
PROFESSIONALIZATION OF COURT INTERPRETING

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The article focuses on identification and examining the factors that allow to consider court interpreting as an independent profession. The article also highlights the specificity of court interpreting as a professional activity in legal settings.

Key words: court interpreting, professionalization, protection of human rights, communication in legal settings, standards of practice, professional organizations.

Professionalization is one of the most topical issues relating to Court interpreting as lack of the necessary level of professionalization and translation norms, generates confusion about standards of quality expectations on the client's part and results in inferior position of interpreter in contrast to communicants invested with power (Court personnel as representatives of social institution).

Profession can be defined in various ways in academic studies. We find the definition given by T. Brante the most appropriate:

Professions are non-manual full-time occupations which presuppose a long specialized and tendentious scholarly training which imparts specific, generalizable and theoretical professional knowledge, often proven by examination [2].

Researches, investigating matters of professionalization, have attempted to develop different lists of specific features that characterize professions. One of such most successful attempts include the following items: "1) theoretical knowledge; 2) autonomy; 3) service mission; 4) ethical code; 5) public sanction (that is legal restriction on who can practice); 6) professional association; 7) formal training; 8) credentialing; 9) sense of community; 10) singular occupation choice (practitioners remain in the same occupation throughout their careers)" [9].

Recognizing court interpreting as a specific profession, we shall refer to the following standards identified by Witter-Merithew [17]. They are to be met in order to qualify an occupation as a full-fledged profession:

A profession is an established field of expertise governed by standards of performance and behavior to which practitioners comply;

A profession is a field of expertise that consists of a body of knowledge and skills that require academic pursuit to master;

A profession has a mechanism for testing and determining who is qualified to function as a practitioner and assumes responsibility for monitoring conformance to standards;

A profession has a mechanism for self-examination, contrast of perspectives, evolution of theory and practice and a system of publishing/disseminating this information.

According to the identified standards court interpreting can be regarded as a specialized type of interpreting, which takes place in the judicial setting and its primary goal is to ensure equal access to justice for people with limited language proficiency by way of eliminating language barrier existing between the litigants and court personnel. It should be mentioned that the role of a court interpreter is to ensure his/her client's right to a fair trial by providing an assistance in overcoming the language barrier, but not to ensure client's actual comprehension of the procedure by explaining him/her anything.

It is also well worth mentioning that despite the fact that court interpreting is widely regarded as an important tool for human rights protection, the attitude to court interpreters themselves as court professionals was (and sometimes still is) far from being too positive on the part of legal practitioners. Scholars identify the following several reasons for this.

Firstly, it is believed by many legal professionals that court interpreter to some extent takes over professional functions of judges (interpreting the law) and attorneys (presenting evidence in court). As Ruth Morris points out, the legal profession has tight control of the body of knowledge required for practicing law, and it will not easily relinquish that control to any allied profession [11].

Secondly, as efficiency of lawyers' work is greatly associated with effective use and manipulation of language, they feel threatened by court interpreters' possible authoritative position and tend to see them rather as rivals than as allies. Precise understanding of legal concepts and power to express them properly pertains exclusively to legal professional domain and only legal professionals enjoy the privilege to actually *interpret* anything in court. Thus court interpreters' role is to render the speaker's words literally, that is to *translate*. It follows from the aforesaid that when conveying the meaning from one language to another, interpretation is something that court interpreter should refrain from as the right for interpretation is reserved to legal professionals.

Nowadays, in countries with full-fledged systems of court interpreting provision, there are various educational activities ranging from formal education, at postgraduate level mostly, to court interpreting training programs, conferences and workshops run by Judicial councils or professional associations .

However, things do not run that smooth. Improving standards of PSI is not only a matter of training the interpreters, but also of improving market conditions on the whole. The interplay of many factors in the process of professionalization requires more or less simultaneous efforts in more than one field [6].

As UldisOzolins points out, at present, perhaps only the National Register for Public Sector Interpreters in the UK is able to demonstrate a unified link between training and certification. As a result a great proportion of courts are willing to engage interpreters only from the Register.

Some researchers mention another problem related to PSI training courses: it is the problem of finding adequate instructors both in rare and well-established languages. As court interpreter's training courses are relatively new, instructors may be people with ample experience in the field, but they may have never undergone relevant training themselves.

The professionalization of court interpreting, just like of any other profession, required the adoption of standards to govern the conduct of interpreters in court setting. The Grotius project sponsored by the European Union stated, "Without competent qualified and experienced legal translators and interpreters there cannot be an effective and fair legal process across languages and cultures. ...Reliable standards of communication across languages are therefore an essential pre-requisite to deal effectively with this increasing number of occasions when there is no adequate shared language or mutual understanding of legal systems and processes" [7]. These standards may vary from country to country, but most codes of ethics for interpreters are characterized by the following universal features: fidelity (accurate and faithful interpretation), confidentiality, impartiality and professional conduct (protocol and demeanor).

Most professional organizations for court interpreter develop their own specific guidelines for practitioners and monitor the compliance of its members with them. Since court interpreting is recognized as an increasingly professionalized activity, professional associations are essential for establishing and maintaining high standards of performance.

It is proper to mention in this article that the question of what court interpreter is expected to interpret remains open as countries vary greatly in terms of standards for interpreting content. In the USA, for example, a court interpreter is to interpret in simultaneous mode every word that is uttered in the courtroom, but in Japan interpreter provides only summary of evidence in a consecutive mode. In countries, where PSI interpreting generally and court interpreting in particular is not regarded as a separate profession, no guidelines for interpreters are provided, so it is up to the court interpreter to decide what and how to interpret.

Another problematic issue according to H. Mikkelsen, is that there is no common approach as to the length the interpreter should go in bridging social and cultural gaps in the courtroom. Some practitioners and scholars advocate strict adherence to the linguistic elements of the message, and no explanation, elaboration or clarification for the benefit of the litigant with limited language proficiency should be made by interpreter. On the other hand, there are those who contend that the cultural gaps are sometimes so broad that focusing exclusively on linguistic aspects fail to convey meaningful information; especially in situations when there is a tremendous disparity in the level of sophistication of legal professionals and laypersons, many of whom may even be illiterate [9].

Nevertheless the majority of codes of professional ethics recognize that some non-linguistic elements of the message, such as gestures and facial expressions made by the witness or defendant may convey some additional, culturally specific meaning. Should such a situation arise, the interpreter is not only permitted, but actually must intervene in the legal process to ensure full understanding of a speaker's testimony.

In conclusion we may state that court interpreting is gradually becoming an independent field of professional occupation, but mostly in countries with full-fledged system of PSI provision. In Russia, however, there are still a lot of issues to be solved before court interpreting evolves into a fully independent branch of interpreting.

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ПРОФЕССИОНАЛИЗАЦИЯ СУДЕБНОГО ПЕРЕВОДА

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В статье выявляются и рассматриваются факторы, которые позволяют рассматривать судебный перевод как самостоятельную сферу профессиональной деятельности. В статье также раскрывается специфика судебного перевода как особого рода профессиональной деятельности в правовой сфере.

Ключевые слова: судебный перевод, профессионализация, защита прав человека, коммуникация в правовой сфере, стандарт профессиональной практики, профессиональные организации.