreter had not heard her question. At this the interpreter decides to simply put the question to the witness, who in turn, corrected the mistake. Although the interpreter had good intentions, she was not successful in correcting the mistake and she was not justified in interrupting. If she had simply interpreted the mistake the first time it occurred, she would have saved herself the four useless exchanges, and the witness would have fixed the error as he did in the end.

3. To finish interpreting a previous, interrupted utterance

Example 5

A- Sí, yo le hablé pero no sé el significado de esa palabra

I-Yeah, I used those words]

Q- No, no, stop there]

I- but I don't know what those words are.

Q- Stop that, I'm just trying to get the three charges straightened up.

Example 5 shows an instance where the interpreter ignores counsel's instructions to stop talking in order to complete her interpretation of the utterance, trying to adhere to the interpreter's code of ethics which directs interpreters to interpret fully and accurately without any omissions or additions. Such an action obviously takes away from counsel control, whose intention was to restrict the witness from uttering any further information that may have been irrelevant to his case. The usual strategy used by lawyers of interrupting witnesses when counsel has heard what he wanted, is not possible in interpreter mediated cases. This interpreter interruption, is therefore a justifiable one, even though it interferes with the lawyer's tactics.

4. To provide unsolicited information

Example 6

P-I call Carmen P.

M-Carmen or Carmelo?

P-I have Carmen

M-Is it the same person? Carmelo is the right name is it?

I-His name is Carmen

M-Is that a male name, is it?

P-I thought, I think Carmen is a female

I-Carmen is also a male name, he was a pianist, Carmen]

P-I think there's a confusion in relation to that

Example 6 is one example where the interpreter attempts to take on an expert witness role, providing information about a Spanish name that can be used for males and females. Although her information was correct and could have been useful under the circumstances, the magistrate and the prosecutor chose to ignore the interpreter and not acknowledge her comments at all, with the prosecutor later asking the witness what his name was to clarify the issue. Hence, the interpreter's interruption was unnecessary and unjustified.

The following is an example of the interpreter trying to make a question clear and blaming the misunderstanding on a linguistic difference between English and Spanish, when in fact such difference does not exist.

Example 7

Q.- You did, in fact, it was between your two wives as well, wasn't it?

I.- *Pero era entre sus dos esposas también había un mal entendido.* (But it was between your two wives there was also a misunderstanding)

A.- *no entiendo por qué, o sea, cómo esa pregunta entre las dos esposas, ¿cómo es esa pregunta?* (I don't understand why, I mean, how is that question between the two wives, how is that question?)

I- Would you mind repeating that question about the two wives?

Q- Your wives, also had an argument as well, didn't they?

I- Your Worship, the interpreter wishes to point out that in Spanish you cannot say your wives because it would look as if the husband, the gentleman, had plural wives, in Spanish it can't be translated, I'm sorry Your Worship.

Q- Your wife and the defendant's wife also had an argument

The interpreter interrupts the proceedings to make a comment that is not correct. To say "your wives" is as ambiguous in English as it is in Spanish. From the witness's answer it is clear that he did not take the question to mean that he had two wives, otherwise instead of asking "the question between the two wives", he would have said "my two wives". This is another example where the interpreter's interruption was not justified.

5. To offer a personal opinion

Example 8

A- (pause) casi que, o sea, no entiendo esas preguntas (*I sort of, I mean, I don't understand those questions*)

I- You, the interpreter also speaks for herself, Your Worship, the answer was, your questions are very confusing.

Q- Well, with respect, Mr P., they're not confusing at all.

In example 8 the interpreter offers her opinion through the channel of the witness' answer. This is done by changing the contents of the witness's answer to express her feelings about the exchange. This is a remarkable deviation from the interpreter's role and an abuse of her powerful bilingual position. The cross-examiner in this example had asked the same question a number of times, asking if the witness had looked at the defendant "in a nasty way". The way this is interpreted is obviously misunderstood by the witness who speaks a different regional dialect of Spanish from the interpreter. The interpreter's rendition is typical of the dialect spoken in her country of origin. In frustration, after a pause, the witness answers "I sort of, I mean, I don't understand those questions". The interpreter however, says "You, (the interpreter also speaks for herself Your Worship), the answer was: your questions are very confusing". She addresses the magistrate to explain that she agrees with the witness that the questions are confusing. However, at no time did the witness say that the questions were confusing, he says he does not understand them, placing the blame on his understanding rather than on the questions themselves. It is difficult to understand the interpreter's motivation for changing the content of the answer and for offering her opinion about the cross-examiner's questions. It can be speculated that she was frustrated due to the communication breakdown or uncomfortable at the aggressive nature of the questioning, thus taking Goffman's mediator role (1959) and showing her loyalty for the witness. This indicates a lack of impartiality that is essential in court interpreting. The interpreter's opinion is neither solicited nor welcomed. This type of interruption does not in any way, facilitate accuracy of interpretation.

