

# Making sense of adversarial interpreting

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**Abstract.** *This article makes an ontological case for ‘adversarial interpreting’, which occurs in contexts where an interpreter’s output is monitored and/or challenged, either during the speech event or subsequently, by another interpreter or individual with knowledge of both languages. In the absence of studies with a specific focus on the phenomenon, the paper introduces adversarial interpreting as a problem in its own right and sets out to answer the question of how the presence of two interpreters, or an interpreter and a monitoring participant, in the same speech event impacts on the communication process. The discussion is informed by the findings of a study based on the analysis of the transcript of an interpreter-mediated police interview and input from practising interpreters with experience of adversarial interpreting. The findings indicate that adversarial interpreting can impact the communication process negatively, but can also help ensure accuracy.*

**Keywords:** *Adversarial interpreting, police interpreting, courtroom interpreting, forensic linguistics.*

**Resumo.** *Este artigo defende ontologicamente a “interpretação adversarial”, que decorre em contextos nos quais o trabalho do intérprete é supervisionado e/ou questionado, seja durante o evento comunicativo, seja posteriormente, por outro intérprete ou por outro interveniente com conhecimento das duas línguas. Considerando a inexistência de estudos com um enfoque específico nesta área, este artigo apresenta a interpretação adversarial como um problema autónomo e procura responder à questão de como a presença de dois intérpretes, ou de um intérprete e de um participante supervisor, no mesmo evento comunicativo influencia o processo comunicativo. A discussão assenta nos resultados de um estudo baseado na análise da transcrição de um interrogatório policial mediado por um intérprete e na opinião de intérpretes com experiência em interpretação adversarial. Os resultados indicam que a interpretação adversarial pode influenciar negativamente o processo de comunicação, mas também podem contribuir para assegurar a precisão.*

**Palavras-chave:** *Interpretação adversarial, interpretação policial, interpretação jurídica, linguística forense.*

## **Introduction**

Interactions with non-English speaking individuals in public service contexts in England are normally conducted with the assistance of only one interpreter. Even in situations where team interpreting would be advisable, for example in lengthy courtroom proceedings, practical (chiefly financial) considerations mean that only one interpreter is normally booked. On occasion, however, more than one interpreter, or an individual (or individuals) with knowledge of the languages in question, may also be present during the interpreted interaction, monitoring it and/or volunteering unsolicited input. During police interviews or trials in England this may happen when an interpreter retained by defence counsel to interpret during private consultations with the suspect or defendant is present in the interview room or the courtroom. However, the presence of two independently sourced interpreters is not limited to legal settings. In healthcare contexts, for example, service users sometimes bring along friends or relatives to help them communicate with service providers only to find that a publically funded interpreter has also been booked. On other occasions there could be a mistake in the booking procedure resulting in two professional interpreters turning up to work on the same assignment with one doing the actual job and the other assuming a 'standby' role.

As an analogy with the English legal system, I will label the contexts where an interpreter's output is monitored and/or challenged, either during the speech event or subsequently, as 'adversarial interpreting'. This conceptualisation reflects the fact that interpreters in such encounters are sourced independently, often by the opposing parties, and as a result can rarely be considered to be a team. In this sense adversarial interpreting is in contrast to team interpreting (although, paradoxically, it betrays some characteristics of the latter as will be demonstrated). To refer to disputes regarding alternative translations or alleged mistranslations I will use the term 'adversarial interpreting event'. My focus is on legal contexts, but it can be assumed that some of the findings of the analysis below will apply elsewhere as well.

The aim of this article is to introduce a data-driven typology of interpreter interventions in adversarial interpreting events with a view to answering the question of how the presence of two interpreters, or an interpreter and a monitoring participant, in the same speech event impacts on the communication process. Does adversarial interpreting, because of its dialectic nature, result in a more faithful translation or, conversely, does the presence of and/or interventions by another interpreter mean that the main interpreter's performance is compromised, leading to inaccurate translation? The findings and discussion are informed by data coming from two sources: a transcript of an interpreted police interview with a suspect and the results of a survey with input from practising interpreters themselves.

