

Researching Court Interpreting

Doctoral Researcher, Anna Matczak, discusses her research into court interpreting.

Although I have always wanted to pursue an academic career, a few years ago I completed a translation course at one of the London's universities and decided to advance this knowledge further. I passed an interpreting exam and since then I have been working as a court interpreter alongside my doctoral studies at the London School of Economics. What I have realised rather late is, that probably since the very beginning, I have been unwittingly researching the subject of court interpreting, the profession of court interpreters, and myself in the given context. As this short piece is a single account of my personal opinions and experiences, a blog post feels the appropriate form to share these observations.

The origins of court interpreting in the UK are rooted in community-based interpreting. What this means is that for many years it has been a specific mode of interpreting that flourished due to the presence of large numbers of ethnic minorities in this country. The longer I analyse the subject the more I realise how important it is to mention a specific context surrounding each profession, especially when discussing any type of interpreting. For instance, the background of the profession is unquestionably different than the one for interpreters who work within the European Institutions. I presume that the beginnings of court interpreting in England and Wales must have been somehow unregulated; however this has definitely changed over time. Firstly, a number of qualifications were established in order to confirm the ability of public service interpreting, including court interpreting (e.g. *Diploma in Public Service Interpreting* and *Diploma in Police Interpreting* – previously known as *Metropolitan Police Test*). Secondly, a number of organisations and institutions have become available to accommodate and register those court interpreters who have obtained the required qualifications and experience (e.g. *National Register for Public Service Interpreters*, *Association of Police and Court Interpreters*). Following this, court interpreters became the subject of scrutiny and various checks (e.g. *DBS Enhanced Certificate*, *Counter Terrorist Check*) and last but not least, the profession has been privatised and managed by *Applied Language Solutions* in the first place and then *Capita Translation and Interpreting*. At first glance one can notice that these changes have, to a certain extent, mirrored the broader situation in the criminal justice system in England and Wales. In my view, a similar path of developments can be observed with Probation in particular. Although the field has recently been monopolized and there is only one provider of court interpreters at the moment, there have been certain attempts among some of the interpreters to take the profession to a business-like level and approach it from the marketing perspective.

In reality, the profession consists of various individuals from various backgrounds and perspectives. There are some who have made a conscious decision about public service interpreting; but there are others who recognise it as a pathway to join the legal profession or just the opposite. In my case, a research student with an interest in criminology and for whom a temporary employment position became an opportunity to interact with the justice system and take in a great deal of socio-legal knowledge on a daily basis. What we all have in common is the fact that we are all self-employed, agency-managed 'bilingual electrons' constantly checking our mobile phones, as this is the way we receive work. Nevertheless, everyone brings something original to the pot and takes away whatever is individually appropriate.

What I have started to deliberate on is the feeling of disorientation that an interpreter might experience once in a courtroom and how this affects our role. My court observations were further inspired by Linda Mulcahy's article on the use of the dock in criminal proceedings. I began to wonder what the court interpreter's place in a courtroom is. In simple terms, our role is to convey legal cultures from one language to another. As speakers of two languages and with qualifications in legal interpreting, this indicates that interpreters are in the courts to provide language

interpretation between the defendant and the court staff. Through sociological lenses though it almost always feels like a process of comprehending and translating facts, legal jargon, and personal opinions with the sole purpose of describing a 'stolen conflict' that has occurred from the person in the dock and the victims: still quite invisible persons in court proceedings (see Christie 1977). Furthermore, the architecture and design of the court imposes that the interpreters are placed beside the defendant, which also means being placed in the dock as well. As a consequence, these settings account for, not only the increased fortification and marginalization of the defendants, as meticulously discussed by Mulcahy (2013), but also the interpreters.

In this context, the relationship between the defendant and the interpreter is therefore more intense than would normally be expected. The role to interpret is therefore intermingled with the role of a personalised filter that allows words to be conveyed. However, these skills cannot transfer feelings of shame, remorse (or lack thereof), strangled anger, symptoms of mental illness, sharp practice or complete incomprehension of why certain behaviour can be criminalized in this jurisdiction. Therefore, with the court interpreting experience I have gained thus far, it was not surprising to learn that native tongue is more grounded in the emotion system as opposed to using foreign language which creates a possibility of developing a distancing mechanism that disassociates from emotions (see Pavlenko, 2005).

In light of the recent cuts to the legal aid scheme that have, or will very shortly, affect the availability of solicitors and barristers in courts, I anticipate further disorientation to the role of the interpreters in the criminal justice system. When there is no legal representative in a courtroom to speak on behalf of the defendant, certain questions may be addressed to us, the ones who are still looking for a place and a full understanding of our role in English courtrooms. It is an interesting phenomenon to observe sociologically, however I fear that at the practical levels, these recent changes in the criminal justice system may only bring another wave of chaos to the profession of court interpreters in the UK.

References:

Christie, N. (1977) Conflicts as Property. *British Journal of Criminology*, 17, 1-15.

Mulcahy, L. (2013) Putting the defendant in their place. Why do we still use the dock in criminal proceedings? *British Journal of Criminology*, 53, 1139-1156.

Pavlenko, A. (2005) *Emotions and multilingualism*. New York: Cambridge University Press.

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