6. To protest to the bench for being interrupted.

Example 9

A- *Explico de nuevo*] I-] I explain again

A- *que desde marzo hasta julio no significa que ella no me haya cancelado*

I- That from March to July it doesn't mean that she didn't pay

A- *Ahora, si yo no tomé ningún acto de echarla porque yo le prometí que no la iba a echar y ella me prometió a su vez que me cancelaba todo el dinero una vez que saliera el juicio que tenía con su marido, su ex marido*

I- And also I had promised her that I wouldn't evict her]

Q- So you're saying that she might have paid you in that period

I- I'm sorry but you are talking at the same time and what he said is longer, and it's got more explanation and I didn't finish.

MAGISTRATE- Yes, just finish the]

Q-] Sorry Your Worship

I- *¿Me lo puedes volver a decir por favor?* (Could you tell it to me again please?)

Example 9 shows another incident where the cross-examiner tries to enforce his power by interrupting the interpreter once he had heard what he needed to hear from the answer. This time the interpreter interrupts the cross-examiner, disregards his question and complains about his not allowing her to interpret the answer. The interpreter felt the responsibility to complain for not having been allowed to interpret the answer accurately. The magistrate supports the interpreter, to which counsel is forced to apologise and lose control. The power is thus shifted to the interpreter who poses the next question to the witness: "Could you tell it to me again please?". The answer is given again, but the second answer differed in word and form, so whatever words were used in the first answer, that may have been useful for the purposes of cross examination, were never uttered again. O'Barr (1982) found that simultaneous speech in the form of counsel interruptions was a tool used by lawyers to maintain control. This is difficult if not impossible to achieve when an interpreter is being used. This interruption was not successful, as the original answer was not interpreted. A better way of handling simultaneous speech is shown in example 5 discussed above.

7. *To help the witness with his/her case*

Example 10

Q- Had you turned, had you turned and looked at him, had you?

I- *¿usted se había dado vuelta y lo había visto?* (Had you turned around and seen him?)

A.- No.

I- No.

Q- Then how do you know he was running?

I- *¿Cómo sabía usted que estaba corriendo?* (How did you know he was running?)

A- *Porque mi esposo me dijo que él ahí estaba entonces yo volteé a ver.* (Because my husband told me that he was there so I turned around to see)

I- Because my husband told me he's there and then I turned around and saw him.

Q- So your husband told you, is that right?

I- Sorry, "My husband told me he was there and then I turned around and I saw him" was the answer.

Q- So, because your husband told you that he was running, then you assumed that he in fact was running, is that right?

In the example above we can see that the solicitor was trying to use the part of the answer where the witness said that her husband told her something, to imply hearsay. The interpreter changed the answer to avoid the implication to hearsay, by saying "I saw him" instead of "I turned around to see". When counsel puts the challenging question to the witness, instead of interpreting it, the interpreter repeats her inaccurate rendition. The fact that the solicitor's

question was intended to be exactly what it was, becomes evident when it is repeated after the interpreter's interruption. Here once again, not only is the interpreter's interruption unjustified, it is inaccurate and unethical.

Conclusion

The results of this study have shown that only two types of interpreter interruptions can be justified: when the interpreter did not understand an utterance and requires clarification, and when the interpreter is interrupted and s/he continues to interpret to finish the rendition. The other five types were either avoidable or unjustified. All interruptions impact on the proceedings in some way or another, however, some have more serious implications than others. Some interruptions are ignored by the courtroom and hence play no significant part, others interfere with counsel's questioning strategies or line of questioning, taking away some of his/her power and control, and some exclude the witness from the exchange. We can conclude from these findings that interruptions should be kept to the minimum, namely to the two types that appear explained in this paper. The majority of the interruptions in the data did not aid accuracy and some were inspired by an obvious lack of impartiality from the interpreter. Therefore, interpreters should be guided by the question of accuracy and impartiality when deciding whether it is necessary to interrupt or not.

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