## **Research background and examples from interpreting practice**

That adversarial interpreting is not an anomaly is evidenced by the many cases where the officially recorded interpreted output was challenged, as described in for example Berk-Seligson (2002, 2009), Hayes and Hale (2010), and Phelan (2011). However, no systematic studies with a specific focus on the nature of adversarial interpreting and its implications for the relevant communication processes seem to exist in interpreting studies or forensic linguistics (but see the reference to Takeda (2010) below). The urgency of the topic has recently been recognised by the US National Association of Judiciary Interpreters

and Translators, which organised a panel discussion devoted to ‘Interpreting for Bilingual Attorneys and Judges’ at its annual conference in 2015 (for a report see Palma 2015) but adversarial interpreting does not seem to have attracted any significant scholarly attention so far. The overview below includes references to a variety of sources providing evidence, often in passing, of adversarial interpreting as a reality. It is not surprising to see that the majority of the examples come from situations where the accuracy of semantic transfer from one language to another is challenged by the various participants, also passive ones, in the interaction. Given the scarcity of academic research on the topic, non-academic sources are also quoted.

An early example of an adversarial interpreting event comes from an 1838 trial for forgery at the Old Bailey in London. The published record of the proceedings shows a brief exchange between two participants acting as Welsh/English interpreters, who seem to disagree on what a Welsh witness had said in response to a question. The prosecuting counsel encourages the interpreters to ‘settle it among [themselves]’ and offers to ‘put the question again, to save all trouble’ [*sic*] (M’Christie, 1838: 156)).

Two recent studies providing detailed accounts of challenges to inadequate interpreting are Martinsen and Dubslaff (2010) and Lee (2015). Martinsen and Dubslaff (2010: 159) note that ‘criticism of an interpreter’s performance [...] is rarely documented’, and report on communication issues engendered by an apparently incompetent interpreter during a hearing in a Danish court and how these were solved through a co-operative effort by a number of the court actors (but without contributions by the court-appointed interpreter). Lee’s (2015) analysis of interpreter-mediated expert witness testimony in a Korean trial reveals how meaning gets co-constructed in a multi-party interaction involving two interpreters.

Berk-Seligson (2002) reviewed forty-nine US appellate cases where issues of translation and/or interpreting at first-instance courts had been raised, and she identified five recurring themes, of which four correspond with the notion of adversarial interpreting:

- (1) inaccuracies in interpreting, or interpreting errors;
  - (2) bias on the part of the interpreter, and the insinuation that there had existed a conflict of interest on the interpreter’s part;
  - (3) the improper use of interpreting procedures and techniques;
  - (4) the intervention of jurors in the course of interpreting.
- (Berk-Seligson, 2002: 199)

Other studies mentioning the significance of interpreting issues in legal disputes are the above-mentioned Berk-Seligson (2009), Hayes and Hale (2010) and Phelan (2011); what they all make clear is the fact that institutions seem to have no formal procedures in place to address such issues and if there is one reason why adversarial interpreting merits scholarly attention, it is to inform potential solutions from which the administration of justice could benefit.

Adversarial interpreting is mentioned in a Swedish National Police Board (2012) report in connection with a 2011 human trafficking case in Västmanland county:

The main proceedings [...] were characterised by major problems, for example, in the interpretation and translation of evidence. Two interpreters interpreted the same material in different ways and one injured-party did not understand what was said during the main proceedings despite the fact that interpreters were used. (2012: 43)

It is not clear whether both interpreters were hired by the state, but even if that was the case (which would further complicate the notion of adversarial interpreting), the very fact that the report mentions competing versions of the source text as impeding the proceedings is certainly of note.

Tseng *et al.* (2004) report on an incident in a US murder trial where the defence interpreter questioned the translation of a witness's testimony:

When a prosecution witness was called and asked by the prosecutor to reveal what he had heard from the defendant [...], the witness said in Chinese, which was translated by the prosecutor's interpreter, that the defendant had told him he had "killed" the boss more than 10 times with a knife. On hearing this translation, the defence interpreter disagreed with the interpretation, pointing out that the witness actually said that the defendant tried to "stab" the boss 10 times. (2004: 33)

In the UK, following the outsourcing of the provision of translation and interpreting services to a sole contractor, Applied Language Solutions (later renamed Capita Translation and Interpreting), operational difficulties involving unqualified or underqualified interpreters have been reported (Justice Committee, 2013). Responding to the large number of complaints from the stakeholders, the UK Parliament's Justice Committee conducted an inquiry the results of which provide further examples of adversarial interpreting. Contributions to the Committee's Report came from, *inter alia*, interpreters and legal professionals who had witnessed what they thought was incompetence on the part of the court interpreters provided by Applied Language Solutions/Capita. According to a solicitor, one such interpreter 'was utterly incompetent to the extent that she mistranslated the whole of the conversation between Counsels and Judges' (Justice Committee, 2013: 74). The solicitor then decided to intervene to 'alert Counsel that she was misquoting and wrongly translating what was being said in Court' (Justice Committee, 2013: 74). Another contributor told of a situation where the victim's family members, who could speak both languages, were so concerned about the poor quality of the interpreting that they decided to complain to the prosecutor, who nevertheless decided not to take action as he was apparently confident he had enough evidence to present to the jury.

