

The need to brief interpreters

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Court interpreting for Indigenous witnesses and/or defendants is a particularly challenging task. To begin with, interpreting between English and Indigenous languages is difficult in any context (if you haven't already, check out the article on *The Australian Aboriginal Language Family* which also appears in this edition). Add to this the extra pressure and complex linguistic environment of the court system, and the daunting nature of the task facing court interpreters becomes self-evident.

It is often asserted that many inaccuracies occur in court interpreting. Often the reasons for inaccurate or miscommunicated interpreting come not from a lack of competency on the part of the interpreter, but from a lack of understanding of the full context of the matter being interpreted.

There are number of strategies available to court practitioners to alleviate some of the challenges facing court interpreters. The simplest and in many cases most effective strategy is to conduct a formal briefing with your interpreter before the session commences, to provide the interpreter with the context and basic subject matter of the discussions about to be entered into. A full summary of everything to be discussed in court is ideal, but even spending just five minutes outlining basic context can have a significant effect on the interpreter's ability to perform confidently and accurately.

An effective briefing assists the

interpreter in a number of ways. It provides a mental primer that can assist with storing, remembering and reproducing specific details later on, and it allows for an understanding of the context of the speech being interpreted, and it prepares the interpreter to appropriately handle the content of the hearing, which can at times be confronting.

The most important component of memory is attention. Once an expression is used that is not understood attention becomes divided. This is amplified in direct proportion to the number of unfamiliar expressions. These of course will be minimised by a briefing.

However, it is not merely lack of attentiveness that causes listeners to forget or mis-remember what was said. It is also lack of the particular context in which to think about and fit what was said. All memory happens by connecting the new to the known.

Maria Requejo, writing for the *International Journal of English studies* writes

"it is a major claim of cognitive linguistics that words do not contain meanings...so the meaning of an utterance cannot be reduced to the addition of its parts ... context is not an addition to meaning, but an essential part of it.

DISCOURSE LEVEL

(Pragmatic meaning) Interpreting according to speaker's intention and overall meaning in context.

SENTENCE LEVEL

(Semantic meaning) Interpreting sentence by sentence

WORD LEVEL

(Literal meaning)
Interpreting word for word.³

Figure 1.
Top down
approach to
language and
interpreting

Missing the meaning occurs when it is impossible to establish a relationship between a sentence and some relevant aspect of our knowledge of our world."¹

Consider the utterance; "*That is a long sentence.*" You would of course know its meaning if it was uttered in court after sentencing. However, you can clearly see the ambiguity of this utterance. To use a familiar example; we know the rules of statutory interpretations which tell us that words and sections must be interpreted in the context of the statute as a whole. Likewise, if we desire interpreters to be accurate they must be given context.

The reason why a word-for-word or sentence-by-sentence translation/interpretation is usually inaccurate, is that both literal and semantic meaning is context free; whereas for the interpreter, it is necessary to be able to communicate the pragmatic meaning of the source language into the target language. Pragmatics refers to 'the meaning of words in context, the appropriate use of language according to tongue, culture and situation ... the intended meaning behind the surface, the semantic meaning' (Hale, 2004, p. 5).²

If they are to interpret accurately, interpreters must first understand the message at the discourse level.

The article *Pragmatic Meaning in Court Interpreting* also highlighted that court interpreting is mainly concerned with pragmatics, that is, with building a mental model of speaker's meaning and conveying this mental model to end receivers.⁴

However, Hale points out that "several studies have found that interpreters often interpret the semantic, 'fixed context-free meaning' only, and misunderstand or do not convey the pragmatic meaning."⁵ It is immediately obvious that a briefing will contribute to accuracy in conveying pragmatic meaning.

The famous case *Stuart vs. the Crown*⁶ highlighted problematic aspects of a police statement, the wording of which could not have come from Stuart. (For example there is no word for rape in Arrernte.)⁷ This could have been avoided had an interpreter been present for the police interview, and again it could have been highlighted prior to the hearing had an interpreter been present for a briefing, but of course interpreters were rarely used in 1959. They are

however, used today and for the fairest trial to take place a briefing is essential.

A briefing also increases confidence, something that any lay person needs to function well in a court setting. It is almost tautological to point out that being well prepared and fully informed improves the performance of interpreters. It also reduces the risks associated with walking in to perform a key function of the court without any knowledge of what is about to happen.

Finally, it should be stated that the practitioners' obligation under the Law Society Northern Territory rules of conduct and practice is to provide clear instruction and serve his/her clients competently and diligently, which includes informing and advising clients about their matters to permit the client to make decisions about the client's best interests⁸. Fully briefing an interpreter goes a long way towards ensuring those professional obligations are met. ●

Endnotes

- 1 Requejo 2007 *The Role of Context in Word meaning Construction. International Journal of English Studies*, vol (1), pp 170-172.
- 2 Hayes, 2009 A review of Australian judges' rulings on appeals on the grounds of incompetent interpreting P32 -33
- 3 Hale 2003 *Working with interpreters in the courtroom. Presentation at the National Judicial Orientation Program Sydney*
- 4 Jacobsen 2004 *Pragmatic Meaning in Court Interpreting* Hermes Journal of Linguistics p.239
- 5 Hayes 2009 A review of Australian judges' rulings on appeals on the grounds of incompetent interpreting P32 -33
- 6 Report of the Royal Commission in regard to Rupert Max Stuart. 1959 p31- 33 THE WRITTEN CONFESSION (note especially annotation 15).
- 7 Moore&Swartz 2012 *Meaning based interpreting in the courts. Language and Law Conference Darwin 25-27 May 2012*
- 8 LAW SOCIETY NORTHERN TERRITORY Rules of Professional Conduct and Practice 10A (p12), 17.2 (p15)

The Australian Aboriginal language family

FREQUENTLY ASKED QUESTIONS REGARDING AUSTRALIAN ABORIGINAL LANGUAGES ARE: "ARE THEY RELATED?" AND "WHAT ARE THEY LIKE?" IN THIS ARTICLE, PETER DREW AND GARRY JENNINGS SEEK TO ADDRESS THESE QUESTIONS AND AT THE SAME TIME HIGHLIGHT ASPECTS OF ABORIGINAL LANGUAGES THAT PRACTITIONERS NEED TO BE AWARE OF.

There are 29 language families in the world and nearly 7,000 languages. A language family is a group of languages that have descended from a common parent language. Examples of language families are: Indo-European, Malayo-Polynesian (Austronesian) and Australian Aboriginal. Languages within each family will share some grammatical and lexical features,

but will not necessarily be mutually intelligible. For example, English, French, Russian, Greek and Hindi are all members of the Indo-European family, but are certainly completely distinct languages. So it is with languages in the Australian Aboriginal family. We can see that Australian Aboriginal languages constitute one family because of the common features these languages share. These common

features are sounds, grammar and areas of meaning.

When Europeans arrived in Australia there were approximately 250 languages and approximately 500-600 dialects in the Australian Aboriginal Language Family. A dialect is a variation within one language, e.g. Australian English, Scottish English or Caribbean English.