Still more instances of the phenomenon have been reported recently in a number of media outlets around the world. In a trial for attempted murder in Lancaster, Pennsylvania, two members of the jury were overheard during a break 'discussing the female interpreter's translation' (Hambright, 2014: online). The judge declared a mistrial, but it is not clear whether this was because the jurors discussed the case at a time when they were not supposed to do so, or because of the potential problem with the quality of the interpreting. An interesting case of alleged mistranslation was reported in *The Sydney Morning Herald* in 2011. Here, too, a juror who spoke both of the languages used at the trial (English and Indonesian) took issue with the translation provided by the court-appointed interpreter. He alerted the judge to 'some discrepancies in the translation' (Jacobsen, 2011: online) by writing a note in which he gave two examples of translation problems. Interestingly, this interpreter had been contracted after an earlier objection by the defendant's lawyer, following which the original interpreter was dismissed. The human-trafficking trial was eventually aborted.

Finally, a high-profile UK case illustrating adversarial *translation* is the 2005 Emma Caldwell murder, the investigation into which involved covert surveillance of the con-

versations of four suspects, all members of Glasgow's Turkish community. The police obtained hours of audio recordings in which the suspects, conversing in Turkish, apparently incriminated themselves. The recordings were translated into English by Turkish-speaking police officers, but an interpreter hired by a defence lawyer pointed out inaccuracies. The police then turned to Professor Kerem Öktem, a native speaker of Turkish based at Oxford University. He and two PhD students spent 400 hours listening to the recordings and found that the police had mistranslated a number of crucial passages, possibly as a result of mishearing. Professor Öktem concluded that 'it was not possible to make any conclusive statement about [the suspects'] involvement in the murder' (British Broadcasting Corporation, 2015: online). Following his report the charges against the suspects were dropped.

### Summary

What the overview above suggests is that adversarial interpreting occurs mostly in situations where a participant in an interpreted speech event challenges the output in the target language produced by another participant (usually, but not necessarily, the institutionally appointed interpreter), and/or advances her own version as more faithful to the source meaning. It would then seem that some kind of intervention is a prerequisite for adversarial interpreting to occur. But what about contexts where a party to the proceedings employs their own interpreter with the express purpose of monitoring the accuracy of the official interpreting, but no interventions are made eventually? There seems to be a case for treating such occasions as relevant to the discussion as well; what is of interest in such 'latent' adversarial interpreting situations is the official interpreter's awareness of the presence of another bilingual speaker or language professional and the potential for that awareness to influence her linguistic decisions. Whether both sides participate actively or passively, adversarial interpreting can in each case be characterised as potentially leading to target outputs that may be dialectically negotiated.

It is important to note the variety of terms used to refer to the monitoring interpreter. In the 1838 trial mentioned above there is a reference to a 'counter interpreter' (M'Christie, 1838: 152), apparently hired by the defence and whose role seems to have been simply that of interpreting some of the proceedings, though one cannot exclude the possibility that he had also been instructed to monitor the output presented by the 'Interpreter for Prosecution' (1838 *passim*). Interestingly, at least one more interpreter is mentioned as working at that trial, but the transcript does not provide explicit information on their status. A reference to the now prototypical role of the counter interpreter is made in the 1969 *Manual for Courts-Martial* published in the US Federal Register (online). According to one of the provisions regulating the use of interpreters, '[t]he accused may, at his own expense, provide a counter-interpreter to test the translation of the detailed or employed interpreter' (U.S. Department of Justice, 1969: 50c 9-16). Performance of this role in a civilian criminal justice context is exemplified in Cronheim and Schwartz (1975) and their qualification of the term 'counter interpreter' as a novelty is worth noting:

In *Lujan*, the defendant, an American Indian, unsuccessfully objected to the use of an interpreter who was a blood relative of some of the government witnesses. The problem was remedied by the use of a "counter-interpreter" who sat at the defense table and corrected the first interpreter if necessary. (1975: 308)

The terms ‘check interpreter’ and ‘monitor interpreter’ are nowadays often used to refer to language professionals with an auditing role in legal proceedings, both in team and adversarial contexts. In a recent NAJIT newsletter, for example, Hermida (2014: online) defines the check interpreter as someone who ‘has been hired by the other party to ensure an accurate record’. A position paper by the Association of Visual Language Interpreters of Canada defines the role of the ‘monitor interpreter’ as being ‘to monitor the interpreting, and to advise when there are challenges that arise in the interpretation’ (Association of Visual Language Interpreters of Canada, 2011: online). Finally, Lee’s (2015: 195) use of the term ‘stand-by’ interpreter must be noted. In the subsequent sections I will use the term ‘check interpreter’ as being one that fits best semantically with the conceptualisation of the kind of interpreting reality I describe in this article as ‘adversarial’ (see the legal perspective of Grabau and Gibbons (1995: 297), who note that ‘[b]ilingual court officials often serve as the only ‘check’ on the accuracy of the court interpreter’).

Finally, it is also interesting to see the grounds for intervention in the reports above: incompetent interpreting, insufficient grasp of one or both of the languages involved, and lack of familiarity with specialist terminology. Such instances of professionally-wanting practice would be relatively simple to analyse and account for against the background of research in translation and interpreting studies, using for example frameworks developed for translation quality assessment (e.g. House, 2015). Arguably more interesting are situations where the translation, whether coming from a competent amateur or a fully trained, professionally accredited interpreter with proficiency in both languages and cultures, is semantically sound but gets challenged because 1) inevitably, alternative versions are possible, 2) the challenger has incomplete knowledge of the language(s) and/or has insufficient understanding of interpreting, or 3) counsel have their ‘tactical’ reasons for the interventions.

As a multi-faceted and, it seems, relatively common phenomenon, adversarial interpreting is undoubtedly worthy of targeted study in its own right. It is at this point that mention must be made of Takeda’s (2010) account of interpreting at the Tokyo War Crimes Tribunal, where the proceedings against Japanese suspects were interpreted by Japanese nationals but monitored throughout by four second-generation Japanese Americans. In addition, any disputes were referred to the Language Arbitration Board, consisting of three members, one appointed by the Tribunal, one by the defence and the third by the prosecution. Takeda’s focus is not specifically on adversarial interpreting (she never uses the term, nor proposes another) but she does provide her own typology of the monitors’ interventions during the testimony of one of the defendants. Her four categories are ‘corrections of errors (omissions, errors of meaning, additions)’, ‘rephrasings’, direct interactions with the defendant and other participants in the proceedings and ‘other types’ (‘interruptions of the interpreters to finish interpretations, and whispering instructions that are not reflected in the transcripts’) (2010: 96). Takeda’s seems to be the only attempt to date to make sense of adversarial interpreting events using naturally occurring data but, given the socio-political circumstances leading to the creation of both the Tribunal and the complex three-tiered interpreting system, it is not certain to what extent her findings are generalizable to present-day judicial settings.

## **The study**

To get as detailed a picture of adversarial interpreting as possible, I have triangulated my data collection and used two independent data sets. The first contains a series of adversarial interpreting events in an interpreter-mediated police interview and the second is based on input from practising interpreters who have experienced adversarial interpreting. A single interview transcript is unlikely to yield an exhaustive typology of the possible interventions, but cross-checked against the survey data it should provide at the very least a solid foundation for further research.

## **Police interview transcript data**

The first data set comes from the official transcript of a police interview with a non-English-speaking suspect who was eventually found guilty of manslaughter by a Crown Court in England<sup>1</sup>. Two interpreters were present during the interview: a police-appointed one and another hired by the suspect's solicitor. To use Goffman's (1981) term, the former was ratified, which in this case meant she was institutionally recognised as possessing the relevant qualifications and capable of doing the job. The status of the latter, however, is not entirely clear as no formal regulations exist in England regarding the presence of non-police-appointed interpreters during interviews (which does not mean they are officially barred from being present). What is important is the fact that the ostensibly unrated interpreter challenges the official interpreter's output as well as volunteers her own, apparently in an attempt to rectify perceived mistranslations. Also significant is the fact that at no time throughout the two-hour interview is she prevented from doing so by those present in the interview room, which, paradoxically, could be construed as eventually leading to ratified status. Finally, it needs to be stressed that the nature of the interaction in a police interview means that interpreter interventions can be made, and responded to, instantaneously. This is by contrast with courtroom interaction, which is procedurally much more constrained, meaning that interventions often have to be mediated through the judge and/or between the opposing parties asynchronously. That said, it is not unreasonable to assume that the kinds of adversarial interpreting events presented below could arise in settings other than the police interview as well.

The aim of the analysis was to draw up a typology of unsolicited interventions by the institutionally unrated ('check') interpreter. Given the focus in this article, no specific discourse analytical approaches were used; rather, all of the 31 instances of intervention in the four-hour interview were identified and subsequently grouped according to the effect they, and the reactions they provoked, had on the semantic output the service users eventually received. The categories that resulted are *correction*, *modification*, *confirmation* and *support*, and each is exemplified and discussed below.

## **Correction**

Correction is perhaps the most 'natural' category of interventions in adversarial interpreting (see Takeda's (2010: 96) category of 'corrections of errors'). The check interpreter on occasion challenges the output provided by the official interpreter and offers an alternative translation, as in the following exchange.

### Extract 1

PO How old was [the victim]?  
INT1 [interprets]  
S [replies in native language]  
INT1 I don't know but I assume he was up to 55.  
INT2 35  
INT1<sup>2</sup> Er sorry 35.

In this example the official interpreter mistranslates an important factual detail but, when challenged, accepts the correction and rectifies the mistake. This happens also in another exchange:

### Extract 2

PO On the day of the incident, how much did you have to drink?  
INT1 [interprets]  
S [replies in native language]  
INT1 Er, two bottles of vodka and three bottles of cider.  
INT2 Three litres.  
INT1 Three litres of cider.

Again a factual detail is mistranslated but no dispute ensues with the official interpreter accepting the correction immediately instead.

### Modification

There is no disagreement about the facts; as exemplified below, the interventions have to do with how those facts are presented. There is a clear correspondence with Takeda's (2010: 96) 'rephrasings'.

### Extract 3

PO Describe the feeling on your hand when you hit him.  
INT1 [interprets]  
S [replies in native language]  
INT 1 It wasn't erm itchy.  
INT 2 It wasn't a burning sensation.

The suspect's reply is important as it concerns the force with which he apparently hit the victim. As the official interpreter's version is challenged and, simultaneously, an alternative is provided it is clear that the interpreters have opted for solutions associated with distinct regions on the spectrum of physical sensation induced by hitting someone with one's hand. Another example of modification is as follows.

#### **Extract 4**

- S [speaks in native language]  
INT1 And then erm everyone saw er the blood coming out of his head.  
INT2 Shooting out of his head.

What needs to be noted is the fact that the two instances of modification introduce accounts whose associative meaning could have potentially serious implications for the overall understanding of the offence at the subsequent stage(s) of the criminal justice process. The hypernymic phrase ‘come out’ is matter-of-fact and open to possible further interpretation; the refined, hyponymic version of ‘shoot out’ suggests an altogether more serious injury. What is also important in this context is the official interpreter’s lack of reaction to the modifications. As a result it is not clear which of the two versions ‘stands’ and thus constitutes the official evidence; it is of course possible that neither does and a new meaning gets created in a process of implicit dialectic negotiation.

#### **Confirmation**

The category of ‘confirmation’ is perhaps counter-intuitive in that the concept of adversarial interpreting derives from the potential for differing semantic interpretations to occur. Yet, two exchanges where the check interpreter confirmed as acceptable the official interpreter’s target output were identified in the transcript:

#### **Extract 5**

- S [speaks in native language]  
INT1 He was wearing glasses.  
INT2 That’s right, he was wearing glasses.

With the relevant aural and visual information missing, one can only guess that the confirmation here was elicited by a non-verbal communicative cue. Perhaps there was hesitation in the official interpreter’s voice and/or the police interviewer sought confirmation by looking at the check interpreter. The reasons for the latter’s input are clearer in the following example.

#### **Extract 6**

Here the official interpreter mistranslates the unit of measurement but because of the context the police officer detects the problem himself. He suggests ‘millimetres’ as the right translation and the interpreter duly concurs, at which point in a typical interview (i.e. one with just one interpreter present) the translation move would have been completed. In this case, however, the check interpreter still volunteers a confirmation, possibly because by now her participation status, in Bell’s (1984) terms, has changed from that of an overhearer, i.e. a non-ratified participant of whom the active participants are aware, to auditor, i.e. a ratified participant of the interaction.

PO How thick was the pipe?  
INT1 [interprets]  
S [replies in native language]  
INT1 Okay 20, 20 millilitres.  
PO Millimetres.  
INT1 Millimetres.  
INT 2 Millimetres yeah.

### Support

This category would be an obvious one to find in data originating from team interpreting, but in the context of adversarial interpreting it is perhaps another unexpected one. In a section of the interview the suspect makes a reference to shoplifting that another suspect had allegedly attempted. The official interpreter is trying to retrieve the English equivalent of the term 'security tags' but, as the hesitation marker suggests, is struggling:

### Extract 7

S [speaks in native language]  
INT1 They took erm-  
INT2 Security tags.  
INT1 Security tags off.

The check interpreter then offers her version and, incidentally, the official interpreter's second turn could be considered to constitute an instance of confirmation, suggesting that it need not be unidirectional.

### Survey data

The second data source was an online survey of adversarial interpreting. The aim here was to supplement the findings above by obtaining information from interpreters who have had first-hand experience of adversarial interpreting; it was felt this additional perspective would provide a better understanding of the interventions and their impact on the communication process.

The contributors were asked to complete a semi-structured questionnaire (see Appendix) commenting on their experience of either challenging another interpreter or being challenged themselves. A link to the survey was advertised on social media among members of the Chartered Institute of Linguists in the UK and the US National Association of Judiciary Interpreters and Translators, and on a forensic linguists' online discussion group<sup>3</sup>. While it is impossible to quote any definite figures, it is safe to assume that at least several hundred interpreters have seen the notice. Of those, thirty-three completed the questionnaire and answered the following questions between early May and mid-July 2015:

- Who was the person challenging your interpreting (e.g. another interpreter, client, solicitor, judge etc.)?
- Why do you think they challenged your interpreting?

- What were your reasons for challenging another interpreter's output in the target language?
- Do you think the presence of another interpreter at an assignment affects the quality of interpreting? If so, in what ways?

The replies were analysed qualitatively with a view to identifying common themes, which turned out to be several for each of the questions.

### **Types of actors challenging interpreter output**

The most frequently mentioned actors challenging the respondents' output were, perhaps predictably, other interpreters (presumably working for the opposing side, although there was one reference to a team interpreter) and solicitors (but it is uncertain which side these worked for). The other categories cited were service provider (e.g. 'a psychologist at a counselling session'), judge, member of the jury, relative (presumably of defendant or witness), bystander, and client. The spectrum is thus quite wide, although a large proportion of the actors are associated with court settings.

### **Perceived reasons for interventions**

Three themes have been identified to do with the apparent reasons why the respondents felt their interpreting had been challenged. Firstly, the challengers appear to have attempted self-ratification, or, in one respondent's words, they felt 'they ha[d] to say something to justify their presence'. Secondly, 'tactical' interventions were mentioned. According to another respondent the challenges were made to discredit 'the quality of interpreting and at the same time move the goalposts to gain control of what the other party said, and/or to restrict the damage of a crime.' Thirdly, some of the interpreters thought the interventions had occurred because the other interpreter had access to crucial background information and was in fact able to offer a more accurate translation.

### **Respondents' reasons for interventions**

The answers to the question about the respondents' own reasons for intervention correspond significantly with the types of intervention identified in the police interview data above. The two most frequently cited reasons, *viz.* problems with factual accuracy and lack of stylistic sophistication, can clearly be subsumed under the categories of 'Correction' and 'Modification', respectively. Perceived incompetence on the part of the active interpreter was also raised, in particular their lack of familiarity with legal discourse and/or terminology. A few interpreters have spoken of feeling the urge to intervene but deciding not to do so ('I didn't find the guts to intervene as my colleague is more than twice my age'), or to provide their comments following the proceedings ('the challenge was done privately [to correct the record]').

### **Frequency of adversarial interpreting events**

Two questions requiring only a short answer were also asked about the number of times the interpreters had experienced adversarial interpreting events, either in an agentive capacity or as the challenged party. For the latter category between 65 and 80 instances were provided; the number ranged from 'none' to 'seven', with some respondents replying with 'several' or 'a few' (both of which were coded arbitrarily as being between three and six). As regards the agentive scenario, between 140 and 180 interventions were quoted, with some of the interpreters saying they never made any and one saying

'more than fifty times'. It needs to be noted that two respondents referred to the 'latent' mode mentioned in 'Summary' above, with one saying they had never challenged another interpreter publicly but had made comments to a colleague in private, and the other replying with 'I always challenge them in my head' and a smiley emoticon. There are two important findings for both scenarios: firstly the fact that interventions seem to occur more frequently in sign-language interpreting (which is understandable given the fact that monitor interpreters are often used in sign-language contexts), and secondly the fact that while some interpreters' experience of adversarial interpreting incidents is considerable, others have reported no experience at all.

### **Perceived impact on interpreting quality**

Four respondents said they did not find the presence of another interpreter during an assignment affected the quality of the interpreting. The others all answered with a 'yes' and collectively offered a wide array of explanations that could be grouped into three themes. The first has to do with the active interpreter performing under pressure, which can have a negative impact on their confidence and so lead to compromised performance. That said, a few respondents pointed out that the extra pressure could in fact enhance the quality of the output (see 'I usually render a better interpretation when I know someone is observing me').

The type of professional relationship between the two interpreters and its impact on quality was the second theme that emerged. It was felt that monitoring by 'professional' (in the sense of 'impartial') interpreters could be 'a source of support, and peace of mind for the [active] interpreter'. Likewise, being monitored can help improve quality as 'skilled professionals, regardless of experience, can perform well and welcome feedback'. Conversely, 'if the other interpreter is there simply to find fault, you don't trust their judgement (...), then it can affect your performance – put you on edge'. The lack of personal familiarity with the check interpreter has also been mentioned: 'another interpreter who is a stranger can make an insecure interpreter feel self-conscious, nervous and defensive.' It looks like what this theme is about is to an extent the way in which either the professed or the implied status of both interpreters frames their perceptions of one another. Finally, this theme, too, contained some indirect references to the categories of 'Correction' and 'Modification' as outlined in the sections 'Correction' and 'Modification', respectively; according to one respondent, 'those who tend to embellish or omit information become resentful and on alert when another interpreter is observing'.

Thirdly, the issue of professional experience was mentioned. The idea here was that the longer an interpreter practises, the less susceptible they are to the stress associated with the presence of the check interpreter (but note the quote about the ability of skilled professionals to perform well regardless of experience above).

### **Discussion**

Adversarial interpreting is clearly an ontological reality. The figures derived from input by practising interpreters and reported in section 'Survey data' are in a way a tangible manifestation of the various cases mentioned in both the academic literature and the media, as reported in section 'Research background and examples from interpreting practice'.

The findings derived from the police interview transcript suggest input from check interpreters can be subject to four types of intervention (correction, modification, confirmation and support). Overall, it appears to have a positive bearing on the communication process, at least insofar as accuracy is concerned. Yet, a qualification is in order. Accuracy is a key criterion in assessing the quality of semantic transfer between languages. If, as was the case in the police interview, the check interpreter's interventions ultimately improved it, adversarial interventions do not seem to be an unwelcome addition to the interpreting process. It should be noted, however, that the police-appointed interpreter in the transcript does not take issue with the corrections and/or modifications advanced by the check interpreter. But what about cases where following an intervention, a dispute does arise? In extreme cases this could conceivably lead to situations where opposing versions are offered and argued throughout the interaction, slowing it down and causing confusion for the monolingual participants. Frequent and/or seemingly weighty interventions can have a negative impact also on the way the official interpreter is perceived, potentially leading to mistrust and communication breakdown.

An important issue is therefore arbitration in cases where incompetent interpreting is identified or a third-party opinion sought in relation to an adversarial interpreting event of significance to a legal dispute. An example here is the above-mentioned Language Arbitration Board at the Tokyo War Crimes Tribunal, but it seems that nowadays no statutory regulations providing a framework specifically for translation quality assessment exist, although it is clear that justice systems do use arbitration. One of the respondents to the survey, an interpreter with 18 years' experience of interpreting based in the United States, has this to say:

I am frequently used as an expert witness to verify the transcription and translation of wiretapped calls prepared by other interpreters. I have challenged many interpreters' output due to literal translations in the target language.

As the present author's experience, as well as the above-mentioned Emma Caldwell case, suggests, law-enforcement agencies and solicitors tend to turn to academics on such occasions. But the situation in Australia, for example, is different, as Hayes and Hale (2010) describe:

[I]n most of the appeals analysed where such information is recorded, the only qualification stated for interpreters employed as "experts" to listen to the tapes or go through the transcripts of the trial or hearing is NAATI [National Accreditation Authority for Translators and Interpreters] accreditation. This seems to be the only criterion taken into account nationally. And yet, as has been argued, NAATI accreditation at any level does not provide the specialist knowledge required of a competent legal interpreter, even less as an expert who can comment on the performance of another. (2010: 129)

Hayes and Hale, in referring to the specialist knowledge necessary to conduct expert assessments, raise an important point. They suggest the need for 'a protocol on expert witnesses for interpreting performance' (2010: 129) and it is interesting to consider what such a protocol should entail. A set of procedures for handling and approaching the data, an analytical framework based on research in the area of translation quality assessment, and a standard for presenting the findings to non-linguists all seem necessary. Protocols of this kind, though generally not formalised, are already used by forensic linguists working on cases of authorship analysis, disputed meanings and language proficiency

assessment, and forensic linguists with expertise in interpreting studies and knowledge of the languages relevant to the case in hand might be well placed to carry out the evaluation of interpreting quality. A judicially recognised register of forensic linguists, similar to the interpreter registers maintained by courts in some jurisdictions, would certainly be a welcome development preventing questionable ad-hoc solutions.

An important finding *supra* is also that of the complex interplay between adversarial interpreting events and a range of professional and interpersonal factors. Of note is how interpreters' status, institutional or self-imposed, can affect their decisions as to whether and when to intervene. With no institutional or legal recognition of adversarial interpreting as a reality, interpreters are left to their own devices and sense of ethics in making such decisions. Service providers, however, tend to sidestep isolated instances of adversarial interpreting events if the communication process seems to be progressing well, with little awareness of the 'algorithmic' nature of e.g. police interviews, where a suspect's answer may dictate the subsequent line of questioning (and so even a semantically close alternative answer could result in a different question being asked). This in turn might discourage interpreters from making interventions even where these seem warranted. What counts as a 'warranted' intervention may of course be a source of further confusion. To begin with, the check interpreter's knowledge of the background details of the case may be different from that of the official interpreter. Interpreters working in lawyer-client consultations will for example get exposure to information protected by legal privilege and their monitoring of the target outputs at a subsequent police interview or trial may be subject to bias engendered by their increased sensitivity to particular semantic elements. On the other hand, before starting work on an assignment the officially appointed interpreter may receive a briefing on the essential facts of the case from the service provider and obtain information the other interpreter does not have. In any case, such asymmetric access to the wider context can result in a different understanding of pragmatic meanings in particular and lead to both felicitous and misjudged interventions.

## **Conclusion**

In traditionally monolingual public service settings interpreting is a disruptive practice both linguistically and institutionally. There is ample research highlighting a variety of problems to do with interlingual transfer in such settings, and media reports or academic publications such as Phelan (2011) suggest institutions often struggle to accommodate interpreters and second language speakers. If check interpreters, professional or otherwise, are added to the equation, it would seem that the interaction might prove unmanageable and ultimately result in communication failure. Yet, as I have shown in this article, this need not necessarily be the case. Although active or passive participation in legal proceedings of individuals with knowledge of both languages can have a negative impact on the official interpreter and thus lead to inaccurate translations, third party semantic interventions, whether during or after the interaction can in fact help ensure accuracy. Just how significant the trade-off can be is a matter for future studies investigating both the nature of adversarial interpreting itself and more specific issues such as the impact of stress on interpreters' performance in adversarial settings. One way or another, there can be little doubt that, although not necessarily a new phenomenon, in the times of superdiversity (Vertovec, 2007) adversarial interpreting is beginning to have a greater importance and deserves more scholarly attention.

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## Notes

<sup>1</sup>To ensure anonymity all details regarding the interview actors' identities have been withheld.

<sup>2</sup>The abbreviations stand for the following actors: PO – police officer, S – Suspect, INT1 – official police interpreter, INT2 – check interpreter.

<sup>3</sup><https://www.jiscmail.ac.uk/cgi-bin/webadmin?A0=FORENSIC-LINGUISTICS>

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## **Appendix – Adversarial Interpreting Survey**

The survey was created using Google Forms and can be accessed at [tinyurl.com/AdvInt-Survey](http://tinyurl.com/AdvInt-Survey). The version below has not preserved the original html formatting.

On what basis do you work as an interpreter?

- Full-time
- Part-time
- Only occasionally

How many years' experience do you have?

In which of these settings do you work most regularly? Please tick all that apply.

- Police station
- Court of law
- Probation office
- Prison
- Health care
- Job centre
- Social services
- Other

In your experience, how often does it happen that another interpreter is present at 'your' assignment (for example, because of a double-booking, because a solicitor brings his/her own interpreter to a police interview etc.)

- Never
- Very occasionally
- Sometimes
- Often

On approximately how many occasions have you experienced a situation where your output in the target language was challenged during the assignment? (If none, skip the next two questions)

Who was the person challenging your interpreting (e.g. another interpreter, client, solicitor, judge etc.)?

Why do you think they challenged your interpreting?

On approximately how many occasions have you challenged another interpreter's output in the target language? (If none, skip the next question)

What were your reasons for challenging another interpreter's output in the target language?

Do you think the presence of another interpreter at an assignment affects the quality of interpreting? If so, in what ways?

Please use the space below if you would like to add anything. If not, please click the 'submit' button below.